

# MUNICIPALITY OF LEAMINGTON AGENDA



## PUBLIC MEETING

Zoning By-law Amendment  
Various Housekeeping Matters -  
Mapping

MONDAY, FEBRUARY 8, 2010  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS

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### ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting.  
Pages 2-6
2. Report PLA 37/09 dated January 6, 2010 re: Zoning By-law Amendment - Housekeeping Matters - Mapping Changes  
(Previously considered at the January 11, 2010 Council Meeting)  
Pages 7-10

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THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON  
NOTICE OF PUBLIC MEETING  
ZONING BY-LAW AMENDMENT  
(Various Housekeeping Matters - Mapping)

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**TAKE NOTICE** that the Council of the Corporation of the Municipality of Leamington will hold a public meeting concerning 3 proposed zoning by-law amendments under the provisions of the Planning Act, R.S.O. 1990 on **Monday, February 8<sup>th</sup>, 2010 at 7:00 pm** in the Council Chambers at the Municipal Building.

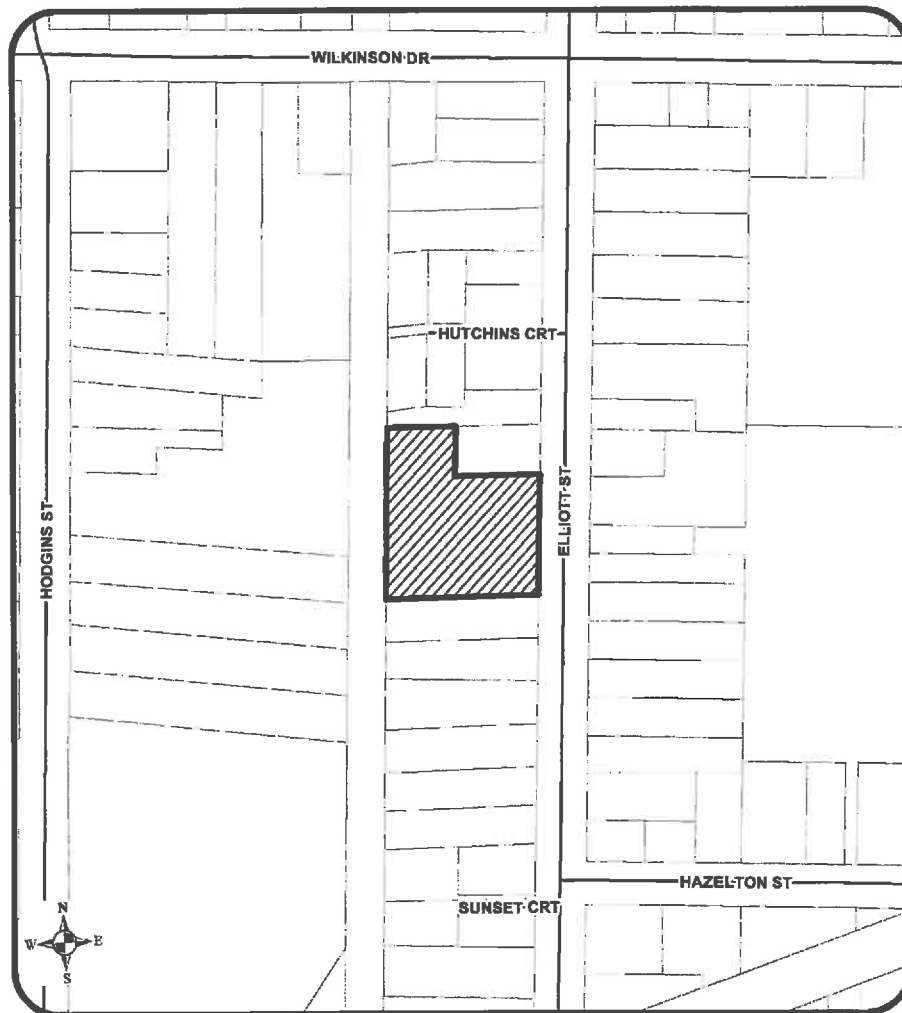
Since the passage of the Municipality of Leamington Zoning By-law 890-09, it has come to the attention of Administration that the zoning shown on map Schedule "A" for 3 properties within the Municipality of Leamington has been incorrectly shown and does not reflect the existing use of the subject properties.


Schedule "A" of the Zoning By-law depicts the location of properties in the Municipality of Leamington and illustrates the zone for which they are regulated within the text.

The 3 changes include the following:

**Property #1 - 96 Elliott Street**

The subject property is currently used as a church for the Leamington Christian Centre (see key map below). The property is described as PLAN 197 PT LOT 30. The former Town of Leamington Zoning By-law 4300-96 zoned the property as I - Institutional on Map 1. The new Leamington Zoning By-law 890-09 zoned the property as R1 - Residential on Map 35. It is requested that the lands be changed from R1 - Residential to I - Institutional. The property is designated as Residential on Schedule "A-6B" of the Leamington Official Plan, 2008.



**Legend**  
 SUBJECT LANDS

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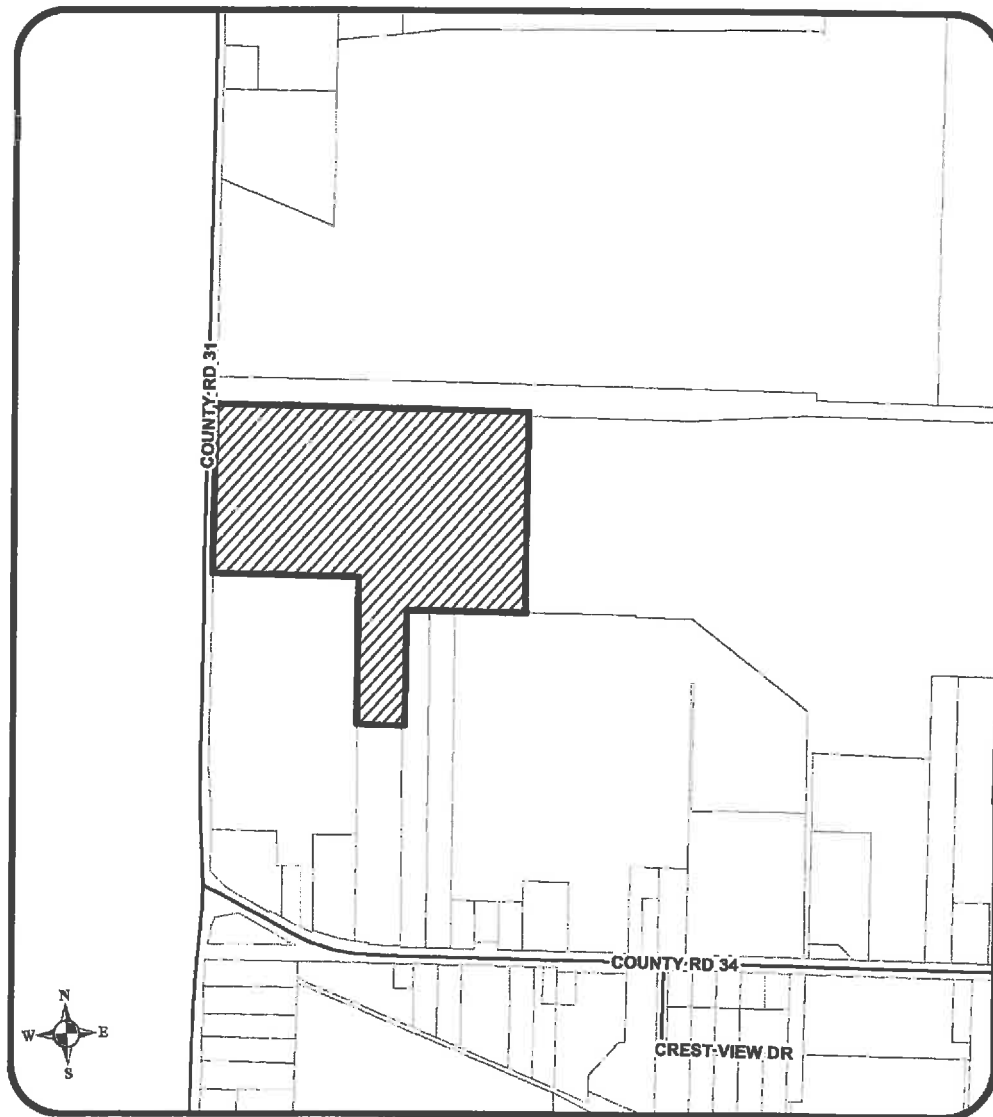
THIS IS NOT A LEGAL PLAN OF SURVEY & IS NOT TO SCALE.


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Provided by the: Municipality of Leamington Engineering Department - GIS Services  
38 Erie Street North, Leamington, Ontario N8H 2Z3  
TEL: (519) 326-5761 FAX: (519) 326-2481

**Property #2 - 230 Essex Road 31**

The subject property is currently used a warehouse for the Sun Parlour Greenhouse Growers Co-op Ltd (see key map below). The property is described as CON 2 S PT LOT 1. The former Township of Mersea Zoning By-law 4380 zoned the property as C4 - Commercial Industrial on Map 18. The new Leamington Zoning By-law 890-09 zoned the property as A4 - Agricultural Extractive on Map 34. It is requested that the lands be changed from A4 - Agricultural Extractive to C4 - Commercial Industrial. The property is designated as Industrial on Schedule "A-6A" of the Leamington Official Plan, 2008.



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**Property #3 - 205 Talbot Street West (Essex Road 34)**

The subject property is currently used a commercial use with a house (see key map below). The property is described as CON 2 S PT LOT 4. The former Township of Mersea Zoning By-law 4380 zoned the property as C2 - Highway Commercial on Map 18. The new Leamington Zoning By-law 890-09 zoned the property as A3 - Agricultural Hobby Farm on Map 34. It is requested that the lands be changed from A3 - Agricultural Hobby Farm to C2 - Commercial Highway. The property is designated as Western Commercial District along the south of the property and Agricultural along the north of the property located on Schedule "A-6B" of the Leamington Official Plan, 2008.



**Legend**  
 SUBJECT LAND

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**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.

If a person or public body that files an appeal to a decision of the Municipality of Leamington in respect of the proposed zoning by-law amendment does not make oral submission at a public meeting or make written submissions to the Municipality before the proposed by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Municipal Office for the Corporation of the Municipality of Leamington, 38 Erie Street North, during regular office hours. Please contact Tracey Pillon-Abbs, Manager of Planning Services, for further information.

**DATED** at the Municipality of Leamington this 20<sup>th</sup> day of January 2010.

**BRIAN R. SWEET, CLERK  
MUNICIPALITY OF LEAMINGTON  
38 ERIE STREET NORTH  
LEAMINGTON, ONTARIO N8H 2Z3  
TELEPHONE: (519) 326-5761**

## REPORT

**TO:** MAYOR AND MEMBERS OF COUNCIL  
**FROM:** TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES  
**DATE:** JANUARY 6, 2010  
**SUBJECT:** ZONING BY-LAW AMENDMENT  
HOUSEKEEPING MATTERS  
MAPPING CHANGES

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### AIM:

To report upon a request to schedule the required public meeting to consider three proposed housekeeping matters to the Municipality of Leamington Zoning By-law 890-09 for the mapping of various properties.

### BACKGROUND:

#### Purpose of Application:

Since the passage of the Municipality of Leamington Zoning By-law 890-09, it has come to the attention of Administration that the zoning shown on map Schedule "A" for three properties within the Municipality of Leamington has been incorrectly shown and does not reflect the existing use of the subject properties.

Schedule "A" of the Zoning By-law depicts the location of properties in the Municipality of Leamington and illustrates the zone for which they are regulated within the text.

Municipalities have a comprehensive zoning by-law that divides the municipality into different land use zones, with detailed maps. The by-law specifies the permitted uses (e.g. commercial or residential) and the required standards (e.g. building size and location) in each zone.

A zoning by-law controls the use of land in your community. It states exactly:

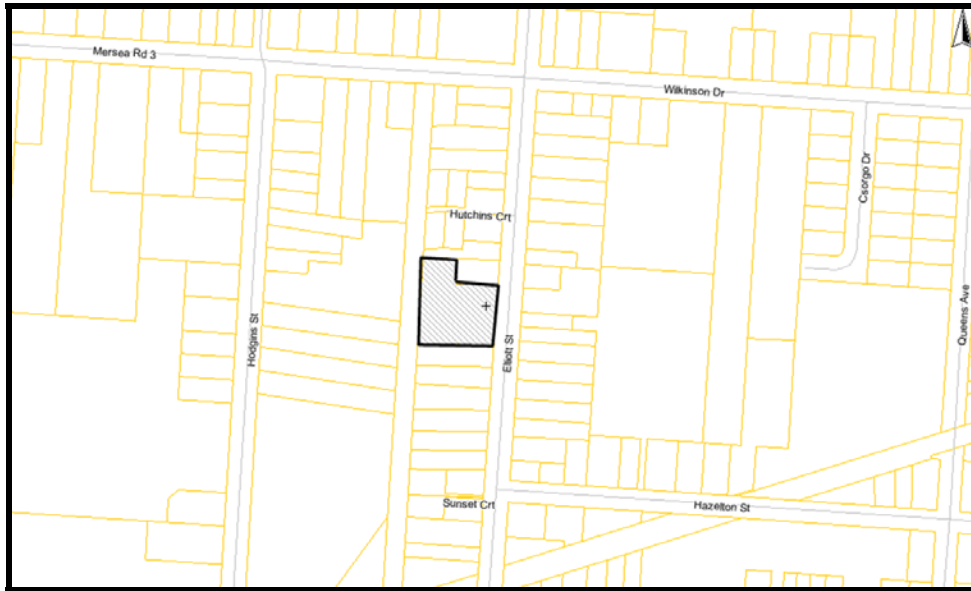
- how land may be used
- where buildings and other structures can be located
- the types of buildings that are permitted and how they may be used
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

The following summarizes the details of the three properties that require mapping changes.

#### Property #1 - 96 Elliott Street

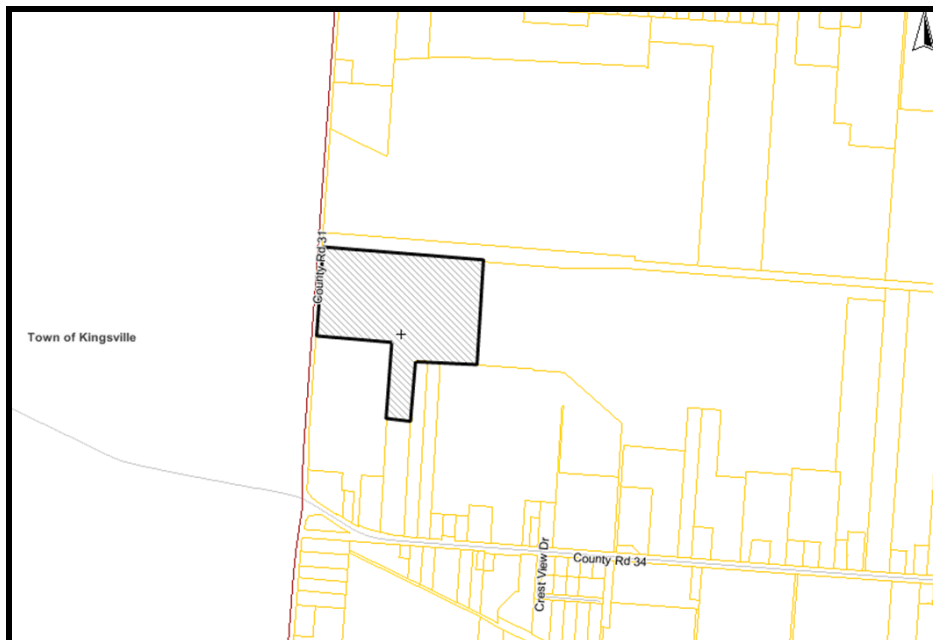
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requested that the lands be changed from R1 - Residential to I - Institutional. The property is designated as Residential on Schedule "A-6B" of the Leamington Official Plan, 2008.



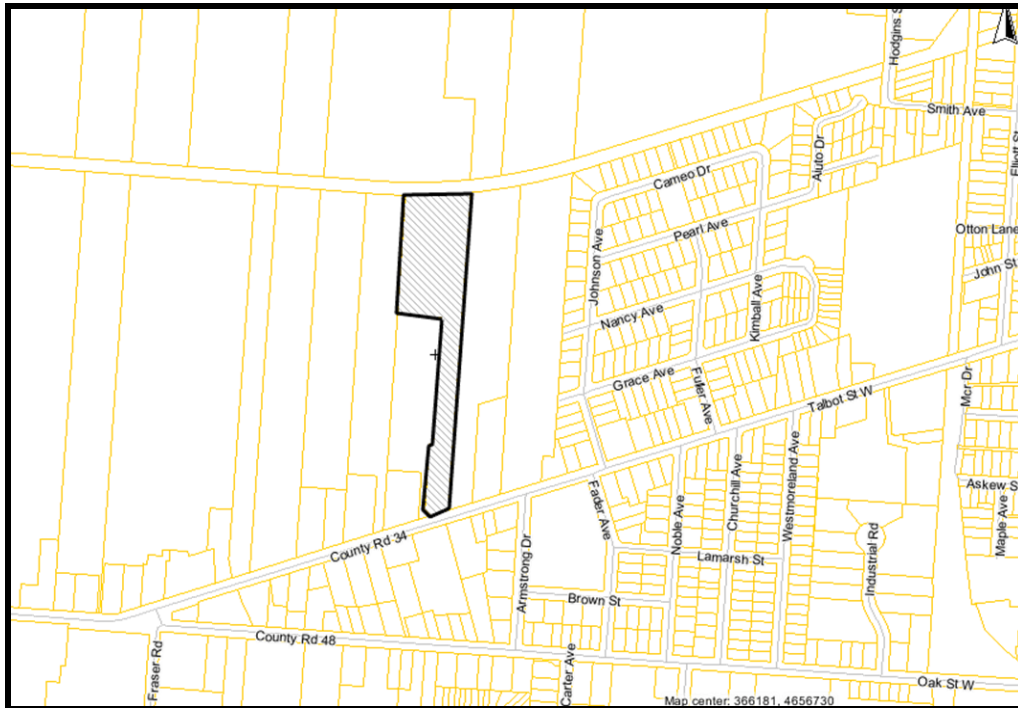
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**Property #3 - 205 Talbot Street West (Essex Road 34)**

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**COMMENTS AND ANALYSIS:**

Housekeeping amendments were previously done once every few years, and the list of required amendments were sometimes substantial. Administration intends to bring housekeeping amendments to Council on a more regular basis to keep the Zoning By-law current, relevant and manageable.

The three subject properties have been rezoned incorrectly when the mapping was being converted from hard copies to the new Geographic Information System (GIS).

**CONSULTATION:**

Administration has completed their review of the proposed housekeeping amendments as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

**CONCLUSION:**

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, February 8, 2010 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted in the Leamington Post. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will be presented to Council after the public meeting. Once a decision for Zoning By-Law Amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

**RECOMMENDATION:**

THAT Council declare that the housekeeping amendments were reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider three proposed housekeeping matters to the Municipality of Leamington Zoning By-law 890-09 for the mapping of various properties, as outlined in Report PLA 37/09;

AND that Administration be directed to schedule the required public meeting for Monday, February 8, 2010 at 7:00 pm.

Respectfully submitted,

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Tracey Pillon-Abbs,  
Manager of Planning Services

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Douglas E. Morrish,  
Director of Development Services

/tpa