



Date: November 28, 2022

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: Application for Zoning By-law Amendment
by Peter & Aganetha Penner
1722 Union Avenue
Con 1, E.D. Pt lot 9

Report No.: CADS 2022-24

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA/15/2022 to amend the zoning on the subject parcels from Residential Zone 2 Rural/Urban, "R2.2" to a site-specific Residential Zone 2 Rural/Urban Exception 4, "R2.2-4" to add a contractor's shop and yard as an additional permitted use **BE APPROVED**; and,
2. **By-law 65-2022** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the east side of County Road 45, south of Road 2 East (see location map attached as Appendix A). The subject parcel is designated 'Hamlet' by the Official Plan and is zoned 'Residential Zone 2 Rural/Urban (R2.2)' under the Kingsville Comprehensive Zoning By-law.

The subject land contains a dwelling, shed, and accessory structure. The applicant is proposing a zoning bylaw amendment to allow a change in the use of the accessory structure to allow a contractor shop. This will require amendment to the zoning to add a contractor shop as an additional permitted use.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

The PPS includes policies that settlement areas shall be the focus of growth and development. PPS states that “Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment” (Section 1.1.3.2).

The subject lands are located in the ‘Hamlet’ designation in the Official Plan and are part of the Ruthven settlement area. Employment uses are encouraged subject to policy set out in Section 1.3 of the PPS. The proposed use can be considered consistent with Provincial Policy Statement.

2) Town of Kingsville Official Plan

The subject property is designated ‘Hamlet’ and subject to the policies under Section 3.6.2 of the Official Plan for the Town of Kingsville. Small scale dry light industrial uses are permitted in the ‘Hamlet’ designation.

In the Policies section of the ‘Hamlet’ designation, the following criteria are established for official plan and zoning bylaw amendments:

- i) the proposed use is generally compatible with existing uses in close proximity;

Comment: lots fronting on this section of County Rd 45 (Union Avenue) are a mix of residential and agricultural, with home industries and other dry industrial uses.

- ii) the existing roads can adequately serve the proposed use;

Comment: County Rd 45 (Union Avenue) is hard surfaced and the impact from the proposed use would be minimal.

- iii) the existing services are adequate for the proposed use;

Comment: Municipal water and sanitary sewer service is available.

- iv) the off-street parking is adequate for the proposed use;

Comment: existing hard surfaced driveway and gravel parking are available to serve the development.

- v) the site plan requires adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties;

Comment: the proposed building for the use is existing, and is approximately 85 metres from the front lot line. The site is landscaped similar to other residential parcels along this section of County Rd 45 (Union Avenue) due to the existing residential use.

The proposed rezoning complies with policies in the Official Plan.

3) Comprehensive Zoning By-law

The current zoning for 1722 Union Avenue is 'Residential Zone 2 Rural/Urban (R2.2)'. To the north of the subject property is a parcel zoned R2.2-4 with the permitted use of a contractor's shop, the applicant is requesting the same zoning as this neighbouring parcel.

The proposed rezoning will not permit Outdoor Storage. The definition of Contractor's Shop is as follows:

3.3.31 Contractor's Shop or Yard: *shall mean any land, building or structure used for the purposes of undertaking or managing activities engaged in maintaining and building new structures and includes the offices of general contractors, specialized trades and building maintenance services. Also includes prefabrication of building equipment and materials and wrecking and demolition contractors' offices but does not include salvage yards.*

The existing accessory structure at the rear of the parcel is being used as a contractor's shop, therefore it is more appropriate to establish the zoning for 1722 Union Avenue to 'Residential Zone 2 Rural/Urban (R2.2-4)' which reflects the current use on the site.

FINANCIAL CONSIDERATIONS

There may be an increase in assessment with the addition of the permitted use in the existing building.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

Public 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.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

Town of Kingsville Technical Advisory Committee

There is no technical objection to the proposed zoning amendment.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



Richard Wyma, CSLA
Director of Community and Development Services

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