

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-052**

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**Meeting Date:** November 4, 2020

### **Public Meeting**

**Title:** Zoning By-law Amendment for Liquidation Sales

**Description:** To incorporate a definition for Liquidation Sales into all 18 of the City's Zoning By-laws.

**Ward Number:** All

**Author and Title:** Jonathan Derworiz, Planner II, MCIP, RPP

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### **Recommendations:**

**That** Report PLAN2020-052, **Zoning By-law Amendment for Liquidation Sales**, be received; and

**That** Report PLAN2020-052, **Zoning By-law Amendment for Liquidation Sales**, be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

For a more thorough summary of the background to the Liquidations Sales issue please refer to the attached November 13, 2018 Council report (Appendix A) which is the Council report that outlines the recommendations of the Liquidation Sales Task Force.

At the November 13, 2018 meeting of City Council, the following recommendation was adopted:

### **CR2018-627**

**Moved By** Councillor Dunn

**Seconded By** Councillor Breadner

**That** Report DEV2018-005, **Liquidation Sales Task Force Recommendations**, be received;

**That staff be instructed to** incorporate an appropriate definition for the regulation of Liquidation Sales into the City's Zoning By-laws to regulate the location of these uses;

**That** staff be instructed to limit the number and duration of liquidation sales events through an amendment to Bylaw 2016-210, a Bylaw to License, Regulate and Govern Transient Trader Businesses in Kawartha Lakes;

**That** the Liquidation Sales Task Force be dissolved, as the mandate to make recommendations regarding regulation of Liquidation Sales in accordance with the executed Minutes of Settlement has been fulfilled; and

**That** the members of the Liquidation Sales Task Force be thanked for their service.

This report addresses the recommendation above.

## **Rationale:**

### **Proposal:**

Staff is proposing to incorporate the following definition into all of the City's Zoning By-laws:

"Liquidation Sale means a special sales event where predominately over production, end of line or other goods are sold at a discounted rate."

The affect of defining Liquidation Sales in all of the City's 18 Zoning By-laws is two-fold. First, by including a definition, the use is formally acknowledged by the City which provides certainty for prospective operators. There is no longer ambiguity with respect to the permission of this use. Secondly, a definition initiates the development of parameters for the subject use. Prior to a use

operating, it must meet the standards prescribed by the Zoning By-law it is contained in.

## **Provincial Policy Conformity**

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Zoning By-law amendment demonstrates conformity with the PPS in the following manner:

Section 1.7 of the PPS prescribes policies for Long-term Economic prosperity for municipalities. A focal point of these statements is ensuring that municipalities are able and ready to provide opportunities for economic development and community investment. The Zoning By-law of a municipality is a key tool in this regard as it regulates what types of uses can operate and the locations which they are able to operate. The proposed Liquidation Sales amendment would incorporate the use definition into all City Zoning By-laws where there currently is not one thus formally acknowledging the use and providing the starting point for regulating the use.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:**

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

As per section 1.2.1. of the Growth Plan, a guiding principle for planning in Ontario is providing flexibility for economic development and new employment opportunities as they emerge while providing certainty for traditional industries, including resource-based sectors. This principle echoes the direction of the PPS and is realized through the proposed amendment. As Liquidation Sales are currently not within the Zoning By-law, and thus not permitted, the proposed amendment would be conducive to providing the economic opportunities outlined by the PPS. Certainty for traditional industries is also maintained as the proposed amendment would inherently remove ambiguity about location of the use.

### **City of Kawartha Lakes Official Plan, 2012:**

The City of Kawartha Lakes Official Plan, 2012 (Official Plan) provides policies and direction on the growth and development of the municipality. While echoing and supporting the policies within Provincial Plans, the Official Plan provides Kawartha Lakes-specific policy direction.

Section 6.1.2 prescribes ways to promote and enhance commercial activities within the City and serve the needs of the residents and tourists. The proposed incorporation of Liquidation Sales into all 18 of the City's Zoning By-laws works to achieve this policy as this commercial activity would then be recognized within the Zoning By-law and certainty around the use is provided. Additionally, promotion of Liquidation Sales can be realized as this use is currently not found widely in the municipality.

### **Zoning By-laws:**

Of the 18 Zoning By-laws to be amended, uses similar to Liquidation Sales are currently mentioned within the Village of Bobcaygeon Comprehensive Zoning By-law 16-78 (Bobcaygeon Zoning By-law) and the Township of Ops Comprehensive Zoning By-law 93-30 (Ops Zoning By-law). Within the Bobcaygeon Zoning By-law, the following definition for 'Junior or Discount Department Store' can be found:

Junior or Discount Department Store means retail use that carries Department Store Type Merchandise but because of its limited space does not carry a full line of such merchandise or carries predominately over production, end of line or other goods that have been discounted.

The proposed amendment borrows language from this definition.

Within the Ops Zoning By-law, the Agricultural Support Exception Zone 8 (AS-8) permits Liquidation Sales, among other uses, under the overarching Fairground and Exhibition use as follows:

Liquidation sales – each sale event shall not exceed three (3) consecutive days and such sale events shall not exceed a total of 12 days in each calendar year.

The proposed amendment aligns with the uses above as described. With regard to balance of the Zoning By-laws, the proposed amendment will not create any situations of non-compliance, therefore it is supported and considered in compliance with the 18 Zoning By-laws.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the decision made by Council.

## **Relationship of Recommendation to the 2020-2023 Strategic Plan:**

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendments demonstrate a response to a recommendation put forward by a business group in an effort to leverage local businesses with those outside of the municipality.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

## **Review of Accessibility Implications of Any Development or Policy:**

Consultations:

Notice of this application was published in the Kawartha Lakes This Week and the Peterborough This Week. Members of the former Liquidation Sales Task Force were also notified of the proposed amendment.

At the time of report writing, the following comments have been received:

### **Public Comments:**

### **Agency Review Comments:**

October 14, 2020: Harry Stoddart, General Manager of the Lindsay Agricultural Society and member of the Liquidation Sales Task Force expressed no issues with the proposed definition.

### **Development Services – Planning Division Comments:**

This proposed amendment generally conforms with the PPS, the Growth Plan, and the Official Plan as it is providing the regulations necessary to facilitate economic development within the City of Kawartha Lakes.

## **Conclusion:**

Staff recommends that this report for the proposed Liquidation Sales Zoning By-law amendment be referred back to staff for further review and consideration until comments from the public meeting have been reviewed.

## **Attachments:**

Appendix 'A' – Report DEV2018-005 – Liquidation Sales Task Force Recommendations



Appendix A.pdf

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**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D06-2020-025