



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING**

AGENDA

**Electronic Meeting
Public Participation via Livestream
<https://www.amherstburg.ca/livestream>**

Monday, May 10, 2021

5:00 PM

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Pages

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

4. SPECIAL PLANNING REPORTS

4.1. Zoning By-law Amendment for W/S Crystal Bay Drive

3

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for W/S Crystal Bay Drive (File ZBA/11/21), Zoning By-law 2021-032 **BE RECEIVED** and **SUMMARIZED** in a future report.

5. ADJOURNMENT

That Council adjourn Special session at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING AND DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for W/S Crystal Bay Drive

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public with respect to Zoning By-law Amendment for W/S Crystal Bay Drive (File ZBA/11/21), Zoning By-law 2021-032 BE RECEIVED and SUMMARIZED in a future report.

2. BACKGROUND:

The Town is in receipt of an application for Zoning By-law Amendments to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, from Boblo Developments Inc. The subject lands affected by the proposed amendment are located on the North end of Boblo Island and described as Part of Bois Blanc Island North End. The lands are designated Recreational Special Policy Area 6 in the Town's Official Plan. The specific parcels are identified in Figure 1 and are currently vacant lands. Please refer to Figure 1 for an outline of the affected parcels.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT (2021-032) located on the west side of the island change from RE to RR/RC will be to allow for Resort Residential/Resort Commercial uses on the subject properties. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan and the Provincial Policy Statement. The lands are designated Special Policy Area 6, Recreational Development in the Town's Official Plan. The total area subject to the rezoning is 2 acres ±.

The application for the Zoning By-law Amendment located on the interior part of Boblo north end change from RR/RC to EP has been deferred by the applicant at this time.



Figure 1: Aerial of Subject Lands

2. DISCUSSION:

The Zoning amendment on the subject lands located to the west of Crystal Bay would change the zoning for the subject lands from the “Recreation (RE) Zone” to “Resort Residential/Resort Commercial (RR/RC) Zone” to allow for Resort Residential/Resort Commercial uses on the subject properties. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan, which permit residential/commercial uses on the island. The lands are designated Special Policy Area 6, Recreational Development in the Town’s Official Plan. The total area subject to the rezoning is 2 acres ±.

The applicant proposes to develop the lots on the West side to four single unit dwellings, with frontage on Crystal Bay Drive. An application for Consent will be required.

The proposed Zoning By-law Amendment appears to be in conformity with the Provincial Policy Statement 2020 (PPS). The proposed lots are located within a settlement area.

Section 1.1.3.1 of the PPS states:

Settlement areas shall be the focus of growth and development.

Section 1.1.3.6 of the PPS states:

New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The subject property is located adjacent to existing single unit dwellings and will be able to be serviced with existing roads and connect to municipal services.

The proposed Zoning By-law Amendment appears to be consistent with the policies in the County of Essex's Official Plan. The subject property is located within a primary settlement area. Section 3.2.4 of the County Official Plan states:

d) All new development within Primary Settlement Areas shall only occur on full municipal services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

The proposed Zoning By-law Amendment is consistent with the policies in the Town of Amherstburg Official Plan. The lands are designated Recreational Special Policy Area 6 in the Town's Official Plan which allow for single detached dwelling residential uses.

Section 4.3.7 of the Official Plan states:

It is anticipated that the residential component of development will take the form of a combination of dwelling types ranging from single detached dwellings to multi-family dwellings. Subject to the servicing capabilities, approximately 1800 units are anticipated as part of the development as well as commercial and recreational uses to serve the residents of the island.

4. RISK ANALYSIS:

The public meeting is the initial step in the planning process to hear public and agency comments regarding the proposed use of the lands to determine if any concerns are raised.

5. FINANCIAL MATTERS:

The cost associated with the application and planning process are the responsibility of the developer.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

ERCA has stated that:

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Our office has reviewed the proposal and has no concerns relating to stormwater management.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment.

The proponents have consulted with MECP. MECP has stated that:

Based on our review of the project documentation and information that has been provided, it is likely that neither sections 9 nor 10 of the ESA will be contravened for Butler’s Gartersnake and/or Eastern Foxsnake and therefore authorization is not required for the following lots:

- *Two lots west of Crystal Bay Dr, as indicated in Schedule C (attached)*

- One lot immediately east of Crystal Bay Drive, as indicated in Schedule C (attached)
- One lot on the north-east corner of the Island, east of Gold Coast Drive, as indicated in Schedule C (attached)
- Twelve lots east of Gold Coast Drive (indicated in brown on the second attachment)

The lots requested to be developed west of Gold Coast Drive (central part of the north-end section of the Island), have been categorized as habitat that has a low tolerance to alteration for Eastern Foxsnake (Figure 1, attached). As such, this area will require a permit under the ESA and will remain part of the overall benefit permit that is currently under development (SW-C-004-19).

Public Works Department has stated that:

In general, Public Works does not have any issues with the proposed Zoning By-law Amendment.

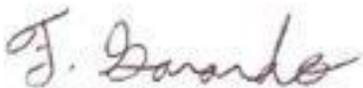
With regards to the stormwater, any addition of hard surfaces, including driveways, will increase the surface run-off into the receiving storm sewer system. In this case, the storm sewer system includes roadside grassy swales and driveway culverts, graded towards an existing piped outlet to the River. While Public Works feels that these effects are minimal as a result of the expected development described under this ZBA, they can be compounded over time as the area of hard surface is incrementally increased. That notwithstanding, Public Works also believes that the small amount additional run-off generated from the RE to RR/RC amendment will be more than balanced by the reduction in run-off from the RR/RC to EP amendment.

The Fire Department and Windsor Police Service identified no objection to the application.

Amy Farkas of Dillon Consulting Limited was consulted on this application.

7. CONCLUSION:

It is recommended that comments received at this public meeting be summarized into a report and brought back for Council's information and consideration at an upcoming Council meeting.



Frank Garardo
Manager of Planning Services

AF

DEPARTMENTS/OTHERS CONSULTED:

**Name: Essex Region Conservation Authority
Phone #: 519 776-5209**

**Name: Town of Amherstburg Engineering and Public Works Department
Phone #: 519 736-3664 ext. 2313**

**Name: Town of Amherstburg Building Division
Phone #: 519 736-5408 ext. 2136**

**Name: Town of Amherstburg Fire Department
Phone #: 519 736-0012 ext. 2231**

Name: Windsor Police Service

**Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com**

**Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com**

**Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481**

**Name: Greater Essex County District School Board
Phone #: 519 255-3200**

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for W/S Crystal Bay Drive
Attachments:	Statutory Public Meeting to Consider a Zoning By-law Amendment for W/S Crystal Bay Drive - ATTACHMENTS
Final Approval Date:	May 5, 2021

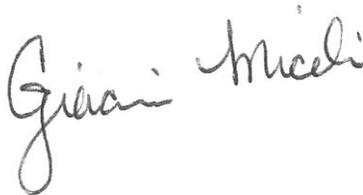
This report and all of its attachments were approved and signed as outlined below:



Nicole Rubli



Cheryl Horrobin



John Miceli



Paula Parker

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, May 10, 2021 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Bois Blanc Island north end. The property is vacant maintained property. (see key map below)

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the “**Recreation (RE) Zone**” to “**Resort Residential/Resort Commercial (RR/RC) Zone**” and “**Resort Residential/Resort Commercial (RR/RC) Zone**” to “**Environmental Protection (EP) Zone**”.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT change from RE to RR/RC will be to allow for Resort Residential/Resort Commercial uses on the subject properties. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan and the Provincial Policy Statement. The lands are designated Special Policy Area 6, Recreational Development in the Town’s Official Plan. The total area subject to the rezoning is 2.43 acres ±.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT change from RR/RC to EP will be for conservation purposes. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan and the Provincial Policy Statement. The lands are designated Special Policy Area 6, Recreational Development in the Town’s Official Plan. The total area subject to the rezoning is 18 acres ±.

COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the Town of Amherstburg under the provisions of Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, respectively) Town of Amherstburg Council is holding electronic meetings, and in-person meeting attendance is restricted. Any person, who wishes to make representation is required to do so in writing.

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planning division at planning@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, May 6, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, May 6, 2021. To register for electronic participation please email the Deputy Clerk at fowkes@amherstburg.ca. Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

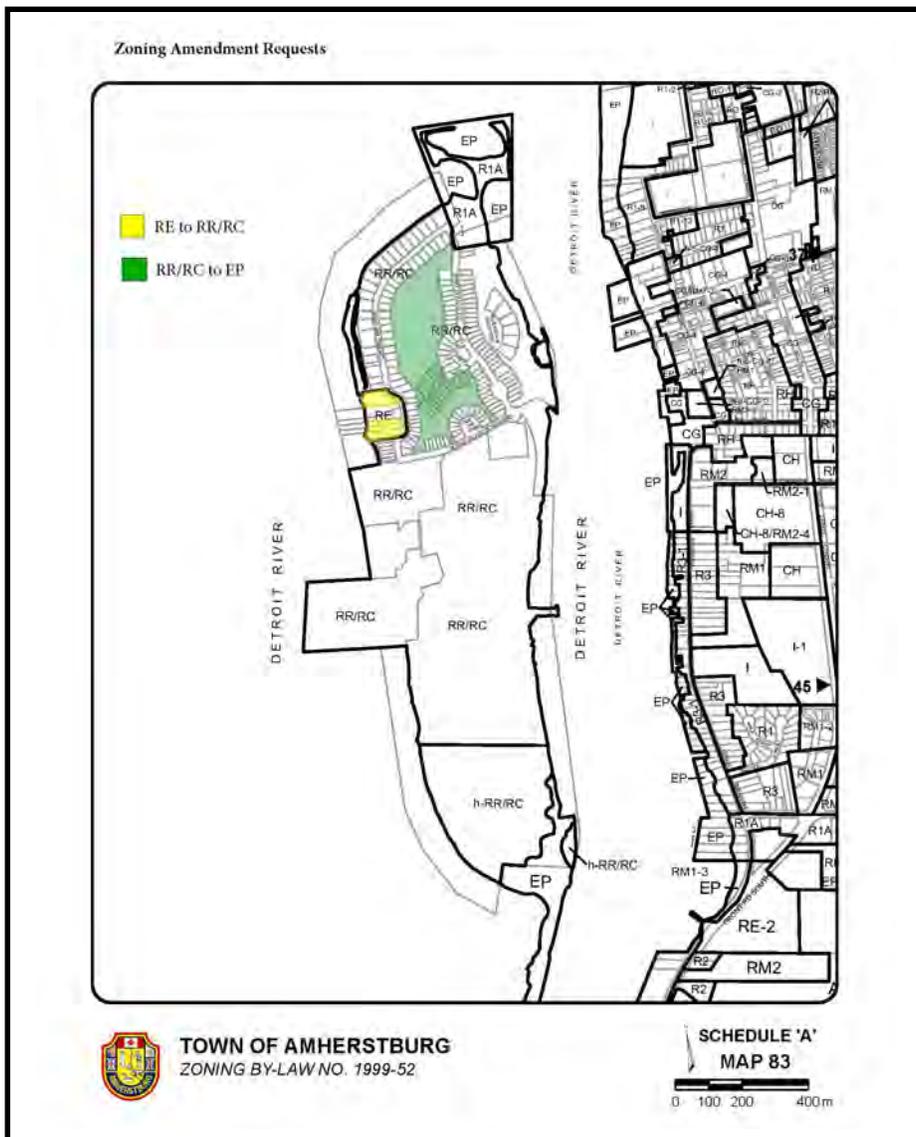
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk’s Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/11/21) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 19th day of April, 2021.

KEY MAP



Frank Garardo, MCIP, RPP
 Manager of Planning Services

Town of Amherstburg
 Libro Centre
 3295 Meloche Road
 Amherstburg, Ontario N9V 2Y8
 Telephone: (519) 736-5408
 Fax No. (519) 736-9859
 Website: www.amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Application No. ZBA/11/21

**FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG**

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality April 5, 2021
- 3. Date application deemed complete by municipality April 16, 2020
- 4. Name of registered owner Boblo Developments Inc.

Telephone number [REDACTED]
 Address [REDACTED]
 Email [REDACTED]

Name of registered owner's solicitor or authorized agent (if any) Cindy Prince

Telephone number [REDACTED]
 Address _____
 Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner solicitor agent

- 5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

N/A

- 6. Location and description of subject land: Boblo Island (see attached drawing)

Concession No. _____ Lot(s) No. _____
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. _____ Part(s) No. _____
 Street Address _____ Assessment Roll No. _____

- 7. Size of subject parcel:

Frontage _____ Depth _____ Area _____

- 8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Road Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

- 9. (a) Current Official Plan Land Use designation of subject land Recreational Development
- (b) Explanation of how application conforms to the Official Plan: Proposed rezoning request is consistent with the residential goals and policies of the Recreational Development Designation.

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

Yes No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land see attached zone map provided

11. Nature and extent of rezoning requested see attached zone map provided.

12. Reasons why rezoning is requested To permit residential development of the proposed lots as always intended and to preserve

13. Current use of subject land vacant maintained property. the interior

14. Length of time current use of subject land has continued since ownership. lands of the

15. Is the subject land within an area where the municipality has pre-determined: within and EP Zone.

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

16. Number and type of buildings or structures existing on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

N/A

17. Date of construction of existing buildings and structures on the subject land:

N/A

18. Date subject land acquired by current registered owner _____

19. Proposed use of subject land 2005

20. Number and type of buildings or structures proposed to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

single family lots

21. Type of water supply:
- municipally owned and operated piped water supply
 - well
 - Other (specify) _____

22. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
 - septic system
 - Other (specify) _____

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:
- sewers
 - ditches
 - swales
 - Other (specify) _____

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

N/A

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

N/A

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

- Yes
- No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes No

Comments _____

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

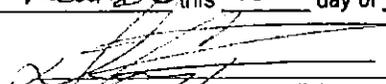
Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

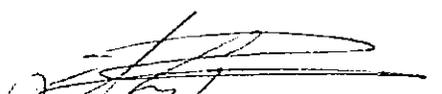
Yes No

Dated at the TOWN of Tecumseh this 15 day of April, 2021


(signature of applicant, solicitor or authorized agent)

I, CINDY PRINCE of the TOWN of Essex
in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the TOWN of Tecumseh in the County of Essex this 15th day of April, 2021.


Applicant, Solicitor or Authorized Agent


A Commissioner, etc.

Jeffrey David Bolton, a
Commissioner, etc., Province of Ontario,
for Amico Development LP and its subsidiaries,
associated companies, and affiliates.
Expires August 30, 2021.

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

Boblo Island -> ^{to} exact lot locations see attached drawings.

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Cindy Prince of the TOWN of Essex to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the TOWN of Tecumseh in the County of Essex, this 5th day of April, 2021

[Signature]
Signature of Witness

[Signature]
Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

From: [Cindy Prince](#)
To: [Gudrin Beggs](#)
Subject: FW: Boblo - North End Lots
Date: January 19, 2021 9:53:32 AM
Attachments: [image001.png](#)
[ScheduleC_On-Island Habitat Creation and Enhancement Areas.pdf](#)
[SKM_C36821010517120.pdf](#)
[Figure 1 SAR Habitat Affected by Site Plan.pdf](#)



Cindy Prince
AMICO AFFILIATES
VICE PRESIDENT



From: Buck, Kathleen (MECP) <Kathleen.Buck@ontario.ca>
Sent: Tuesday, January 19, 2021 8:29 AM
To: Cindy Prince <[REDACTED]>
Cc: Heeney, Paul (MECP) <Paul.Heeney@ontario.ca>
Subject: Boblo - North End Lots

Hi Cindy,

The Ministry of the Environment, Conservation and Parks (MECP) has reviewed the information provided on the proposed development lots on the north-end of Boblo Island, including recent photographs and habitat mapping, assessing the potential impacts of the proposal on Butler's Gartersnake and Eastern Foxsnake (Carolinian Population) protected under the *Endangered Species Act, 2007* (ESA).

Based on our review of the project documentation and information that has been provided, it is likely that neither sections 9 nor 10 of the ESA will be contravened for Butler's Gartersnake and/or Eastern Foxsnake and therefore authorization is not required for the following lots:

- Two lots west of Crystal Bay Dr, as indicated in Schedule C (attached)
- One lot immediately east of Crystal Bay Drive, as indicated in Schedule C (attached)
- One lot on the north-east corner of the Island, east of Gold Coast Drive, as indicated in Schedule C (attached)
- Twelve lots east of Gold Coast Drive (indicated in brown on the second attachment)

The lots requested to be developed west of Gold Coast Drive (central part of the north-end section of the Island), have been categorized as habitat that has a low tolerance to alteration for Eastern Foxsnake (Figure 1, attached). As such, this area will require a permit under the ESA and will remain part of the overall benefit permit that is currently under development (SW-C-004-19).

Should any of the project activities change, please notify MECP immediately to advise whether the changes may require authorization under the ESA. Failure to carry out

these projects as described could potentially result in contravention of the ESA. Please be advised that it is your responsibility to be aware of and comply with all other relevant provincial or federal requirements, municipal by-laws or required approvals from other agencies.

We encourage the Proponent, Boblo South Development Inc., to carry out mitigation measures and other best management practices as it deems appropriate. Further, it is recommended that the Proponent continue to monitor for Butler's Gartersnake and Eastern Foxsnake (Carolinian Population) activity during the course of site development to document changes, in the event that there should be any.

As the development area for Permit #SW-C-004-19 will be altered, please edit Schedule C (attached) to reflect the new development area, including providing the new development footprint.

Please let me know if you have any questions.

Regards,

Kathleen Buck

A/Regional Species at Risk Specialist
Permissions & Compliance, Species at Risk Branch
Ministry of the Environment, Conservation & Parks
📧 kathleen.buck@ontario.ca | 📞 226-559-0025



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 23, 2021

Mr. Frank Garardo
Manager of Planning Services
3925 Meloche Road
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-11-21
GOLD COAST DR, WHITEWOOD RIDGE BLVD, ISLAND BOB LO & CRYSTAL BAY DR
ARN 372964000022650, 372964000031600, 372964000031500, 372964000031400,
372964000014200, 372964000013900, 372964000013800, 372964000030720;
PIN: 015690437, 015690084, 015690379, 015690270, 015690268, 015690271
Applicant: BOBLO DEVELOPMENTS INC

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-11-21. The applicant is proposing to rezone parts from Recreational Zone to Resort Residential/ Resort Commercial Zone and they are looking to rezone a portion of land from Resort Residential/Resort Commercial Zone to Environmental Protection Zone.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Mr. Garardo
April 23, 2021

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).



Mr. Garardo
April 23, 2021

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc



Janine Mastronardi

From: Shane McVitty
Sent: April 22, 2021 2:35 PM
To: Janine Mastronardi; Frank Garardo
Cc: Todd Hewitt; Antonietta Giofu
Subject: RE: Notice of Public Meeting for a ZBA, Amherstburg

Good Afternoon,

In general, Public Works does not have any issues with the proposed Zoning By-law Amendment.

With regards to the stormwater, any addition of hard surfaces, including driveways, will increase the surface run-off into the receiving storm sewer system. In this case, the storm sewer system includes roadside grassy swales and driveway culverts, graded towards an existing piped outlet to the River. While Public Works feels that these effects are minimal as a result of the expected development described under this ZBA, they can be compounded over time as the area of hard surface is incrementally increased. That notwithstanding, Public Works also believes that the small amount additional run-off generated from the RE to RR/RC amendment will be more than balanced by the reduction in run-off from the RR/RC to EP amendment.

Regards,
Shane

Shane McVitty

Drainage Superintendent / Engineering Coordinator
Town of Amherstburg
512 Sandwich St. South, Amherstburg, ON, N9V 3R2
Tel: 519-736-3664 x2318 Fax: 519-736-7080 TTY: 519-736-9860



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From: Janine Mastronardi <jmastronardi@amherstburg.ca>
Sent: April 19, 2021 3:48 PM
To: Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Barry Horrobin <bhorrobin@windsorpolice.ca>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>;

From: [Horrobin, Barry](#)
To: [Janine Mastronardi](#); [Giovanni \(John\) Miceli](#); [Antonietta Giofu](#); [Todd Hewitt](#); [Angelo Avolio](#); [Michelle Lavin](#); [Shane McVitty](#); [Ron Meloche](#); [Paula Parker](#); [Antonio Marra](#); [Paul Acton](#); [Rob Unis](#); planning@erca.org; [Bruce Montone](#)
Cc: [Lisa Cheney](#)
Subject: Winsor Police comments: Notice of Public Meeting for a ZBA, Amherstburg
Date: April 23, 2021 4:33:20 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Janine:

The Windsor Police Service has no concerns or objections with the proposed Zoning By-law amendment application on Boblo Island. The change being proposed will in no way inhibit the ability of the police to both respond to reported incidents or conduct routine patrols. Windsor Police has an established protocol for providing service delivery on the island. This includes a general understanding by residents and property owners that response times are influenced by the island configuration that results in a less expedient means of rapidly getting onto the island when required, compared to calls that occur within the town's mainland jurisdiction. This has not been problematic to date and is not anticipated to be an issue with the proposed change either. As such, the Windsor Police Service will work with the decision that is rendered to ensure we provide all necessary police response and service delivery.

Regards,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



Advanced Certified Law Enforcement Planner

From: Janine Mastronardi <jmastronardi@amherstburg.ca>

Sent: Monday, April 19, 2021 3:48 PM

To: Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com;

From: [Ron Meloche](#)
To: [Janine Mastronardi](#)
Subject: Re: Notice of Public Meeting for a ZBA, Amherstburg
Date: April 24, 2021 8:20:00 AM

Sorry for the delay. Fire has no concerns.

Sent from my iPhone

Ron Meloche

Assistant Deputy Chief / Fire Prevention & Inspection Officer
Town of Amherstburg
271 Sandwich St. South, Amherstburg, ON, N9V 2A5
Tel: 519-736-6500 Fax: 519-736-3683 TTY: 519-736-9860



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On Apr 19, 2021, at 3:47 PM, Janine Mastronardi <jmastronardi@amherstburg.ca> wrote:

Good afternoon.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for a proposed zoning by-law amendment with associated application for property on the north end of Boblo Island, Town of Amherstburg, for your information and comments. Please provide the Town with any comments by April 23rd, 2021.

Thank you,
Janine

Janine Mastronardi

Planning Office Clerk
Town of Amherstburg - Libro Centre
3295 Meloche Rd., Amherstburg, Ontario, N9V 2Y8
Tel: 519-736-5408 ext 2134 Fax: 519-736-9859 TTY: 519-736-9860



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**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2021-032**

**By-law to amend Zoning By-law No. 1999-52
W/S Crystal Bay Drive, Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 83 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from RE to RR/RC" on Schedule "A" attached hereto and forming part of this By-law from "Recreation (RE) Zone" to "Resort Residential/Resort Commercial (RR/RC) Zone"
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 25th day of May, 2021.

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

