



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

AGENDA

**View Livestream at the time of the proceedings at
<https://www.amherstburg.ca/livestream>**

Monday, October 17, 2022

6:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk's Division at clerk@amherstburg.ca.

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Pages

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

5. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

6. MINUTES OF PREVIOUS MEETING

That the minutes **BE ADOPTED** and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 6.1. Special Council Meeting Minutes - Planning - September 26, 2022 10

7. RECOGNITIONS

- 7.1. Heritage Plaque Presentation for 24 Sandwich Street South, Dr. Manning House - Lynne Fox

That the recognition **BE RECEIVED**.

8. DELEGATIONS

- 8.1. Request for 'Dan Hunt' Memorial Stone near the Town Clock - Joan Donaldson, Rotary Club of Amherstburg 14

That the delegation **BE RECEIVED**.

9. REPORTS – CORPORATE SERVICES

There are no reports.

10. REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

10.1. Safety at Admiral Hockey Games

18

It is recommended that:

1. Council **DIRECT** Administration to contract the Windsor Police Service and Paladin Security for a dedicated officer and security guard to attend and monitor the Admirals Hockey games and public skate sessions at the Libro for the 2022 season; and,
2. Council **APPROVE** an over expenditure in the amount of \$20,000 from the General Reserve Fund in order to cover the cost of this service.

11. REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

11.1. Kingsbridge Subdivision Phase 7B – Acceptance and Assumption of Underground Infrastructure, Curbs and Base Asphalt. Placement of Surface Asphalt and Sidewalks on Maintenance

23

It is recommended that:

1. The recommendations in the letters regarding Kingsbridge Development Phase 7B dated April 26, 2022 & September 19, 2022 from the consulting engineer, Baird AE **BE ACCEPTED**;
2. The underground infrastructure, curbs, road base and base asphalt for Kingsbridge Subdivision Phase 7B **BE ACCEPTED and BE ASSUMED**; and,
3. The surface asphalt and sidewalks **BE PLACED** on a 1-year maintenance period, commencing September 12, 2022.

11.2. Placement of Underground Infrastructure, Curbs and Concrete Roadway on Maintenance – Boblo Island South End Development

30

It is recommended that:

1. The recommendations of the consulting engineer, Amico Engineering Inc. regarding the Placement of Underground Infrastructure, Curbs and Concrete Roadway on Maintenance – Boblo Island South End Development **BE ACCEPTED**;
2. The underground infrastructure, curbs and concrete roadway for Boblo Island South End Development **BE PLACED** on a 1-year maintenance period, commencing September 29, 2022;
3. An additional 1-year maintenance period (2 years total) **BE APPLIED** to the sanitary sewers along the east side of the development from MH-2M to MH S-S; and,
4. An additional 4-year maintenance period (5 years total) **BE APPLIED** to the concrete roadway over the sanitary sewer trenches from MH-2M to MH S-S.

12. REPORTS - DEVELOPMENT SERVICES

12.1. Road Dedication of Part 2, 12R29143 (westerly extension of Easy Street) as a Public Highway

36

It is recommended that:

1. The dedication of Part 2 on Plan 12R29143 (westerly extension of Easy Street) as a Public Highway **BE APPROVED**; and,
2. **By-law 2022-094** being a by-law to dedicate Part 2 on Plan 12R29143 as a Public Highway be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

12.2. Zoning By-law Amendment for Canard Valley Estates Phase 2

43

It is recommended that:

1. **By-law 2022-067** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as Canard Valley Estates Phase 2 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

12.3. Official Plan Amendment and Zoning By-law Amendment – 359 Dalhousie Street

54

It is recommended that:

1. Official Plan Amendment No. 18 – 359 Dalhousie Street attached as Appendix “A” **BE ENDORSED**,
2. Administration **BE INSTRUCTED** to forward Official Plan Amendment No. 18 – 359 Dalhousie Street to the County of Essex for approval; and,
3. **By-law 2022-090** attached as Appendix “B” **BE APPROVED**.

12.4. Notice of Intent to Demolish-359 Dalhousie Street

137

It is recommended that:

1. The report from the Chief Building Official and Director of Development Services dated October 17, 2022 regarding Notice of Intent to Demolish-359 Dalhousie Street **BE RECEIVED**;
2. The application for demolition of 359 Dalhousie Street **BE SUPPORTED**;
3. The property at 359 Dalhousie Street, **BE REMOVED**, from the Heritage Register as a listed property of cultural heritage value or interest, and;
4. The various considerations noted to Heritage Committee to obtain support for the request for demolition of 359 Dalhousie Street, as outlined in this report, **BE CONSIDERED** by Administration during the Site Plan Control process.

13. REPORTS - CAO's OFFICE

13.1. 2022 Special Events Approval – Part VI

162

It is recommended that:

1. The following events **BE APPROVED**:
 - a. Santa Claus Parade: November 26, 2022
 - b. Hot Air Balloon Re/Max Preferred: November 26, 2022
 - c. River Lights: November 19, 2022 – January 8, 2023
 - d. 2022 Remembrance Day Parade & Ceremony – November 11, 2022
2. An exemption from table number 3-1(2) of Noise By-law #2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music **BE GRANTED** for the following events:
 - a. Santa Claus Parade
 - b. 2022 Remembrance Day Parade & Ceremony
3. An exemption **BE GRANTED** to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for the following public event in the Kings Navy Yard Park:
 - a. River Lights
 - b. 2022 Remembrance Day Parade & Ceremony
4. The following events **BE EXEMPT** and **PERMITTED** for road closures to begin prior to 5pm:
 - a. Santa Claus Parade – November 26, 2022
 - b. 2022 Remembrance Day Parade & Ceremony – November 11, 2022
5. The Public Events Committee **BE DIRECTED** to confirm that the requirements identified by the Committee are met prior to issuing an event permit.
6. The fee waiver requests **BE APPROVED** as follows:
 - a. Santa Clause Parade: \$255.00

14. INFORMATION REPORTS

That the following information reports **BE RECEIVED**:

- 14.1. Long Service Award Recognition 169**

15. CONSENT CORRESPONDENCE

That the following consent correspondence **BE RECEIVED**:

- 15.1. Land Use Planning Process, Public Consultation - Ministry of Municipal Affairs and Housing 171**
- 15.2. Military Service Recognition Book - The Royal Canadian Legion, Ontario Command 172**
- 15.3. Support for Streamlining Governing Legislation for Physicians in Ontario - Municipality of Brighton Resolution 174**
- 15.4. Request for Increased Speeding Fines - Municipality of Grey Highlands Resolution 175**
- 15.5. Child Care Workforce Shortage - Municipality of East Ferris Resolution 176**

16. CONSENT OTHER MINUTES

That the following minutes **BE RECEIVED**:

- 16.1. Committee of Adjustment Meeting Minutes - July 5, 2022 179**
- 16.2. Committee of Adjustment Meeting Minutes - August 9, 2022 192**

17. UNFINISHED BUSINESS

- 17.1. Unfinished Business List as at October 17, 2022 197**

18. NEW BUSINESS

19. NOTICE OF MOTION

There are no Notices of Motion.

20. BY-LAWS

- 20.1. **By-law 2022-076 - New Access Bridge over the Dufour Drain for MGV Development (McGregor) Inc. & New Maintenance Schedule of Assessment (Dufour Drain & Branch A) - 3rd and Final Reading** 202

That **By-law 2022-076** being a by-law to provide for the New Access Bridge over the Dufour Drain for MGV Development (McGregor) Inc. & New Maintenance Schedule of Assessment (Dufour Drain & Branch A) be taken as having been read a third and final time and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- 20.2. **By-law 2022-091- Zoning By-law Amendment at E/S Concession 7** 204

That **By-law 2022-091** being a by-law to Amend Zoning By-law 1999-52 for E/S Concession 7 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- 20.3. **By-law 2022-092 - Zoning By-law Amendment at S/S Collison Sideroad** 206

That **By-law 2022-092** being a by-law to Amend Zoning By-law 1999-52 for S/S Collison Sideroad be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- 20.4. **By-law 2022-093 - Zoning By-law Amendment for West of Easy Street** 208

That **By-law 2022-093** being a by-law to Amend Zoning By-law 1999-52 for West of East Street be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- 20.5. **By-law 2022-100 - To Amend Section 3.2 of Procedural By-law 2014-91** 210

(Housekeeping By-law)

That **By-law 2022-100** being a by-law to Amend Section 3.2 of Procedural By-law 2014-91 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

20.6. By-law 2022-099 - Confirmatory By-law

211

That **By-law 2022-099** being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on October 17th, 2022 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

21. ADJOURNMENT

That Council rise and adjourn at p.m.



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING

Monday, September 26, 2022
4:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Valerie Critchley – Chief Administrative Officer/Clerk
Tammy Fowkes - Deputy Clerk
Kevin Fox – Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 4:03 p.m.

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

SPECIAL PLANNING REPORTS

4.1 Statutory Public Meeting for a Zoning By-law Amendment – 365 Sandwich Street South

Jackie Lassaline, Lassaline Planning Consultants, provided an overview of the proposed Zoning By-law Amendment for 365 Sandwich Street South and answered Council questions

The Mayor invited the public to comment. The following were heard:

- William Hughes - *correspondence submitted and read aloud*
- Derek Champagne
- Isabelle Tutori
- Donna Rocheleau
- Frank DiPasquale

Resolution # 20220926-01

Moved By Councillor Prue

Seconded By Deputy Mayor Meloche

That:

- 1. Comments from the public, municipal departments, agencies and Council with respect to Zoning By-law Amendment for lands municipally known as 365 Sandwich Street South (File ZBA-14-22), owned by Jones Realty Inc. BE RECEIVED and brought back to a future Council meeting with any additional comments and staff recommendations;**
- 2. The following BE INCLUDED:**
 - **Shadow study at equinox & solstice**
 - **Electric vehicle charging station integration**
 - **Green energy on site/roof; and,**
- 3. A turning lane BE CONSIDERED onto Sandwich Street.**

The Mayor put the Motion.

Motion Carried

4.2 **Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment - 359 Dalhousie Street**

Moira Davidson, Stantec, and Norbert Bolger, Nor-built Construction, provided an overview of the proposed Official Plan Amendment and the proposed Zoning By-law Amendment for 359 Dalhousie Street and answered Council questions.

The Mayor invited the public to comment. The following were heard:

- Peter Wonham
- Johanna Vandenberg & partner (*unidentified*)
- Frank DiPasquale
- Margo Wigle

There was no written correspondence received by the Clerk's Department to be read aloud.

Resolution # 20220926-02

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That additional comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands located at 359 Dalhousie Street (Files OPA #18 and ZBA-15-22), owned by 1109152 Ontario Limited. BE RECEIVED and brought back to a future Council meeting with any additional comments and a staff recommendations.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That Council rise and adjourn at 5:43 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

10/17/2022



Name of Delegate(s) *

Joan Donaldson

Address *

[REDACTED]

Phone *

[REDACTED]

Email *

[REDACTED]

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Name of Group / Organization / Business *

Rotary Club of Amherstburg

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Annette

Reason(s) for Delegation Request (subject matter to be discussed). If the request is in response to an item on the agenda, please specify the item's agenda # *

Request Memorial Stone in the name of Dan Hunt and Rotary

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below


Will a powerpoint presentation be made? *

Yes

No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to delegations@amherstburg.ca no later than 12:00 noon on the Friday before the meeting.

Please upload speaking notes and/or presentation materials - 4 Attachments Max (10MB Each) (pdf, docx, xlsx, jpg, jpeg, gif, png, tif) *

File Name
 Dan Hunt Memorial.pdf 168.2 KB

Personal information contained on this form is authorized under Section 5 of the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. Questions regarding collection of the information on this form or additional accessibility requirements may be directed to the Municipal Clerk, 271 Sandwich Street South, Amherstburg, ON N9V 2A5, 519.736.0012.

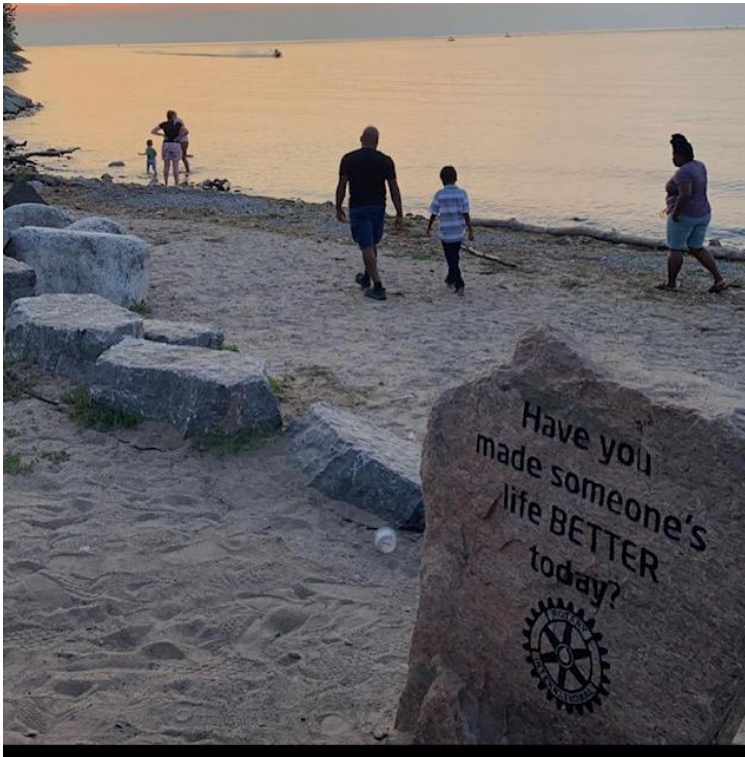
Dan Hunt was a member of the Rotary Club of Amherstburg for 24 years. He was instrumental in bringing the Town Clock to Amherstburg. The Rotary Club of Amherstburg fundraised to make this possible by selling the paving stones you now see at the town centre. His legacy of Rotary values and friendship to all is how he is remembered.

Upon Dan's passing we received funds to be used to create a memorial in Dan's memory in keeping with how Dan lived his life in welcoming and kindness to everyone he met.

We have approached the public works department and spoke to Annette to see what options we could look at.

After discussion with Annette we seek to ask the following; to place a memorial stone (photo attached) on the grassy section at the front of the town clock near the pavers.

The following quote will be on the stone. "Find the time to stop and thank the people that make a difference in your life." This quote came from Dan Hunt's son Thom and we the Rotary Club feel it represents Dan. We will also place our logo and our club on the stone.





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

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.

Author's Name: Heidi Baillargeon	Report Date: September 28, 2022
Author's Phone: 519 736-5712 ext. 2128	Date to Council: October 17, 2022
Author's E-mail: hbailargeon@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Safety at Admiral Hockey Games

1. RECOMMENDATION:

It is recommended that:

1. Council **DIRECT** Administration to contract the Windsor Police Service and Paladin Security for a dedicated officer and security guard to attend and monitor the Admirals Hockey games and public skate sessions at the Libro for the 2022 season and further;
2. That Council **APPROVE** an over expenditure in the amount of \$20,000 from the General Reserve Fund in order to cover the cost of this service.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

At the tail end of the 2021 hockey season the Town was experiencing an alarming increase in disruptive and negative behavior by a group of youths at the Libro Centre, particularly during our Junior C hockey team's games usually scheduled on Sunday evenings. As a result, Administration met with Staff Sergeant Chaney of the Windsor Police Service (WPS), the principal of General Amherst and the owner of the Admirals to discuss the increase in disruptive and negative behavior that was escalating due to Tik Toc challenges online. The season closed last year with the following parameters in place during games:

- A paid duty officer from WPS was contracted for both Saturdays and Sunday's

- Additional signage regarding Code of Conduct was placed throughout the lobby and seating areas.
- The Admirals drafted a disclaimer that was posted at their ticket table so people would read it when tickets were purchased.
- The Town increased staff presence during games including By-Law Enforcement
- Paladin Security present due to COVID -19

It should also be noted that although security guards were present last year during games due to COVID aggressive behaviour still continued and security and By-Law Enforcement were forced to call the Windsor Police Service to deal with the issues.

3. DISCUSSION:

This behavior has continued to escalate since last season with damage not only at the Libro but other Town facilities as well such as King Navy Yard Park and Toddy Jones Park washrooms where cameras were recently installed this spring.

The Town does not currently have sufficient resources or trained staff to deal with these issues and many of the existing staff members have expressed concerns for their own safety regarding unlawful behaviour and activity that has occurred. The safety of Town staff and patrons attending the Libro is paramount in order to deliver quality recreational opportunities for the community to enjoy. It is therefore recommended that the Town hire dedicated WPS officer and Paladin Security Guard to attend and monitor Admirals games and the public skate sessions from 5pm to 11pm with occasional Saturday game as dictated by the schedule.

This years' schedule for home games equates to approx. 22 games at the Libro Complex. Of these 22 games the first two in September did not have on site the additional security presence recommended in this report and resulted in the noted incidents. Out of an abundance of caution for the security and safety of those in attendance at the games, as well as staff, Administration leveraged existing operational budget funding to increase security at the October 2nd and 16th games. It should be noted the presence of additional security at the October 2nd game notably reduced the concerning behaviours. This report is before Council seeking approval for the necessary funding to sustain this level of security for the remaining 19 games this season.

4. RISK ANALYSIS:

Failure to provide a safe environment for patrons to attend Town facilities and events due to unlawful behavior presents various risks including poor/negative image with further risks of vandalism and damage to existing facilities. This could lead to potential lawsuits and exposure for the Town. In order to help mitigate these risks Administration recommends WPS and Paladin security be contracted for all the Admirals home games and the public skating sessions that back onto this time block for the 2022 season.

5. FINANCIAL MATTERS:

The Admirals home games for the 2022 season scheduled at the Libro Community Centre are listed below with a public skate session starting at 5pm:

- September 11
- September 18
- October 2
- October 16
- October 23
- October 29
- October 30
- November 6
- November 13
- November 20
- November 27
- December 10
- December 11
- December 18
- January 8
- January 14
- January 15
- January 22
- January 29
- February 5
- February 19
- March 5

After consulting with WPS and reviewing the issues to date Administration recommends hiring one (1) WPS contracted Officer and 1 Paladin Security Guard for 6 hours on Sundays and the occasional Saturday, equating to approximately \$20,000 in total for the balance of the season based on the dates noted above.

Games start at 7 pm however WPS and security guard would be requested to be present from 5:00 pm when public skating sessions start to 11pm.

It should also be noted that should the Admirals make the playoffs, additional costs will be incurred when games are played at the Libro Community Centre. The development of the recommended 2023 operational budget will also study potential need for future funding for these services, for Council's consideration.

6. CONSULTATIONS:

Windsor Police
CAO office
Recreation Department
Facilities Department

7. CONCLUSION:

In conclusion, Administration recommends Council approve additional resources from WPS and Paladin security to help mitigate negative behaviour and further damage to the Libro during public skating sessions and the Admirals games as outlined in this report.



Heidi Baillargeon
Director of Parks, Facilities, Recreation and Culture

RC

DEPARTMENTS/OTHERS CONSULTED: Name: Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX

Report Approval Details

Document Title:	Safety at Admiral Games.docx
Attachments:	
Final Approval Date:	Oct 12, 2022

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



Tracy Prince

**No Signature - Task assigned to Valerie Critchley was completed by assistant
Melissa Osborne**

Valerie Critchley

**No Signature - Task assigned to Kevin Fox was completed by workflow
administrator Tammy Fowkes**

Kevin Fox



THE CORPORATION OF THE TOWN OF AMHERSTBURG
OFFICE OF ENGINEERING & INFRASTRUCTURE 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.

Author's Name: Todd Hewitt	Report Date: October 4, 2022
Author's Phone: 519 736-3664 ext. 2313	Date to Council: October 17, 2022
Author's E-mail: thewitt@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Kingsbridge Subdivision Phase 7B – Acceptance and Assumption of Underground Infrastructure, Curbs and Base Asphalt. Placement of Surface Asphalt and Sidewalks on Maintenance

1. RECOMMENDATION:

It is recommended that:

1. The recommendations in the letters regarding Kingsbridge Development Phase 7B dated April 26, 2022 & September 19, 2022 from the consulting engineer, Baird AE **BE ACCEPTED**;
2. The underground infrastructure, curbs, road base and base asphalt for Kingsbridge Subdivision Phase 7B **BE ACCEPTED and BE ASSUMED**; and,
3. The surface asphalt and sidewalks **BE PLACED** on a 1-year maintenance period, commencing September 12, 2022.

2. BACKGROUND:

Kingsbridge Subdivision Phase 7B includes a section of Davis Street, a section of Whelan Avenue, a section of Benson Court and a section of Cowan Court. There are 60 single family homes being serviced with this phase.

3. DISCUSSION:

In the spring / summer of 2020 the municipal services of Kingsbridge subdivision Phase 7B were installed. These services include sanitary sewers, storm sewers and watermain

along with the placement of curbs and base asphalt. On September 14, 2020 all work was initially accepted and placed on maintenance.

The Town attended a walkthrough with the consulting engineer Baird AE, the developer and the contractor on April 26, 2022 where the work was inspected. All sewers were flushed and videos recorded and reviewed by the engineer and town staff, base asphalt and curbs were inspected. Administration concurs with the recommendation of Baird AE to accept and assume the underground infrastructure including streetlights, curbs, road base and base asphalt.

Sidewalks were placed in August 2022 and surface asphalt was placed in September 2022. The surface asphalt and sidewalks have been inspected by a town staff. Administration concurs with the recommendation of Baird AE to place the surface asphalt and sidewalks on a 1-year maintenance.

4. RISK ANALYSIS:

The Town assumes a financial risk by assuming these assets. The assets will now be included in the Asset Management Plan (AMP) where the financial implications of future lifecycle maintenance and replacement must be considered.

5. FINANCIAL MATTERS:

The Town currently has a self-renewing letter of credit from the developer in the value of \$413,850. This letter of credit (LOC) was provided for the construction of Kingsbridge Subdivision Phase 7B. Following acceptance of the recommendations in this report the developer will be eligible to reduce the LOC from \$413,850 to \$35,575. This new value represents 25% security for the work that will be on maintenance on 7B (surface asphalt and sidewalks). This provides the Town with financial security that future work remaining will be completed by the developer, or the Town can exercise the LOC to complete the work.

The 2020 cost to the developer to place the infrastructure being accepted was \$408,380 (storm sewer), \$218,787 (sanitary sewer), \$230,100 (watermain), \$62,568 (curbs) and \$72,975 (road base). On assumption of these assets, the Town will capitalize the cost of the underground infrastructure into the tangible capital asset (TCA) inventory and add it into the AMP for future infrastructure replacement.

6. CONSULTATIONS:

Jesse Daudlin – Engineering Technologist

7. **CONCLUSION:**

It is recommended that the underground infrastructure, curbs, road base and base asphalt for Kingsbridge Phase 7B be accepted and assumed, also the surface asphalt and sidewalks be placed on 1-year maintenance.



Todd Hewitt

Manager of Engineering

JD

Report Approval Details

Document Title:	2022 10 17 - Acceptance, Assumption and Placement of Infrastructure on Maintenance - Kingsbridge Phase 7B.docx
Attachments:	- Letter of Conformance Kingsbridge Development Phase 7B 220426.pdf - Letter of Conformance Kingsbridge DevelopmentPhase 7B 220919.pdf - Map - Kingsbridge Development 7B.pdf
Final Approval Date:	Oct 11, 2022

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



Antonietta Giofu



Tracy Prince



Valerie Critchley



Kevin Fox

April 26, 2022

Town of Amherstburg
271 Sandwich St. S,
Amherstburg, ON
N9V2A5

ATTENTION: Todd Hewitt, Manager, Engineering Operations

Re: Kingsbridge Development, Amherstburg – Phase 7B

During the course of construction at the above project, personnel from our office carried out site reviews and final inspection. These reviews were conducted following the procedures described in the Professional Engineers Ontario Guideline for Professional Engineers Providing General Review of Construction. Baird AE is not aware of any outstanding deficiencies in the construction. Our firm is of the opinion that the work is in general conformity with the drawings and specifications prepared.

Baird recommends the assumption of underground infrastructure, curb and base asphalt.

Trusting you will find the above satisfactory; however, if you have any questions please contact the undersigned, I remain.



David Basilious, P.Eng.
BAIRD AE

September 19, 2022

Town of Amherstburg
271 Sandwich St. S,
Amherstburg, ON
N9V 2A5

ATTENTION: Todd Hewitt, Manager, Engineering Operations

Re: Kingsbridge Development, Amherstburg – Phase 7B

During the course of construction of the above project, personnel from our office carried out site reviews and final inspections. These reviews were conducted following the procedures described in the Professional Engineers Ontario Guidelines for Professional Engineers Providing General Review of Construction. Baird AE is not aware of any outstanding deficiencies in the construction. Our firm is of the opinion that the work is in general conformity with the drawings and specifications prepared.

Baird AE request that surface asphalt and sidewalk be placed on one-year maintenance.

Trusting you will find the above satisfactory; however, please contact the undersigned if you have any questions.



David Basilious. P.Eng.

BAIRD AE

KINGSBRIDGE DEVELOPMENT SUBDIVISION-PHASE 7B



SITE MAP
N.T.S



THE CORPORATION OF THE TOWN OF AMHERSTBURG
OFFICE OF ENGINEERING & INFRASTRUCTURE 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.

Author's Name: Todd Hewitt	Report Date: October 4, 2022
Author's Phone: 519 736-3664 ext. 2313	Date to Council: October 17, 2022
Author's E-mail: thewitt@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Placement of Underground Infrastructure, Curbs and Concrete Roadway on Maintenance – Boblo Island South End Development

1. RECOMMENDATION:

It is recommended that:

1. The recommendations of the consulting engineer, Amico Engineering Inc. regarding the Placement of Underground Infrastructure, Curbs and Concrete Roadway on Maintenance – Boblo Island South End Development **BE ACCEPTED**;
2. The underground infrastructure, curbs and concrete roadway for Boblo Island South End Development **BE PLACED** on a 1-year maintenance period, commencing September 29, 2022;
3. An additional 1-year maintenance period (2 years total) **BE APPLIED** to the sanitary sewers along the east side of the development from MH-2M to MH S-S; and,
4. An additional 4-year maintenance period (5 years total) **BE APPLIED** to the concrete roadway over the sanitary sewer trenches from MH-2M to MH S-S.

2. BACKGROUND:

Boblo Island South End Development includes the completion of Driftwood Crescent, Bois Blanc Boulevard and Sandcastle Crescent as well as the servicing of new lots along Boblo Island Boulevard. There are 126 single family homes and 94 semi-detached units for a total of 220 units being serviced with this south end development.

3. DISCUSSION:

In the spring/summer of 2022 the municipal services of Boblo Island South End Development were installed. These services include sanitary sewers, storm sewers/swales and watermain along with the placement of curbs and concrete roadway. The installation of a paved multi-use pathway will be completed at a later time.

The Town attended a walkthrough with the consulting engineer and contractor on September 27, 2022 and September 29, 2022 where the work was inspected. Only minor deficiencies were identified. Administration concurs with the recommendation of Amico Engineering to place the underground infrastructure, curbs and concrete roadway on maintenance.

During the initial phase of construction, a section of sanitary sewer was installed by Amico Infrastructures without the appropriate oversight. The Town required Amico Infrastructure to complete a number of investigative tests to ensure the sewer was installed properly. Additional maintenance periods have been applied to the sewer and road sections that may be potentially affected by this installation. The appropriate securities will be held for the duration of the extended maintenance period.

It should be noted that the remainder of the utilities (Hydro One, Bell, etc.) have not been placed yet. This report only includes infrastructure that will be assumed by the municipality at a later date.

4. RISK ANALYSIS:

Not placing this infrastructure on maintenance would delay the issuance of residential building permits for this area.

5. FINANCIAL MATTERS:

The Town received a Development agreement surety bond from the developer in the value of \$3,562,739. This is equivalent to 50% of the value of these works recently completed.

Once the infrastructure has been placed on maintenance by the Town the security can be reduced to \$1,963,529, which is 25% of the value of the work on maintenance plus 100% of the work remaining (asphalt trail). This provides the Town with financial security to ensure future maintenance is performed by the developer or the Town can exercise its rights using this security.

The 2022 cost to the developer to place the infrastructure being accepted was \$1,661,224 (sanitary sewer), \$2,193,406 (storm sewer), \$1,200,505 (watermain), \$161,438 (curbs) and \$600,000 (concrete roadway). After completion of the maintenance periods the Town will assume these infrastructure assets and capitalize their cost into the Tangible Capital Asset (TCA) inventory and add the infrastructure into the Asset Management Plan (AMP) for future infrastructure replacement.

6. **CONSULTATIONS:**

Jesse Daudlin – Engineering Technologist

7. **CONCLUSION:**

It is recommended that the underground infrastructure, curbs and concrete roadway for Boblo Island South End Development be placed on 1-year maintenance.



Todd Hewitt
Manager of Engineering

JD

Report Approval Details

Document Title:	2022 10 17 - Placement of Infrastructure on Maintenance - Boblo Island South End Development.docx
Attachments:	- 09292022 - Boblo Island Maintenance Recommendation.pdf - Map - Bob-Lo south end development.pdf
Final Approval Date:	Oct 12, 2022

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



Antonietta Giofu



Tracy Prince



Valerie Critchley



Kevin Fox



AMICO ENGINEERING INC. 2199 Blackacre Drive, Oldcastle (Windsor), ON Canada N0R 1L0 O 519-737-1577 F 519-737-1929 www.amico.build

September 29, 2022

Corporation of the Town of Amherstburg
271 Sandwich Street South
Amherstburg, ON N9V 2A5

Attention: Todd Hewitt, P.Eng.
Manager of Engineering and Operations

Dear Todd:

**RE: Boblo Island South End Development
Maintenance Period**

On Tuesday, September 27, and Thursday, September 29, 2022, a pre-maintenance period inspection was undertaken at the above noted subdivision to determine if the Boblo South End Development could be placed on to its Maintenance Period as the project had been completed to Substantial Performance. Attached are the inspection notes noting observed deficiencies.

As all work has been substantially completed in accordance with the Subdivision Agreement and a pre-maintenance period inspection has confirmed the status works, we recommend that the development be placed on its Maintenance Period.

We trust the submission is satisfactory to you. Should you have any questions or comments, I can be contacted at (519) 737-1577 Ext. 248.

Sincerely,

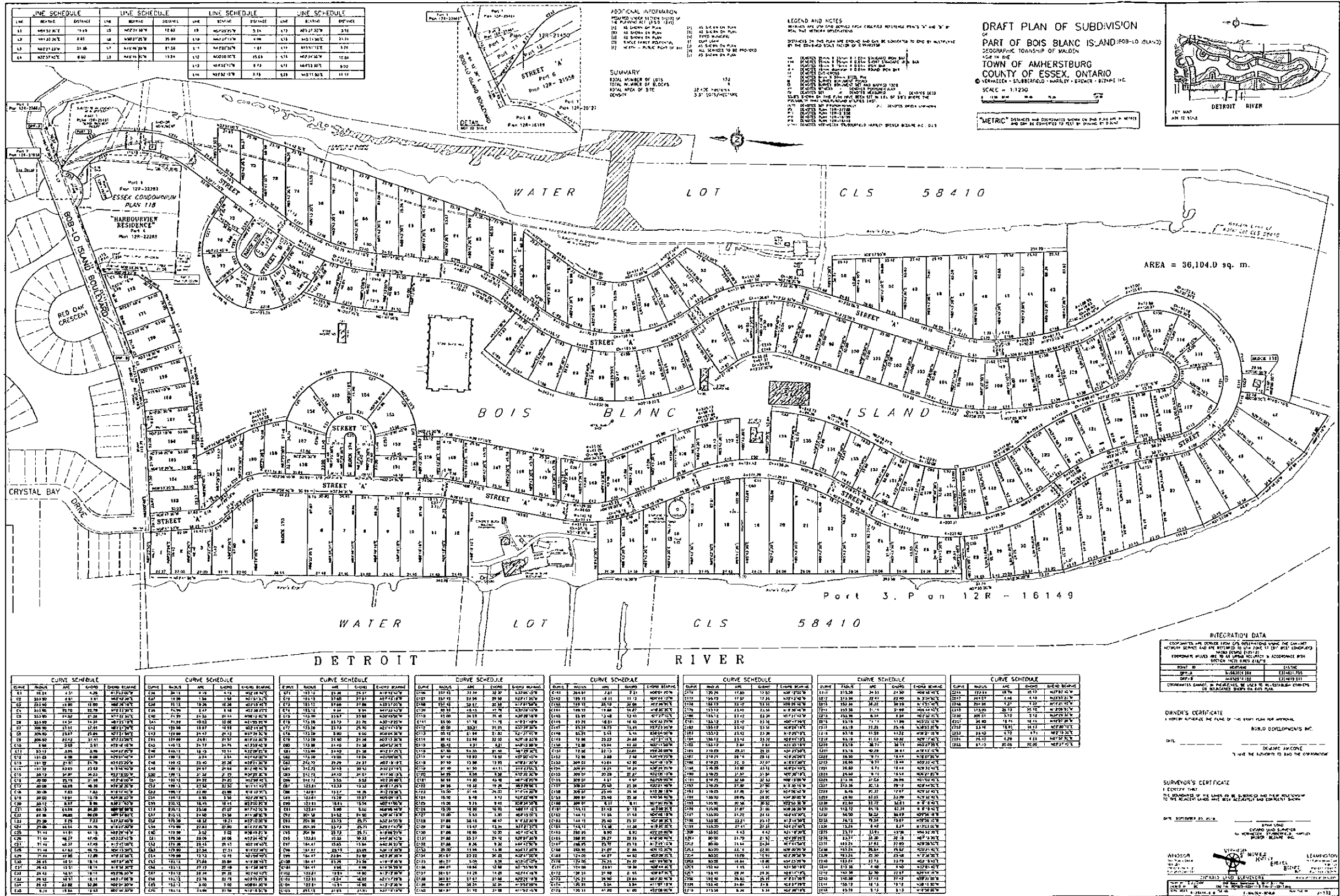
Amico Engineering Inc.

Tony Youssef, P.Eng.
Technical Services Manager



C.c. Cindy Prince – Forest Trail Estates (LaSalle) Inc.

REVISED PLAN BASED UPON COMMENTS RECEIVED





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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: Road Dedication of Part 2, 12R29143 (westerly extension of Easy Street) as a Public Highway

1. RECOMMENDATION:

It is recommended that:

- 1. The dedication of Part 2 on Plan 12R29143 (westerly extension of Easy Street) as a Public Highway BE APPROVED; and,
2. By-law 2022-094 being a by-law to dedicate Part 2 on Plan 12R29143 as a Public Highway be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The lands are the subject of a decision of the Committee of Adjustment for Application B/21/22, which approved a lot creation severance with associated conditions. The land transfer and road dedication for an extension of the right-of-way is a condition of the consent decision. Condition (5) of the decision states:

- 5. That a minimum width of 5.0 m across the full frontage of the severed parcel, measured from the back of the Easy Street curb, be transferred to the Town for the purpose of an expansion of the Easy Street right-of-way.

3. DISCUSSION:

On July 5, 2022 the Committee of Adjustment approved a severance for lot creation of a 5463.26 sq m parcel of land at the end of Easy Street and severed from 21 Marsh Court. The intended use of the severed lands will be for future low-density residential development, with the intent to consolidate with several of the adjacent parcels. If the

consolidation does not occur the applicant would like the opportunity to develop the lot with a single detached dwelling. As a condition of consent the Infrastructure Services department requested a parcel of land be transferred to the Town and dedicated as a public highway to ensure there is adequate land for municipal servicing connections.

It would now be appropriate for the foregoing Part to be transferred to the Town from the current property owners. The agent on the application has arranged for the transfer of the Part to the Town to satisfy the condition of consent, which requires the passage and registration of a By-law designating is as a public highway.

A By-law dedicating Part 2 on Plan 12R29143 as a Public Highway is being presented for Council's consideration. The Municipal Act, R.S.O. 2001, c.25 Sections 24-68 authorizes the Council of every municipality to pass a By-law for establishing, laying out, acquiring, assuming, or naming a highway.

Administration is recommending the passage and registration of a By-law designating the Part as a public highway. It is appropriate at this point to dedicate this part as it is a condition of consent.

4. RISK ANALYSIS:

The recommendations in this report represent a typical level of risk associated with municipal liability for public services. Maintenance and repair of municipal infrastructure will continue to be the responsibility of the Town of Amherstburg.

5. FINANCIAL MATTERS:

The applicant and agent on the consent application are responsible for costs related to the land transfer and registration.

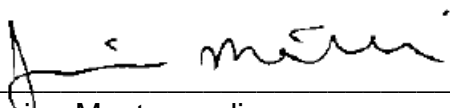
Land assets transferred to the Town will be added to the Town's tangible capital asset inventory.

6. CONSULTATIONS:

The Engineering and Infrastructure Department was consulted and confirmed no concerns with the road dedication. The Engineering and Infrastructure Department confirmed that it is appropriate to dedicate this parcel of land as a public highway.

7. CONCLUSION:

The Municipal Act, R.S.O. 2001, c 25 Sections 24-68 provides specific municipal powers regarding highways. It is appropriate to dedicate this Part as a public highway at this time.



Janine Mastronardi
Planner



Chris Aspila
Manager, Planning Services

Report Approval Details

Document Title:	Road Dedication of Part 2, 12R29143 (westerly extension of Easy Street) as a Public Highway.docx
Attachments:	- Appendix A - 12R29143- Highlighted Part 2.pdf - Appendix B - Aerial showing Part 2.pdf - Appendix C - 2022-094- Road Dedication Easy Street DRAFT.pdf
Final Approval Date:	Oct 11, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



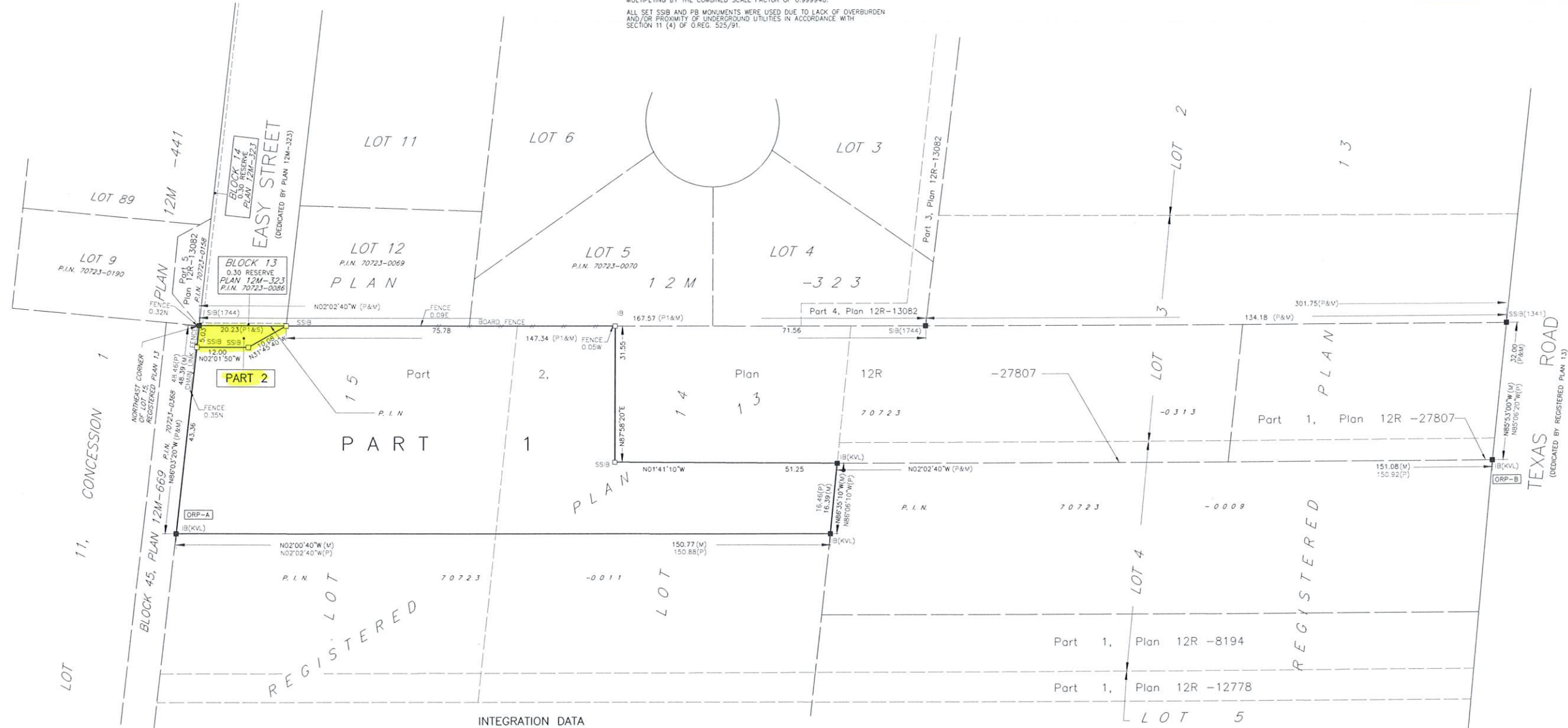
Kevin Fox



NOTES
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999948.
 ALL SET SSB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

PARTS SCHEDULE				
PART	LOT	PLAN	P.I.N.	AREA(Sq.m.)
1	PART OF LOT 14 & 15	REGISTERED PLAN 13	PART OF 70723-0313	5,494.5
2	PART OF LOT 15			80.6

PLAN 12R-29143
 Received and deposited
 September 8th, 2022
 Alana Kinsey
 Representative for the
 Land Registrar for the
 Essex (No.12)



PLAN OF SURVEY
 OF
 PART OF LOT 14 & 15,
 REGISTERED PLAN 13
 IN THE
 TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO
 VERHAEGEN LAND SURVEYORS - A DIVISION OF J. D. BARNES LIMITED.

SCALE = 1:500
 THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SSB	DENOTES STANDARD IRON BAR
SSSB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
PB	DENOTES PLASTIC BAR
WT	DENOTES WITNESS
M	DENOTES MEASURED
S	DENOTES SET
⊥	DENOTES PERPENDICULAR
0	DENOTES DEED
OU	DENOTES ORIGIN UNKNOWN
ORP	DENOTES OBSERVED REFERENCE POINT
(P)	DENOTES PLAN 12R-27807
(F1)	DENOTES PLAN 12R-323
(J.D.B)	DENOTES J.D. BARNES LIMITED
(1744)	DENOTES VERHAEGEN LAND SURVEYORS
(KV)	DENOTES VERHAEGEN AND BEZAIRE LIMITED, O.L.S.
(1341)	DENOTES RICHARD W. MURRAY, O.L.S.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 28th DAY OF JULY, 2022.
 DATE AUGUST 29, 2022
 Roy A. Simone
 Roy A. Simone
 OYABO LAND SURVEYOR

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).
 COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4666367.99	E326080.93
ORP-B	N4666065.37	E326108.00

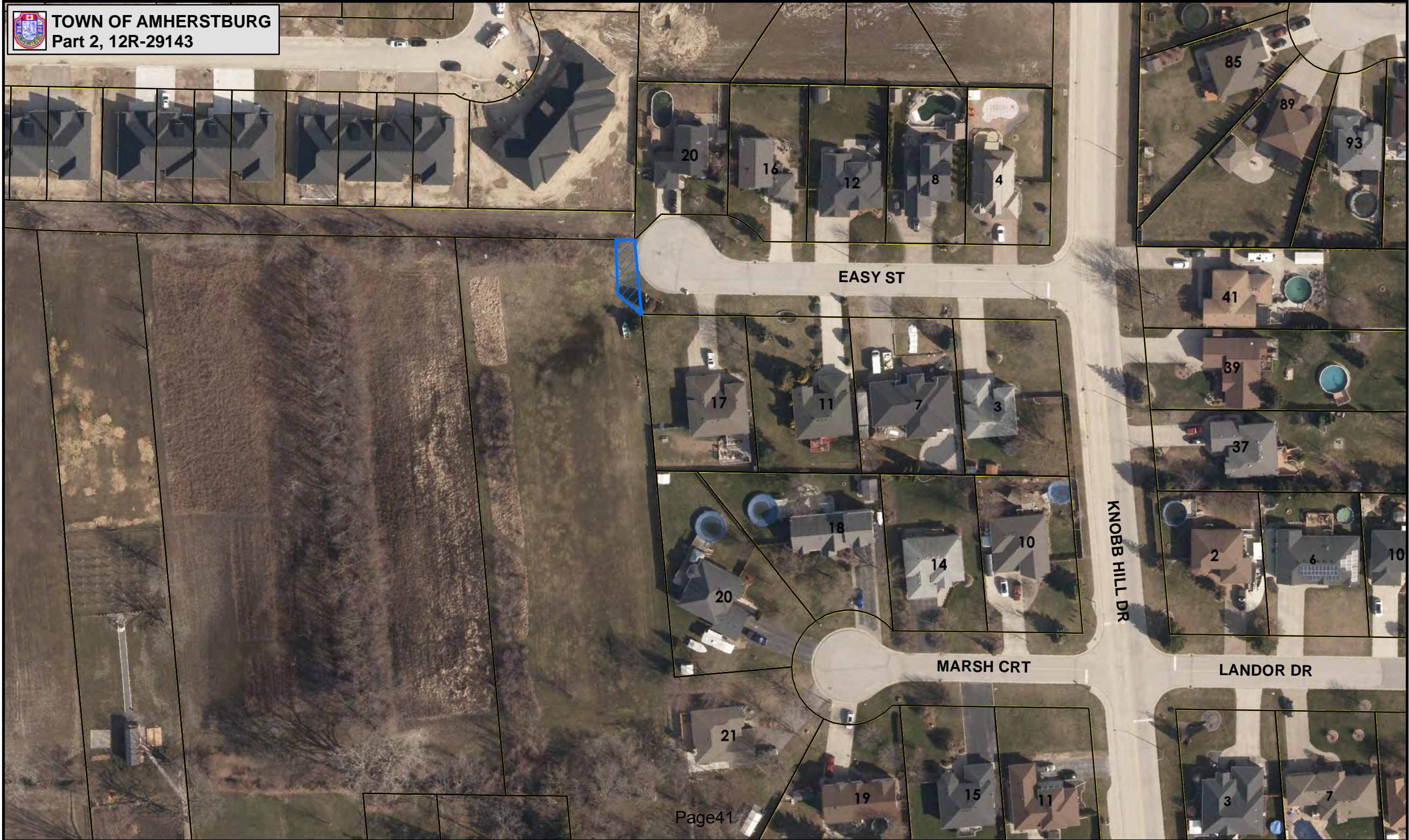
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
 THE RESULTANT TIE BETWEEN ORP 'A' AND ORP 'B' IS 303.84m (GROUND), N05°06'40W.

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2196951.

VERHAEGEN SURVEYING
 LAND SURVEYORS MAPPING
 A DIVISION OF J.D. BARNES LTD.
 944 OTTAWA STREET, WINDSOR, ON, N9X 2E1
 T (519) 258-1772 F (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.J.M.	CHECKED BY: R.A.S.	REFERENCE NO.: 22-47-339-00
FILE: 22-47-339-00.dwg	E-13-14	CAD Date: August 29, 2022 4:20 PM



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KNOBH HILL DR

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MARSH CRT

LANDOR DR

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**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-094**

**By-law to dedicate certain lands in the
Town of Amherstburg as a Public Highway
(westerly extension of Easy Street)**

WHEREAS the Municipal Act, R.S.O. 2001, c.25 Sections 24-68 authorizes the Council of every municipality to pass a by-law for establishing, laying out, acquiring, assuming, or naming a highway;

AND WHEREAS land has been transferred to the Town to be dedicated as a public highway for the extension of Easy Street and it is now appropriate to dedicate Part 2, Plan 12R-29143 as follows:

12R-29143, Part 2

80.6 square metres

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

1. THAT the lands described as Part 2, 12R-29143 with a size of area of 751.86 square metres in the Town of Amherstburg, County of Essex, Province of Ontario is hereby dedicated as a public highway, and forms part of Easy Street.
2. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

Read a first, second and third time and finally passed this 17th day of October, 2022.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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: Zoning By-law Amendment for Canard Valley Estates Phase 2

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2022-067 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as Canard Valley Estates Phase 2 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Town received an application for Zoning By-law Amendment from 1473511 Ontario Ltd., Valente Group, for approximately 8.82 hectares of land (municipally known as Canard Valley Estates Phase 2) located on the south side of Middle Sideroad west of County Road 11 (Walker Road). If approved, the Zoning By-law amendment will change the zone from a h-R1A Zone to R1 Zone, in accordance with a final draft plan of subdivision.

A Statutory Public Meeting under the Planning Act was held on September 12, 2022, at which comments were received from members of the community and Council regarding the proposed draft plan of subdivision and proposed zoning by-law amendment. While there were comments brought forward at this meeting they were not concerning the proposed zone change but in regards to the proposed draft plan of subdivision. These comments have been submitted to the County of Essex, approval authority for subdivisions.

3. DISCUSSION:

The submitted application seeks to change the zoning for the development from holding Residential Type 1A (h-R1A) to Residential First Density (R1) Zone to require a minimum lot frontage of 15 m and lot area of 540 m² and permit a maximum lot coverage of 35% for single detached dwellings whereas the current zoning requires a minimum lot frontage of 20 m and lot area of 900 m² and permit a maximum lot coverage of 30% for single detached dwellings. This zone category is consistent with other newer developments in Town including Kingsbridge Phase 10. The holding zone is proposed to be removed at this time as sanitary sewage capacity has been confirmed and the draft plan of subdivision process is nearing completion.

The submitted application does not facilitate a change in the established use of the property but instead seeks to establish revised lot frontage, lot area and lot coverage provisions to conform to the draft plan of subdivision.

The requested increase in lot coverage does not facilitate any negative impacts on surrounding properties. It is noted that all of the studies prepared in support of this application are based on the smaller lot size. The application is considered to conform to good planning principles.

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 lands are located within a subdivision that currently seeking draft plan approval from the County of Essex. The comprehensive subdivision planning process ensures that the development addresses all Provincial, Regional and local interests with respect to the appropriate use and development of the land. Specifically, the subdivision represents efficient and orderly development of serviced residential land in accordance with the land use vision outlined in the Provincial Policy Statement. The proposal conforms to the County's land use vision as outlined in the specific policies under the County Official Plan as it represents efficient development of land within in the Settlement Boundary.

The subject lands are within Town's Settlement Boundary and are designated as Low Density Residential in the Town's Official Plan. The proposed single detached dwellings are permitted uses and the proposal makes efficient use of residential land and municipal infrastructure in accordance with the applicable Official Plan policies.

The Residential First Density (R1) Zone proposed for the subdivision provides for the following:

(1) SCOPE

The provisions of this Section shall apply in all Residential First Density (R1) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any R1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

- (i) single detached dwelling;*
- (ii) existing duplex or converted dwellings;*
- (iii) existing places of worship;*
- (iv) home occupation;*
- (v) accessory uses;*
- (vi) public use.*

(3) ZONE REQUIREMENTS

No person shall within any R1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) Lot Area (Minimum) 540 m²*
- (b) Lot Frontage (Minimum) 15 m*
- (c) Front Yard Depth (Minimum) 7.5 m*
- (d) Interior Side Yard Width (Minimum)*
 - With attached garage or carport 1.5 m*
 - Without attached garage or carport 2.5 m on one side and 1.5 m on the other side*
- (e) Exterior Side Yard Width (Minimum) 7.5 m*
- (f) Rear Yard Depth (Minimum) 7.5 m*
- (g) Lot Coverage (Maximum) 35%*
- (h) Landscaped Open Space (Minimum) 30%*
- (i) Dwelling Unit Area (Minimum) 90 m²*
- (j) Height (Maximum) 8.5*
- (k) Dwelling Units Per Lot (Maximum) 1 only*
- (l) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.*

(m)Notwithstanding the minimum lot frontage requirements of Subsection 3(b) above, the minimum lot frontage may be reduced to 12 metres for infilling lot creation provided the minimum lot area requirement of Subsection 3(a) can be met.

In the event this application is approved by Council, the approval will be forwarded to the County of Essex, who can proceed with the next steps in the draft plan approval process.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. The proposed change is in conformity with the Town's Official Plan.

5. FINANCIAL MATTERS:

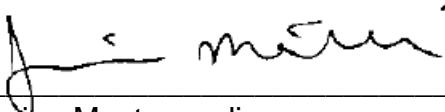
All other costs associated with the application are the responsibility of the developer. Should this matter be appealed to the Ontario Land Tribunal the Town will incur costs.

6. CONSULTATIONS:

Administration consulted with the Applicant on this application. No additional consultations are required on this application. All statutory notice requirements and consultations were met through the planning process.

7. CONCLUSION:

It is the opinion of administration that the Zoning By-law Amendment allows for the appropriate development of the subject lands, conforms with the policies of the Official Plan, and is in accordance with the attached draft plan of subdivision. Therefore, it is recommended Zoning By-law 2022-067 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Janine Mastronardi
Planner



Christopher Aspila
Manager, Planning Services

JM/CA

Report Approval Details

Document Title:	Zoning By-law Amendment for Canard Valley Estates Phase 2.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - ZBA-12-22- Aerial.pdf- Appendix B - Canard Valley Ph 2 Signed Draft Plan.pdf- Appendix C - Certificate of Lot Frontages and Areas- 19-47-130-00 May 20, 2022.pdf- Appendix D - 2022-067- ZBA- Canard Valley Estates Phase 2.pdf
Final Approval Date:	Oct 12, 2022

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



Melissa Osborne



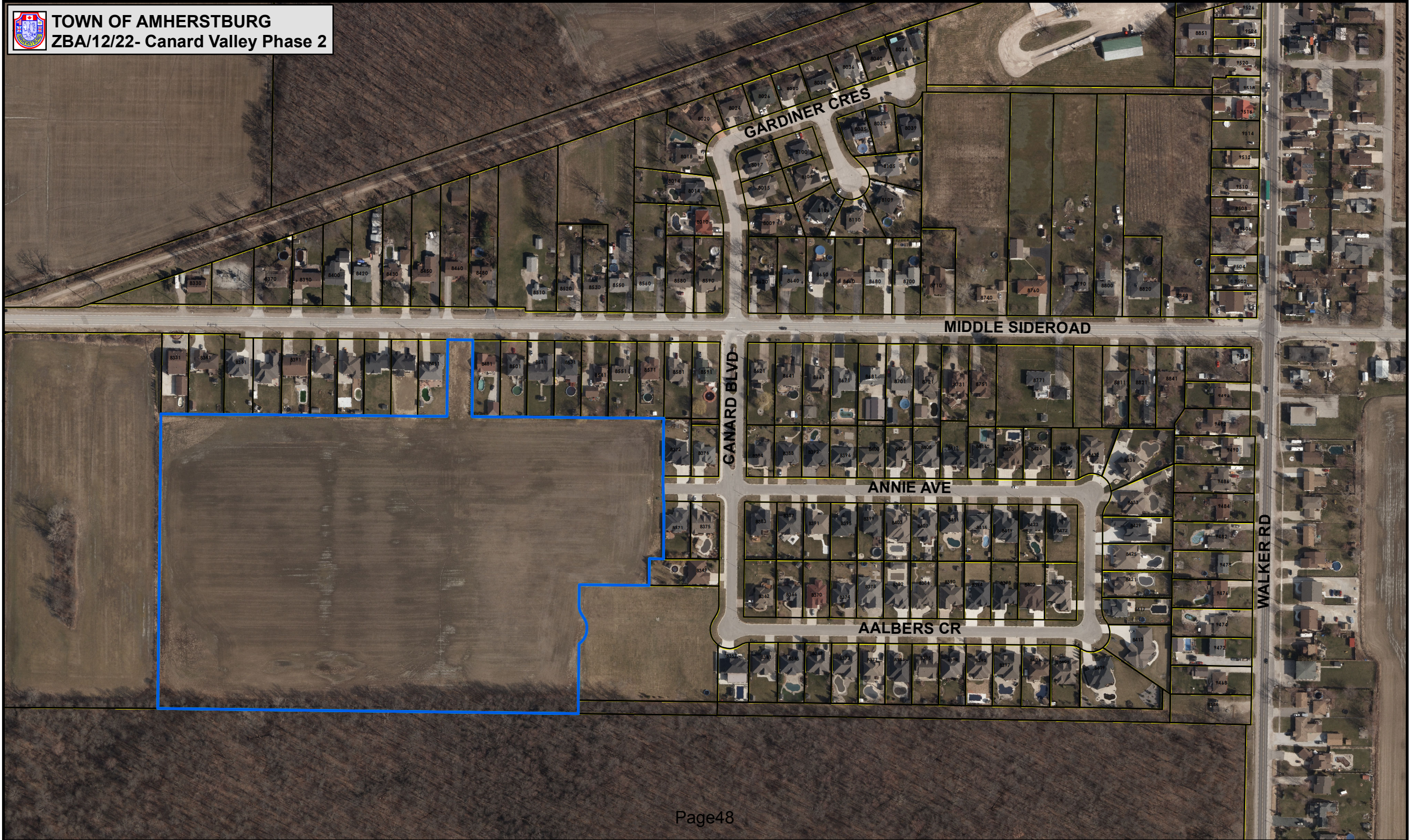
Tracy Prince

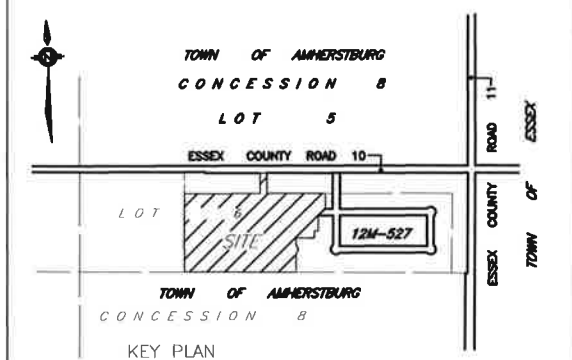
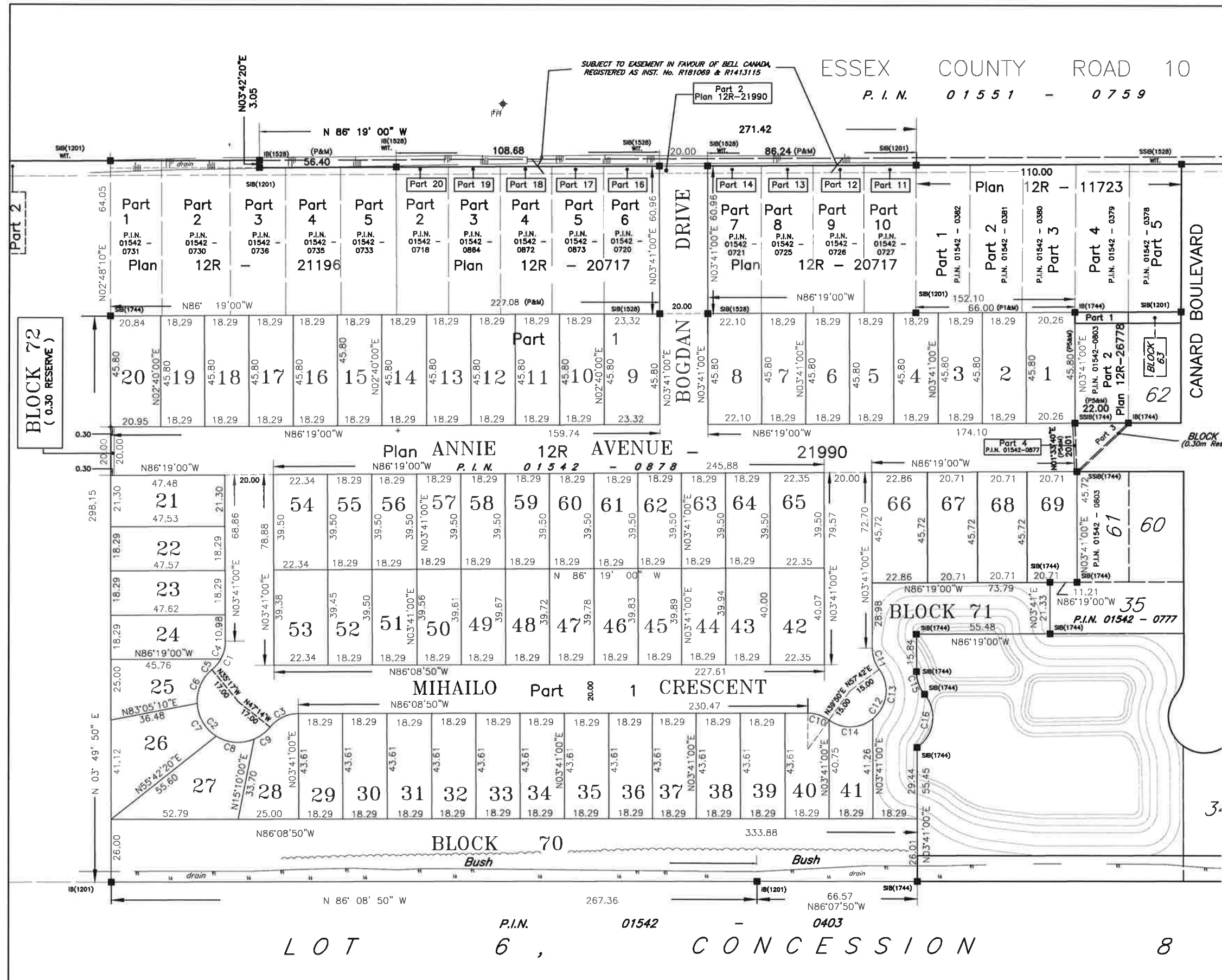


Valerie Critchley



Kevin Fox





DRAFT PLAN OF SUBDIVISION
OF
PART OF LOT 6, CONCESSION 8 AMHERSTBURG
AS PARTS 1 & 2 ON PLAN 12R21990;
EXCEPT PARTS 1, 2, 3 & 4 ON 12R26778;
S/T EASE OVER PART 2 ON 12R21990
AS IN R181069 & R1413115
IN THE
TOWN OF AMHERSTBURG
COUNTY OF ESSEX, ONTARIO
(PIN 015420878)

- ADDITIONAL INFORMATION
AS REQUIRED UNDER SECTION 51(17)
OF THE PLANNING ACT, (R.S.O. 1990)
- (a) AS SHOWN ON PLAN
 - (b) AS SHOWN ON PLAN
 - (c) AS SHOWN ON PLAN
 - (d) SINGLE FAMILY RESIDENTIAL
 - (e) NORTH-EXISTING RESIDENTIAL
SOUTH-EXISTING AGRICULTURAL
EAST-EXISTING RESIDENTIAL
WEST-EXISTING AGRICULTURAL
 - (f) AS SHOWN ON PLAN
 - (g) AS SHOWN ON PLAN
 - (h) PIPED MUNICIPAL WATER
 - (i) CLAY LOAM
 - (j) AS SHOWN ON PLAN
 - (k) ALL SERVICES TO BE PROVIDED
 - (l) NONE

LAND USE SCHEDULE

USE	LOTS/ BLOCKS	RESIDENTIAL UNITS	AREA(Ha)
RESIDENTIAL DEVELOPMENT - SINGLE FAMILY	69	69	5.72
WOODED AREA (BLOCK 70)	1		0.87
STORM WATER MANAGEMENT POND (BLOCK 71)	1		0.30
R.O.W. (INCLUDING BLOCK 72)	1		1.93
TOTAL	72	69	8.82

OWNER'S CERTIFICATE
I HEREBY AUTHORIZE THE FILING OF THIS DRAFT PLAN FOR APPROVAL.
DATE July 24/2022
PREVIOUSLY SIGNED
AUG. 31, 2021

1473511 ONTARIO LTD.
VALANTIC GROUP

Steve Valente
STEVE VALENTE, PRESIDENT
"I HAVE AUTHORITY TO BIND THE CORPORATION"

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP
TO THE ADJACENT LANDS HAVE BEEN ACCURATELY AND CORRECTLY SHOWN.

DATE May 24/2022
PREVIOUSLY SIGNED
AUG. 31, 2021

ANDREW S. MANTHA
ONTARIO LAND SURVEYOR
for VERHAEGEN • STUBBERFIELD • HARTLEY
BREWER • BEZAIRE INC.



NO.	REVISION	DATE	BY	APP.	NO.	REVISION	DATE	BY	APP.

DESIGN	CHECKED	DRAWN	CHECKED R.C.S.	DATE	SCALE
CANARD ESTATES SUBDIVISION PH. 2					
DRAFT PLAN					
PROJECT NO.	18-743	SHEET NO.			
					1
					OF 1

Draft Plan of Subdivision Dated July 21, 2021

Area and Lot Width Table (May 20, 2022)

J.D.Barnes Reference No. 19-47-130-00

Lot/Block	Lot Frontage @ 7.5m	Area (Square Metres)
LOT 1	20.26	927.8
LOT 2	18.29	837.7
LOT 3	18.29	837.7
LOT 4	18.29	837.7
LOT 5	18.29	837.7
LOT 6	18.29	837.7
LOT 7	18.29	837.7
LOT 8	22.10	1012.3
LOT 9	23.32	1068.3
LOT 10	18.29	837.7
LOT 11	18.29	837.7
LOT 12	18.29	837.7
LOT 13	18.29	837.7
LOT 14	18.29	837.7
LOT 15	18.29	837.7
LOT 16	18.29	837.7
LOT 17	18.29	837.7
LOT 18	18.29	837.7
LOT 19	18.29	837.7
LOT 20	20.95	957.3
LOT 21	21.30	1012.0
LOT 22	18.29	869.9
LOT 23	18.29	870.7
LOT 24	18.29	867.0
LOT 25	23.50	837.1
LOT 26	20.28	1149.7
LOT 27	21.45	1149.2
LOT 28	23.37	832.3
LOT 29	18.29	797.8
LOT 30	18.29	797.8
LOT 31	18.29	797.8
LOT 32	18.29	797.8
LOT 33	18.29	797.8
LOT 34	18.29	797.8
LOT 35	18.29	797.8
LOT 36	18.29	797.8
LOT 37	18.29	797.8
LOT 38	18.29	797.8
LOT 39	18.29	797.8
LOT 40	18.29	790.2
LOT 41	18.29	711.2
LOT 42	22.35	894.6
LOT 43	18.29	730.1

Draft Plan of Subdivision Dated July 21, 2021

Area and Lot Width Table (May 20, 2022)

J.D.Barnes Reference No. 19-47-130-00

Lot/Block	Lot Frontage @ 7.5m	Area (Square Metres)
LOT 44	18.29	730.1
LOT 45	18.29	729.1
LOT 46	18.29	728.2
LOT 47	18.29	727.2
LOT 48	18.29	726.2
LOT 49	18.29	725.2
LOT 50	18.29	724.2
LOT 51	18.29	723.2
LOT 52	18.29	722.2
LOT 53	22.34	880.7
LOT 54	18.29	882.6
LOT 55	18.29	722.6
LOT 56	18.29	722.6
LOT 57	18.29	722.6
LOT 58	18.29	722.6
LOT 59	18.29	722.6
LOT 60	18.29	722.6
LOT 61	18.29	722.6
LOT 62	18.29	722.6
LOT 63	20.95	722.6
LOT 64	21.30	722.6
LOT 65	18.29	882.8
LOT 66	18.29	1045.4
LOT 67	18.29	947.0
LOT 68	23.50	947.0
LOT 69	20.28	947.0
BLOCK 70		8682.7
BLOCK 71		2991.1
BLOCK 72		6.0
BOGDAN DRIVE		2135.3
ANNIE AVENUE		7976.8
MIHAILO CRESENT		8733.5

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-067**

**By-law to amend Zoning By-law No. 1999-52
Canard Valley Estate Phase 2, 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 27 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from h-R1A to R1" on Schedule "A" attached hereto and forming part of this By-law from "holding Residential Type 1A (h-R1A) Zone" to "Residential First Density (R1) 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 17th day of October, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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.

Author's Name: Christopher Aspila	Report Date: October 4, 2022
Author's Phone: 519 736-5408 ext. 2124	Date to Council: October 17, 2022
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Official Plan Amendment and Zoning By-law Amendment – 359 Dalhousie Street

1. RECOMMENDATION:

It is recommended that:

1. Official Plan Amendment No. 18 – 359 Dalhousie Street attached as Appendix “A” **BE ENDORSED** and;
2. Administration **BE INSTRUCTED** to forward Official Plan Amendment No. 18 – 359 Dalhousie Street to the County of Essex for approval; and
3. Zoning By-law Amendment 2022-090 attached as Appendix “B” **BE APPROVED**.

2. BACKGROUND:

NorBuilt, owner of the property municipally known as 359 Dalhousie St requested an Official Plan Amendment (OPA) to change the policy framework applied to the subject property from ‘Heritage Residential’ to ‘High Density Residential’ to support a proposed multi-residential development.

The existing house is proposed to be demolished and the site redeveloped with a new 4 storey, 12 unit multi residential condominium development with 19 parking spaces and a 12 unit detached garage.

3. DISCUSSION:

The subject property has an area of approximately 0.29 hectares and is largely obscured from view from the reverse S-curve on Dalhousie Street.

The subject property is designated as Heritage Residential in the Town of Amherstburg Official Plan.

The subject property is zoned Residential Heritage in Town of Amherstburg Zoning By-law 1999-52.

When considering planning matters a triple-bottom line approach is used and this is comprised of many environmental, societal and economic factors. In the following subsections, the planning matters will be explored and discussed.

Provincial Policy Statement 2020 (PPS)

The following sections of the PPS are relevant to the proposed development:

1.1.1 Healthy, liveable and safe communities are sustained by:

a)promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b)accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

c)avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d)avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

e)promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

f)improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

g)ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

h)promoting development and land use patterns that conserve biodiversity; and

i)prepare for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a)efficiently use land and resources;

b)are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

c)minimize negative impacts to air quality and climate change, and promote energy efficiency;

d)prepare for the impacts of a changing climate;

e)support active transportation;

f)are transit-supportive, where transit is planned, exists or may be developed; and

g)are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply

and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

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

1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:

a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and

b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;

b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;

c) in prime agricultural areas:

1. the lands do not comprise specialty crop areas;

2. alternative locations have been evaluated, and

i. there are no reasonable alternatives which avoid prime agricultural areas; and

ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;

d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and

e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

In undertaking a comprehensive review, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:

a) there would be no net increase in land within the settlement areas;

b) the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the municipality;

c) prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and

d) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and

b) the allocation of population and units by the upper-tier municipality shall be based on and reflect provincial plans where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*

b) *permitting and facilitating:*

1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by:*

a) *promoting opportunities for economic development and community investment-readiness;*

b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*

c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*

d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*

e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*

f) *promoting the redevelopment of brownfield sites;*

g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;

h) providing opportunities for sustainable tourism development;

i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network;

j) promoting energy conservation and providing opportunities for increased energy supply;

k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and

l) encouraging efficient and coordinated communications and telecommunications infrastructure.

Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Implementation and Interpretation

4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.

4.2 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982.

4.4 This Provincial Policy Statement shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

4.5 In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.

4.6 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

4.7 In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be required for new infrastructure and modifications to existing infrastructure under applicable legislation.

Wherever possible and practical, approvals under the Planning Act and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

4.8 The Province, in consultation with municipalities, Indigenous communities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.

4.9 Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.

County of Essex Official Plan

3.2.4.1 Policies

The following policies apply to *Primary Settlement Areas*:

- a) *Primary Settlement Areas* shall be the focus of growth and public/private investment in each municipality.
- b) *Primary Settlement Areas* shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including *affordable housing* options and alternative housing forms for *special needs* groups, and be designed to be walkable communities with public transit options (or long-term plans for same).
- c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan.

- d) All new *development* within *Primary Settlement Areas* shall only occur on full municipal water 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.
- e) Expansions of the boundaries of a *Primary Settlement Area* shall only occur in accordance with the Local Comprehensive Review policies in Section 3.2.3.1 of this Plan. An amendment to this Plan and the local Plan shall be required to alter the boundary of any “*Settlement Area*”.
- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use *development* and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.
- g) The County encourages the redevelopment of *brownfield* properties.
- h) All types of land use are permitted within the “*Settlement Areas*” designation subject to the specific land use policies of the local Official Plans.
- i) Cost effective *development* patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
- j) The County supports universal physical access and encourages the building industry to incorporate such features into new structures.

3.2.6 General Settlement Area Policies

The following policies apply to all “Settlement Areas” identified on Schedule “A1” of this Plan:

- a) *Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections for local municipalities are to be in accordance with the population projections contained within this Plan.*
- b) *The County supports residential intensification within Primary Settlement Areas.*
- c) *The County supports the provision of housing which is affordable to low and moderate income households.*
- d) *Local Official Plans are encouraged to establish land requirement needs based on densities which meet the following:*
 - i) *Efficiently use land, resources, infrastructure and public service facilities.*
 - ii) *Avoid the need for unnecessary and/or uneconomical expansion of infrastructure.*
 - iii) *Support the use of public transit where available or where it can be provided in future years.*

iv) Are appropriate to the type of sewage and water systems which are planned or available.

e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:

i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.

ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

f) Local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.

g) It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:

i) Make provision such that infrastructure and public service facilities will be available to accommodate projected growth.

ii) Provide a supply of land to meet long term requirements.

iii) Provide for an efficient, cost effective, reliable, multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth.

iv) Conserve energy and water by providing for energy and water efficiency.

v) Maintain the well-being of downtowns and mainstreets.

vi) Optimize the long term availability, viability and use of agricultural and other resources.

vii) Plan so that major facilities such as transportation corridors, sewage treatment facilities, waste management systems, industries and mineral aggregate resource activities and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

h) Local Official Plans are encouraged to develop growth management strategies as part of their Official Plans and to establish the type, amount, location and timing of growth and development including a servicing strategy that is in keeping with the servicing and growth projection policies contained within this Plan.

i) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated "Settlement Areas".

3.2.7 Intensification & Redevelopment

The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment. Implementation and annual reporting to the County on meeting this target will be the responsibility of the local municipalities.

The County will permit intensification and redevelopment within Secondary Settlement Areas to assist in meeting the target provided it occurs on full municipal sewage services and municipal water services.

Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

Town of Amherstburg Official Plan

The current Land Use Designation of the subject property is Heritage Residential.

4.3.5 Heritage Residential

Adjacent to the Central Business District of the old Town is a residential area where many of the homes date back to 1850. The small frame homes on narrow streets are a visible reminder of Canada's beginnings. The Heritage Residential area lies within a portion of the Town of Amherstburg that has been studied as a Heritage Conservation District.

The uses permitted within the Heritage Residential area shall include single detached, semidetached, duplex, and converted dwellings as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses.

Due to the size of many of the lots and the location of the units almost on the front property line, there should be no minimum lot area or frontage, while front yard depth should be in keeping with adjacent properties in order to maintain a uniform streetscape.

The height of any new development must also be sensitive to adjacent properties.

Several of the structures within the Heritage Residential area have been designated as “Heritage” buildings under the Ontario Heritage Act. Every effort should be made by both the owner and the Corporation to ensure the continued existence of that structure in its historically significant form.

The subject property is currently Zoned Residential Heritage.

RESIDENTIAL HERITAGE (RH) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Residential Heritage (RH) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RH uses, namely:

- (i) single detached dwelling;*
- (ii) semi-detached dwelling;*
- (iii) duplex dwelling;*
- (iv) converted dwelling;*
- (v) lodging house;*
- (vi) bed and breakfast establishment;*
- (vii) existing place of worship, including associated place of public assembly;*
- (viii) building or use accessory to the above provided that the building is not used for human habitation;*
- (ix) public use.*

(3) ZONE REQUIREMENTS

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) Lot Area (Minimum) No minimum*
- (b) Lot Frontage (Minimum) No minimum*
- (c) Front Yard Depth (Minimum)*

The average of the adjacent properties to both sides or the existing front yard depth.

- (d) Interior Side Yard Width (Minimum) 1.5 m*
- (e) Exterior Side Yard Width (Minimum)*

The front yard depth of the adjacent property or 6 m whichever is the lesser.

- (f) Rear Yard Depth (Minimum) 6 m*
- (g) Lot Coverage (Maximum) 40%*
- (h) Landscaped Open Space (Minimum) 20%*

(i) Dwelling Unit Area (Minimum)

(i) Single detached unit - 75 m²

(ii) Semi-detached and duplex unit - 65 m²

(iii) Converted, lodging house - 30 m² per unit

(j) Height

Parapet line for buildings located on a corner: The top of the highest projection along the facade may be no more than 50 cm higher than the highest parapet line along the block in which the building is situated. Any new building replacing a damaged building should be built to the height of the original building.

Parapet line for buildings located between two other buildings: The top of the highest projection along the facade may be no more than 50 cm higher than the higher parapet line of the two adjacent buildings.

Roof line: If a roof is flat, it shall be located lower than the parapet. If a roof is sloped, its ridge shall be parallel to the street and shall be no higher than the highest ridge or parapet on the block on which the building is situated.

Chimneys are not included in these height restrictions.

(k) Additions

No additions shall be constructed in the front yard or exterior side yard but shall be restricted to the rear and interior side yards.

(l) Replacement

If a building or structure that is designated as a Heritage Building is demolished, removed, or destroyed, the new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

(m) Accessory Use, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 thereof.

Planning Analysis

The Town of Amherstburg is experiencing an unprecedented period of growth where the Town's Planning Department's draft projections forecast an increase of over 27,000 new residents during the next 25 years. When the population growth is viewed in the context of the location of existing infrastructure services it makes more sense to build where existing capacity is or can be added to.

The County of Essex has identified the core area of the Town of Amherstburg as part of the Town's primary settlement area. Policies in the PPS and County of Essex Official Plan promote intensification, higher population densities and provision of necessary housing in primary settlement areas. This allows for the efficient use of infrastructure

services, creation of transit supportive development and potential for walkable communities. All of these are desirable for the future of Amherstburg.

As shown on Town of Amherstburg Heritage Properties, dated 2021, attached as Appendix "A", the subject property was not under consideration when the comprehensive background study was prepared for potential heritage properties and a potential heritage district. Because of the exclusion from the comprehensive study, the Planning Department deems that the subject property does not constitute a significant built heritage resource in the context of the PPS and related legislation.

It is noted that the subject property is not located within an existing Heritage Conservation District in the context of Part V of the Heritage Act at the time of application. The heritage policies in the Official Plan and Zoning By-law 1999-52 speak to characteristics.

Furthermore the neighbouring properties to the west, south and east of the subject property are designated in the Official Plan as High Density Residential and with the exception of the property abutting to the west at 361 Dalhousie Street S, the surrounding buildings are considered to be "high-rise" development in the 23,500 person Amherstburg context.

Based on the review of the subject property through these multiple lenses that include the cultural heritage aspects, the Planning Department is of the opinion that the proposed demolition of the subject property to allow for a higher and better use of a 12-unit multi-residential dwelling built in accordance with applicable policies and By-laws is the preferred option for the Town of Amherstburg.

4. RISK ANALYSIS:

The recommendations present little to no risk to the municipality.

5. FINANCIAL MATTERS:

Costs associated with the application and planning processes are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

6. CONSULTATIONS:

Administration has consulted with the Heritage Committee and the Applicant.

7. CONCLUSION:

The proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement (2020) and the County of Essex Official Plan.



Christopher Aspila
Manager of Planning Services

Report Approval Details

Document Title:	Official Plan Amendment and Zoning By-law Amendment 359 Dalhousie Street.docx
Attachments:	- Appendix A - OPA 18- 359 Dalhousie Street.docx - Appendix B - 2022-090- ZBA- 359 Dalhousie.docx - Appendix C - 359 Dalhousie- 120 m Circulation List.pdf - Appendix D - 359 Dalhousie- 120 m Circulation Map.pdf - Appendix E - 359 Dalhousie Property Pictures.docx - Appendix F - 359 Dalhousie Rendering.jpg - Appendix G - 359 Dalhousie St Site Plan.jpg - Appendix H - PJR- 359 Dalhousie OPA and ZBA.pdf
Final Approval Date:	Oct 12, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox

**AMENDMENT NO. 18
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG**

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CONSTITUTIONAL STATEMENT

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PART B - THE AMENDMENT

1. Details of the Amendment
2. Implementation of the Amendment

DECISION

**With respect to Official Plan Amendment No. 18 to the Official Plan for
The Corporation of the Town of Amherstburg
Subsection 17(34) of the Planning Act**

I hereby approve Amendment No. 18 to the Official Plan 2009-30 for The Corporation of the Town of Amherstburg, as adopted by By-law 2022-089.

Dated at Essex, Ontario this day of , 2022.

Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

AMENDMENT NO. 18 TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Valerie Critchley, Clerk of the Town of Amherstburg, certify that this is a/the original/duplication original/certified copy of Amendment No. 18 to the Official Plan of the Town of Amherstburg.

CLERK – Valerie Critchley

**The Corporation of the Town of Amherstburg
By-law 2022-089**

**Being a by-law to adopt Official Plan Amendment No. 18
to the Official Plan for the Town of Amherstburg**

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 18 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and map, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 18 to the Official Plan for the Corporation of the Town of Amherstburg;
3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 17th day of October, 2022.

Aldo DeCarlo, Mayor

Valerie Critchley, Clerk

THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 18 to the Official Plan for The Corporation of the Town of Amherstburg.

AMENDMENT NO. 18
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART A - THE PREAMBLE

1. Purpose of the Amendment

Official Plan Amendment No. 18 will redesignate lands known as 359 Dalhousie Street from 'Heritage Residential' to 'High Density Residential' designation in the Official Plan for the Town of Amherstburg.

2. Location of Lands

This OPA applies to the following land use designations depicted on Schedule A, B and B-2 in the Official Plan:

- i) Legal description: Part of Lot 3, Concession 1, Town of Amherstburg;
- ii) Municipal address: 359 Dalhousie Street, Town of Amherstburg.

3. Basis of the Amendment

An Official Plan Amendment (OPA) was requested to change the policy framework applied to the subject property from 'Heritage Residential' to 'High Density Residential' to support the proposed residential development.

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were proponent initiated and requested to support the development of the site for multi-residential development.

The existing house is proposed to be demolished and the site redeveloped with a new 4 storey, 12 unit multi residential condominium development with 19 parking spaces and a 12 unit detached garage.

Review and evaluation of the proposed development was placed in context of the Provincial Policy Statement 2020 (PPS) and was considered to be consistent with provincial policy direction. Specifically, the development is consistent with provincial housing policies, provides for healthy community initiatives, and supports the healthy, walkable community policies of the province.

The proposed development will provide for a building on site that is heritage complimentary to the existing neighbourhood, provides for alternative housing greatly

needed in the community, and conforms with healthy community initiatives of the municipality and province. After extensive review, the proposed building is determined compatible with the neighbourhood and the community of Amherstburg.

Official Plan Amendment No. 18 establishes a policy framework within the 'High Density Residential' policies for the subject lands. The Official Plan Amendment No. 18 establishes residential policy framework for the proposed new development that is intended as a high density residential condominium development.

The proposed development, through the adoption of the Official Plan Amendment No. 18, will conform with the relevant policies of the County of Essex Official Plan policies and the Town of Amherstburg Official Plan policies by: providing alternative housing tenure and style while supporting a diversification in housing in Amherstburg; by efficiently and effectively utilizing existing infrastructure for the development of new residential units; and by providing for a moderate intensification of land use with a new building containing 12 residential condominium units as a high density development well suited for the neighbourhood.

The Official Plan Amendment No. 18 will provide a policy framework for the implementing bylaw amendment 2022-090. By-law 2022-090 provides a regulatory framework that will establish site specific regulations under the 'Residential Multiple Second Density (RM2)' zone provisions.

PART B – THE AMENDMENT

1. Details of the Amendment

All of this part of the document, entitled ‘Part B – The Amendment’ consisting of the following text and Schedule ‘A’ constitutes Official Plan Amendment No. 18 to the Official Plan for the Town of Amherstburg.

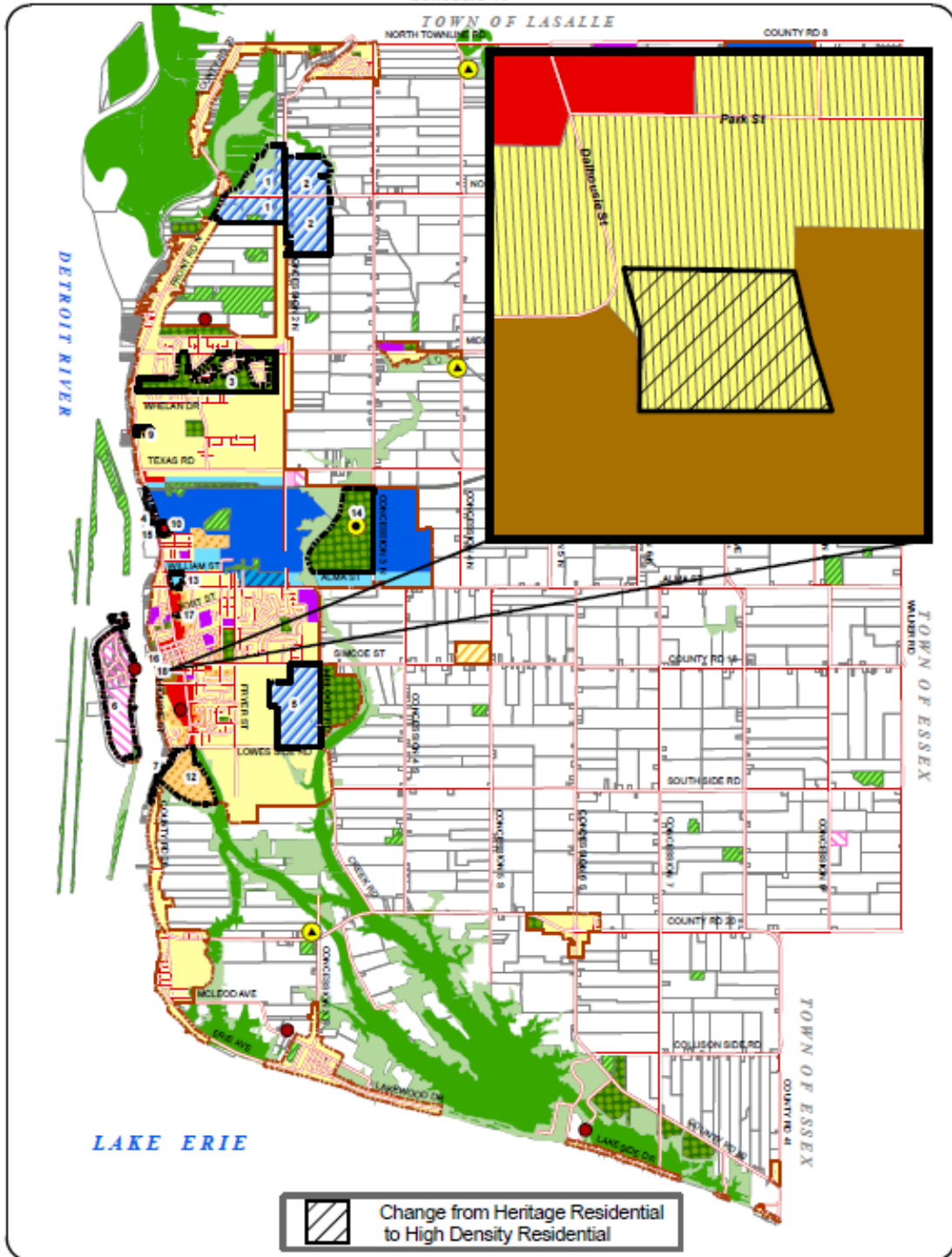
The Official Plan of the Town of Amherstburg is amended as follows:


“Property known municipally as 359 Dalhousie Street is hereby redesignated from ‘Heritage Residential’ designation to ‘High Density Residential’ designation on Schedule ‘A’, ‘B’ and ‘B-2’ to the Official Plan for the Town of Amherstburg and as shown on Schedule ‘A’, ‘B’ and ‘B-2’ attached hereto.”

2. Implementation of the Amendment

Official Plan Amendment No. 18 will be implemented through Bylaw 2022-090, an amendment to Zoning By-law 1999-52, and Site Plan Control by-law.

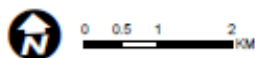
Schedule 'A'



 Change from Heritage Residential to High Density Residential

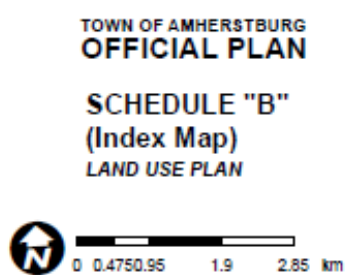
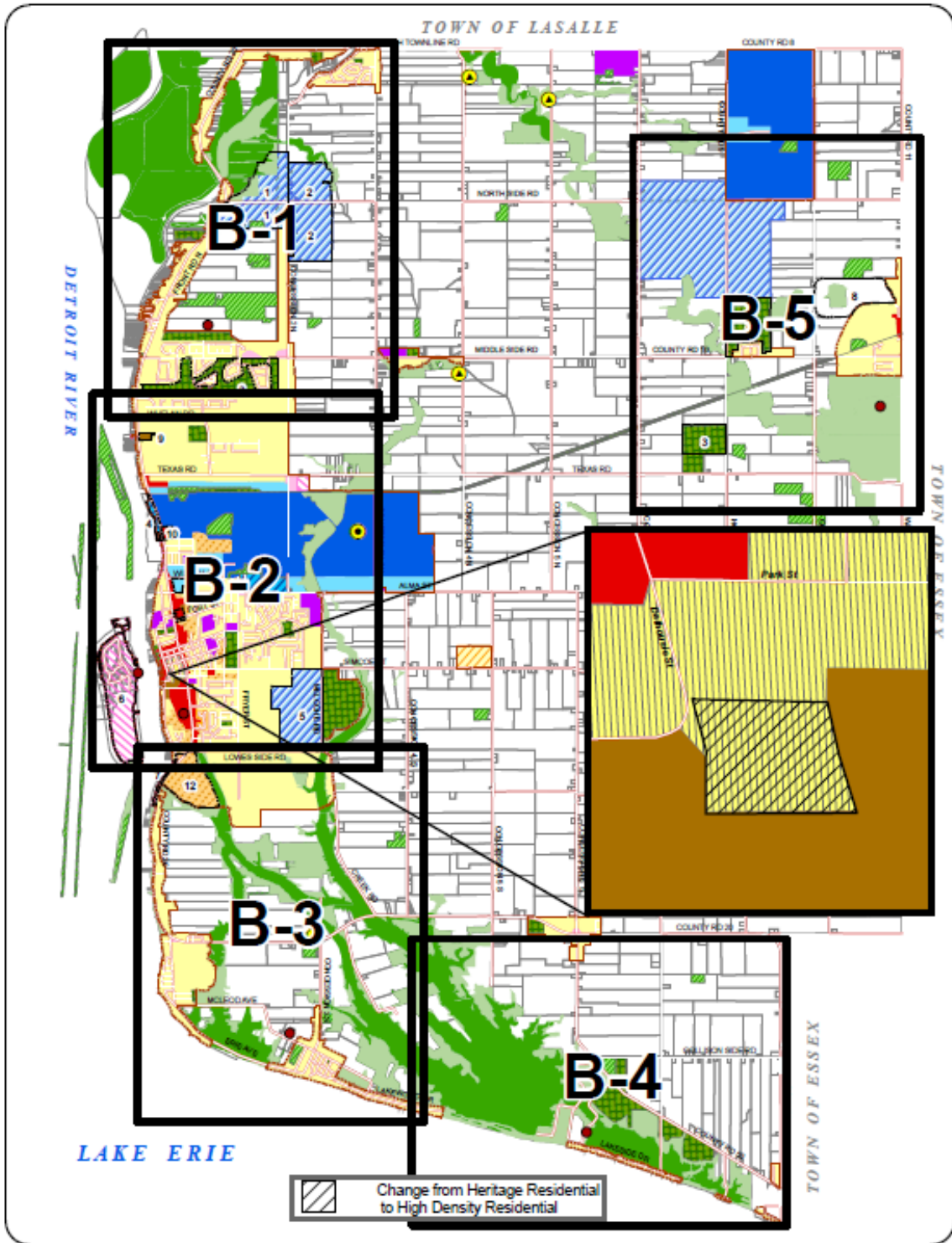
TOWN OF AMHERSTBURG
OFFICIAL PLAN

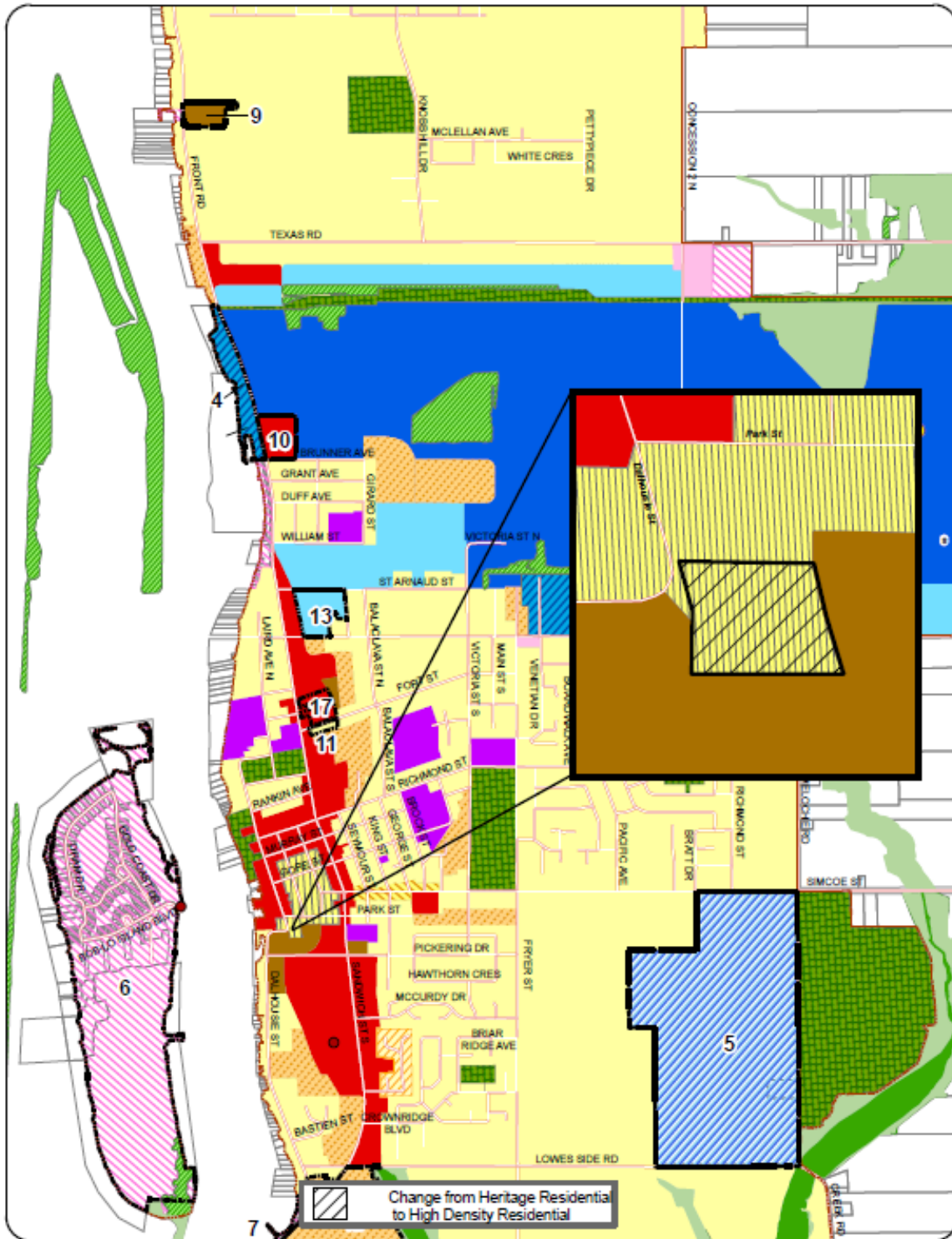
SCHEDULE "A"
LAND USE PLAN



Legend

-  Sewage Treatment Facility
-  Closed Landfill Site
-  Open Landfill Site
-  Agricultural
-  Special Policy
-  Settlement Area Boundary
-  Medium Density Residential
-  Provincially Significant Wetlands
-  Natural Environment
-  Woodlots
-  Low Density Residential
-  High Density Residential
-  Office Residential
-  Heritage Residential
-  Modular Home Residential
-  Neighbourhood Commercial
-  Open Space
-  Special Industrial
-  Light Industrial
-  Heavy Industrial
-  General Commercial
-  Extractive Industrial
-  Institutional
-  Recreational Development



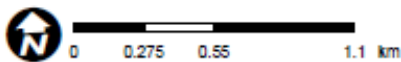


**TOWN OF AMHERSTBURG
OFFICIAL PLAN**

**SCHEDULE "B-2"
LAND USE PLAN**

Legend

- | | | |
|-----------------------------------|--------------------------|---------------------------|
| Agricultural | Heritage Residential | Recreational Development |
| Settlement Area Boundary | Modular Home Residential | Open Space |
| Provincially Significant Wetlands | Neighbourhood Commercial | Special Policy |
| Natural Environment | General Commercial | Closed Landfill Site |
| Woodlots | Special Industrial | Open Landfill Site |
| Low Density Residential | Light Industrial | Sewage Treatment Facility |
| Medium Density Residential | Heavy Industrial | |
| High Density Residential | Extractive Industrial | |
| Office Residential | Institutional | |



**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-090**

**By-law to amend Zoning By-law No. 1999-52
359 Dalhousie Street, 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 45 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from RH to RM2-11" on Schedule "A" attached hereto and forming part of this By-law from "Residential Heritage (RH) Zone" to "Special Provision Residential Multiple Second Density (RM2-11) Zone".

2. THAT Section 11(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (j) as follows;

"(j) RM2-11 (359 Dalhousie Street)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-11 on Schedule "A" hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:

- (i) Uses Permitted
 - (a) multiple dwelling;
 - (b) home occupation;
 - (c) accessory uses;
- (ii) Interior Side Yard Width (Minimum) 5.1 m
- (iii) Landscaped Open Space (Minimum) 25%
- (iv) Accessory Parking Structure Lot Coverage (Maximum) 280 m²
- (v) Accessory uses, parking, home occupation, etc. and accessory structures in addition to (iv) above will be in accordance with the provisions of Section 3 hereof."

3. THAT all other regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Multiple Second Density (RM2) Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

4. 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 17th day of October, 2022.

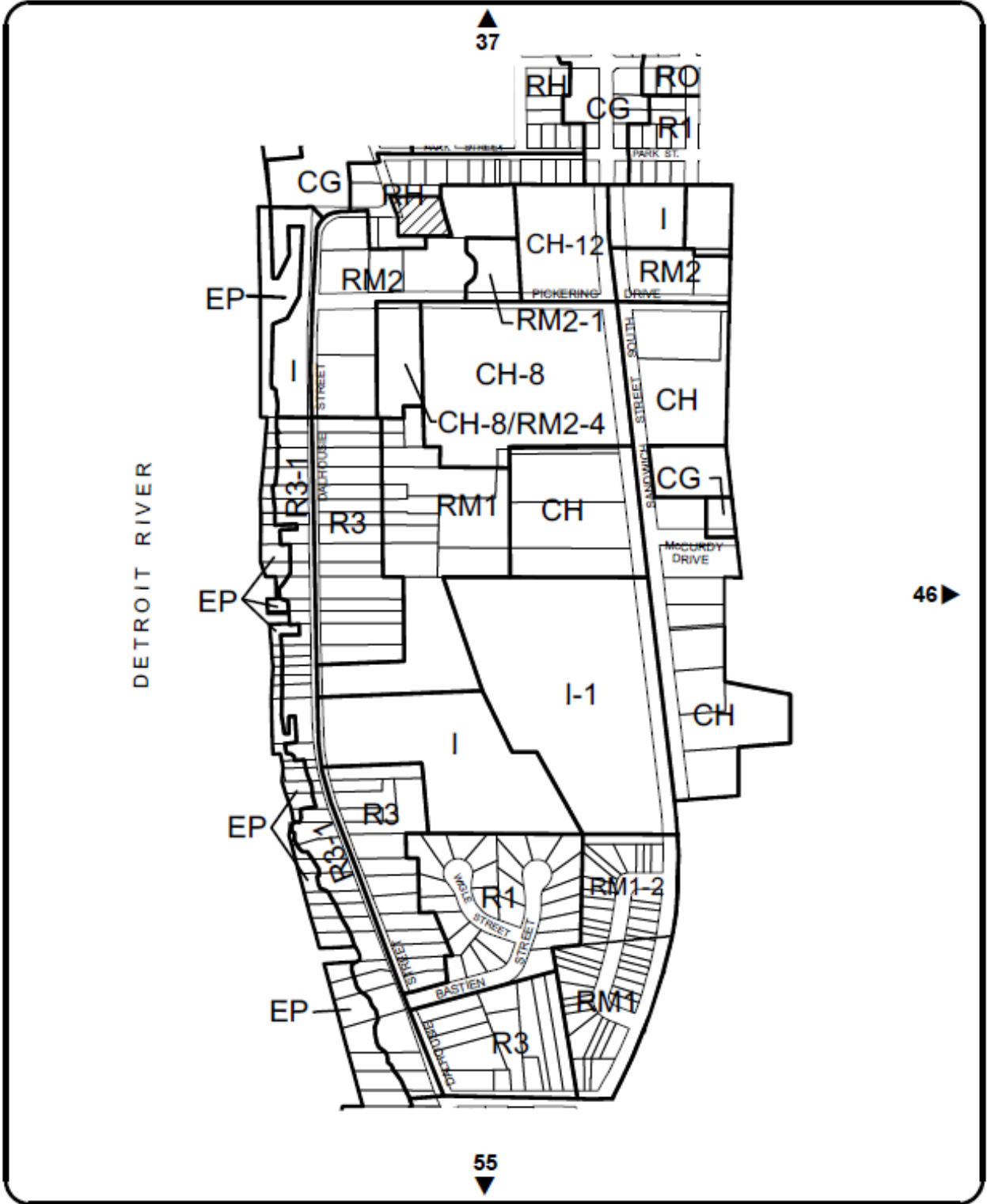
MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

DRAFT


TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-090
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 45

ZONING BY-LAW NO. 1999-52

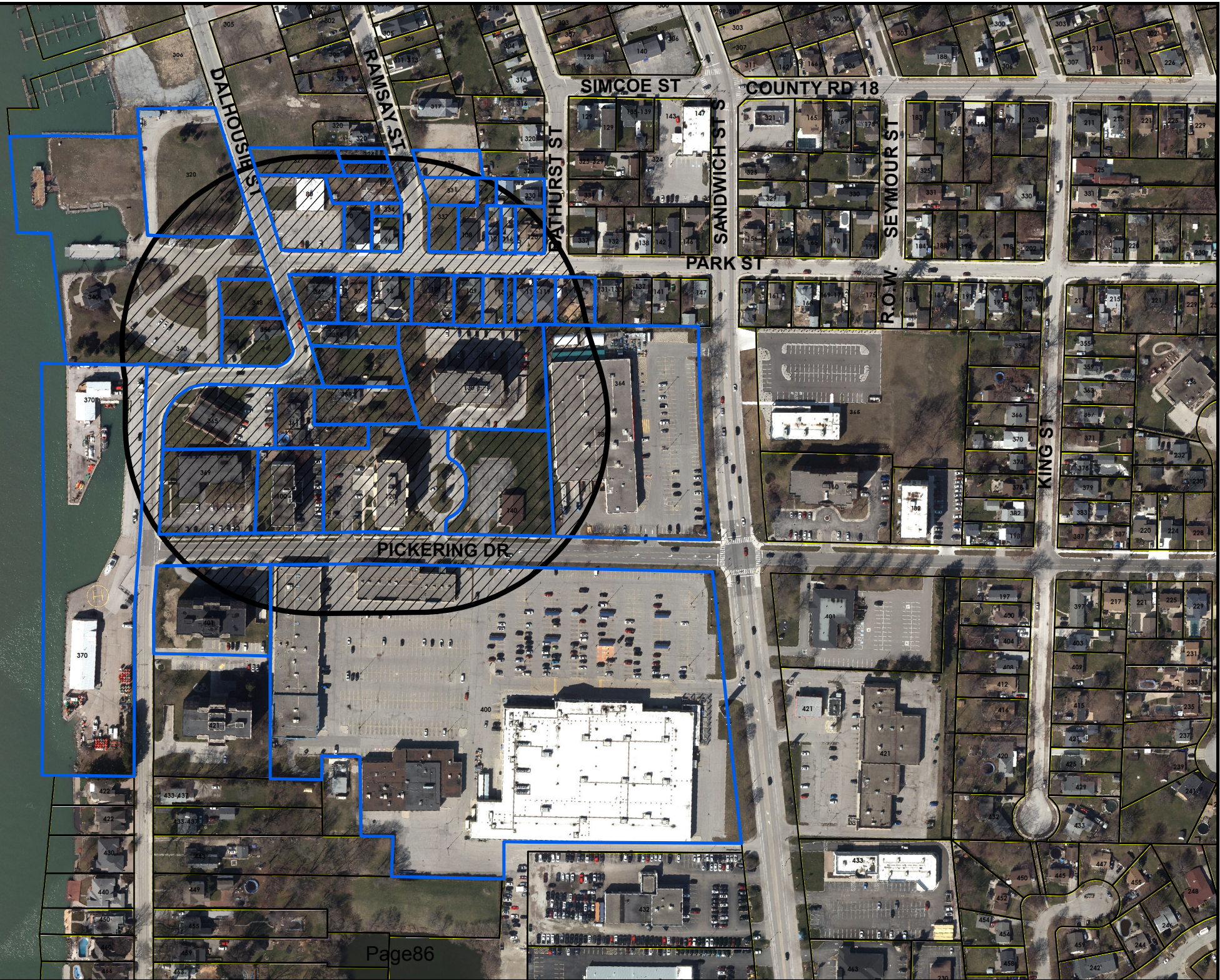
RH to RM2-11 

OPA No. 18 ZBA/15/22- 359 Dalhousie- 120 m Circulation

ARN	ADD1	STREETNAME
372911000004200	324	RAMSAY ST
372911000003800	96	PARK ST
372911000008500	116	PARK ST
372911000004000	330	RAMSAY ST
372911000008600	120	PARK ST
372911000003900	334	RAMSAY ST
372911000003600	80	PARK ST
372911000003500	327	DALHOUSIE ST
372911000008400	112	PARK ST
372911000004100	328	RAMSAY ST
372911000008700	330	BATHHURST ST
372911000003700	90	PARK ST
372911000008000	327	RAMSAY ST
372911000008300	108	PARK ST
372911000008100	331	RAMSAY ST
372911000008200	337	RAMSAY ST
372911000000100	340-364	DALHOUSIE ST
372911000000400	320	DALHOUSIE ST
372910000003100		DALHOUSIE ST
372910000002700	93	PARK ST
372910000003200	359	DALHOUSIE ST
372910000004000	140	PICKERING DR
372910000003000	355	DALHOUSIE ST
372910000002800	87	PARK ST
372910000003300	361	DALHOUSIE ST
372910000003400	365	DALHOUSIE ST
372910000003700	100	PICKERING DR
372911000000200	356	DALHOUSIE ST
372910000002900	349	DALHOUSIE ST
372910000003500	369	DALHOUSIE ST
372911000000300	348	DALHOUSIE ST
372910000000100	380	SANDWICH ST S
372910000002400	113	PARK ST
372910000002500	109	PARK ST
372910000002600	101	PARK ST
372910000002100	127	PARK ST
372910000002202	119	PARK ST
372910000002300	115	PARK ST
372910000002200	117	PARK ST
372910000003600	370	DALHOUSIE ST
372905000002300	400	SANDWICH ST S
372905000002200	401	DALHOUSIE ST
372910000004101	130	PICKERING DR
372910000003900	120	PICKERING DR



TOWN OF AMHERSTBURG
359 Dalhousie- 120 m Circulation



359 Dalhousie























**PLANNING JUSTIFICATION REPORT
359 Dalhousie Street, Amherstburg, ON**

August 23, 2022

Prepared for:

Town of Amherstburg

Prepared by:

Stantec Consulting Ltd., 100-300 Hagey
Boulevard, Waterloo ON N2L0A4

Project Number:
165620244

PLANNING JUSTIFICATION REPORT: 359 Dalhousie Street, Amherstburg, ON
August 23, 2022

The conclusions in the Report titled Planning Justification Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from Nor-Built Construction (the "Client") and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided to applicable authorities having jurisdiction and others for whom the Client is responsible, Stantec does not warrant the services to any third party. The report may not be relied upon by any other party without the express written consent of Stantec, which may be withheld at Stantec's discretion.

Prepared by: _____
Signature

Angela Wang

Printed Name

Reviewed &
Approved by: _____
Signature

Moir Davidson, MCIP, RPP

Printed Name

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1 Introduction

On behalf of our client, this Planning Justification Report has been prepared in accordance with the County of Essex Official Plan, Town of Amherstburg Official Plan, and the Town of Amherstburg Zoning By-law for 359 Dalhousie Street in Amherstburg, Ontario (herein referred to as the Subject Site). This report has been prepared in alignment with pre-consultation comments and the pre-consultation meeting held regarding the redevelopment of the Subject Site.

It is our professional planning opinion that policies outlined in the Amherstburg planning regime documents are used in support of a Lower-tier Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to permit the redevelopment of the Subject Site in alignment with the proposed concept as detailed in Section 3 of this report. This report provides the background, overview and a development proposal concept for the Subject Site. For context, the Subject Site's location is outlined in Figure 1. A preliminary concept plan has been included with this report, as shown in **(Appendix A)**.

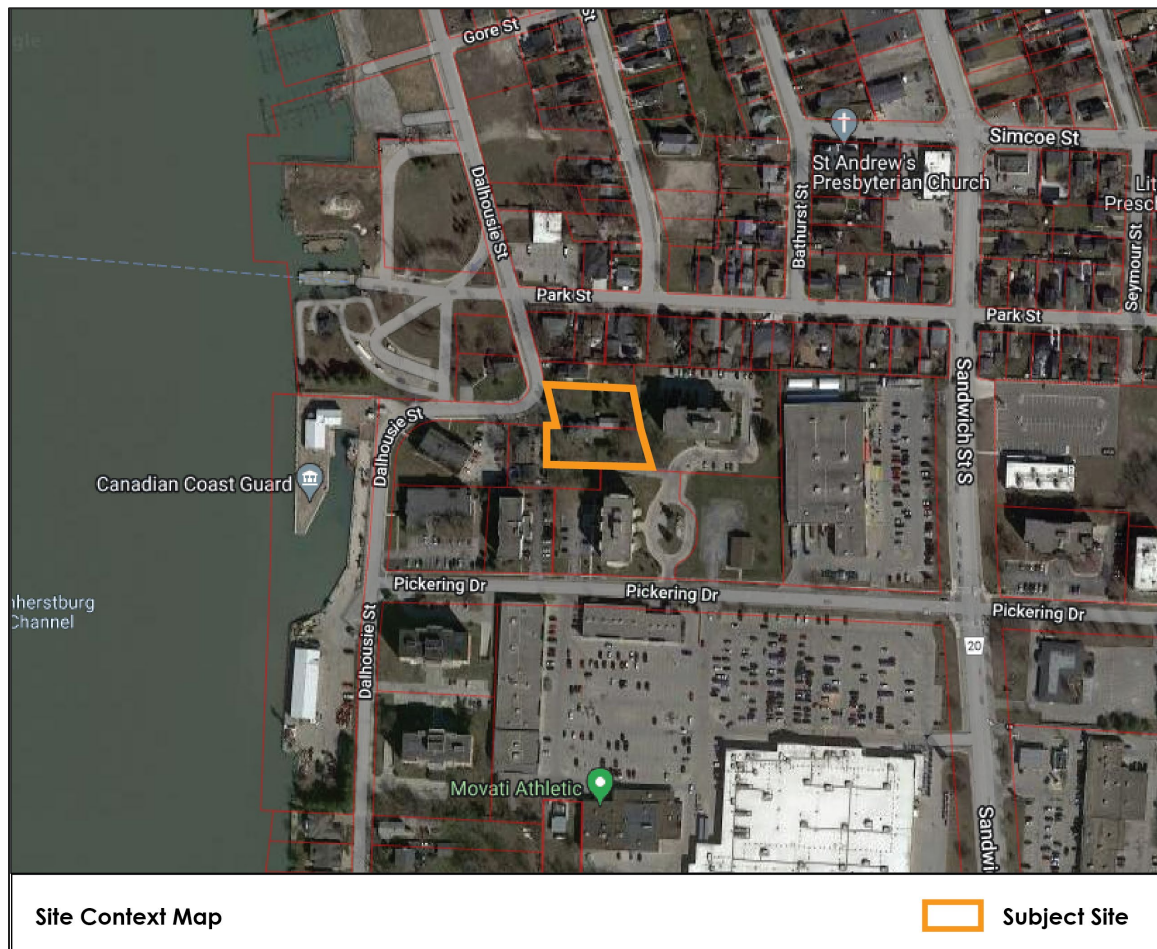


Figure 1: Site Context



This Planning Justification report is part of a comprehensive and complete application package that collectively support the requested Official Plan Amendment and Zoning By-law Amendment. This report provides a review and analysis of relevant land use policies as they pertain to density and height regulations, land use designations, and site plan controls of the Subject Site and proposed development. This Planning Justification Report provides our professional planning opinion in support of the proposed development and is a supplement to the comprehensive application package being submitted. While this report serves to set the planning and legislative framework for the proposed development, as illustrated in the concept plan, it should be noted that the development presented may be refined further throughout the subsequent Site Plan and development process.

2 Site Description

The Subject Site is situated at 359 Dalhousie Street, just south of the Dalhousie Street and Park Street intersection. The Subject Site is approximately 0.287-hectares in size and consists of two parcels of land owned by the applicant. The Subject Site has existing access from Dalhousie Street, which is classified as a Collector Road in the Town of Amherstburg Official Plan.

Currently, the Subject Site is being used for a single detached residence home with a detached accessory structure in the rear. The Subject Site is located within the Town's Heritage Area and is noted as a Heritage Property of Interest (non-designated). The owner of a Heritage Property of Interest is legally required to give the Town 60 days written notice of intention to demolish.

From our initial review, the Subject Site is not encumbered by any natural features. The Subject Site is in close proximity to the Detroit River and is also located in a surface water intake protection zone IPZ-2. Section 4.2.1 of this report provides more detail on the IPZ-2 zone.

2.1 Surrounding Land Uses and Areas

The lands immediately adjacent to the Subject Site are designated Heritage Residential and High Density Residential in Town of Amherstburg Official Plan (see **Figure 2**). The adjacent property to the north and the property across the street to the northwest are both Heritage Properties of Interest. The lands to the east, south, and southwest comprise of higher density apartment buildings, similar to what is being proposed on the Subject Site. The Detroit River is just over 150m to the west of the Subject Site.

The Subject Site is well supported by community services and amenities, with a commercial plaza that contains a Walmart Supercentre and Movati Athletic less than 100m south of the Subject Site, along with a waterfront park and the Central Business Area less than 500m north on Dalhousie Street. The Subject Site is situated in a desirable location that is walkable and accessible to recreation and employment opportunities and has a diverse variety of residential housing types in the area.



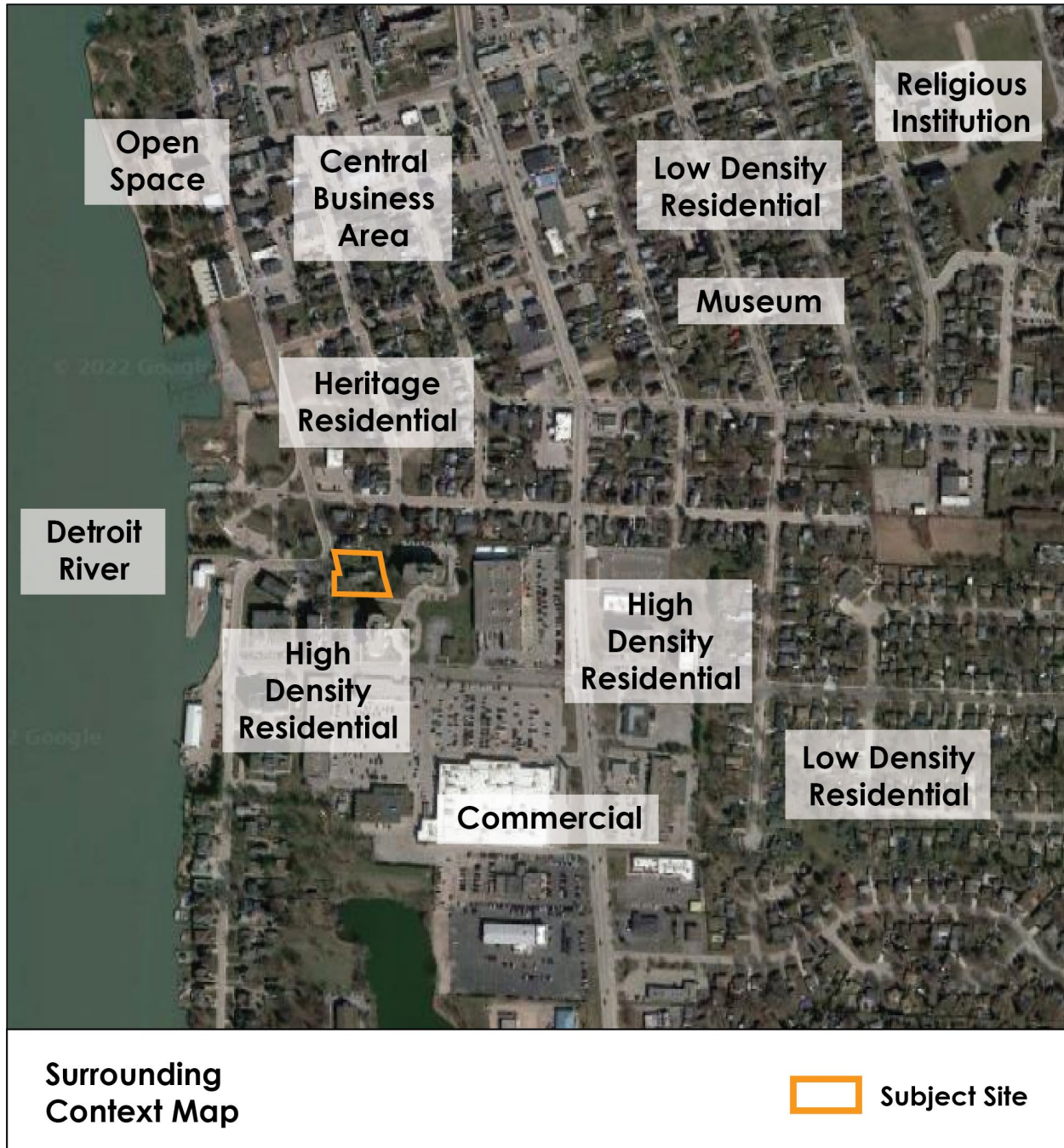


Figure 2: Surrounding Context Map

3 Concept Overview

The preliminary concept plan provided is considered draft for discussion purposes and to support the initial Official Plan Amendment and Zoning By-law Amendment Request being made by the applicant.



The concept will be further refined through the subsequent Site Plan and development process that will follow the above-mentioned applications. The concept plan is provided in Figure 3, and for ease of legibility is also provided as **Appendix A**.

The concept plan is defined through a four-storey apartment building consisting of 12 units and an enclosed parking garage structure at the rear of the Subject Site. The concept plan includes 19 outdoor parking spaces in addition to 12 garage parking spaces. The proposed development will have one access point from Dalhousie Street, leading to a smaller parking lot in the front of the apartment building and a larger main parking lot behind the building. The concept plan features areas of landscape buffers and green space, particularly along the front yard of the Subject Site, to create visual buffering between the street and the parking area. Additional site details, including emergency access and barrier-free parking will be provided at the site plan control stage.

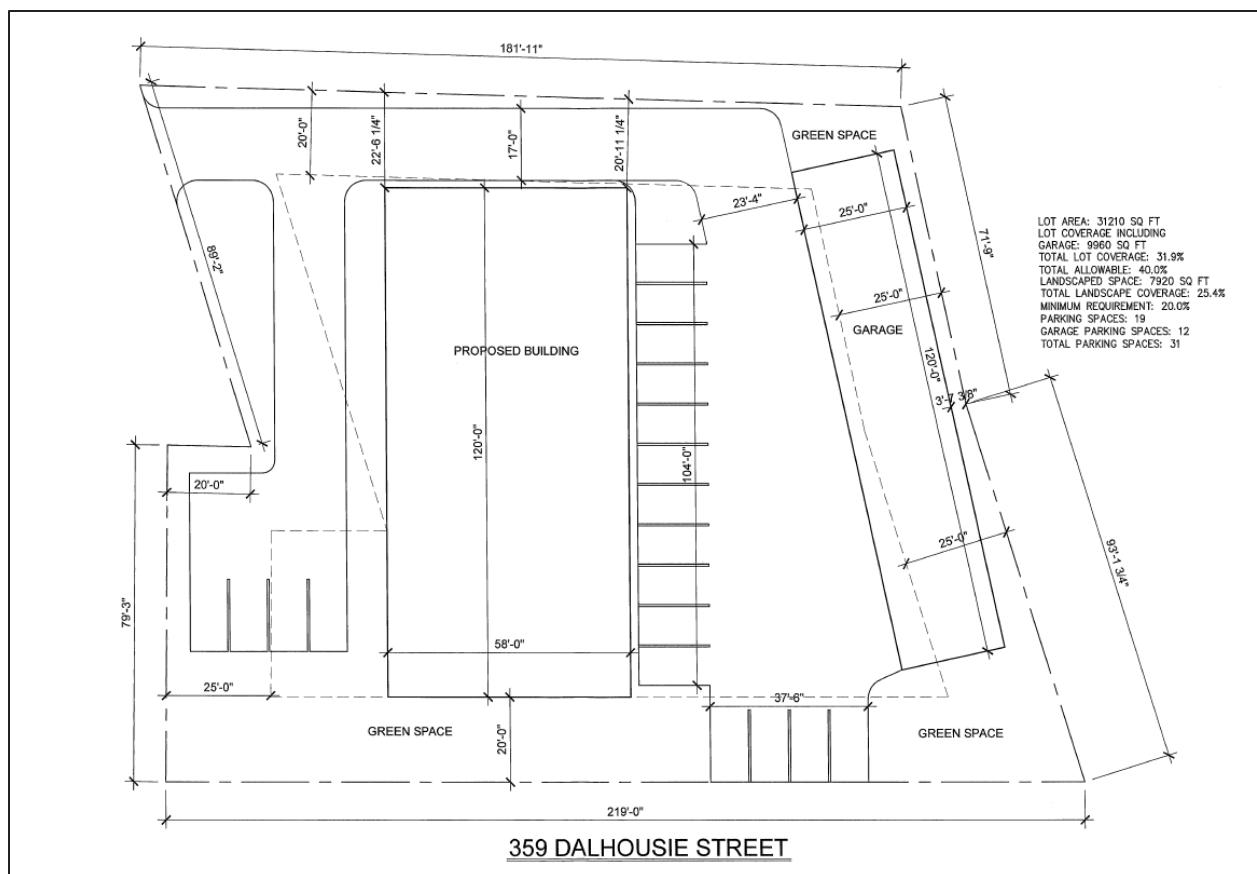


Figure 3: Preliminary Concept Plan

4 Land Use Policy Framework Overview

Planning policies exist within a hierarchy of plans directed by the Ontario Planning Act. Figure 3 provides an overview of the hierarchy for planning policies that are relevant for the proposed development. There are several adjacent legal frameworks (e.g., natural protection) which exist in parallel to the planning



legislation, as such this list is not exhaustive, rather provides direction for which policies must conform with the higher order in the planning process.

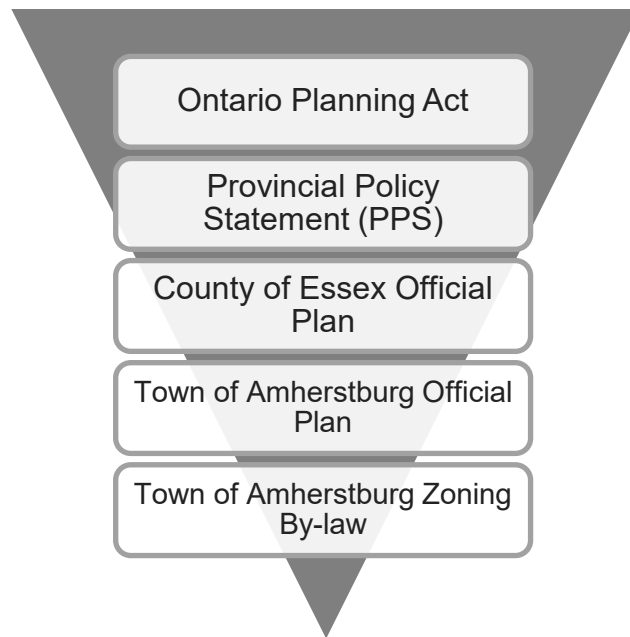


Figure 4: Planning Policy Hierarchy

4.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the *Planning Act*. It provides direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires all land use planning matters “be consistent” with the PPS. A review of PPS policies through the lens of this application is provided as **Appendix B**.

The Provincial Policy Framework encourages development that is designed to be sustainable, compact in form, and pedestrian oriented. Further to this, the PPS policies for housing indicate that an appropriate range and mix of housing options and densities are required to meet the projected requirements of current and future residents of the regional market area. As such, planning authorities are required to:

- a) Maintain at all times the ability for accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land is draft approved and registered plans. Municipalities may choose to maintain at least a five-year supply of residential units available through lands suitably zoned to facilitate redevelopment, and land in draft approved and registered plans.



The proposed redevelopment of the Subject Site would contribute to residential growth and intensification targets as outlined in the Provincial Policy Framework. Redevelopment of the Subject Site will support intensification that is well-suited and contextually appropriate for the surrounding neighbourhood. The proposed development provides additional housing options to meet long-term market demands, while contributing to the mix of residential units in a growing commercial area. The site is also located in proximity to other residential, commercial, and open spaces, which would allow the development to contribute to the mixture of different land use types.

It is our professional opinion, that the proposed Official Plan Amendment and Zoning By-law Amendment with Special Provisions, is consistent with the PPS. The development proposed in this submission is located and designed in a manner that facilitates the implementation of the broad provincial interests outlined by the PPS.

4.2 Local Planning Framework

4.2.1 COUNTY OF ESSEX OFFICIAL PLAN

The County of Essex sets the framework for the development and growth for all lower-tier municipalities within the County, including the Town of Amherstburg. The Subject Site is located within the Settlement Area as identified on Schedule A1 – Land Use Plan and within the Primary Settlement Area as identified on Schedule A2 – Settlement Structure Plan. Relevant policies from the Official Plan that support the development of the Subject Site have been highlighted below.

2.2 Growth Management: The health of the County requires that long-range land use planning and infrastructure investment be properly managed in a way that will:

- a) Direct non-resource related growth and development to settlements where it can be serviced, with a particular emphasis on Primary Settlement Areas.
- b) Protect and enhance the County's natural heritage system, cultural features and heritage resources (including resources in and under water), and minerals, petroleum, and mineral aggregate resources.

Response: The Subject Site is within a Primary Settlement Area and will avoid or limit any potential impacts to the natural heritage system, cultural features and heritage resources, as well as any other resources identified.

3.2 Settlement Areas

3.2.1 It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County's settlement structure, focus public and private investment in fewer areas and to preserve the lands designated "Agricultural" and "Natural Environment" for the purposes outlined in the policies of this Plan.

3.2.2 Goals of Settlement Areas:

- a) Support and promote public and private re-investment in the Primary Settlement Areas.



- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained within this Plan.
- i) Promote residential intensification within Primary Settlement Areas.
- j) Promote affordable housing within Primary Settlement Areas.

3.2.7 Intensification & Redevelopment: The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community. The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, and efficiently use land. The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment.

Response: The proposed development is within a Primary Settlement Area and promotes a well-planned compact residential form that is pedestrian oriented and is well supported by services and amenities for current and future County of Essex residents. With a greater population, the nearby commercial uses, employment lands and recreational resources will all benefit from the increase in users improving the relative viability of the area. The proposed development is promoting residential intensification within a Primary Settlement Area and increasing the number of available units while providing a range of housing options in a desirable neighbourhood. The proposed development will contribute to the County’s goal of residential development through intensification and redevelopment. While the Subject Site is a Heritage Property of Interest, the proposed development will maximize the potential for the Subject Site through the layout of the concept plan and through the benefits provided to the community in terms of providing more available units and housing options, as well as benefits to local businesses and employers.

2.5.1.1 Intake Protection Zones (IPZs): Intake Protection Zones are areas of land and water, where runoff from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the source water at the municipal drinking water intakes. Schedule “C3” maps the three Intake Protection Zones within and surrounding the County. Intake Protection Zone 2 (IPZ-2) is the area of water and land that is outside IPZ-1 and accounts for the influence of nearby watersheds, where runoff may pick up pollutants and affect water quality in the near-shore water at municipal intakes. IPZ-2 areas generally encompass areas within a few kilometres of the intakes and are based on a two-hour time of travel for the flow of water along the shores and in the tributary watersheds. The Clean Water Act requires that all decisions under the Planning Act or Condominium Act made by municipal planning authorities must conform to significant threat policies and have regard for other policies in an approved Source Protection Plan.



Response: The Subject Site is within the IPZ-2 as identified on Schedule C3 – Intake Protection Zones. The impacts of the concept plan in respect to sourcewater protection will be reviewed during the Site Plan phase in accordance with the applicable Sourcewater Protection Plan policies to ensure compliance.

2.7 Cultural Heritage and Archaeological Resources: It is the policy of this Plan that the County will identify, recognize, and conserve archaeological and built heritage resources, and cultural heritage landscapes. To achieve these goals, and to encourage the restoration, protection and maintenance of the County's heritage resources, all new development or redevelopment shall be consistent with the Provincial Policy Statement on cultural heritage resources. Cultural heritage resources include archaeological sites and/or areas of archaeological potential, buildings, structures, and landscapes of cultural heritage value or interest. The County will encourage new development, redevelopment and public works to be sensitive to and in harmony with cultural heritage resources.

Response: The proposed development aims to provide greater benefits to the community that will offset the loss of the existing Heritage Property of Interest. As the existing structure is not designated under the Ontario Heritage Act, development and site alteration is permitted with 60 days notice. The concept plan will limit impacts to nearby Heritage Properties of Interest and maintain the existing street character through landscaping and buffering.

2.8.1 Roads:

- i) Ensure that development proposals that are likely to generate significant traffic are accompanied by a traffic impact study addressing the potential impact on the Provincial and County Road systems and the surrounding land uses and how to minimize any identified negative impact.

Response: A Traffic Brief was completed by Stantec Consulting Ltd. for the Subject Site and no impacts to Provincial and County Road systems and surrounding land uses were identified. The Traffic Brief is attached in Appendix D.

4.2.1.1 County of Essex Population Projections

The County of Essex Official Plan provides the table presented as Table 1. The Table demonstrates the anticipated growth within the Town. While this informs the anticipated absorption rate of the Town, it does not provide a development limit. The proposed development supports the goals of intensification within Primary Settlement Areas and will assist in housing the projected 2031 growth.



<i>Local Municipality</i>	2011 Census Population	Projected 2031 Population	Allocated Growth
Amherstburg	21,556	25,860	12%
Essex	19,600	22,150	7%
Kingsville	21,362	24,400	9%
Lakeshore	34,546	41,000	18%
LaSalle	28,643	35,470	20%
Leamington	28,403	33,490	15%
Tecumseh	23,610	30,140	19%
Total Essex County	177,720	212,510	100%

Table 1: 20 Year Population Projects to 2031

4.2.2 TOWN OF AMHERSTBURG OFFICIAL PLAN

The Town of Amherstburg’s Official Plan regulates the extent, type and pattern of development within the Town, and provides direction regarding the management of resources and land use in efforts to achieve, and maintain, a high quality of life for residents. The following policy review is based on the 2018 consolidation of the 2010 Official Plan.

The Subject Site is located in the Heritage Residential designation, as identified on Schedule B-2 – Land Use Plan. The proposed development is entirely contained within the Settlement Area Boundary.



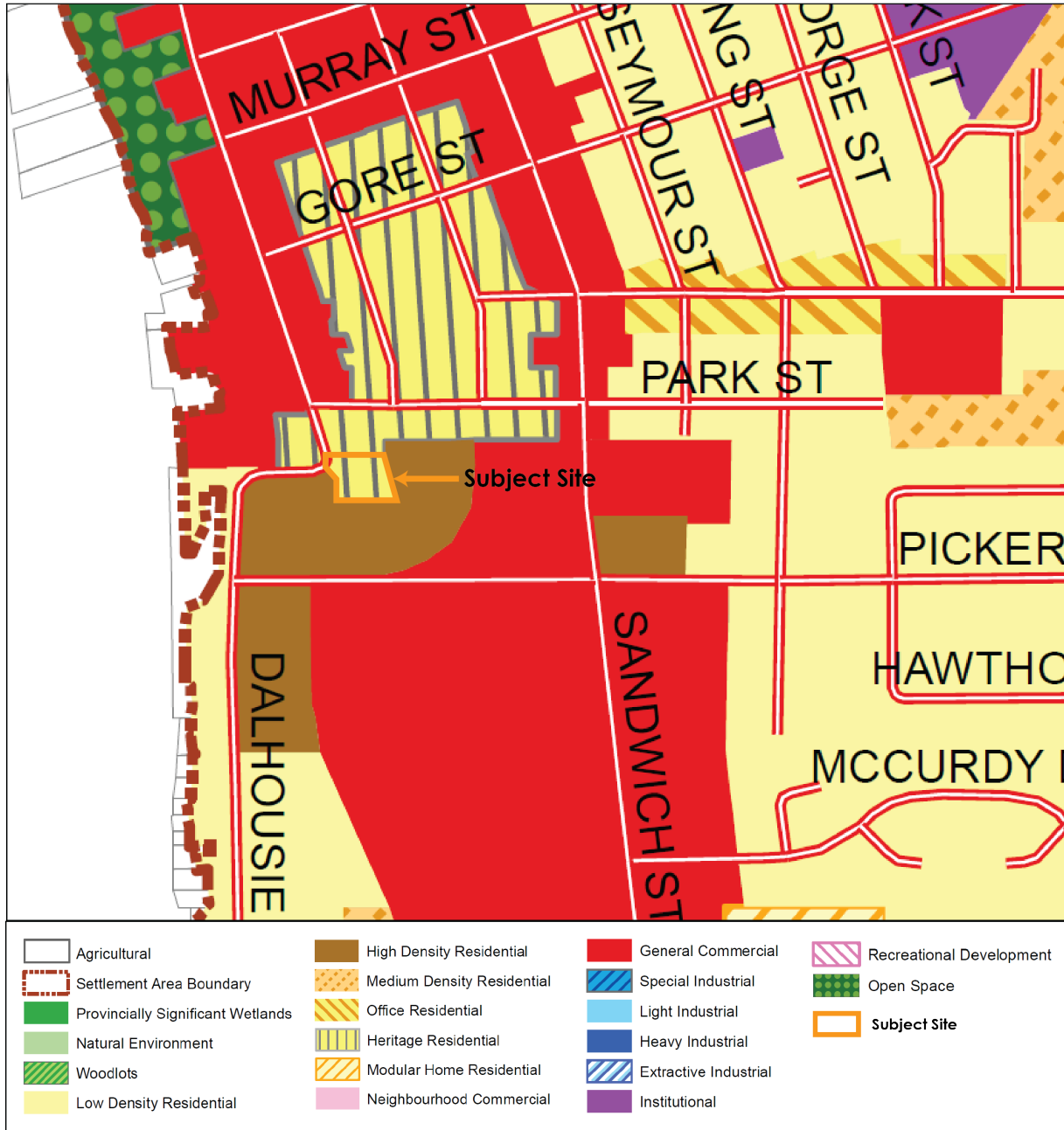


Figure 5: Town of Amherstburg Official Plan Schedule B2 - Land Use Plan

The Heritage Residential designation permits low density uses, such as single detached dwellings, however, does not permit apartment or multiple dwelling uses. As such, the proposed development is seeking an Amendment to the Amherstburg Official Plan from Heritage Residential to High Density Residential.

The proposed development generally conforms to the policies of the Amherstburg Official Plan and the High Density Residential designation. Relevant policies from the Official Plan that support the development of the Subject Site have been highlighted below.



4.2.2 Goals for all Residential areas:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- (2) To encourage the development of a greater variety of housing types;
- (3) To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study;
- (4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;
- (5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;
- (6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period as the capacity of the Town's services permit.

Response: The proposed development aims to serve current and future residents of the Town through providing a contextually appropriate housing development that increases the variety of housing options for the Town. By adding more units into the housing stock, the proposed development assists with creating an adequate supply of housing options. Additionally, the proposed development is increasing the housing supply through residential intensification, helping with meeting anticipated demand in an efficient and cost-effective manner.

4.3.5 Heritage Residential: The uses permitted within the Heritage Residential area include single detached, semi-detached, duplex, and converted dwellings, as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses. The height of any new development must also be sensitive to adjacent properties. Every effort should be made by the owner to ensure the continued existence of designated Heritage structures in its historically significant form.

Response: An Official Plan Amendment will be pursued to redesignate the Subject Site as High Density Residential to align with adjacent high density residential uses of similar size and density to the proposed development. There are no designated heritage structures adjacent to the Subject Site, and as such, no impacts to those structures are anticipated. The concept plan features a mid-rise apartment building with tree plantings and vegetated buffering along the street to maintain the existing character.

4.3.3 High Density Residential Areas: The uses permitted in areas designated High Density Residential include horizontal multiples, apartments, limited home occupation uses, and public uses. The maximum density shall not exceed 150 dwelling units per gross hectare.

Response: The concept plan features an apartment building with a density of 41 dwelling units per hectare. This falls within the density limit of the High Density Residential designation. As the proposed development is an apartment building under five stories, it also conforms to Medium Density Residential



Area policies; however the High Density Residential designation is a natural extension of the adjacent properties to the south of the Subject Site and would be more appropriate for the location of the Subject Site.

2.12 Heritage Conservation: It is the policy of this Plan to encourage the restoration, protection, conservation, and maintenance of the Town's archaeological and heritage resources, which include buildings and structures of historical and/or architectural value, as well as the natural heritage landscape. All new development or redevelopment permitted by the policies and designations of this Plan shall have regard for the conservation of heritage resources.

6.4.1 Development Policies for Heritage Conservation: All new development within the Heritage Area will be carried out in a manner as to respect the existing historical character while every effort will be made to preserve existing structures, building sites, as well as the overall character and atmosphere within the area.

6.4.2(3) To encourage the construction of new buildings to be of a design compatible with existing structures and to restrict unsympathetic alteration to buildings that would, by doing so, detract from the character of the Heritage Area.

Response: The concept plan includes considerations for nearby Heritage Properties of Interest and will conserve the character of those properties. While the existing structure on the Subject Site will not be conserved in the concept plan, there is a precedent set by adjacent/nearby properties, such as 369 Dalhousie Street, which is within the Heritage Area but has been redeveloped to accommodate high density residential uses. As mentioned earlier, the proposed development will provide many benefits and opportunities for the broader community compared to the current single-family residential use.



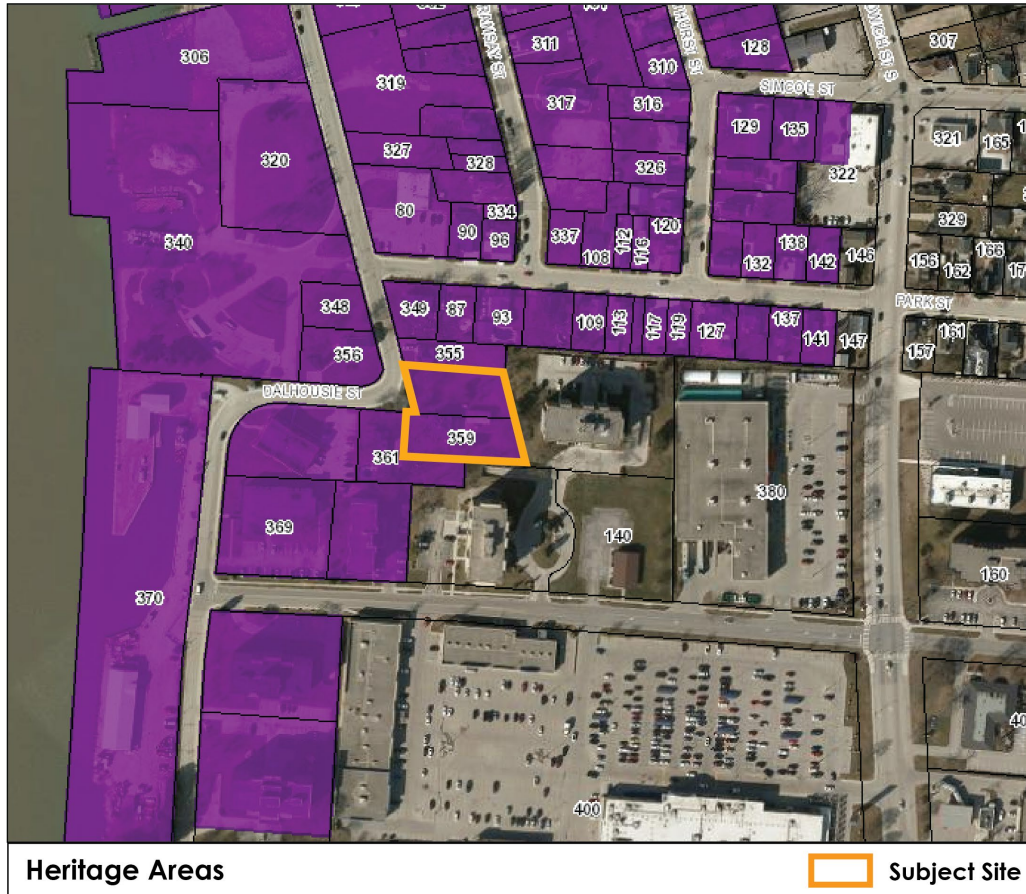


Figure 6: Heritage Areas - Town of Amherstburg

4.2.3 TOWN OF AMHERSTBURG ZONING BY-LAW

The Subject Site is currently zoned Residential Heritage (RH) Zone according to the Town of Amherstburg Zoning By-law No. 1999-52 (see **Figure 6**). The current zoning does not permit apartment buildings and, as such, an amendment to the Zoning By-law will be required to permit the proposed development.



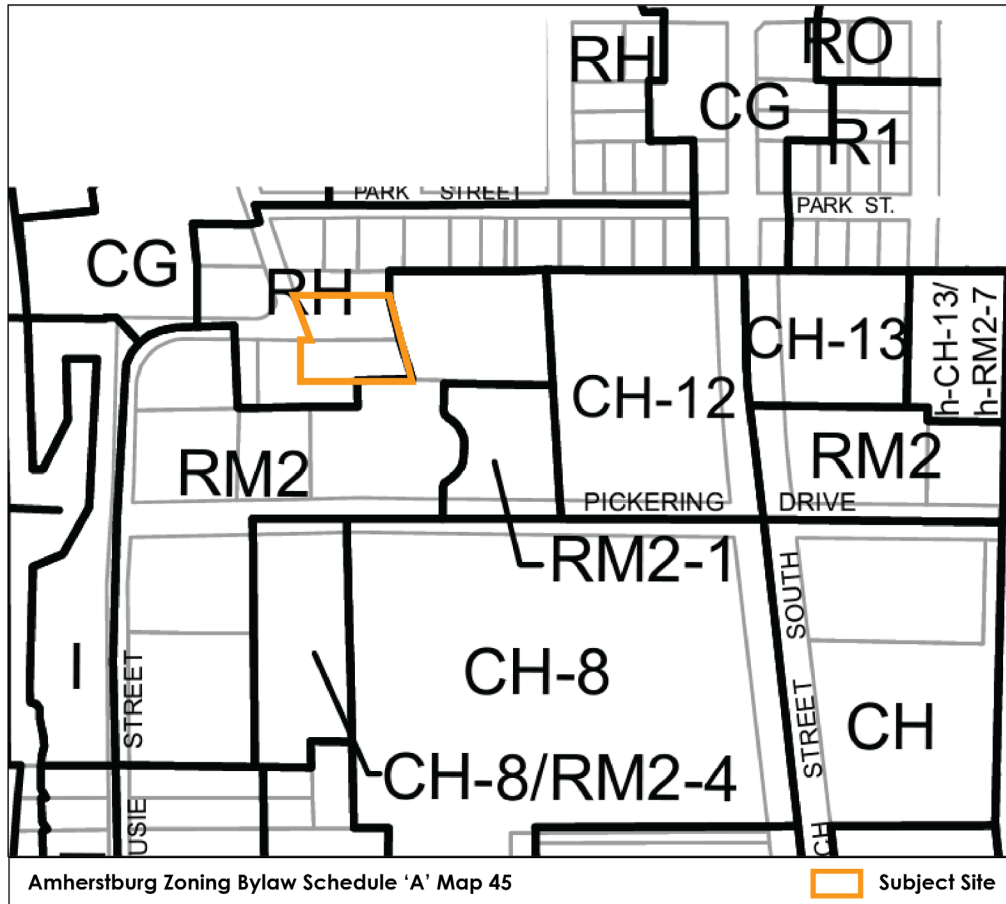


Figure 7: Zoning of Subject Lands

Below is a table indicating the permitted uses and provisions within the existing zone (left column), as well as the proposed zone (right column) for the Subject Lands. Our proposed Zone for the Subject Lands will be a Residential Multiple Second Density (RM2) Zone with special provisions. This is consistent with adjacent and nearby properties also zoned as RM2. A detailed analysis of the RM2 zone compared to the proposed conceptual Site Plan is provided in Section 5.2 of this report.

RH Zone (Existing Zone)	RM2 Zone (Proposed Zone)
Permitted Uses: <ul style="list-style-type: none"> • Single detached dwelling; • Semi- detached dwelling; • Duplex dwelling; • Converted dwelling; 	Permitted Uses: <ul style="list-style-type: none"> • Multiple dwelling; • Continuum-of-care facility; • Home occupation; • Accessory uses;



<ul style="list-style-type: none"> • Lodging house; • Bed and breakfast establishment; • Existing place of worship, including associated place of public assembly; • Building or use accessory to the above provided that the building is not used for human habitation; • Public use. 	<ul style="list-style-type: none"> • Public use.
---	---

Table 2: Permitted Uses for Existing & Proposed Zones

5 Development Proposal

5.1 Official Plan Amendment

The proposed development is seeking an Amendment to the Amherstburg Official Plan from Heritage Residential to High Density Residential. The proposed development generally conforms to the policies of the Amherstburg Official Plan and the High Density Residential designation.

The proposed High Density Residential designation will align with the adjacent apartment uses and high density residential designations along Pickering Drive.

5.2 Zoning By-law Amendment

The following table provides the zoning compliance of the Concept Plan with the proposed RM2 Zone. The items in red will require relief through a site-specific special provision. Note that some elements will be provided at the site plan control stage.

Zone Requirement (RM2)	Required	Provided	Site Specific Provision Requested
Lot Area (Minimum)	840 m ²	2899.5 m ²	No
Lot frontage (Minimum)	30 m	33.2 m	No
Front Yard Depth (Minimum)	7.5 m	7.6 m	No
Interior Side Yard Width (Minimum)	6 m – or half the height of the building, whichever is greater	6.1 m	Yes
Exterior Side Yard Width (Minimum)	6 m – or half the height of the building, whichever is greater	8.85 m	No



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August 23, 2022

Rear Yard Depth (Minimum)	7.5 m	> 7.5 m	No
Lot Coverage (Maximum)	40% - includes parking structures	31.9% (925.3 m)	No
Landscaped Open Space (Minimum)	30%	25.4% (735.8 m)	Yes
Dwelling Unit Area (Minimum)			
1) Bachelor Dwelling Unit	35 m ²	Min. 37 m ²	No
2) Dwelling unit containing one bedroom	50 m ²	Min. 55 m ²	No
3) Dwelling unit containing two bedrooms	65 m ²	Min. 102 m ²	No
4) Dwelling unit containing three bedrooms	80 m ²	Min. 111 m ²	No
5) Dwelling unit containing more than three bedrooms	80 m ² plus 10 m ² for each bedroom	N/A	N/A
Height (Maximum)	22 m	17.7 m	No
Privacy Yards (Minimum)	7 m – a privacy yard shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room window.	N/A	N/A
Building Separation (Minimum)			
1) Between two primary windows	15 m	N/A	To be provided at the site plan control stage.
2) Between a primary window and a secondary window	12 m		
3) Between a primary window and an ancillary window	9 m		
4) Between a primary window and a blank wall	7.5 m		
5) Between two secondary windows	9 m		
6) Between a secondary window and an ancillary window	6 m		
7) Between a secondary window and a blank wall	4 m	6 m	No



Off-Street Parking	12 Spaces (1 Space Per Unit)	31 Spaces	No
Barrier Free Parking	1 Type 'A' Space	1 Type 'A' space will be provided. Exact location to be provided at site plan stage	No
Accessory Structures			
Any accessory building or structure shall comply with the zone requirements and all other provisions hereof applicable to the zone in which such accessory building or structure is located	Garage rear yard setback – 7.5 m	Garage rear yard setback: 1.1 m	Yes

Table 3: Zoning Compliance Chart

5.2.1 PROPOSED SITE SPECIFIC REGULATIONS

The applicant is seeking special provisions to reduce the building separation requirements, interior side yard requirements, minimum landscaped open space, location of parking, and setbacks for accessory structures.

5.2.1.1 Building Separation Minimums

In order to achieve the density and infill requirements of the PPS and Official Plan, larger and higher density buildings will need to be developed on smaller lots. The reduced building separation request is being made as the proposed infill development cannot occur without a reduction in window separation due to the proximity of older adjacent dwellings, built at a time when large, sprawling lots were the normal development style.

5.2.1.2 Setbacks

The zoning by-law amendment proposed for the Subject Site seeks specific provisions to allow for the following:

- Interior Side Yard Setback of 6.1 m
- Accessory Building Rear Yard Setback of 1.1 m

The interior side yard setback reduction will allow for a more compact infill development concept that aligns with upper and lower-tier intensification and growth targets. The concept will be designed in such as way to ensure the pedestrian environment is still comfortable and appropriate with the reduced interior side yard setback.

Currently within the zoning by-law, use-specific variance is not provided for apartment uses, only for accessory structures or buildings to a single dwelling. The accessory building rear yard setback request



will allow for the proposed accessory garage structure to be in alignment with the site specific permissions given to garages for single dwelling units, as per Section 3(1)(d)(i) of the Zoning By-law.

5.2.1.3 Minimum Landscaped Open Space

In order to provide ample amount of above ground and covered parking space for residents, inclusive of visitor parking and accessible parking, the proposed development has had to shrink the amount of landscape open space provided on the Subject Site. As the Subject Site is located within a 5-minute walk to the Amherstburg Navy Yard grounds and a short ferry ride away from Bois Blanc Island, the requested reduction in minimum landscaped open space will not impact residents access to green space.

5.2.2 DRAFT ZONING BY-LAW

Proposed Specialized RM2 Zone for 359 Dalhousie Street:

Regulations for Apartments and Multiple Dwellings

All regulations of the RM2 Zone as specified in Section 11 of the By-law with the following additions and exceptions shall apply to the Subject Site:

Minimum Interior Side Yard Setback

6.1 metres

Minimum Landscaped Open Space

25%

Regulations for Accessory Structures

All regulations of Section 3.1.d of the By-law with the following addition and exceptions shall apply to the Subject Site:

Setbacks

A building or structure accessory to a multiple dwelling, anywhere in an interior side yard or a rear yard, provided that such accessory building or structure is not located closer than 1.1 metre to any lot line.

6 Supporting Studies

A Transportation Impact Study is being undertaken by Stantec Consulting Ltd., while a Stage 1 Archaeological Assessment is being prepared by Earthworks. These studies will be provided to the Town under separate cover in support of the proposed application. Additional supporting studies, such as the Functional Servicing Report and the Cultural Heritage Assessment Report will be provided at the site plan control stage. For further information on the Transportation Impact Study and the Stage 1 Archaeological Assessment, please refer to these reports directly.



7 Planning Justification and Conclusion

Based on the analysis of the existing policy framework, supporting studies, the planning justification discussed within this Report and recommendations provided herein, we provide the following conclusions:

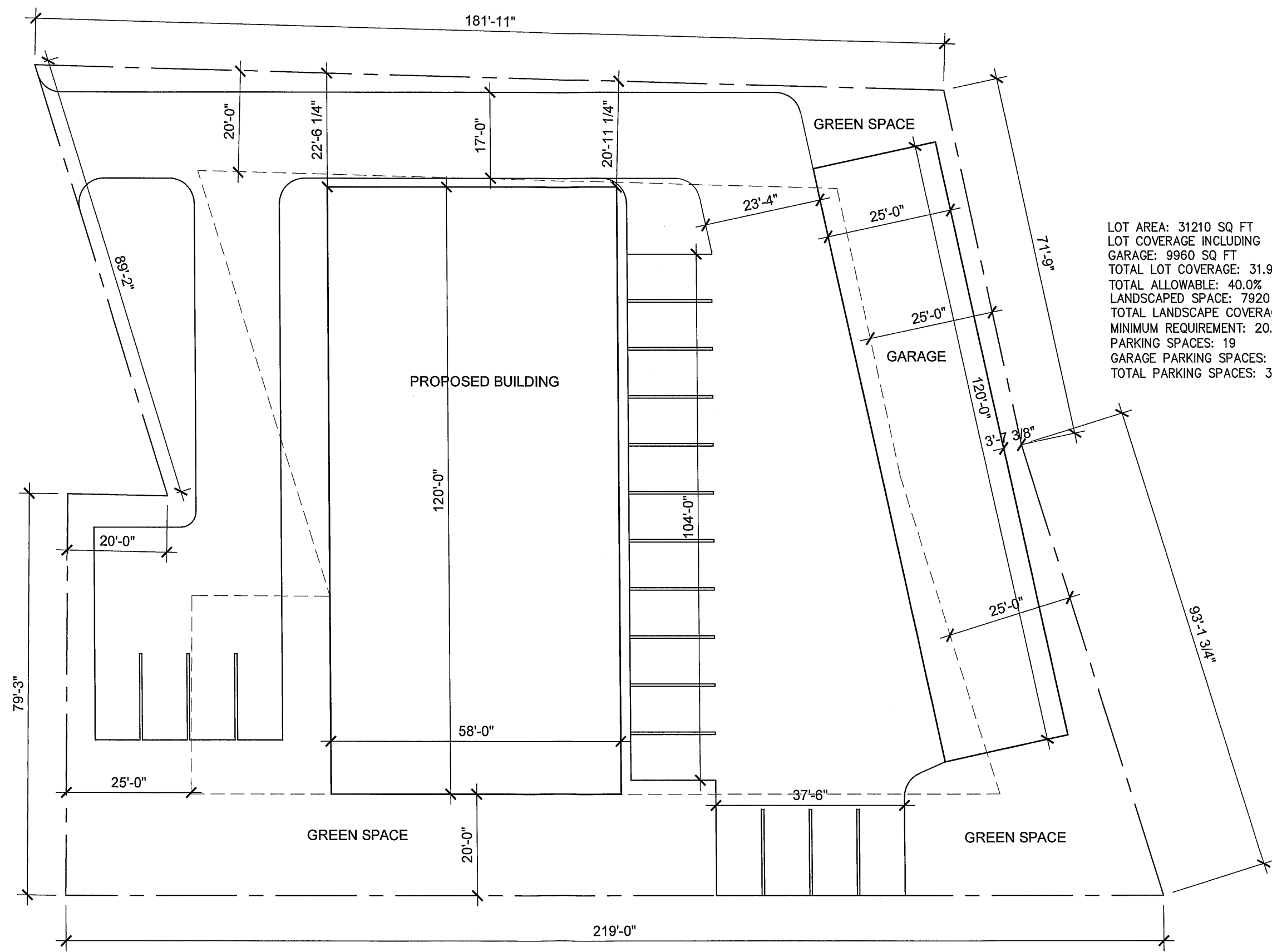
That this Planning Justification Report, along with other supporting studies, be considered as part of a complete application for the following applications: Official Plan Amendment and Zoning By-law Amendment, with consideration for all requested special provisions;

- That the proposed development will provide greater benefits to the broader community compared to the existing use as it will provide a variety of housing options for the community, contributing to local and provincial goals for intensification and efficient use of land
- The proposed development is supported by existing infrastructure and the form is compatible with surrounding uses.
- The proposed development is consistent with the Provincial Policy Statement, 2020;
- It conforms with the purpose and vision of the Town of Amherstburg Official Plan;
- The proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the intent of the current County and local Official Plan and will help to implement the proposed residential development; and
- The proposed development as part of this application represents sound planning and aligns with Provincial and Local interests.



Appendix A: Preliminary Concept Plan



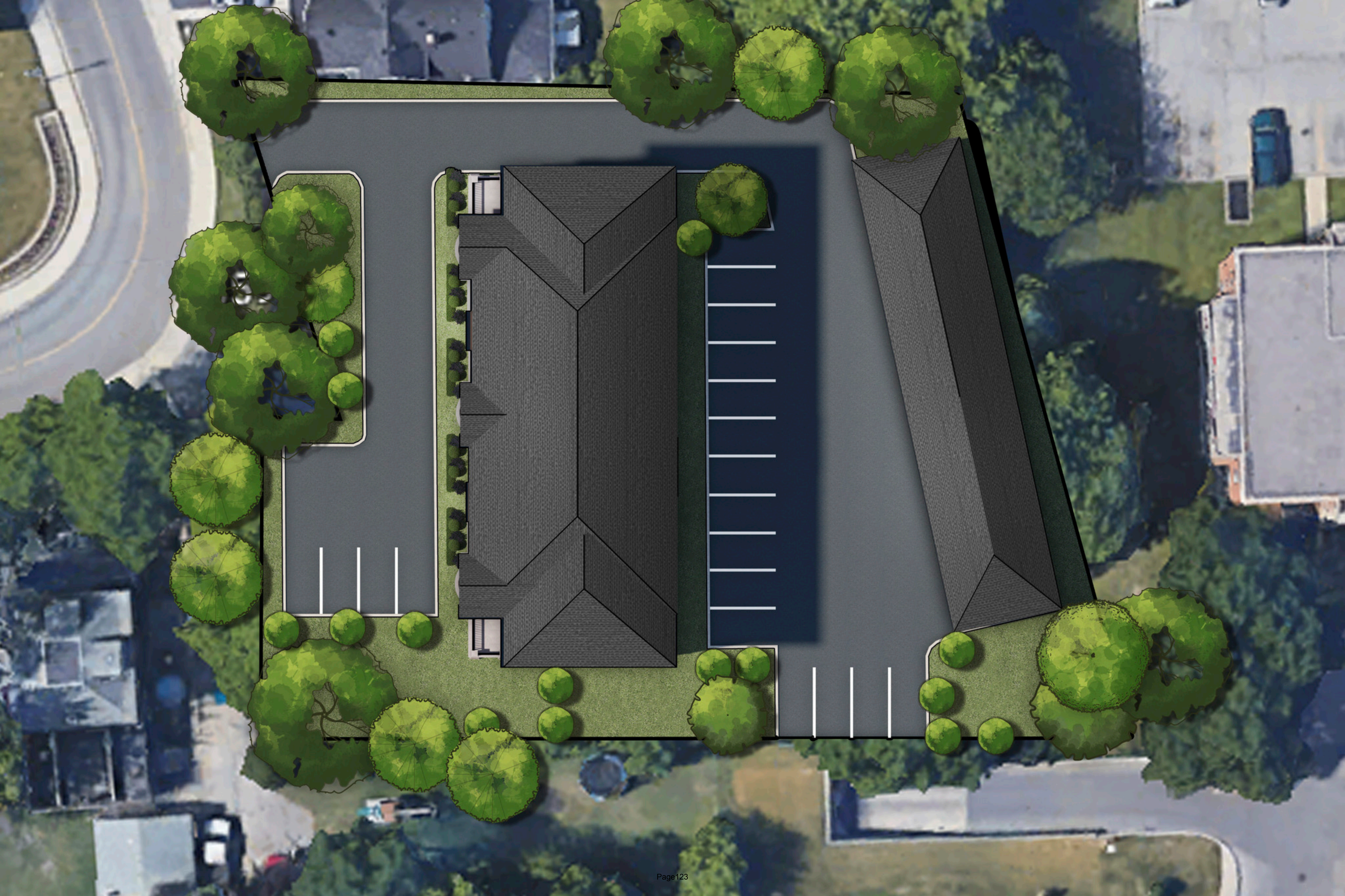


LOT AREA: 31210 SQ FT
LOT COVERAGE INCLUDING
GARAGE: 9960 SQ FT
TOTAL LOT COVERAGE: 31.9%
TOTAL ALLOWABLE: 40.0%
LANDSCAPED SPACE: 7920 SQ FT
TOTAL LANDSCAPE COVERAGE: 25.4%
MINIMUM REQUIREMENT: 20.0%
PARKING SPACES: 19
GARAGE PARKING SPACES: 12
TOTAL PARKING SPACES: 31

Appendix B: Additional Renderings, Elevations & Floor Plans







Appendix C: PPS Review

The table below provides an overview of proposed development compliance with the Ontario Provincial Policy Statement (PPS)

Section	Policy	Application comments
1	Building Strong Healthy Communities	
1.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development of Land Use Patterns	
1.1.1	Healthy, liveable and safe communities are sustained by:	
1.1.1.a)	promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term	The proposed development establishes a residential building within an established settlement area, promoting the long-term sustainability of the community through increased diverse population.
1.1.1.b)	accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;	The proposed development provides additional housing options to meet long-term market demands, while contributing to the mix of residential units in a growing commercial area. The site is also located in proximity to other residential, commercial and open spaces, which would allow the development to contribute to the mixture of different land use types.
1.1.1.c)	avoiding development and land use patterns which may cause environmental or public health and safety concerns	No environmental, public health or safety concerns are anticipated. Should any issues arise, adjustments will be made accordingly.



Planning Justification Report
Appendix C: PPS Review

1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.</p>	<p>The proposed development is within the Settlement Boundary.</p>
1.1.3	Settlement Areas	
1.1.3.1	<p>Settlement Areas shall be the focus of growth and development.</p>	<p>The proposed development is within the Settlement Boundary.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p>	
1.1.3.2 a)	<p>efficiently use land and resources;</p>	<p>The Concept Plan is designed to maximize the efficient layout of the future development.</p>
1.1.3.2 b)	<p>are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</p>	<p>The proposed development is located to provide direct access to the existing road network without requiring additional investment in major public infrastructure</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The application includes a mid-rise apartment building, providing a compact development form.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>The proposed development is within the growth area of the Town and provides an additional mix of residential housing type and form with efficiently provides increased housing options.</p>
1.4	Housing	



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Appendix C: PPS Review

1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:	
1.4.3 a)	establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities	The proposed development increases the types of housing in the Town.
1.4.3 c)	directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs	The proposed development is located to provide direct access to the existing road network without requiring additional investment in major public infrastructure
2.6	Cultural Heritage and Archaeology	
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	The existing structure on the Subject Site is not a designated heritage property and the properties adjacent to it are not designated as well; the proposed development will not negatively impact nearby Heritage Properties of Interest.
2.6.3	Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.	The existing structure is not a designated heritage property under the Ontario Heritage Act, and as such, the Town will only require a 60 day notice of demolition.



Appendix D: Traffic Brief



To: Norbert Bolger
President
Waterstone Anderdon Development
1000 Alma Street
Amherstburg ON N9V 2Y9

From: Alireza Bagheri Chimeh
Transportation Planner
Stantec Consulting Ltd
300W-675 Cochrane Drive
Markham ON L3R 0B8

File: 165620244

Date: August 16, 2022

Reference: 359 Dalhousie Street Development - Traffic Brief

1 INTRODUCTION

The purpose of this Traffic Brief is to assess the transportation impacts of the proposed development at 359 Dalhousie Street in the Town of Amherstburg, Ontario. This memorandum estimates the site trip generation and reviews its internal circulation, access conditions, and parking requirements.

The site location and site plan are illustrated in **Figure 1** and **Figure 2**. Access to the site will be provided through a direct access to Dalhousie Street. A high-resolution version of the site plan is provided as an attachment to this memorandum.



Figure 1 - Site Location

2 PROPOSED DEVELOPMENT

The proposed development is a 4-storey apartment building including 12 low-rise residential apartment units. Lot area is 31,210 sq.ft. and proposed lot coverage is 9,960 sq. ft. including the proposed building and garage.

3 STUDY AREA

The study area includes the site and its immediate access to Dalhousie Street considering expected low trip generation of the development as discussed in Section 5 of this document.

4 EXISTING TRAFFIC CONDITIONS

Dalhousie Street is a north-south two-way two-lane street. This street is under the jurisdiction of the Town of Amherstburg, and the posted speed limit is 50 km/h.

There are sidewalks on both sides of the street, but there are no dedicated bike lanes. Regarding public transportation, there is no bus service in the Town of Amherstburg at the time of preparing this memorandum.

5 SITE TRIP GENERATION

Trip generation for the proposed development was calculated based on the Institute of Transportation Engineers (“ITE”) Trip Generation Manual, 11th Edition. **Table 1** summarizes the trip generation rates used for the proposed land use, and **Table 2** outlines the number of trips expected to be generated by the proposed development for the AM and PM peak hours.

Table 11- Site Trip Generation Rates¹

Land Use	Peak Hour		Direction (%)		Source
	AM	PM	AM (In/Out)	PM (In/Out)	
Residential – Low-Rise Apartment	0.40 Trips/ Dwelling Unit	0.51 Trips/ Dwelling Unit	24% / 76%	63% / 37%	ITE LUC 220 – Multifamily Housing (Low-Rise)

Table 2 –Proposed Development Trip Generation (Peak Hour Traffic)

Land Use	Independent Variable	AM			PM		
		Total	In	Out	Total	In	Out
Residential – Low-Rise Apartment	12 Dwelling Units	5	1	4	6	4	2

¹ Institute of Transportation Engineers (“ITE”) Trip Generation Manual, 11th Edition

Reference: 359 Dalhousie Street Development - Traffic Brief

6 TRIP DISTRIBUTION AND TRIP ASSIGNMENT

For trip distribution, it was assumed that the majority of daily trips are destined for Windsor and in the afternoon are reversed¹. Based on our engineering judgment, traffic distribution and assignment of the generated trips by the proposed development are shown in **Figure 3**. As these figures show, the additional traffic volumes in the AM and PM peak hours will be negligible to the external road network.

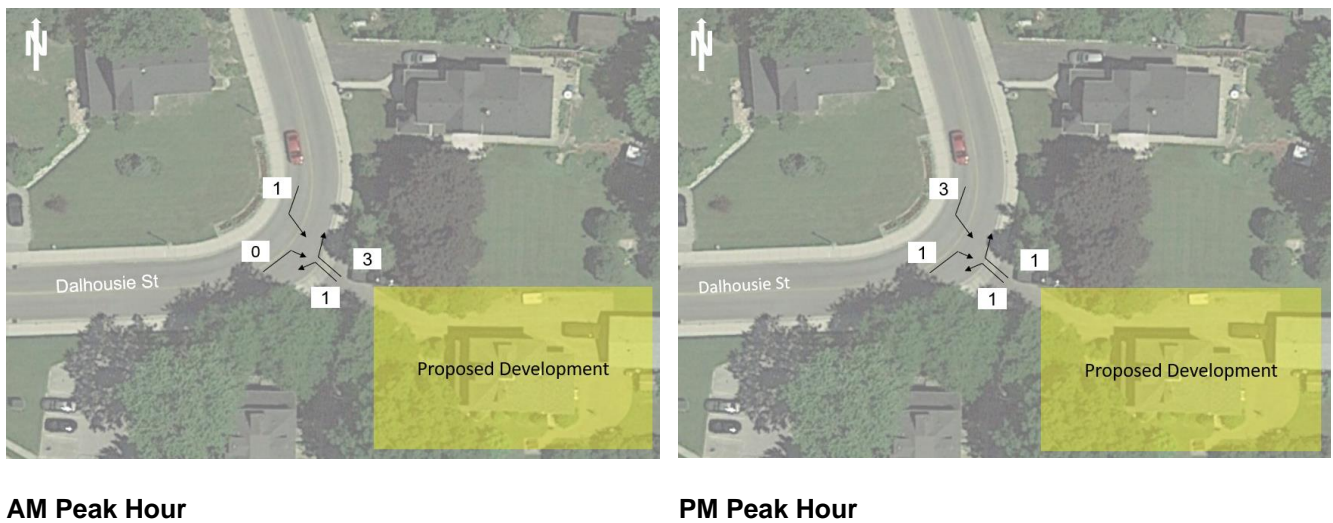


Figure 3 – Trip Assignment for the Proposed Development

7 PARKING

Based on the “Town of Amherstburg Zoning By-Law 1999-52”, 1 parking space per unit is required for apartment buildings. Thus, the proposed development with 12 apartment units needs to provide 12 parking spaces. Based on the proposed site plan, the development will provide 31 parking spaces including 19 surface parking spaces and 12 garage parking spaces which is considerably higher than the By-law requirement.

8 INTERNAL CIRCULATION REVIEW

An analysis of vehicular turning maneuvers was conducted for passenger car to determine whether sufficient driving width is available within the Site. The templates demonstrate that the design vehicles could safely maneuver in and out of the site and conduct their desired on-site maneuvers. The associated swept path diagrams are provided as an attachment to this memo.

¹ We received this note from the County of Essex for a TIS conducted for a proposed development east of Front Road North and north of Texas Road in Amherstburg.

August 16, 2022

Norbert Bolger

Page 5 of 5

Reference: 359 Dalhousie Street Development - Traffic Brief

9 SIGHT DISTANCE REVIEW

No changes will be applied to the existing access and road network by the proposed development, and the sight distance will remain the same as the existing conditions.

10 CONCLUSIONS

The conclusions of the Traffic Brief are as follows:

- a) It is expected that the proposed development will generate 5 and 6 trips during AM and PM peak hours, respectively. The generated trips are considerably low that are not expected to have any impacts on the adjacent road network operations.
- b) The number of provided parking spaces by the development will be 31 which is more than the 12 parking spaces required as per the Town of Amherstburg Zoning By-Law.
- c) Vehicles can maneuver in to, out of, and within the parking lot safely.

Stantec Consulting Ltd.

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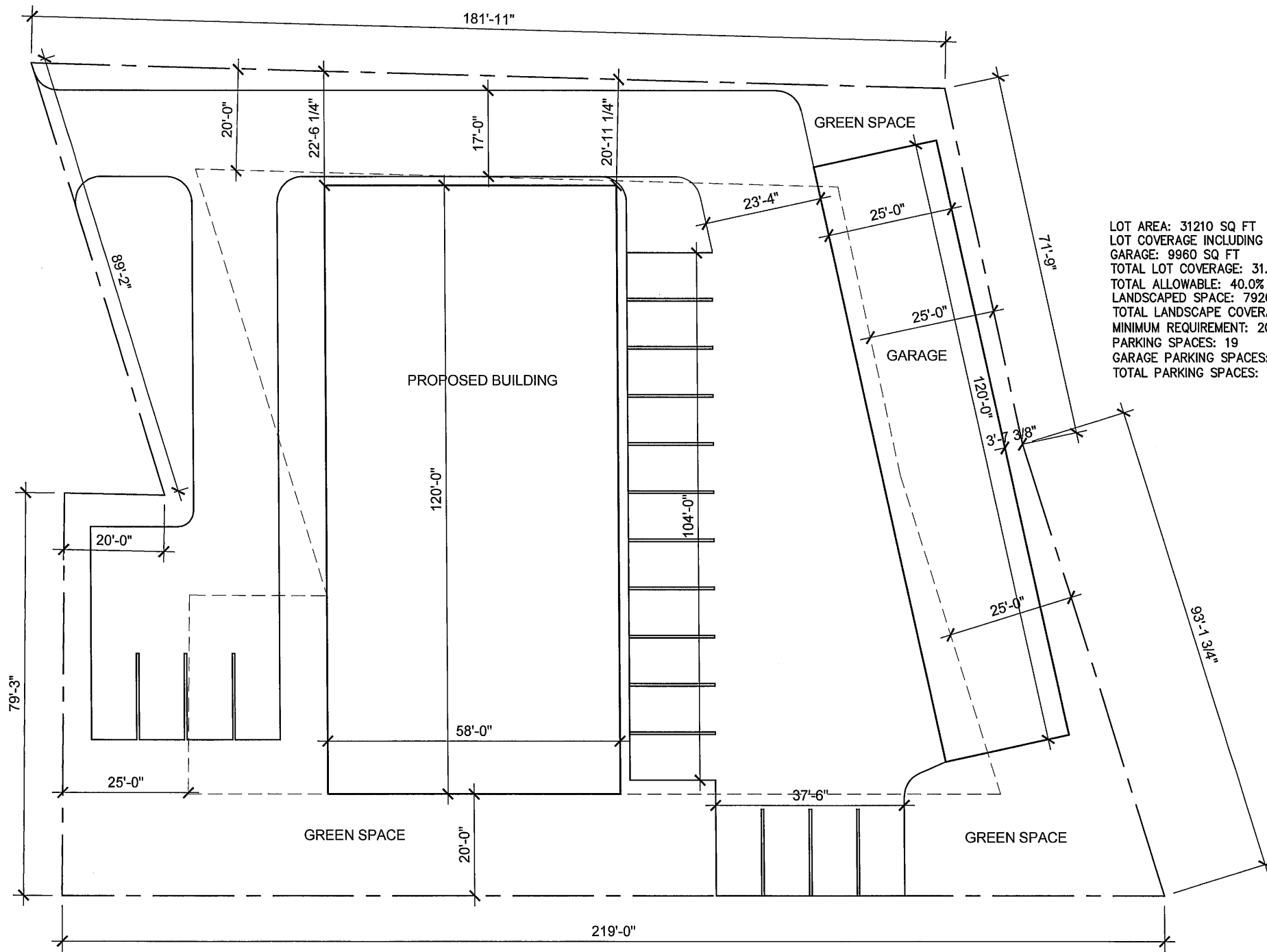
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Attachment: Site Plan, AutoTurn Swept Path Diagrams

c. C.C.

APPENDIX A

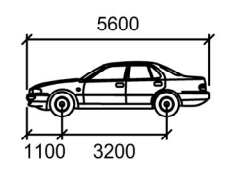
Site Plan



LOT AREA: 31210 SQ FT
 LOT COVERAGE INCLUDING
 GARAGE: 9960 SQ FT
 TOTAL LOT COVERAGE: 31.9%
 TOTAL ALLOWABLE: 40.0%
 LANDSCAPED SPACE: 7920 SQ FT
 TOTAL LANDSCAPE COVERAGE: 25.4%
 MINIMUM REQUIREMENT: 20.0%
 PARKING SPACES: 19
 GARAGE PARKING SPACES: 12
 TOTAL PARKING SPACES: 31

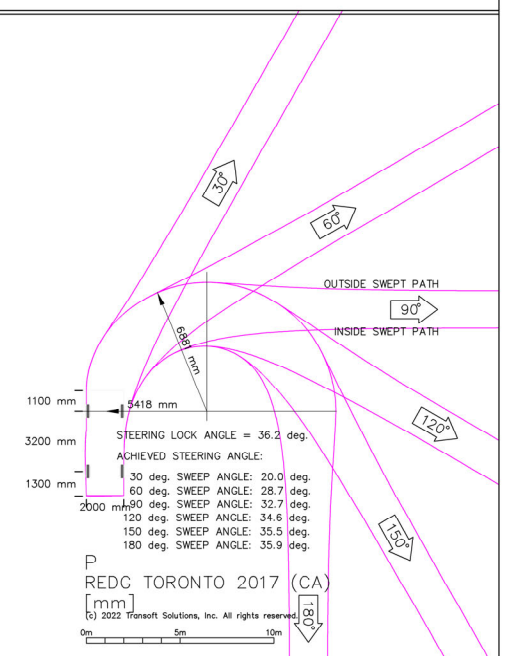
APPENDIX B

AutoTurn Swept Path Diagrams



P

	mm
Width	: 2000
Track	: 2000
Lock to Lock Time	: 6.0
Steering Angle	: 36.2



DRAWN	
CHECKED	
SCALE	
DATE	
PROJECT NUMBER	160500048



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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.

Author's Name: Angelo Avolio	Report Date: October 11, 2022
Author's Phone: 519 734-5408 ext. 2136	Date to Council: October 17, 2022
Author's E-mail: aavolio@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Notice of Intent to Demolish-359 Dalhousie Street

1. RECOMMENDATION:

It is recommended that:

1. The report from the Chief Building Official and Director of Development Services dated October 17, 2022 regarding Notice of Intent to Demolish-359 Dalhousie Street **BE RECEIVED**;
2. The application for demolition of 359 Dalhousie Street **BE SUPPORTED**;
3. The property at 359 Dalhousie Street, **BE REMOVED**, from the Heritage Register as a listed property of cultural heritage value or interest and;
4. The various considerations noted to Heritage Committee to obtain support for the request for demolition of 359 Dalhousie Street, as outlined in this report, **BE CONSIDERED** by Administration during the Site Plan Control process.

2. BACKGROUND:

The Town of Amherstburg received a letter dated August 29, 2022 from Nor-Built Construction indicating their intent to demolish the single-family dwelling structure located at 359 Dalhousie Street. This property is listed on the Town of Amherstburg "Properties of Interest" registry, a sixty (60) day provision applies under the Heritage Act where upon Council shall make a decision to either proceed with the designation of the property under the designation process or consent to the application.

3. DISCUSSION:

This item was placed on the Heritage Committee Agenda for a special meeting held on September 29, 2022. The Heritage Committee endorsed a full report that was provided from the Planning Department for the demolition of 359 Dalhousie St. The report is attached. The Motion passed was as follows:

That:

1. The report entitled 359 Dalhousie Street Demolition Request dated September 27, 2022 **BE RECEIVED**;
2. The Notice of Intent to Demolish 359 Dalhousie Street **BE ENDORSED** for Council consideration noting the agreement of the developer to include the following items:
 - a. The commemoration of the historical association of Colin Wigle and the site through either a heritage plaque, commemorative bench, or both;
 - b. Landscaping elements be established through the Site Plan Control Process to reduce the visibility of the primary structure to be erected on the site;
 - c. The proposed design for the structure to be erected at the site include such existing noted heritage features such as a hipped roof design, rooftop dormers, decorative cornice, classical columns and symmetrical fenestration;
 - d. Documentation of the existing home be conducted by the developer and provided to the municipality and Marsh Historical Society in advance of site demolition;
 - e. Interior elements that are able to be preserved and reused at the site be incorporated into the new design; and,
 - f. An appropriate guarantee that the building not be torn down without proceeding with the development be negotiated between the developer and administration.
3. 359 Dalhousie Street **BE REMOVED** from the Heritage Register as a listed property of cultural heritage value or interest.

4. RISK ANALYSIS:

Risk of loss of heritage resources have been mitigated by consulting with the Heritage Committee, which supports this application.

5. FINANCIAL MATTERS:

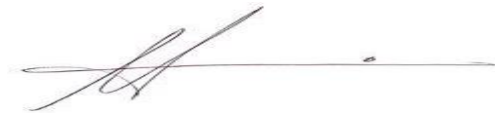
Should Council elect not to follow the recommendation of the Heritage Committee, and moves forward with the designation process, there may be additional costs involved to assess this property from a heritage perspective as is required when designation a property. In addition, any appeal of the decision to the Ontario Land Tribunal (OLT) would also attract cost to the Town. It is important for Council to note that there is potential for the loss of a significant residential development meeting the needs of the community should Council choose to proceed to designate this property. The costs are difficult to quantify at this point; however, they could be significant and there are no funds set aside to deal with such a course of action.

6. **CONSULTATIONS:**

Town of Amherstburg Heritage Committee
Planning Department

7. **CONCLUSION:**

The Amherstburg Heritage Committee is of the opinion that the property not proceed with the designation process. Administration concurs with the recommendation and supports the redevelopment of the site for a higher and more appropriate use.



Angelo Avolio CBCO
Chief Building Official

(AA)

Report Approval Details

Document Title:	Notice of Intent to Demolish-359 Dalhousie Street.docx
Attachments:	- 2022 09 27 - Report - 359 Dalhousie Street Demolition Request - 1.docx
Final Approval Date:	Oct 12, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox

COMMITTEE REPORT



THE CORPORATION OF THE TOWN OF AMHERSTBURG

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.

Author's Name: Christopher Aspila and Kevin Fox	Report Date: September 27, 2022
Author's Phone: 519 736 0012 ext. 2124 / 2272	Meeting Date: September 29, 2022
Author's E-mail: caspila@amherstburg.ca / kfox@amherstburg.ca	Committee: Heritage Committee

To: Chair and Members of the Heritage Committee

Subject: 359 Dalhousie Street Demolition Request

1. RECOMMENDATION:

It is recommended that:

1. The report entitled 359 Dalhousie Street Demolition Request dated September 27, 2022 **BE RECEIVED**;
2. The Notice of Intent to Demolish 359 Dalhousie Street **BE ENDORSED** for Council consideration noting the agreement of the developer to include the following items:
 1. The commemoration of the historical association of Colin Wigle and the site be noted in either a plaque, commemorative bench, or both;
 2. Landscaping elements be controlled through Site Plan Control Process to reduce the visibility of the primary structure to be erected on the site;
 3. The proposed design for the structure to be erected at the site include such existing noted heritage features such as a hipped roof design, rooftop dormers, decorative cornice, classical columns and symmetrical fenestration;
 4. Documentation of the existing home be conducted by the developer and provided to the municipality and Marsh Historical Society in advance of site demolition; and,
 5. Interior elements that are able to be preserved and reused at the site be incorporated into the new design where possible.
- 3-6. 359 Dalhousie Street **BE REMOVED** from the Heritage Register as a listed property of cultural heritage value or interest.

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2. BACKGROUND:

On February 18th, 2022, the Heritage Committee recommended the addition of 359 Dalhousie Street to the Heritage Register as a listed property of cultural heritage value or interest. On April 11th, 2022, Council added the property to the Heritage Register. Notice was provided to the property owner in accordance with the Town's pre and post notice requirements.

On August 29, 2022 a Notice of Intent to Demolish 359 Dalhousie Street was received by the municipality. In accordance with the *Ontario Heritage Act*, section 27(9), the owner is required to provide 60 days written notice to the Council of the municipality of the owner's intention to demolish or remove the building or structure. Properties of cultural heritage value or interest are not designated under the *Ontario Heritage Act* and do not offer any other protection under that Act.

In accordance with the section 27(4) of the *Ontario Heritage Act*, the Heritage Committee is hereby consulted with regards to this request ahead of Council consideration.

3. DISCUSSION:

Provided as an attachment to this report is the Listed Property Evaluation Form for the site which provides the rationale for the inclusion of this property on the Town's Heritage Register as a property of cultural heritage value or interest.

Within the Listed Property Evaluation Form an assessment was conducted of how the property's heritage significance may align with *Ontario Regulation 9/06* under the *Ontario Heritage Act*. *Ontario Regulation 9/06*, or the "Criteria for Determining Cultural Heritage Value or Interest," are a set of measures through which a municipality, guided by the advice of its Heritage Committee, may determine if a property warrants inclusion on the Heritage Register without having been designated under Part IV or Part V of that Act. There is no requirement to meet more than a single criteria under the O.Reg. 9/06, although more substantial properties typically merit additional considerations by combining a number of criteria.

The Listed Property Evaluation Form completed indicated that three of the nine criteria may apply at the site. At its September 8, 2022 meeting, the Heritage Committee directed Administration to bring back a report which would evaluate the proposed demolition and development against that criteria to make an administrative recommendation on whether to proceed with demolition of the site.

It should be noted, that although this property is being considered herein, the consideration of each application for demolition of listed properties of cultural heritage value are considered based upon their own merits and are not, nor should they, be utilized for comparison to what recommendations may be provided for other sites.

The following chart details the results of the review of the site in consideration of the discussions held with the proponents:

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Criteria	
1. Property Design Value or Physical Value:	
(i) is a rare, unique, representative or early example of a style, type, expression, material or construction method	The structure is an American Foursquare and so is a representative example of an early construction style in the Town of Amherstburg but it is not unique, with an additional example of an American Foursquare more prominently displayed on the neighbouring lot. This is reinforced by the reduced visibility due to the location and shape of the lot and the landscaping elements, which will be maintained and controlled through site plan control. The proposal includes nods to noted heritage features which have been incorporated into the new design. The proponent has also agreed to documentation of the site as well as incorporation of those interior elements that can be added to the new structure.
(ii) displays a high degree of craftsmanship or artistic merit, or	Not applicable
(iii) demonstrates a high degree of technical or scientific achievement.	Not applicable
2. The property has historical value or associative value because it:	
(i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	The proposed development would seek to commemorate the association of Colin Wigle to the site with a plaque, bench, or both. The proponent has indicated that they are exploring opportunities to associate the naming/branding of the site with Mr. Wigle to help promote and encourage remembrance of early contributions to the community.
(ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	Not applicable
(iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	Not applicable
3. The property has contextual value because it,	
(i) is important in defining, maintaining or supporting the character of an area,	The placement of the structure, its location on a bend in the road and at an angle removed from the line of vision actually minimizes the effect the structure has to contribute to the streetscape. Maintenance of landscaping to continue to reduce visibility of the site has been agreed to be included in the site plan process. The removal of this structure is not thought to negatively impact the character of the area and instead may act to unify design elements prominent in the areas outside of the S-Bend itself, reinforcing a sense of the continuation of the heritage area, discussed in detail below.
(ii) is physically, functionally, visually or historically linked to its surroundings, or	Not applicable.
(iii) is a landmark	Not applicable.

A more detailed breakdown is included below:

1. The property has design value or physical value because it,

I. is a rare, unique, representative or early example of a style, type, expression, material or construction method,

The Listed Property Evaluation Form states, “The Wigle Residence is a well-preserved, representation example of American Foursquare-style residential architecture in Amherstburg.”

There are a number of factors which must be acknowledged when considering this proposal and its design or physical value. While this existing American Foursquare demonstrates traditional construction methods and designs from its era the shape of the lot, the curvature of the road and the landscaping arrangements hinder visibility. The surrounding properties situated closer to the road provide for a more prominent views of an American Foursquare designs.

The existing property has also lost most of its original material and design elements that contributed to its recognition based upon its physical value, including:

- The decorative cornice which is wholly absent;
- The classical wooden columns which have been replicated using modern materials;
- The clapboard siding which has been replaced by aluminum siding;
- The original verandah was removed and a new one built in its place;
- The hipped roof now includes modern shingles; and,
- The fenestration which although located symmetrically, are modern windows.

Contrarily, the proposed design of the new structure will mimic the hipped roof and verandah elements in its design, featuring symmetrical fenestration, classical columns and roof dormers intended to pay homage to those noted heritage features of the existing structure.

In the interests of preserving the physical value of the structure that still may remain on the interior of the building the proposal indicates that during demolition they will look for opportunities to salvage interior components that can be introduced into the new building to maintain the historic look and feel of the internal composition of the new structure, such as decorative elements like flooring, bannisters, etc.

Additionally, the proponent has agreed to document the site prior to demolition and provide that documentation to the Marsh Historical Society and the municipality.

Although likely impractical in application, the proponent has agreed to donate the building should any interested party wish to move the structure from the site to another location.

It must also be noted that the proposed design for the building intended to be built is in keeping with the best practices in infill development in historic neighborhoods; seeking to utilize high quality materials, to include complimentary design elements, to showcase

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unique and distinctive architecture, and, to match the level of detail and character that is indicative of care and concern for the historic nature of the area.

II. displays a high degree of craftsmanship or artistic merit, or

Not applicable.

III. demonstrates a high degree of technical or scientific achievement.

Not applicable.

2. The property has historical value or associative value because it,

i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,

The Listed Property Evaluation Form states, “The Wigle Residence has historical and associative value as the home of Colin Wigle (1851-1949), an important Amherstburg pioneer businessman. Wigle contributed to the development of the Town and its commercial and industrial advancement with the establishment of a flour mill – a town fixture from 1886 –c.1939 – as well as bringing electricity to the town with the first power plant, partnering in a popular dry goods store, and operating a successful hardware business in the town which lasted for decades. Wigle was also active in community affairs serving on Town council, deputy reeve, and more than 40 years on the Board of Trustees of Wesley United Church, where he led its construction.”

In reviewing the proposal before the Committee, it should be noted that the proponent has agreed to include a heritage plaque, commemorative bench, or both. The intent therein is to provide an opportunity to illustrate the historical association between Colin Wigle and the site and the importance of the individual to the early history of the Town of Amherstburg.

The further documentation of the site itself, in addition to noting the heritage features of the structure, may yield any remaining points of interest which speak to either the Wigle family or the properties longest owner, Mr. Simon Gignac, who is also fondly remembered in the community and the neighborhood.

While no definitive plans have been advanced at this point, the proponent, Mr. Norbert Bolger, has indicated that they are exploring opportunities for incorporation of the Wigle name into the naming of the building and/or the branding for the site and seeks to ensure greater promotion and education is provided in terms of the associative value attributed to the site.

ii. yields, or has the potential to yield information that contributes to an understanding of a community or culture, or

Not applicable.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

Not applicable.

3. The property has contextual value because it,

i. is important in defining, maintaining or supporting the character of an area,

The Listed Property Evaluation Form states, "The property has contextual value because it is important in defining, maintaining and supporting the historic character and streetscape of the area. It is integral to contributing to the historic character of the streetscape which comprises contiguous and adjacent historic houses that date from 1886-1947. The property is situated between two early Twentieth Century houses (1910 & 1915) and across from an 1886 house. The property, like others on Dalhousie Street south of downtown contributes to the historic southern approach to the Town, which is defined by spacious suburban type-properties with significant landscaping and/or setbacks. The portion of the streetscape containing the subject property is reminiscent of the small town environment and exudes that feeling."

In reviewing the site, Administration toured the area, taking the photographs attached to this report as Appendix B, to provide a visual representation of the streetscape as it currently exists and the visibility, or lack thereof, of the property in question. The curvature of the road, along with the shape of the lot, the location of the structure set back from the road, and the introduction of a screening line of landscaping, all contribute to the negation of the streetscape impact of the structure in question, in relation to its surrounding environs.

In discussions with the proponent, it was agreed that should the design proceed the maintenance of a landscaping element similar to the existing treed area will be controlled through the site plan process. This will ensure a similar minimization of the structure with regards to the contiguous feel of the neighborhood's streetscape.

Further, the area in question is already disassociated from other surrounding neighborhoods by pronounced areas of either modern development such as the numerous multi-residential developments in the lands to the south, or the large area of mostly undeveloped lands or vacant lands to the north. These breaks in the heritage character of Dalhousie Street can be remedied through infill development which models itself on the premise of contemporary interpretation of classical design.

It is difficult to ensure that every development is in keeping with the character of a neighborhood without a set of adopted governing principles such as Urban Design Guidelines or a Heritage District's infill requirements. Development which seeks to conform to a standard of design that promotes greater recognition, commemoration and celebration of historic design principles can help to unify those areas which seem disjointed by blending the traditional design elements with intelligently and expertly crafted modern structures. In this way, greater cohesion to the area as a whole can be found by linking those new designs, interspersed with those structures which are preserved so that the two seamlessly blend.

This proposal is a model for the type of infill development which should be sought for those areas which provide links between our core heritage resources, promoting the sense of the heritage mile and contributing to the walkability and sense of place that is essential to the heritage program of the Town of Amherstburg.

- ii. **is physically, functionally, visually or historically linked to its surroundings, or**

Not applicable.

- iii. **is a landmark.**

Not applicable.

Planning Rationale

When considering planning matters a triple-bottom line approach is used and this is comprised of many environmental, societal and economic factors. Heritage matters typically are considered within the societal factors. In the following subsections, the planning matters will be explored and discussed.

Include Planning Justification: Provincial Policy Statement 2020 (PPS)

The following sections of the PPS are relevant to the proposed development:

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

h) promoting development and land use patterns that conserve biodiversity; and

i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a)efficiently use land and resources;

b)are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

c)minimize negative impacts to air quality and climate change, and promote energy efficiency;

d)prepare for the impacts of a changing climate;

e)support active transportation;

f)are transit-supportive, where transit is planned, exists or may be developed; and

g)are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply

and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

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

1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:

a)that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and

b)the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

a)sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;

b)the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;

c)in prime agricultural areas:

1.the lands do not comprise specialty crop areas;

2.alternative locations have been evaluated, and

i. there are no reasonable alternatives which avoid prime agricultural areas; and

ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;

d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and

e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

In undertaking a comprehensive review, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:

a) there would be no net increase in land within the settlement areas;

b) the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the municipality;

c) prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and

d) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and

b) the allocation of population and units by the upper-tier municipality shall be based on and reflect provincial plans where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

a) promoting opportunities for economic development and community investment-readiness;

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;

c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;

e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

f) promoting the redevelopment of brownfield sites;

g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;

h) providing opportunities for sustainable tourism development;

i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network;

j) promoting energy conservation and providing opportunities for increased energy supply;

k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and

l) encouraging efficient and coordinated communications and telecommunications infrastructure.

Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Implementation and Interpretation

4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.

4.2 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982.

4.4 This Provincial Policy Statement shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

4.5 In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.

4.6 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

4.7 In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be required for new infrastructure and modifications to existing infrastructure under applicable legislation.

Wherever possible and practical, approvals under the Planning Act and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

4.8 The Province, in consultation with municipalities, Indigenous communities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.

4.9 Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.

County of Essex Official Plan

3.2.4.1 Policies

The following policies apply to *Primary Settlement Areas*:

a) *Primary Settlement Areas* shall be the focus of growth and public/private investment in each municipality.

b) *Primary Settlement Areas* shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including *affordable housing* options and alternative housing forms for *special needs* groups, and be designed to be walkable communities with public transit options (or long-term plans for same).

c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan.

d) All new *development* within *Primary Settlement Areas* shall only occur on full municipal water 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.

e) Expansions of the boundaries of a *Primary Settlement Area* shall only occur in accordance with the Local Comprehensive Review policies in Section 3.2.3.1 of this Plan. An amendment to this Plan and the local Plan shall be required to alter the boundary of any "*Settlement Area*".

f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use *development* and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.

g) The County encourages the redevelopment of *brownfield* properties.

h) All types of land use are permitted within the "*Settlement Areas*" designation subject to the specific land use policies of the local Official Plans.

i) Cost effective *development* patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

j) The County supports universal physical access and encourages the building industry to incorporate such features into new structures.

3.2.6 General Settlement Area Policies

The following policies apply to all "*Settlement Areas*" identified on Schedule "A1" of this Plan:

a) Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections for local municipalities are to be in accordance with the population projections contained within this Plan.

b) The County supports residential intensification within *Primary Settlement Areas*.

c) The County supports the provision of housing which is affordable to low and moderate income households.

d) Local Official Plans are encouraged to establish land requirement needs based on densities which meet the following:

i) Efficiently use land, resources, infrastructure and public service facilities.

ii) Avoid the need for unnecessary and/or uneconomical expansion of infrastructure.

iii) Support the use of public transit where available or where it can be provided in future years.

iv) Are appropriate to the type of sewage and water systems which are planned or available.

e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:

i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.

ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

f) Local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.

g) It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:

i) Make provision such that infrastructure and public service facilities will be available to accommodate projected growth.

ii) Provide a supply of land to meet long term requirements.

iii) Provide for an efficient, cost effective, reliable, multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth.

iv) Conserve energy and water by providing for energy and water efficiency.

v) Maintain the well-being of downtowns and mainstreets.

vi) Optimize the long term availability, viability and use of agricultural and other resources.

vii) Plan so that major facilities such as transportation corridors, sewage treatment facilities, waste management systems, industries and mineral aggregate resource activities and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

h) Local Official Plans are encouraged to develop growth management strategies as part of their Official Plans and to establish the type, amount, location and timing of growth and development including a servicing strategy that is in keeping with the servicing and growth projection policies contained within this Plan.

i) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated "Settlement Areas".

3.2.7 Intensification & Redevelopment

The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment. Implementation and annual reporting to the County on meeting this target will be the responsibility of the local municipalities.

The County will permit intensification and redevelopment within Secondary Settlement Areas to assist in meeting the target provided it occurs on full municipal sewage services and municipal water services.

Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

Town of Amherstburg Official Plan

The current Land Use Designation of the subject property is Heritage Residential.

4.3.5 Heritage Residential

Adjacent to the Central Business District of the old Town is a residential area where many of the homes date back to 1850. The small frame homes on narrow streets are a visible reminder of Canada’s beginnings. The Heritage Residential area lies within a portion of the Town of Amherstburg that has been studied as a Heritage Conservation District.

The uses permitted within the Heritage Residential area shall include single detached, semidetached, duplex, and converted dwellings as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses.

Due to the size of many of the lots and the location of the units almost on the front property line, there should be no minimum lot area or frontage, while front yard depth should be in keeping with adjacent properties in order to maintain a uniform streetscape.

The height of any new development must also be sensitive to adjacent properties.

Several of the structures within the Heritage Residential area have been designated as “Heritage” buildings under the Ontario Heritage Act. Every effort should be made by both the owner and the Corporation to ensure the continued existence of that structure in its historically significant form.

Town of Amherstburg Zoning By-law 1999-52

The subject property is currently Zoned Residential Heritage.

RESIDENTIAL HERITAGE (RH) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Residential Heritage (RH) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RH uses, namely:

(i) single detached dwelling;

(ii) semi-detached dwelling;

(iii) duplex dwelling;

(iv) converted dwelling;

(v) lodging house;

(vi) bed and breakfast establishment;

(vii) existing place of worship, including associated place of public assembly;

(viii) building or use accessory to the above provided that the building is not used for human habitation;

(ix) public use.

(3) ZONE REQUIREMENTS

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a) Lot Area (Minimum) No minimum

(b) Lot Frontage (Minimum) No minimum

(c) Front Yard Depth (Minimum)

The average of the adjacent properties to both sides or the existing front yard depth.

(d) Interior Side Yard Width (Minimum) 1.5 m

(e) Exterior Side Yard Width (Minimum)

The front yard depth of the adjacent property or 6 m whichever is the lesser.

(f) Rear Yard Depth (Minimum) 6 m

(g) Lot Coverage (Maximum) 40%

(h) Landscaped Open Space (Minimum) 20%

(i) Dwelling Unit Area (Minimum)

(i) Single detached unit - 75 m²

(ii) Semi-detached and duplex unit - 65 m²

(iii) Converted, lodging house - 30 m² per unit

(j) Height

Parapet line for buildings located on a corner: The top of the highest projection along the facade may be no more than 50 cm higher than the highest parapet line along the block in which the building is situated. Any new building replacing a damaged building should be built to the height of the original building.

Parapet line for buildings located between two other buildings: The top of the highest projection along the facade may be no more than 50 cm higher than the higher parapet line of the two adjacent buildings.

Roof line: If a roof is flat, it shall be located lower than the parapet. If a roof is sloped, its ridge shall be parallel to the street and shall be no higher than the highest ridge or parapet on the block on which the building is situated.

Chimneys are not included in these height restrictions.

(k) Additions

No additions shall be constructed in the front yard or exterior side yard but shall be restricted to the rear and interior side yards.

(l) Replacement

If a building or structure that is designated as a Heritage Building is demolished, removed, or destroyed, the new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

(m) Accessory Use, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 thereof.

Planning Analysis

The Town of Amherstburg is experiencing an unprecedented period of growth where the Town's Planning Department's draft projections forecast an increase of over 27,000 new residents during the next 25 years. When the population growth is viewed in the context of the location of existing infrastructure services it makes more sense to build where existing capacity is or can be added to.

The County of Essex has identified the core area of the Town of Amherstburg as part of the Town's primary settlement area. Policies in the PPS and County of Essex Official Plan promote intensification, higher population densities and provision of necessary housing in primary settlement areas. This allows for the efficient use of infrastructure

[services, creation of transit supportive development and potential for walkable communities. All of these are desirable for the future of Amherstburg.](#)

[As shown on Town of Amherstburg Heritage Properties, dated 2021, attached as Appendix "A", the subject property was not under consideration when the comprehensive background study was prepared for potential heritage properties and a potential heritage district. Because of the exclusion from the comprehensive study, the Planning Department deems that the subject property does not constitute a significant built heritage resource in the context of the PPS and related legislation.](#)

[Based on the review of the subject property through these multiple lenses that include the cultural heritage aspects, the Planning Department is of the opinion that the proposed demolition of the subject property to allow for a higher and better use of a 12-unit multi-residential dwelling built in accordance with applicable policies and By-laws is the preferred option for the Town of Amherstburg.](#)

6. RISK ANALYSIS:

The *Ontario Heritage Act* requires a municipality to consult its Heritage Committee, where one has been adopted, when considering removal of a listed property of cultural heritage value or interest from the Heritage Register. It also requires the Council to provide a determination with regards to the Notice of Intent to Demolish within 60 days of receipt of the owner's intent. Failure to provide a response within that time period requires that the permit then be issued, so there is associated risk with failing to provide a recommendation for Council consideration and adjudication within the required time frame.

There is further risk, whenever you are dealing with a Notice of Intent to Demolish, that if Council elects to refuse to permit the demolition and instead decides to publish their intent to designate the structure under Part IV of the *Ontario Heritage Act*, that an appeal may be filed. With the changes to the *Ontario Heritage Act* under Bill 109, *the More Homes, More Choice Act*, appeals now proceed to the Ontario Land Tribunal (OLT) which provides a binding determination on the matter, rather than the former Conservation Review Board (CRB) which offered their recommendation for Council's consideration. Whenever deliberating on a Notice of Intent to Designate the Committee must be mindful of the justifiability of the decision to move forward with an intent to designate, as the risk of having to defend against a challenge always exists.

7. FINANCIAL MATTERS:

There are no direct financial implications of the recommendations within this report, although there are ancillary and indirect financial implications associated with costs that could arise related to designation and any legal costs associated with that process and/or appeals to that process.

While not necessarily germane to the Heritage Committee's mandate, there are also financial considerations associated with the proposal for the site in terms of the differential between the current assessment and the proposed assessments for the site.

8. CONSULTATIONS:

Melissa Osborne, Deputy CAO / Director of Development Services
Angelo Avolio, Chief Building Official

9. CONCLUSION:

The recommendations of this report reinforce the need for infill development consistent with the Town's heritage program and goals which respects, incorporates, and reinforces the marriage of traditional and contemporary design. Therefore it is recommended that the property at 359 Dalhousie Street be allowed to be demolished, be removed from the Heritage Register and the proposed design and the program of recognition be endorsed as agreed to by the proponent.



Christopher Aspila
Manager of Planning Services



Kevin Fox
Municipal Clerk

Appendix "A"

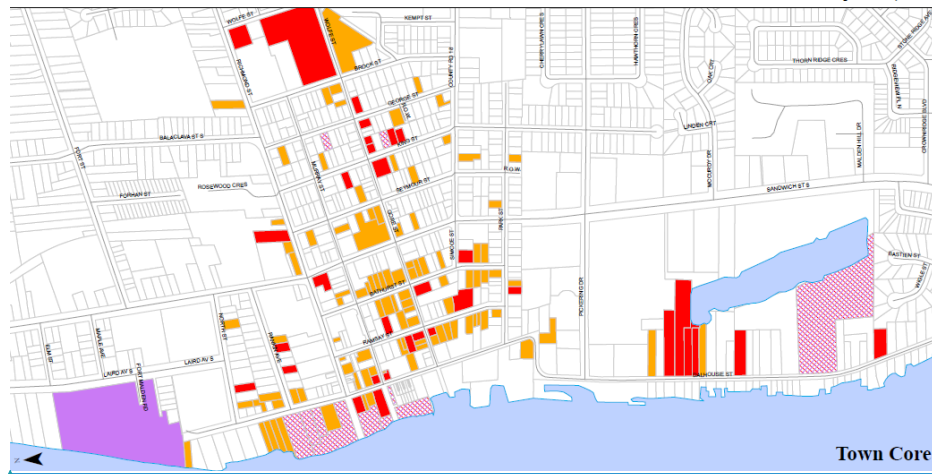


Town of Amherstburg Heritage Properties

Legend

—	Street Centreline	Property Type	■	Federal Designations	
□	Parcels	■	Designated Properties	▨	Designated Properties & Federal Designations
■	Properties of Interest				

GIS Department, 2021



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THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

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: 2022 Special Events Approval – Part VI

1. RECOMMENDATION:

It is recommended that:

- 1. The following events BE APPROVED:
a. Santa Claus Parade: November 26, 2022
b. Hot Air Balloon Re/Max Preferred: November 26, 2022
c. River Lights: November 19, 2022 – January 8, 2023
d. 2022 Remembrance Day Parade & Ceremony –November 11, 2022
2. An exemption from table number 3-1(2) of Noise By-law #2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music BE GRANTED for the following events:
a. Santa Claus Parade
b. 2022 Remembrance Day Parade & Ceremony
3. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for the following public event in the Kings Navy Yard Park:
a. River Lights
b. 2022 Remembrance Day Parade & Ceremony
4. The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm:
a. Santa Claus Parade – November 26, 2022
b. 2022 Remembrance Day Parade & Ceremony – November 11, 2022
5. The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to issuing an event permit.
6. The fee waiver requests BE APPROVED as follows:
a. Santa Clause Parade: \$255.00

2. BACKGROUND:

At their October 5, 2015 Special Meeting, Council approved the Public Events Policy. As per Council's direction, Section 7.3 of the policy states:

"7.3. Council has the authority and responsibility to:

7.3.1 Consider any exemptions to Municipal By-laws for Public Events.

7.3.2. Consider and approve any new events presented by the PEC.

7.3.3. Consider and approve all recurring events presented by the PEC."

Each Event Organizer is required to follow the Public Events Manual, fill out the required forms and submit to the Public Events Committee (PEC).

On September 21, 2022, the PEC met and reviewed applications submitted by the Event Organizers for the following events:

- i.) Santa Claus Parade: November 26, 2022
- ii.) Hot Air Balloon Remax Preferred: November 26, 2022
- i.) River Lights: November 19, 2022 – January 8, 2023
- ii.) 2022 Remembrance Day Parade & Ceremony

The PEC reviewed the application in detail and have informed the Event Organizer of every requirement that must be met to allow their event to proceed. This includes ensuring the event conforms to all Town By-laws, Town insurance requirements and Provincial laws. As per Section 7.3 of the Public Event's Policy, the Event Organizers have also been informed that each event must be approved by Council before they may hold their event.

The Public Events Committee also amended the Event Emergency Response Plan in 2021 and all Event Organizers were made aware that this plan had to be submitted prior to approval and followed for any size event.

Noise Exemption

Noise By-law #2001-43 prohibits the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound in residential, commercial and agricultural areas.

Notwithstanding anything contained in the Noise By-law, a person may apply to Council for an exemption from any of the provisions of the Noise By-law with respect to any source of sound or vibration. Council, by resolution, may grant the exemption applied for and can impose terms and conditions as Council deems appropriate.

All events requiring a Noise By-law exemption that have been identified by the PEC have been listed below for Council's approval:

- a) Santa Claus Parade
- b) 2022 Remembrance Day Parade & Ceremony

Park Use Exemption

By-law #2004-89 regulates the use of Kings Navy Yard Park and designated it a passive park. Section 3 of By-law 2004-89 states the following:

“Public, private and non-profit functions will be allowed by permit. This will protect the grounds, the gardens, sprinkler system and facilities and at the same time simplify the scheduling of such events. Council retains final discretion in the awarding of permits.”

The Town does not issue a physical permit to allow these types of functions listed in the Kings Navy Yard Park; however, Section 3 implies that these types of functions would be permitted upon application, with Council’s approval.

Council approved exemptions are required for Section 3, of By-law 2004-89 to allow the following proposed events to proceed in Kings Navy Yard Park:

- a) River Lights – November 19, 2022 – January 8, 2023
- b) 2022 Remembrance Day Parade & Ceremony – November 11, 2022

Road Closures

At the January 25, 2016 Council meeting, Council passed the following motions:

“That:

1. The use of the Downtown Core for Festivals and Events subject to the criteria established in the Town’s Festival and Events Policy **BE APPROVED**; and,
2. Road closures **NOT BE PERMITTED** prior to 5:00 pm without Council consent.”

Accordingly, all road closures requested prior to 5:00 pm have been identified by the PEC and are outlined below for Council’s approval:

- a.) Santa Claus Parade: November 26, 2022
- b.) 2022 Remembrance Day Parade & Ceremony: November 11, 2022

The road closures are requested from approximately 3:00p.m.- 9:00p.m. at the intersections of Texas & Front Rd N to Sandwich St., Richmond St to Dalhousie St. and Dalhousie St. to North St.

3. DISCUSSION:

Event	Santa Claus Parade
Event Organizer	Windsor Parade Corporation
Event Date	Saturday November 26, 2022
Event Time	3:00 p.m. to 9:00 p.m.
Event Location	Parade along Front Rd/Richmond/Dalhousie
Event Details	The Annual Amherstburg Santa Claus Parade was originally brought to Amherstburg in 2008 by the Windsor Parade Corporation. Each year we work with the municipality to provide a quality community event.

	This year the parade will be combined with a Digital Passport to encourage individuals to visit Amherstburg before and after the parade, Fan Zones on parade day to provide families with activities, entertainment, and games before the parade, a VIP zone for sponsors-not licensed, an art and photography contest encouraging people to paint or photograph moments from the parade and capture the "magic of Christmas and the parade itself."
Noise By-law Exemption	Required from 6:30 p.m. to 9:00 p.m. to allow for music
Road Closure before 5 PM	Road Closure required for set up and event from 3pm to 9pm
Permit Fees	\$250 Deposit

Event	Hot Air Balloon Remax Preferred
Event Organizer	Remax Preferred Realty Ltd.
Event Date	November 26, 2022
Event Time	3:30 p.m. to 7:30 p.m.
Event Location	Next to Amherst High School on the Lawn
Event Details	Tethered Hot Air Balloon Rides on the Remax Hot Air Balloon in the area next to the old High School. Event will be promoted to attract people to come to Amherstburg prior to the parade starting
Permit Fees	\$250 Deposit

Event	River Lights
Event Organizer	Town of Amherstburg
Event Date	November 19, 2022 – January 8, 2023
Event Time	9:30 a.m. to 5:30 p.m.
Event Location	KNYP & Toddy Jones Park
Event Details	A set up of light displays all throughout KNYP and Toddy Jones Park
Navy Yard Park By-law Exemption	River Lights
Permit Fees	

Event	2022 Remembrance Day Parade & Ceremony
Event Organizer	Royal Canadian Legion Fort Malden Branch #157
Event Date	November 11, 2022
Event Time	10:00 a.m. to 12:30 p.m.
Event Location	Murray to Ramsay, down Richmond to KNYP, then Dalhousie back to Royal Canadian Legion #157
Event Details	The Royal Canadian Legion Fort Malden Branch 157 will be holding its annual Remembrance Day Parade (from the Branch to the Cenotaph in the King's Navy Yard Park) and wreath-laying ceremony on Friday November 11, 2022, to commemorate and pay tribute to those currently serving, and to those men and women who sacrificed for our freedom

Permit Fees	\$250 Deposit
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4. RISK ANALYSIS:

The Clerk identifies the Town’s insurance requirements and relays the information to each Event Organizer. Special events on Town property are not able to proceed until the Clerk is satisfied the insurance requirements are met. A member of Administration from the PEC will be in attendance and on call for each event to ensure the event is operating in accordance with all Town policies, rules and regulations.

It should be noted, that should these events not be approved, it might have the following detrimental effects on the community:

- Less awareness and exposure for the Town to attract visitors which could result in economic loss for the Town and its businesses;
- A lack of support from Council may discourage long standing volunteer associations from providing social and economic opportunities. This would result in a perception of non-worth for their volunteer efforts;
- Less exposure for the Town reducing its tourism market share;
- Less exposure for the Town reducing its ability to attract new residents;
- Less exposure for the Town reducing its value to potential investors;
- Tourism is a primary industry for the Town of Amherstburg, reducing events will directly impact employment opportunities;
- Event experiences are learning opportunities for our guests, which promote repeat visits, the deep history Amherstburg has to offer and showcases our local museums, attractions, and historical sites;
- Events financially support not-for-profit organizations, to ensure sustainability within our community.

5. FINANCIAL MATTERS:

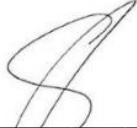
Each event application received is to be submitted with the required \$250 deposit. The Event Organizers will be responsible to pay for equipment rentals, facility rentals and all other costs associated with their event as per the Town’s User Fee By-law, as amended. The cost to set up the rented equipment by Town staff is accommodated within the Town’s budget under the Parks budget centre. Any damages to Town equipment or property are recoverable from the Event Organizer.

6. CONSULTATIONS:

The Public Events Committee was consulted inclusive of Windsor Police- Amherstburg Detachment and Amherstburg Fire Department. The PEC reviewed the application and has corresponded with the Event Organizers on requirements that must be met and By-law exemptions that must be obtained in order to be granted a Special Event Permit for their event, pending Council approval of this report.

7. **CONCLUSION:**

The PEC is confident that once all requirements are met by the Event Organizers, the events held in the Town of Amherstburg will enhance the community experience for both residents and visitors alike.



Bill Tetler

Manager, Licensing and Enforcement

Report Approval Details

Document Title:	2022 Special Events Approval - Part VI.docx
Attachments:	
Final Approval Date:	Oct 12, 2022

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



Tracy Prince



Valerie Critchley



Kevin Fox



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT:

Author's Name: Donna King	Report Date: October 5, 2022
Author's Phone: 519 736-0012 ext. 2242	Date to Council: November 14, 2022
Author's E-mail: dking@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: 2022 Long Service Award Recognition

1. RECOMMENDATION:

It is recommended that:

1. The report prepared by the Manager, Human Resources dated October 5, 2022 regarding Long Service Award Recognition **BE RECEIVED** for information.

2. BACKGROUND:

The Corporation of the Town of Amherstburg recognizes the valuable contribution of employees at established and designated service intervals.

3. COMMENTS:

For the 2022 calendar year, the Town of Amherstburg recognizes the following employees for their dedicated service:

BJ Wilder, By-Law Enforcement Officer	15 years
Michael Bates, Facilities Attendant	10 years
Helen Caba, Crossing Guard	10 years
Mike Castellan, Landscape Technician	10 years
Ken Emery, Equipment Operator	10 years
Robert Erickson, Crossing Guard	10 years
Brian Gibb, Facilities Attendant	10 years
Dawne Homenuik, Administrative Clerk	10 years
John Jaber, Facilities Attendant	10 years
Linda Kennedy, General Labourer	10 years

Justin Willoughby, Landscape Technician 10 years

4. FINANCIAL MATTERS:

The costs associated with long service awards are included in the 2022 Human Resources budget centre.

5. CONSULTATIONS:

There were no consultations required for this report.



Donna King
Manager, Human Resources

SB

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2022-4150

September 26, 2022

Dear Head of Council:

Our government recognizes the importance of streamlining development approvals in land use planning in supporting the development of 1.5 million new homes by 2031. Our government will continue working with you to identify opportunities and innovative solutions that would help us effectively address the housing crisis.

I am writing you today about [public consultation](#) in the land use planning process. The *Planning Act* requires public meetings to be held prior to making certain planning decisions for the purpose of giving the public an opportunity to make representations in respect of the matter under consideration.

For example, your municipal council can consider how to meet the *Planning Act's* requirements using a variety of methods such as physical meetings, electronic or virtual channels – separately or in combination - to engage and solicit feedback from the public on land use planning matters. This may include a mixture of technologies and approaches to meet local public needs (for example, physical meetings, webinars, video conferencing, moderated teleconference). There is no requirement in the *Planning Act* to have multiple types of meetings (e.g., both a physical meeting and a virtual meeting).

Thank you for the work that you do to engage and provide the public with an opportunity to make representations on planning matters in a manner that works best in your local community.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister



www.on.legion.ca

The Royal Canadian Legion Ontario Command

“Military Service Recognition Book”

Dear Sir/Madam:

Thank you for your interest in **The Royal Canadian Legion Ontario Command**, representing **Ontario’s Veterans**. Please accept this written request for your support, as per our recent telephone conversation.

The Royal Canadian Legion Ontario Command is very proud to be printing **10,000 copies** of our **10th anniversary edition** of the **“Military Service Recognition Book”**, scheduled for release by October 2023. This unique remembrance publication recognizes and honours our Province's Veterans and helps us fulfill the Legion's role as the **“Keepers of Remembrance”**. Proceeds raised from this annual appeal are also used to support Veterans Transition Programs to help modern day Veterans that suffer from PTSD and other challenges.

The Legion is recognized as one of Canada’s largest Veterans Support Organizations and we are an integral part of the communities we serve. This project helps ensure the Legion’s continued success. We would like to have your organization's support for this Remembrance project by sponsoring an advertisement space in our **“Military Service Recognition Book.”**

Please find enclosed a rate sheet for your review. Whatever you are able to contribute to this worthwhile endeavor would be greatly appreciated. For further information please contact **Ontario Command Campaign Office** toll free at **1-855-241-6967**.

Thank you for your consideration and/or support.

Sincerely,

Derek Moore
President



www.on.legion.ca

**The Royal Canadian Legion
Ontario Command**

“Military Service Recognition Book”

Advertising Prices

<u>Ad Size</u>	<u>Cost</u>		<u>HST</u>		<u>Total</u>
Full Colour Outside Back Cover	\$2345.13	+	\$304.87	=	\$2650.00
Inside Front/Back Cover (Full Colour)	\$2039.82	+	\$265.18	=	\$2305.00
2 Page Spread (Full Colour)	\$3261.06	+	\$423.94	=	\$3685.00
Full Page (Full Colour) 7" X 9.735"	\$1632.74	+	\$212.26	=	\$1845.00
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From: Candice Doiron <CDoiron@brighton.ca>

Sent: September 21, 2022 3:58 PM

Subject: Resolution for support regarding streamlining governing legislation for Physicians in Ontario

Good afternoon;

Please find below a resolution requesting support for streamlining governing legislation for Physicians in Ontario.

Resolution No. COU-2022-346

Moved by Councillor Ron Anderson

Seconded by Councillor Emily Rowley

Whereas attracting primary health care providers, including doctors, to Brighton and other small communities has been a difficult task;

And Whereas the Provincial Government announced a tuition program to attract nurses to underserved areas of Ontario;

Now be it resolved that the Municipality of Brighton Council requests that the Government of Ontario provide funding and change legislation to allow the College of Physicians & Surgeons of Ontario (CPSO) to implement the changes proposed in their letter to the Minister of Health on August 18, 2022. Which includes:

- Exempting IEP's from the regulatory requirement to have Canadian experience (re-do residency) where all other requirements are met; and
- Implementing Practice Ready Assessment programs similar to those already used in seven (7) other provinces.

And further that the Government of Ontario develop a similar tuition program to attract family doctors to underserved areas of Ontario;

And further that this motion is circulated to the Premier of Ontario, the Minister of Health, MPP David Piccini, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO) for endorsement.

Kind Regards,

Candice Doiron
Municipal Clerk

Municipality of Brighton
35 Alice Street
PO Box 189
Brighton, ON K0K 1H0
cdoiron@brighton.ca

September 26, 2022

Ministry of the Solicitor General
Hon. Michael Kerzner
25 Grosvenor Street
Toronto, ON M7A 1Y6

Sent via email: Michael.kerzner@ontario.ca

Hon. Minister Kerzner:

Re: Grey Highlands Municipal Resolution 2022-571 re: Increased Speeding Fines

Please be advised that the following resolution was passed at the September 7, 2022 meeting of the Council of the Municipality of Grey Highlands.

2022-571

Dane Nielsen, Danielle Valiquette

**Whereas speeding has become a growing concern on our residential streets;
and**

**Whereas the culture of driver's is that 20 km/h over the speed limit is
considered normal; and**

**Whereas the fines for street racing have increased significantly and we have
seen a reduction in number of charges laid; and**

Whereas the fines for other speed infractions have remained unchanged; now

**Therefore be it resolved that the municipality of Grey Highlands lobby the
Ministry of the Solicitor General to increase the fines for all levels of speeding;
and**

**That this motion be sent to AMO, ROMA, and all municipalities of Ontario to
garner support.**

CARRIED.

If you require anything further, please contact this office.

Sincerely,



Raylene Martell
Director of Legislative Services/Municipal Clerk
Municipality of Grey Highlands

Cc: Association of Municipalities of Ontario
Rural Ontario Municipalities
All Ontario Municipalities

REGULAR COUNCIL MEETING

HELD

October 11th, 2022

2022-273

**Moved by Councillor Champagne
Seconded by Councillor Lougheed**

WHEREAS the province of Ontario is currently experiencing an early years and child care workforce shortage;

AND WHEREAS access to quality licensed child care is an essential component of Ontario's social and economic well-being and enables children to grow up with a sense of community;

AND WHEREAS lack of licensed child care is a barrier for parents to return or enter into the workforce, thus putting a strain on families, hindering economic participation, and forcing parents to remain at home to care for their children;

AND WHEREAS in the District of Nipissing, there is a higher demand for child care spaces than the number of spaces available creating waitlists that have parents waiting for several years prior to getting a space, if they receive a space at all;

AND WHEREAS in recent years the recruitment and retention of qualified Registered Early Childhood Educators (RECEs) and child care staff has been a challenge that has been exasperated by the COVID-19 pandemic;

AND WHEREAS the workforce crisis in the early years and child care sector has been further exasperated by the significant wage disparity between the compensation paid to RECEs employed by school boards and those employed in licensed child care centers due to lack of funding which has created an inequity for workers with equal qualifications;

AND WHEREAS Ontario has signed the Canada-Wide Early Learning and Child Care Agreement putting Ontario on the path to reducing child care fees to an average of \$10/day which will create a demand for more child care spaces when a workforce shortage already exists;

AND WHEREAS the province of Ontario committed to creating an additional 86,000 licensed child care spaces in Ontario without an explicit solution for increasing the number of RECEs and child care staff to fulfill this commitment;

AND WHEREAS the province of Ontario's commitment to a minimum wage of \$18/hour for RECEs with \$1 annual increases until reaching \$25/hour does not provide an immediate response to attracting and retaining child care staff and will take many years to correct the wage disparity;

THEREFORE BE IT HEREBY RESOLVED that Council of the Municipality of East Ferris advocates for the Province of Ontario to address the child care workforce shortage in Ontario by immediately increasing the \$18/hour minimum wage and providing benefits to RECEs in licensed child care centres to an equitable level to that which is paid to RECEs employed by school boards;

AND FURTHER that the Province of Ontario launch and financially support an accelerated Early Childhood Education program, to be completed within 14 to 16 months, similar to the program launched in March 2022 for Personal Support Workers (PSWs), where funding supported the costs of tuition, books, and other mandatory fees, to help address the shortage of RECEs in Ontario;

AND FURTHER that a certified copy of this resolution be forwarded to OMSSA (Ontario Municipal Social Services Association), Ontario Coalition for Better Child Care, Childcare Resource and Research Unit, NOSDA (Northern Ontario Service Deliverers Association), FONOM (Federation of Northern Ontario Municipalities), AMO (Association of Municipalities of Ontario), all 10 District Social Services Administration Boards in Northern Ontario, and all Ontario Municipalities to request their support and advocacy for this resolution;



AND FURTHER that a certified copy of this resolution be forwarded to Minister of Education Stephen Lecce, Minister of Economic Development, Job Creation and Trade and Nipissing MPP Vic Fedeli.

Carried Mayor Rochefort

CERTIFIED to be a true copy of
Resolution No. 2022-273 passed by the
Council of the Municipality of East Ferris
on the 11th day of October 2022.

Monica L. Hawkins
Monica L. Hawkins, AMCT
Clerk

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: D Cozens, D. Shaw, T. Buchanan, A. Campigotto, J. Mailloux

Also Present: Janine Mastronardi, Acting Secretary-Treasurer, Kevin Fox, Policy and Committee Coordinator, Chris Aspila, Manager of Planning Services, Rob Unis, Deputy Chief Building Official

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:30 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Chair completed the roll call for the meeting.

3. Land Acknowledgement

The Chair has read the following land acknowledgment;

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat, and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

4. Disclosure of Interest

There were no disclosures of interest.

5. Adoption of Minutes

The Chair requested comments on the adoption of minutes of June 7, 2022 Committee of Adjustment meeting.

A motion was put forward to adopt the minutes as presented.

Moved by: Terris Buchanan

Seconded by: Josh Mailloux

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

The Chair requested comments on the adoption of minutes of June 14, 2022 Committee of Adjustment meeting.

A motion was put forward to adopt the minutes with one clarification made on page 2, fourth paragraph under discussion change the second sentence in the

paragraph to read, “If the minor variance is approved final recommendations on a drainage plan for the site will be designed, provided and implemented to the satisfaction of the municipality.”

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

6. Order of Business

6.1 Application A/21/22 – Shaun Blythe- 1915 Front Rd N (Roll No. 3729-500-000-35100)

Public in Attendance: Shaun Blythe

Purpose of Minor Variance Application: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits the total lot coverage of all non-farm accessory use structures to a maximum of 185 square meters (1991 sq. ft).

The applicant is proposing the construction of a 40 ft by 60 ft, 2400 sq ft detached accessory structure with a 10 ft by 16 ft, 160 sq ft covered deck totaling in an accessory structure lot coverage of 2560 sq ft or 237.8 sq m on a 10.33 acre property. Therefore, the amount of relief requested is 52.8 sq m (569 sq ft) in accessory structure lot coverage.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii) Email dated June 27, 2022 from Infrastructure Services Department
- iii) Planning Report dated June 29, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Janine Mastronardi read the purpose of the application. Shaun Blythe explained the concept of the application. Mr. Blythe explained would like to new structure to store, work on his cars, and would like a games room above. It was noted that the existing structure is to be torn down to make space for the new proposed building. Discussion ensued regarding adding a second condition regarding MECP approvals.

The following resolution was put forth:

That application A/21/22 be approved to grant relief of 52.8 sq m in accessory structure lot coverage to permit the construction of a 40 ft by 60 ft, 2400 sq ft detached accessory structure with a 10 ft by 16 ft covered deck totaling in an accessoty structure lot coverage of 2560 sq ft on a 10.33 acre property subject to the following conditions:

- (i) That proper grading along the property line be complete for any water runoff, to the satisfaction of the municipality.
- (ii) Prior to initiating any proposed works on this property it is the proponent’s responsibility to contact the Species at Rick Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related

to the Endangered Species Act are addressed and that evidence of this be provided to the municipality.

Moved by: Josh Mailloux
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighborhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6.2 Application A/23/22 – Hamilton James, c/o Mackenzie James, Agent- 115 Laird Avenue South (Roll No. 3729-240-000-07700)

Public in Attendance: Mackenzie James

Purpose of Minor Variance Application: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits a maximum accessory structure lot coverage of 10% of the lot area in a Residential Zone up to a maximum of 100 sq m.

The applicant is proposing the construction of a 30 ft x 40 ft, 1200 sq ft (111.48 sq m), detached garage on a 12,742 sq ft (1183.8 sq m) lot. The two existing garages are to be demolished. The proposed detached garage will have an accessory structure lot coverage of 111.48 sq m.

The following correspondence was received from the various agencies and residents circulated:

- i. Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii. Email dated June 27, 2022 from Infrastructure Services Department
- iii. Planning Report dated June 29, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Janine Mastronardi read the purpose of the application. Mackenzie James explained the concept of the application. Discussion ensued regarding the details of the proposed structure. The applicant confirmed that the garage door will be located on the north wall and that the structure will not exceed 18 ft to the peak of the roof.

The following resolution was put forth:

That application A/23/22 be approved to grant relief of 11.48 sq m in accessory structure lot coverage to permit the construction of a 30 ft x 40 ft, 1200 sq ft (111.48 sq m) detached garage on a 1183.8 sq m lot subject to the following conditions:

- (i) That a drainage plan be approved and implemented to the satisfaction of the municipality.

- (ii) That a demolition permit be issued for the existing accessory structures and be finalized prior to a building permit for the new accessory structure being completed.
- (iii) That all downspouts from the new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.

Moved by: Josh Mailloux
 Seconded by: Donald Shaw

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

Item 6.6 was brought forward at this time.

6.6 Applications B/22/22 & A/22/22 – Brian & Pamela Hutchins, c/o Kristi & Mauricio Rivas, Agents- 4430 Concession 4 S (Roll No. 3729-640-000-02800)

Public in Attendance: Kristi & Mauricio Rivas, Agents on the Application

Purpose of Consent Application B/22/22: The applicant is proposing to sever an L-shaped parcel of land with 18.29 m frontage by 94.5 m depth and an area of 0.28 hectares for the purpose of a lot addition to merge with 4400 Concession 4 S.

The proposed retained parcel being 189.54 m frontage on Concession 4 S by an irregular depth has an area of 28.92 hectares ±, and is designated Agricultural in the Town’s Official Plan and Agricultural (A) in the Town’s Zoning By-law.

Purpose of Minor Variance Application A/22/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance for a lot addition with an area of 0.28 hectares from an existing 29.2 hectare parcel, the retained farm parcel will have an area of 28.92 hectares ±. Therefore, the amount of relief requested is 11.08 hectares.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii) Email dated June 27, 2022 from Infrastructure Services Department
- iii) Email dated June 30, 2022 from Building Services
- iv) Planning Report dated June 29, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Janine

Mastronardi read the purpose of the application. Kristi and Mauricio Rivas explained the concept of the application. They would like to building a detached garage on their property but due to the configuration of the existing buildings and septic system there is no appropriate location for the structure. The lot addition is required to provide land to erect the structure. The Chair confirmed the size of the proposed garage will not exceed 1991 sq ft. Discussion ensued.

The following resolution was put forth:

That application B/22/22 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent.
5. That prior to the stamping of the deeds the owner is to provide satisfactory evidence that the adjacent parcel is under common ownership relative to the parcel which is the subject of the consent.
6. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a) which requires a minimum lot area of 40 ha in an Agricultural (A) Zone regarding the retained parcel.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Donald Shaw
 Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

That application A/22/22 be approved to grant relief of 11.08 hectares in lot area to permit a lot area in an Agricultural (A) Zone of 28.92 ha subsequent to a lot addition severance of 0.28 ha from an existing 29.2 ha parcel.

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6.3 Application B/12/22 – Tank Development Group Inc., c/o Tyler Knight and Antonio Neves- 106 Gore Street (Roll No. 3729-110-000-09900)

Public in Attendance: Tyler Knight and Antonio Neves, Applicants, Nicole and Dave Rogers, 278 Bathurst, Wayne Jackson, 273 Bathurst

Purpose of Consent Application B/12/22: The applicant is proposing sever a new lot being 12.55 m frontage by 21.64 m depth with an area of 271.56 sq m to create a new lot which will contain a newly constructed semi-detached dwelling. The remaining parcel being 15.19 m frontage by 21.64 m depth with a total area of 328.68 sq m will contain a newly constructed semi-detached dwelling. The severance will split the newly constructed semi-detached dwelling along the common wall to allow for freehold ownership of each unit.

The subject lands are designated Heritage Residential in the Town’s Official Plan and zoned Residential Heritage (RH) Zone in the Zoning By-law 1999-52.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii) Email dated June 27, 2022 from Infrastructure Services Department
- iii) Email dated June 30, 2022 from Building Division
- iv) Comments from Nicole & Dave Rogers(278 Bathurst) dated July 4, 2022
- v) Comments from Wayne & Joanne Jackson dated July 4, 2022
- vi) Planning Report dated June 29, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. Nicole and Dave Rogers, 278 Bathurst and Wayne Jackson, 273 Bathurst were present. Janine Mastronardi read the purpose of the application. Tony Neves explained the concept of the application. The Chair opened the floor to the public. Nicole and Dave Rogers spoke, reading the letter they had submitted on the application aloud. Chris Aspila responded advised that the h-9 requirements for development do not apply to the property as it is a site specific provision for a different property in Amherstburg. Wayne Jackson spoke listing concerns with the development including that the house is too large and not heritage in design, the depth of the foundation potentially compromising the neighbouring house at 278 Bathurst and that the five foot setback would limit airflow between houses.

Rob Unis and Tony Neves confirmed that there are no windows proposed on the north side of the building and that any spatial separation required by the Ontario Building Code for fire safety will be complied with. Also Tony Neves confirmed that he had done

excavations with less setback than the proposed and is confident in the safety of the construction process. Discussion ensued regarding the setback from the north property line. The Chair asked the applicant if they were willing to amend their application, moving the building to the south slightly. The applicants agreed to the amendment to the site plan.

The following resolution was put forth:

That application B/12/22 be approved subject to the following conditions:

1. That a Reference Plan of the subject property, which indicates the common wall of the semi-detached dwelling, satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1000 for the severed lot.
5. That the applicant must install a curb cut and driveway access to the retained parcel to the satisfaction of the Infrastructure Services department prior to the stamping of deeds.
6. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
7. That the applicant install separate water services and sanitary and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
8. That the applicant submit to the municipality lot grading plans and drainage design for the severed and retained lots to the satisfaction of the municipality.
9. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
10. Existing Town trees within the ROW adjacent to the subject lot must be preserved according to the Town Tree by-law.
11. That the building footprint move southerly to the limit of the site triangle as per the Town Zoning By-law 1999-52, as amended, to a maximum of 0.762 m (2.5 ft).
12. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Terris Buchanan
 Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The request is in conformity with Section 6.1.2 of

Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

6.4 Application B/21/22 – Frank & Cindy Simone, c/o Casey & Nicholas Martin, Agents- 21 Marsh Court (Roll No. 3729-420-000-24108)

Public in Attendance: Casey & Nicholas Martin, Paul Boyko, 17 Easy Street

Purpose of Consent Application: The applicant is proposing to sever a parcel of land being 20.12 m (66 ft) frontage by an irregular depth with an area of 5463.26 sq m (1.35 acres) for purpose of creating a new residential building lot with access from and frontage on Easy Street. The remaining parcel being 23.47m (77 ft) frontage by an irregular depth with an area of 6151.22 sq m (1.52 acres) contains one single detached dwelling. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Zoning By-law 1999-52.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 30, 2022, from Essex Region Conservation Authority
- ii) Email dated June 28, 2022 from Infrastructure Services Department
- iii) Email dated June 30, 2022 from Building Division
- iv) Email dated June 29 from Andrea Craig-Wammes
- v) Email dated June 30, 2022 from Linda Green
- vi) Email dated June 30, 2022 from Jason and Misty Topolie
- vii) Email dated July 1, 2022 from David Wammes
- viii) Email dated July 4, 2022 from Joe and Rose Melo
- ix) Email dated July 4, 2022 from Kayla Zanettin
- x) Email Dated July 4, 2022 from Paul Boyko
- xi) Planning Report dated June 29, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. Paul Boyko, 17 Easy Street, was present. Janine Mastronardi read the purpose of the application. Casey Martin explained the concept of the application. It was explained that the agents on the application are the potential purchasers of the severed lands. They own land four properties down to the west. This proposed parcel is one of the properties they are working at purchasing as part of a parcel consolidation for residential development. If there are unforeseen complications in obtaining the remainder of the lands the purchasers would like to be able to build a single detached dwelling on the severed parcel.

Paul Boyko expressed concerns regarding the proposed severance. It was noted that abundant wildlife live in the area, development of the proposed severed lands would destroy habitat. There are drainage issues in the area, there is also a ditch filled in in the area which causes pooling of water.

Written comments were read aloud.

Discussion ensued regarding the conditions of consent.

The following resolution was put forth:

That application B/21/22 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1000 for the severed lot.
5. That a minimum width of 5.0 m across the full frontage of the severed parcel, measured from the back of the Easy Street curb, be transferred to the Town for the purpose of an expansion of the Easy Street right-of-way.
6. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
7. That the severed parcel be rezoned placing a holding symbol on the property to ensure orderly development. Prior to the holding symbol being removed either;
 - a. Draft plan of subdivision approval be obtained; or
 - b. The severed parcel satisfy the following;
 - i. That the applicant must install a curb cut and driveway access to the retained parcel to the satisfaction of the Infrastructure Services department prior to the stamping of deeds.
 - ii. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
 - iii. That the applicant install separate water services and sanitary and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
 - iv. That the applicant submit to the municipality lot grading plans and drainage design for the severed and retained lots to the satisfaction of the municipality.
 - v. That all issues relating to Species at Risk are satisfied to the satisfaction of ERCA, MECP and the municipality.
8. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Josh Mailloux
 Seconded by: Donald Shaw

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

6.5 Application B/23/22 – Jon & Kathy Parks- N/S County Rd 20 (Roll No. 3729-580-000-03400)

Public in Attendance: Jon Parks, Applicant and Tim Robinson, 6679 Concession 6 S

Location of Property: N/S County Road 20, west of Concession 6 S
(Roll No. 3729-580-000-03400)

Purpose of Consent Application: The applicant is proposing to sever a parcel of land being 34.27 m (112.42 ft) frontage by 78.51 m (257.59 ft depth) with an area of 2690.54 sq m (0.59 acres) for purpose of creating a new residential building lot with access from and frontage on County Road 20. The remaining parcel being 239.27 m (785 ft) frontage by an irregular depth with an area of 6151.22 sq m (55 acres) ± is vacant agricultural land. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Zoning By-law 1999-52.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii) Email dated June 27, 2022 from Infrastructure Services Department
- iii) Planning Report dated June 30, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. Tim Robinson, 6679 Concession 6 S, was present. Janine Mastronardi read the purpose of the application. Jon Parks explained the concept of the application stating the proposed severance meets the requirements of the Provincial Policy Statement, County and Town Official Plans and Town Zoning By-law for lot size and lot frontage. Tim Robinson expressed concern in a possible overdevelopment of residential lots in a rural area. Discussion ensued.

The following resolution was put forth:

That application B/23/22 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deed in an amount of \$1000 for the newly created lot.
5. That the developer be required to undertake a lot grading plan for the severed lot to the satisfaction of the municipality, prior to the stamping of deed.
6. That access to the proposed severed lot be provided prior to the stamping of the deeds. That an access permit be obtained for severed the lot from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deed. If the bridge is to be located within the existing municipal drain, then an engineering report for the Parks Drain under Section 78 of the Drainage Act will be

required. The cost and assessment of this report will be determined by the appointed engineer and be at the applicant's expense. The access shall be provided to the lot to the satisfaction of the municipality.

7. That the severed lot be serviced with municipal water in accordance with and under the supervision of the municipality.
8. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
9. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed, as required. This requirement shall be fulfilled prior to the stamping of the deed.
10. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
 - a. Discharge into the municipal drain (Parks Drain) via storm piping or tiling must be protected by installing gabion stone erosion protection stone, laid over filter cloth, at the point of discharge into the drain. This will be done at the cost of the builder and must be to the full satisfaction of the Drainage Superintendent. Any damage to the municipal drain occurring during construction activities shall be repaired by the builder at his cost, and to the satisfaction of the Drainage Superintendent. Discharge into the County Road 20 roadside ditch must be approved by the County of Essex. Infrastructure Services does not recommend discharge of stormwater into any other private drainage system (ditch, drain or tile) without provisions for securities that will protect the drainage system in the future. This may either be through mutual and private agreements, title registration, or through the provisions of the Drainage Act, as per the Drainage Superintendent.
 - b. The lot be developed on private individual septic system after the soil analysis and confirmation that the lot can accommodate a septic system for the proposed lot be completed.
 - c. The applicant enters into an agreement satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available. The subject agreement to be registered on title.
11. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Terris Buchanan
 Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

6.6 Application A/24/22 – Douglas Zeller, c/o Brad Smith, Agent- 157 Clubview Drive (Roll No. 3729-420-000-36600)

Public in Attendance: Brad Smith, Agent

Purpose of Minor Variance Application: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(f) which requires a minimum rear yard depth of 7.5 m and Section 6(3)(g) which permits a maximum lot coverage of 30% in a Residential Type 1A (R1A) Zone.

The applicant is proposing the construction of an attached covered patio approximately 31 ft x 23 ft, to an existing dwelling which extends into the rear yard resulting in a 3.78 m rear yard setback. The resulting lot coverage will be 32.5%.

Therefore, the amount of relief requested is 2.5% in lot coverage and 3.72 m in rear yard setback to allow for the construction of the attached covered patio.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii) Email dated June 27, 2022 from Infrastructure Services Department
- iii) Planning Report dated June 29, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Janine Mastronardi read the purpose of the application. Brad Smith explained the concept of the application. The covered patio will have a cooking area and a seating area with retractable screens for the walls. It was confirmed that there will be gas and electric brought to the addition, no plumbing. The sign was posted in the garage window as per direction from the Acting Secretary Treasurer.

The following resolution was put forth:

That application A/24/22 be approved to grant 2.5% relief in lot coverage and 3.72 m in rear yard setback to allow for the construction of an attached covered patio subject to the following conditions:

- (i) That the applicant maintain grading around the proposed structure to ensure drainage does not adversely affect neighboring property including the installation of overhangs and downspouts.

Moved by: Josh Mailloux
 Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of the Committee: The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighborhood, and is keeping with the intent of the Official Plan and Zoning By-law.

7. Next Meeting

The next Committee of Adjustment meeting is scheduled on August 9th, 2022 at 7:30 a.m.

8. Adjournment

The meeting was adjourned at 10:03 a.m.

ORIGINAL DOCUMENT SIGNED

Chairman- Dave Cozens

ORIGINAL DOCUMENT SIGNED

Acting Secretary-Treasurer –
Janine Mastronardi

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: D Cozens, D. Shaw, T. Buchanan, A. Campigotto, J. Mailloux

Also Present: Janine Mastronardi, Acting Secretary-Treasurer, Kevin Fox, Policy and Committee Coordinator, Chris Aspila, Manager of Planning Services, Todd Hewitt, Manager of Engineering and Operations

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:30 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Chair completed the roll call for the electronic meeting, all members were present.

3. Land Acknowledgement

The Chair read the following land acknowledgment;

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat, and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

4. Disclosure of Interest

There were no disclosures of interest.

5. Order of Business

5.1 Application B/24/22, B25/22, A/25/22 & A/26/22– Ilie & Doina Pirvulescu, c/o Donato DiGiovanni, Agent-147 Thrasher Drive (Roll No. 3729-460-000-12100)

Public in Attendance: Doina Pirvulescu, Applicant & Donato DiGiovanni, Agent

Purpose of Application B/24/22: The applicant is proposing to sever a parcel of land being 25 m (82 ft) ± frontage by 38.1 m (125 ft) ± depth with an area of 952.5 sq. m. (10,252.6 sq ft) ± to create a new residential building lot.

Purpose of Application B/25/22: The applicant is proposing to sever a parcel of land being 25 m (82 ft) ± frontage by 38.1 m (125 ft) ± depth with an area of 952.5 sq. m. (10,252.6 sq ft) ± to create a new residential building lot.

The remaining parcel being 25 m (82 ft) ± frontage and irregular depth with a total area of 5.77 ha (14.25 ac) ± contains a single detached dwelling, one detached accessory structure, two chicken coups, agricultural land and a woodlot area. The subject lands are zoned Residential Type 1B (R1B) Zone and Agricultural (A) Zone in the Zoning By-law 1999-52 and designated Agricultural and Woodlot in the Town of Amherstburg Official Plan. The proposed severance is located within the R1B Zone.

Purpose of Application A/25/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to two severances totaling an area of 0.19 hectares from an existing 5.96 hectare parcel, the retained parcel will have an area of 5.77 hectares ±. Therefore, the amount of relief requested is 34.23 hectares.

Purpose of Application A/26/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 7(3)(c) which requires a minimum front yard depth of 7.5 metres in a Residential Type 1B (R1B) Zone. Due to the curvature of the road and the requirement to transfer a portion of the property along the curve of the cul-de-sac, the overall lot depth has been reduced. The applicant is proposing a front yard setback of 5.5 m. Therefore, the amount of relief requested is 2 m in front yard depth.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated August 2, 2022 from the Essex Region Conservation Authority
- ii) Email dated July 28, 2022 from Infrastructure Services Department
- iii) Email dated July 27, 2022 from the Building division
- iv) Planning report dated August 2, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Janine Mastronardi read the purpose of the application. Donato DiGiovanni explained the concept of the applications. A. Campigotto brought up the potential need for an additional hydrant on Thrasher Drive. Discussion ensued regarding this requirement and a condition was formulated and created to address the concern. Further discussion ensued.

The following resolution was put forth:

That application B/24/22 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
 - a. That a minimum width of 3 m across the full frontage of the subject severances and 147 Thrasher Drive, measured from the back of the Thrasher Drive curb, be transferred to the Town and be dedicated as a public right-of-way on Thrasher Drive, to the satisfaction of the Town.
 - b. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1000 for the severed lot.
 - c. That the applicant must install a curb cut and driveway access to the retained parcel to the satisfaction of the Infrastructure Services department prior to the issuance of a building permit.

- d. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
- e. That the applicant install separate water services and sanitary and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
- f. That the cul-de-sac bulb end be completely milled and repaved following the installation of all new infrastructure and associated appurtenances and services. Curb and gutter replacement may also be required, the extent of which will be evaluated by Infrastructure Services following completion of all other work.
- g. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
- h. That the applicant submit to the municipality lot grading plans and drainage design for the severed and retained lots to the satisfaction of the municipality, prior to the issuance of a building permit.
- i. That a fire hydrant be installed to the satisfaction of the municipality, if required by law.

5. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Josh Mailloux
 Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

That application B/25/22 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns

of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:

- a. That a minimum width of 3 m across the full frontage of the subject severances and 147 Thrasher Drive, measured from the back of the Thrasher Drive curb, be transferred to the Town and be dedicated as a public right-of-way on Thrasher Drive, to the satisfaction of the Town.
- b. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1000 for the severed lot.
- c. That the applicant must install a curb cut and driveway access to the retained parcel to the satisfaction of the Infrastructure Services department prior to the issuance of a building permit.
- d. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
- e. That the applicant install separate water services and sanitary and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
- f. That the cul-de-sac bulb end be completely milled and repaved following the installation of all new infrastructure and associated appurtenances and services. Curb and gutter replacement may also be required, the extent of which will be evaluated by Infrastructure Services following completion of all other work.
- g. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
- h. That the applicant submit to the municipality lot grading plans and drainage design for the severed and retained lots to the satisfaction of the municipality, prior to the issuance of a building permit.
- i. That a fire hydrant be installed to the satisfaction of the municipality, if required by law.
- j. That the applicant install exclusionary fencing along the south side of the severed parcel as per ERCA's letter dated August 2, 2022, to the satisfaction of ERCA.

5. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Donald Shaw

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

That application A/25/22 be approved to grant relief of 34.23 ha in lot area to permit an undersized agricultural lot with an area of 5.77 ha.

Moved by: Terris Buchanan
 Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee- The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

That application A/26/22 be approved to grant relief of 2 m in front yard depth for the severed and retained parcels to allow for a front yard setback of 5.5 m.

Moved by: Anthony Campigotto
 Seconded by: Donald Shaw

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee- The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6. Next Meeting

The next Committee of Adjustment meeting is scheduled on September 13, 2022 at 7:30 a.m.

7. Adjournment

The meeting was adjourned at 8:02 a.m.

ORIGINAL DOCUMENT SIGNED

 Chairman- Dave Cozens

ORIGINAL DOCUMENT SIGNED

 Acting Secretary-Treasurer –
 Janine Mastronardi

UNFINISHED BUSINESS LIST

Council Question #	Agenda Item	Assigned To	Description	Meeting Type	Meeting Date	Comments
CQ 20-003	Kingsbridge Subdivision Parkland Conveyance	Heidi Baillargeon, Rita Chappell	<p style="text-align: center;">Resolution # 20200127-033 McArthur/Simone - amended motion</p> <p style="text-align: center;">That:</p> <p>The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 BE APPROVED; The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 BE APPROVED and the funds BE COMMITTED for use solely at Pat Thrasher Park; Part 6 on the draft 12R Plan (2.02 hectares) BE DESIGNATED as conservation lands and Administration BE DIRECTED to bring related amendment to the Zoning By-law (1999-52 as amended); Administration BE DIRECTED to explore opportunities for future development and upgrades to Pat Thrasher Park in consultation with the Parks and Recreation Advisory Committee and via community engagement.</p>	Regular Council Meeting	1/27/2020	With Administration.
CQ 20-005	NEW BUSINESS	Valerie Critchley, Bill Tetler	<p style="text-align: center;">Resolution # 20200309-096 Prue/Courtney</p> <p style="text-align: center;">That:</p> <p>1. Administration BE DIRECTED to bring back a report on vacant building registries and to investigate the City of Hamiltons by-law with respect to vacant buildings for discussion; and, 2. Administration BE DIRECTED to bring back a report on an Agent of Change by-law for discussion.</p>	Regular Council Meeting	3/9/2020	Agent of Change Report Complete. See CQ 21-012. Vacant Building registries is under review.

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 20-006	Water Bill Fee - Dennis Richardson	Tiffany Hong	Resolution # 20200713-194 Prue/Renaud That Administration BE DIRECTED to bring back a report with respect to the feasibility of the following: Employee discretion when adding the administrative fee to past due water bills consideration of a 14 day grace period.	Regular Council Meeting	7/13/2020	Report coming to Council in Q2 2022.
CQ 20-011	NEW BUSINESS	Melissa Osborne	Resolution # 20200928-309 Prue/Simone That Administration BE DIRECTED to bring a report back regarding the feasibility of a public art dedication fund as a provision in future development agreements.	Regular Council Meeting	9/28/2020	Administration is investigating the feasibility of a public art dedication fund.
CQ 20-014	Easement Documentation and By-law 2020-059 - Nicole Keogh and Mary Canton, Amherst Point Association	Valerie Critchley, Bill Tetler	Resolution # 20201109-358 Prue/Meloche That Administration BE DIRECTED to prepare a report to determine costs and impacts for all Town encroachments and that the report be brought back to Council for consideration.	Regular Council Meeting	11/9/2020	Options will be brought back for consideration.
CQ 21-003	Off-Road Vehicle Use on Amherstburg Roadways	Valerie Critchley, Bill Tetler	Resolution # 20210308-070 McArthur/Simone That Administration BE DIRECTED to consult with the applicants as to the feasibility and desire to allow off-road vehicles on Amherstburg roads knowing that they won't be able to access County roads.	Regular Council Meeting	3/8/2021	Will coordinate a meeting with the Essex County ATV Club

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 21-011	Indigenous Peoples Flag Proposal - Linden Crain, Amherstburg Resident	Heidi Baillargeon, Jennifer Ibrahim, Rita Chappell	Resolution # 20210614-190 Prue/Meloche That: The delegation BE RECEIVED; and, Administration BE DIRECTED to convene a meeting with First Nations representatives, both on and off the Reserve, to seek input on an Indigenous flag to be raised in the Town of Amherstburg with the costs to BE INCLUDED in the 2022 Budget.	Regular Council Meeting	6/14/2021	With Administration.
CQ 21-012	Agent of Change Policies	Valerie Critchley, Bill Tetler	Resolution # 20210614-203 Prue/Courtney That Administration BE DIRECTED to prepare a by-law regarding Agent of Change as soon as possible.	Regular Council Meeting	6/14/2021	In Progress
CQ 21-014	Amherstburg Environmental Advisory Committee Minutes - June 9, 2021	Heidi Baillargeon, Rita Chappell	Resolution # 20210712-241 Prue/Courtney Administration BE DIRECTED to bring back a report on how the Town can best utilize the trees received by ERCA, outline the costs associated, and outline where the trees can be planted in the Towns parklands.	Regular Council Meeting	7/12/2021	In Progress
CQ 22-04	NEW BUSINESS	Antonietta Giofu	Resolution # 20220214-25 Moved By Councillor Prue Seconded By Councillor Simone That Administration BE DIRECTED to bring a report regarding Torontos Green Standard to see if that initiative is feasible in Amherstburg.	Regular Council Meeting	2/14/2022	Administration is investigating the feasibility of bringing initiative to Amherstburg

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 22-05	Libro Centre Outdoor Turf Upgrade Request - Terry Sawchuk, Jim Jariett, and Vancho Cirvoski, Amherstburg Minor Soccer Association (AMSA)	Terry Fasan, Heidi Baillargeon	Resolution # 20220314-03 Moved By Councillor Prue Seconded By Councillor Courtney That the delegation BE RECEIVED; and, Administration BE DIRECTED to bring back a report outlining the feasibility and costs to accomplish AMSA's outdoor turf upgrade requests.	Regular Council Meeting	3/14/2022	In Progress
CQ 22-10	Fort Erie Resolution re. Climate Change Action Plan	Antonietta Giofu	Resolution # 20220411-13 Prue/Courtney That Administration BE DIRECTED to review Fort Eries resolution and determine whether the Towns Climate Action Plan could be strengthened by adding Fort Eries recommendations.	Regular Council Meeting	4/11/2022	Administration is investigating the feasibility of bringing initiative to Amherstburg
CQ 22-14	Proactive Committee Oversight	Valerie Critchley, Kevin Fox	Resolution # 20210222-053 Prue/Simone The report regarding Proactive Committee Oversight BE RECEIVED; and, Administration BE DIRECTED to prepare a report regarding the establishment of a striking committee prior to the end of the current term of Council so that it can be considered at the first meeting of the new term of Council.	Regular Council Meeting	2/22/2022	In Progress
CQ 22-17	Request for Public Boat Ramp at Ranta Park - Rodney Ferris, AMA Sportsmens' Association	Heidi Baillargeon, Viktorya Paller	Resolution # 20220613-06 McArthur/Courtney That The delegation BE RECEIVED; and, Administration BE DIRECTED to plan for a boat ramp and water access at Ranta Memorial Park inclusive of considerations for Provincial and Federal funding opportunities.	Regular Council Meeting	6/13/2022	In Progress

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 22-20	Proposed Gymnasium - Joseph Thachen-Cary, Amherstburg Indoor Sports Association (AISA)	Heidi Baillargeon, Viktorya Paller	<p>McArthur/Simone That: The delegation BE RECEIVED; Administration BE DIRECTED to work with Amherstburg Indoor Sports Association on potential funding strategies and grant opportunities to help reduce the overall operational and capital expenditure for the gymnasium or explore other options;</p> <p>Administration BE DIRECTED to contract a third party to evaluate the feasibility and potential cost associated with the Amherstburg Indoor Sports Associations suggestion of incorporating the gymnasium at the Libro Centre Facility; The use of the balance of the \$97,000, previously approved to provide the gymnasium design presented this evening, for use in exploring the Libro Centre Facility location BE APPROVED; and,</p> <p>Administration BE DIRECTED to include in the 2023 Capital Budget funding for a gymnasium for Council to consider in concert with other priorities and initiatives of the Town.</p>	Special Council Meeting	8/15/2022	In Progress
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THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022 – 076

By-law to provide for a New Access Bridge over the Dufour Drain for MGV Development (McGregor) Inc. & New Maintenance Schedule of Assessment (Dufour Drain and Branch A) based on the Drainage Report by Dillon Consulting Ltd.

WHEREAS a request for improvement of the Dufour Drain was received under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg appointed an engineer for the purpose of preparation of an engineer's report for the improvements of the Dufour Drain under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg has authorized Tim Oliver, P. Eng., to prepare a report and said engineer's report dated June 15, 2022, can be referenced as Schedule A, as attached hereto;

WHEREAS \$87,600.00 is the estimated cost of improving the drainage works;

AND WHEREAS the report was considered by the Amherstburg Drainage Board at the meeting held on July 5, 2022.

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

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report

2. BORROWING

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$87,600.00 being the amount necessary for the improvements of the drainage works.

3. DEBENTURE(S)

The Corporation may issue debenture(s) for the amount borrowed less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.

(2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first and second time and provisionally adopted this 11th day of July, 2022.



MAYOR – ALDO DICARLO



CLERK – VALERIE CRITCHLEY
DEPUTY CLERK – TAMMY FAWKES

Read a third time and finally passed this ___ day of _____, 2022.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-091**

**By-law to amend Zoning By-law No. 1999-52
E/S Concession 7 (Conc 7, Part Lot 82), 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 61 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) 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 17th day of October, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-092**

**By-law to amend Zoning By-law No. 1999-52
S/S Collison Sideroad (Conc 7, Part Lot 61), 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 81 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) 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.

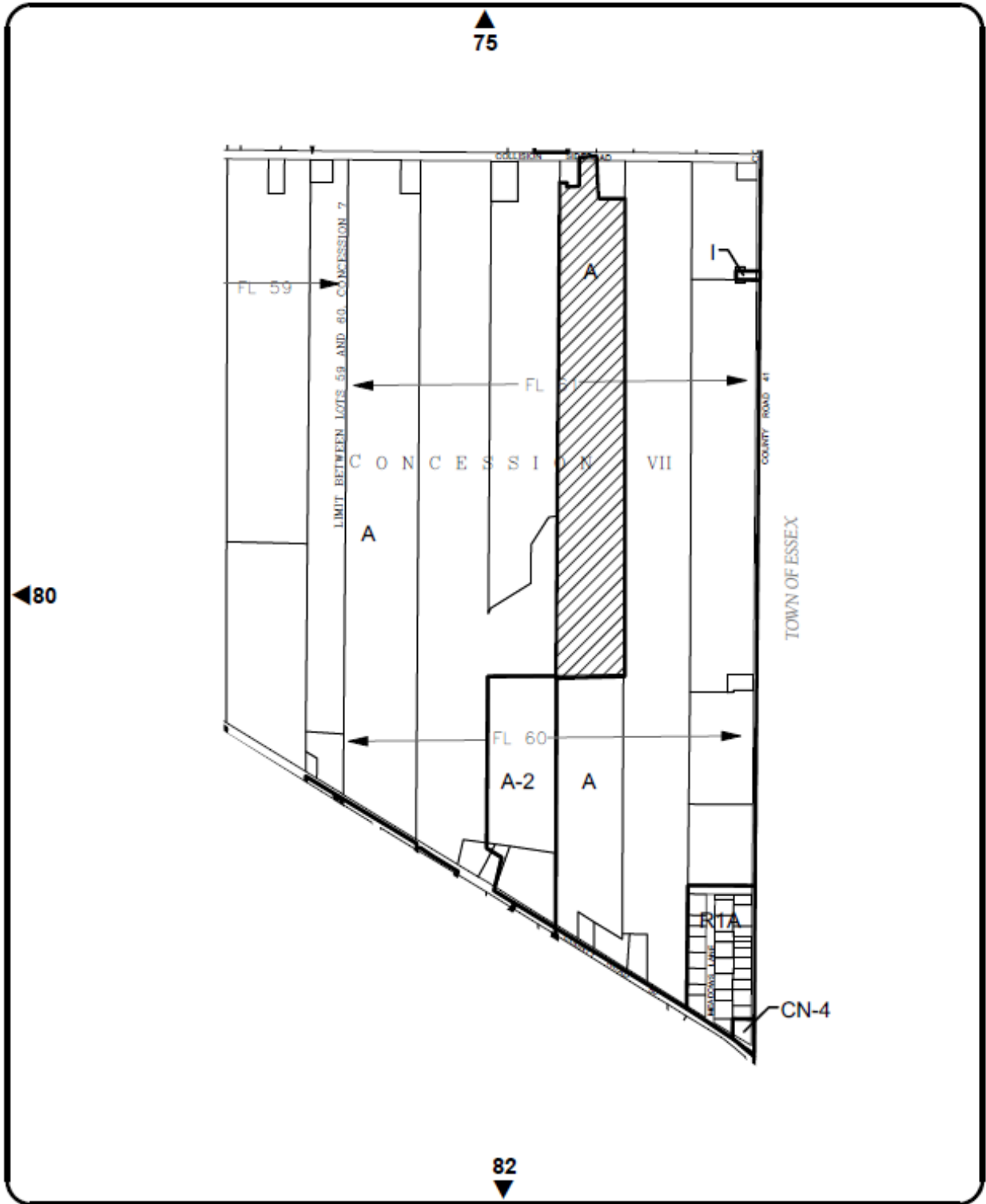
Read a first, second and third time and finally passed this 17th day of October, 2022.

MAYOR- ALDO DICARLO


CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-092
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 81
ZONING BY-LAW NO. 1999-52

A to A-36 

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-093**

**By-law to amend Zoning By-law No. 1999-52
West of Easy Street (Conc 1, Part Lots 10 and 11), 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 19 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from R1A to h-R1A" on Schedule "A" attached hereto and forming part of this By-law from "Residential Type 1A (R1A) Zone" to "holding Residential Type 1A (h-R1A) 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.

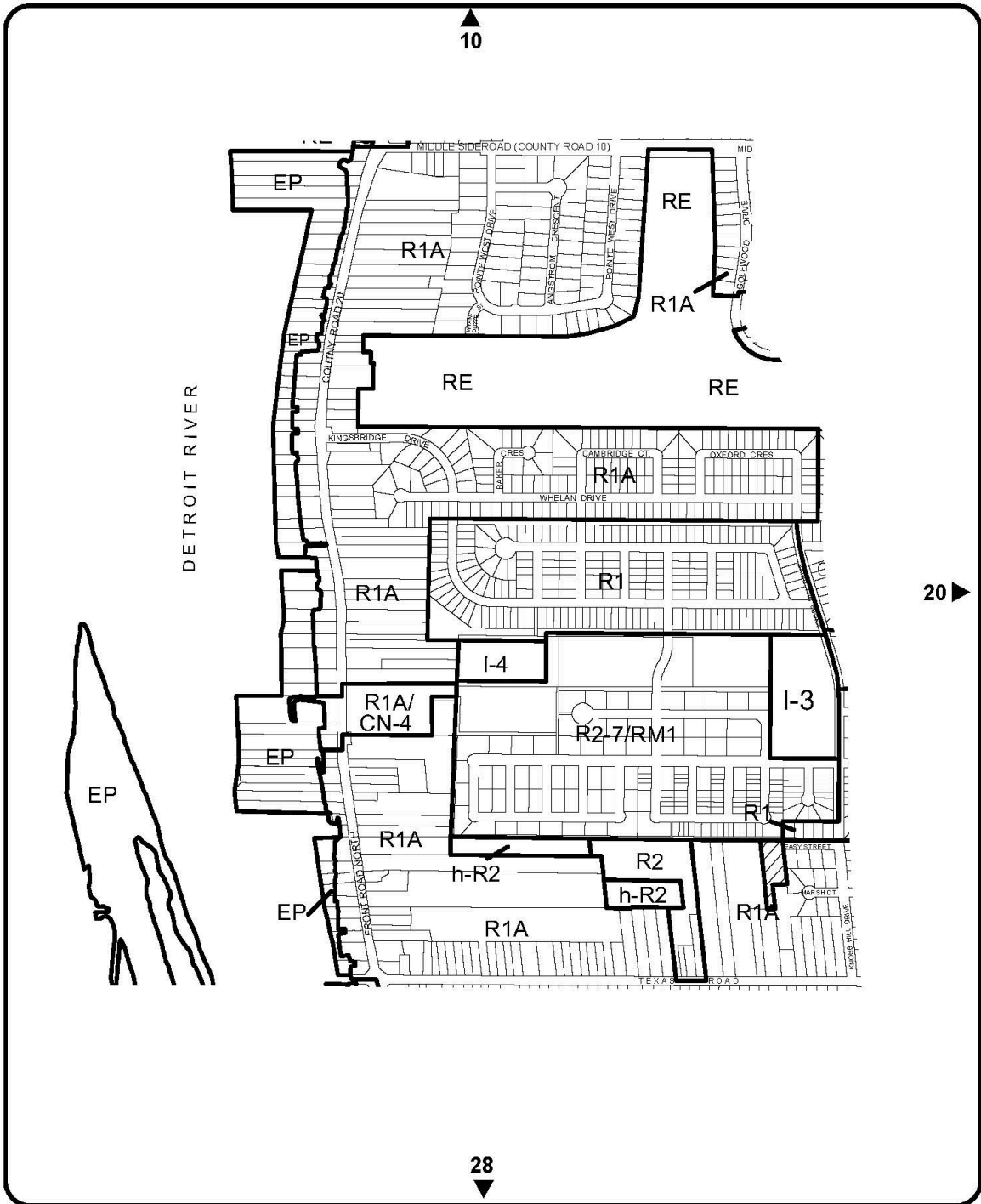
Read a first, second and third time and finally passed this 17th day of October, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-093
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 19
ZONING BY-LAW NO. 1999-52

R1A to h-R1A 

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-100

By-law to Amend By-law 2014-91
To Schedule the Inaugural Meeting of Council

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Amherstburg has enacted Procedure By-law 2014-91;

AND WHEREAS This By-law is enacted at a Regular meeting held in accordance with section 238(3.4) of the Municipal Act, 2001, as amended, and shall hereby come into effect as of the date and time of its passing;

NOW THEREFORE The Council of the Corporation of the Town of Amherstburg amends Section 3.2 of Procedure By-law 2014-91:

3.2 *The inaugural meeting of Council following a regular municipal election shall be held on the second Monday following commencement of the new term of Council at a time no later than 6:00 p.m., except when that day is a public holiday, in which case, the meeting shall be held on the following business day.*

Read a first, second, and third time this 17th day of October, 2022.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-099

**By-law to Confirm the Proceedings of the Council
of the Corporation of the Town of Amherstburg**

WHEREAS pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

WHEREAS it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the Proceedings of the Council of the Corporation of the Town of Amherstburg at its meeting be confirmed and adopted by By-law; and,

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

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the October 17th, 2022, meetings of Council, are hereby adopted and confirmed, as if the same were expressly contained in this By-law;
2. THAT the Mayor and proper officials of the Corporation of the Town of Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action(s) of the Council of the Corporation of the Town of Amherstburg during the said meetings referred to in paragraph 1 of this By-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Town of Amherstburg to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 17th day of October, 2022.

MAYOR – Aldo DiCarlo

CLERK – Valerie Critchley