

**THE TOWN OF FORT FRANCES**  
**Planning Report**

Planning and Development Division

To: Mayor Avis and Council

From: N. Faye Flatt, AMCT, ACST, CPT  
Municipal Planner

Date: 10 July 2013

Re: Zoning Amendment 8/98-YY - Community Garden (Lillie Avenue @ Elizabeth St. W.)

Planner's Report 2013-17



**A. PURPOSE OF REPORT**

The purpose of this report is to provide information on a proposed Zoning By-Law amendment site specific for town owned property located on Lillie Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets that would add a community garden as a permitted use in addition to providing relief from sections 3.2.1 and 4.2.2.(iii)(a) to permit an accessory building, structure or use where a principal building, structure or use does not exist, and reduce the minimum front yard setback from 7.5 metres to 3.657 metres, respectively.

**B. BACKGROUND AND SITE INFORMATION:**

The subject property is located on Lillie Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets and is part of Block K on Plan SM-140 together with a portion of unopened Elizabeth Street West with access from Lillie Avenue as illustrated on Appendix "A" attached.

This property is owned by the municipality and was the subject of a Temporary Use By-Law (8/98-NN) which was enacted in August of 2010 as a "pre-zoning" to permit the use of the property for the noted purpose while ensuring the Town maintained control and was able to take appropriate action should any adverse affects arise. In the last 3 years there have been no issues noted and no objections received that could not easily be rectified.

Existing land use and zoning (See Appendix "A" )

	Existing Land use	Existing Zoning
Subject Lands	Vacant Residential	R2 - Residential Type Two
North	Single Family Residential	R2 - Residential Type Two
South	Single Family Residential	R2 - Residential Type Two
East	Recreation (playground)	OS - Open Space
West	Single Family Residential	R2 - Residential Type Two

**C. OFFICIAL PLAN:**

The subject lands are designated as Living Area. This proposal does not conflict with the policies of the Official Plan.

**D. ZONING:**

The subject lands are located in the R2 - Residential Type Two zone in Zoning By-Law #8/98. Although the proposed use can be considered a normal part of residential living, because of the size of the area proposed for use, it could also be considered an agricultural use, which is not permitted in a residential zone. This amendment is being processed to ensure consistency in application of regulations. It is noted, however, that the Town is in the process of updating its



current Zoning By-Law (8/98) and with the trend moving toward healthy lifestyles and cleaner living, community gardens becoming more popular, provisions for community gardens are contemplated for inclusion in the new by-law.

E. PROVINCIAL PLANS/INTERESTS:

The Planning Act requires that zoning amendments be consistent with identified provincial interests. This proposal appears to support and be consistent with the policies and direction of provincial interests contained in the Provincial Policy Statements and the Northern Growth Plan in regards to building strong, livable and healthy communities by promoting the health, activity and social well-being of residential areas.

F. COMMENTS – CIRCULATED DEPARTMENTS/AGENCY/OTHERS:

The proposed amendment was circulated for comment to manager/supervisor of each division for dissemination to appropriate staff and as well to the Fort Frances Power Corporation. There were no concerns noted as a result of circulation.

The Committee of Adjustment also considered the proposed amendment as that committee acts in an advisory role to Council on planning matters. This committee did not hold a formal meeting as members expressed to this writer by email that the matter had been thoroughly considered in 2010 and required no additional review.

G. RECOMMENDATION:

From a planning, servicing and community perspective as well as the educational, economic, environmental, cultural and health benefits of the project, it is recommended that the application as proposed, be approved; and further that the practice of having a waiver signed by or on behalf of all individuals participating continue as previously established.

This issue was considered at the Planning and Development Executive Committee meeting on July 15, 2013 and the above recommendation above supported.

Respectfully submitted  
Planning and Development Division



N. Faye Flatt, AMCT, ACST, CPT  
Municipal Planner

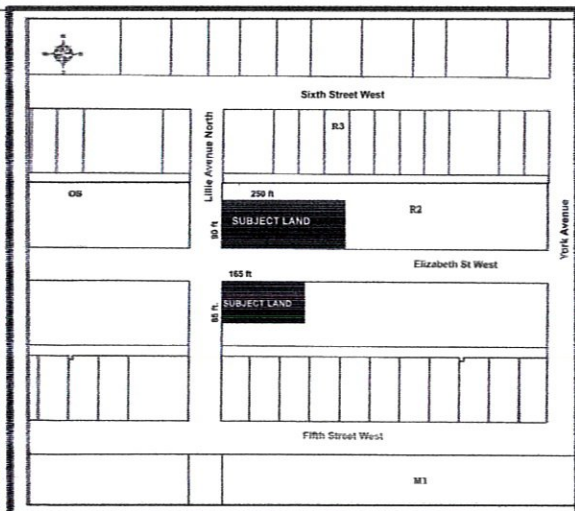
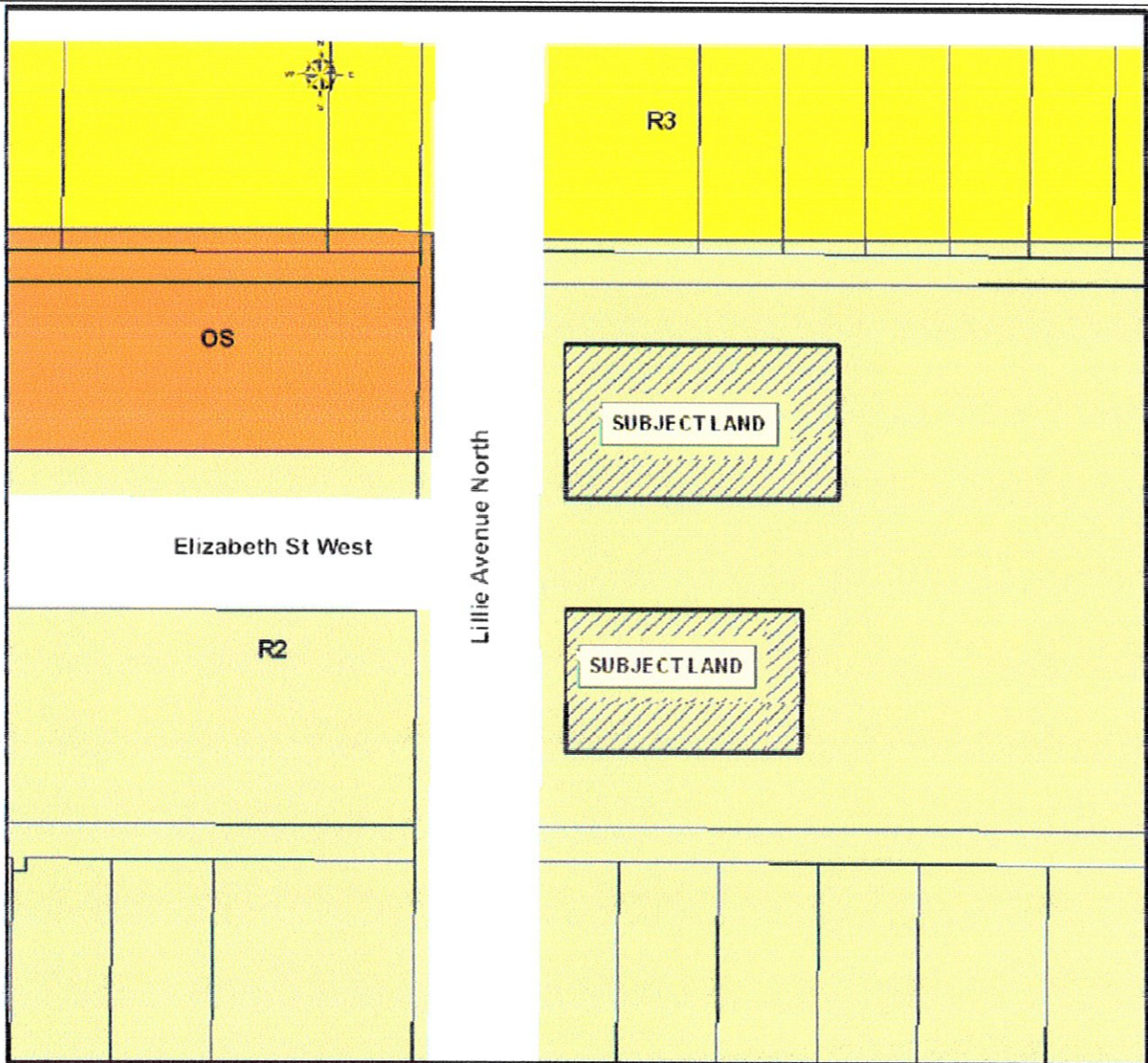
Att' d.

<p><b>COUNCIL APPROVAL OF THIS REPORT WILL:</b> Direct an appropriate by-law be prepared to amend the zoning of the subject land to give effect to the proposed use as a Community Garden, for execution by the Mayor and Clerk.</p>
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# Planning Report

Planning and Development Division



Subject Property:  
Elizabeth St. W. at Lillie  
Avenue

## Legend

- M1- Light Industrial
- OS - Open Space
- R2 - Residential Type Two
- R3 - Residential Type Three



File No.  
ZBLA - 8-98-YY

Date  
10 July 2013

Prepared By:  
Municipal Planner  
N. F. Flatt

Map Not to Scale

APPENDIX " A "