

Town of Whitby

Staff Report

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Report Title: DEV-03-23 (Z-02-23): Temporary Use Zoning By-law Amendment Extension, Town Brewery Inc., 1632 Charles Street

Report to: Committee of the Whole

Date of meeting: March 6, 2023

Report Number: PDP 11-23

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

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1. Recommendation:

1. That Council approve a proposed Zoning By-law Amendment (Application #Z-02-23) for the extension of a temporary use at 1632 Charles Street. The temporary use is for the continuation of a craft brewery (Town Brewery) for an additional three year period; and,
2. That the Zoning By-law Amendment be brought forward for Council's consideration.

2. Highlights:

- A Zoning By-law Amendment application has been submitted to extend a temporary use for a craft brewery (Town Brewery) for a period of three years. The use is proposed to continue at their existing location at 1632 Charles Street.

3. Background:

3.1 Site and Area Description

The subject land is located on the west side of Charles Street, north of Watson Street West, municipally known as 1632 Charles Street (refer to Attachment #1). The subject land is approximately 1.65 hectares (4.07 acres).

The subject land is occupied by three multi-unit industrial buildings.

Surround land uses include:

- Future high density residential development to the north;
- Existing single detached, semi-detached, townhouse and other forms of multiple dwellings to the east;
- The Port Whitby Marina to the south; and,
- High density residential dwellings to the west (refer to Attachment #2).

3.2 Application

The amending By-law that originally granted the temporary use was passed by Council in 2017 and extended for a period of 3 years in 2020. The zoning permissions will cease on April 10, 2023. The purpose of this Zoning By-law Amendment application is to extend the temporary use for a period of three additional years, to April 10, 2026.

An Existing Site Plan is available at Attachment #3.

4. Discussion:

4.1 Region of Durham Official Plan

The subject land is designated as “Living Area” in the Region of Durham Official Plan (ROP). The application conforms to the Regional Official Plan.

4.2 Whitby Official Plan

The subject land is designated High Density Residential Mixed Use by the Port Whitby Secondary Plan.

The subject property was developed as multi-tenant industrial buildings prior to the passing of By-law # 2585. The uses no longer conform to the existing Official Plan or Port Whitby Secondary Plan.

Section 10.1.9.1 of the Official Plan states that, “Council may pass a by-law to permit the temporary use of the land(s), buildings(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this plan for a period of up to three years.”

Section 10.1.9.3 requires that, “In considering whether to enact a Temporary Use By-law, Council must be satisfied that:

- a) the site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;
- b) the use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;

- c) that the use will not prejudice the future development or redevelopment of the subject lands and surrounding area as set out in this Plan; and,
- d) no new building or expansion of buildings, except for temporary moveable structures, shall be permitted.”

The proposal to continue the existing craft brewery conforms to the above criteria.

4.3 Zoning By-law

The subject land is zoned D(NR)-2 “Development Non-Residential Zone – Exception 2” in Zoning By-law # 2585, as amended (refer to Attachment #4), which permits the temporary use of a craft brewery until April 10, 2023.

Under Section 39 of the *Planning Act*, the Council of a local municipality may authorize the temporary use of land for a purpose that is otherwise prohibited by the by-law for a maximum period of three years. Council may grant extensions to the authorization of a temporary use for a maximum period of three years at a time. It is recommended that Council approve the proposed Zoning By-law Amendment for the extension of a temporary use of a craft brewery for an additional three (3) year period.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Not applicable.

8. Strategic Priorities:

The recommendations of this report support the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.

This report is in a fully accessible format, which addresses the Town’s strategic priority of accessibility.

The proposed extension of a temporary use within an existing industrial building implements the Town’s strategic priority of sustainability.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Existing Site Plan

Attachment #4: Excerpt from Zoning By-law # 2585