



PLANNING & DEVELOPMENT

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Temporary Use By-law Renewal Report to Municipality of South Huron Council

Re: Temporary Use By-law Amendment Application (#Z16-18)
Bylaw #73-2015 Temporary Use By-law Extension

Location: Plan 376 Lot 88 PT Lot 87 (249 Andrew Street), Exeter
Applicant: Sylvia Hulshof
Owner: Trivitt Memorial c/o Deb Hodge

This report is submitted to South Huron Council for the Public Meeting on November 19, 2018

RECOMMENDATION

It is recommended that this application for a renewal of a temporary use by-law (#Z16-18) **be approved** subject to the following:

1. Council extend the temporary use by-law on the subject lands to allow the operation of a Food Bank as an accessory use in part of a residential building in the R1 zone for an additional three (3) years.
2. Council recognize under the three (3) year temporary by-law the existing two (2) off-street parking spaces for residential and Food Bank patron use.
3. That for the purposes of this temporary use by-law a Food Bank means a building or part of a building where stocks of food, typically basic provisions and non-perishable items, are received and are subsequently handed out, free of charge to people in need.

PURPOSE AND EFFECT

This By-law amendment affects the property municipally known as 249 Andrew Street. The legal description of the subject lands is Plan 376 Lot 88 PT Lot 87, Exeter, Municipality of South Huron.

The subject lands are currently zoned Residential Low Density (R1) in the Town of Exeter Zoning By-law. The subject lands are designated Residential in the South Huron Official Plan. The entire property is approximately 768.9 square metres (0.19 acres) in size. There is an existing two storey residence on the property with an accessory shed in the rear of the subject lands.

In 2015, an application was made to permit a Food Bank in the rear portion of the residence, as a Food Bank was not a permitted use in the Low Density Residential zone of the Town of Exeter Zoning By-law. By-law #73-2015, a Temporary Use By-law, was approved by South Huron Council to permit the use of a Food Bank on the subject property for a period of three (3) years before it expired. This by-law will expire on December 14, 2018.

The applicant has submitted this application to renew a Temporary Use By-law to request that the existing Temporary Use By-law be extended for another three (3) year period to continue permitting the Food Bank as an accessory use and recognizing the existing parking spaces.

COMMENTS

Background

The subject lands have existed as a residential dwelling; the previous owner operated a sign business as a home occupation which is a permitted use in the Low Density Residential Zone. Since November 2015 the Town of Exeter Food Bank has been located in this location and is also being used as a residential dwelling. In 2015, South Huron Council approved a Temporary Use By-law to permit the use of the existing dwelling as a Food Bank. Per the Town of Exeter Zoning By-law the use of the structure for residential purposes is permitted. The Food Bank is not a permitted use in a Residential zone and is in contravention to the Town of Exeter Zoning By-law. This application has been submitted to request an extension to the Temporary Use By-law which permits a Food Bank as an accessory use on the subject lands.

Figure 1: Aerial Photo of Subject Property (outlined in red)



Figure 2: Front of Existing Structure



Figure 3: Side of Existing Structure. Food Bank entry on side of building



Figure 4: Rear of Existing Structure. Location of two (2) existing parking spaces



PLANNING REVIEW

South Huron Official Plan

The subject property is designated as Historic Core in the South Huron Official Plan. This designation recognizes a diverse district with focus of retail commercial activities, and offers a variety of opportunities for residential intensification. Some of the goals of the Historic Core are:

- To promote investment in commercial, community facilities, cultural, entertainment and residential uses;
- Facilitate residential intensification;
- Ensure new development is compatible with existing development within the Historic Core District and with adjacent residential neighbourhoods.

Uses permitted in the Historic Core include: commercial uses such as financial institutions, offices, retail stores and restaurants; social and administrative facilities, residential uses, parks and urban squares, and public uses including public and private utilities. The Historic Core is also recognized for a significant supply of residential housing including well established residential neighbourhoods oriented to William and Andrew Street.

The current uses of a Food Bank and residential dwelling conforms to the intended goal of the South Huron Official Plan for a mixture of residential and commercial activities in the proximity to the core area residential dwelling and continued residential use of this property is consistent with South Huron Policy for the Historic Core Area. The proposed Food Bank falls into the wide provision of activities with a commercial, community facility and services category.

Municipality of Exeter and South Huron Zoning By-laws

The subject land is currently zoned Residential Low Density (R1) in the Exeter Zoning By-law. Uses permitted in the R1 Zone include a single detached dwelling, home occupation, converted dwelling, and buildings and structures accessory to the permitted uses. A Food Bank is not a listed permitted use or accessory use in an R1 zone, therefore this application will extend the current permitted accessory use for a temporary period.

Applicant Requests

This application for a renewal of a Temporary Use By-law has been submitted to request that the previously granted Temporary Use By-law to permit a Food Bank as an accessory use for this site is extended for another three (3) year period. The applicant has also requested that the existing two (2) parking spaces continue to be recognized as satisfactory for the operation of the site. The residential use of the existing dwelling is intended to continue.

Planning Recommendation

Several criteria of the site functions were considered at the time of the initial application for a zoning amendment, including: traffic and access on Baldwin and Andrew Street; off-street parking; loading and drop off; logistics of a business in a residential area; and the site design and site plan.

During the three years of operation since the Temporary Use By-law was passed in 2015, the site has functioned as follows:

The existing dwelling fronts onto Andrews Street, a low traffic residential street. Baldwin Street, a wider boulevard, is used for additional street parking or access, including the scheduled truck deliveries for the Food Bank. There are two existing parking spaces available on the subject property; the applicant has requested that the two spaces continue to be considered sufficient to their needs and that no additional spaces are required. The majority of the surrounding area remains residential. Since the Temporary Use By-law came into force, to our knowledge there have been no complaints received about the operation of the Food Bank or the nature of its truck deliveries, vehicular traffic, site design or impact on the neighboring properties.

The continuation of the Food Bank as an accessory use that is temporary in nature allows for a longer period of operation and continued assessment of potential parking, street vehicular traffic, pedestrian traffic, truck deliveries, and related site plan requirements of a non-residential use in a residential neighbourhood. An extension of the Temporary Use By-law also provides further time for the operators of the Food Bank to assess their selected site as accessible and ideal for their location and if their day-to-day operations are best to remain there or have outgrown the current space.

The proposal is consistent with the Provincial Policy Statement (2014) and conforms to the Huron County and South Huron Official Plans.

In light of the above, and through evaluation of the requests made in the application, the extension of the existing Temporary Use By-law for a Food Bank is recommended with the following provisions:

1. To permit a an extension of a further three (3) year temporary use by-law to allow the operation of a Food Bank as an accessory use in part of a residential building in the R1 zone.
2. To recognize, during the new three (3) year time frame, the existing two (2) off-street parking spaces for residential and Food Bank patron use.
3. That a Food Bank means a building or part of a building where stocks of food, typically basic provisions and non-perishable items, are received and are subsequently handed out, free of charge to people in need.

For the above reasons it is recommended Council grant a Food Bank as an accessory use for a period of a further three (3) years at 249 Andrew Street. Council may reassess upon expiry the continued merits of a Food Bank in a Residential zone, what site considerations

have been deemed necessary to alter and if it is compatible and in an appropriate sized facility as a permanent permitted special provision.

Due to the fact that the recently approved South Huron Zoning By-law is under appeal, it is recommended that Temporary Use By-laws affecting both the former Exeter By-law and the new South Huron By-law be passed.

STAFF AND AGENCY COMMENTS

This report has been prepared in advance of the public meeting. South Huron staff and commenting agencies were circulated with information on this application. At the time of preparation, no comments were received from any agencies or the public. Comments may arise at the public meeting.

SUMMARY

For the reasons outlined above it is recommended that an extension of the three (3) year Temporary Use By-law be granted for the provision of a Food Bank as an accessory use for a further three (3) years.

Victor Kloeze will attend the public meeting to answer questions from Council and the public on this renewal of a Temporary Use By-law.

It is recommended that Zoning By-law amendment Z16-18 **be approved** based on the planning recommendations made in this report.

Original signed by

9 November 2018

Laura Simpson
Planner

Date

Original signed by

9 November 2018

Victor Kloeze
Planner, MCIP RPP

Date