



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday, September 18, 2017**

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

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

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**Pages**

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

### 3. SPECIAL PLANNING REPORTS

#### 3.1 Official Plan Amendment No. 6 and Zoning By-law Amendment for 219 Brock Street

3

It is recommended that:

1. The report from the Manager of Planning Services dated August 31, 2017, regarding Official Plan Amendment No. 6 and Zoning By-law Amendment for 219 Brock Street **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 6, By-law 2017-84, **BE CONSIDERED** at a future 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.

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: Official Plan Amendment No. 6 and Zoning By-law Amendment for 219 Brock Street

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Manager of Planning Services dated August 31, 2017, regarding Official Plan Amendment No. 6 and Zoning By-law Amendment for 219 Brock Street BE RECEIVED; and,
2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 6, By-law 2017-84, BE CONSIDERED at a future regular Council meeting.

2. BACKGROUND:

The Town is in receipt of an application for an Official Plan Amendment and Zoning By-law Amendment from 1869089 Ontario Limited submitted by Noah Homes. The applicant has submitted an application for OPA and ZBA to establish a site specific policy in the Medium Density Residential policies of the Official Plan and a site specific zoning to support future development. Pre-consultation was held with the CAO, Manager of Planning Services and Manager of Engineering and Operations. The submission of the applications was a result of the pre-consultation discussions.

3. DISCUSSION:

The property subject to the applications for Official Plan Amendment and Zoning By-law Amendment are described as Lots 9, 10, 11, 12 & Part Lots 5 & 6, west of part of closed

portion of Kempt Street and Part of closed portion of Murray Street, Plan 1, being Part 4, 12R-25406 municipally known as 219 Brock Street. The subject property has 274.18 ft of frontage along Brock Street, 417.3 ft of depth along Richmond Street with an area of 2.63 acres.

The purpose of Official Plan Amendment No. 6 to the Official Plan is to change the designation of the subject lands from Institutional to Medium Density Residential-Special Policy Area 17. The applicant is proposing the construction of a two phase multi-residential development. The uses permitted in the Medium Density Residential designation are limited to single, duplex, triplex, conversion and horizontal multiples, home occupation uses and public uses. In the standard designation low-rise apartment buildings with a maximum height of five stories are permitted. However this use will not be permitted on the 219 Brock Street site as detailed in the Special Policy Area 17 designation.

The Provincial Policy Statement (PPS) promotes re-development and compact urban form of providing a mix of housing types and densities. The PPS further encourages the development of sites which utilize existing infrastructure. The County of Essex Official Plan identifies the subject lands as “within the Settlement Area”. For uses within the Settlement Area, local Official Plans are required to put in place site specific land use policies. The proposed Official Plan Amendment is consistent with both the PPS and the County of Essex Official Plan. The applicant has identified a preference for this development to target the seniors demographic of the Town of Amherstburg.

Section 8.4 of the Town’s Official Plan provides the policies regarding the Amendment Procedures for all proposed Official Plan and Zoning By-law Amendments, which states: *“An amendment to this Plan is required to permit the establishment of uses other than those provided for. Pre-consultation with staff is recommended prior to the submission of any application for an amendment to this Plan. In considering an amendment to this Plan, Council shall have due regard to the following:*

- (1) the desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives of the Official Plan;*
- (2) the goals and policies of this Plan and the goals and policies of the County of Essex Official Plan;*
- (3) the need for the proposed use;*
- (4) the effect on the economy and financial position of the Town;*
- (5) the compatibility of the proposed use with uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;*
- (6) the location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required;*
- (7) the physical suitability of the land for the proposed use;*
- (8) the effect on the provision of affordable housing in the Town of Amherstburg;*
- (9) whether the lands are within or adjacent to any natural heritage features and the results of an Environmental Impact Assessment as outlined in Section 6.9.”*

A Planning Justification Report (PJR) was submitted in conjunction with the Planning Act applications prepared by Lassaline Planning Consultants Inc. The Planning Justification Report has been reviewed by Town Administration with the applicant, and deemed sufficient to recommend the scheduling of the required statutory public meeting. As noted in the PJR, the subject property was originally a portion of the lands associated with a school site in the Town. The school was closed a number of years ago and the lands were deemed surplus and eventually sold to the current property owner. The Town commissioned the preparation of an archaeological study which confirmed the limit of the St. Jean Baptiste Cemetery. The lands which include the cemetery were retained by the Town as identified as Part 1, 12R-25406. The recommendations contained within the archaeological report from Timmins, Martelle were implemented during the demolition of the former school. A further Phase 2, archaeological study was commissioned by the current property owner and approved by the Ministry of Culture, Tourism and Sport.

The purpose of the Zoning By-law Amendment would change the zoning of the subject lands from “Institutional (I) Zone” to “holding Special Provision Residential Second Density/ holding Special Provision Residential Multiple First density (h-R2-6/h-RM1-5) Zone” to permit the development of single detached dwellings, semi-detached dwellings and rowhouse dwellings. The use of a holding zone symbol (h) is put in place to ensure that development does not proceed until the required studies and servicing analyses have been completed to the satisfaction of the municipality.

*Section 7.8 of the Town of Amherstburg Official Plan states “A Holding Zone, as provided for under Section 36 of the Planning Act, R.S.O. 1990, may be applied. Not all lands will necessarily be zoned immediately in the implementing By-Law to permit the uses as designated on Schedule “A” - Land Use Plan. Lands may be zoned only to conform to and wherever possible, to implement policies of this Plan and where municipal services, roads and community facilities are or will be available as required.*

*The Council may, in a Zoning-By-Law, by the use of the symbol “h” as a prefix or a suffix, in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-Law. This procedure will enable the holding of lands designated for specific land uses in this Plan until such time as the land is required for that use for phasing purposes or until necessary concept plans or subdivision design have been prepared. Removal of the Holding Symbol from a parcel of land shall be conditional upon the developer of the land satisfying specific requirements of the municipality. Such conditions may include, for example, satisfying financial and servicing requirements of the Town, obtaining concurrence from the Town on the availability of sewage treatment plant capacity to service the proposed development, the provisions of a suitable stormwater management plan, and any additional criteria identified by Council resolution. The use of holding provisions for services will be utilized when the issue is one of timing and not one of municipal servicing feasibility. ”*

The proposed R2-6 Special Provision Zoning will permit a reduction in minimum lot area and minimum frontage and an increase in maximum lot coverage for semi-detached dwellings as well as a reduction in minimum interior and exterior side yard widths and minimum rear yard depth for single, semi-detached and duplex dwellings. The Special Provision Zoning will permit the full range of uses in the R2 Zone.

The proposed RM1-5 Special Provision Zoning will permit a reduction in minimum interior side yard width and minimum landscaped open space and an increase in maximum lot coverage. The zoning will also remove the provision for privacy yards and building separation requirements. The Special Provision Zoning will permit the full range of uses in the RM1 Zone. Any future development will be subject to site plan approval prior to removal of the holding symbol.

The dual zone will permit flexibility in housing types for each phase of the development. The Amendment to the Zoning By-law would implement the proposed Official Plan Amendment.

The proposed land use is compatible with the surrounding neighbourhood and consequently is in keeping with the intent of the Official Plan. The Site Plan Control process will ensure that appropriate stormwater management, landscaping, buffering, lighting, fencing and all provision of Section 41 are incorporated into the final site design and as provisions in the development agreement.

#### **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.

The future development of the area will add additional assessment to the Town's property tax base, as well as additional users to the water and wastewater system to help create revenue through growth.

It will also open up additional building lots for the town to collect development charges and building permit fees. The timing of the revenues depends on many factors such as the housing market and economy and are hard to forecast at this point but the financial implications for the Town are significant.

#### **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.

The site has municipal services available and will be required to be designed to the satisfaction of the Town's Engineering and Public Works Department during the site plan control process. Following pre-consultation with the CAO, Manager of Planning Services and Manager of Engineering and Operations, the subsequent response was received, *"Upon review, we believe the Town will be able to provide the required sanitary, storm and water facilities to the property. As the development design progresses we can work with the developer to design where and how the development ties into the services."* The applicant was advised of the need to consider municipal

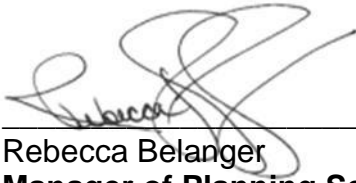
servicing capacity and stormwater management as a component of his future design plans.

The Fire and Building Departments have been consulted throughout the pre-consultation planning process and had no objections to the proposed OPA/ZBA.

The Essex Region Conservation Authority (ERCA) has stated that the lands are not located within a regulated area that is under their jurisdiction. ERCA has no objection to this application.

## 7. **CONCLUSION:**

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



Rebecca Belanger  
**Manager of Planning Services**

jm

### **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:	Official Plan Amendment No. 6 and Zoning By-law Amendment for 219 Brock Street.docx
Attachments:	- Report to Council- September 18- OPA and ZBA- 219 Brock- ATTACHMENTS.pdf
Final Approval Date:	Sep 13, 2017

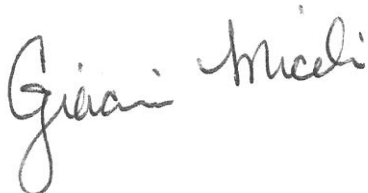
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - Sep 12, 2017 - 10:48 AM**



**Justin Rousseau - Sep 12, 2017 - 4:48 PM**



**John Miceli - Sep 13, 2017 - 11:12 AM**



**Paula Parker - Sep 13, 2017 - 11:34 AM**



Town of Amherstburg  
219 Brock Street



RICHMOND P. I. N. 70554 - 0264 STREET

(ACCORDING TO REGISTERED PLAN 1)

1 REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 12R-25406  
RECEIVED AND DEPOSITED

DATE APRIL 16, 2013 DATE 2013 APR 17

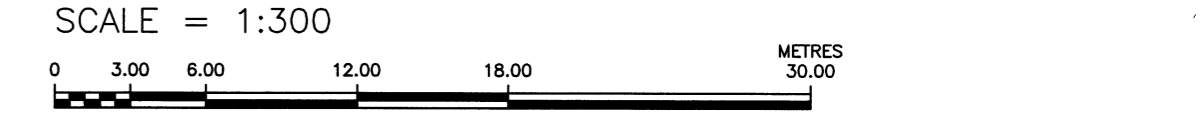
ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

JAYNE PERRY  
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)

PARTS SCHEDULE				
PART	LOT	PLAN	P.I.N.	AREA (m <sup>2</sup> )
1	LOT 8, (E/S BROCK STREET), LOT 13 (W/S KEMPT STREET), PART OF KEMPT STREET (Closed by R1003955) & PART OF MURRAY STREET (Closed by R1003955)	REGISTERED PLAN 1	70557-0197	3,439.9
2	PART OF LOT 4 (E/S KEMPT STREET) and PART OF KEMPT STREET (Closed by R1003955) & PART OF MURRAY STREET (Closed by By-Law 1936)			788.1
3	PART OF KEMPT STREET (Closed by R1003955)			205.5
4	LOTS 9 and 10, (E/S BROCK STREET), LOTS 11 and 12 (W/S KEMPT STREET) and PART OF KEMPT STREET (Closed by R1003955) & PART OF MURRAY STREET (Closed by By-Law 1936)			10,624.1
5	PART OF MURRAY STREET (Closed by By-Law 1936)			2.2

PARTS 3 and 5 ARE SUBJECT TO EASEMENT AS IN R1084306. PARTS 1 to 5, (Incl.) COMPRISE ALL OF P.I.N. 70557-0197.

**PLAN OF SURVEY**  
OF  
LOTS 8, 9 & 10,  
(EAST SIDE OF BROCK STREET)  
LOTS 11, 12 & 13,  
(WEST SIDE OF KEMPT STREET)  
PART OF LOTS 4, 5 & 6,  
(EAST SIDE OF KEMPT STREET)  
PART OF MURRAY STREET  
(CLOSED BY BY-LAW No. 1936)  
PART OF KEMPT STREET  
(CLOSED BY INST No. R1003955)  
**REGISTERED PLAN 1**  
GEOGRAPHIC TOWNSHIP OF MALDEN  
NOW IN THE  
**TOWN OF AMHERSTBURG**  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.



**LEGEND AND NOTES**

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS ON MONUMENTS "A" AND "B", SHOWN HEREON, HAVING A GRID BEARING OF N75°02'10"E NAD83 (CSRS) (1997.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999950.

SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR  
IB DENOTES 16mm X 16mm X 0.61m IRON BAR  
CB DENOTES 19mm diameter X 0.61m ROUND IRON BAR  
CC DENOTES CUT-CROSS  
CP DENOTES 5mm X 50mm STEEL PIN  
■ DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT SET AND MARKED 1528  
□ DENOTES WITNESS DENOTES PERPENDICULAR  
(S) DENOTES SET (W) DENOTES MEASURED (D) DENOTES INST. R1084306  
SSIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.

(S/P) DENOTES SET PROPORTIONALLY (O/U) DENOTES ORIGIN UNKNOWN  
(P) DENOTES PLAN 12R-8818 (P1) DENOTES PLAN 12R-10056  
(P2) DENOTES PLAN 12R-9631 (P3) DENOTES PLAN 12R-9628  
(1502) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.  
(1201) DENOTES CLARKE SURVEYORS INC., O.L.S.

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0).

COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10

POINT ID	NORTHING	EASTING
A	N4663481.65	E325978.51
B	N4663514.49	E326101.36

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 4th DAY OF APRIL, 2013.

DATE APRIL 5, 2013

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

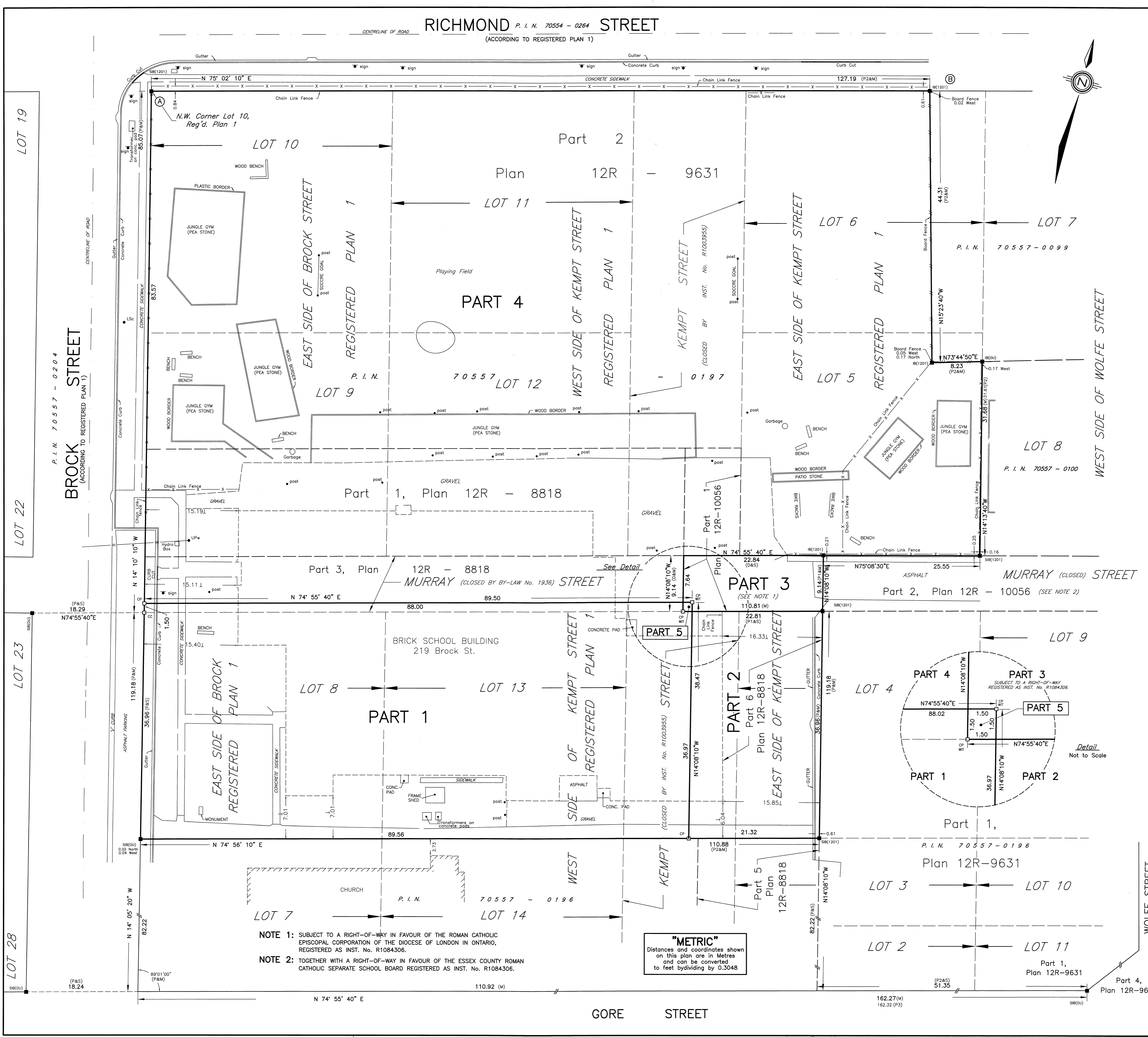
WINDSOR 476 Devonshire Road, Suite 200 NBY 2L5 Ph: (519)258-1772 Fax: (519)258-1791

STUBBERFIELD HARTLEY BREWER BEZAIRE INC.  
187 Talbot Street East N8H 1L8 Ph: (519)322-2375 Fax: (519)322-2675

LEAMINGTON

ONTARIO LAND SURVEYORS www.vshbbsurveys.com

DRAWN BY: D.J. CAD Date: Tuesday, April 16, 2013 14:29:44  
CHECKED BY: A.S.M. CAD File: 42624201.dwg  
WORK ORDER: 4-26242-X01 FILE NO.: E-1-0 PLAN FILE NO.: C-3801A'



AMENDMENT NO. 6  
TO THE OFFICIAL PLAN  
FOR THE  
TOWN OF AMHERSTBURG

Prepared By:  
Planning Services Division, Town of Amherstburg

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The Clerk's Certificate Page  
The Adopting By-law

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AMENDMENT NO. 6 TO THE OFFICIAL PLAN OF THE TOWN OF AMHERSTBURG

I, Paula Parker, Clerk of the Town of Amherstburg, certify that this is a/the original/duplicate original/certified copy of Amendment No. 6 to the Official Plan of the Town of Amherstburg.

---

CLERK- Paula Parker

DRAFT

**THE CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-84**

**By-law to adopt amendment No. 6 to the  
Official Plan for the Town of Amherstburg**

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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, as amended, hereby enacts as follows:

1. THAT Amendment No. 6 to the Official Plan for the Town of Amherstburg consisting of the attached text is hereby adopted.

THIS By-Law shall come into full force and effect upon the final passage thereof.

Read a first, second and third time and finally passed this 25<sup>th</sup> day of September, 2017.

---

MAYOR – ALDO DICARLO

---

CLERK – PAULA PARKER

THE CONSTITUTIONAL STATEMENT

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

PART "B" – THE AMENDMENT, consisting of the following text, constitutes Amendment No. 6 to the Official Plan for the Town of Amherstburg.

DRAFT

AMENDMENT NO. 6  
TO THE OFFICIAL PLAN  
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to change the designation of the lands from "Institutional" designation to "Medium Density Residential Special Policy Area 17" designation.

2. LOCATION/BACKGROUND

As shown on the attached Schedule "A", the subject lands include:

Plan 1, Lots 9, 10, 11, 12 and Part Lots 5 and 6, Part of closed portion of Kempt Street and Part of closed portion of Murray Street, being Part 4, 12R-25406, municipal street address 219 Brock Street. The subject lands are located on the south east corner of Brock Street and Richmond Street.

3. BASIS

The subject land is approximately 2.63 acres in size. The property has been used in the past for St. Jean Baptiste Elementary School which was relocated to 365 Fryer Street. The school was demolished in the 2013.

To the immediate north, east and west of the site the land use is residential. To the south east and south of the site the land use is institutional being The Creative Child Learning Centre and the St. Jean Baptiste Cemetery and Church respectively.

The 2014 Provincial Policy Statement (PPS 2014) provides policies to permit the proposed development. Sections 1.0, 1.1, 1.2 and 1.4 provide policy direction on densities which efficiently use land and infrastructure, opportunities for growth through intensification and redevelopment, promotion of re-development and compact form and providing a mix of housing types and densities. The PPS also addresses the efficient use of infrastructure and services (1.6.2 and 1.6.6.2) and the promotion of land use patterns that minimize the length of vehicle trips and support public transit (1.6.7.4). Section 1.4 of the PPS provides the policy direction identifying that municipalities will



provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents.

The PPS 2014 also calls for appropriate development standards. Appropriate development standards are expressed in the Official Plan, Zoning By-law and Site Plans. The proposal maintains the intent of the Official Plan policies related to determining the appropriateness of a change in land use and will be implemented by a Zoning By-law Amendment. The proposal is consistent with the policies of the PPS 2014.

The County of Essex Official Plan contains policies which apply to the proposed development. The County of Essex Official Plan designates this site as being within the "Settlement Area". The Settlement Area policies state that future growth and development is to be encouraged to locate within these areas and that all types of land uses are permitted within Settlement Areas subject to site specific land use policies in local Official Plans. The County Official Plan also encourages local Official Plans to provide opportunities for re-development, intensification and revitalization in areas that have sufficient existing or planned infrastructure.

The amendment proposes a land use which is in conformity with the location requirements, the principles and the relevant goals and policies for Settlement Areas as contained in the County Plan.

The amendment proposes a land use which is in conformity with the site suitability criteria established in the Town's Official Plan including locating on a public road capable of accommodating any increased traffic, utilization of existing services/ utilities and soil/ drainage conditions of the site can accommodate the proposed development.

The proposed land use of residential development is not currently permitted under the existing designation. The Official Plan designates most of the surrounding area as Low Density Residential with pockets of Medium Density Residential. The proposed amendment will be implemented by a special provision zoning which will permit the residential use.

The proposed use of the site for residential purposes meets the intent of the Medium Density Residential policies of the Official Plan, and the site specific policies provide for single detached dwellings, semi-detached dwellings and rowhouse dwellings.

The proposed amendment is consistent with the provisions of the PPS 2014, conforms to the County Official Plan and recognizes the residential function of Brock Street and Richmond Street, in the Town of Amherstburg's Official Plan.

## PART "B" - THE AMENDMENT

All of this part of the document, entitled, "Part 'B' - The Amendment" consisting of the following text and map schedule constitutes Amendment No. 6 to the Official Plan for the Town of Amherstburg.

### 1. DETAILS OF THE AMENDMENT

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

That Schedules "A", "B" and "B-2" in the Town of Amherstburg Official Plan be amended by identifying the lands shown as the subject lands on Schedule "A" attached to and forming this amendment, as Medium Density Residential Special Policy Area 17.

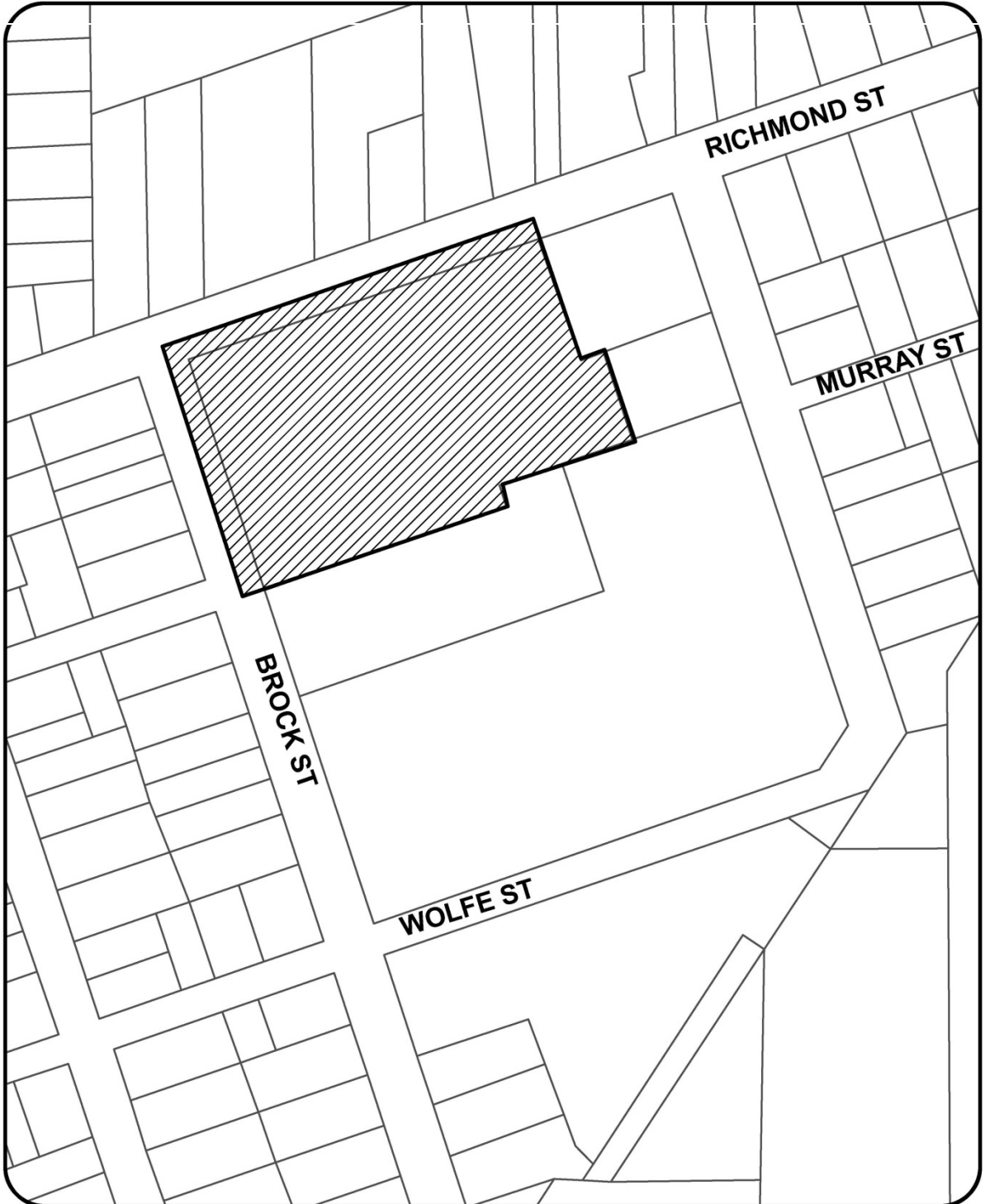
Subsection 4.3.7 Residential Special Policy Areas, as amended, is hereby further amended by the addition of the following policy to immediately follow 4.3.7 (2)

"4.3.7 (3) Lands known as 219 Brock Street, located at the south east corner of Brock Street and Richmond Street, shall be developed in accordance with the Medium Density Residential policies with the permitted use of a low-rise apartment building with a maximum height of five stories being excluded. Development shall be subject to an approved concept and phasing plan by Council including an appropriate servicing plan."

### 2. IMPLEMENTATION AND INTERPRETATION

This document will be implemented by the Town of Amherstburg by enacting an appropriate amendment to the Zoning By-law of the Town of Amherstburg and enacted a Site Plan Control Agreement.

**OPA No. 6  
Schedule "A"**



**TOWN OF AMHERSTBURG  
OFFICIAL PLAN  
PROPOSED OFFICIAL PLAN AMENDMENT**



Institutional to  
Medium Density Residential Special Policy Area 17



**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-85**

**By-law to amend Zoning By-law No. 1999-52  
219 Brock 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;

**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 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to h-R2-6/h-RM1-5" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "holding Special Provision Residential Second Density/holding Special Provision Residential Multiple First Density (h-R2-6/h-RM1-5) Zone".
2. THAT Section 8(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (f) as follows;

"(e) h-R2-6 (219 Brock Street)

Notwithstanding any other provisions of this by-law to the contrary, within any area zoned R2-6 on Schedule "A" hereto, the following special provisions shall apply:

(i) Zone Requirements

1. Lot Area (Minimum)

- |                                  |                    |
|----------------------------------|--------------------|
| (i) Semi-detached dwelling       | 500 m <sup>2</sup> |
| (ii) Semi-detached dwelling unit | 250 m <sup>2</sup> |

2. Lot Frontage (Minimum)

- |                                  |      |
|----------------------------------|------|
| (i) Semi-detached dwelling       | 18 m |
| (ii) Semi-detached dwelling unit | 9 m  |

3. Interior Side Yard Width (Minimum) 1.5 m

Except that no side yard is require on the side where the dwelling unit is attached to another dwelling unit.

4. Exterior Side Yard Width (Minimum) 3 m

5. Rear Yard Depth (Minimum) 6 m

6. Lot Coverage (Maximum)

- |                            |     |
|----------------------------|-----|
| (i) Semi-detached dwelling | 55% |
|----------------------------|-----|

(ii) Other Regulations

1. Subsection 3(21)(i)(vii) of this By-law does not pertain to lands zoned R2-6. The minimum distance between a point of intersection of street lines, such point of intersection being determined in the manner set out in Section 2 Definitions for sight triangle and Section 3 (24) thereof, and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 6 metres.”
3. 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 Residential Second Density Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
4. THAT Section 10(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (e) as follows:

“(e) h-RM1-5 (219 Brock Street)

Notwithstanding any other provisions of this by-law to the contrary, within any area zoned h-R2/RM1-5 on Schedule “A” hereto, the following special provisions shall apply:

  - (i) Zone Requirements
    1. Interior Side Yard Width (Minimum) 1.5 m
    - Except that no side yard is require on the side where the dwelling unit is attached to another dwelling unit.
    2. Lot Coverage (Maximum) 45%
    3. Landscaped Open Space (Minimum) 15%
  - (ii) Privacy Yard and Building Separation Requirements

Lands zoned RM1-5 shall be exempt from the Privacy Yard and Building Separation regulations of Section 10(3) of this By-law.”
5. 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 Residential Multiple First Density Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

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 25<sup>th</sup> day of September, 2017.

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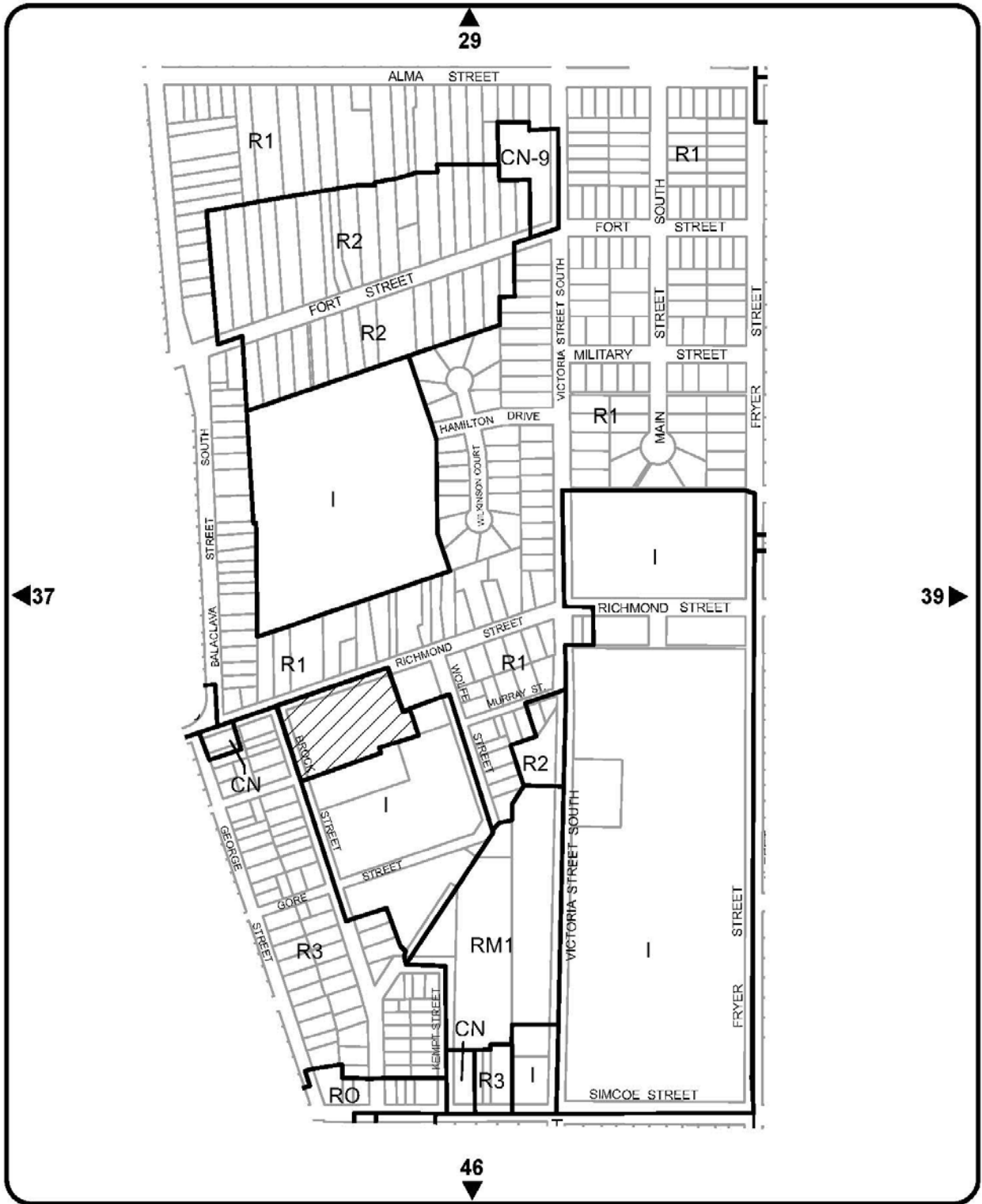
MAYOR- ALDO DICARLO

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CLERK- PAULA PARKER

**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2017-85  
 A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 38**

ZONING BY-LAW NO. 1999-52

I to h-R2-6/h-RM1-5 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



**MUNICIPALITY:** Town of Amherstburg

**MUNICIPAL ADDRESS:** 219 Brock Street

**DEVELOPMENT:** Official Plan Amendment  
Zoning By-law Amendment

**DATE:** May 12, 2017

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St. Joachim, ON · NOR 1S0  
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## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning justification review and report on the feasibility of an Official Plan Amendment and Zoning By-law Amendment (ZBA) for lands known as 219 Brock Street in the Town of Amherstburg.

The subject property is presently designated 'Institutional' in the Official Plan and zoned 'Institutional (I)' in the Comprehensive Zoning By-law for the Town of Amherstburg.

The subject property was originally a portion lands associated with a school site in the Town. The school was closed a number of years ago and the lands were deemed surplus to the church and separated from the church's land holdings.

The applicant is proposing the development of these lands for residential purposes. An Official Plan Amendment and Zoning By-law amendment has been requested to redesignate the subject lands to 'Residential' and to rezone the subject lands to 'Residential Multiple First Density (RM1)' zone.

Lassaline Planning Consultants (LPC) has prepared this justification report to support, explain and justify the requested Official Plan Amendment and Zoning By-law Amendment. The policy and regulation framework will support the development of the site for a development consisting of semi-detached (duplexes) and townhouse residential units.

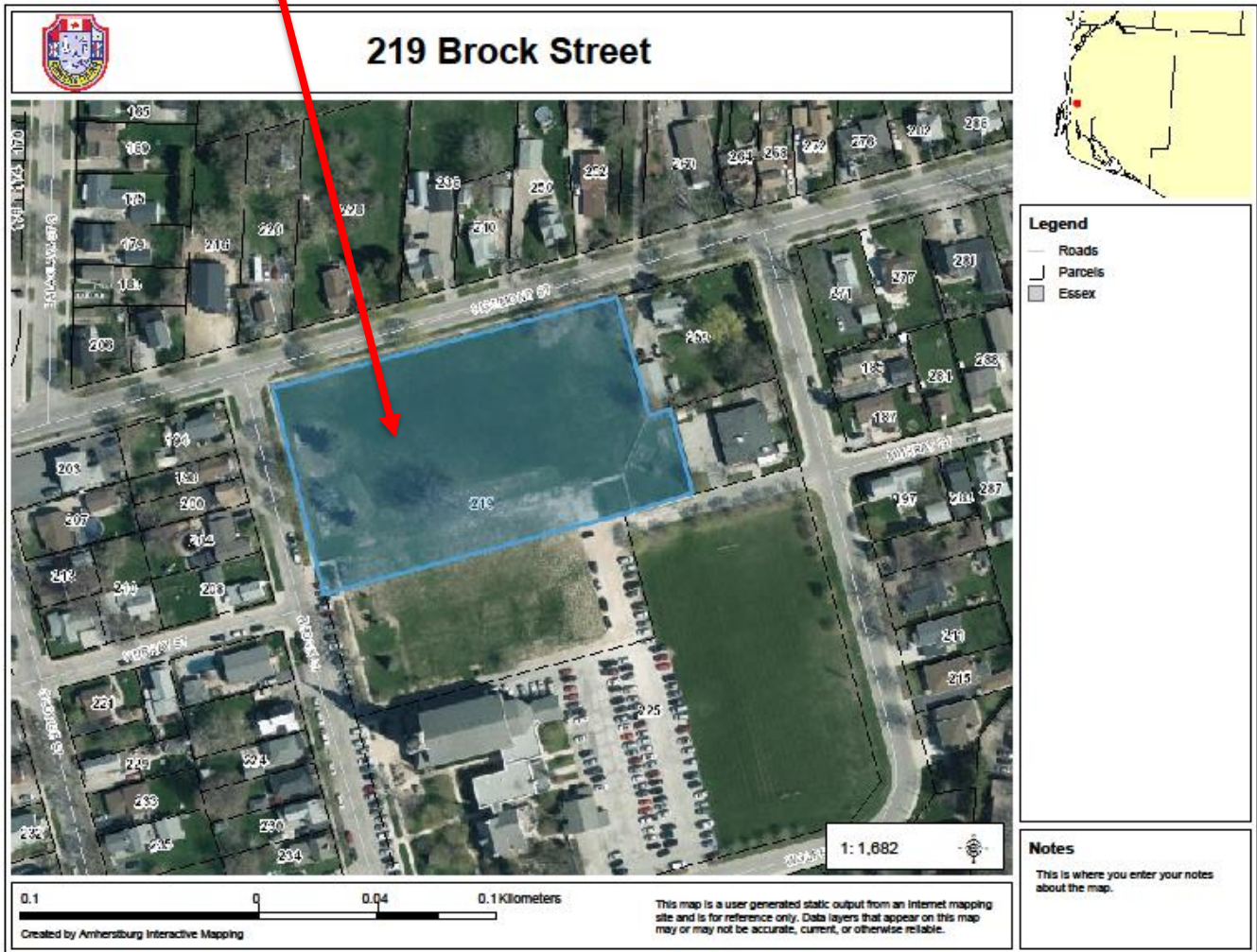
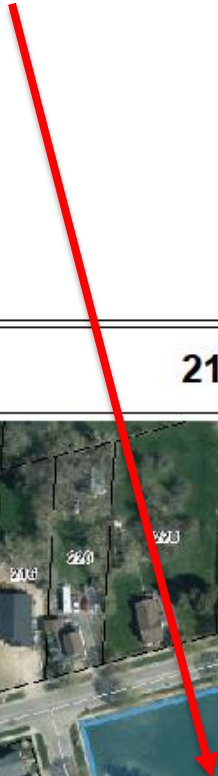
### 1.1 EXISTING LAND USE:

The subject site was originally the location of a school. The school has been removed and the property has been vacant for about 3 years.

### 1.2 ADJACENT LAND USES TO THE SUBJECT PROPERTY:

- a) **North** – residential;
- b) **East** – residential;
- c) **South** – institutional - catholic church;
- d) **West** – residential.

Subject property: 219 Brock Street



### 1.3 PROPOSAL

The applicant has requested an Official Plan Amendment and Zoning By-law Amendment to establish a policy and regulatory framework to allow for residential use of the property as an adaptive reuse of the previous school lands.

The developer is proposing a 2 phase development with a total of 18 semi-detached residential units and 19 residential townhouse units resulting in 37 residential units.

The 1<sup>st</sup> phase of construction will consist of 4 semi-detached units and 19 townhouse residential units. Parking will be provided on the property with access through a private driveway to Brock Street. The majority of the units will front onto the private driveway with 4 units of the semi-detached fronting on Brock Street. Each townhouse unit will be set forward close to the sidewalk with parking located along the private driveway, a design consistent with new urbanism with the intent to create a community.

Phase 2 of the development and the remainder of the property fronting on Richmond Street will consist of 14 semi-detached residential units. Each of these units will have direct access and driveways to Richmond Street. Each unit will have parking within a garage and located on the driveway.

#### **COMMENT:**

**The Official Plan Amendment and Zoning By-law Amendment will establish a policy and regulatory framework for the development of these lands for residential land use as an adaptive re-use of the previous school lands.**

## 2. PROVINCIAL POLICY STATEMENT (PPS 2014)

When reviewing a planning application to determine if the requested official plan amendment and zoning by-law amendment makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

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;*

### COMMENT:

The existing lot was previously used for a school that has subsequently closed and has been removed. The OPA and ZBA will authorize the use of the property for residential, an adaptive re-use that fits within the neighbourhood uses and can be considered infilling within the existing residential neighbourhood. The compatible adaptive re-use of the property for a residential development makes sound planning.

- b) *accommodating an appropriate range and mix of residential (including second units, 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;*

### COMMENT:

The requested OPA and ZBA will authorize a residential development with alternative housing styles to the typical single detached residential unit. The proposed semi-detached duplexes and townhouses, as well as an alternative low rise apartment building with maximum 4 storeys height, will provide for housing that is affordable and supports an alternative housing for younger, first time house buyers and older residents who are looking for a property with less maintenance.

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

**COMMENT:**

The site was previously a school site and is an existing lot with residential development that is considered an adaptive re-use of the property and infilling within an existing residential neighbourhood. There are no safety or health concerns associated with the existing property or the proposed residential use.

- 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;*

**COMMENT:**

The subject lot is within the settlement area, adjacent to the CBD of the urban area of the Town. The OPA and ZBA will support the development of an existing, infilling residential lot within a residential neighbourhood.

- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

**COMMENT:**

The infilling development authorized by the policy and regulatory framework of the OPA and ZBA supports sound planning and an efficient and effective organized neighbourhood and municipality. As an infilling development, the OPA and ZBA will also be supporting the adaptive re-use of these lands and filling in on a parcel that had a closed school for 7 years and subsequently has been vacant for 2 years. The adaptive re-use and infilling nature of the existing lands and the proposed medium density residential development minimizes land consumption while providing for an appropriate alternative housing style. The proposed medium residential development connections to existing municipal services will minimize servicing costs.

- f) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*

- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs;*

**COMMENT:**

All hydro and municipal services are existing in the neighbourhood and there is capacity to service these lots with the existing municipal sewer, water, and storm services. As an infilling development, there is no need to change the existing services or extending the services as the services all exist to the property.

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

**COMMENT:**

The subject lands are located within the settlement area, urban center of the Town of Amherstburg and located within the periphery to the CBD of the Town. As an infilling development, the new residential development authorized by the proposed OPA and ZBA will be assisting with the regeneration of an older residential neighbourhood of the municipality.

- 1.1.3.2 Land use patterns within settlement areas shall be based on:*

- a) densities and a mix of land uses which:*
- 1. efficiently use land and resources;*
  - 2. 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;*
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
  - 4. support active transportation;*
  - 5. are transit-supportive, where transit is planned, exists or may be developed;*
  - 6. are freight-supportive; and*
- b) 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.*

**COMMENT:**

The adaptive re-use of the lands as authorized by the requested OPA and ZBA is an adaptive reuse of an existing lot that was originally used for institutional and is being re-purposed for residential development. The proposed semi-detached duplexes and townhouses, as well as an alternative low rise apartment building with maximum 4 storeys height, will provide for a housing style that will fit within the existing neighborhood. The development will provide for a medium density and an alternative housing style that will provide for an appropriate mix of residential housing styles within the residential neighbourhood.

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for 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. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

**COMMENT:**

As discussed, the site is located within an older residential neighbourhood in the periphery to the CBD. These lands housed an empty school for the past 7 years and has been vacant for 2 years. The surrounding area is predominately single and two unit residential units. The authorized OPA and ZBA will provide an alternative style of housing with a more efficient and effective density that is appropriate for the large block within the neighbourhood.

The proposed development will assist in the rejuvenation of the neighbourhood and will fill in the existing vacant lot, completing the building form of the block.

Municipal services exist to service the parcel. There is municipal capacity to service the proposed development.

*1.1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements 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. 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;*

**COMMENT:**

The requested OPA and ZBA will provide positive alternative housing styles with suitable proposed density that supports wise management and an efficient and effective use of the existing vacant lot. Service capacity is available for the development.

- b) *permitting and facilitating:*
- 1. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and*
  - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

**COMMENT:**

The housing style is an efficient and effective density for the infilling lot. As an alternative housing style to the single detached residence, the proposed semi-detached duplexes and townhouses, as well as an alternative low rise apartment building with maximum 4 storeys height, will support a rejuvenation of the neighbourhood while providing an alternative housing style to attract younger and older home owners. The proposed housing style supports the healthy community's initiative of the Province of Ontario.

- 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;*

**COMMENT:**

The OPA and ZBA will support the development of an existing vacant parcel that has services available and capacity available to service the proposed development. Located in the periphery to the CBD, the residents are able to walk and use alternative transportation to access parkland, the downtown commercial area, community facilities such as the library are all within walking distance.



- 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.*

**COMMENT:**

The proposed development will support a medium density development through the provision of alternative housing that will support appropriate infilling, supports the rejuvenation of the neighbourhood, will support active transportation and makes sound planning.

**COMMENT:**

**The requested Official Plan Amendment and Zoning By-law amendment will authorize a residential development that is consistent with the Provincial Policy Statements (PPS) and supports a healthy community.**

### 3. COUNTY OF ESSEX OFFICIAL PLAN

The subject lands are identified within the Primary Settlement Area in the Town of Amherstburg on Schedule A of the Official Plan for the County of Essex.

#### *“3.2.1 General Directive:*

*Schedule “A1” of this Plan identifies the location and precise boundaries of the “Settlement Areas” within the County. Schedule “A2” details the structure of the “Settlement Areas”, by differentiating between Primary and Secondary.*

*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. Local Official Plans will detail where within the “Settlement Areas” designations various types of land uses will be located; however, healthy community principles shall be incorporated into the long-range planning and development review process.”*

#### **3.2.2 Goals**

The following goals are established for those lands designated as “Settlement Areas” on Schedule “A1”:

- a) *Support and promote public and private re-investment in the Primary Settlement Areas.*
- b) *To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.*
- 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.*
- d) *To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.*

**COMMENT:**

The requested OPA will remove the Institutional designate and establish a residential policy framework while the ZBA will rezone the lands from 'Institutional (I)' to 'Medium First Residential (MR1)' zone.

The proposed development, through the authorizing OPA and ZBA, will be compact in design and located as an infilling and adaptive re-use of a vacant block within an existing residential neighbourhood.

The OPA and ZBA will support an appropriate, alternative housing style as single, attached residential units to the predominate single detached residential units within the area. The alternative housing style will provide for a more affordable housing unit than the standard single detached residence.

The development of the site will support the rejuvenation of the neighbourhood.

The location of the site is within a walking distance to amenities, parkland, community cultural activities, and the commercial downtown. The site supports the walkable policy initiatives of the municipality and province.

The proposed development supports the healthy community initiative of the municipality and province.

- 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.*
- f) *To increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live.*
- g) *To support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth.*
- h) *To provide locations where natural habitat restoration can be accommodated to ensure an increase in the amount of core natural area and linkages amongst natural areas.*
- i) *Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.*

- j) *Promote affordable housing within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.*
- k) *Encourage each local municipality to undertake a Local Comprehensive Review of their “Settlement Areas” with the goal of re-allocating growth to the most appropriate locations that meet the intent of this Plan. The County encourages the Local Comprehensive Review to be undertaken at the time of the five-year review of the local Official Plan; however, local municipalities may initiate a Local Comprehensive Review at any time.*
- l) *Encourage employment opportunities on lands within “Settlement Areas” that are in proximity to rail corridors.”*

**COMMENT:**

Consistent with the PPS and the County Official Plan, the subject lands are located within a projected growth area/settlement area. The subject lands are located within an existing residential neighbourhood. Municipal services are available to the plan of subdivision without the requirement for extension or expansion of these services.

The OPA and ZBA authorizes a development with single, attached residential units as an alternative housing to the standard single, detached residences. The alternative housing style provides for a vibrant, rejuvenated residential neighbourhood.

The proposed development supports the healthy, active, walkable community initiatives.

**COMMENT:**

**The requested OPA and ZBA that will authorize the adaptive re-use as an infilling residential development conforms with relevant policies and healthy community initiatives of the Official Plan for the upper level County of Essex.**

## 4. AMHERSTBURG OFFICIAL PLAN

The subject property is presently designated 'Institutional' in the Official Plan for the Town of Amherstburg.

### 2.1 GENERAL

*The Town of Amherstburg will endeavour to ensure that:*

- (1) the various School Boards are satisfied that adequate provision to accommodate any additional school children be made;*

#### COMMENT:

The local public and separate school boards will be notified. The number of lots will not create significant increase in the school boards population to warrant a concern.

- (2) sufficient community facilities such as parks or recreational facilities can be provided;*

#### COMMENT:

The subject site is located adjacent to the CBD of the urban centre of the Town of Amherstburg. There are social and cultural facilities as well as amenities such as large community park within walking distance to the development.

- (3) any increases in traffic can be accommodated by the road network without causing unacceptable congestion, accident hazard, or nuisance to adjacent residential areas;*

#### COMMENT:

The majority of the present proposed development, 19 units, will be accessed by an internal private driveway with parking located on the driveway. There are only 37 units in the development and the community design of the development will minimize traffic generated by the development.

As an alternative, a low rise apartment will have access to Brock or Richmond St. through a driveway. The maximum density of 48 residential units will not have a significant impact on the neighbourhood traffic and can be accommodated on the subject site.

- (4) residential amenities are maintained;
- (5) development has regard for the natural environment and ensures that it is demonstrated there are no negative impacts on the features or their functions; (Modification #2) and
- (6) adequate municipal services such as sewage disposal, water supply, storm drainage, police and fire protection, and garbage disposal can be made available without undue additional cost.

**COMMENT:**

Adequate water services, sewer services, hydro services, road network and service capacity are available to accommodate the proposed development.

**2.2 "SITE SUITABILITY**

*Prior to the approval of any development or amendment to this Plan or the Zoning By-Law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:*

- (1) soil and drainage conditions are suitable to permit the proper siting of buildings;
- (2) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;
- (3) the road system is adequate to accommodate projected increases in traffic;
- (4) the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction;
- (5) lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing By-Law; and,
- (6) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural environmental features and functions."

**COMMENT:**

Please refer to attached APPENDIX B – SITE PLAN.

An OPA and ZBA have been requested to create a site specific policy and site specific regulatory framework to support the proposed development.

The lands front on a municipal road network that can accommodate the proposed development. The development has been designed with a private driveway to service the proposed development.

The proposed height and profile of the town houses or duplexes at 1.5 storeys will be consistent with the housing style that is presently located within the neighbourhood and will make for a positive infill development in this area. The development will support a rejuvenation of the neighbourhood and will be a positive addition to the municipality.

**COMMENT:**

The site is suitable for a low rise, 4 storey apartment building without having negative impacts on the neighbourhood. With the building sited to the rear of the property, adjacent the existing vacant institutional use and the site design with landscaping and buffering between the building and the existing residences within the neighbourhood, a low rise apartment would be appropriate on site. The height and profile can be mitigated to be a positive addition to the neighbourhood.

***Low Density Residential Areas***

*Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.*

**(1) Maximum Density**

*Although the existing densities within areas designated Low Density Residential are in to the order of 6 to 12 units per hectare, smart growth encourages a more cost effective development pattern to better utilize services and the land base. In a desire to promote more efficient use of the land, the maximum density for single detached developments shall be 15 units per hectare and the maximum density for semidetached development and conversions shall be 22 units per hectare. The overall maximum density shall not exceed 19 units per gross hectare.*

***Medium Density Residential Areas***

*The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses.*

*In addition to these permitted uses, low-rise apartment buildings with a maximum height of five stories are permitted.*

*The maximum density shall not exceed 70 units per gross hectare. The general location shall be in conformity with Schedules "A" and "B". The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law.*

**COMMENT:**

The subject lands are presently designated 'Institutional' and zoned 'Institutional (I)'. An OPA has been requested to redesignate the subject lands to 'Medium Density Residential' in the Official Plan. The ZBA will establish a regulatory framework by zoning the subject lands to a site specific 'Residential Multiple First Density (RM1)' zone.

The proposed plan has been designed with 37 residential units on a parcel with 9,820 m<sup>2</sup> area with a resulting density of 37 units per hectare, or medium density development.

The proposed alternative housing of semi-detached and townhouse units are defined as medium density buildings.

**COMMENT:**

The 'Medium Density' designation supports a density on the 0.98 ha subject lands of approximately 70 units. As an alternative development proposal, a low rise, 4 storey apartment building with a maximum of 48 apartments may be considered an appropriate alternative housing. The low rise would be an appropriate building mass for the neighbourhood with greater setback from Richmond and Brock Streets and with landscaping and buffering implemented through site plan control.

A low rise, 4 storey apartment building on site would provide alternative housing styles and the density would conform with the 'Medium Density' designation. Visual impact can be mitigated through buffering and landscaping.

**COMMENT:**

**The requested Official Plan Amendment and Zoning By-law Amendment that will authorize the development of the site for a residential development conforms with the relevant Official Plan policies for the Town of Amherstburg.**

**In my professional opinion the adaptive re-use of the existing vacant property as an infill development for a residential development conforms with relevant provisions of the Official Plan.**



#### 4.0 ZONING BY-LAW REGULATIONS 890-09

The subject lands are presently zoned 'Institutional (I)' in the Comprehensive Zoning By-law for the Town of Amherstburg.

The applicant has requested a zoning by-law amendment to rezone the subject lands to a site specific 'Residential Multiple First Density Exception # (RM1-#)'.

	'Residential Multiple First Density (RM1)'	SITE SPECIFIC (RM1-#)
<b>PERMITTED USE</b>	TRIPLEXES TOWNHOUSES ROWHOUSES STREET ROWHOUSES FOURPLEXES Accessory Uses	<b>(RM1) USES</b> <b>SEMI-DETACHED (DUPLEXES)</b> <b>4 STOREY APARTMENT</b> <b>SINGLE DETACHED</b>
<b>LOT FRONTAGE</b>	25 m	Low rise apartment – 25 m Townhouses on 1 lot – 7 m Semi-detached – 17 m Single – 12.2 m
<b>LOT AREA</b>	185 m <sup>2</sup>	Entire lot - 9820 m <sup>2</sup>  maximum density of 48 units for lands zoned (RM1-#)  single detached – 370 m <sup>2</sup> semi-detached – 557 m <sup>2</sup> semi-detached unit – 278.5 m <sup>2</sup>
<b>INTERIOR SIDE YARD</b>	3 m 0 m for common wall	<b>1.5 m</b> 0 m for common wall
<b>REAR YARD</b>	6 m	6 m
<b>EXTERIOR SIDE</b>	6 m	<b>1.8 m</b>
<b>MAX. HEIGHT</b>	10 m	<b>12 m</b>
<b>LOT COVERAGE</b>	40 %	40 %

Please refer to attached APPENDIX A – Neighbourhood Aerial map showing the subject property in context of the neighbourhood.

A zoning By-law Amendment is required to change the zoning of the property from 'Institutional (I)' to 'Residential Multiple First Density (RM1)' zone.

The previous institutional use of the property was deemed redundant a few years ago with the closing of the school and the removal of the structures.

The applicant has requested a zoning by-law amendment to change the zone to a residential zone that will allow for the permitted uses under the (RM1) zone as well as semi-detached duplexes, townhouse units, low rise apartment building on the subject property.

The zoning by-law amendment will provide for an alternative housing style to the typical single detached or single attached duplexes of the neighbourhood.

There are some site specific provisions that require being addressed for the property under the (RM1) zone, namely: i) exterior side yard setback from 6m to 1.8 m, typical modern exterior yard; ii) introduction of the mixed housing style of semi-attached duplexes, townhouses and low rise apartment; and iii) a reduction of the interior side yard from the present 3 m to 1.5 m, a more efficient interior side yard.

**COMMENT:**

The requested site specific zoning of (RM1-#) will provide for an efficient and effective use of the property.

The proposed development will create an alternative housing style to the typical single detached residential and will efficiently and effectively use the property and municipal services.

The proposed alternative housing styles and densities can be accommodated within the neighbourhood with very little impact.

**COMMENT:**

**In my professional opinion, the site-specific zoning by-law amendment to change the zoning of the property from 'Institutional (I) to a site specific 'Residential Multiple First Density (RM1-#)' will allow for an appropriate residential development that is consistent with the Comprehensive Zoning By-law.**

## 5.1 CONCLUSIONS

The requested Official Plan Amendment and Zoning By-law amendment will redesignate and the subject lands from Institutional to Residential and rezone the lands from 'Institutional (I)' to 'Residential Multiple First Density (RM1)' zone. The amendments will establish a policy and regulatory framework to support the development of the site for an adaptive re-use of the property for residential purposes.

In my professional opinion the requested Official Plan Amendment and Zoning By-law amendment:

- 1) is consistent with the policies of the Provincial Policy Statements;
- 2) conforms with the relevant policies of the Town of Amherstburg Official Plan;
- 3) is consistent with the Comprehensive Zoning By-law;
- 4) Makes sound planning.

Lassaline Planning Consultants



Jackie Lassaline BA MCIP  
Principal Planner Owner

# APPENDIX A – SITE AND NEIGHBOURHOOD AERIAL



# APPENDIX B – SUBJECT PROPERTY SITE PLAN

Please refer to enlarged plan submitted with the application.

