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To: Mayor and Council

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Manager, Planning Services

RE: Zoning By-law Amendment (Corrections) by
Town of Kingsville
380 Inman Side Road and 244B County Road 34 W

Report No.: PS 2021-061

RECOMMENDED ACTION

That Council:

Approve zoning amendment application ZBA/23/2021 to correct the following:

Amend the existing 'Agriculture Exception 52 Zone, (A1-52)' to reduce the lot frontage from 100 m to 50 m and reduce the lot area from 7,000 sq. m to 6,400 sq. m consistent with the actual lot area and frontage;

Amend the Light Industrial Exception 11 Zone, (M1-11) to limit the uses to the existing cabinet manufacturer and establish the associated site-specific zoning regulations for the use.

BACKGROUND

380 Inman Side Road

The subject parcel is 0.696 ha (1.72 ac.) in size and contains a storage shed (Appendix A). At the May 10, 2021 meeting of Council an amendment was approved to permit the standard uses found on a rural residential, Agricultural, A1 parcel. The remaining existing site-specific provisions that were placed on the property in 2012 remained unchanged.

Recently staff were contacted by the property owner's solicitor and advised that the required minimum lot area and lot frontage listed in the former and amended by-law were greater than the actual lot area and lot frontage of the parcel. Because this was an existing lot and because it is not a standard requirement for zoning amendments to complete a survey there was no reason to suspect that there was an issue.

There are two options moving forward; 1) since the lot is existing we could simply consider it as legal non-conforming, or 2) amend the zoning to correct the lot area and lot frontage to reflect what the actual lot area and frontage are. Since the zoning is site-specific option 2 provides better clarity for the owner and any future purchaser should the lot be sold.

244 County Rd 34 W

The subject property contains an existing light industrial building to be used for cabinet manufacturing, and a warehouse building (Appendix B). The property owner was recently granted site plan approval for an addition to the existing light industrial building which includes secondary office and showroom uses. Construction of the addition has started. Staff were contacted by a neighbouring landowner asking about the status of the site plan that was part of a 1990 OMB decision for the expansion of the former die casting shop on the site. The proposed addition that was associated with that 1990 approval was never completed. This in combination with the more recent site plan approval has effectively voided that site plan.

The new site plan does incorporate landscaping along the rear of the abutting residential parcels so screening is addressed consistent with the 1990 approval. A more significant item is the zoning of the property. In 1990 the zoning was approved via OMB order as M1-1 at the front and A1 at the rear. This was completed however when the former Gosfield North, South and Kingsville zoning by-laws were consolidated we believe that the site-specific provisions were not properly carried forward. The M1-1 zoning referred to lands within the new Ruthven industrial park unintentionally permitting a wide variety of uses not originally approved for this site. This issue had been identified in 2017 and the text and physical mapping updated however the electronic mapping had not been updated. Staff reviewing the site plan at the time referred to the M1-1 zoning shown on the electronic mapping and referred to the M1-1 in the text which permitted the existing use. With this issue now known staff are proposing to amend the zoning back to a site-specific limited M1 zone reflective of the OMB decision in 1990 but permitting the cabinet shop rather than a die casting shop.

DISCUSSION

1) Provincial Policy Statement

There are no issue of Provincial significance raised by the proposed zoning amendment to recognize the actual existing lot are and lot frontage at 380 Inman Side Road.

If consideration was being given to a potential zoning amendment on the subject lands at 244B County Road 34 W to consider a non-agricultural use presently it would be unlikely that it would be supported given the limitations of Section 2.3.6.1 for non-agricultural use in prime agricultural areas. Since the lands have been used in the past for a non-agricultural use, out of agricultural production and acquired more value in their current state a shift to a less intensive use can be considered in light of no new impacts.

2) Essex County Official Plan

There are no new issues raised as a result of the lot area and lot frontage correction at 380 Inman Side Road and no additional change in uses is proposed.

Although the use on the site at 244B County Road 34 W was limited to a very specific use, die casting, it falls under a manufacturing use. The change to current use is still considered manufacturing and would be a less intensive manufacturing use with the potential for less compatibility issues.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates 380 Inman Side Road as 'Agriculture'. The proposed regulation update does not change the use and simply more accurately recognizes the existing lot area and frontage.

The lands at 244B County Road 34 W are also designated 'Agriculture' and would be considered as legal conforming under the Official Plan policies. While the long-term intention is for these uses to cease at some point it is also recognized that this may not be practical. The proposed use on the subject lands is still a manufacturing use only less intensive than the former die casting shop. All activities are contained within the buildings on the site and the new addition has a more residential type façade.

4) Town of Kingsville Comprehensive Zoning By-law

The parcel 380 Inman Side Road is currently zoned 'Agriculture Exception 52, (A1-52)'. The approved amendment allowed for uses on the site to be consistent with other rural residential properties, specifically permitting a dwelling which complies with the Minimum Distance Separation requirement from neighbouring livestock. The specific lot area and lot frontage regulations were not reviewed as part of the amendment as they were not what was of concern. It was also unclear, after reviewing the special regulations, why they were necessary and why they were not accurate. Regardless it was clear that this item needed to be addressed to provide the property owner with clarity moving forward. The amendment does not impact the already approved uses on the site nor does it change the lot configuration in any way.

The property at 244B County Road 34W, as noted above, was the subject of an Ontario Municipal Board hearing in 1990 which addressed a request to expand the die cast shop use on the parcel. The zoning at the time, under the former Gosfield North, was split into M1-1 on the front half of the lot with the remaining rear portion staying in the A1 zone. The proposed amendment would update the zoning to the corrected version currently in the text of the by-law M1-11 and would limit the permitted uses to the cabinet manufacturing business currently being established. The lands within the A1 portion would remain unchanged.

LINK TO STRATEGIC PLAN

Support growth of the business community.

Manage growth through sustainable planning.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☒ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

There is no change in assessment resulting from the proposed corrections.

CONSULTATIONS

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. Staff also spoke directly to one of the effective neighbours that was party to the 1990 OMB hearing.

Agency & Administrative Consultation

Both properties were circulated to the applicable agencies as part of recent approvals. The zoning correction are an internal item which raises no new issues of concern not already addressed.

TAC and SMT have reviewed the report and amending by-law. Neither have expressed any concern with the proposed corrections.

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