

Report

TOWN OF FORT FRANCES
PLANNING & DEVELOPMENT DIVISION
REPORT 2015-19

To: Mayor and Council
From: Faye Flatt, Municipal Planner
Date: 19 October 2015
Subject: 1229 King's Highway

Correspondence from Shanda DeGagne-Begin regarding the zoning of the above property was received by Council at its meeting October 13th and referred to the Planning and Development Executive Committee (PDEC). A copy of her letter is attached for reference.

The PDEC was advised that shortly after the property was created in 1988, an amendment to the official plan and to the zoning by-law were approved (assumed to be conditions of consent approval). A by-law designating the property as site plan control area was also enacted by council at the same time. Since then (27 years) the property has remained vacant and advertised for sale as Commercial Property (see attached). In February 2014 the zoning was changed to "Enterprise" with the enactment of Zoning By-Law #3/14.

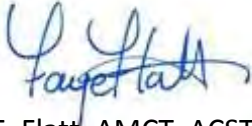
For the benefit of PDEC, an overview of the legislated options for public notification process was also provided. If a municipality chose to send letters to neighbours within a specific area, the property also had to be posted and for this reason, it has been the practice for more than 12 years publish the notice in the edition of the local newspaper that is distributed to every household in the municipality whether or not they subscribe. In addition, when a zoning by-law is being updated, it is not feasible to evaluate and send a letter to every individual property where a change is proposed.

When the Town updated its Zoning By-Law in February 2014, there were properties identified to be changed for one reason or another, however this property was not one of them but because this property is located in a predominantly commercial area and advertised for sale as commercial property, it is possible that the planning consultant thought the property more appropriate zoned commercial.

The committee recognized that the requirements for zoning amendments is legislated and has changed since 1988 but also understood how the property owner may have felt disadvantaged by the zoning update process and change to this property. To that end, PDEC felt that waiving the application fee was the right thing to do if the property owner chose to proceed with a rezoning application. The committee also felt that a deadline of a year and a half was reasonable. This would also ensure the matter was dealt with during the current term of council.

Based on the foregoing, the Planning and Development Executive Committee recommend that the property owner be advised of the requirements to rezone the property, that council will consider a zoning amendment to accommodate multi-residential use should an application be filed, and that if that application is filed within 1 ½ years, the requisite fee be waived.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Faye Flatt', is written over a light blue circular stamp.

F. Flatt, AMCT, ACST, CPT

Municipal Planner

Enc.

COUNCIL APPROVAL OF THIS REPORT WILL: Waive the required fee for a zoning amendment application for the property known as 1229 King's Highway, provided said application is submitted within 1½ years this approval.