



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday, July 10, 2017**

**5:30 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 Tammy Fowkes, Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

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**Pages**

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

### 3. SPECIAL PLANNING REPORTS

#### 3.1 Zoning By-law Amendment for 7972 Howard Ave

3

It is recommended that:

1. The report from the Manager of Planning Services dated June 25, 2017, regarding the Zoning By-law Amendment for Part Lot 14, Concession 6, 7972 Howard Ave, Amherstburg, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning **By-law 2017-63 BE CONSIDERED** at a future Regular Council Meeting.

#### 3.2 Temporary Use Zoning By-law Amendment, 1500 Alma Street, Superior Wood Products

17

It is recommended that:

1. The report from the Manager of Planning Services dated June 21, 2017 regarding a Temporary Use Zoning By-law Amendment for 1500 Alma Street, 2562982 Ontario Limited, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received, that Zoning **Bylaw 2017-51** being a by-law to temporarily allow the property in question to be used for open storage prior to a main use, **BE CONSIDERED** at an upcoming Regular Council Meeting.

### 4. ADJOURNMENT

That Council rise and adjourn at     p.m.



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE 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: Rebecca Belanger	Report Date: June 25, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: July 10, 2017
Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a>	Resolution #: N/A

**To: Mayor and Members of Town Council**

**Subject: Zoning By-law Amendment for 7972 Howard Ave, Part Lot 14,  
Concession 6**

#### 1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated June 25, 2017, regarding the Zoning By-law Amendment for Part Lot 14, Concession 6, 7972 Howard Ave, Amherstburg, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-63 **BE CONSIDERED** at a future Regular Council Meeting.

#### 2. **BACKGROUND:**

The lands are subject of a decision of the Committee of Adjustment which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-36 is a condition of the consent decision.

#### 3. **DISCUSSION:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from Merlin and Lorna Warkentin. The subject lands affected by the proposed amendment are described as Part of Lot 14, Concession 6, and the residence which was the subject of the severance is located at 7972 Howard Ave. At conclusion of the severance, the

remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 42± acres.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/3/17) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land.

The application is consistent with the Provincial Policy Statement, specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan specifically Section 3.2.2(14) which provides for surplus dwelling severances subject to the remnant parcel being rezoned to ensure no new dwelling units will be permitted. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requires for the Special Provision Agricultural Zone.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment could not be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant. Support of agricultural operations promotes stability in agricultural assessment base.

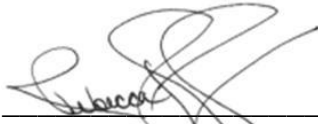
**6. CONSULTATIONS:**

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

At the time of the preparation of this report, no comments had been received from departments or residents regarding this application.

**7. CONCLUSION:**

It is recommended that the Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



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Rebecca Belanger  
**Manager of Planning Services**

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**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**

**Phone #: 519 736-3664 ext. 313**

**Name: Building Services**

**Phone #: 519 736-5408 ext. 4136**

**Name: Fire Services**

**Phone #: 519 736-6500**

**Name: Union Gas**

**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**

**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**

**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**

**Phone #: 519 253-2481**

## Report Approval Details

Document Title:	ZBA-7-17- 7972 Howard.docx
Attachments:	- Report to Council - July 10 - Public Meeting ZBA-7-17 7972 Howard Attachments.pdf
Final Approval Date:	Jul 2, 2017

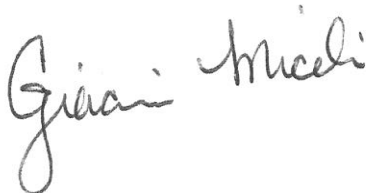
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - Jun 28, 2017 - 12:21 PM**



**Justin Rousseau - Jun 28, 2017 - 12:49 PM**



**John Miceli - Jun 28, 2017 - 3:18 PM**



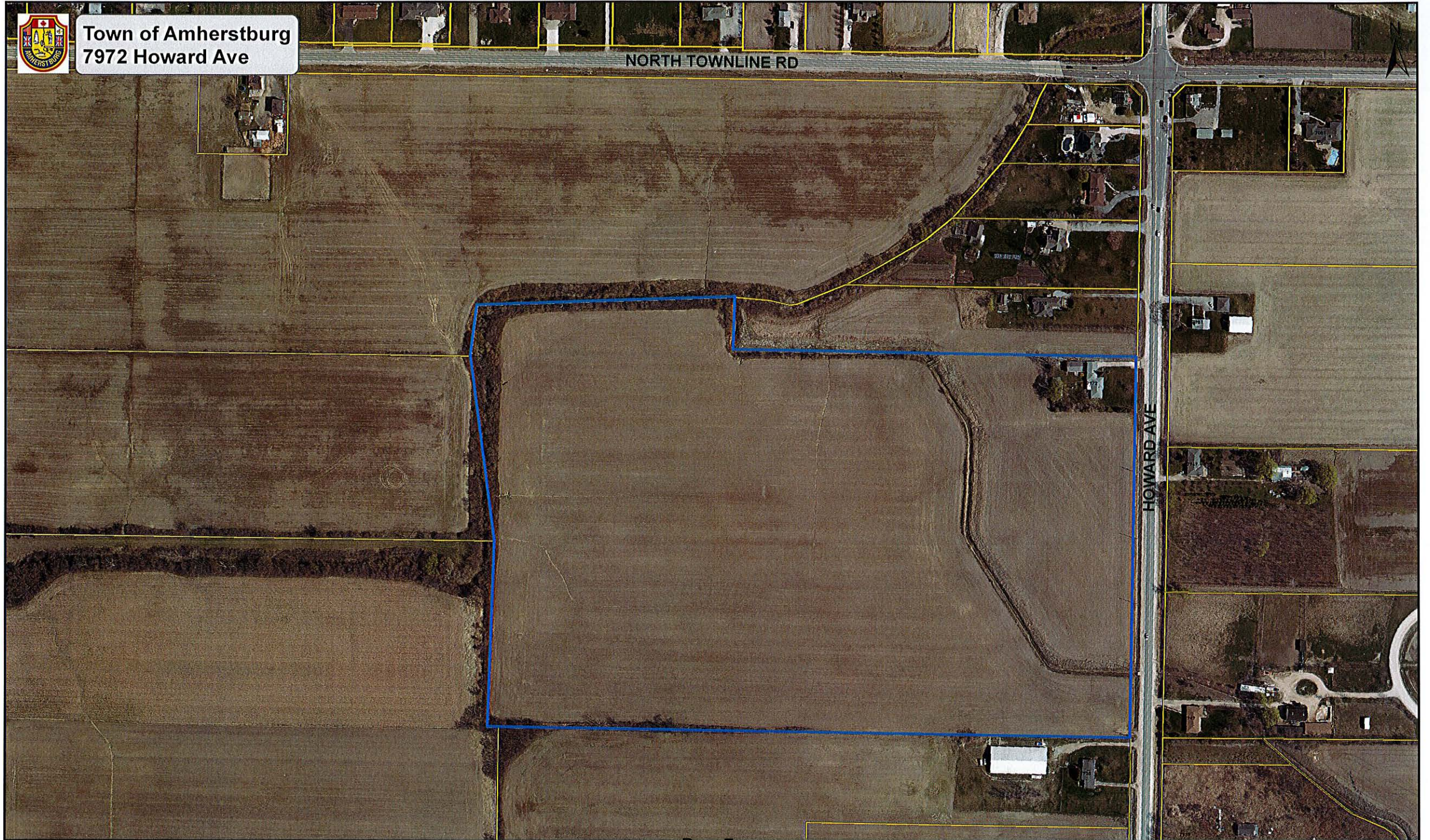
**Paula Parker - Jul 2, 2017 - 2:18 PM**



Town of Amherstburg  
7972 Howard Ave

NORTH TOWNLINE RD

HOWARD AVE



CORPORATION OF THE TOWN OF AMHERSTBURG  
**NOTICE OF PUBLIC MEETING**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, July 10, 2017 commencing at 5:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

**THE SUBJECT LAND** affected by the proposed amendment is described as Part of Lot 14, Concession 6, Part 1 on RP 12R 2611 and is municipally known as 7972 Howard Ave. The property has 879 ft frontage and 1733 irregular ft depth with a total area of 42.61 acres (see key map below).

**THE PURPOSE OF THE AMENDMENT** is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/3/17) to sever a dwelling which is surplus to the needs of a farming operation.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation in support of or in opposition to the proposed Zoning By-law Amendment.

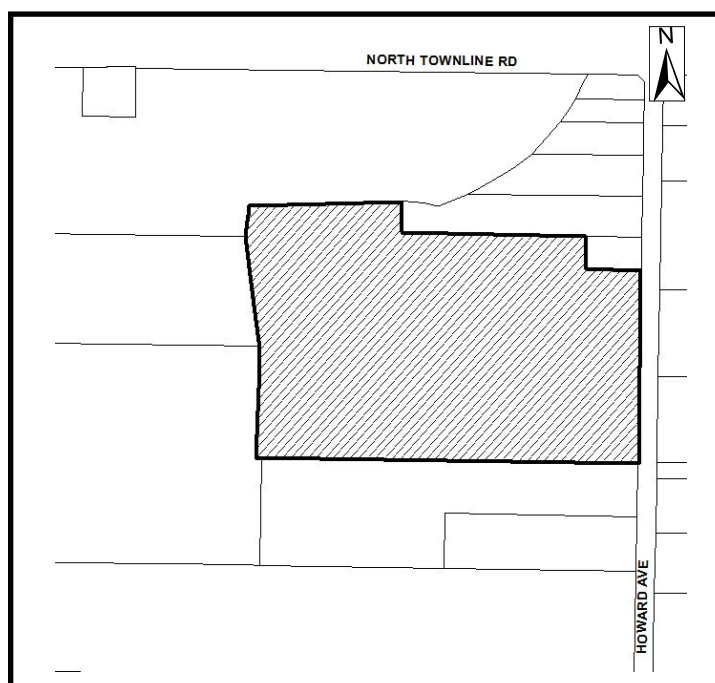
**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

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

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-law Amendment (File No. ZBA/7/17) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 8<sup>th</sup> day of June, 2017.

**KEY MAP**



Rebecca Belanger, MCIP, RPP  
Manager of Planning Services  
Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

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**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-63**

**By-law to amend Zoning By-law No. 1999-52  
7972 Howard Ave, Amherstburg**

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**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 4 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. That all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Agricultural Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
3. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 10<sup>th</sup> day of July, 2017.

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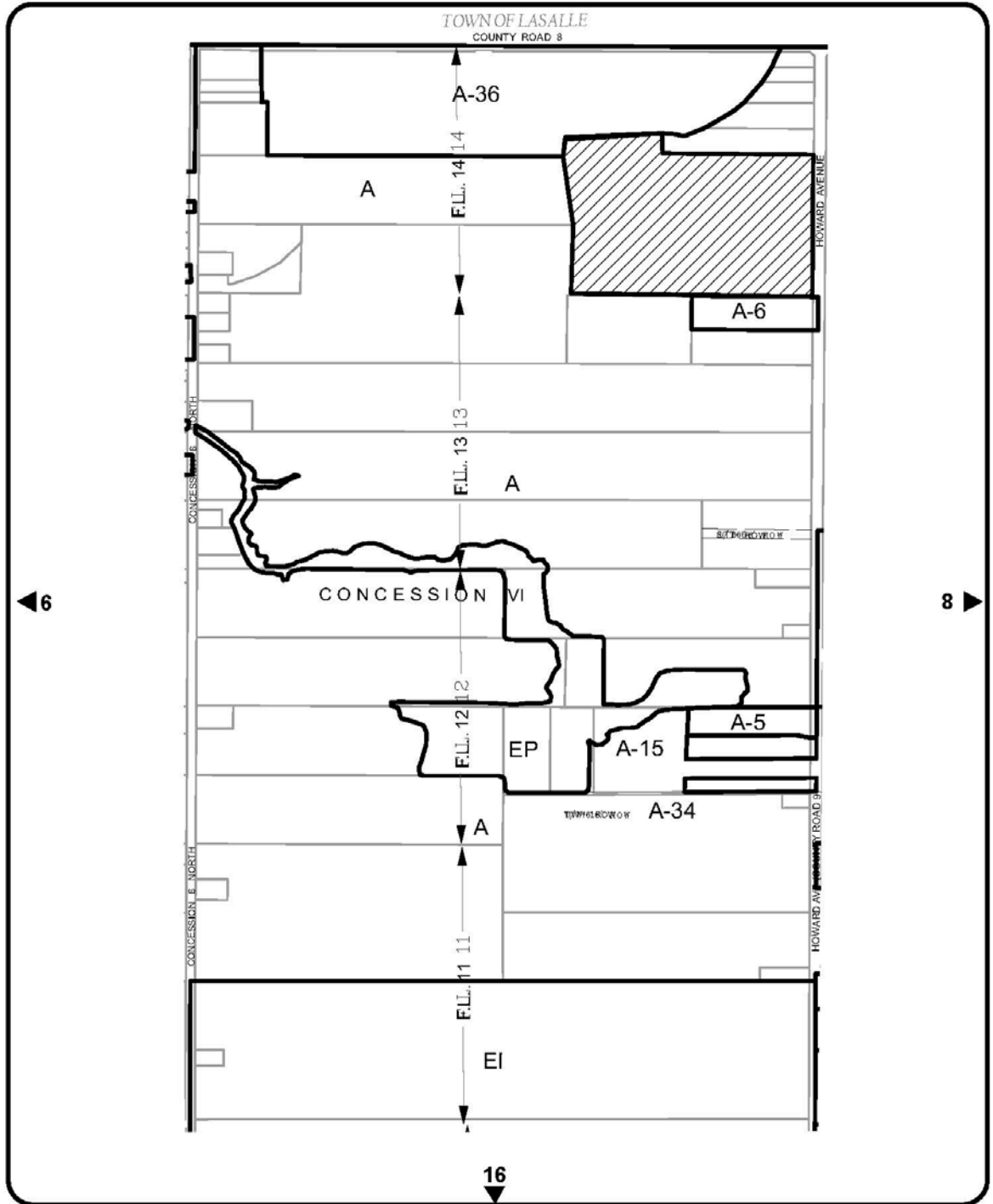
MAYOR- ALDO DICARLO

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CLERK- PAULA PARKER

**TOWN OF AMHERSTBURG**

**SCHEDULE "A" TO BY-LAW No. 2017-63  
A BY-LAW TO AMEND BY-LAW No. 1999-52**



**SCHEDULE 'A'**  
**MAP 7**  
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

**From:** [Lee Tome](#)  
**To:** [Sarah Sinasac](#); [Rebecca Belanger](#)  
**Cc:** [Ron Meloche](#)  
**Subject:** FW: Zoning By-law Amendment Notice of Public Meeting  
**Date:** Monday, June 19, 2017 3:44:35 PM  
**Attachments:** [ZBA-7-17-7972 Howard Zoning By-law Amendment Notice.pdf](#)  
[ZBA-10-17- Alma Street - Harris Superior Temporary Use.pdf](#)

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I submit the following on behalf of Amherstburg Fire Department.

1. 7972 Howard- Amherstburg Fire Department has no objection to the proposed amendment to change the zoning of the subject lands noted above from Agriculture (A) Zone to Agriculture (A-36) Zone.
2. Alma Street- Amherstburg Fire Department has no objection to the proposed amendment to change the zoning of the subject lands noted above from Special Industrial (SI) to Temporary Provision Special Industrial Agriculture (T-SI-2) Zone.

### Lee Tome

*Deputy Chief*

271 Sandwich St. South, Amherstburg, ON, N9V 2A5

Tel: 519-736-6500 x2230 Fax: 519-736-3683 TTY: 519-736-9860



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**From:** Sarah Sinasac  
**Sent:** June-19-17 12:51 PM  
**To:** Antonietta Giofu; Bruce Bratt; Dave Attwood; Denise Kimmerly-Machier; ERCA Notice & Applications ([planning@erca.org](mailto:planning@erca.org)); Giovanni (John) Miceli; Lee Tome; Mark Alzner; Mark Galvin; Michelle Lavin-Faucher; Ontario Power Generation Inc; Paula Parker; Ron Meloche; Shane McVitty; Stephen Brown; Tammy Fowkes; Todd Hewitt; Union Gas  
**Cc:** Tammy Fowkes; Rebecca Belanger  
**Subject:** Zoning By-law Amendment Notice of Public Meeting

Good Afternoon,

Please find attached the notices and applications for Zoning By-law Amendments for Harris-Superior Woods and 7972 Howard Ave. Please send any comments to myself at [ssinasac@amherstburg.ca](mailto:ssinasac@amherstburg.ca) or Rebecca Belanger at [rbelanger@amherstburg.ca](mailto:rbelanger@amherstburg.ca) no later than June 26<sup>th</sup>, 2017.

Thank you!

Best,  
Sarah

**Sarah Sinasac**

3295 Meloche Rd., Amherstburg, ON, N9V 2Y8  
Tel: 519-736-5408 x2134 Fax: 519-736-9859 TTY: 519-736-9860



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**From:** [Todd Hewitt](#)  
**To:** [Rebecca Belanger](#)  
**Cc:** [Sarah Sinasac](#); [Shane McVitty](#)  
**Subject:** RE: Zoning By-law Amendment Notice of Public Meeting  
**Date:** Tuesday, June 20, 2017 1:17:24 PM

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Rebecca,

I am assuming this circulation is only for the ZBA and there will be another circulation in the future regarding site plan control?

If so, there is no comments for EPW regards the usages proposed in the ZBA. We will review and provide comments on the site plans once circulated.

Todd

**Todd Hewitt**

*Manager of Engineering and Operations*

Town of Amherstburg

512 Sandwich St South, Amherstburg, ON, N9V 3R2

Tel: 519-736-3664 ext 2313 Fax: 519-736-7080 TTY: 519-736-9860



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**From:** Sarah Sinasac  
**Sent:** June-19-17 12:51 PM  
**To:** Antonietta Giofu; Bruce Bratt; Dave Attwood; Denise Kimmerly-Machier; ERCA Notice & Applications ([planning@erca.org](mailto:planning@erca.org)); Giovanni (John) Miceli; Lee Tome; Mark Alzner; Mark Galvin; Michelle Lavin-Faucher; Ontario Power Generation Inc; Paula Parker; Ron Meloche; Shane McVitty; Stephen Brown; Tammy Fowkes; Todd Hewitt; Union Gas  
**Cc:** Tammy Fowkes; Rebecca Belanger  
**Subject:** Zoning By-law Amendment Notice of Public Meeting

Good Afternoon,

Please find attached the notices and applications for Zoning By-law Amendments for Harris-Superior Woods and 7972 Howard Ave. Please send any comments to myself at [ssinasac@amherstburg.ca](mailto:ssinasac@amherstburg.ca) or Rebecca Belanger at [rbelanger@amherstburg.ca](mailto:rbelanger@amherstburg.ca) no later than June 26<sup>th</sup>, 2017.

Thank you!  
Best,  
Sarah

**Sarah Sinasac**

3295 Meloche Rd., Amherstburg, ON, N9V 2Y8  
Tel: 519-736-5408 x2134 Fax: 519-736-9859 TTY: 519-736-9860



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regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

June 22, 2017

Ms. Rebecca Belanger, Manager of Planning Services  
Town of Amherstburg  
271 Sandwich St. S.  
Amherstburg ON N9A 4L2

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-7-17 7972 HOWARD AVE  
ARN 372948000006600; PIN: 015500164  
Applicant: Warkentin

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-7-17. We understand that the purpose of this zoning amendment is to change the zoning from Agricultural (A) Zone to Special Provision Agricultural (A-36) Zone, as a result of previous consent application B-3-17 that severed a dwelling that was surplus to the needs of the farming operation.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the following watercourses/waterbodies: Antaya Drain and Merrick Creek Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

## **WATER RESOURCES MANAGEMENT**

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

## **NATURAL HERITAGE POLICIES OF THE PPS 2014**

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

## **FINAL RECOMMENDATION**

We have no objections to this application for Zoning Amendment.

Ms. Belanger  
June 22, 2017

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Corinne Chiasson', with a large, sweeping initial 'C'.

Corinne Chiasson, *Resource Planner*  
/cor





**Statutory Public Meeting Under Section 34 and 39 of the Planning Act**



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE 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: Rebecca Belanger	Report Date: June 21, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: July 10, 2017
Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a>	Resolution #: N/A

**To: Mayor and Members of Town Council**

**Subject: Temporary Use Zoning By-law Amendment - 1500 Alma Street,  
Superior Wood Products**

**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated June 21, 2017 regarding a Temporary Use Zoning By-law Amendment for 1500 Alma Street, 2562982 Ontario Limited, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received, that Zoning **Bylaw 2017-51** being a by-law to temporarily allow the property in question to be used for open storage prior to a main use, **BE CONSIDERED** at an upcoming Regular Council Meeting.

**2. BACKGROUND:**

The Town is in receipt of an application for Zoning By-law Amendment under Section 39 of the Planning Act for a temporary use at 1500 Alma Street. The applicant is requesting the temporary use of the property for the storage associated with their business operations until they build the main use on the property.

The land in question is found east of the corner of Concession 3 North and Alma Street and south of the solar farm. The subject lands are designated Light Industrial in the Official Plan and zoned Special Industrial in Zoning By-law 1999-52, as amended. Under the Special Industrial Zone regulations the proposed use is not permitted, which is open storage. In this section of the by-law, any open storage must meet the regulations in Section 21(3)(h) which has been attached for reference. The temporary use zone will run for three years and a further three year extension may be applied for if

added time is needed. The temporary use zone will be a special provision under the Special Industrial Zone.

### **3. DISCUSSION:**

An Application was received on May 12, 2017 from 2562982 Ontario Limited, Superior Wood Products, the owner of the subject lands. The application proposes to place lands at 1500 Alma Street into a temporary use zone. The property was the subject of a consent application in November of 2016 to create the lot which is 10.22 acres. The lands affected by the proposed amendment are located on the north side of Alma Street, being Part of Lot 1, Concession 3 designated as Parts 1 and 2, Plan 12R-26876. The subject property has approximately 600 ft frontage, there are currently no structures located on the lands.

The property is currently zoned Special Industrial (SI) and permits the full range of Industrial uses in the SI Zone and the uses permitted in the LI Zone. The property is designated Light Industrial in the Official Plan.

The temporary storage area is proposed to consist of: a gravel area for the temporary storage of materials used in the business presently located at 111 St. Arnaud Street.

The Temporary Use By-law Amendment is specifically requested to amend the following regulations listed in Section 21(3)(h) of the By-law:

- 1) such open storage is accessory to the use of the main building on the lot;
- 2) such open storage complies with the yard and setback requirements of this Section;
- 3) such open storage does not cover more than 35 percent of the lot area nor exceed twice the ground floor area of the main building on the lot;
- 4) any portion of the area used for open storage, is concealed from view from the street by a fence or wall.

Once the construction of a main use is complete, the temporary storage area use will cease. This temporary use provision for open storage use would expire a maximum of three (3) years after the date of passing of the amendment to the Zoning By-law, at which time further application may be made requesting an extension of the temporary provision for up to an additional three (3) years.

The accompanying Map shows the location of the lands to which the Zoning By-law Amendment applies. The proposed Amendment to the Zoning By-law is in conformity with the policies of the Official Plan as the lands are designated Light Industrial and is in keeping with the policies of both the County Official Plan and the Provincial Policy Statement.

Access to the site will be from Alma Street at a level grade. The property will be subject to site plan control which will require the provision of adequate storm water management. The owner and his consultants are presently working with the Town to address stormwater management for the future development on this site.

**4. RISK ANALYSIS:**

There is little to no risk associated with the proposed Temporary Use By-law. The owner is planning the construction of the main use on the property in the near future and therefore the duration of open storage prior to a main use would be very short term.

**5. FINANCIAL MATTERS:**

Financial benefits from this development are revenue neutral as the use is temporary and it is anticipated that it will not be on the site for more than a year, though the by-law will permit the use to continue to a maximum of three years and if necessary an additional three years may be applied for. All costs will be the responsibility of the applicant. The ultimate development of the lands will provide significant revenue in the form of development charges of approximately \$77,280 in the first phase, and future industrial tax assessment.

**6. CONSULTATIONS:**

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

*This space left blank intentionally.*

**7. CONCLUSION:**

It is recommended that the Zoning By-law Amendment for a temporary use be directed for approval at an upcoming Council Meeting, pending comments received at this public meeting. It is further recommended that any comments received at this public meeting along with any comments from agencies and departments be summarized in a future report for Council's consideration.



---

Rebecca Belanger, MCIP, RPP  
**Manager of Planning Services**

Ss/rlb

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**

**Phone #: 519 736-3664 ext. 313**

**Name: Building Services**

**Phone #: 519 736-5408 ext. 4136**

**Name: Fire Services**

**Phone #: 519 736-6500**

**Name: Union Gas**

**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**

**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**

**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**

**Phone #: 519 253-2481**

## Report Approval Details

Document Title:	ZBA-10-17 Alma Rd Superior Wood Temporary Use By-law .docx
Attachments:	- Report to Council - July 10 - Public Meeting ZBA-10-17 Superior Woods.pdf
Final Approval Date:	Jul 5, 2017

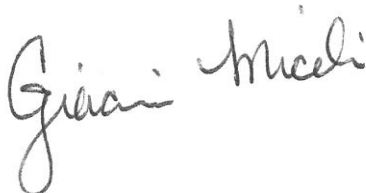
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - Jul 5, 2017 - 10:07 AM**



**Justin Rousseau - Jul 5, 2017 - 1:00 PM**



**John Miceli - Jul 5, 2017 - 1:12 PM**



**Paula Parker - Jul 5, 2017 - 2:29 PM**



Town of Amherstburg  
ZBA-10-17 Superior Woods



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

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, July 10, 2017 commencing at 5:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Sections 34 and 39 the temporary use provisions of the Planning Act, RSO 1990 cP.13.

**THE SUBJECT LANDS** affected by the proposed amendment are described as Part 1, Reserving an easement over Part 2 on Registered Plan 12R-26876, and Pt of Lot 1, Concession 3 Anderdon, located on Alma Street. The property has 600 ft frontage and 754.5 ft depth with a total area of 10.33 acres. (see key map below)

**THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52** is to change the zoning of the subject lands noted above from the “**Special Industrial (SI)**” to “**Temporary Provision Special Industrial (T-SI-2) Zone**”. The temporary by-law will permit open storage on the property prior to the main use. The temporary use by-law will also permit relief from the yard and setback requirements in the SI Zone, the maximum open storage provisions in the SI Zone, and restrictions regarding concealing open storage from view.

The temporary-use by-law would expire a maximum of three (3) years after the date of passing of the amendment to the Zoning Bylaw, at which time: (a) the temporary use zoning must be reapplied for; or, a main use must be constructed including the proposed steel building in accordance with the requirements of the SI Zoning. The Owner proposes to develop the site in accordance with the SI Zone provisions and apply for site plan control within the upcoming three years. The lands are designated Light Industrial in the Town’s Official Plan.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation in support of or in opposition to the proposed Zoning By-law Amendment.

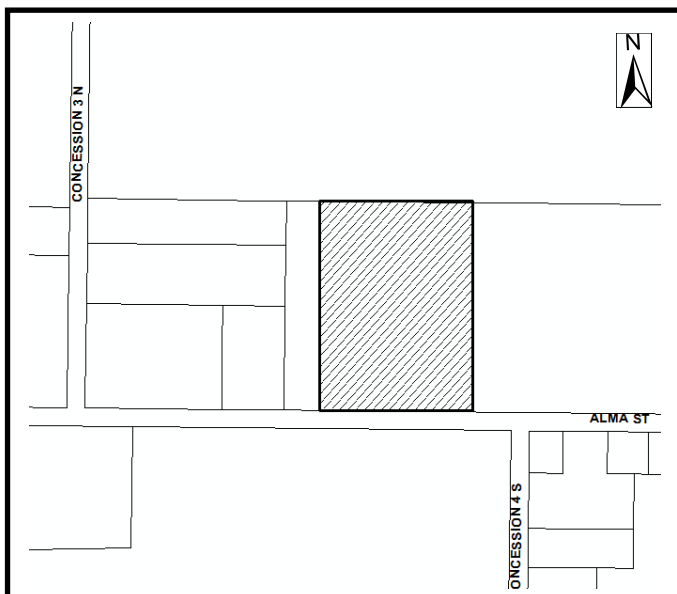
**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

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

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-law Amendment (File No. ZBA/10/17) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 8<sup>th</sup> day of June, 2017.

**KEY MAP**



Rebecca Belanger, MCIP, RPP  
Manager of Planning Services  
Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

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

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-51**

**By-law to Temporarily Amend Zoning By-law No. 1999-52  
N/S Alma Street, Amherstburg**

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**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 under Sections 34 and 39 of the Planning Act for a Temporary Use;

**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 31 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "SI to T-SI-2" on Schedule "A" attached hereto and forming part of this By-law from "Special Industrial (SI) Zone" to "Temporary Provision Special Industrial (T-SI-2) Zone".
2. Section 21(4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (b) after clause (a) as follows:

“(b) T-SI-2 (Temporary Open Storage)

Notwithstanding any provisions of this By-law to the contrary, within any area designated T-SI-2 on Schedule "A" hereto, the following special provisions shall apply:

(i) Permitted Uses

1. Temporary open storage will be permitted on the property prior to the main use,
2. Any use permitted in an SI Zone.

(ii) Zone Provisions

- Relief from the yard, lot coverage and setback requirements of the SI Zone will be permitted.
- Relief from the requirement to conceal the open storage from view from the street by a fence or wall will be permitted.

All lot and building requirements for the permitted use and for the uses permitted in Subsection 21(4)(b) of this By-law shall be in accordance with 21(3) and 21(4) of this By-law.

(iii) Temporary (T) Zone

The zone symbol on Schedule "A" is preceded by a "T" which stands for a Temporary Zone as permitted under Section 39 of the Planning Act. When the date of expiry specified in subclause (iv) below is reached, and if no extension has been granted by Council, the zoning of the land shall revert to the base "SI" Zone and the use permitted by the Temporary Zone that is not permitted by the base "SI" Zone shall be removed.

(iv) Expiry



The Permitted Uses and Zone Provisions of the T-SI-2 Zone shall expire on July 10, 2020.

3. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 39 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 10<sup>th</sup> day of July, 2017.

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MAYOR- ALDO DICARLO

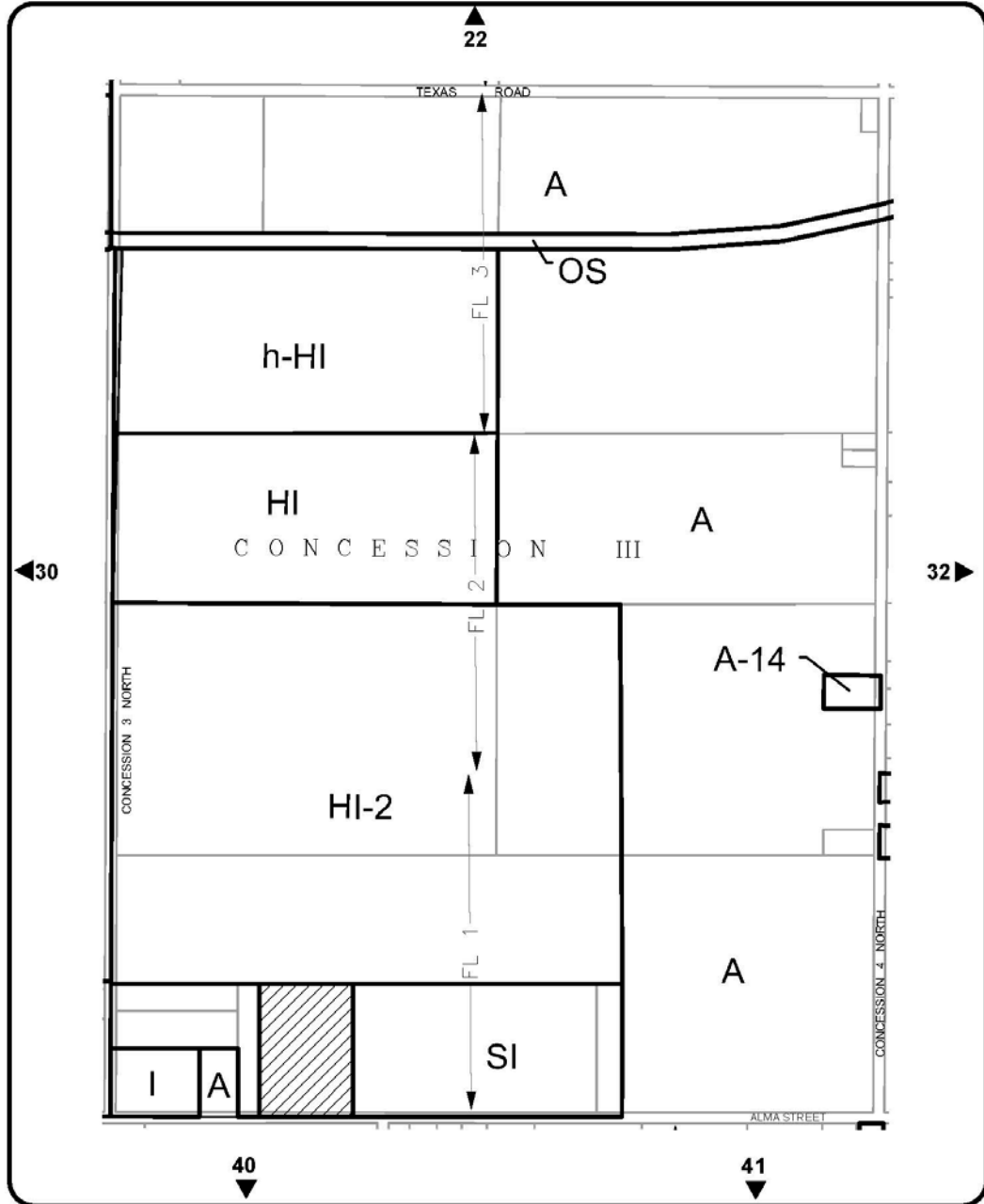
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CLERK- PAULA PARKER

DRAFT

**TOWN OF AMHERSTBURG**

**SCHEDULE "A" TO BY-LAW No. 2017-51  
A BY-LAW TO AMEND BY-LAW No. 1999-52**



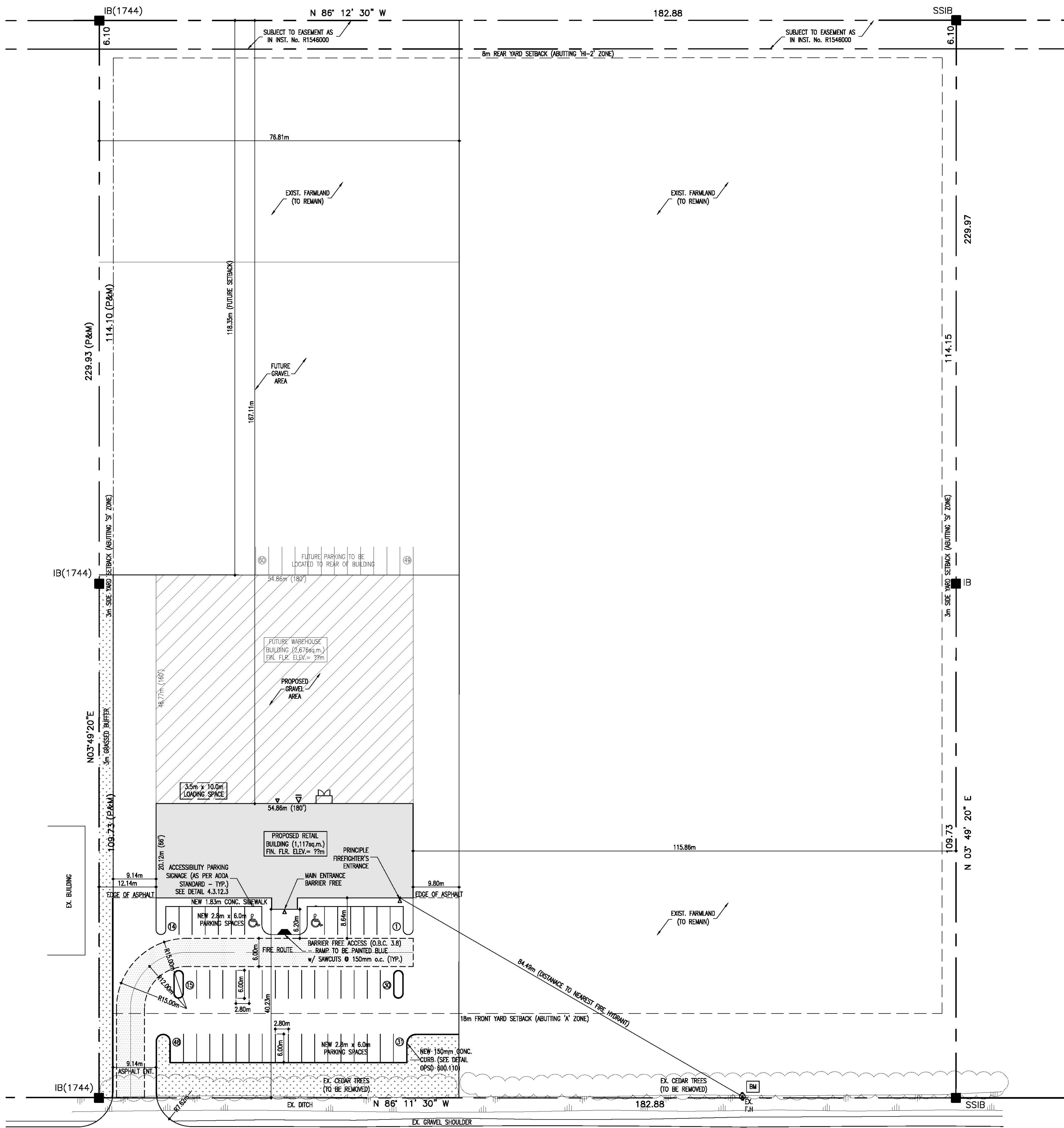
**SCHEDULE 'A'**  
**MAP 31**  
ZONING BY-LAW NO. 1999-52

SI to T-SI-2 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

SUBJECT TO EASEMENT AS IN  
INST. No. R1546000



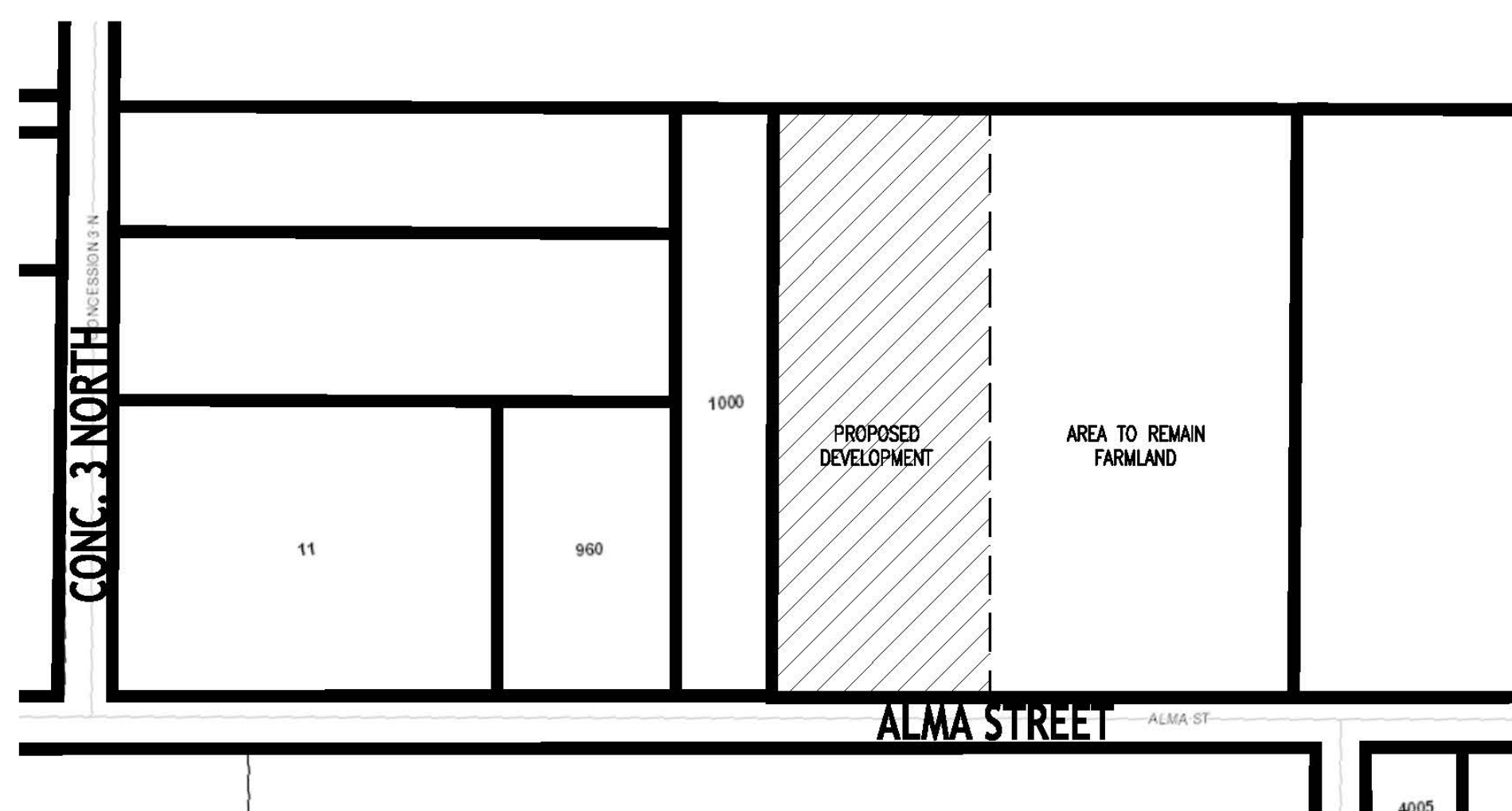
**SITE PLAN**  
SCALE: 1:400

**DOOR SCHEDULE**  
△ - MANDOOR  
△ - OVERHEAD DOOR

**LIGHTING NOTES:**  
- ALL EXTERIOR LIGHTING FULL CUT-OFF AND "DARK SKY" COMPLIANT

**NOTE:**  
SITE BENCHMARK USED: TOP "NUT" OF FIRE HYDRANT TO EAST OF DEVELOPMENT ELEVATION = 184.66m

**ALMA STREET**



**KEY MAP**  
NOT TO SCALE

SPECIAL INDUSTRIAL ZONE (S1) ZONING BY-LAW REQUIREMENTS		
BUILDING	REQUIREMENT	PROPOSED
LOT AREA (min.)	1,100sq.m.	42,045sq.m.
LOT FRONTAGE (min.)	30.0m	182.88m
FRONT YARD DEPTH (min.)	18.0m	40.23m
EAST INT. SIDE YARD (min.)	3.0m	115.86m
WEST INT. SIDE YARD (min.)	3.0m	12.14m
REAR YARD DEPTH (min.)	8.0m	167.11m
LOT COVERAGE (max.)	60%	2.65% 9.02% (Future)
LANDSCAPED SPACE (max.)	10.0%	81.1% 68.9% (Future)
BUILDING HEIGHT (max.)	12.0m	5.8m

PARKING REQUIREMENTS	
BUILDING USE	PARKING SPACE REQUIREMENTS
NEW RETAIL	1.0 SPACES/25 sq.m. = 1,117 sq.m./25 sq.m. = 44.68 (45 SPACES)
FUTURE WAREHOUSE	1.0 SPACES/200 sq.m. = 2,676 sq.m./200 sq.m. = 13.38 (14 SPACES)
TOTAL SPACES REQUIRED = 45 SPACES	
FUTURE TOTAL SPACES REQUIRED = 59 SPACES	
TOTAL SPACES PROVIDED = 48 SPACES (60 FUTURE)	
BARRIER FREE PARKING REQUIRED = 1	
B.F. PARKING SPACES PROVIDED = 2	

REVISIONS	ISSUED FOR	DATE
	OWNER APPROVAL	JUNE 12/17
	SITE PLAN APPLICATION	JUNE 22/17

CONTRACTOR:

PROJECT:

**PROPOSED 1,117sq.m. RETAIL BUILDING FOR SUPERIOR ENGINEERED WOOD PRODUCTS**

1500 ALMA STREET AMHERSTBURG, ONTARIO

SHEET TITLE: **SITE PLAN**

**Y.C. LIU ENGINEERING**  
AN AMHERSTBURG, ONT. FIRM  
CONSULTING ENGINEERS INC. 107  
107  
TEL: (416) 881-9888  
FAX: (416) 881-9888

DRAWN	CHECKED	FILE NO.	DWG. NO.
M.M.	C.L.	17-111	1
BCIN	FIRM BCIN	DATE	SHEET NO.
20529	29635	JUNE/17	SP-1 of 1



PROPOSED EASEMENT FOR SECURED OUTLET

600'

252'

1000

GRANULAR STORAGE YARD

FUTURE SHOP ADDITION  
28,000 SQ.FT.

RETAIL STORE  
12,000 SQ.FT.

PAVED PARKING

GREEN SPACE /SEPTIC AREA

366'

750.5'

ALMA STREET

SOUTH

**From:** [Lee Tome](#)  
**To:** [Sarah Sinasac](#); [Rebecca Belanger](#)  
**Cc:** [Ron Meloche](#)  
**Subject:** FW: Zoning By-law Amendment Notice of Public Meeting  
**Date:** Monday, June 19, 2017 3:44:35 PM  
**Attachments:** [ZBA-7-17-7972 Howard Zoning By-law Amendment Notice.pdf](#)  
[ZBA-10-17- Alma Street - Harris Superior Temporary Use.pdf](#)

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I submit the following on behalf of Amherstburg Fire Department.

1. 7972 Howard- Amherstburg Fire Department has no objection to the proposed amendment to change the zoning of the subject lands noted above from Agriculture (A) Zone to Agriculture (A-36) Zone.
2. Alma Street- Amherstburg Fire Department has no objection to the proposed amendment to change the zoning of the subject lands noted above from Special Industrial (SI) to Temporary Provision Special Industrial Agriculture (T-SI-2) Zone.

### Lee Tome

*Deputy Chief*

271 Sandwich St. South, Amherstburg, ON, N9V 2A5

Tel: 519-736-6500 x2230 Fax: 519-736-3683 TTY: 519-736-9860



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**From:** Sarah Sinasac  
**Sent:** June-19-17 12:51 PM  
**To:** Antonietta Giofu; Bruce Bratt; Dave Attwood; Denise Kimmerly-Machier; ERCA Notice & Applications ([planning@erca.org](mailto:planning@erca.org)); Giovanni (John) Miceli; Lee Tome; Mark Alzner; Mark Galvin; Michelle Lavin-Faucher; Ontario Power Generation Inc; Paula Parker; Ron Meloche; Shane McVitty; Stephen Brown; Tammy Fowkes; Todd Hewitt; Union Gas  
**Cc:** Tammy Fowkes; Rebecca Belanger  
**Subject:** Zoning By-law Amendment Notice of Public Meeting

Good Afternoon,

Please find attached the notices and applications for Zoning By-law Amendments for Harris-Superior Woods and 7972 Howard Ave. Please send any comments to myself at [ssinasac@amherstburg.ca](mailto:ssinasac@amherstburg.ca) or Rebecca Belanger at [rbelanger@amherstburg.ca](mailto:rbelanger@amherstburg.ca) no later than June 26<sup>th</sup>, 2017.

Thank you!

Best,  
Sarah

**Sarah Sinasac**

3295 Meloche Rd., Amherstburg, ON, N9V 2Y8  
Tel: 519-736-5408 x2134 Fax: 519-736-9859 TTY: 519-736-9860



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