



**The Corporation of the  
Municipality of Magnetawan**

Box 70 4304 Hwy 520

Magnetawan ON P0A 1P0

Phone 705 387 3947 Fax 705 387 4875

[www.magnetawan.com](http://www.magnetawan.com)

**APPLICATION FORM**

**ZONING BY-LAW AMENDMENT**

Date Received by Municipality:

4/ ✓  
\$700 fee \$2500 deposit  
May 26, 2021

**1) APPLICATION INFORMATION**

Name of Applicant: COLLIN JAMES

Mailing Address: BOX 313 MAGNETAWAN ON P0A 1P0

Telephone Number (Home): \_\_\_\_\_ Fax Number: \_\_\_\_\_

Telephone Number (Business): (705) 387-1800 Fax Number: \_\_\_\_\_

**2) REGISTERED OWNER**

If the Applicant is not the Registered Owner of the subject lands, then authorization from the Owner is required, as well as the following information:

Owners Name: COLLIN JAMES

Mailing Address: BOX 313 MAGNETAWAN ON P0A 1P0

Telephone Number (Home): (705) 783-9540 Fax Number: \_\_\_\_\_

Correspondence to be sent to: ☒ Owner ☐ Agent ☐ Both

**3) MORTGAGES, CHARGES OR OTHER ENCUMBRANCES**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name: N/A

Mailing Address: \_\_\_\_\_

**4) SUBJECT LANDS**

Geographic Township: MAGNETAWAN Concession: \_\_\_\_\_ Lot: 11

Reference Plan: 319 Part/Block/Lot: 11

Street Name and Number: 156 SPARKS ST.

(If corner lot, please include both Street Names)

Water Access only: N/A

(Name of Waterbody)

Area of subject lands (ha): 0.099 Frontage (m): \_\_\_\_\_ Depth (m): \_\_\_\_\_

5) OFFICIAL PLAN / ZONING STATUS

What is the current designation of the *subject lands* in the approved Official Plan?

COMMUNITY BOUNDARY

What is the current Zoning?

VILLAGE COMMERCIAL

6) REASONS FOR REQUEST

Please describe the reasons for and extent of, the request:

POSSIBILITY OF OUTDOOR STORAGE / DISPLAY

7) ACCESS

Are the subject lands accessible by:

- ☒ Provincial Highway
- ☐ Municipal Road (seasonal maintenance)
- ☒ Municipal Road ( year round maintenance)
- ☐ Right of Way
- ☐ Unopened Road Allowance
- ☐ Water Access
- ☐ Other (describe) \_\_\_\_\_

8) BUILDINGS, STRUCTURES AND USES

What are the existing buildings on the subject land? N/A

What are they used for? \_\_\_\_\_

Please complete the following for each building or structure:

	Building One	Building Two	Building Three
Type of Building			
Setback from Front Lot Line			
Setback from Rear Lot Line			
Setback from Side Lot Line			
Setback from Side Lot Line			
Height (metres)			
Dimensions			
Floor Area			
Date of Construction			

What is the proposed future use of the subject lands: TEMPORARY STORAGE / DISPLAY

Are any buildings or structures to be build on the subject lands?  
☐ yes      ☐ no

If yes, please complete the following for each building or structure:

	Building One	Building Two	Building Three
Type of Building			
Setback from Front Lot Line			
Setback from Rear Lot Line			
Setback from Side Lot Line			
Setback from Side Lot Line			
Height (metres)			
Dimensions			
Floor Area			
Date of Construction			

When were the subject lands acquired by the current owner? JUNE 11, 2020

How long have the "existing uses" continued on the subject lands? 1 MONTH

9)      **SERVICING**

	<u>Municipal</u>	<u>Private</u>	<u>Other</u>
Water Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frontage on Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is storm drainage provided by:	<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Ditch	<input type="checkbox"/> Swale
	<input type="checkbox"/> Other (describe) _____		

10)      **OTHER APPLICATIONS**

Are the subject lands also the subject of an application under the Planning Act for approval of a Plan of Subdivision or a Consent?      ☐ yes      ☒ no

If yes, what is the file number? \_\_\_\_\_

What is the status of the application? \_\_\_\_\_

Have the subject lands ever been the subject of an application under Section 34 of *The Planning Act* (rezoning)?      ☐ yes      ☒ no

If yes, please provide a brief explanation: \_\_\_\_\_

11) **DRAWINGS**

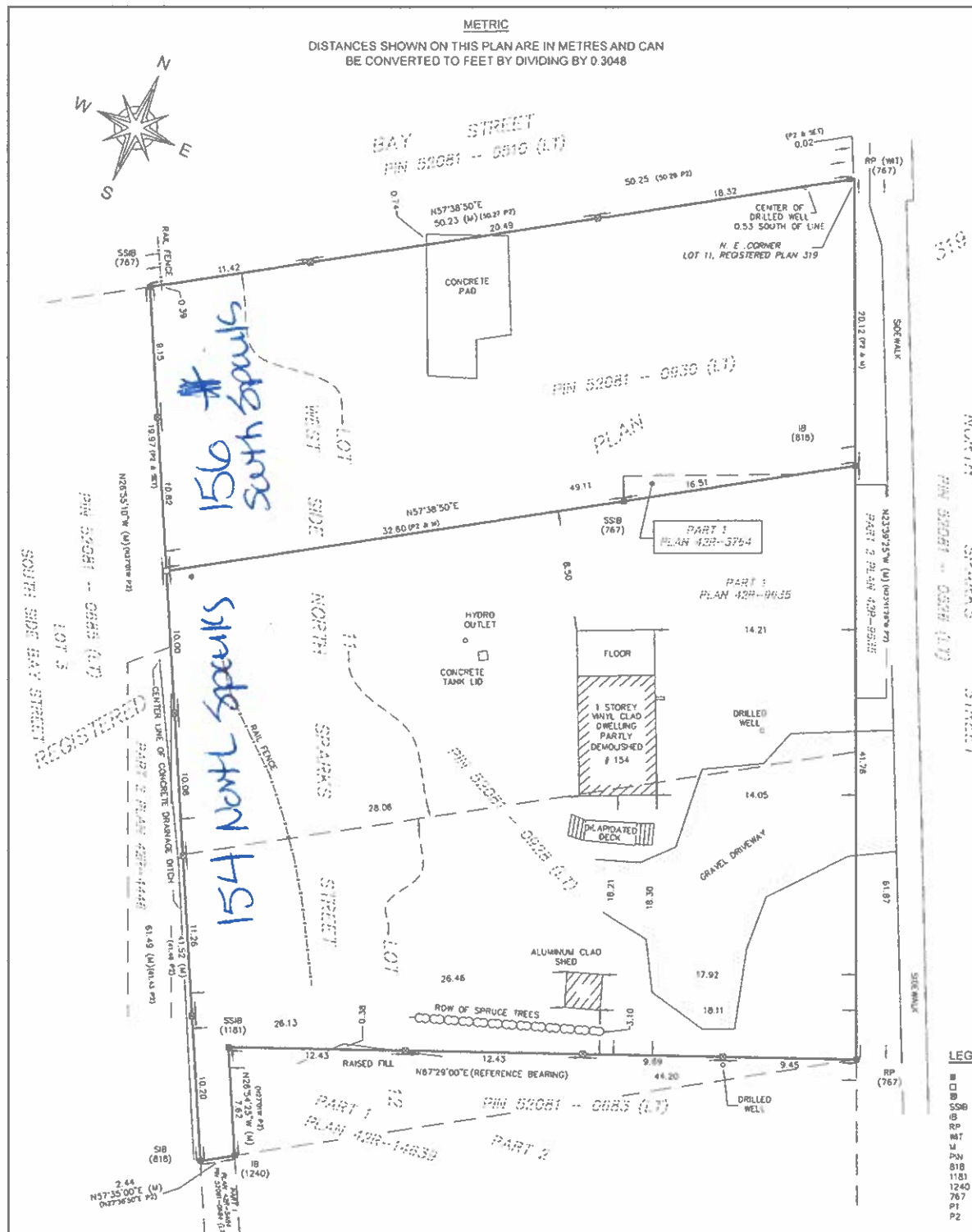
Please include a sketch showing the following:

- ☐ the boundaries and dimensions of the subject land;
- ☐ the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the building or structures from the front yard lot line, rear yard lot line and side yard lot lines;
- ☐ the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include: buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
- ☐ the current uses on land that is adjacent to the subject land;
- ☐ the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way;
- ☐ if access to the subject land is by water only, the location of the parking and docking facilities to be used; and
- ☐ the location and nature of any easement affecting the subject land.

Required Sketch

- Required Sketch should include the following:**
- |                           |                            |
|---------------------------|----------------------------|
| ✓ Lot dimensions          | ✓ Buildings and Structures |
| ✓ Major Physical Features | ✓ Sewage and Water Systems |
| ✓ Surrounding Land Uses   |                            |





PLAN OF SURVEY  
OF ALL OF  
LOT 11, WEST SIDE OF NORTH SPARKS STREET  
AND PART OF  
LOT 12, WEST SIDE OF NORTH SPARKS STREET  
REGISTERED PLAN 319  
(GEOGRAPHIC TOWNSHIP OF CHAPMAN)  
MUNICIPALITY OF MAGNETAWAN  
TERRITORIAL DISTRICT OF PARRY SOUND



**RAIKES GEOMATICS INC.**  
2020

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 4th DAY OF NOVEMBER, 2020.

DECEMBER 7, 2020  
DATE

P.T.R.

PETER T. RAIKES, BSC., CLS., MRCIS  
ONTARIO LAND SURVEYOR

**BUILDING TIES**

BUILDING TIES ARE TO THE EXTERIOR SIDING UNLESS OTHERWISE NOTED.

**BEARING REFERENCE**

BEARINGS ARE ASTRONOMICAL AND ARE DERIVED FROM A PORTION OF THE SOUTHERLY LIMIT OF PART 1, PLAN 42R-9635 HAVING A BEARING OF N67°29'00"E AS SHOWN ON PLAN 42R-9635 (P1) AND PLAN 42R-3764 (P2)

ADDITIONAL COPIES AVAILABLE AT [www.landsurveyrecords.com](http://www.landsurveyrecords.com)  
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DRAWN BY: R.J.N.	PROJECT No. 20114
CHECKED BY: C.P.R.	

**RAIKES**  
GEOMATICS INC.

Barrie Office: (705) 722 - 6222 842 Wainman Road, Barrie, ON L4N 9A1  
Windsor Office: (705) 526 - 7552 529 Elizabeth Street, Windsor, ON L9R 2A2  
Email: [info@survey4u.com](mailto:info@survey4u.com) Website: [survey4u.com](http://survey4u.com)

12) PERMISSION TO ENTER

I hereby authorize, the Members of Staff and/or Elected Members of the Council of the Municipality of Magnetawan, to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

Date

May 26, 2021

Signature of Registered Owner(s) or Agent

[Signature]

13) FREEDOM OF INFORMATION

I hereby provide authority for any information contained in this application, to be released in accordance with the Freedom of Information Act.

Date

May 26, 2021

Signature of Registered Owner(s) or Agent

[Signature]

14) PAYMENT OF FEE AND DEPOSIT

- |  |  |
|--|--|
| <input type="checkbox"/> Application Fee                   | As per the current Fees and Charges By-law |
| <input type="checkbox"/> Residential Deposit Fee           | As per the current Fees and Charges By-law |
| <input type="checkbox"/> Commercial/Industrial Deposit Fee | As per the current Fees and Charges By-law |

The "deposit" shall be used for expenses as defined below. As for the date of this application, I further hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape, architectural and/or planning consulting expenses incurred by the Municipality of Magnetawan during the processing of this Application, in addition to the Application Fee set by the Municipality of Magnetawan.

**An additional deposit shall be required if the deposit is insufficient to complete the Application.**

Date

May 26, 2021

Signature of Registered Owner(s)

[Signature]

Note: All Invoices for payment shall be sent to the person(s) indicated in Section 2) Owner of this application, unless otherwise requested.

If the Applicant/Owner is a Corporation, the Applicant/Owner shall provide certification that he/she has the authority to Bind the Corporation.

15) AFFIDAVIT

I, Mary Thomson of the District of Parry Sound in the Municipality of Magnetawan solemnly declare that all of the above statements contained herein and in all exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME at Municipality of Magnetawan in the District of Parry Sound of 2021 this 26 day of May 2021

Date

May 26, 2021

Signature of Registered Owner(s) or Agent

[Signature]

Date May 26, 2021  
Kerstin Vroom

Kerstin Vroom, CAO Clerk  
Commissioner for taking Oaths,  
Municipality of Magnetawan  
District of Parry Sound

Jamesway Custom Homes & Renovations

Collin James  
Box 313  
Magnetawan, ON P0A 1P0

May 26, 2021

Kerstin Vroom, CMO CMM I / CAO/Clerk  
Municipality of Magnetawan  
PO Box 70  
Magnetawan, ON P0A 1P0

Dear Kerstin,

I, Collin James of 156 Sparks Street hereby authorize Mary Thomson to act as my agent and make this zoning by-law amendment application on my behalf.

Kind regards

A handwritten signature in black ink, appearing to be 'Collin James', written in a cursive style.

Collin James  
(705) 783-9540



**M A R I E P O I R I E R P L A N N I N G  
& A S S O C I A T E S I N C .**

---

Marie E. Poirier, B.Sc., MCIP, RPP  
44-A King William Street, Huntsville, ON P1H 1G3  
Phone: 705-789-9860 Fax: 705-789-9768 E-mail:marie@mpplanning.com

April 8, 2022

Municipality of Magnetawan  
P.O. Box 70  
Magnetawan ON P0A 1P0

**Attention: Nicole Gourlay, Planner**

**RE: Application for Zoning By-law Amendment, Collin James  
154 & 156 North Sparks Street**

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We are the authorized agent for the owner of the above noted property, with respect to planning and building matters. We are herewith submitting an addendum to a previously submitted application for a zoning by-law amendment. The application has been submitted in order to permit the small scale commercial use of the subject lands for retail sales and storage of docks accessory to an existing commercial use located at 4220 Highway 520.

It is our understanding that the property owner, Collin James, previously submitted the application fee, therefore a new fee is not required to be submitted. If this is not the case, please inform our firm at your earliest convenience. A zoning by-law amendment application was also previously submitted, this submission is in regards to that application. This submission is being made following discussions with yourself and your consulting planners.

A Planning Justification Report, including a draft Site Plan and draft Zoning By-law, are attached.

Sincerely,

Melissa Markham, MCIP, RPP  
Senior Planner



**MARIE POIRIER**  
PLANNING & ASSOCIATES INC.

# Planning Report

**Prepared For:**

154 & 156 North Sparks Street  
Township of Magnetawan



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**Planning Justification Report**  
**154 & 156 North Sparks Street; Magnetawan**  
**Pursuant to Section 34 of the Planning Act**

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**PURPOSE AND NATURE OF THE APPLICATION**

The planning application that this report is intended to support is for an exception to the Township of Magnetawan Zoning By-law 2001-26 in order to permit the use of the subject lands for retail sales and storage of docks accessory to an existing commercial use located at 4220 Highway 520. A sketch of the proposed site plan has been provided in Schedule A of this report.

Through a comprehensive policy review, Marie Poirier Planning and Associates has determined that the proposal demonstrates appropriate development and planning for the subject lands. The firm is herewith submitting an addendum to a previously submitted zoning by-law amendment application, following pre-consultation comments provided by the municipality's consulting planners and discussions with municipal staff.



## **PROPERTY DESCRIPTION**

### *Legal*

The subject properties are comprised of two Property Identification Numbers (PINs):

#### 52081-0930

Part Lot 11, W/S North Sparks St., Plan 319; and Part Lot 11 W/S North Sparks St., being Part 1, 42R3764; Magnetawan

This property description is for the northern property, located at the southwest corner of North Sparks Street and Bay Street.

#### 52081-0928

Part Lot 11 & 12, W/S of North Sparks St PL 319, Part 1 42R-9635, except Part 11 W/S of North Sparks St Part 1 42R3764, Magnetawan

This property description is for the southern property, located to the south of 52081-0930 fronting on North Sparks Street.

### **Location Map**



### *Physical*

The subject properties are comprised of approximately 0.29 ha (0.7 acres) and have 62.7 metres (205 feet) of road frontage along Sparks St. The subject property, municipally known as 154 North Sparks Street, contains an existing building. There is a row of vegetation at the south end of the property, which provides a visual screen from the south. An easement was identified on the subject lands, which the owner has subsequently had removed.

### *Natural*

The property is open and the topography is relatively flat.

### *Surrounding Character and Land Use Compatibility*

#### Description

The subject property, known municipally as 156 North Sparks Street, is currently vacant and contains a septic to the rear of the property. The subject property, known municipally as 154 North Sparks Street is developed with a building, approximately 4.8 metres (16 ft) by 7.3 metres (24 ft) and contains a septic in the southwest section of the property. The existing building is currently used as storage. The owner is proposing to reconstruct the existing building, proposed plans have been attached as Schedule C.

The owners have provided that the subject properties were previously developed as a General Store and the Magnetawan Inn, which burnt in a fire. No buildings have been constructed on these properties since that time.

The current owner is a long time resident of Magnetawan and purchased the subject lands for the long term potential for redevelopment and to assist with the expansion of an existing business. Proposed uses in the future would be in keeping with the Zoning By-law, including mixed use buildings (residential/commercial) or possibly one large brewery. In the interim, the owner also operates another business in the area. The existing business does not have any additional land to store the docks. The proposed use of the lands subject to this application are accessory to the existing business. The owner needs land to store the docks for delivery and prior to installation, and is seeking this zoning by-law amendment to allow for this use accessory to the current business.

#### Surrounding Character

The area is developed with a mix of residential and commercial uses, typically found in a Community Area. Residential uses are located to the west of the subject properties, along Bay Street and east of the subject properties, across Sparks Street. A church is located directly south of the subject lands, also fronting Sparks Street. The church benefits from additional parking, which is located on the subject lands. The subject lands are also used as parking throughout the winter by snowmobilers, who shop at the surrounding businesses and dine at the nearby restaurant. Commercial development exists along Burrows Street and Highway 520, in the form of restaurant and retail/grocery uses, a building supply store with associated lumber yard (Home Hardware), and contractors yard (Jamesway) along Bidy St. and Highway 520. There are other



businesses within the surrounding area, within the same zone, that use their lands for outdoor storage of docks.

A community notice board and parking area are also located directly to the north of the subject properties, and appear to be constructed on a road allowance.

#### Land Use Compatibility

Compatibility is defined as “a state in which two things are able to exist or occur together without problems or conflicts”. The proposed use of the subject lands is for the retail sale and storage of docks, accessory to an existing commercial property on a different property. There is no nuisance generated by this use, that is any different than other uses which would be permitted on these lands.

However, as concerns related to compatibility were raised through pre-consultation meetings with staff, a draft by-law and proposed site plan has been submitted with the application which sets out the following measures to mitigate any potential issues: landscaping buffers to minimize visual impact; site plan control to identify the area on the property where docks can be stored; and, operational procedures which set out the length of time that the docks will be stored on the lands (which will be included in a subsequent site plan agreement).

The proposed use of the subject lands for small-scale commercial uses is consistent with the character of the surrounding uses and in keeping with the commercial zoning on the subject lands and the use is compatible with surrounding land uses.

### **PLANNING REVIEW AND ANALYSIS**

#### **PLANNING ACT**

This application for an amendment to the Township of Magnetawan By-law is being made pursuant to the Planning Act Section 34. The preparation of this application are made under Sections 2 and 3(5) to ensure regard is given to matters of Provincial interest and consistency with the Provincial Policy Statement.

#### **PROVINCIAL POLICY STATEMENT**

With respect to the Provincial Policy Statement (PPS), the proposed development of the lands is consistent with the PPS in its entirety and specifically with respect to Section 1.1, 1.3 and 1.5.

##### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

##### *1.1.1 Healthy, liveable and safe communities are sustained by:*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable*

*housing and housing for older persons), **employment** (including industrial and **commercial**), institutional (including places of worship, cemeteries and long-term care homes), recreation, **park and open space**, and other uses to meet long-term needs;*

*c) avoiding development and land use patterns which may cause environmental or public health and safety concerns*

*d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

The proposed development provides a commercial use of the subject lands, along with an open space/park component in the form of a landscape feature. The use of the subject lands for commercial purposes will have no environmental or public health and safety concerns. The use of the subject lands in a settlement area is appropriate.

### *1.1.3 Settlement Areas*

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

The proposed development is within a settlement area.

### *1.3 Employment*

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

*a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*

*b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

*c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*

The proposed development will provide for an appropriate mix and range of employment uses, supports a wide range of economic activities and ancillary uses which takes into account the needs of existing and future businesses.

### *1.3.2 Employment Areas*

*1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

The proposed development is located in an area that has been planned for employment for current and future uses. The proposed development will protect and preserve the employment area and add to employment by expanding the business and employing more people in the area.

### *1.5 Public Spaces, Recreation, Parks, Trails and Open Space*

#### *1.5.1 Healthy, active communities should be promoted by:*

*a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*

*b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*

The proposed development is located at a prominent location in the Township. The proposed development will include landscaping components for community connectivity at this main intersection along an existing trail.

## **Growth Plan – Northern Ontario**

### *3.4 A Healthy Population*

*3.4.3 Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services*

The proposed development will provide a mix of land uses, employment and easy access to services. The proposed development is in keeping with the Growth Plan – Northern Ontario.

## **Municipality of Magnetawan Official Plan**

The subject lands are located within the Community Boundary of the Village of Magnetawan identified on Schedule A to the Municipality of Magnetawan Official Plan. The Municipality of Magnetawan Official Plan was reviewed in its entirety, with the following policies being most relevant to the proposed development.

### *Section 5.0 Land Use Designations*

#### *5.1 MAGNETAWAN VILLAGE AND AHMIC HARBOUR COMMUNITIES*

*Magnetawan Village and Ahmic Harbour are historic settlement nodes that have developed as permanent communities and are identified on Schedule A as Community. The permitted uses within this designation are residential, **commercial**, small-scale industrial and open space. This Plan encourages a revitalization of these communities through infilling of residential opportunities and through the **development of commercial uses that support the community and***

*adjacent surrounding seasonal and rural uses. Magnetawan Village and Ahmic Harbour will develop according to the following policies.*

Commercial uses are permitted in the Village that support the community and adjacent surrounding seasonal and rural uses. The retail use and storage of docks supports both the community and adjacent surrounding seasonal and rural uses.

### *9.3 Accessory Uses*

*Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.*

The Official Plan also sets out an interpretation of accessory uses in section 9.3, which allows for **uses**, buildings or structures normally incidental to a permitted use to also be permitted. The retail sale and storage of docks is a use that is accessory to an existing business within the same area. The proposed use conforms to this policy.

***5.1.2 A mix of residential, commercial, light industrial and open space uses is encouraged within the Communities. The Zoning By-law will provide detailed regulations for such uses located in this area. In considering applications to permit new uses, Council shall be satisfied that the proposed use:***

- i) is compatible with surrounding land uses;***
- ii) will not result in traffic or noise problems; and,***
- iii) will not adversely affect adjacent private sewage or water systems.***

Commercial uses are encouraged in the Communities. Applications to permit new uses shall satisfy the following: compatibility with surrounding land uses; no traffic or noise problems; not adversely impact adjacent private sewage or water systems. It is our opinion that the proposed use is compatible with the surrounding land uses, will not result in traffic or noise problems and will not adversely affect adjacent private sewage or water systems. The retail sales and storage of docks is also a component of other businesses in the area.

***5.1.4 Small-scale commercial uses that service the immediate community and the tourism industry are encouraged to locate in the Communities. Council will encourage the redevelopment of the waterfront lands within the communities for larger scale tourist facilities including accommodation and retail uses where the lots are of an adequate size to accommodate the appropriate servicing and they comply with the policies in Section 4.0.***

Small-scale commercial uses that service the immediate community and the tourism industry are encouraged to locate in the Communities. The proposed development is a small-scale commercial use that services the immediate community, and is appropriate for the subject lands. While the lands are located within the community and conform to this policy, the policy speaks to redevelopment of waterfront lands through complying with Section 4.0. It is our opinion that the use conforms with this policy, however a review of Section 4 has been conducted to address any potential concerns related to compatibility (also referred to in other policies, including 5.1.2) and water quality:

#### *Section 4.0 General Development Policies*

In reviewing this section the following policies of the Official Plan were relevant to the subject lands:

##### 4.1 Land Use Compatibility

Section 4.1 considers the effect of the proposed use on existing land uses and features. The planning consultants for the Township have identified that there are potential compatibility concerns with the proposed use that need to be addressed. The proposal has been assessed for consistency with the Provincial Policy Statement and Provincial Guidelines, including the Ministry of Environment D Series Guidelines.

It is our opinion that the proposal is consistent with the Provincial Policy Statement and Provincial Guidelines.

Compatibility is described in the Ministry of Environment D Series Guidelines by implementing buffers, site plan control and limitations on operational procedures.

The following is proposed for the development of the subject lands:

Buffers – there is an existing buffer along the south property line. The proposed development will implement a buffer along the western property line, adjacent to the existing residential property. The owner has also agreed to install landscaping that would further improve the visual impact of the proposed development, including plantings and an entrance feature. These elements are provided in Schedule A to this report.

Site Plan Control – the development of the subject lands will be through Site Plan Approval. Site Plan Approval will set out the permitted area of the lands for the storage, entrances and access to the properties and required landscaping. The proposed Site Plan is provided in Schedule A to this report.

Operational Procedures – the Site Plan Approval process will set out the length of time that the use (storage of docks) can be on the subject lands which is approximately May to October for a maximum of 20 docks. Access points and number of trucks on the property can also be restricted on the subject properties. These procedures will be addressed further through the Site Plan Agreement.

##### 4.3 Surface Water Quality

The Official Plan states that “preservation of water quality is a significant consideration in reviewing any development proposal adjacent to a watercourse or lake.” The policy also states that septic systems shall be located at least 30 metres from a watercourse or waterbody. There are existing septic systems located on the subject properties, no changes are proposed to this through this application.

The policy further states that “as a condition of development approval, a natural shoreline vegetation buffer shall be preserved within at least 20 metres of all watercourses and waterbodies. The subject properties are located approximately 60’ from the Magnetawan River, at the closest point. No development or storage is being proposed within 20 metres of the waterbody.

*2.5 There is little industrial development in the Municipality. **Commercial development**, which has been previously established along the shorelines of lakes in the Municipality, **has not significantly increased in recent years**. In an effort to improve employment conditions and the economic situation of the residents as well as broaden the municipal assessment base, **Council wishes to encourage new industrial and commercial development provided that it is compatible with the environment and surrounding land uses**. Much of this development is likely to occur in the form of homebased business, agricultural and tourist operations.*

Commercial development has not significantly increased in recent years in the Municipality. Council wishes to encourage new commercial development provided that it is compatible with the environment and surrounding land uses. The proposed development is compatible with the environment and surrounding land uses, as set out above, and as follows:

#### *4.1 LAND USE COMPATIBILITY*

*Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses and features. Where there are potential compatibility concerns, Council will assess the proposal for consistency with the Provincial Policy Statement and Provincial Guidelines, including the Ministry of Environment D Series Guidelines. Consideration shall be given to the extent to which increased setbacks and other zoning regulations and/or site plan requirements can reduce the potential impacts where applicable.*

The Official Plan states that whenever a change in land use is proposed consideration shall be given to the effect of the proposed use on existing land uses and features. Where there are potential concerns, consideration shall be given to increased setbacks and other zoning regulations to reduce potential impacts. The proposed development is in keeping with the permitted uses on these lands. In order to reduce any potential impacts vegetated buffers are proposed for the subject lands and an envelope has been proposed for the storage of the docks, along with a limitations on the length of time for retail sale and storage of docks on the lands, through site plan control.

Our analysis has included that the application is consistent with the Provincial Policy Statement, land use compatibility has been reviewed and measures have been proposed to ensure that any potential compatibility concerns are addressed.

#### *8.4 SITE PLAN CONTROL*

*The Municipality may utilize Site Plan Control to ensure that development in the Municipality is attractive and compatible with adjacent uses. **Site Plan Control will be applied to all commercial and industrial development in the Municipality**. Where special environmental features are required to mitigate impacts of residential development, the Municipality may use*

*Site Plan Control for residential developments. The entire Municipality shall be designated as a Site Plan Control Area.*

The Township will require Site Plan Control for this development to ensure that it is attractive and compatible with adjacent uses. A proposed site plan has been included with the application to demonstrate the proposed use of the subject lands.

## **6.5 Trails**

*The Municipality currently contains a number of portages, trail and corridor systems that support a wide range of linear recreational activities including canoeing, snowmobiling, ATV's, walking, biking, and skiing. The trail and portage systems and the activities that they support are significant components of the Municipality's tourism infrastructure. As such, it is a goal of this Plan to identify, protect, improve and expand the network of portages, trail and corridor systems for the Municipality and for the broader regional economic benefits. The existing trail systems, including the "Park to Park", Seguin, and the Nipissing Trails are shown on Schedule "B" to this Plan....*

*...It is a policy of this Plan that **any proposed development abutting the trail systems shall be required to consider the impact of the development on the continued functioning of the trail and identify potential impacts and mitigation measures** with respect to ensuring the continued operation of the trail. It is also a policy of this Plan that any proposed development adjacent to the trail systems shall consider possible linkages to the system.*

The subject properties front onto North Sparks Street, which is identified on Schedule B to the Official Plan. The proposed development has considered the impact of this development on the existing trail system and the important tourism infrastructure this provides. The landscaping proposed with the development will mitigate the visual impact of the dock retail and storage from the trail and include a landscaping feature to improve the connection with the trail.

Overall, the proposed application does not offend any policies as described in the Municipality of Magnetawan Official Plan. Commercial uses are permitted in the Village provided it is compatible with surrounding land uses. It is our professional opinion that the proposed use is compatible with surrounding land uses, is consistent with and conforms to the general intent and purpose of the Municipality of Magnetawan Official Plan.

## Municipality of Magnetawan Zoning Bylaw No. 2001-26

The subject property is Zoned CV – Village Commercial.

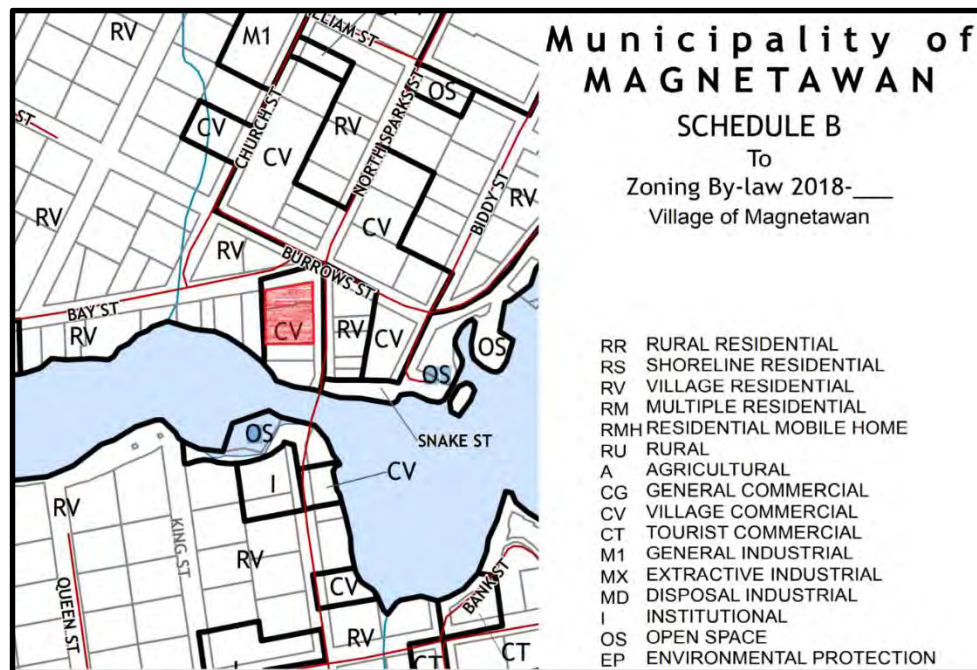


Figure 1 Municipality of Magnetawan Zoning Bylaw Schedule A

The regulations for a Village Commercial Zone (CV) are described in Section 4.9 of the Zoning By-law. The permitted uses include:

### 4.9.1 Permitted Uses

- i) bank or financial institutions
- ii) business, professional and administrative offices
- iii) clinic
- iv) commercial nursery and/or greenhouse
- v) community centre
- vi) country market/ flea market
- vii) day nursery
- viii) light equipment sales and rental establishment
- ix) motel
- x) hotel
- xi) motor vehicle body shop
- xii) motor vehicle dealership
- xiii) motor vehicle repair garage
- xiv) motor vehicle service station
- xv) personal service shop
- xvi) parking lot
- xvii) place of worship
- xviii) post office
- xix) public or private club



xx) restaurant or tavern

xxi) retail store

xxii) service shop

xxiii) residential dwelling units located on the second storey of a building or to the rear of the main building

The following uses are permitted on the subject lands without the need for a building or structure:

*Nursery - A building **and/or lot**, where young trees and other plants are grown for transplanting or sold for transplanting and **may also include the sale of related accessory supplies.***

*Country Market / Flea Market - A building **or track of land used for the temporary exhibit, storage and temporary retail sale of merchandise, goods, wares, produce, crafts and arts for the utilization and consumption of the general public provided that **any temporary exhibit, storage and temporary retail sales occurring does not include the sale of livestock and auction sales.*****

*Parking Lot - A **parking area which constitutes a main use on a lot** and where vehicles are parked for remuneration.*

The following use is similar to the proposed use of the subject lands:

*Retail Store - A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail or rental and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.*

The proposed use is where docks are offered or kept for sale, which includes storage on or about the premises.

The proposed use is in keeping with the intent of the Zoning By-law.

*Section 4.9.1 describes the lot regulations for the permitted uses on the land, which are as follows:*

#### *4.9.2 Regulations for Permitted Uses*

	<i>Metric</i>
i) <i>Minimum Lot Area</i>	- 0.4 ha
ii) <i>Minimum Lot Frontage</i>	- 20 m
iii) <i>Minimum Front Yard</i>	- NIL
iv) <i>Minimum Interior Side Yard</i>	- 3.0 m
v) <i>Minimum Exterior Side Yard</i>	- 6.0 m
vi) <i>Minimum Rear Yard</i>	- 10.0 m
vii) <i>Maximum Lot Coverage</i>	- 50%
viii) <i>Maximum Building Height</i>	- 10.7m

#### *4.9.3 Setbacks from Residential Lot*

*Where a commercial use abuts any lot used for residential purposes, the minimum yard from the residential lot shall be 3.0 metres.*

The proposed development will comply with the regulations for permitted uses.

#### *3.1 Accessory Buildings, Structures and Uses*

##### *a) Permitted Uses*

*Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a valid building permit for the principal use, if required, is issued or that the principal building or structure is already in existence on the lot.*

The by-law permits accessory uses provided that a valid building permit for the principal use, if required, is issued or that the principal building or structure is already in existence on the lot. There is a building located on the subject lands, which are proposed to be improved, in accordance with the building plans attached in Schedule C. The proposed use of the subject lands is also proposed as an accessory use, accessory to a principal building located at 4220 Highway 520.

#### *3.20 Parking Area Regulations*

##### *a) Parking Space Requirements*

*Commercial uses on lots within the Village Commercial Zone in the Magnetawan Townsite shall not be subject to the parking requirements established in Table 1. The location of the parking area exemptions are identified on Schedule C-1 attached to and forming part of this By-law as Schedule D. (Parking Area Regulations for the Magnetawan Townsite).*

The proposed development is in keeping with the permitted uses of the Village Commercial Zone. The setbacks will be maintained in compliance with the zoning provisions.

Two other site specific amendments have been made to the Zoning By-law for commercial properties in the Village of Magnetawan which permit outdoor storage of boats, vehicles and industrial and farm equipment:

CV-1 permits the parking and accessory repair of motor vehicles, including industrial and farm equipment

CV-2 permits, in addition to other uses, Boat Storage and Marine Sales and Service Establishment with the following provisions:

- *The Minimum Front Yard shall be 3 metres and be maintained as a vegetated buffer.*
- *The Minimum Interior Side Yard shall be 3 metres and be maintained as a vegetated buffer.*
- *The Minimum Rear Yard shall be 3 metres and be maintained as a vegetated buffer.*

The boat storage sales and service includes a requirement for vegetated buffers, which are also being proposed through this application.

The permitted use of the subject lands for the retail sales and storage of docks accessory to an existing commercial use located at 4220 Highway 520, which supports the community and adjacent surrounding seasonal and rural uses should be permitted.

In conclusion, the permitted use of the subject lands for the retail sales and storage of docks accessory to an existing commercial use located at 4220 Highway 520, which supports the community and adjacent surrounding seasonal and rural uses, with appropriate limitations on the location of the storage, time of use and the use of vegetated buffers to address compatibility should be permitted on the subject lands.

## **JUSTIFICATION**

In terms of justification for the proposed zoning by-law amendment application we offer the following:

- The proposed development is in character with the surrounding uses
- The proposed development is compatible with the surrounding uses for the following reasons:
  - Landscape buffers are proposed to minimize visual impact
  - Site plan control will be used to identify the area on the property where docks can be stored
  - Operational procedures will be used to regulate the length of time that docks will be stored on the lands
- The proposed development will not result in traffic or noise problems
- The proposed development will not adversely affect adjacent private sewage or water systems
- There are no environmental impacts with the proposed development
- There are no public health and safety concerns with the proposed development
- The proposed development provides an employment use taking into account the needs of existing and future businesses
- The proposed development supports both the community and adjacent surrounding seasonal and rural uses
- The proposed development is a small-scale commercial use that is encouraged to be located in the community.
- Site plan control will be utilized for this development
- A connection with the existing trail system will be improved through this development
- The proposed use is in keeping with the permitted uses in the Village Commercial Zone

## **SUMMARY AND CONCLUSION**

Based on the above analysis, of the Planning Act, the Provincial Policy Statement, the Official Plan, and the Zoning By-law it is our opinion that the proposed application to permit the retail sales and storage of docks, accessory to an existing commercial use on a different property located at 4220 Highway 520, conforms to the general intent of the Municipality of Magnetawan

Official Plan, complies with the Zoning Bylaw and represents good planning. The proposed use is compatible with surrounding land uses. The analysis addresses the comments raised by the Township and the consulting planners.

This application does not offend policy or regulation at the Provincial or local level. It satisfies and fulfills all policy and regulatory requirements and will establish the commercial use of the subject lands, which are currently vacant. The intention of this use is to serve a need of the residents of the Township in conformity of the Official Plan and Zoning bylaw. With regard to the policy analysis and justification provided, we respectfully request approval of the zoning by-law amendment.

**RESPECTFULLY SUBMITTED**

**MARIE POIRIER PLANNING AND ASSOCIATES INC**

**PREPARED BY:**



Melissa Markham, MCIP, RPP  
Senior Planner

#### **LIST OF ATTACHMENTS**

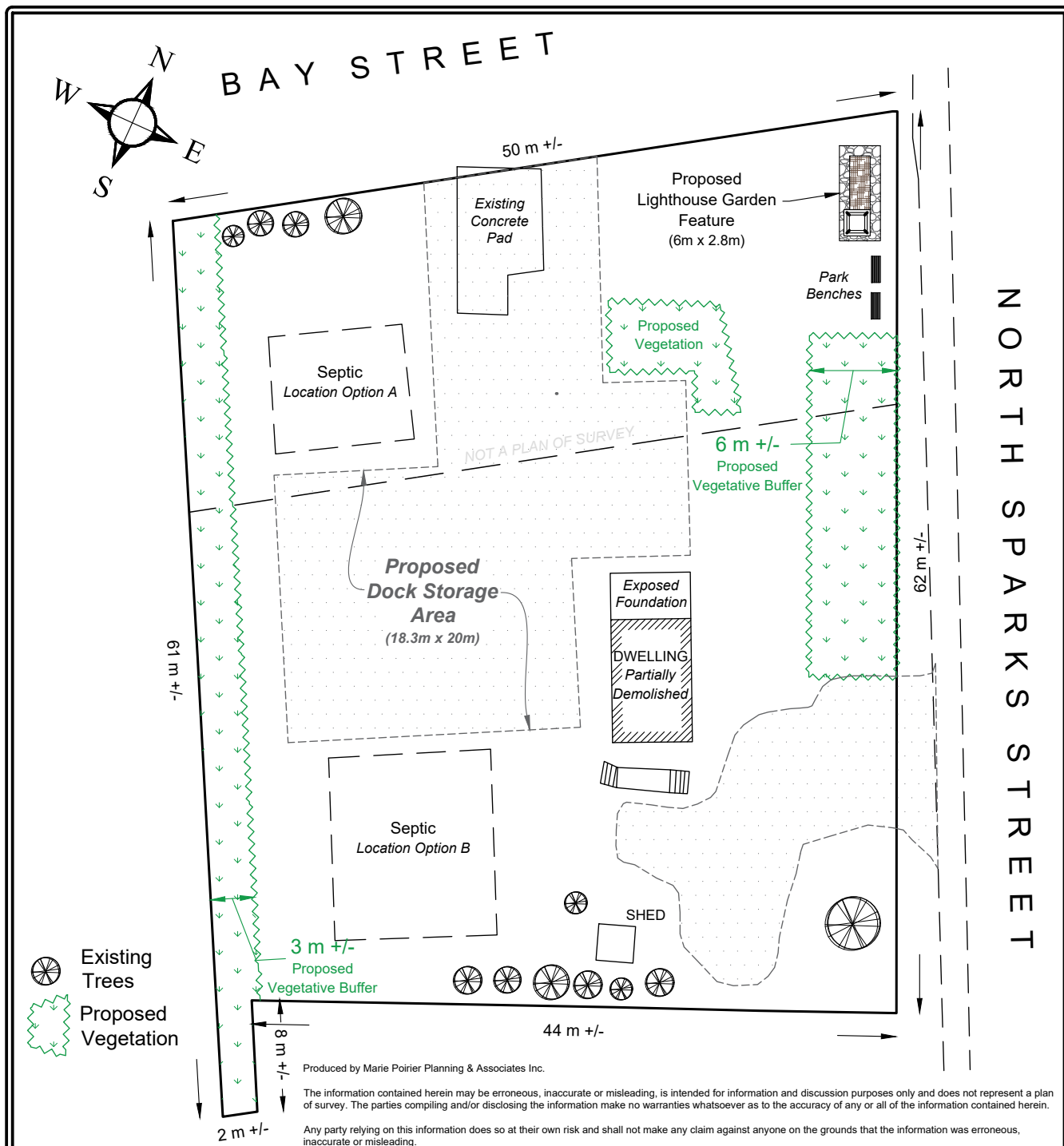
- Schedule A – Proposed Site Plan and Landscaping Plan
- Schedule B – Proposed Zoning By-law
- Schedule C – Building Plans

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**Schedule A**

**Proposed Site Plan and Landscaping Plan**

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## SITE SKETCH

Civic Address: 154 & 156 North Sparks Street

Owner: Collin James

Date: 04/04/2022

Rev. #:

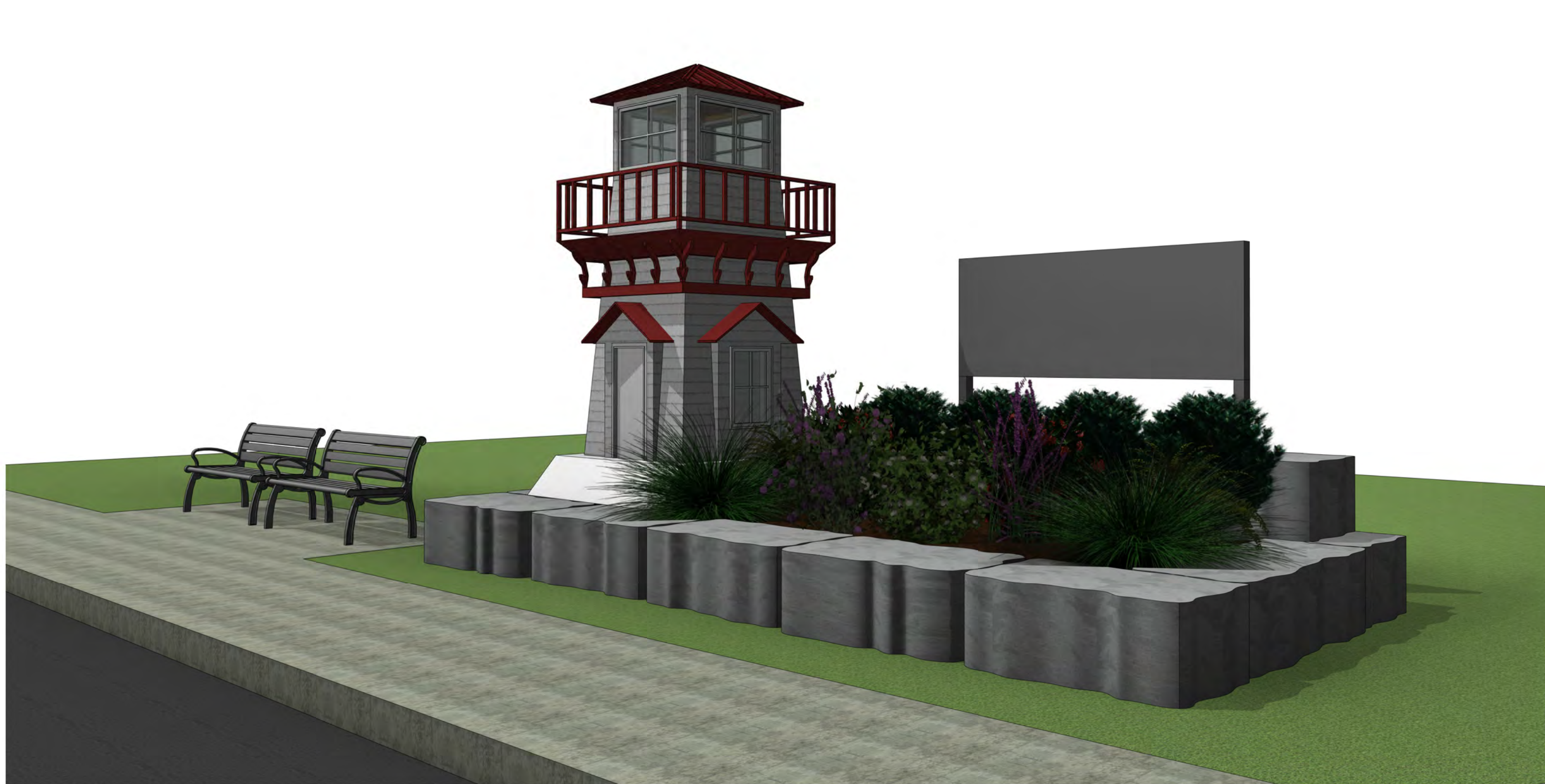
Drawing By: E.C. Thaler



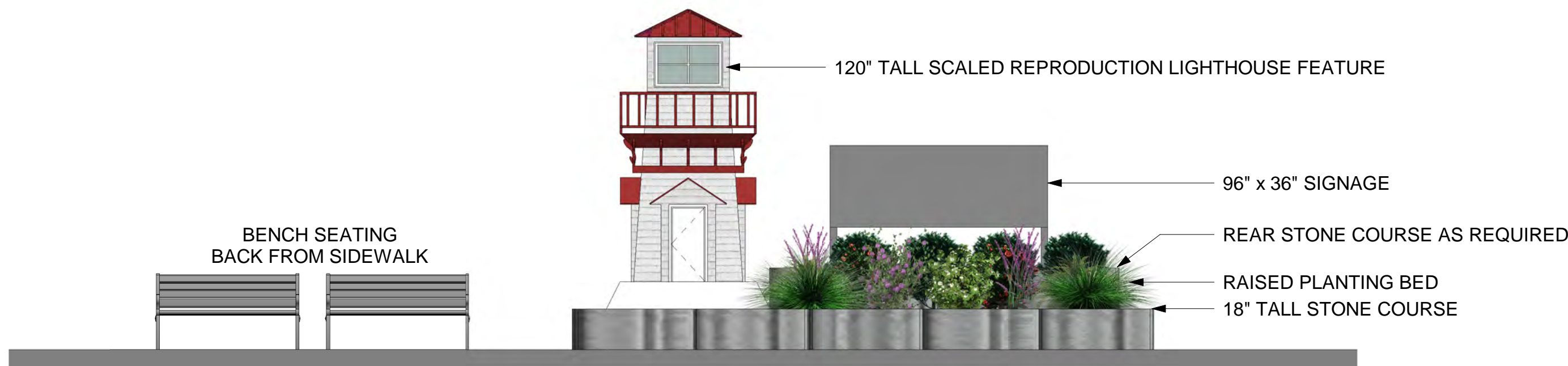
**MARIE POIRIER**  
PLANNING & ASSOCIATES INC.

44-A King William Street, Huntsville, ON, P1H 1G3  
Ph: 705-789-9860 E: marie@mpplanning.com









PREPARED BY	BCIN
GUS TERZIANO	31493
AGOSTINO TERZIANO DESIGN	33969
DATE FOR PERMIT:	OCT 19, 2021

DATES REVISED

REVISIONS THIS PAGE





PREPARED BY	BCIN
GUS TERZIANO	31493
AGOSTINO TERZIANO DESIGN	33969
DATE FOR PERMIT:	OCT 19, 2021



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**Schedule B**  
**Proposed Zoning By-law**

---

The CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN  
BY-LAW NO. 2022-XX

Being a By-law to amend Zoning By-law 2001-26

WHEREAS the Council of the Municipality of Magnetawan enacted By-law No. 2001-26 to regulate the use of land within the Municipality of Magnetawan;

AND WHEREAS the Council of the Municipality of Magnetawan deems it expedient in the public interest to amend By-law No. 2001-26;

AND WHEREAS authority to pass such a by-law is provided by Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. That Zoning By-law No. 2001-26 is amended as follows:
  - a) Schedule "A" to By-law 2001-26 is hereby amended by rezoning Lot 11 and Lot 12, Registered Plan 319, Chapman, Municipality of Magnetawan, from the Village Commercial Zone (CV) to the Village Commercial with an Exception (CV-X) Zone.
  - b) Section 4.9 is hereby amended by the addition of the following:

4.9.4.X Village Commercial Exception XXX (CV-X) Zone

Notwithstanding the Permitted Uses in the Village Commercial (CV) Zone and definitions in the By-law, to the contrary, on lands within the Village Commercial Exception XXX (CV-X) Zone, retail sales and storage of docks accessory to an existing commercial use located at 4220 Highway 520 shall be permitted.

Notwithstanding the provisions of this By-law to the contrary, the following minimum yard requirements shall be applied to lands in the "Village Commercial Exception XXX (CV-X) Zone":

- The Minimum Setback (along North Sparks Street) shall be 6 metres and be established with landscaping, excluding parking areas and driveways.
- The Minimum Setback (along Bay Street) shall be 6 metres, excluding landscaping features, parking areas and driveways
- The Minimum Setback (along the west lot line, opposite Sparks Street) shall be 3 metres and be maintained as a vegetated buffer
- The Minimum Setback (along the south lot line, opposite Bay Street) shall be 3 metres, existing vegetation is to remain and excluding parking areas and driveways

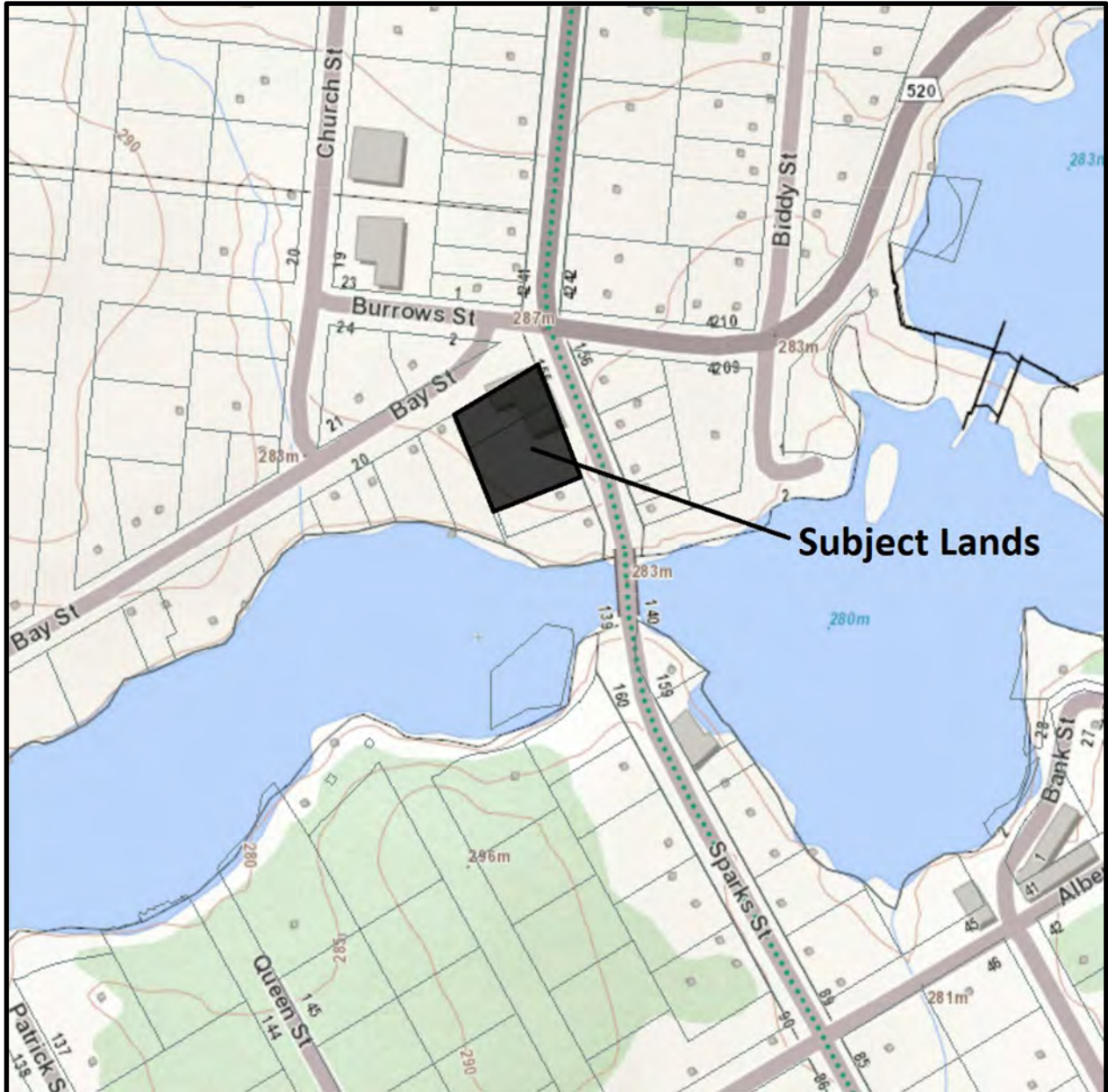
2. This By-law shall come into force and effect pursuant to the provisions of and Regulations made under the Planning Act.

READ AND ENACTED in Open Council this \_\_\_\_ day of \_\_\_\_, 2022.

SCHEDULE "A"

By-law Amendment No. 2022-XX

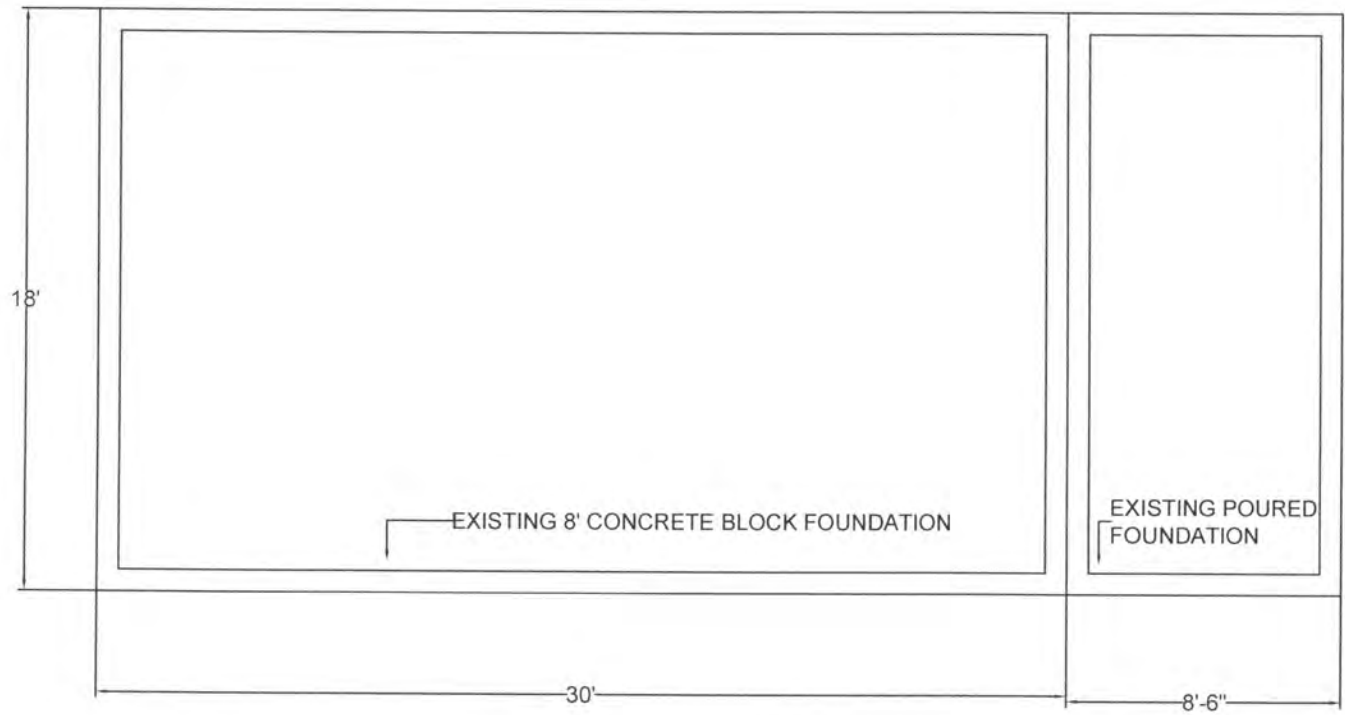
Location Map



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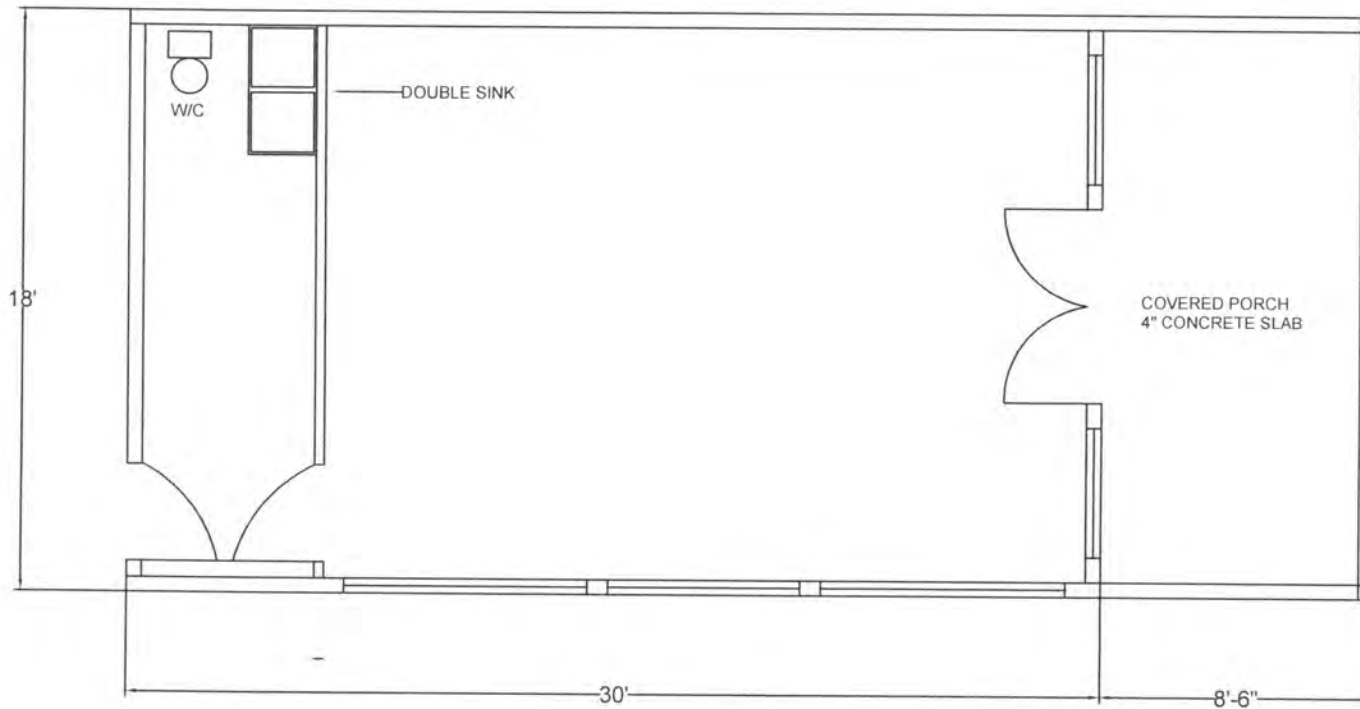
**Schedule C**  
**Building Plans**

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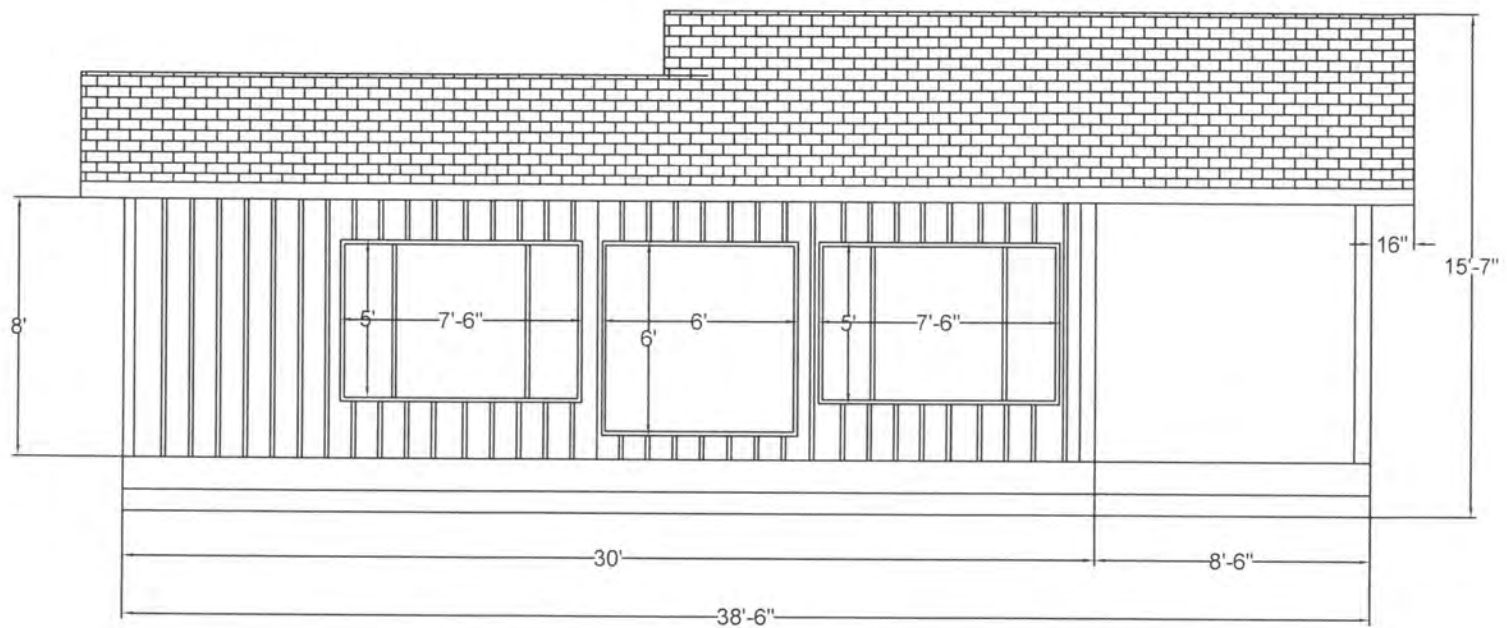
FOUNDATION PLAN

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



# FLOOR PLAN

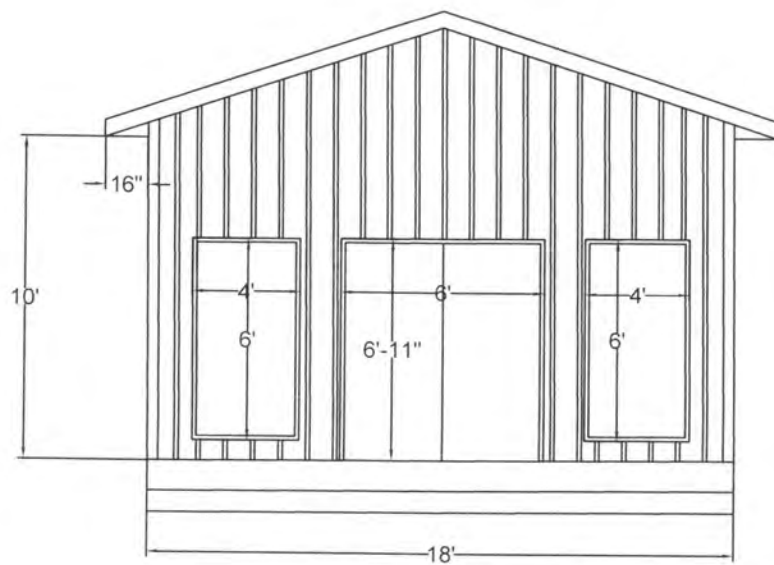
DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



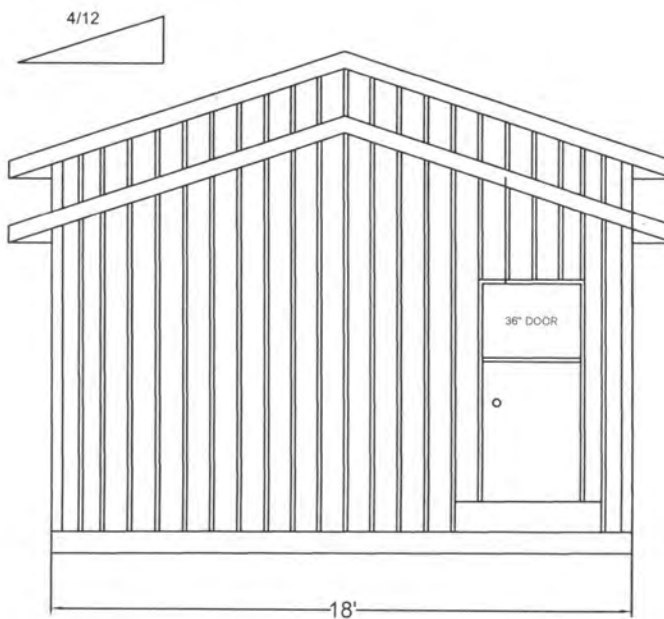
EAST ELEVATION

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



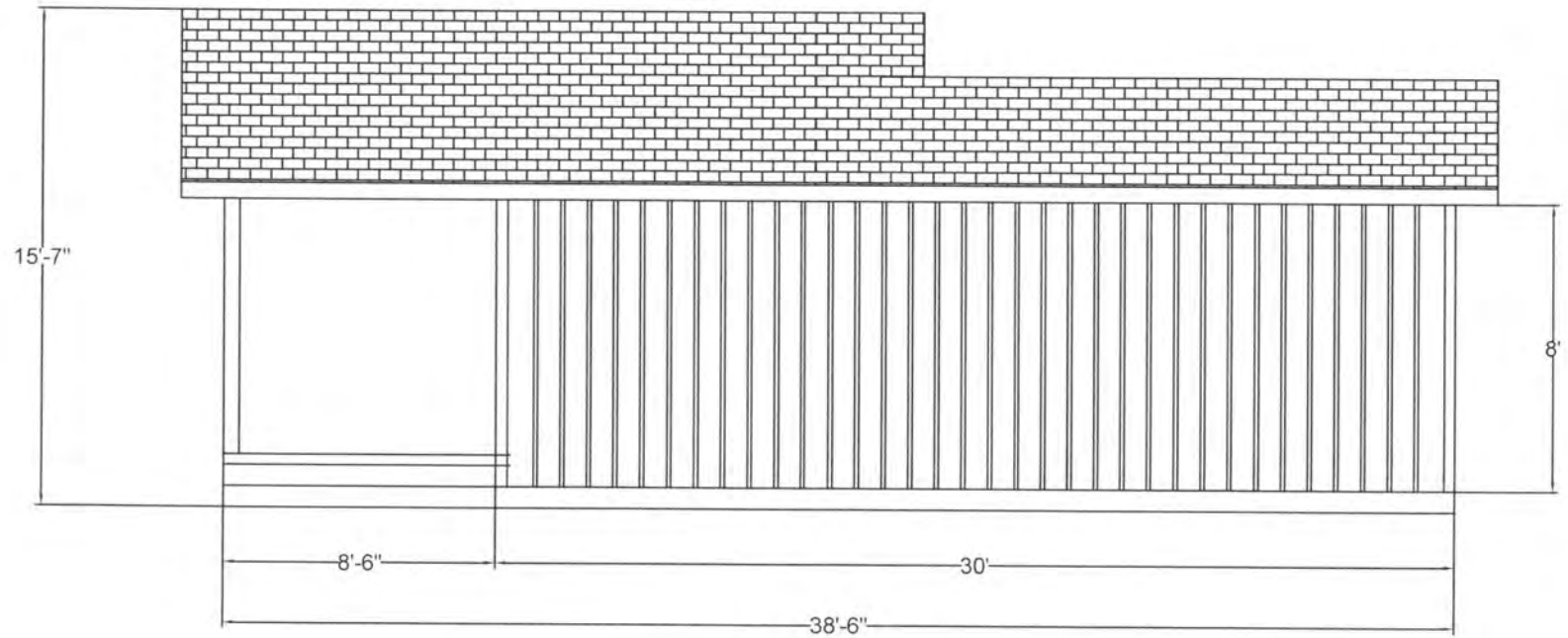


NORTH ELEVATION



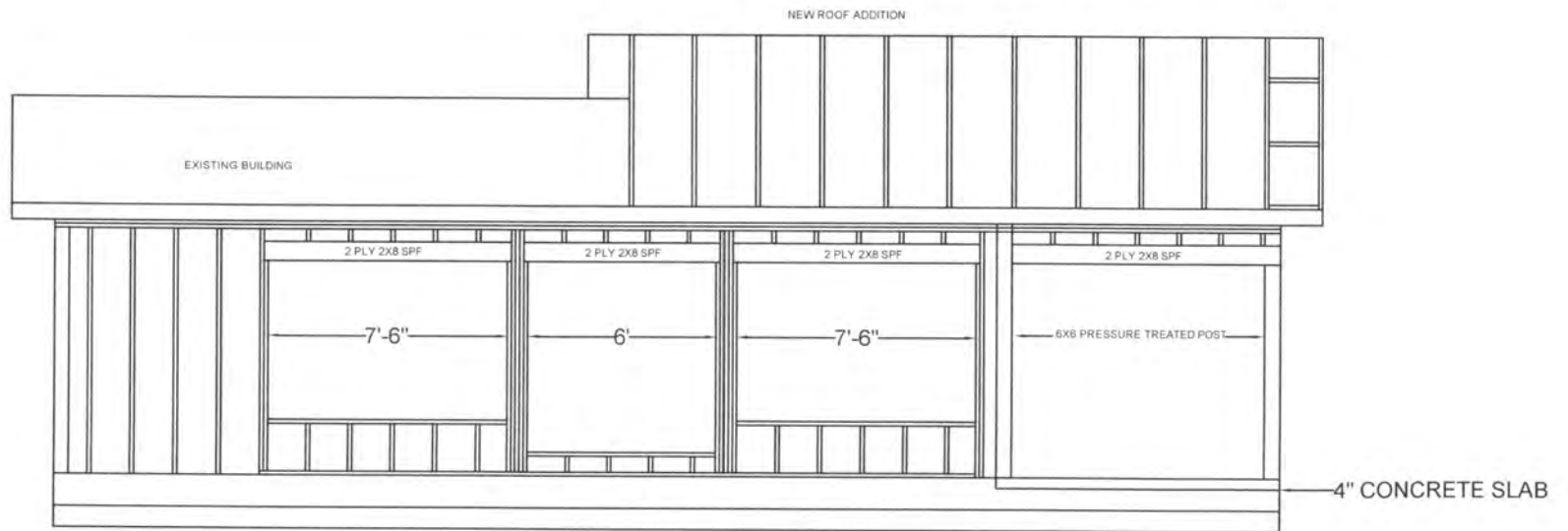
SOUTH ELEVATION

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



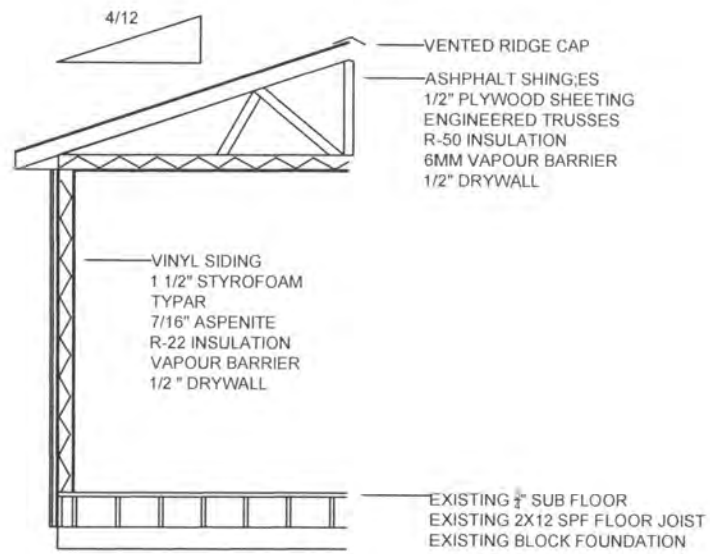
WEST ELEVATION

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



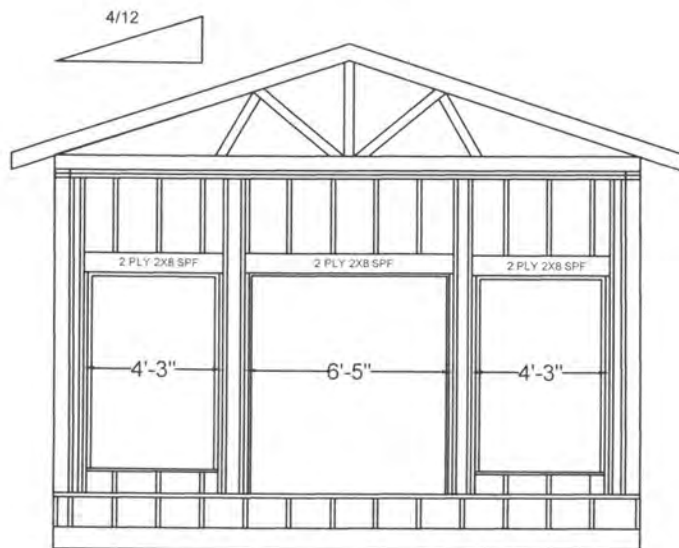
EAST FRAMING SECTION

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES

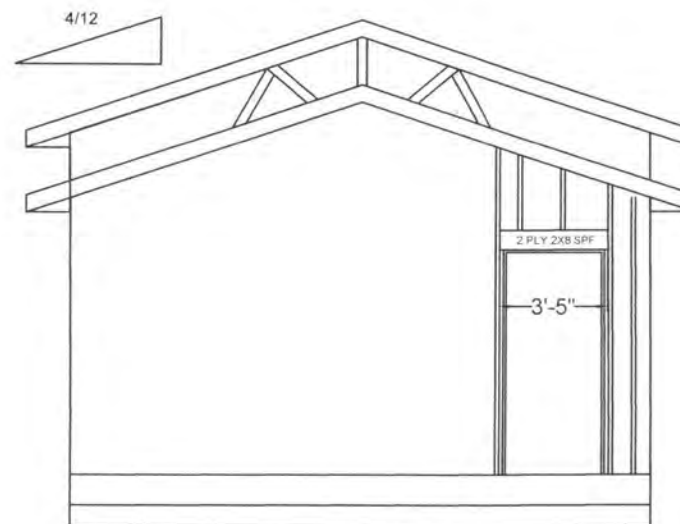


FRAMING SECTION

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PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES

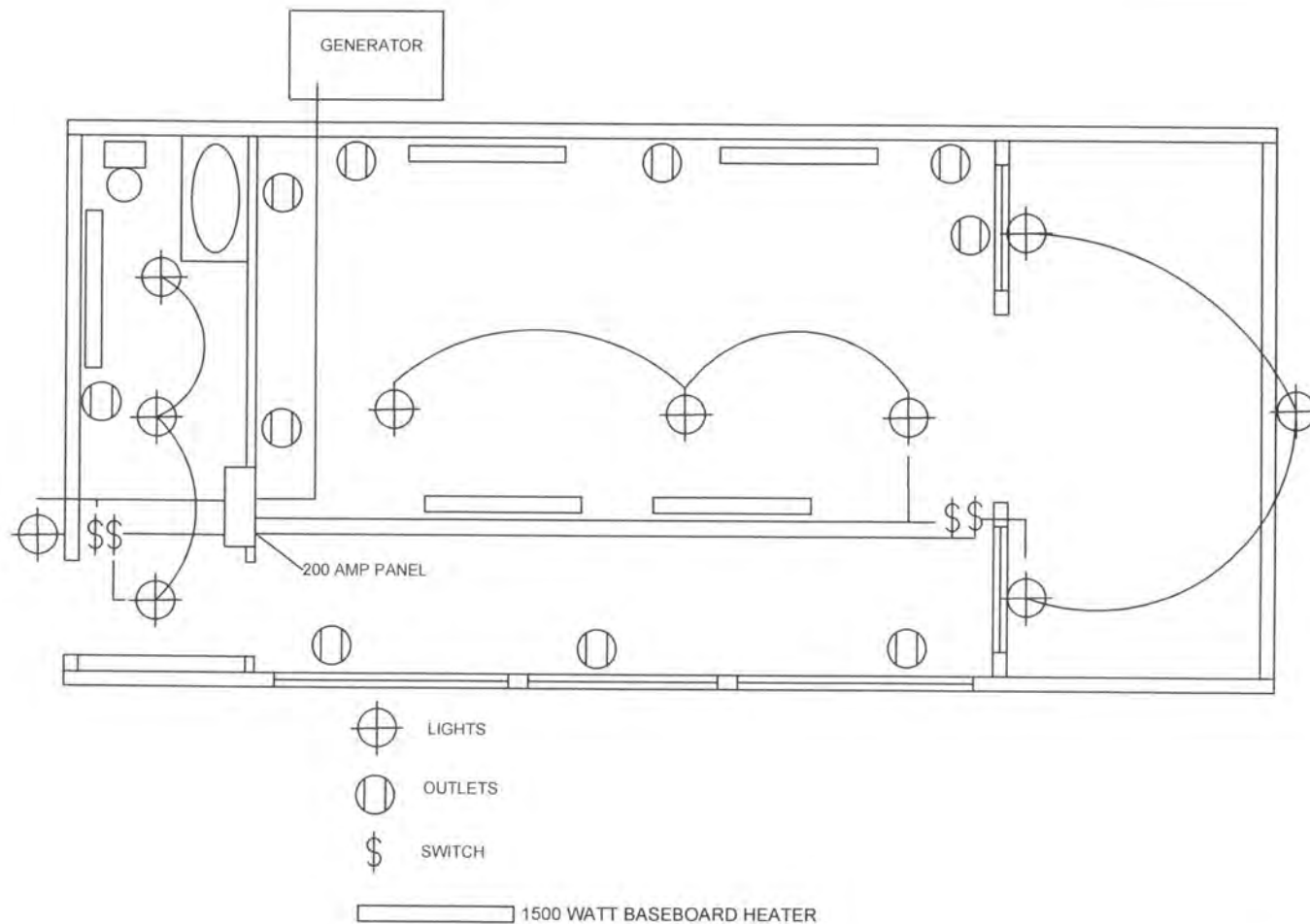


NORTH FRAMING SECTION



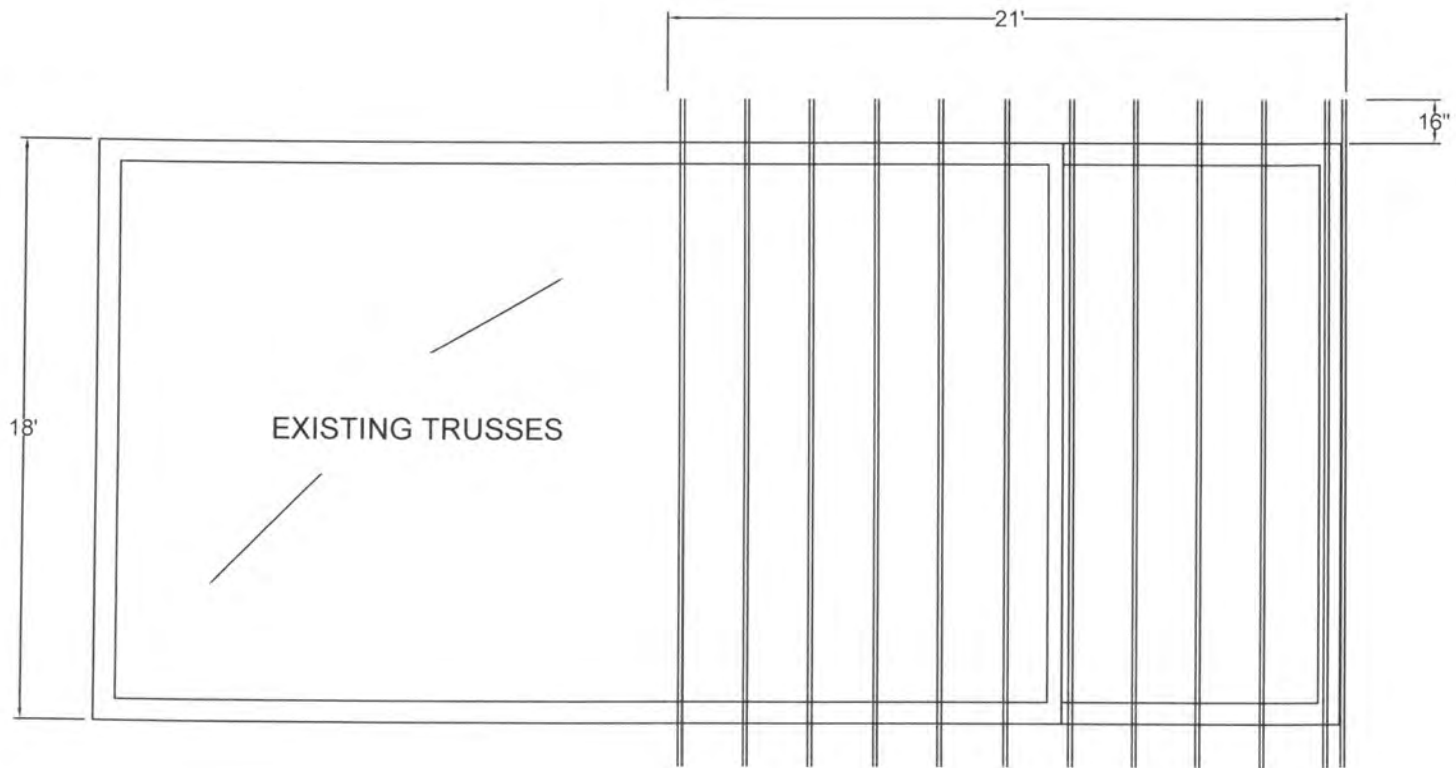
SOUTH FRAMING SECTION

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



## ELECTRICAL LAYOUT

DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES



DATE: 04/14/2021
PROJECT NAME: SPARKS ST
PROJECT ADDRESS: 154 SPARKS ST.
OWNER: COLLIN JAMES
DRAWN BY: COLLIN JAMES

# METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



PLAN OF SURVEY  
OF ALL OF  
LOT 11, WEST SIDE OF NORTH SPARKS STREET  
AND PART OF  
LOT 12, WEST SIDE OF NORTH SPARKS STREET  
REGISTERED PLAN 319  
(GEOGRAPHIC TOWNSHIP OF CHAPMAN)  
MUNICIPALITY OF MAGNETAWAN  
TERRITORIAL DISTRICT OF PARRY SOUND

SCALE: 1" = 200'



RAIKES GEOMATICS INC.  
2020

## SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- 2) THE SURVEY WAS COMPLETED ON THE 4th DAY OF NOVEMBER, 2020.

DECEMBER 7, 2020

DATE

*P.T.R.*

PETER T. RAIKES, B.Sc., O.L.S., M.R.C.S.  
ONTARIO LAND SURVEYOR

## BUILDING TIES

BUILDING TIES ARE TO THE EXTERIOR SIDING UNLESS OTHERWISE NOTED.

## BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM A PORTION OF THE THE SOUTHERLY LIMIT OF PART 1, PLAN 42R-9635 HAVING A BEARING OF N87°25'00"E AS SHOWN ON PLAN 42R-9635 (P1) AND PLAN 42R-3764 (P2)

## AREAS

AREA OF 1 STOREY DWELLING	46.26 Sq.m
AREA OF SHED	6.30 Sq.m
AREA OF OWNERSHIP FOR PIN 52081-0930	0.096 Ha.
AREA OF OWNERSHIP FOR PIN 52081-0928	0.181 Ha.

ADDITIONAL COPIES AVAILABLE AT: [www.ontariosurveyors.com](http://www.ontariosurveyors.com)  
(C) COPYRIGHT RAIKES GEOMATICS INC., 2020

NO PERSON SHALL COPY, REPRODUCE OR ALTER THIS PLAN WITHOUT THE AUTHORIZATION OF RAIKES GEOMATICS INC.

DRAWN BY: RAN	PROJECT No. 20114
CHECKED BY: CPR	

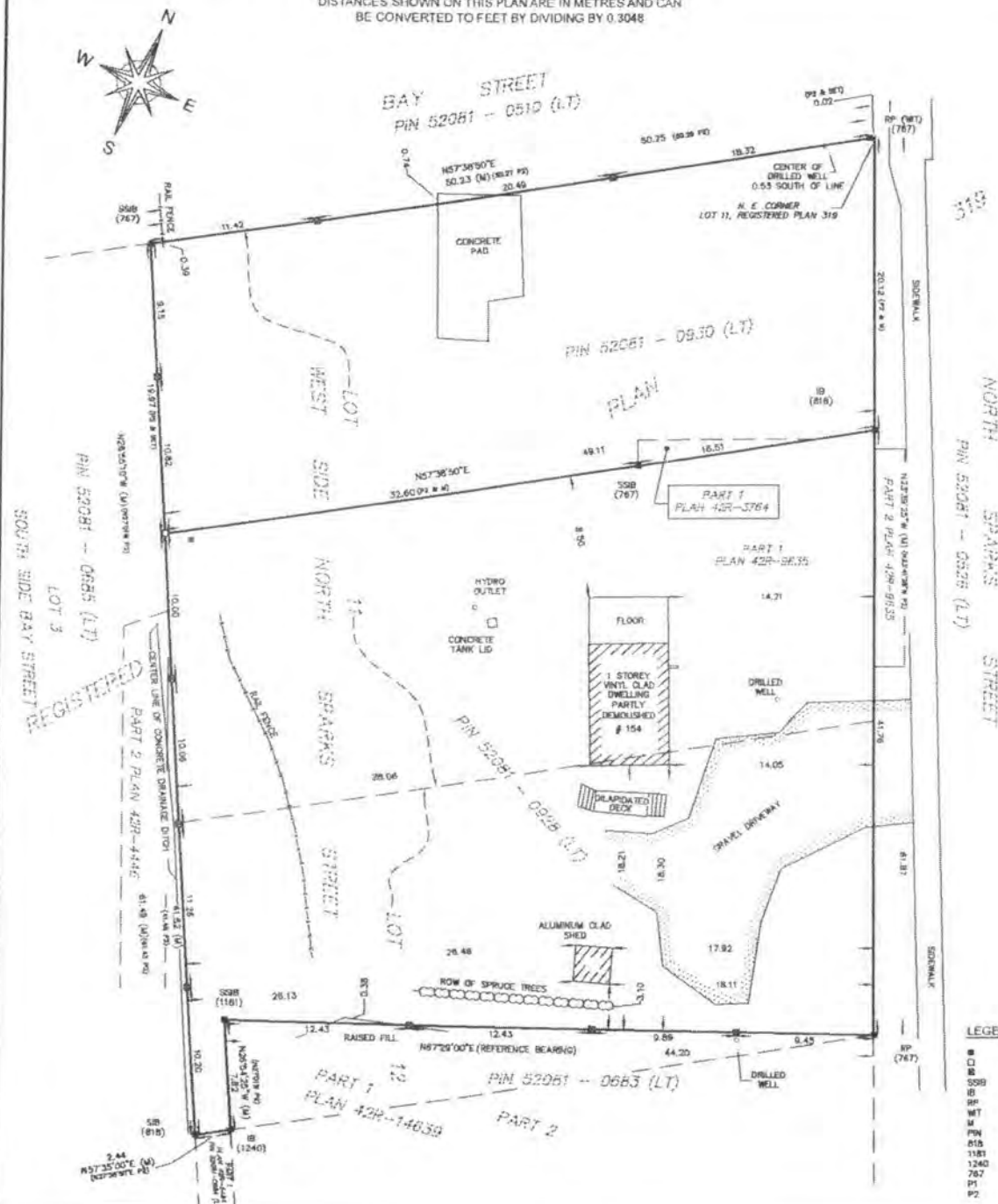
# RAIKES

GEOMATICS INC.

Barrie Office: (705) 722-8222 642 Wilham Road, Barrie, ON L4N 8A1  
 Midland Office: (705) 528-7552 529 Elizabeth Street, Midland, ON L4R 2A2  
 Email: [info@surveyto.com](mailto:info@surveyto.com) Website: [surveyto.com](http://surveyto.com)

## LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- ▨ DENOTES WOOD STAKE
- SSB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- RP DENOTES ROCK POST
- WT DENOTES WITNESS MONUMENT
- M DENOTES MEASURED
- PN DENOTES PROPERTY IDENTIFICATION NUMBER
- 815 DENOTES JOHN R. HILLY O.L.S.
- 1181 DENOTES D. E. WAGGE O.L.S.
- 1240 DENOTES EERO HALUNEN LIMITED
- 767 DENOTES M. W. FITZMAURICE O.L.S.
- P1 DENOTES PLAN 42R-9635
- P2 DENOTES PLAN 42R-3764





Revised Purpose of Application - North Sparks Street (James)

 Melissa Markham <melissa@mpplanning.com>  
To: Jonathan Pauk  
Cc: Nicole Gourlay

Reply

Reply All

Forward

More options

Wed 2022-05-25 9:32 AM

You replied to this message on 2022-05-25 9:50 AM.  
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Good Morning,

As you are aware, Marie Poirier Planning & Associates is acting as agent for the owner of 154 & 156 North Sparks Street, Magnetawan. The application, originally submitted by the owner, has been revised to reflect the purpose and nature of the application as provided for in the planning justification report and draft zoning by-law. The purpose of the application is to permit retail sales and storage of docks accessory to an existing commercial use located at 4220 Highway 520.

Please let me know if any further clarification is required.

Melissa



**Melissa Markham, MCIP, RPP**  
*Senior Planner*  
Marie Poirier Planning & Associates Inc.  
  
44 King William Street, Unit A,  
Huntsville, ON, P1H 1G3  
  
Phone [705.789.9860](tel:705.789.9860)  
[melissa@mpplanning.com](mailto:melissa@mpplanning.com)  
[mpplanning.com](http://mpplanning.com)