

 <p data-bbox="277 291 456 352"><b>Municipality of Magnetawan</b></p>	<p data-bbox="826 237 1143 264"><b>STAFF PLANNING REPORT</b></p>
To:	Mayor and Council
From:	Erica Kellogg – Deputy Clerk – Planning and Development
Subject Land:	47 Highway 520, Con A Pt Lot 97 Plan PSR-416 Part 2
Report Date:	February 21 <sup>st</sup> , 2024

**Proposal/Background**

An application for a Zoning By-law Amendment has been submitted by Rick Schiedel seeking to re-zone the subject lands to permit a motor vehicle repair garage to operate on the property.

The subject land is Municipally known as 47 Highway 510 Magnetawan. Legally described as Con A, Pt Lot 97 Plan PSR-416 Part 2, Municipality of Magnetawan, in the District of Parry Sound. The lands are designated Rural and are within the Aggregate and Mineral Resources layer, in the Municipality of Magnetawan Official Plan. The property is Zoned Rural Residential in entirety by the Municipality’s Zoning By-law 2001-26.

The subject lands are accessed via the Provincial Highway of 510 and have approximately 155m of frontage. The property comprises of 2 hectares (5 acres), which is oversized for the Rural Residential Zone by 1 hectare and provides approximately 15m of natural vegetative buffering for the existing workshop. The surrounding use of abutting properties include a mix of single detached dwellings and vacant land. The subject lands are located just outside of the Village of Magnetawan Community Boundary and was created in 2015 as part of a consent application.

The lands are currently developed with a single-family dwelling, detached garage and a detached workshop. The existing detached workshop is the structure that will facilitate the motor vehicle repair garage.

Figure 1: Location of Subject Land



## Policy Considerations

### Provincial Policy Statement (PPS) and Planning Act

When making land use decisions, Planning Authorities must ensure that the decisions are consistent with both the Planning Act and the PPS. In the context of the PPS the subject lands are consistent with the applicable policies:

- Healthy, liveable and safe communities (Section 1.1.1)
- The proposal promotes economic and employment opportunities through the diversification of goods and services in the Rural areas (Section 1.1.4.1)
- Home Industries are permitted within Rural Lands (Section 1.1.5.2)
- The proposal is compatible with the Rural landscape and can be supported by existing Rural services (Section 1.1.5.4)

For the reasons noted above, this proposal is consistent with the policies of the Provincial Policy Statement 2020.

### Municipality of Magnetawan Official Plan (Plan)

The Municipality's Official Plan provides policy direction as it relates to the development of land and compatible land uses. Policies within the Official Plan as they relate to the development proposal for 47 Highway 520 are noted below.

- An objective of the Plan includes the encouragement of economic development while providing opportunities for economic growth and diversification in a manner that fosters a positive business environment. (Section 3.0 2))
- The Rural Areas permit home industries and small scale industrial and commercial developments (Section 5.2.1)

For the reasons noted above, this proposal is consistent with the policies of the Municipality's Official Plan.

### Municipality of Magnetawan Zoning By-law

The subject lands are zoned Rural Residential as per the Municipality's Zoning By-law 2001-26 as amended. Permitted uses within this designation can be found in Section 4.1 of the By-law. Of which, a motor vehicle repair shop is not included as a permitted use. The applicant has applied for site specific zoning to permit the existing on-site workshop building be utilized as a motor vehicle repair garage as an accessory to the existing residential use.

Section 5. definition 149 provides the following definition for a Motor Vehicle Repair Garage;

*A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.*

**Conclusion:**

With the policy and site review completed, it is of the opinion of Staff that the impact of an indoor motor vehicle repair shop on the subject land will not negatively impact abutting properties. It is the recommendation of Staff to accept the rezoning application with the following conditions.

1. The applicant be current with municipal taxes and all associated application fees.
2. The motor vehicle repair shop shall be within a building having an area of no greater than 122m<sup>2</sup>.
3. The outdoor storage of vehicles shall be permitted while awaiting repair and shall be located to the north side of the existing structure subject to the application.
4. The existing 15m vegetative buffer along Highway 510 be maintained to screen the use and reduce the impact on abutting properties.
5. The applicant apply for and be approved for, a change in use permit to bring the subject workshop in compliance with the Building Code.

Respectfully submitted,



Erica Kellogg  
Acting Deputy Clerk – Planning and Development

