



STAFF REPORT

Meeting Date: January 13, 2025

Title: 409 Government Street – Canadian Tire – Temporary Use By-law

Prepared By: Pam Skillen, Chief Building Official

Department: Building and Planning

Report Number: Building & Planning-2025-001

Recommendation:

THAT Council receives this Staff Report, in conjunction with the comments and feedback received during the Statutory Public Meeting.

If during the Public Meeting no questions or adversarial comments are received, the Council may elect to proceed directly to a decision at the next Regular Council Meeting on January 27, 2025, or can elect to request a Recommendation Report be provided.

The Building and Planning Department recommend a maximum of three (3) years for the Temporary Use. However, legislation allows for the possibility of extension upon council approval.

Background:

In Ontario, a Temporary Use By-law is a municipal planning tool that allows for the temporary, limited use of land or property for a specific purpose that may not conform to the existing zoning regulations. This by-law is typically enacted for a defined period and requires a public process, including a public hearing and council approval. It provides flexibility to accommodate short-term activities or uses, such as festivals, outdoor events, or temporary structures, while ensuring they adhere to certain conditions and regulations. Temporary Use By-laws offer municipalities a means to support community events, businesses and initiatives without the need for long-term changes to zoning regulations, promoting vibrancy and adaptability in local planning.

This Temporary Use By-law regarding storage containers for the City of Dryden aims to strike a balance between accommodating temporary storage needs that support business yet maintains the integrity of the local zoning and land use regulations.

In 2019, the City of Dryden enacted By-law No. 4618-2019, which specifically addressed the regulation of storage containers. This by-law effectively replaced and amended the provisions outlined in section 3.2.3 (8) of the City of Dryden's Zoning By-law.

The Container By-law No. 4618-2019 was an amending by-law to the current Zoning By-law in place today and addresses the placement and use of storage containers within the city limits. This by-law also provides a framework for property owners and businesses related to the storage containers on their premises. It typically outlines the conditions and limitations of using storage containers, ensuring that it aligns with the community's needs and regulations.

As part of a continuous effort to ensure that all businesses adhere to the regulations regarding storage containers on their properties, City staff members have annually assessed properties within the Municipality, communicating the necessity to comply with the amended Zoning Bylaw where they are found in violation. In total, specific to containers and trailers properties were identified and informed via written letter and site visits since the amendment was approved with the goal of achieving compliance with the storage container regulations. This property similarly to a neighbouring business at 459 Government Street aka NAPA, has engaged with the City to find a solution or temporary measure to ensure compliance.

A Temporary Use By-law application was submitted for the Subject Lands, being 409 Government Street legally described as CON 6 PT LOT 3 DES 23R7911 PARTS 1 TO 8 PCL 19425; City of Dryden, District of Kenora. The Subject Land is zoned Highway Commercial (CH) and is shown in Figure 1. The applicant is seeking relief from the Zoning By-law, particularly regarding the regulations governing the number of storage containers allowed.

Through the Temporary Use By-law the applicant is asking Council to permit the number of existing storage containers on the property over the maximum allowed by By-law for a duration of three (3) years. Canadian Tire uses the containers on a daily basis to supply the store and support their business, but have agreed to continue to seek ways to actively reduce the number of containers over this three (3) year period, thus reducing their annual fee associated to the by-law and improve both the compliance to City by-laws and appearance and operation of the property.

Figure 1: Subject Lands

KEY MAP

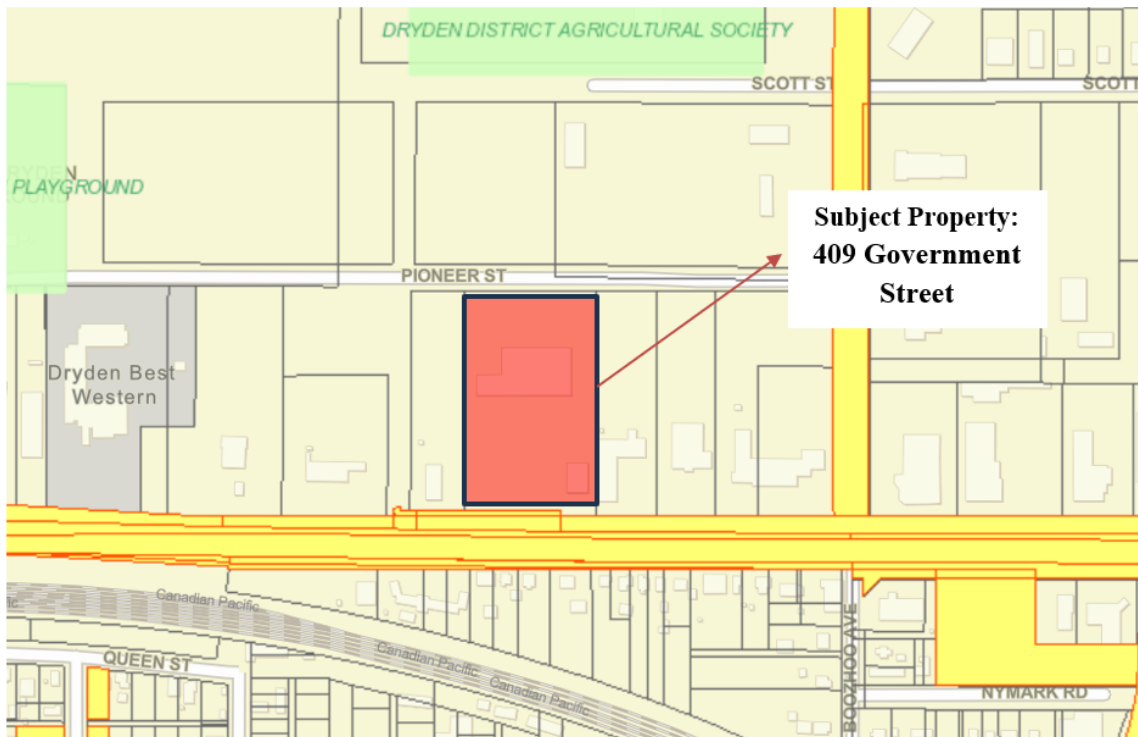


Table 1: Description of the Subject Lands and Container Allowance

City of Dryden Official Plan	Regional Business Centre
City of Dryden Zoning By-law	Highway Commercial (CH)
Present Use	Retail Commercial
Adjacent Zones	<u>North:</u> Highway Commercial (CH) <u>South:</u> Highway Commercial (CH) <u>East:</u> Highway Commercial (CH) <u>West:</u> Highway Commercial (CH)
Immediate Surrounding Land Uses	Commercial
Lot Area	2.24 ha
Lot Frontage	115 m
Number of Containers Allowed	3 containers
Number of Containers on Property to Date	28 Storage Containers

Discussion:

Provincial Policy Statement:

The Provincial Policy Statement (PPS) - 2020 is a guiding document for development in the province. In the context of the PPS, the subject lands are situated within a Settlement Area. Settlement Areas are designated as the primary focus for growth and development, and the PPS encourages their vitality and regeneration. The Temporary Use By-law, as applied through this application, will facilitate the business in conducting its day-to-day transactions. These containers serve as essential storage for everyday retail goods, aligning with the goals of promoting settlement area development and economic activity.

City of Dryden Official Plan:

The subject lands are located within the Regional Business Centre designation of the Official Plan. Acceptable uses include big-box retail uses, small and mid-sized industrial uses and tourist-oriented accommodation and services that presently exist in the City. The designation of the lands as Regional Business Centre indicates that it will continue function and expand as one of the primary employment areas in the City.

Section 4.4.4.(V) of the Official Plan places emphasis on the requirement that outdoor storage areas, except for those used for displaying vehicles, equipment, or other new products for sale, must incorporate landscaping to provide visual screening from the perspective of the traveling public using both the current and future highway. The existing location of the storage containers at the rear of the building aligns with the Container By-law and offers visual screening but lacks landscaping. The implementation of this temporary use by-law allows the business to continue utilizing the existing storage containers on the property in their respective location.

Section 4.4.4.(VI) of the Official Plan stipulates that outdoor storage should be positioned on lands that do not directly abut the current and future highway. The current placement of the containers at the rear of the property aligns with this requirement, ensuring compliance with the Official Plan's provisions.

City of Dryden Zoning By-law:

The subject property is situated within the Highway Commercial (CH) Zone, as outlined in Section 3.2.1.11 of the zoning regulations, which delineates permitted uses of storage containers and trailers in specific zones as detailed in Table 3.2. As per the provisions in Table 3.2, a Highway Commercial zone is allowed to have a combination of a maximum of three (3) storage containers or storage trailers when the lot has a minimum area of 0.4 hectares.

Notably, 409 Government Street has a lot area of 2.24 hectares. However, it currently accommodates 28 storage containers, a number that has been significantly reduced from

staff's original count in previous years of 41. At 28 the property is still in violation of the by-law, hence necessitating this application for a temporary use permission.

As per Table 3.2, The maximum dimensions for storage containers and storage trailers, as specified by the container by-law, are 2.5 meters x 14.6 meters and 2.5 meters x 16.2 meters, respectively. The sizes of the applicant's storage containers and trailers on 409 Government Street align with these requirements and conform to the regulations for size outlined in the container by-law.

In accordance with the guidelines outlined in Table 3.2, the placement of storage containers is restricted to the rear yard and necessitates a minimum distance of 3 meters from the principal building, as well as from windows or doors of a dwelling. Furthermore, they are required to be positioned at least 10 meters away from any lot line adjacent to a residential zone. The storage containers and trailers at 409 Government Street are expected to fully conform to these stipulations, ensuring adherence to the regulations specified in the container by-law. It's worth noting that there are no residential zones adjacent to the property.

The storage containers on 409 Government Street will conform to the location restrictions, and they do not impede on parking spaces, parking aisles, driveways, stacking lanes, or landscape buffer areas. Furthermore, they fully comply with all other requirements as stipulated in Table 3.2.

Conclusion:

The Temporary Use By-law will grant the applicant temporary relief from the Container Bylaw, facilitating the seamless operation of day-to-day business activities. As mentioned earlier, Building and Planning Department recommend a maximum of three (3) years for the Temporary Use. However, legislation allows for the possibility of extension upon council approval. The Building and Planning department has communicated to the applicant that the Temporary Use By-law is intended as a short-term solution. It has been made clear that the applicant must ensure compliance once this specified period expires, as it cannot serve as a long-term arrangement. The property owner has been working with City Staff on a development proposal which should eliminate the need for this temporary use by-law within the 3 year timeframe.

Notice Provisions:

Notice of the Public Hearing was provided by City staff in accordance with the requirements of the Planning Act. Note: notices to applicable surrounding property owners were either hand delivered or emailed to known addresses as a result of the postal strike.

As of the date of this report, Staff have received no comments from the public.

Financial Implications: Fee revenue generation year one - \$19,994.00

Current Budget Allocation:

Account #:

Attachments (Reference Material):

**Draft Temporary Use By-law text
Temporary Use Agreement - signed**