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To: Mayor and Council

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Manager, Planning Services

RE: Housekeeping Amendment to Comprehensive Zoning By-law
Amendment of Existing Zoning on Property Located at
32 Prince Albert St. S.
109, 124, 129 & 194 Division St. N.
115 Main St. E.
122 to 148 Lansdowne Ave.

Report No.: PDS 2017-045

AIM

To provide the Mayor and Council with information regarding a necessary housekeeping amendment to correct a zoning error as a result of the consolidation of the former Gosfield South, Gosfield North and Town of Kingsville by-laws.

BACKGROUND

In April of 2014 Council approved a new consolidated comprehensive zoning by-law (1-2014). This was a common exercise being carried out across Ontario as a result of the amalgamation process of the late 1990's. In February 2016 a housekeeping amendment of the new consolidated zoning by-law was approved in order to correct a number of issues and errors which had been identified between April of 2014 and January of 2016. At that time it was identified that although the review of the by-law was comprehensive in nature that as the by-law continued to be used that other errors may come to light and have to be addressed. In order to provide the ability to keep the by-law accurate and up-to-date the housekeeping amendment incorporated a technical amendment provision that would permit staff to make minor corrections and address issues that were clearly identifiable errors in the transfer of information from the former by-law to the new consolidated version. Council approved the inclusion of this provision based on staff providing an update on corrections that were made.

DISCUSSION

The technical amendment provision has not been widely used or necessary up to this point with the exception of some spelling corrections and the occasional mapping error being addressed. As stated at the time of the housekeeping amendment the only way that errors in the by-law are often found is through day-to-day use.

As the result of an application for consent being filed in July of 2017 one such errors was found. Property at 194 Division St. N., which contains an existing apartment building, was reviewed and the zoning was noted as R3.1. When reviewing the permitted uses, apartment was not included in the permitted uses list. This resulted in further investigation that found that the zoning on the property under the former Kingsville Zoning By-law 6-1987 was R3 which listed apartment, multiple dwellings, rest/nursing homes and accessory uses as permitted. The property file was also reviewed and an apartment building was clearly listed as a permitted use. The current zoning by-law was then reviewed and it was noted that the appropriate zoning for the property should have been R4.1 which did permit an apartment building. The resultant conclusion was that a transposition error had occurred from the former Kingsville Zoning By-law 6-1987 to the current By-law (1-2014) and a technical amendment was undertaken.

However, during additional discussions with the surrounding property owners of 194 Division St. N. it was pointed out that 194 would then be the only property in Kingsville with an R4.1 zone. This initiated additional review of the by-law as staff was aware that there were several properties in Kingsville that also contained apartment dwellings. Several of the properties are located in site-specific R3.1 zones which outline specific provisions however a total of seven properties including 194 Division were within the standard R3.1 which, as noted above, does not permit an apartment. With this information in hand it then became very clear that during the transition from the former Kingsville Zoning By-law to the current Kingsville By-law that the properties zoned R3 had been placed in the R3.1 of the new by-law with no regard for the fact that the new R3.1 did not permit an apartment building that was clearly permitted in the former R3 zone. (See Appendix A for original and current zoning detail) As a result a comprehensive housekeeping amendment was instigated to correct the zoning on each of these properties.

Provincial Policy Statement/County Official Plan/Kingsville Official Plan

There are no issues raised as a result of the housekeeping amendment

Zoning By-law

All of the subject properties with the exception of the 194 Division St. N., will be rezoned through individual amendments from their current Residential Zone 3 Urban '(R3.1)' to a site specific Residential Zone 4 Exception 3 '(R4.1-3)' which will restore the uses permitted under the former R3 of the former Kingsville Zoning By-law. The property at 194 Division St. N. will also be placed into a site-specific Residential Zone 4 Urban Exception 4 '(R4.1-4)' to address the same use issue but will also address a lot frontage issue raised as part of the consent application presented to the Committee of Adjustment on October 17, 2017.

LINK TO STRATEGIC PLAN

There no direct link to the Strategic Plan.

FINANCIAL CONSIDERATIONS

The housekeeping amendment required notice to affected residents within 120 m of each property. The only cost is for the notice of public meeting and notice of passing circulations which is covered by the existing budget for advertising in Planning Service.

CONSULTATIONS

Management was advised of the required change. No concerns have been expressed.

Public Consultation

All property owners within 120 m of the affected properties were circulated as per the Planning Act requirement. The notice was also posted in the Kingsville Reporter.

RECOMMENDATION

It is recommended that Council approve zoning amendment application ZBA/21/17 to:

to rezone property located at 122 to 148 Lansdowne Ave. from 'Residential Zone 3 Urban (R3.1)' to 'Residential Zone 4 Urban Exception 3 (R4.1-3)' and adopt the implementing by-law.

to rezone property located at 115 Main St. E., from 'Residential Zone 3 Urban (R3.1)' to 'Residential Zone 4 Urban Exception 3 (R4.1-3)' and adopt the implementing by-law.

to rezone property located at 32 Prince Albert St. S. from 'Residential Zone 3 Urban (R3.1)' to Residential Zone 4 Urban Exception 3 (R4.1-3)' and adopt the implementing by-law.

to rezone property located at 109 & 129 Division St. N. from 'Residential Zone 3 Urban (R3.1)' to Residential Zone 4 Urban Exception 3 (R4.1-3)' and adopt the implementing by-law.

to rezone property located at 124 Division St. N. from 'Residential Zone 3 Urban (R3.1)' to Residential Zone 4 Urban Exception 3 (R4.1-3)' and adopt the implementing by-law.

to rezone property located at 194 Division St. N. from 'Residential Zone 3 Urban (R3.1)' to Residential Zone 4 Urban Exception 4 (R4.1-4)' and adopt the implementing by-law.

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