



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING
AGENDA
ELECTRONIC PARTICIPATION**

Monday, June 22, 2020

5:00 PM

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

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

Pages

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

4. SPECIAL PLANNING REPORTS

4.1 Proposed Zoning By-law Amendment - 1267 Front Road North 3

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment (File ZBA-02-20), Zoning By-law 2020-019 **BE RECEIVED and SUMMARIZED** in a future report to Council.

4.2 Proposed Zoning By-law Amendment - N/S County Road 20 87

It is recommended that:

1. Comments from the public with respect to the Zoning By-law Amendment for N/S County Road 20 (File No. ZBA-01-20), Zoning By-law 2020-018 **BE RECEIVED and SUMMARIZED** in a future report to Council.

4.3 Proposed Zoning By-law Amendment-Extension of Temporary Use By-Law - 9830 Walker Road 109

It is recommended that:

1. Comments from the public with respect to the Zoning By-law Amendment for the Extension of the Temporary Use By-law (File ZBA-03-20), Zoning By-law 2020-028 **BE RECEIVED and SUMMARIZED** in a future report to Council.

5. 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: Frank Garardo	Report Date: June 4, 2020
Author's Phone: 519 736-5408 ext. 2124	Date to Council: June 22, 2020
Author's E-mail: fgarardo@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for 1267 Front Road North

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment (File ZBA-02-20), Zoning By-law 2020-019 **BE RECEIVED** and **SUMMARIZED** in a future report to Council.

2. BACKGROUND:

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 the authorized agent on behalf of property owners Robert Cornies, Camille Elters and Ken Knapp. The approximately 11 acre parcel of land is situated on the east side of County Road 20, at 1267 Front Road North. The subject lands affected by the proposed amendment are described as Anderdon Concession 1, Part Lot 24. The applicants will be applying for Draft Plan of Subdivision with the County of Essex subsequent to the approval of the Zoning By-law Amendment. The Draft Plan of Subdivision will return to Council for a public meeting at a future time.



Figure 1: Aerial of 1267 Front Road North

3. DISCUSSION:

The Official Plan for the Town of Amherstburg designates the lands subject of the application as “Low Density Residential”. The rezoning conforms to the applicable Official Plan policies. Any future lots created are capable of receiving hydro and municipal water services. The municipal sanitary sewer and storm networks are not extended beyond the boundary of the subject property and will require confirmation from the Engineering and Public Works Department for the future servicing of the proposed subdivision. The applicant is proposing a development of 38 single detached dwellings through a residential plan of subdivision.

The front portion of the subject property is zoned Residential Type 1A (R1A) and the rear of the property is zoned Agriculture.

The proposed Zoning By-law Amendment appears to be in conformity with the policies in the Town’s Official Plan. The land is designated Low Density Residential. Section 4.3.1 of the Official Plan states:

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

The applicant is proposing to re-zone the subject from Residential Type 1A (R1A) Zone and Agriculture (A) Zone to holding Special Provision Residential Type 1 B (h-R1B-2) Zone to allow for the development of the single detached dwellings with proposed lot coverage of 35%; whereas a maximum lot coverage of 30% is permitted in an R1B Zone. The applicant is also proposing to rezone a 5m buffer located along the eastern boundary of the property to holding Environmental Protection (h-EP) to conform with the requirements of the Environmental Impact Assessment undertaken for the development. The future development will be required to conform to the zoning provisions in the R1B zone, with the exception of the lot coverage as outlined in the Zoning By-Law Amendment.

Planning Analysis

Provincial Policy Statement

The proposed OPA and ZBA appear to be in conformity with the Provincial Policy Statement 2020 (PPS). The subject land is within a Settlement Area as defined within the PPS. Section 1.1.3.1 of the PPS states:

Settlement areas shall be the focus of growth and development.

Section 1.1.3.2 of the PPS states:

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

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

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

Section 1.1.1 of the PPS states:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

The subject lands are located within the Town's Primary Settlement area and are designated Low Density Residential in the Town's Official Plan. The subject lands are an appropriate area for development due to their location within an existing built-up area of Town and their close proximity to existing services and infrastructure. The proposed subdivision will provide infill development that is consistent with the Low Density Residential designation and compatible with the surrounding neighbourhood.

County of Essex Official Plan

The proposed Zoning By-law Amendment is consistent with the County of Essex Official Plan. The County Official Plan identifies the subject lands as within the Primary Settlement Area. For uses within the Settlement Area, local Official Plans are required to put in place site specific land use policies. The County OP Section 3.4.2.1 states:

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

The proposed Zoning By-law Amendment is for subject lands that will have full municipal services, subject to confirmation of storm and sanitary sewer servicing, and will provide a mixture of housing types in the area. The location of the subject site is in close proximity to existing small scale subdivisions on a main roadway.

Town of Amherstburg Official Plan

The Official Plan promotes the intensification of housing within the Settlement Area. The Goals for the various Residential areas throughout the Town include (Section 4.2.2):

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;*
- (2) To encourage the development of a greater variety of housing types;*
- (3) To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study;*
- (4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;*
- (5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;*
- (6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 25 year planning period as the capacity of the Town's services permit.*

The proposed development meets many of the Town's residential goals as identified above and provides for additional housing within a built-up area with similar housing types.

The subject lands are designated 'Low Density Residential' in the Town of Amherstburg Official Plan. The proposed development provides an 'opportunity to increase the housing supply through residential intensification' by providing 38 single detached dwellings units within a vacant parcel of land that is currently surrounded by residential uses. The proposed density of the development is in compliance with the Low Density Residential designation which states:

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.

The proposed density is 9.5 units per hectare, and therefore will be compatible with the lower density development surrounding the proposed subdivision. The Low Density Residential Policies restrict developments to 'single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses'. The proposed development will be consistent with the current Official Plan designation by retaining a low density use of the land and limiting the development to only single detached dwellings.

4. RISK ANALYSIS:

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

5. FINANCIAL MATTERS:

The cost associated with the applications and planning processes are the responsibility of the developer. Dependant on the number of lots developed in the future, the current development charge for a single detached dwelling in the urban area is \$16,242 per dwelling. The applicant will be responsible for the cost of future plan of subdivision applications and associated servicing matters.

6. CONSULTATIONS:

The proposed Zoning By-law Amendment was published 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 Essex Region Conservation Authority (ERCA) provided the following comments:

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not

required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and

Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06). Any submission of an ERCA authorization would be anticipated to be done at the time of future development applications as indicated in the Notice of Public Meeting.

As indicated in the Notice of Public Meeting, the subject lands will be subject to the requirements of a draft plan of subdivision at a future date. ERCA has received and reviewed an Environmental Impact Assessment that includes a requirement for the re-zoning of a portion of the subject lands (eastern extent of the subject lands) will be legally protected through zoning provisions. ERCA recommends to the Municipality that this re-zoning could occur at a later date through a condition of draft plan of subdivision approval or concurrently with this application.

ERCA has no objection to this application for re-zoning.

The County of Essex provided the following comments:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 248L - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be B meters from the proposed widen limit of County Road 20. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures.

The County of Essex has had preliminary review for proposed subdivision and our comments remain the same. The County of Essex is requesting to be included in any further reviews as the proposed subdivision moves forward.

The County of Essex requires that the Owner dedicate a 5m road dedication as well as a 15m x 15m daylight corner at the proposed street, this shall be completed at the Owner's expense. The County of Essex will permit a mutual driveway proposal for Lots 35 to 3B but note that future active transportation is planned along County Road No. 20.

Access for Lots 1 and 34 will not be permitted from County Road No. 20, access will have to come from the new proposed street.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands to update our mapping records. Thank you for your assistance and cooperation in this matter.

The Engineering and Public Works Department provided the following comment:

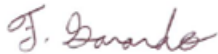
Public Works will ensure that the additional lot coverage requested will be reflected in the development's SWM plan.

The Fire Department provided the following comments:

From Amherstburg fire we have no objection to the rezoning. The proposed development as provided would require 3 fire hydrants (one at the first lot off of Front Rd. North, second one down around lot #8, and the third hydrant located somewhere in the turn around). The maximum spacing distance of hydrants not to exceed 150 metres. The turn-around is to be no parking at any time and be sufficient in size for fire apparatus to maneuver, and all other street parking must allow for a 6 metre access at all times.

7. **CONCLUSION:**

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



Frank Garardo
Manager of Planning Services

KD

DEPARTMENTS/OTHERS CONSULTED:

Name: Essex Region Conservation Authority

Phone #: 519 776-5209

Name: Town of Amherstburg Engineering and Public Works Department

Phone #: 519 736-3664 ext. 2313

Name: Town of Amherstburg Building Department

Phone #: 519 736-5408 ext. 2136

Name: Town of Amherstburg Fire Department

Phone #: 519 736-0012 ext. 2231

Name: Union Gas

Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation

Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority

Phone #: 519 776-5209

Name: Windsor Essex Catholic District School Board

Phone #: 519 253-2481

Name: Greater Essex County District School Board

Phone #: 519 255-3200

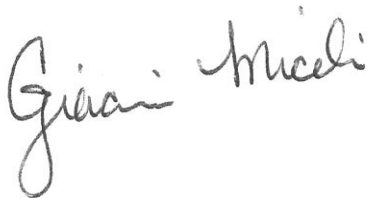
Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 1267 Front Road North.docx
Attachments:	- Report to Council-June 22-1267 Front Rd N-ATTACHMENTS.pdf
Final Approval Date:	Jun 16, 2020

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



Cheryl Horrobin



John Miceli



Paula Parker

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

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, June 22, 2020 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are located at 1267 Front Road North, and are described as Anderdon CON 1 Pt Lot 24. The property has an irregular frontage and depth and measures 4.46 hectares (11.03 ac) (see key map below). The applicant is proposing to re-zone the entire property. The delineation of the proposed rezoning will match the extent of the Low Density Residential Settlement Area in the Official Plan, as interpreted under Section 7.17(1).

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 “**Agricultural (A) Zone**” to “**holding Special Provision Residential Type 1B (h-R1B-2) Zone**”, “**Residential Type 1A (R1A) Zone**” to “**holding Special Provision Residential Type 1B (h-R1B-2) Zone**” and “**Agricultural (A) Zone**” to “**holding Special Environmental Protection (h-EP) Zone**” to permit the development of a plan of subdivision with 38 single detached dwellings with a maximum lot coverage of 35%. The draft plan of subdivision will proceed at such a time when the necessary studies and servicing plans have been finalized and will be subject to public meetings at that time. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

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

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at fgarardo@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by **4:00 p.m. on Friday, June 19, 2020** before the hearing and will be read aloud prior to the application being heard by Council.

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

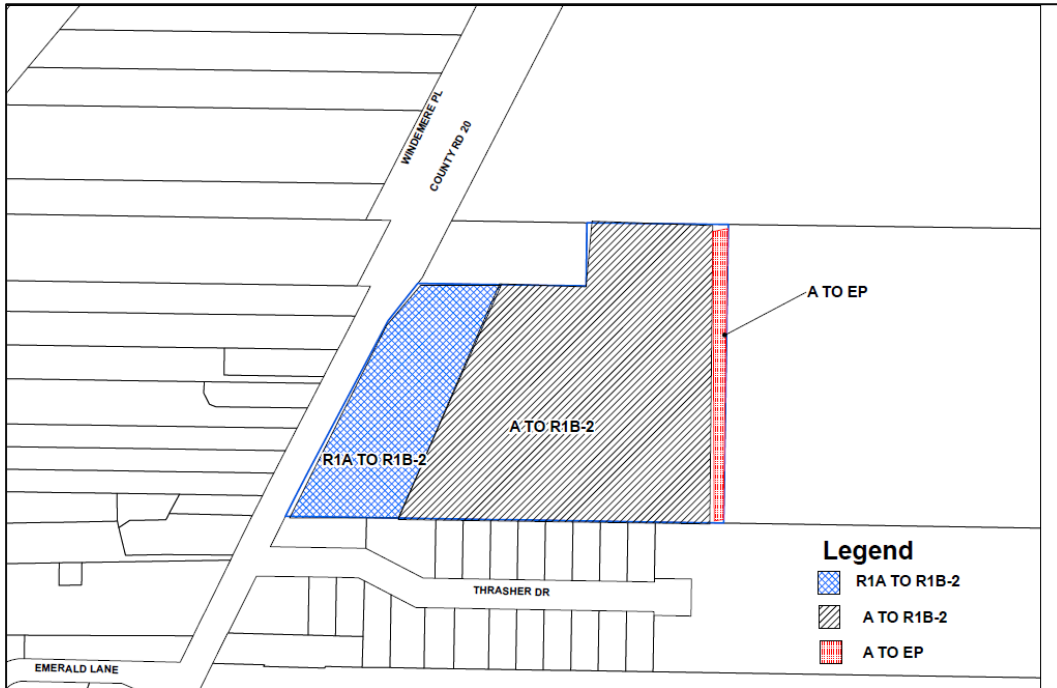
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the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

ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/01/20) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 19th day of May, 2020.

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.

KEY MAP



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

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

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2020-019**

**By-law to amend Zoning By-law No. 1999-52
1267 Front Road North, Amherstburg**

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

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

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

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

1. Schedule "A", Map 10 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 h-R1B-2" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "holding Special Provision Residential Type 1B (h-R1B-2) Zone".
2. Schedule "A", Map 10 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from R1A to h-R1B-2" on Schedule "A" attached hereto and forming part of this By-law from "Residential Type 1A (R1A) Zone" to "holding Special Provision Residential Type 1B (h-R1B-2) Zone".
3. Schedule "A", Map 10 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 h-EP" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "holding Environmental Protection (h-EP) Zone".
4. "Section 7(4)(b) R1B-2 (1267 Front Rd N)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned R1B-2 on Schedule 'A' hereto, the zone requirements of Section 7 of this By-law shall apply with the exception of the following:

(b) R1B-2 Zone Requirements

1. Lot Coverage (maximum) 35%"

5. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

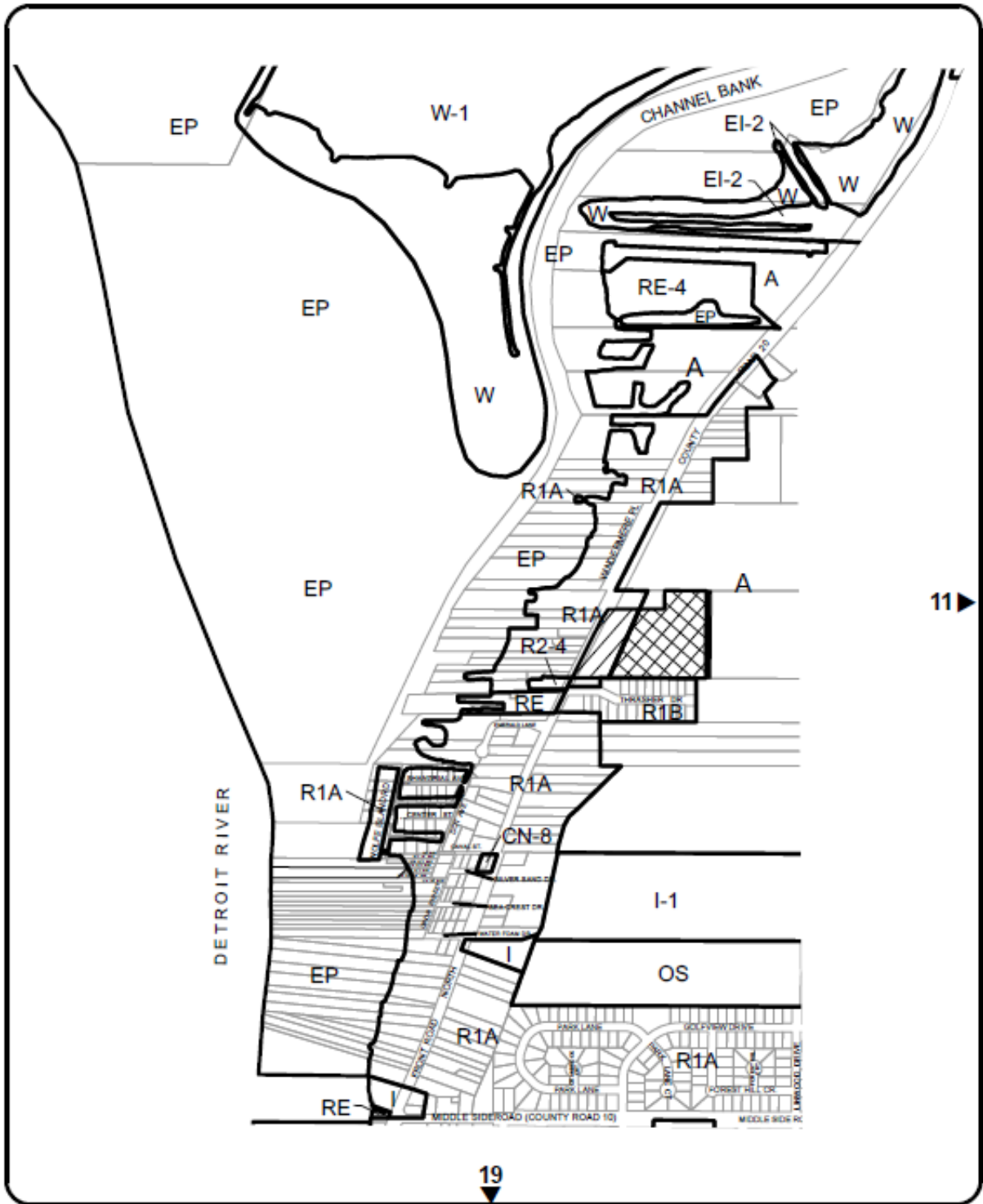
Read a first, second and third time and finally passed this 22nd day of June, 2020.

MAYOR- ALDO DICARLO




CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2020-019
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 10
 ZONING BY-LAW NO. 1999-52

R1A to h-R1B-2	
A to h-R1B-2	
A to h-EP	

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

Application No. ZBA-02-20

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

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality March 3, 2020
- 3. Date application deemed complete by municipality March 9, 2020
- 4. Name of registered owner Robert Cornies, Camille Elters, Ken Knapp
 Telephone number 519-
 Address _____
 Email _____
 Name of registered owner's solicitor or authorized agent (if any) Baird AE
 Telephone number _____
 Address 267 Pelissier St., Windsor ON
 Email _____

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

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

- 6. Location and description of subject land:

Concession No. 1 Lot(s) No. Pt Lot 24
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. _____ Part(s) No. _____
 Street Address 1267 Front Rd. North Assessment Roll No. 3729460000 12000
1267 County Road 20

- 7. Size of subject parcel:

Frontage 180 m Depth irregular Area 11.03 ac
(590.5 ft)

- 8. Access to subject parcel:

- Municipal Road
- County Road
- Provincial Highway
- Private Road
- Water

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

- 9. (a) Current Official Plan Land Use designation of subject land Residential *Low density*
- (b) Explanation of how application conforms to the Official Plan _____
The proposed use of a residential plan of subdivision conforms to the Official Plan policies.

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

Yes No

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

10. Current Zoning of subject land Agriculture and R1A

11. Nature and extent of rezoning requested _____

Change zoning from A to R1B-2 and R1A to R1B-2 to accommodate for

12. Reasons why rezoning is requested ~~40% lot coverage~~ 35% lot coverage, A to EP for 5m buffer strip

To create a regulatory framework for a residential plan of subdivision.

13. Current use of subject land vacant agriculture

14. Length of time current use of subject land has continued since purchase

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

vacant lands

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

N/A

18. Date subject land acquired by current registered owner _____

19. Proposed use of subject land residential plan of subdivision

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

38 single, detached residences

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) _____

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

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

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

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

- consent to sever
- approval of a plan of subdivision

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

_____ submitted concurrent with zoning by-law amendment

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

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

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

- Yes
- No

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

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

- Yes
- No

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

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

Yes No

Comments Please refer to attached planning justification report.

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

Yes No

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

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

Yes No

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

Dated at the Town of Amherstburg this 5th day of March, 2020.




(signature of applicant, solicitor or authorized agent)

I, Tracey Pillon-Abbs of the Province of Ontario
in the County/District/Regional Municipality of Chatham-Kent solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County
of Essex this 5th day of March, 2020.



Applicant, Solicitor or Authorized Agent



A Commissioner, etc.

Katrina Marie DiGiovanni, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires April 3, 2022.

Authorization Form

TO: Town of Amherstburg

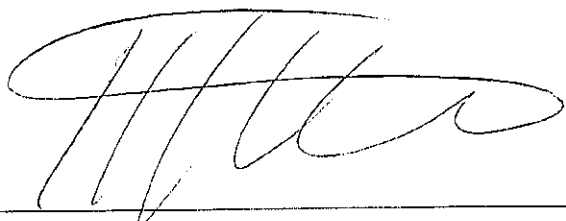
RE: Riverview Subdivision, Concession 1, Pt Lot 24

I/We, the undersigned, being the Registered Owner(s) of the above lands hereby authorize: Tracey Pillon-Abbs, RPP of the Town of Essex in the County of Essex,

TO:

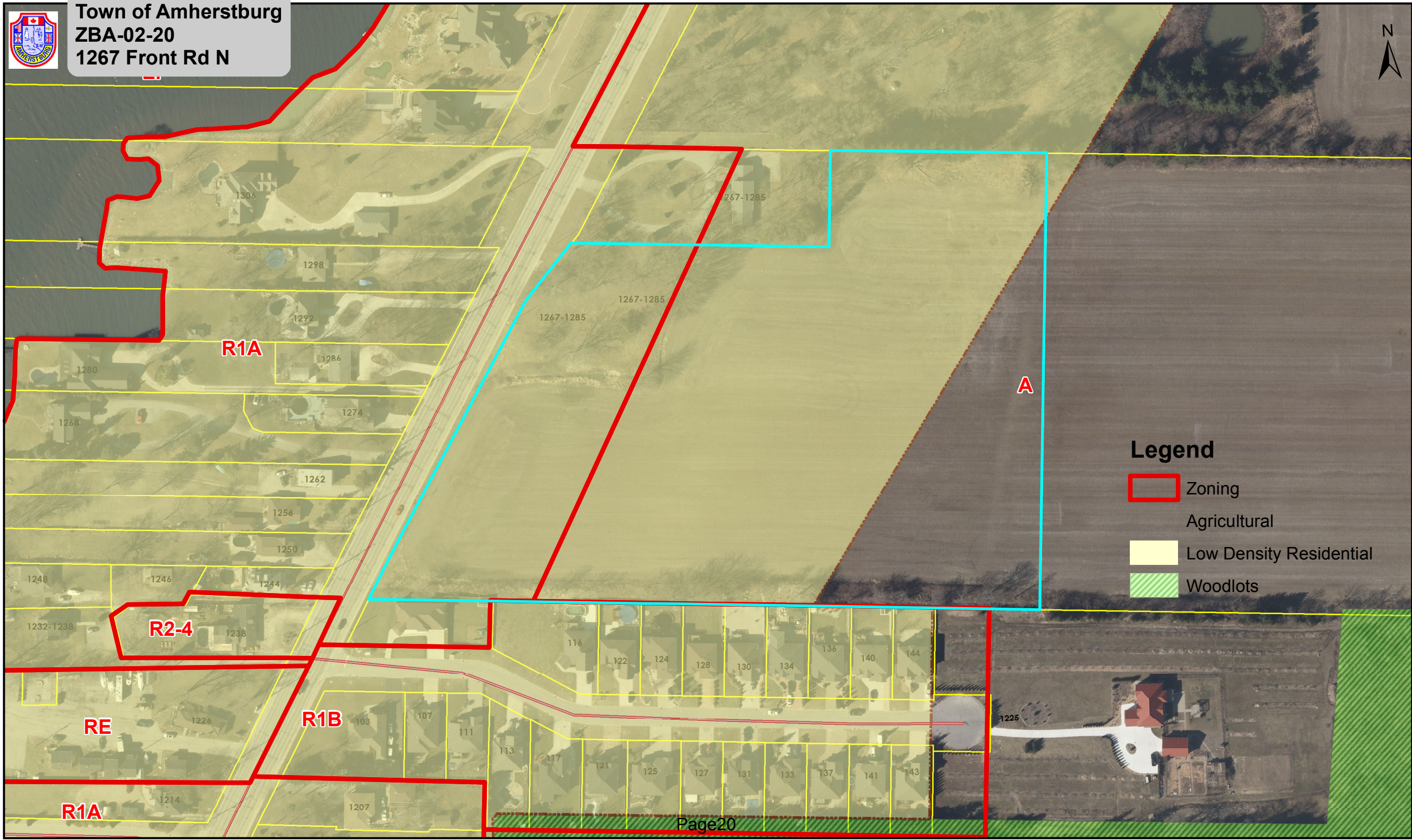
1. Make an application on my/our behalf to the Council for the Town of Amherstburg and the County of Essex;
2. Appear on my/our behalf at any hearing(s) related to the application; and
3. Provide any information or material required by the Town of Amherstburg and the County of Essex relevant to the application.

I, Ken Knapp, of the Town of Essex, in the County of Essex,


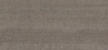


A handwritten signature in black ink, appearing to read 'Ken Knapp', written over a horizontal line.

Signature of Registered Owner

Dated: September 16, 2019



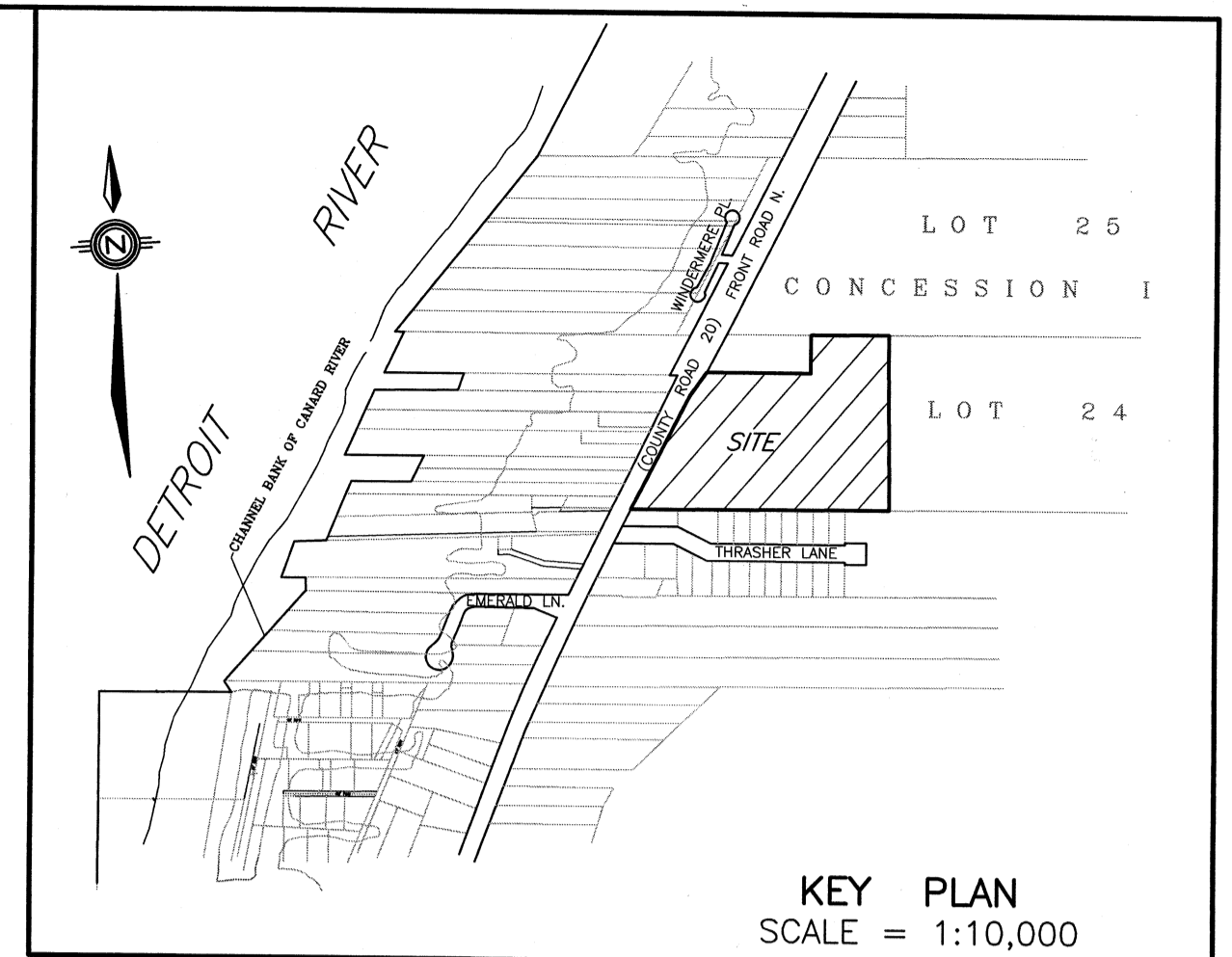
Legend

-  Zoning
-  Agricultural
-  Low Density Residential
-  Woodlots

ELEVATIONS
 ELEVATIONS SHOWN ON THIS PLAN ARE IN FEET TO CANADIAN GEODETIC DATUM

BENCH MARK
 BENCH MARK 3020 ELEVATION 178.968
 TABLET SET IN SOUTH FOUNDATION WALL ON TWO STOREY FRAME RESIDENCE
 ALONG COUNTY ROAD 20, 3.5KM NORTH OF BRIDGE OVER FORMER NEW YORK
 CENTRAL RAILWAY.

SITE BENCH MARK
 TOP OF FIRE HYDRANT IN FRONT OF MUN. No. 1244. ELEVATION 179.64



DRAFT PLAN OF SUBDIVISION
 OF
PART OF LOT 24, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF ANDERDON
 NOW IN THE
TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO
 © VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.
 SCALE = 1:750

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

LEGEND AND NOTES
 BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS ON MONUMENTS "ORP-A" AND "ORP-B", SHOWN HEREON, HAVING A GRID BEARING OF N04°M'55"S 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 0.99995037

- SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
- SIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
- IB DENOTES 16mm X 16mm X 0.61m IRON BAR
- R# DENOTES 19mm diameter X 0.61m ROUND IRON BAR
- CUT-GROSS DENOTES CUT-GROSS
- CP DENOTES 5mm X 50mm STEEL PIN
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET AND MARKED 1744
- WIT. DENOTES WITNESS
- (S) DENOTES SET (M) DENOTES MEASURED (O) DENOTES INST. No.
- ORP DENOTES OBSERVED REFERENCE POINT
- 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 (OU) DENOTES ORIGIN UNKNOWN
- (P) DENOTES PLAN
- (1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
- (1341) DENOTES RICHARD W. MURRAY, O.L.S.
- (1201) DENOTES CLARKE SURVEYORS INC., O.L.S.
- (1184) DENOTES JOHN B. SIMEON INC., O.L.S.
- (M10) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO

ADDITIONAL INFORMATION
 REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, (R.S.O. 1990)

(A) AS SHOWN ON PLAN	(F) AS SHOWN ON PLAN
(B) AS SHOWN ON PLAN	(G) AS SHOWN ON PLAN
(C) AS SHOWN ON PLAN	(H) PIPED MUNICIPAL
(D) SINGLE FAMILY RESIDENTIAL	(I) CLAY LOAM
(E) NORTH - EXISTING RESIDENTIAL	(J) AS SHOWN ON PLAN
WEST - EXISTING RESIDENTIAL	(K) ALL SERVICES TO BE PROVIDED
EAST - EXISTING AGRICULTURAL	(L) AS SHOWN ON PLAN
SOUTH - EXISTING RESIDENTIAL	

SUMMARY

TOTAL NUMBER OF LOTS	38
TOTAL NUMBER OF BLOCKS	1
TOTAL AREA OF SITE	4.454 Hectares
DENSITY	8.53 Lots per Hectares

OWNER'S CERTIFICATE
 I HEREBY AUTHORIZE THE FILING OF THIS THIS DRAFT PLAN FOR APPROVAL.

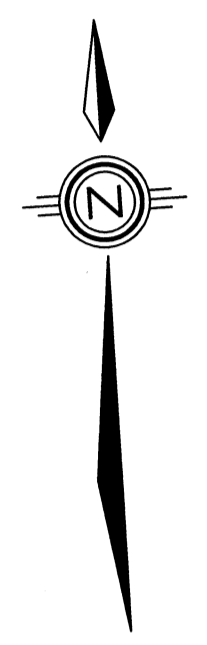
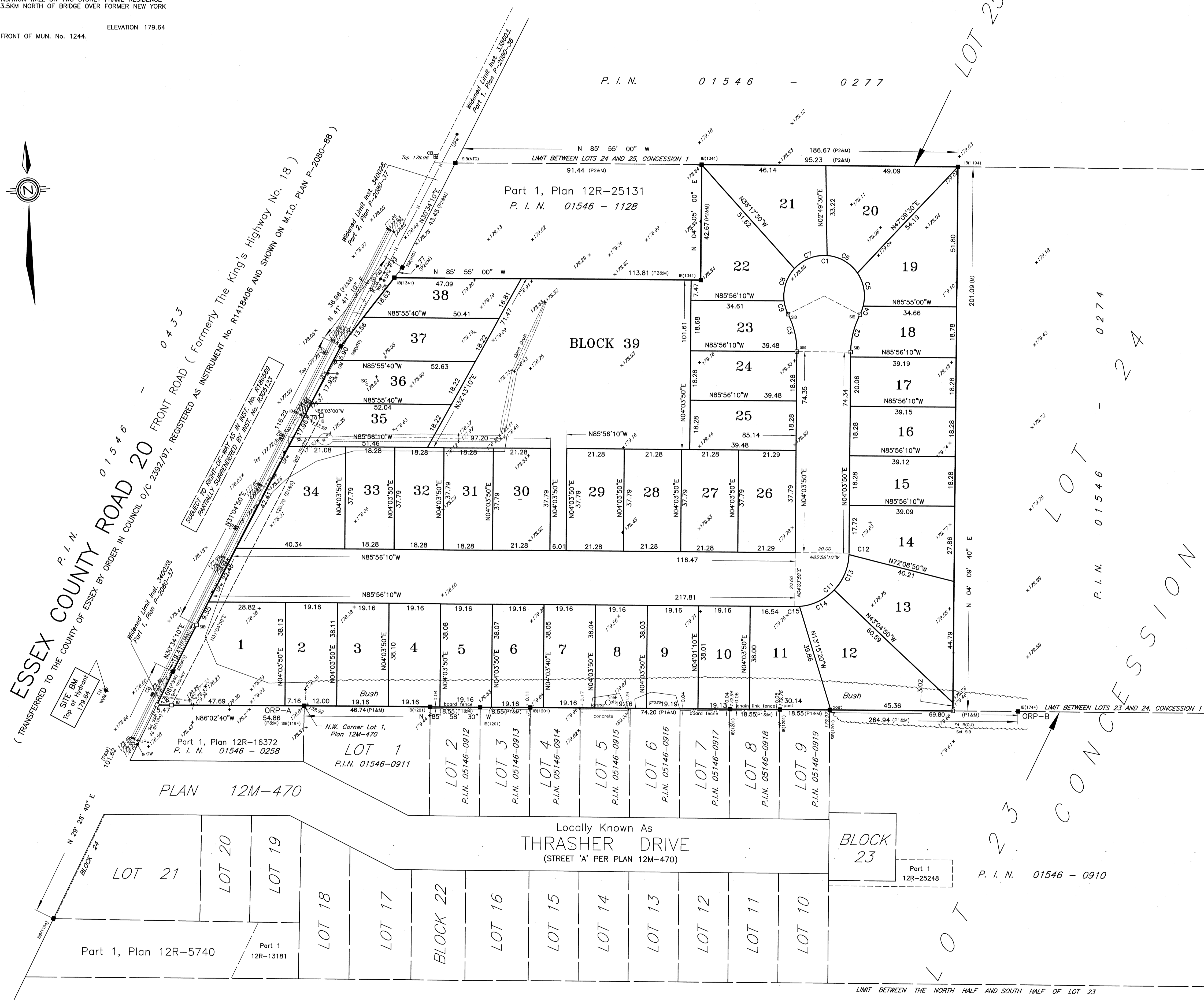
DATE: JANUARY 26, 2016
 CAMILLE ELTERS
 I HAVE THE AUTHORITY TO BIND THE CORPORATION"

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

DATE: JANUARY 29, 2016
 ANDREW MANTHA
 ONTARIO LAND SURVEYOR
 for VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

WINDSOR 475 Devonshire Road, Suite 200 NBY 2L5 Ph: (519)258-1772 Fax: (519)258-1791
 VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC.
 LEAMINGTON 187 Talbot Street East N8B 1L8 Ph: (519)322-2375 Fax: (519)322-2675
 ONTARIO LAND SURVEYORS www.vshbbsurveys.com

DRAWN BY: NMG CAD Date: January 25, 2016 3:28 PM
 CHECKED BY: A.S.M. CAD File: 42654002.dwg
 WORK ORDER: 4-26540-X01 FILE NO.: E-Anderson-1-24 PLAN FILE NO.: C-3891'A



PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT and PLAN OF SUBDIVISION for RESIDENTIAL DEVELOPMENT

1267 Front Road North
Amherstburg, Ontario

May 25, 2020
(as Revised)

Prepared by:



Tracey Pillon-Abbs, RPP
Principal Planner
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Chatham, ON N7M 5J7
226-340-1232
tpillonabbs@gmail.com
www.tpillonabbs.ca

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1.0 INTRODUCTION

I have been retained by the applicant to provide a land use Planning Justification Report (PJR) in support of a proposed residential development located at 1267 Front Road North (herein the "Site") in the Town of Amherstburg, Ontario.

The purpose of this report is to review the relevant land use documents including Provincial Policy Statement (PPS) 2014, the County of Essex Official Plan (COP), Amherstburg Official Plan (OP) and the Amherstburg Zoning By-law (ZBL).

The subject property is presently designated 'Low Density Residential' and identified in the 'Settlement Area' in the Official Plan. The subject lands are dual zoned 'Residential Type 1A (R1A)' zone and 'Agricultural (A)' zone in the Comprehensive Zoning By-law for the Town of Amherstburg.

It is proposed to rezone the Site to a site specific 'holding Special Provision Residential Type 1B (h-R1B-2) Zone' with a 5m buffer strip rezoned to 'holding Environmental Protection (h-EP) Zone'. An increase in lot coverage from 30% to 35% is also proposed.

The site specific Zoning By-law Amendment (ZBA), to be approved by the Town of Amherstburg and Plan of Subdivision to be adopted by the Town of Amherstburg and approved by the County of Essex, is required in order to create 38 lots for the purpose of single unit detached dwellings.

Pre-submission meetings were completed by the applicant. Comments have been incorporated into the proposed application.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description

The Site is made up of one (1) parcel located on the east side of Front Road North (Essex County Road 20). The Site is locally known as 1267 Front Road North, Town of Amherstburg.

The Site currently is vacant (see Figure 1 – Air Photo).



Figure 1 – Air Photo

2.2 Physical Features of the Site

2.3.1 Size and Site Dimension

The Site consists of a total area of 4.545 ha. It has irregular depth and frontage.

2.3.2 Structures

There are no structures located on the Site.

2.3.3 Vegetation

There are existing trees on the Site, including hedge rows along the east side and south side of the Site.

2.3.4 Topography

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

2.3.5 Other Physical Features

The soil is primary Perth soil classified as Class C soil.

2.3.6 Municipal Services

The property has access to municipal water, storm and sanitary services.

2.3.7 Nearby Amenities

There is nearby shopping in the form of plazas and malls as well as employment, churches, recreation opportunities and local/regional amenities within the existing Settlement Area.

There are several schools within a 10 km radius, where students are bused, including Anderdon Public School, St. Joseph Catholic Elementary School, Western Secondary School and Stella Maris Catholic Elementary School.

The Site will be pedestrian friendly and will connect to future county active transportation network via County Road 20.

2.3 Surrounding Land Uses

Overall, the Site is located within an existing residential area. Surrounding Land Uses include the following:

- a) **North** – Residential and Agricultural uses
- b) **East** – Agricultural uses
- c) **South** – Residential (Thrasher Drive)
- d) **West** – Residential and Agricultural uses

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

The applicant proposes to develop the Site for residential purposes.

A total of 38 lots are proposed to be used for single detached dwellings (see Figure 2 – Draft Plan).

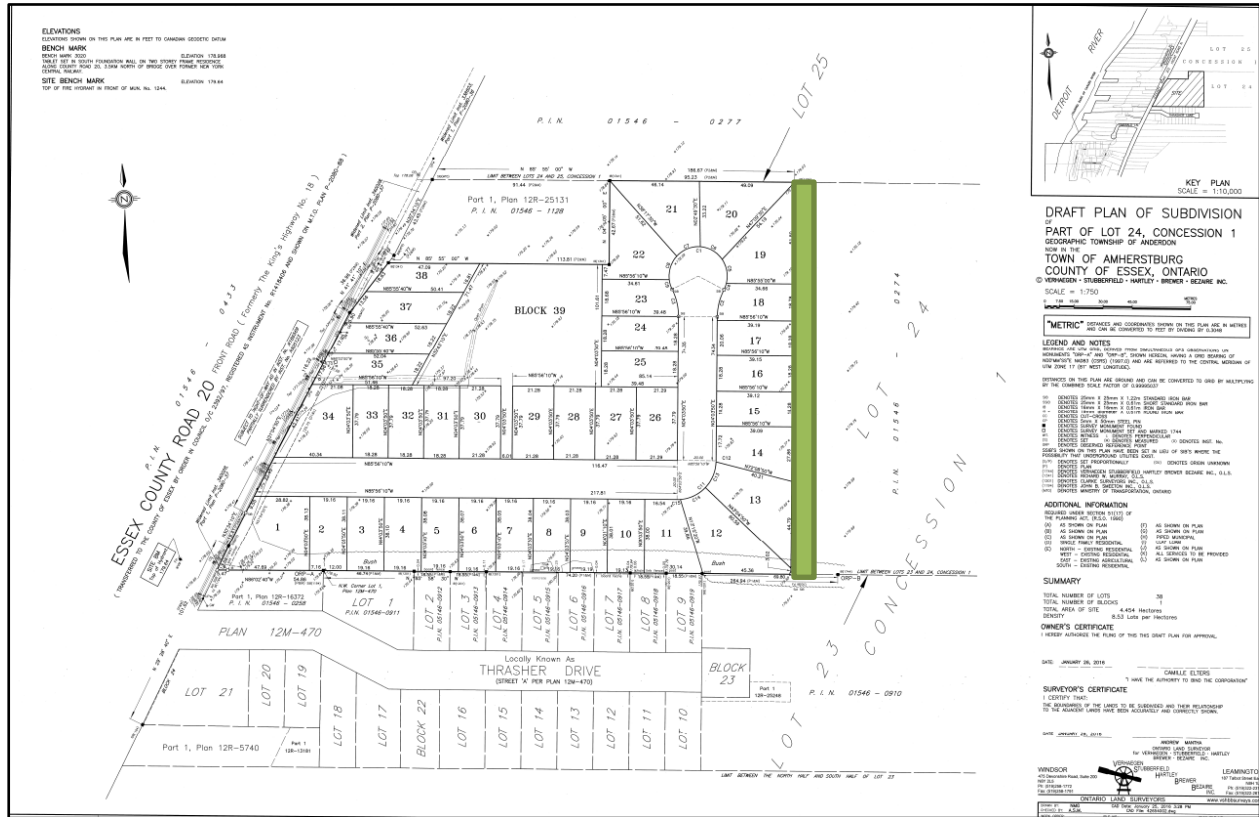


Figure 2 – Draft Plan

The total density of this development will be 8.53 lots per ha. The proposed lots will all face a proposed interior street which will end in a cul-de-sac.

Block 39 will be used from storm water management.

The developer will be providing parkland in accordance with the Planning Act.

A north-south 5m buffer strip will be provided on the east side of the Site (shown in green on Figure 2 – Draft Plan).

3.2 Public Consultation Strategy

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application, as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that an open house be conducted in addition to the required public meeting.

4.0 PROPOSED APPLICATION & AMENDMENT

The proposed development requires an application for a site specific Zoning By-law Amendment (ZBA) and Plan of Subdivision. The following explains the applications.

4.1 Zoning By-Law Amendment (ZBA)

A site specific ZBA is required in support of the proposed residential development.

The zoning for the Site is proposed to be changed from the “Agricultural (A) Zone” to “holding Special Provision Residential Type 1B (h-R1B-2) Zone, “Residential Type 1A (R1A) Zone” to “holding Special Provision Residential Type 1B (h-R1B-2) Zone” and “Agricultural (A) Zone” to “holding Environmental Protection (h-EP) Zone” to permit the development of a plan of subdivision with 38 single detached dwellings with a maximum lot coverage of 35%.

Permitted uses would be subject to Section 7(2) of the ZBL, which would include single unit residential uses, home occupations, accessory uses and public use.

The ZBA is detailed and the justification set out in Section 5.1.3 of this PJR.

4.2 Plan of Subdivision

Once the ZBA has been approved, the applicant will proceed by way of Plan of Subdivision to create the residential lots.

The proposed development will be subject to any development agreements, which will include any required fees or securities.

4.3 Supporting Studies

At the time of writing this report, the following documents have been completed in support of the applications.

4.5.1 Stormwater Management

A Storm Water Management (SWM) Report, dated December 19, 2019 was prepared by BairdAE.

This report addresses the appropriate stormwater management quantity and quality control requirement and outlines the sediment and erosion control measures based on the Essex Region Conservation Authority (ERCA) and municipal guidelines.

No issues were found in regard to the overall servicing of the Site. An erosion and sediment control strategy will be prepared.

Maintenance and ownership of the SWM will be addressed as part of the Plan of Subdivision.

4.5.2 Natural Heritage

A Species at Risk (SARS) Screening, dated February 26, 2016 and Scoped Environmental Impact Assessment (EIA), Secondary Addendum, dated November 23, 2018 was prepared by BioLogic Incorporated.

The report provided a natural heritage assessment of the Site.

The following is recommended:

- the south hedgerow provided limited to no beneficial habitat for target species and sufficient habitat and linkage was being created along the east and north boundary (including park block area north of the SWM), and
- efforts to maintain a 5m north-south hedgerow along the east boundary of the Site.

All information has been sent to the Ministry of Natural Resources and Forestry (MNR) who has provided clearance on the natural heritage assessment.

Ownership of the hedgerow will be addressed as part of the Plan of Subdivision.

4.5.3 Archeological

A Stage 1-2 Archeological Assessment was conducted on November 24, 2015 and December 15, 2015 by Earthworks Archeological Services.

The entirety of the Site was subject to property inspection.

The Stage 2 archaeological survey recovered 4 isolated pieces of lithic debitage. Due to their isolated nature and non-exotic or period specific chert type, none of the archaeological locations meet the requirements for additional archaeological assessment as determined by Section 2.2 of the Standards and Guidelines for Consultant Archaeologists. As a result, no additional archaeological assessments are required.

All information has been sent to the Ministry of Tourism, Culture and Sport (MTCS) and clearance on the archeological assessment has been received.

4.5.4 Traffic

A Traffic Impact Study (TIS), dated January 24, 2019 was prepared by BairdAE.

The purpose of this assessment was to quantify the traffic operations implications of the proposed residential subdivision development on peripheral roadways and intersections, particularly the impact on County Road 20.

It was concluded that the proposed development will not have a measurable effect on traffic operations. Accordingly, it is the engineers' opinion that the proposed development will not adversely affect capacity or safety on the adjacent traffic network.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on April 30, 2014. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The Town has directed growth where the Site is located which will contribute positively to promoting efficient land use and 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; b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons),	The proposed development is consistent with the policy to build strong healthy and livable communities as it provides for new residential uses in the form of low density development. There are no environmental or public health and safety concerns as the area is well established, adjacent to the existing Thrasher Subdivision.

PPS Policy #	Policy	Response
	<p>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;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>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;</p> <p>e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>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;</p> <p>h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.</p>	<p>The development pattern does not require expansion of the settlement area.</p> <p>The Site has access to full municipal services.</p> <p>Accessibility of units will be addressed at the time of building permit.</p> <p>Public service facilities are available nearby, such as local schools, churches and recreation.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected	The proposed development will help the Town meet the full range of current and future residential needs.

PPS Policy #	Policy	Response
	<p>needs for a time horizon of up to 20 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The Site will provide for residential within an existing settlement area.</p>
1.1.3.1	<p>Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.</p>	<p>The proposal enhances the vitality of the municipality (live, work and play), as the proposal is within the existing settlement area.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on:</p> <p>a) densities and a mix of land uses which:</p> <ol style="list-style-type: none"> 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; 4. support active transportation; 5. are transit-supportive, where transit is planned, exists or may be developed; <p>b) a range of uses and opportunities for intensification and redevelopment</p>	<p>The total density of the proposed development is considered appropriate as most of the existing neighbourhood is low density residential in the form of single unit dwellings.</p> <p>The lot sizes are consistent with neighbouring lots and will be in compliance with the proposed (R1B) zone applied to the adjacent subdivision.</p> <p>The design and style of building will be similar to the adjacent subdivision, which will blend well with the scale and massing of the surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, future active transportation, recreational areas and institutional uses within the existing Settlement Area.</p>

PPS Policy #	Policy	Response
	in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.	
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for 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.	The Site can be accommodated for the proposed residential development as it is an appropriate use of a vacant parcel.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	The development is consistent with the surrounding neighbourhood. There will be no risks to the public.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	The proposed development is within a designated growth area of the Town. The density will allow for the efficient use of land, infrastructure and public services.
1.4.1	To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall: a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through	The proposed development will provide for a housing type and density that will blend with the existing neighbourhood. Municipal services are available.

PPS Policy #	Policy	Response
	<p>residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	
1.4.3	<p>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:</p> <p>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.</p> <p>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.</p>	<p>The proposed density of 8.53 lots per ha is compatible with the surrounding neighbourhood and will provide the efficient use of land that has been deemed to be underutilized.</p> <p>The proposed building height is appropriate.</p> <p>The proposed density will have a positive impact on the area as it will blend well with the existing built form and will be designed at an appropriate scale and mass.</p> <p>The Site is close to amenities with the existing settlement area.</p> <p>There is suitable access to infrastructure.</p>
1.5.1	Healthy, active communities should be promoted by:	The development will have pedestrian connections with

PPS Policy #	Policy	Response
	<p>a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.</p> <p>b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.</p>	<p>proposed sidewalks and public streets.</p> <p>The Site is located close to amenities within the existing settlement area.</p>
1.6.1	<p>Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.</p>	<p>The development can proceed on full municipal services.</p> <p>Stormwater management is accommodated on site.</p> <p>Electrical distribution will be determined through detailed design.</p>
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.</p>	<p>The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.</p>
1.6.6.7	<p>Planning for stormwater management shall:</p>	<p>SWM calculations and report have been provided. A storm retention pond has been designed for the</p>

PPS Policy #	Policy	Response
	<p>a) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>b) minimize changes in water balance and erosion;</p> <p>c) not increase risks to human health and safety and property damage;</p> <p>d) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.</p>	<p>subdivision to accommodate the proposed development.</p> <p>The SWM pond will be designed as a landscape feature and will provide for a gathering place for the residents of the subdivision, promoting the healthy community while reducing the impact of the development on the area.</p> <p>Landscaping features such as benches and extensive trees will be provided to create the destination aspect of the feature.</p> <p>There will be no risk to health and safety.</p>
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major roadways, including Front Road North (County Road 20).
1.6.7.2	Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	<p>The proposed development contributes to the Town's requirements for development within a built-up area.</p> <p>The area is not serviced by transit.</p>
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	<p>The proposed development contributes to the Town's requirement for development within a built-up area.</p> <p>The proposed density, scale and building height will blend with the adjacent land use pattern.</p>

PPS Policy #	Policy	Response
1.6.7.5	Transportation and land use considerations shall be integrated at all stages of the planning process.	There is no anticipated impact on the existing transportation network. The existing roads have been constructed to accommodate anticipated traffic.
2.1.1	Natural features and areas shall be protected for the long term.	There is no negative impact on the existing natural features. Recommendations in the EIS will be implemented, including fencing along the hedge row.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Heritage resources has been assessed for this Site. The Stage 1-2 Archaeological Assessment provided no additional recommendations.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 County of Essex Official Plan (COP)

The County of Essex is the upper tier municipality to the Town of Amherstburg. The County's Official Plan (COP) is dated February 19, 2014 as modified by the Ministry of Municipal Affairs and Housing (MMAH) April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the COP by providing more

detailed strategies, policies, and land use designations for planning and development at the local level.

The subject lands are within the “Primary Settlement Areas” designation as shown on Schedule “A2” Settlement Structure Plan attached to the COP.

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

COP Policy #	Policy	Response
1.5	<p>The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy....</p> <p>c) To direct the majority of growth (including intensification and affordable housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas.</p> <p>e) To create more mixed use, compact, pedestrian-oriented development within designated and fully serviced urban settlement areas.</p> <p>f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.</p> <p>h) To create and maintain an improved balance between residential and employment growth in each of the Primary Settlement Areas, as detailed in Section 3.2 of this Plan, by increasing</p>	<p>The proposed development will support the County’s goal for a “healthy county” by supporting an opportunity for people to live work and play.</p> <p>Residents will have a choice to enjoy nearby amenities, within the existing settlement area.</p> <p>The proposed development is within the existing settlement area located in the Town of Amherstburg.</p>

COP Policy #	Policy	Response
	employment opportunities closer to where people live.	
2.5.1	Within Essex County two Source Protection Plans have been prepared in compliance with the Clean Water Act, 2006.	The Site is subject to Source Water Protection and the required ERCA compliance will be addressed, as part of the required development agreement.
2.5.3	Stormwater management reports/plans, acceptable to the County, local municipalities, local Conservation Authorities, and the Ministry of the Environment will generally be required in advance of draft approval of applications	SWM area will be provided on Site.
2.7	It is the policy of this Plan that the County will identify, recognize, and conserve archaeological and built heritage resources, and cultural heritage landscapes.	An archeological assessment has been completed which concluded no concerns.
2.8	Development proposals will be considered in the context of all forms of transportation subject to the following objectives and policies: a) To facilitate the safe, energy efficient and economical movement of people and goods throughout the County. f) To plan for and protect corridors for transportation, transit and infrastructure.	The Site will have access to a major transportation corridor. A TIS has been prepared which concluded no impact.
2.8.1 - Roads	When considering matters of land use planning, the County shall: a) Take into consideration the need to improve regional traffic flow in the vicinity	A TIS has been prepared which concluded no impact.

COP Policy #	Policy	Response
2.10	<p>of the City of Windsor.</p> <p>The County encourages new development to proceed on the basis of full municipal sewage services and municipal water services and local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.</p>	<p>The development has access to full municipal services.</p>
2.13	<p>....support energy efficiency, improved air quality, and the use of green infrastructure by considering the following during planning and development review functions....</p>	<p>The proposed development will be designed to incorporate compact form, efficient use of land.</p>
3.2.2 – Settlement Areas	<p>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.</p> <p>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.</p> <p>e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure</p>	<p>The proposed development is within an existing settlement area of the Town of Amherstburg.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>The Site is generally level which is conducive to easier vehicular movements.</p> <p>The Site will be pedestrian friendly and will connect to future county active transportation network via County Road 20.</p> <p>Full municipal services are available.</p>

COP Policy #	Policy	Response
	<p>and public service facilities including schools as provided for in the growth management policies contained within this Plan.</p> <p>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.</p>	
3.2.4.1 – Primary Settlement Areas	<p>a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.</p> <p>b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).</p> <p>d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.</p>	<p>The proposed development is within the primary settlement area.</p> <p>The Site has access to full municipal services.</p> <p>Local amenities are in close proximity of the proposed development, including schools, parks and shopping which are located within the existing settlement area.</p>

COP Policy #	Policy	Response
	i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.	
3.2.7	The County encourages well-planned intensification development projects in the "Settlement Areas" to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.	The proposed residential and commercial development will create an opportunity to use an under-utilized property.
3.2.8	The County supports the provision of affordable housing for low and moderate income households....	The proposed residential use will offer residents a housing choice, which will help the County achieve housing targets on new development.
3.4.2	The County encourages and supports the enhancement of the natural heritage system. The natural heritage system contains potential linkages and corridors as well as expansions to the core existing natural heritage features.	SARS and EIS has been completed and clearance received from the Ministry of Natural Resources and Forestry (MNRF). Recommendations will be implemented, including fencing along the south hedgerow.

Therefore, the proposed development conforms to the COP and an amendment is not required.

5.1.3 Amherstburg Official Plan (OP)

The Town of Amherstburg Official Plan (OP) was adopted by Council on April 14, 2009 (By-law No. 2009-30) and approved by the County of Essex on July 15, 2009. Office consolidation version is dated February 3, 2014.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Town.

The following provides a summary of the relevant Town of Amherstburg OP policy considerations as related to the proposed development.

The lands are designated “Low Density Residential” according to Schedule “A” – Land Use Plans.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
2.1	<p>In order to effectively accommodate the current and future inhabitants of the Town of Amherstburg in an orderly and logical manner the following general development policies and principles shall be applied to all land use designations and development within the Town.</p> <p>The Town of Amherstburg will endeavour to ensure that:</p> <ul style="list-style-type: none"> (1) the various School Boards are satisfied that adequate provision to accommodate any additional school children be made; (2) sufficient community facilities such as parks or recreational facilities can be provided; (3) any increases in traffic can be accommodated by the road network without causing unacceptable congestion, accident hazard, or nuisance to adjacent residential areas; (4) residential amenities are maintained; (5) development has regard for the natural environment and ensures that it is 	<p>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.</p> <p>The developer will be providing parkland in accordance with the Planning Act.</p> <p>The TIS indicates minimum traffic generated by the proposed development.</p> <p>Adequate water services, sewer services, hydro services, road network are available to service the subdivision.</p>

OP Policy #	Policy	Response
	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.	
2.3	<p>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:</p> <p>(1) soil and drainage conditions are suitable to permit the proper siting of buildings;</p> <p>(2) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;</p> <p>(3) the road system is adequate to accommodate projected increases in traffic;</p> <p>(4) the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction;</p> <p>(5) lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing By-Law; and,</p> <p>(6) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may</p>	<p>Characteristics of the site consist of flat, level ground.</p> <p>The subject lands have access to County Road 20.</p> <p>All municipal services are available to the plan with sufficient capacity to accommodate the proposed residential development.</p>

OP Policy #	Policy	Response
	possibly have upon any proposed or existing adjacent use or on the natural environmental features and functions.	
4.2.2	<p>The following goals that apply to this Site are established for the various Residential areas:</p> <p>(1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;</p> <p>(2) To encourage the development of a greater variety of housing types;</p> <p>(4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;</p> <p>(5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;</p> <p>(6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period as the capacity of the Town's services permit.</p>	<p>The proposed development will be created by Plan of Subdivision.</p> <p>The residential use proposed with assist in meeting housing supply for the Town.</p>

OP Policy #	Policy	Response
4.2.3	<p>Applicable to All Residential Designations</p> <p>(1) Residential Lot Creation The creation of new lots for residential purposes will primarily occur by plan of subdivision.</p> <p>(2) Supply It shall be a policy of this Plan that residential proposals be evaluated with the intent being to achieve a housing mix. The provision of a ten (10) year supply or at least 1700 residential dwelling units or individual lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Section 5.1 of this Plan shall be maintained and developed as permitted by the capacity of the Town's services.</p> <p>(3) Established Low Density Residential Areas In established low density residential areas, the indiscriminate mixing of different housing types shall not be permitted, in the interest of protecting the stability of existing neighbourhoods. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.</p> <p>(4) Vacant Residentially Designated Areas In vacant</p>	The development is within a Low Density Residential Area.

OP Policy #	Policy	Response
	<p>areas proposed for residential development, a suitable mix of housing types should be provided while ensuring that the overall density restrictions are not exceeded and that conflicts do not occur between housing types. Internal road networks should be designed to ensure good access to the major road network while discouraging through traffic. Section 4.3.1, Low Density Residential outlines the criteria that must be met to allow lands designated Low Density Residential to be developed as Medium or High Density Residential without an amendment to this Plan. The Town shall ensure that an adequate supply of land designated for residential development to meet the demand for housing for a twenty-year period is maintained. The Town shall review annually the supply of vacant land designated for residential development in draft approved and/or registered lots and blocks on plans of subdivision against the objective to maintain a minimum continuous ten-year supply.</p>	
4.3.1	<p>Low Density Residential Areas - Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units,</p>	<p>The proposed plan has been designed with 38 lots with a density of 8.53 units per hectare.</p> <p>This development proposal fits within the mid-range of the</p>

OP Policy #	Policy	Response
	<p>home occupation uses and public uses. Notwithstanding the above policy, vacant tracts of land greater than 5 hectares in size and designated Low Density Residential may be developed for Medium or High Density Residential uses if they can meet the criteria outlined in Subsection 4.3.1(3).</p> <p>(1) Maximum Density - Although the existing densities within areas designated Low Density Residential are in 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 semi-detached development and conversions shall be 22 units per hectare. The overall maximum density shall not exceed 19 units per gross hectare.</p>	<p>low density residential development and conforms with the policies of the OP policies.</p>
6.7	<p>It is a policy of this Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the</p>	<p>This PJR provides for a detailed assessment.</p>

OP Policy #	Policy	Response
	<p>proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated on the basis of:</p> <ul style="list-style-type: none"> (1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood; (2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses; (3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area; (4) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit 	

OP Policy #	Policy	Response
	<p>services, and the adequacy of these facilities and services to accommodate the development proposed;</p> <p>(5) The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use;</p> <p>(6) The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties;</p> <p>(7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;</p> <p>(8) The location of lighting and screening, and the adequacy of parking areas;</p> <p>(9) The provisions for landscaping and fencing;</p> <p>(10) The location of outside storage, garbage and loading facilities;</p> <p>(11) Conformity with the provisions of the Site Plan Control By-Law;</p> <p>(12) The design and location of signs, and the compliance of signs with the Sign Control By-Law;</p> <p>(13) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and</p>	

OP Policy #	Policy	Response
	streets which have been identified as part of the Planning Impact Analysis.	
7.12	It shall be the policy of the Council to recommend to the County of Essex for approval, only those plans of subdivision which comply with the proposals of this Plan and which, to the satisfaction of Council, can be supplied with adequate public utilities and services such as schools, fire protection, water supply, sanitary sewers, (including treatment facilities), and storm drainage facilities as required by this Plan, and which by reason of such approval, would not adversely affect the economy of the Town.	The proposed development can be provided with all necessary utilities, municipal services, fire services and police services.

Therefore, the proposed development conforms to the OP. An amendment to the OP is not required to facilitate the proposed development.

5.1.3 Amherstburg Zoning By-law (ZBL)

The Town of Amherstburg Zoning By-Law (ZBL) #1999-52 was approved by Council on December 13, 1999. Office consolidated version dated April, 2013.

A ZBL implements the PPS, the County OP and the Town OP by regulating the specific use of property and provide for its day-to-day administration.

According to the ZBL for the Town of Amherstburg, the Site is currently zoned ‘Residential Type 1A (R1A)’ zone and ‘Agricultural (A)’ zone.

It is proposed to rezone the Site to a site specific ‘holding Special Provision Residential Type 1B (h-R1B-2) Zone’ with a 5m buffer strip rezoned to ‘holding Environmental Protection (h-EP) Zone’. An increase in lot coverage from 30% to 35% is also proposed.

A review of the R1B zone provisions, as set out in Section 7 (3) of the ZBL is as follows:

	Lot frontage	Lot Area	Building Coverage	
(R1B) zone	18 m	690 m ²	30% (current)	35% (proposed)
LOT 1	28.82 m	1,436 m ²	431 m ²	574 m ²
LOT 2	19.16 m	730.36 m ²	219 m ²	292 m ²
LOT 3	19.16 m	730.06 m ²	219 m ²	292 m ²
LOT 4	19.16 m	729.78 m ²	219 m ²	292 m ²
LOT 5	19.16 m	729.50 m ²	219 m ²	292 m ²
LOT 6	19.16 m	729.26 m ²	219 m ²	292 m ²
LOT 7	19.16 m	728.92 m ²	219 m ²	292 m ²
LOT 8	19.16 m	728.67 m ²	219 m ²	292 m ²
LOT 9	19.1 m	728.94 m ²	219 m ²	292 m ²
LOT 10	19.16 m	727.58 m ²	218 m ²	291 m ²
LOT 11	19.16 m	920.13 m ²	276 m ²	368 m ²
LOT 12	19.16 m	1338.89 m ²	401 m ²	535 m ²
LOT 13	19.16 m	1266.69 m ²	379 m ²	506 m ²
LOT 14	19.16 m	901.28 m ²	270 m ²	360 m ²
LOT 15	18.28 m	714.86 m ²	214 m ²	286 m ²
LOT 16	18.28 m	715.43 m ²	214 m ²	286 m ²
LOT 17	20.06 m	716 m ²	214 m ²	286 m ²
LOT 18	18.78 m	707.58 m ²	212 m ²	283 m ²
LOT 19	18.6 m	1154.69 m ²	346 m ²	462 m ²

LOT 20	18.7 m	1141.03 m ²	342 m ²	456 m ²
LOT 21	18.34 m	1060.74 m ²	318 m ²	424 m ²
LOT 22	18.74 m	1078.75 m ²	323 m ²	431 m ²
LOT 23	18.68 m	701.59 m ²	210 m ²	281 m ²
LOT 24-25	18.28 m	721.69 m ²	216 m ²	288 m ²
Lot 26	21.29 m	804.54 m ²	241 m ²	322 m ²
Lot 27-30	21.28 m	804.03 m ²	241 m ²	322 m ²
Lot 31-33	18.28 m	690.68 m ²	207 m ²	276 m ²
Lot 34	40.15 m	1160.29 m ²	348 m ²	464 m ²
Lot 35	18.22 m	827.64 m ²	248 m ²	331 m ²
Lot 36	18.22 m	836.79 m ²	250 m ²	334 m ²
Lot 37	18.22 m	831.09 m ²	249 m ²	332 m ²
Lot 38	18.63 m	719.13 m ²	215 m ²	287 m ²

The lots are designed at a minimum to meet the standards of the regulatory frame work established by the (R1B).

Lot coverage at 30% will allow for small building footprint. The applicant is requesting the increase of the maximum allowable lot coverage from the presently allowable 30% to an appropriate use of the lots at 35% coverage.

The proposed development will comply with all other zone provisions set out in the R1B Zone.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate buffering from abutting land uses,
- The Site is generally level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- The Site provides for drainage,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no archaeological concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding area.

6.1.2 Compatibility of Design

The proposed development will be strategically located to provide efficient ease of access.

The proposed development will be limited to low density development, which is a compatible density with the surrounding area.

The Site is compatible with the surrounding area in terms of scale, massing, height and siting and the proposed use will integrate well with the adjacent neighbourhood.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the Town to provide residential development, which contributes to housing targets set out in the PPS and the OP.

Residential use on the Site represent an efficient development pattern that optimizes the use of land. The Site is currently vacant and is underutilized.

The fact that the proposal is supported by provincial and municipal planning policy, and the Site is suitable for the intended use on a number of criteria attests that the proposal represents good planning.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environment impacts. EIA recommendations will be implemented.

6.1.5 Municipal Services Impacts

There will be no negative impacts on the municipal system as the residential development is limited to low density and will not add to the capacity in a significant way.

The topography, soil and environmental characteristics of the Site are able to accommodate an appropriate development that will minimize adverse environmental impacts.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, open space and community amenities with the settlement area.

The development is adjacent to an existing neighbourhood and contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern which sustains the financial well-being of the municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

Based on the Site area the proposed development will result in a total net density, which is appropriate for the neighbourhood.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

6.2 Conclusion

The proposal to use the Site for residential is appropriate and the application for ZBA and Plan of Subdivision should be approved by the Town of Amherstburg and the County of Essex as it is suitable for residential use, is consistent with the PPS, conforms with the intent and purpose of the COP and OP, is consistent with the ZBL and represents good planning.

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner (RPP), within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner



March 20, 2020

KATRINA DIGIOVANNI
PLANNING CLERK
TOWN OF AMHERSTBURG
3295 MELOCHE RD
AMHERSTBURG ON N9V 2Y8

Reference: **ZBA-02-20**

Dear Katrina,

Thank you for contacting Canada Post regarding plans for a new subdivision in the Town of Amherstburg. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Regards,

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca

Appendix A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
 - A Community Mailbox concrete base pad per Canada Post specifications.



Cornies Farms Limited
c/o Matt Baird, Baird AE
102-27 Princess Street
Leamington, ON N8H 2X8

November 23, 2018

Dear Jackie:

Re: Scoped Environmental Impact Assessment (EIA) Secondary Addendum - Riverview Residential Development - Lot 24 Concession 1, Town of Amherstburg, County of Essex

This Secondary EIA Addendum provides revised recommendations to meet corridor habitat creation and protection measures requested by MNRFP to ensure the development does not contravene the ESA (2007).

Background

BioLogic has been in discussions with MNRFP with respect to the Endangered Species Act and efforts required to ensure the Act is not contravened. The subject of debate was a south hedgerow separating this development from the neighbouring residential units to the south. It was our opinion this hedgerow provided limited to no beneficial habitat for target species and sufficient habitat and linkage was being created along the east and north boundary (including park block area north of the SWM). MNRFP has suggested efforts to maintain a hedgerow along the south boundary was still needed to ensure the Act was not contravened. The landowner group has reviewed this request and has made some adjustments to the site plan.

MNRFP responded to this adjusted proposal on October 18, 2018 and provided informal recommendations that would allow the proposal to proceed without contravening the ESA. Based on those recommendations and additional correspondence with MNRFP, the proposal was revised to incorporate the following:

- the naturalized southern hedgerow will be removed during the active season for Eastern Foxsnake and replaced with a double row of white cedars to create a combined wildlife corridor/defined property boundary
- the proposed north-south hedgerow of white cedars along the eastern property boundary will be replaced with a 5m wide hedgerow of native shrubs, forbs and grasses. The hedgerow will be created [Appendix 2] utilizing species from the provide list [Appendix 3]
- the north-south hedgerow will be physically protected by a fence along the western hedgerow boundary
- the north-south hedgerow will be legally protected through zone provisions placed on the lands by the proponent as a condition of Site Plan approval, prior to sale of any lots

Please replace Figure 6 and 7 of the EIA Addendum submitted February 23, 2018 with the attached [Attachment 4] to account for these minor revisions.

BioLogic Incorporated
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Telephone: 519-434-1516
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www.biologic.ca

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Windsor, Ontario N9G 4E4
Telephone: 519-966-1645
Fax: 519-966-1645

BioLogic seeks comments from the Town of Amherstburg and ERCA with respect to the contents of this EIA Addendum. Formal comments can be submitted in writing to BioLogic on behalf of the client. Any questions or need for additional information as part of the review can be directed to the undersigned.

Yours truly,
BioLogic

Dave Hayman, M.Sc.

CorniesAmherstburg_EIA EastHedgeAddendumCR.wpd

[pm]

Attachments

Attachment 1: MNR Letter to Proponent AYL-L-045-18

Attachment 2: Corridor Creation Plan

Attachment 3: Preferred Species List

Attachment 4: Updated Figure 6: Development Proposal and Updated Figure 7: Development Proposal Overlay

Attachment 1
MNRF Letter to Proponent AYL-L-045-18

**Ministry of Natural
Resources and Forestry**
615 John Street North
Aylmer ON N5H 2S8
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**Ministère des Richesses
naturelles et des Forêts**
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April 26, 2018

AYL-L-045-18

Cornies Farms Limited
510 Seacliff Drive
Kingsville, ON N9 Y 2K4

Dear Sir/Madam:

RE: Riverview Residential Development and the *Endangered Species Act, 2007*

The Ministry of Natural Resources and Forestry (MNRF) has undergone further review of the information that was provided on the proposed Riverview Residential Development project to provide clarity on the potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) The project is located in Lot 24, Concession 1 (former Township of Anderdon) Town of Amherstburg, County of Essex.
- b) The proposed project involves the construction of a residential subdivision consisting of 38 lots and a Storm Water Management Pond/Parkland area.

The site area consists of an existing tree line along the south side of the proposed Development running from Front Rd to the eastern project boundary.

A hedge row consisting of a double row of cedar trees will be planted along the eastern property boundary running north-south. Headland will be created with a farm plough setback between the proposed hedge row and the adjacent farm field.

The SWM pond will be left to naturalize throughout the growing season. Associated grassland habitat will only be cut during the fall season, after October 1st.

- c) MNRF has reviewed species at risk (SAR) occurrence information on file and determined that there are known occurrences of Eastern Foxsnake (Carolinian population) (endangered) in the general area of the project location with potential to occur in the project location. Furthermore, the project site is located within regulated habitat for Eastern Foxsnake.

Based on a review of the above information, MNRF has determined that the activities associated with the project, as currently proposed, **will likely not contravene** section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for SAR **provided the following recommendations are implemented:**

1. The existing east-west naturalized hedgerow running along the southern lot line, from Front Rd to the eastern project boundary, should be retained and protected. Some approaches to consider implementing, for the effective protection of this hedgerow, are outlined in section 12.8 of the [Natural Heritage Reference Manual](#). The appropriate mechanism(s) for protection should be determined in consultation with the Planning Authority.

2. A naturalized corridor running north-south along the eastern property boundary should be included in the project design to provide a feature to adequately support Eastern Foxsnake movement. The current proposal of a double row of cedar trees with a farm plough setback between the proposed hedge row and the adjacent farm field is an adequate feature to avoid contravention of the ESA.
3. Fencing should be installed along the backs of properties bordering naturalized areas/corridors to prevent damage/destruction by encroachment, i.e. the southern boundary, eastern boundary, and northernmost extent.
4. A Storm Water Management pond feature that includes an area of vegetation mowed once or less annually should be included in the project design.
5. Avoidance and mitigation measures during and following construction as described in the attached *Scoped Environmental Impact Assessment (EIA) for Riverview Development – Lot 24 Concession 1, Town of Amherstburg, County of Essex* should be implemented.

If the above recommendations are implemented, the activity will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the ESA 2007.

This Letter to Proponent (AYL-L-045-18) is valid until April 30, 2019. MNRF should be contacted for a new review if the project activities have not been completed by this date, or if land ownership has changed.

Should any of the project parameters change, or if it is not possible to comply with all the above recommendations, please notify the MNRF Aylmer District office immediately to obtain guidance on whether additional actions will need to be taken to remain in compliance with the ESA 2007. Also, if any SAR species and/or habitats are observed on the property, please contact the MNRF Aylmer District office as soon as possible to report the observation.

Please see the following links for more information on SAR species and habitat:

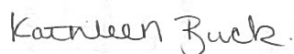
- Eastern Foxsnake: <https://www.ontario.ca/page/eastern-foxsnake>

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The ESA 2007 applies to endangered and threatened species listed on the Species at Risk in Ontario (SARO) List (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>). The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. As a result, species designations may change, which could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change if a species-specific habitat regulation comes into effect.

Please be advised that it is your responsibility to be aware of and comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

If you have any concerns or questions regarding this letter, please contact me at 519-773-4785 or by email at ESA.Aylmer@ontario.ca.

Sincerely,



Kathleen Buck
Management Biologist, Aylmer District
Ministry of Natural Resources and Forestry

Attachment 2
Corridor Creation Plan

North South Corridor Creation Plan: Riverview, Amherstburg

1. If required, the proponent shall undertake site preparation within the Natural Corridor under the following conditions and measures:
 - (a) Competing vegetation shall be removed by applying glyphosate.
 - (b) All persons applying herbicide will be licensed under the Pesticides Act, 2009.
 - (c) The proponent shall comply with section 33 of O. Reg. 63/09 under the Pesticides Act, 2009. Upon request from MNRF, the proponent shall produce proof of its receipt of the opinion from a Director of MNRF as required under O. Reg. 63/09.
 - (d) Glyphosate application shall be repeated a minimum of two (2) times, with the final application at least four (4) months after the first to ensure that competing vegetation is treated adequately.

2. When site preparation has been completed, the proponent shall seed the Natural Corridor according to the following conditions:
 - (a) Seed shall be of species native to Southwestern Ontario.
 - (b) Seed mix shall consist of a mixture of 60 to 70 percent grass by weight, and 30 to 40 percent forbs by weight.
 - (c) Seed shall be applied in the autumn and allowed to stratify or applied in the spring in a “ready to germinate” state (eg. cold-moist stratified if required).
 - (d) Seed mix will be composed of the listed species [Table 1] as available.
 - (e) Seed shall be applied by no-till drilling, hand broadcasting, or machine broadcasting. Seed shall be applied at a rate prescribed in Delaney et al. for each technique that is used. Seed shall be applied between March 1 and May 15, or between October 15 and November 15. No-till drilling is preferred.
 - (f) A thin cover of weed-free mulch will be applied immediately following seeding. Mulch should be applied in a manner so that seed germination and growth is not suppressed. Mulch will serve to retain moisture, reduce the potential for soil and seed removal by wind, and to create a site surface that inhibits the germination of typical weed seeds.

3. Shrubs from the list [Table 1] will be planted following seeding. For most species, potted specimens of 60cm in height will be suitable, however, for *C. canadensis* and *C. alternifolia*, specimens should be 120cm and 100cm in height, respectively, to ensure survival of these attractive, yet slightly more sensitive species.

4. Shrubs will be planted at approximately 5-7m apart to ensure open habitat remains as the shrubs reach maturity.

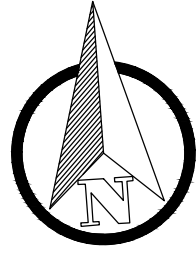
Attachment 3
Preferred Species List

Preferred Species List

Common Name	Latin Name
Grasses and Forbs	
Big bluestem	<i>Andropogon gerardii</i>
Bebb's sedge	<i>Carex bebbii</i>
Fox sedge	<i>Carex vulpinoidea</i>
Canada wild rye	<i>Elymus canadensis</i>
Switch grass	<i>Panicum virgatum</i>
Little bluestem	<i>Schizachyrium scoparium</i>
Indian grass	<i>Sorghastrum nutans</i>
Swamp milkweed	<i>Asclepias incarnata</i>
Butterfly milkweed	<i>Asclepias tuberosa</i>
Calico Aster	<i>Aster laterifolius</i>
Heath Aster	<i>Aster polosus</i>
Smooth Blue Aster	<i>Aster laevis</i>
Arrow Leaved Aster	<i>Aster saggitifolius</i>
New England Aster	<i>Aster novae-angliae</i>
Blue Wild Indigo	<i>Baptisia australis</i>
Lance-leaved Coreopsis	<i>Coreopsis lanceolata</i>
Showy tick-trefoil	<i>Desmodium canadense</i>
Sneezeweed	<i>Helianthus autumnale</i>
Ox Eye Sunflower	<i>Helianthus helianthoides</i>
Round-headed bush-clover	<i>Lespedeza capitata</i>
Wild bergamot	<i>Monarda fistulosa</i>
Foxglove beard-tongue	<i>Penstemon digitalis</i>
Black-eyed Susan	<i>Rudbeckia hirta</i>
Shrubs	
Nannyberry	<i>Viburnum lentago</i>
Alternate-leaved Dogwood	<i>Cornus alternifolia</i>
Serviceberry	<i>Amelanchier arborea</i>
Redbud	<i>Cercis canadensis</i>
Cockspur Hawthorn	<i>Crataegus crus-galli</i>
Downy Hawthorn	<i>Crataegus mollis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
American Hazel	<i>Corylus americana</i>

Attachment 4

Updated Figure 6: Development Proposal
Updated Figure 7: Development Proposal Overlay



BENCH MARK TOP NUT OF FIRE HYDRANT ELEV = 179.628

DATE: FEB 12, 2016

MJB
MATTHEW J. BAIRD, P.ENG

DATE	REVISIONS
OCT. 23, 2018	ISSUED FOR MNRF APPROVAL



PROJECT TITLE:
RIVER VIEW DEVELOPMENT
1267 FRONT ST. (TOWN OF AMHERSTBURG)

SHEET TITLE:
SITE PLAN

DATE: FEB 12, 2016

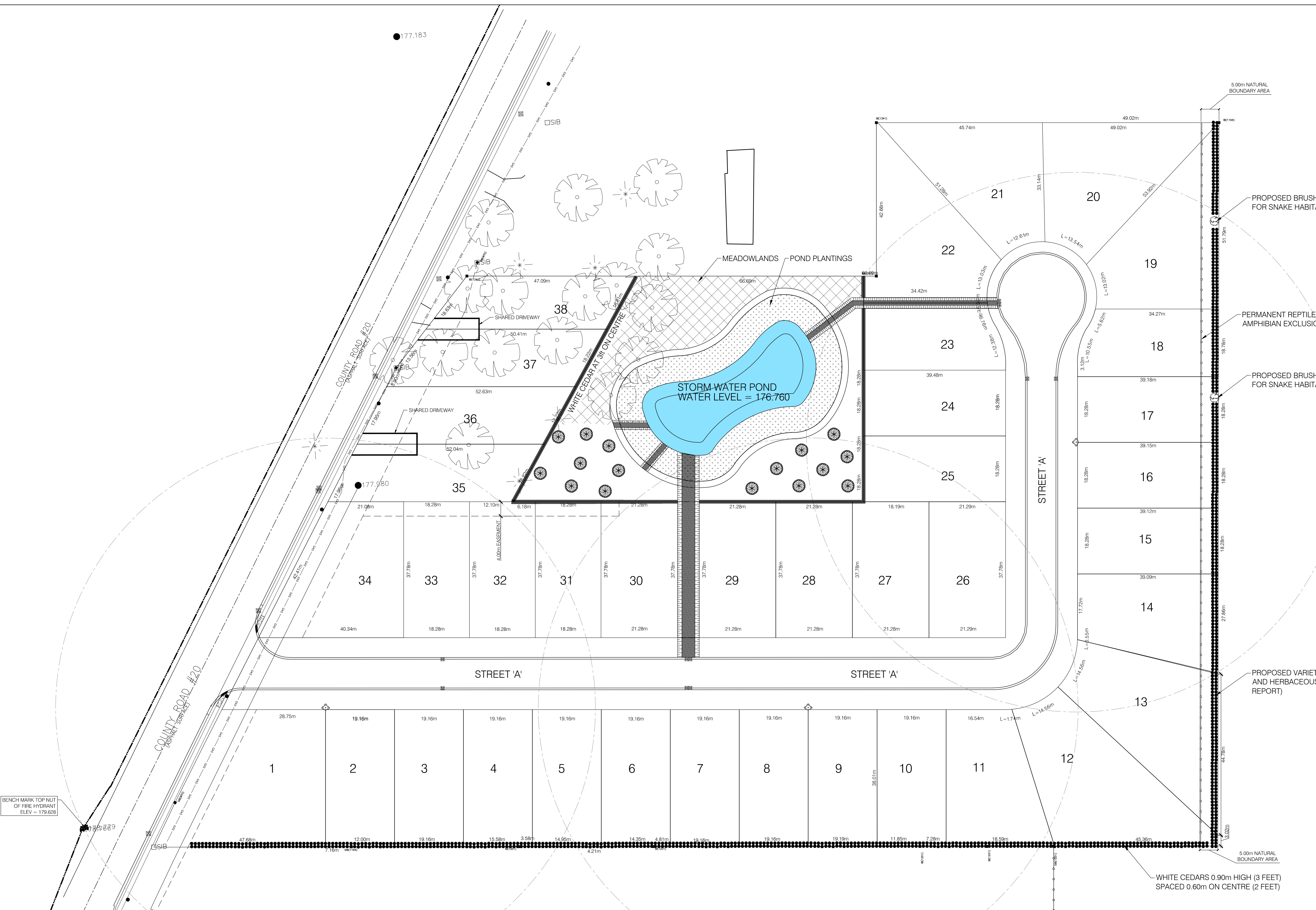
SCALE: 1:500

DRAWN BY: SA

CHECKED BY: MJB

PROJECT NO: 15-076

SHEET NO: **2**



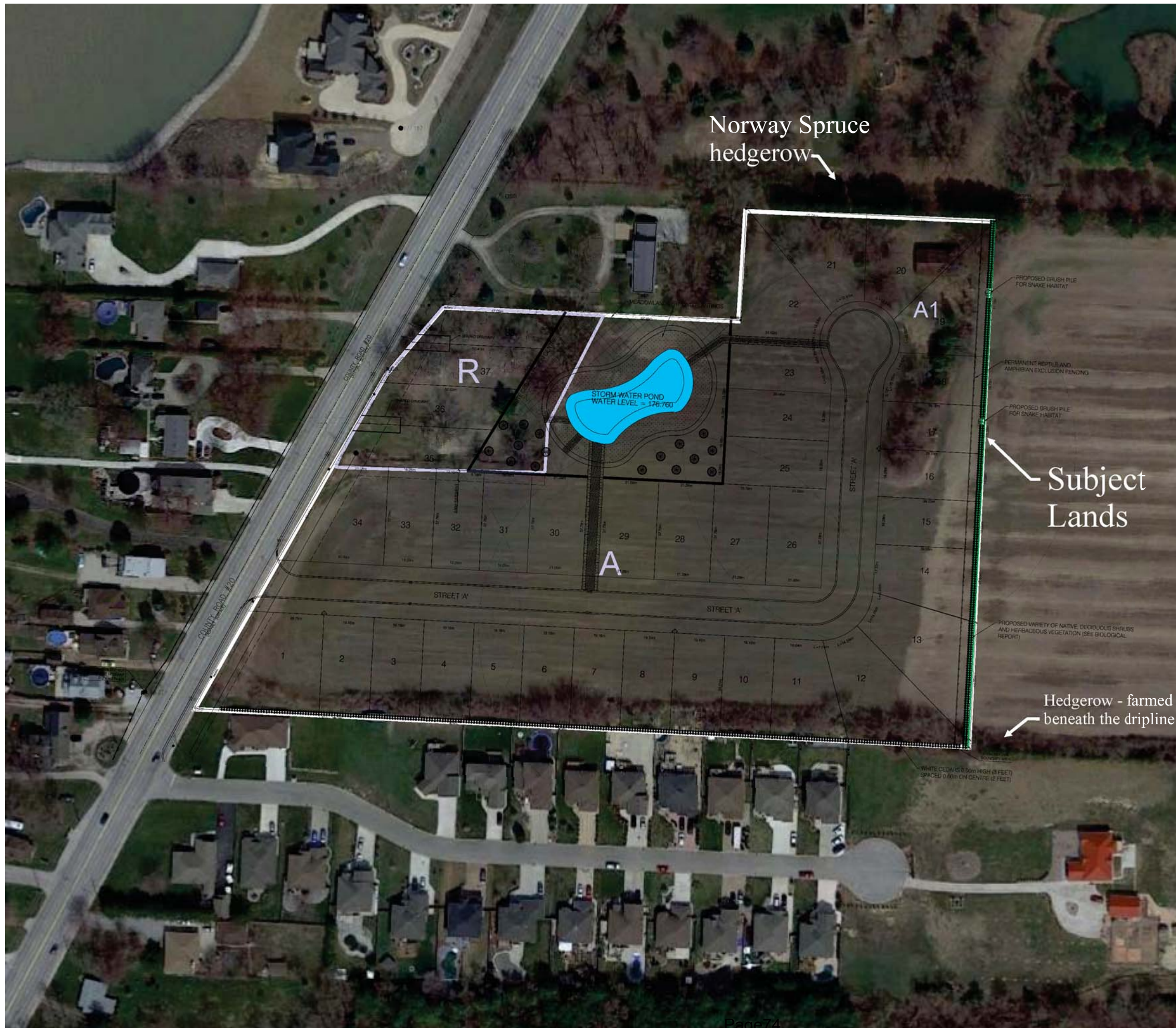
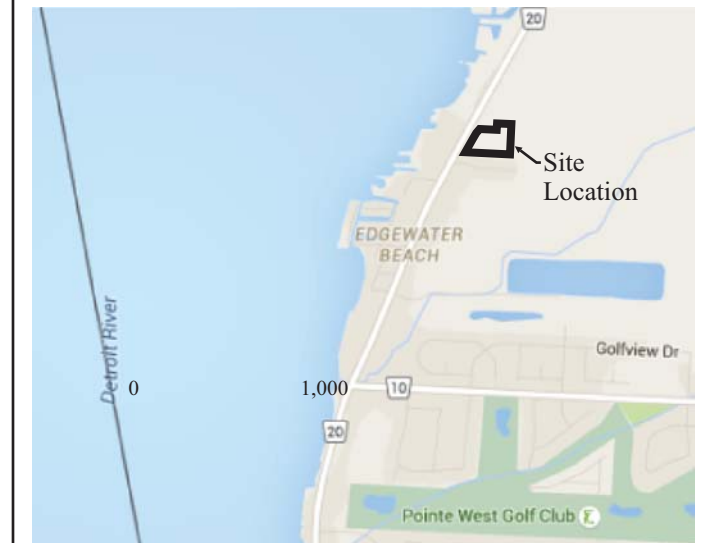


Figure 7: Development Proposal Overlay Update

(2015 Google Air Photo)



Scale 1:50,000
Key Plan

Legend

- R - Maintained Lawn (0.46ha) - Planned to be farmed
- A - Active Agricultural (4.0ha)
- A1 - Cleared and presently farmed

Print on 11X17, Landscape Orientation

0 30

Scale 1:1500
November 2018





**TRAFFIC IMPACT ASSESSMENT
REVIEW RESIDENTIAL DEVELOPMENT
1267 FRONT STREET
AMHERSBURG, ONTARIO**

PROJECT NO. 15-076

DATED: JANUARY 24, 2019

6.0 CONCLUSION

Based on our review, we provide the following comments for the development:

- The development is expected to generate 28 two-ways trips during morning peak hour and 38 two-way trips during evening peak hour.
- The background growth rate of 2 percent is considered in the modelling as it represents worst case scenario.
- One access road is provided from County Road 20 for the development. The intersection is “T” intersection with “Stop” control on access road. Intersection approaches will have one left-through-right shared lane.
- Under future conditions, the intersections of County Road 20 with Access Road (Street A) operates at acceptable level of service during 2020, 2025 and 2030 future conditions.

In conclusion, the intersections remain unsignalized without improvements.

Please do not hesitate to contact us if you have any further questions.

All of which is respectfully submitted.

BAIRD AE INC.
27 PRINCESS STREET, UNIT 102
AMHERSBURG, ONTARIO N8H 2X8



Shurjeel Tunio, P.Eng.
Senior Project Manager
Baird AE



March 18, 2020

Mr. Frank Garardo
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario
N9V 2A5

Dear Mr. Garardo:

Re: ZBA-02-20, Part Lot 24, Concession 1, Municipal Number 1267 Front Road North, East Side of County Road No. 20

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 8 meters from the proposed widen limit of County Road 20. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures.

The County of Essex has had preliminary review for proposed subdivision and our comments remain the same. The County of Essex is requesting to be included in any further reviews as the proposed subdivision moves forward.

The County of Essex requires that the Owner dedicate a 5m road dedication as well as a 15m x 15m daylight corner at the proposed street, this shall be completed at the Owner's expense. The County of Essex will permit a mutual driveway proposal for Lots 35 to 38 but note that future active transportation is planned along County Road No. 20.

☎ 519-776-6441
TTY 1-877-624-4832

📍 360 Fairview Ave. W.
Essex, ON N8M 1Y6

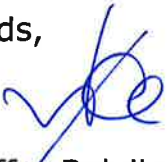
💻 countyofessex.ca

Access for Lots 1 and 34 will not be permitted from County Road No. 20, access will have to come from the new proposed street.


We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands to update our mapping records. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact the undersigned by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,



Kristoffer Balallo
Engineering Technician

 519-776-6441
TTY 1-877-624-4832

 360 Fairview Ave. W.
Essex, ON N8M 1Y6

 countyofessex.ca

From: [Todd Hewitt](#)
To: [Katrina DiGiovanni](#)
Subject: RE: Notice of Circulation-ZBA-02-20 1267 Front Road North
Date: Wednesday, March 11, 2020 9:07:59 AM

Katie,

Public Works will ensure that the additional lot coverage requested will be reflected in the development's SWM plan.

Regards,
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: Katrina DiGiovanni

Sent: March 10, 2020 9:01 AM

To: Angelo Avolio <aavolio@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Bruce Montone <bmontone@amherstburg.ca>; Bruno DESANDO (bruno.desando@canadapost.ca) <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; 'Executivevp.lawanddevelopment@opg.com'; GECDsB-Planning Officer <Bryan.Pearce@publicboard.ca>; Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Girard <agirard@essexpowerlines.ca>; kbalallo@countyofessex.ca; Lisa Shepley (lshepley@countyofessex.ca) <lshepley@countyofessex.ca>; Michelle Lavin-Faucher <mlavin@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com'; Paul Acton <pacton@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; planning@erca.org; Rebecca Belanger <RBelanger@countyofessex.ca>; Rob Unis <runis@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>

Subject: Notice of Circulation-ZBA-02-20 1267 Front Road North



planning@erca.org

P.519.776.5209

F.519.776.8688

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

April 09, 2020

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

Dear Mr. Garardo:

RE: Zoning By-Law Amendment, ZBA-02-20 1267 FRONT RD N
ARN 372946000012000; PIN: 015461129
Applicant: 1583954 Ontario Ltd.

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-02-20. The purpose of the re-zoning is to change the zoning of the subject lands to a "Special Provision Residential Type 1B (R1B-2) Zone" to permit the planned future development of the lands to a subdivision. The notice indicates that a draft plan of subdivision will be forthcoming when supporting studies and servicing plans are finalized.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

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

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06). Any submission of an ERCA authorization would be anticipated to be done at the time of future development applications as indicated in the Notice of Public Meeting.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do

Mr. Garardo
April 09, 2020

not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

As indicated in the Notice of Public Meeting, the subject lands will be subject to the requirements of a draft plan of subdivision at a future date. ERCA has received and reviewed an Environmental Impact Assessment that includes a requirement for the re-zoning of a portion of the subject lands (eastern extent of the subject lands) will be legally protected through zoning provisions. ERCA recommends to the Municipality that this re-zoning could occur at a later date through a condition of draft plan of subdivision approval or concurrently with this application.

FINAL RECOMMENDATION

ERCA has no objection to this application for re-zoning.

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

Sincerely,



Michael Nelson, BSc, MSc (Planning)
Watershed Planner
/mn





planning@erca.org

P.519.776.5209

F.519.776.8688

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

Environment Impact Assessment (EIA) Review

DATE: December 11, 2018

ERCA File Number: EIA-07-16

Municipality: Amherstburg

Property: CON 1, LOT 24, 1267 FRONT RD N, ARN: 372946000012000, PIN: 015461129

Significance: Species at Risk

Proposal: Riverview Subdivision

Recommendation: **Approved subject to full implementation of all recommendations within the EIA, as amended through the Letter to Proponent and Addendum dated November 23, 2018.**

Terms of Reference:

- **Habitat of Endangered Species and Threatened Species**, in consultation with the Ontario Ministry of Natural Resources and Forestry (MNRF) as per the attached Technical Memo, in accordance with Policy 2.1.7 of the PPS.
- **Significant Wildlife Habitat** in accordance with Policy 2.1.5 of the PPS.
- **Adjacent lands to any significant natural heritage feature(s)** in accordance with Policy 2.1.8 of the PPS.

Review and Comment

a) Was the EIA carried out by qualified professionals in the field of ecology, terrestrial and/or aquatic biology, environmental planning, and/or other relevant sciences?

Yes the EIA was carried out by BioLogic, Aquatic and Terrestrial Ecosystem Planners.

b) Did the EIA adequately identify and comment on existing significant natural features, linkages, and ecological functions of the site?

The EIA process has resolved issues relating to the presence of species at risk habitat on the site. For the sake of clarity, relating to the characterization of the ecological significance of the natural heritage features on the site and their considerations in the EIA review process, we are satisfied to limit the considerations to habitat associated with endangered and threatened species. This is due to the fact that the mitigation recommendations would also encompass other considerations, such as those related to Significant Wildlife Habitat as well.

December 11, 2018

c) Did the EIA explain the nature of the proposed development adequately enough to identify and assess any potential impacts of the proposed development plan on the existing significant natural feature(s)?

Yes, the Addendum (dated November 23, 2018) includes a detailed site plan which depicts the proposed development, as well as the recommended mitigation measures.

d) Did the EIA recommend and discuss actions which would eliminate, mitigate, or compensate (when appropriate) for any/all expected impacts consistent with accepted ecological, planning, engineering and resource management techniques, practices and principles?

The EIA process has included extensive consultation with the MNRF related to the Ontario *Endangered Species Act*. The proponent was issued a Letter to Proponent, dated April 26, 2018 (AYL-L-045-18) relating to the proposed development. Through further consultation with the MNRF clarification was received with respect to the fate of the southern hedgerow and the associated habitat compensation to be implemented along the eastern boundary of the site. Provisions, which amend the original Letter to Proponent, include the following:

- The naturalized southern hedgerow will be removed during the active season for Eastern Foxsnake and replaced with a double row of white cedars to create a combined wildlife corridor/defined property boundary.
- The proposed north-south hedgerow of white cedars along the eastern property boundary will be replaced with a 5m wide hedgerow of native shrubs, forbs and grasses. The hedgerow will be created utilizing native species from the list provided in Appendix 3. This should adequately address any issues related to the potential loss of significant wildlife habitat, as well as endangered species habitat.
- The north-south hedgerow will be physically protected by a fence along the western hedgerow boundary.
- The north-south hedgerow will be legally protected through zone provisions placed on the lands by the proponent as a condition of Site Plan approval, prior to sale of any lots.

The above provisions, along with the original mitigation measures recommended in the EIA - which include BMPs and avoidance measures during construction, fencing, and naturalized stormwater management facilities, should adequately mitigate for all anticipated impacts.

e) Did the EIA process include agency consultation in order to obtain input, and did the EIA explain how agency concerns have been addressed?

Yes, the EIA process included extensive consultation with both ERCA and the MNRF. E-mail correspondence from the MNRF indicates



December 11, 2018

(albeit briefly) that they are satisfied with the measures proposed, as a result of the consultations. ERCA is satisfied that the measures proposed adequately deal with all relevant natural heritage issues.

f) Are the recommendations in the EIA for the preferred proposed development able to satisfy all applicable legislation?

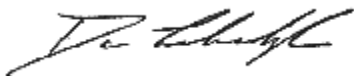
Yes, full implementation of all recommendations within the EIA, as amended through the Letter to Proponent and Addendum dated November 23, 2018, should satisfy all requirements related to PPS natural heritage policies, as well as regulations under the Ontario *Endangered Species Act*.

g) What is the final recommendation on the current proposal based on the review of the EIA?

The proposal may be approved subject to full implementation of all recommendations within the EIA, as amended through the Letter to Proponent and Addendum dated November 23, 2018.

I would be pleased to discuss this review further at your convenience. If you should have any questions, or require any additional information please do not hesitate to contact me.

Yours Truly,



Dan Lebedyk
/dl



From: [Ron Meloche](#)
To: [Katrina DiGiovanni](#); [Angelo Avolio](#); [Antonietta Giofu](#); [Antonio Marra](#); [Bruce Montone](#); [Bruno DESANDO \(bruno.desando@canadapost.ca\)](#); [Carr](#); [Denise Kimmerly](#); ["Executivevp.lawanddevelopment@opg.com"](#); [GECDSD-Planning Officer](#); [Giovanni \(John\) Miceli](#); [Girard](#); [kbalallo@countyofessex.ca](#); [Lisa Shepley \(lshepley@countyofessex.ca\)](#); [Michelle Lavin-Faucher](#); ["ONTUGLLandsINQ@uniongas.com"](#); [Paul Acton](#); [Paula Parker](#); [planning@erca.org](#); [Rebecca Belanger](#); [Rob Unis](#); [Todd Hewitt](#)
Cc: [Paul Acton](#)
Subject: RE: Notice of Circulation-ZBA-02-20 1267 Front Road North
Date: Tuesday, March 10, 2020 1:51:18 PM

God morning Katie, from Amherstburg fire we have no objection to the rezoning. The proposed development as provided would require 3 fire hydrants (one at the first lot off of Front Rd. North, second one down around lot #8, and the third hydrant located somewhere in the turn around. The maximum spacing distance of hydrants not to exceed 150 metres. The turn-around is to be no parking at any time and be sufficient in size for fire apparatus to maneuver , and all other street parking must allow for a 6 metre access at all times.

Ron Meloche

Assistant Deputy Chief / Fire Prevention & Inspection Officer

Town of Amherstburg

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

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



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From: Katrina DiGiovanni
Sent: March-10-20 9:01 AM
To: Angelo Avolio; Antonietta Giofu; Antonio Marra; Bruce Montone; Bruno DESANDO (bruno.desando@canadapost.ca); Carr; Denise Kimmerly; 'Executivevp.lawanddevelopment@opg.com'; GECDSD-Planning Officer; Giovanni (John) Miceli; Girard; kbalallo@countyofessex.ca; Lisa Shepley (lshepley@countyofessex.ca); Michelle Lavin-Faucher; 'ONTUGLLandsINQ@uniongas.com'; Paul Acton; Paula Parker; planning@erca.org; Rebecca Belanger; Rob Unis; Ron Meloche; Todd Hewitt
Subject: Notice of Circulation-ZBA-02-20 1267 Front Road North

Good Morning,

Please find attached a notice for zoning by-law amendment at 1267 Front Rd N. The applicant is proposing a re-zoning from Agriculture and Residential Type 1A to Special Provision Residential Type 1B (R1B-2) for the purposes of creating a subdivision with 38 single detached dwellings.

Doina and Ilie Pirvulescu

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

June 4, 2020

Council of the Corporation of the Town on Amherstburg
271 Sandwich St. South
Amherstburg, ON
N9V 2Z3

Mr. Frank Garardo

We write this email to provide information for deliberation to the proposed amendment to Zoning By-Law 1999-52 under section 34 of the Planning Act which will be discussed at the public meeting on June 22, 2020. The property located at 1267 Front Rd. N will be evaluated during this meeting and a decision will be made whether or not to change its current Agricultural A zone designation to permit the development of 38 single detached dwellings

The construction of 38 houses in this area will be a great source of revenue for the town of Amherstburg and we encourage local economic growth.

However, as local farmers, we need to address our biggest concern. Trespassing has been an issue that has weighed heavily on our family since we moved to the area in 2010. We have had many run-ins with people trespassing on our land, using our land for recreational activities (ATVs, hiking with pets, hunting). Nearby crops have been devastated by vandalizing and destruction due to these activities. This has led to countless sleepless nights and seeking local law enforcement throughout the past ten years. We are trying to grow an orchard and our fruit trees are still quite young and easily damaged. We have taken as many precautions as possible with the resources we have available. We have placed multiple clear 'No Trespassing' signs throughout our property and forest, installed surveillance systems and established a good relationship with our neighbours so that trespassing can be addressed directly.

Although we agree with the proposed amendment, we worry that the new builds will bring in future trespassing and vandalizing issues. We recommend a fence without gates, at least 6 feet high, be built on the eastern and northern border of the future subdivision.

Thank you for your consideration,

Doina and Ilie Pirvulescu



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: Statutory Public Meeting to Consider a Zoning By-law Amendment for N/S County Road 20

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public with respect to the Zoning By-law Amendment for N/S County Road 20 (File No. ZBA-01-20), Zoning By-law 2020-018 BE RECEIVED and SUMMARIZED in a future report to Council.

2. BACKGROUND:

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 Jon Parks. The subject land is situated on the north side of County Road 20, and has no municipal address. The subject lands are approximately 64.5 acres in size; however the proposed Zoning By-law Amendment will rezone approximately 14 acres of the subject lands. The proposed amendment will only rezone the lands located within the Settlement Boundary and designated Low Density Residential in the Town's Official Plan. The remainder of the property will remain zoned Agricultural (A) Zone and will not be developed. The subject lands affected by the proposed amendment are described as Part of Lots 51 and 52, Concession 5 S; Part of Part 1 on 12R-11492. The neighbouring lands under development to the east were the subject of a Zoning By-Law Amendment in 2017 to re-zone a 3.0 acre parcel of land from Agriculture (A) to Residential Type 1A (R1A) subsequent to the severance of 5 building lots. The applicant is now seeking to re-zone the remainder of the area designated as Low Density Residential from Agricultural (A) Zone to Residential Type 1A (R1A) Zone for future development.

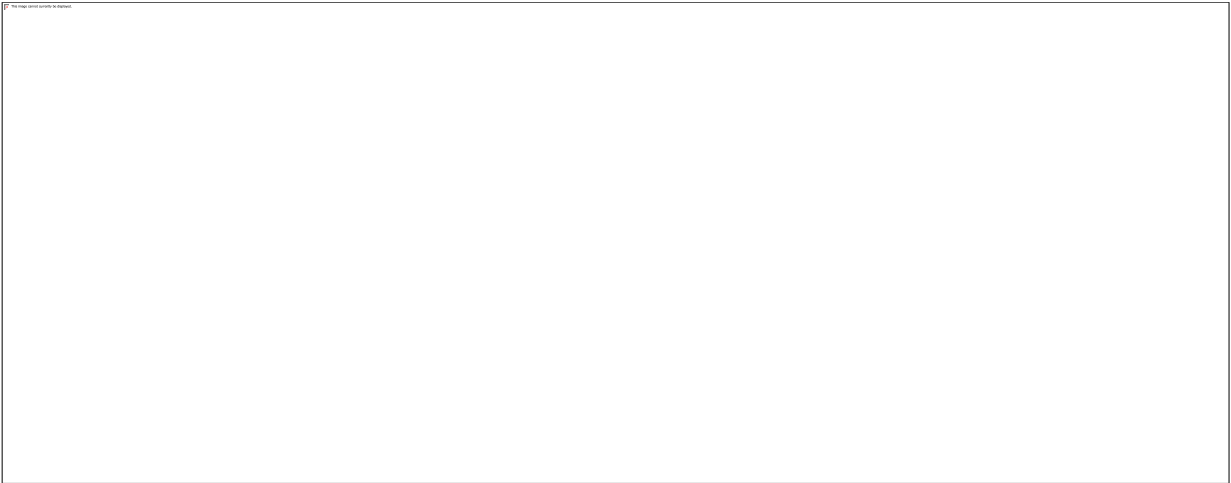


Figure 1: Aerial of N/S County Road 20.

3. **DISCUSSION:**

The Official Plan for the Town of Amherstburg designates the lands subject of the application as “Low Density Residential”. The rezoning conforms to the applicable Official Plan policies. Any future lots created are capable of receiving municipal services (water and hydro) and would require Council approval for septic lots to develop on private on-site septic systems.

The subject land is currently zoned Agricultural (A) Zone and the proposed Zoning By-law Amendment will rezone the subject land to Residential Type 1A (R1A). Any future development of the lands will be required to conform to the Zoning regulations of the R1A Zone.

The proposed Zoning By-law Amendment appears to be in conformity with the policies in the Town’s Official Plan. The land is designated Low Density Residential. Section 4.3.1 of the Official Plan states:

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

The Official Plan will also states in Section 2.6.3:

*“Development of 5 or less lots/units, if permitted by the Land Use Policies of this Plan, may take place on private individual on-site sewage disposal systems and/or private wells in areas where public and private communal systems are not intended or are not readily available.
Within a Settlement Area, Council approval will be required before any development is permitted on private individual sewage disposal and/or water systems. Approval may be conditional on proof of a potable water supply and soil suitable for septic tanks for the long term. Connection to public systems, should they become available, will be mandatory. Information that Council may need will include the potable groundwater quality, groundwater yield, groundwater interference, soil suitability and the lot area for effluent treatment.”*

Although it is preferable to have all development connected to the municipal sanitary sewers, in this case it would not be financially feasible at this time as connections are not available within the vicinity of the subject lands. The applicant will be required to provide servicing plans during the subdivision or consent phase of development. A development agreement and Council approval will be required for the development of lots on private septic systems.

The proposed Zoning By-law Amendment appears to be consistent with the policies in the County of Essex's Official Plan. The subject property is located within a secondary settlement area. Section 3.2.5 of the County Official Plan states:

a) New development will be permitted to the boundaries of the Secondary Settlement Areas as shown on Schedule "A2" provided such development is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.

c) New development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

The proposed Zoning By-law Amendment appears to be in conformity with the Provincial Policy Statement 2020 (PPS). The proposed lots and future subdivision are located within a settlement area. Section 1.1.3.1 of the PPS states:

Settlement areas shall be the focus of growth and development.

Section 1.1.3.6 of the PPS states:

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

The subject property is located in close proximity to some municipal services, existing built-up areas with single detached dwellings and a municipal park. The proposed Zoning By-law Amendment promotes growth and development within a designated settlement area.

4. RISK ANALYSIS:

The public meeting is the initial step in the planning process to hear public and agency comments regarding the proposed additional use of the lands to determine if any concerns are raised. The proposed Zoning Amendment change concurs with the Town of Amherstburg Official Plan.

5. FINANCIAL MATTERS:

The cost associated with the applications and planning processes are the responsibility of the developer. Dependant on the number of lots developed in the future, the development charge for a single detached dwelling in the rural area is \$9,264 per

dwelling. The developer will be responsible for the cost of future planning applications and addressing servicing matters.

6. CONSULTATIONS:

The proposed Zoning By-law Amendment was published 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 Essex Region Conservation Authority (ERCA) provided comments stating:

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Albert Mcgee 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 Section 28 of the Conservation Authorities Act.

Our office has reviewed the proposal and has no concerns relating to stormwater management. It is understood that future Planning Act applications may be forthcoming where stormwater management concerns can be addressed. ERCA will provide further comment at a later date based on this information.

It is our recommendation to the Municipality that an Environmental Impact Assessment is not required because the location of the subject property is physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we can advise the Municipality that this application is consistent with the natural heritage policies of the PPS.

ERCA has no objection to this application to change the zoning of the subject lands to facilitate residential development.

The County of Essex provided the following comments:

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. This road was formerly King's Highway 1B until it was downloaded to the County of Essex.

The minimum setback for any proposed structures on this property must be 110 feet from the center of the original ROW of County Road No. 20 due to the presence of the Jon Parks Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures.

We are requesting a copy of the Decision of the aforementioned applications. Thank you for your assistance and cooperation in this matter.

The Engineering and Public Works Department provided the following comment:

At this time, the most we can say is that there are no sanitary services in the area. Given that the bylaw amendment is for the entire farm, meaning that the size of the development could vary significantly depending on what Mr. Parks wants to do, we will reserve our further servicing comments for Site Plan Control.

The Fire Department provided the following comment:

Fire would be requesting sufficient water supply with a fire hydrant spacing not to exceed 500' based on the Town's spacing requirements for new residential development.

7. CONCLUSION:

It is recommended that comments received at this public meeting be summarized into a report and brought back for Council's information and consideration at an upcoming Council meeting. The recommendation in the drafted Zoning By-Law Amendment includes a holding provision (H) on the subject lands. This will allow the Municipality to further engage into development agreements through the lot creation process. The agreements can assist in implementing servicing matters prior to releasing any building permits.



Frank Garardo
Manager of Planning Services

KD

DEPARTMENTS/OTHERS CONSULTED:

Name: Essex Region Conservation Authority
Phone #: 519 776-5209 **Name:** Town of Amherstburg Engineering and Public Works Department
Phone #: 519 736-3664 ext. 2313
Name: Town of Amherstburg Building Department
Phone #: 519 736-5408 ext. 2136
Name: Town of Amherstburg Fire Department
Phone #: 519 736-0012 ext. 2231
Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com
Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com
Name: Essex Region Conservation Authority
Phone #: 519 776-5209

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

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

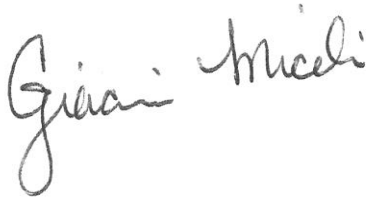
Report Approval Details

Document Title:	Statutory Public Meeting-ZBA-01-20 NS County Road 20.docx
Attachments:	- Report to Council-June 22-ZBA NS Cnty Rd 20-ATTACHMENTS.pdf
Final Approval Date:	Jun 16, 2020

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



Cheryl Horrobin



John Miceli



Paula Parker

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

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, June 22, 2020 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

The land affected by the proposed amendment is located on the north side of County Road 20, west of the intersection of County Road 20 and Concession 6 S. The legal description of the subject site is described as Lots 51 & 52, Concession 5 S, Part 1 on Plan 12R11492. The subject property has approximately 379 m (1224 ft) of frontage along County Road 20, and a total area of 64.50 acres (26 hectares).

THE PROPOSED AMENDMENT TO THE ZONING BY-LAW NO. 1999-52 would change the zoning of the subject land noted above from the “**Agricultural (A) Zone**” to “**Residential Type 1A (R1A) Zone**”.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow residential uses on the subject property in accordance with the R1A Zone. The proposed amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

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

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at fgarardo@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by **4:00 p.m. on Friday, June 19, 2020** before the hearing and will be read aloud prior to the application being heard by Council.

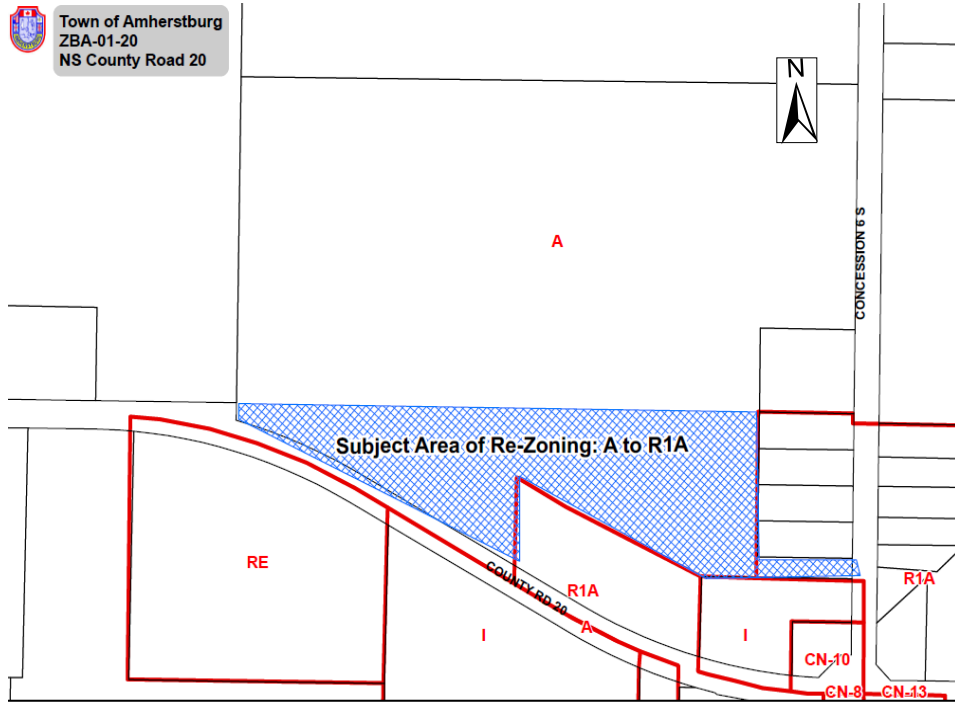
NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable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

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

ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/01/20) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 19th day of May, 2020.

KEY MAP



Frank Garardo, MCIP RPP
Manager of Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, ON N9V 2Y8
Telephone (519) 736-5408
Fax No. (519) 736-9859
Web: 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. 2020-018**

**By-law to amend Zoning By-law No. 1999-52
N/S County Road 20, Amherstburg**

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

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

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

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

1. Schedule "A", Map 59 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 holding R1A" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "holding Residential Type 1A (h-R1A) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

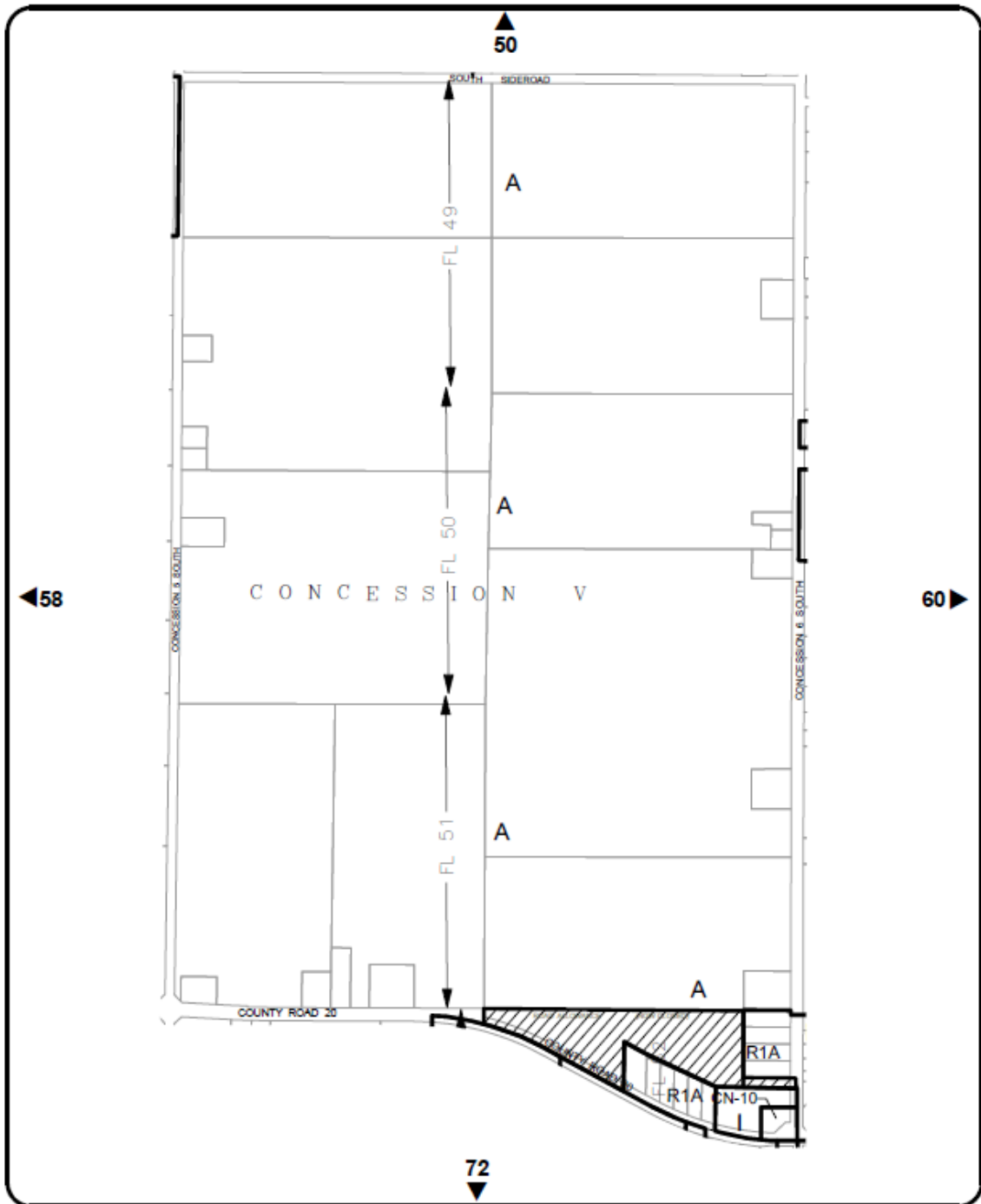
Read a first, second and third time and finally passed this 22nd day of June, 2020.

MAYOR- ALDO DICARLO


CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2020-018
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 59
ZONING BY-LAW NO. 1999-52

A to h-R1A 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

Application No. ZBA-01-20

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

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality January 27, 2020
- 3. Date application deemed complete by municipality January 30, 2020
- 4. Name of registered owner JOHN PARKS
- Telephone number [REDACTED]
- Address [REDACTED]
- Email [REDACTED]
- Name of registered owner's solicitor or authorized agent (if any) _____
- Telephone number _____
- Address _____
- Email _____

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

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

- 6. Location and description of subject land:

Concession No. 1-10E Lot(s) No. 51
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. _____ Part(s) No. _____
 Street Address VACANT FARM LAND Assessment Roll No. 372958003400

- 7. Size of subject parcel:

Frontage 1250+- Depth IRREGULAR Area 14A+-

- 8. Access to subject parcel:

- Municipal Road
- County Road
- Provincial Highway
- Private Road
- Water

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

- 9. (a) Current Official Plan Land Use designation of subject land HAMLET

- (b) Explanation of how application conforms to the Official Plan _____

low density Residential designation

3729 580 03400

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

Yes No

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

10. Current Zoning of subject land AGRICULTURE (A)

11. Nature and extent of rezoning requested R1A

12. Reasons why rezoning is requested Planning for future

To match OP designation for Residential

13. Current use of subject land AGRICULTURE

14. Length of time current use of subject land has continued 48 Years

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

NONE

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

NA

18. Date subject land acquired by current registered owner 1972

19. Proposed use of subject land Agriculture until time of development

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

NONE

Potential future residential

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) _____

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

1025 643

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

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) Field Tile

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

- consent to sever
- approval of a plan of subdivision

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

NA

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

NA

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

NA

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

- Yes
- No

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

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

- Yes
- No

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

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

Yes No

Comments _____

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

Yes No

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

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

Yes No

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

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

Yes No

Dated at the Town of Amherstburg this 27th day of January, 2020

[Signature]
(signature of applicant, solicitor or authorized agent)

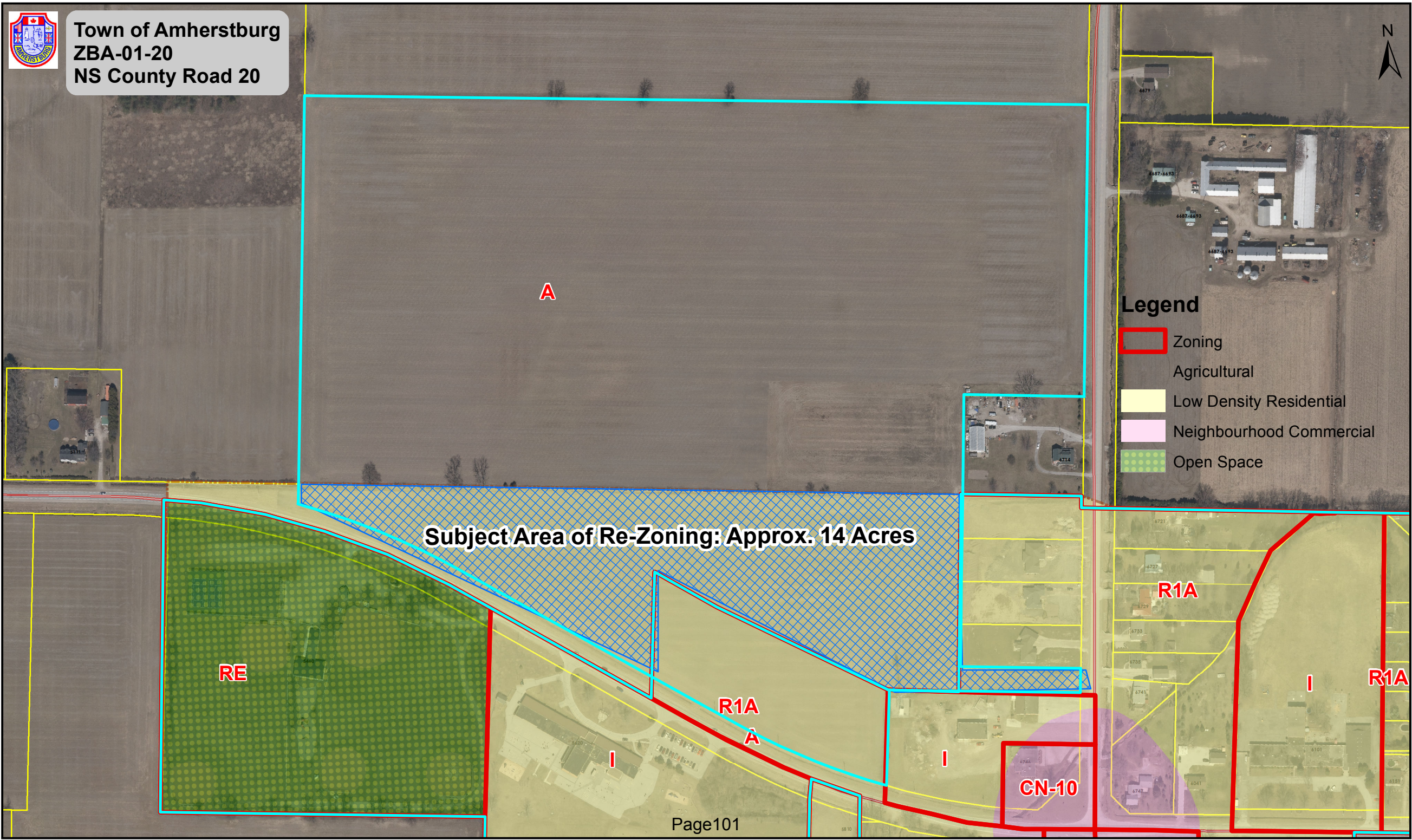
I, Jon Parks of the Town of Amherstburg in the County District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect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

Declared before me at the Town of Amherstburg in the County of Essex this 27th day of January, 2020.

[Signature]
Applicant, Solicitor or Authorized Agent

[Signature]
A Commissioner, etc.

Katrina Marie DiGiovanni, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires April 3, 2022.



Legend

- Zoning
- Agricultural
- Low Density Residential
- Neighbourhood Commercial
- Open Space

Subject Area of Re-Zoning: Approx. 14 Acres

RE

R1A

CN-10

R1A

R1A



March 16, 2020

Mr. Frank Garardo
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario
N9V 2A5

Dear Mr. Garardo:

**Re: ZBA-01-20, Jon Parks, Pt Lot 51 & 52, Concession 5, Part 1, 12R-11492,
North Side of County Road No. 20**

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex.

The minimum setback for any proposed structures on this property must be 110 feet from the center of the original ROW of County Road No. 20 due to the presence of the Jon Parks Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures.

We are requesting a copy of the Decision of the aforementioned applications. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact Kris Balallo by email at kbalallo@countyofessex.ca or by phone at extension 1564

Regards,

A handwritten signature in blue ink, appearing to read "Kris Balallo".

Kristopher Balallo
Engineering Technician

519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

countyofessex.ca

March 10, 2020

Internal Memo

To: Lisa Shepley – lshepley@countyofessex.ca

Re: ZBA-01-20, Jon Parks, Pt Lot 51 & 52, Concession 5, Part 1, 12R-11492, North Side of County Rd 20, Town of Amherstburg

The County has reviewed and have no objections to this proposal.

This property has frontage on County Road 20.

This road was formerly King's Highway 18 until it was downloaded to the County of Essex. Therefore setback and entrance requirements will be as per MTO corridor control procedures.

Being adjacent to Jon Parks Drain, the minimum setback for any structures is 110 feet from the centre of the right-of-way.

Permits are necessary for any changes to existing entrances and structures, or the construction of new structures.

Should you require further information, please contact me by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,

Kris Balallo
Engineering Technician

From: [Shane McVitty](#)
To: [Katrina DiGiovanni](#)
Cc: [Todd Hewitt](#)
Subject: RE: Zoning By-Law Amendment-Notice for Circualtion NS Cnty Rd 20
Date: Friday, February 28, 2020 12:10:55 PM

Hi Katie,

At this time, the most we can say is that there are no sanitary services in the area. Given that the bylaw amendment is for the entire farm, meaning that the size of the development could vary significantly depending on what Mr. Parks wants to do, we will reserve our further servicing comments for Site Plan Control.

Thanks,
Shane

From: Katrina DiGiovanni
Sent: February-28-20 8:57 AM
To: Shane McVitty
Subject: RE: Zoning By-Law Amendment-Notice for Circualtion NS Cnty Rd 20

Thanks Shane, could you maybe provide some comment on available servicing for residential development?

From: Shane McVitty
Sent: Friday, February 28, 2020 8:47 AM
To: Katrina DiGiovanni
Cc: Todd Hewitt
Subject: RE: Zoning By-Law Amendment-Notice for Circualtion NS Cnty Rd 20

Good Morning,

Engineering and Public Works does not have any comments at this time. However, should the future development of this property be subject to the Site Plan Control process, EPW may have comments regarding site servicing, right-of-way issues, drainage, storm water management, etc.

Regards,
Shane

Shane McVitty

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



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THE
BURG**

www.talktheburg.ca



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From: Katrina DiGiovanni

Sent: February-27-20 2:46 PM

To: Bruce Bratt (bbratt@essexpowerlines.ca); Carr; Denise Kimmerly-Machier (denise_kimmerly@wecdsb.on.ca); ERCA Notices & Applications (planning@erca.org); Girard; kbalallo@countyofessex.ca; Lisa Shepley (lshepley@countyofessex.ca); Mark Alzner (malzner@essexpowerlines.ca); Rebecca Belanger; Angelo Avolio; Antonietta Giofu; Bruce Montone; Elke Leblanc; Giovanni (John) Miceli; Lynette Sharon; Michael Naccarato; Michelle Lavin-Faucher; Paul Acton; Paula Parker; Property Tax; Rob Unis; Ron Meloche; Shane McVitty; Todd Hewitt

Subject: Zoning By-Law Amendment-Notice for Circualtion NS Cnty Rd 20

Good Afternoon,

Please find attached a Notice of Circulation for a Zoning By-Law Amendment for Jon Parks on the NS of County Rd 20. Please provide comment by March 6, 2020.

Thanks,

Katrina DiGiovanni

Planning Clerk

Town of Amherstburg

3295 Meloche Rd., Amherstburg, ON, N9V 2Y8

Tel: 519-736-5408 x2134 Fax: 519-736-9859 TTY: 519-736-9860



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www.talktheburg.ca



The information in this e-mail is confidential, privileged and is subject to copyright and authorized solely for the addressee(s) named. The Town of Amherstburg is not responsible for any loss or damage arising from the use of this email or attachments.



planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

March 06, 2020

Ms. Katrina DiGiovanni

Planning Clerk
Town of Amherstburg
3295 Meloche Road
Amherstburg, Ontario, N9V 2Y8

Dear Ms. Katrina DiGiovanni:

RE: Zoning By-Law Amendment ZBA-1-20 CONCESSION 6 S S
ARN 372958000003400; PIN: 015395994
Applicant: Jon Parks

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-1-20. The intent of the application is to change the zoning from Agricultural to Residential Type 1A to support future residential development.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Albert Mcgee 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 Section 28 of the *Conservation Authorities Act*.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management. It is understood that future Planning Act applications may be forthcoming where stormwater



Ms. Katrina DiGiovanni
March 06, 2020

management concerns can be addressed. ERCA will provide further comment at a later date based on this information.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

It is our recommendation to the Municipality that an Environmental Impact Assessment is not required because the location of the subject property is physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we can advise the Municipality that this application is consistent with the natural heritage policies of the PPS.

FINAL RECOMMENDATION

ERCA has no objection to this application to change the zoning of the subject lands to facilitate residential development.

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

Sincerely,



Michael Nelson, BSc, MSc (Planning)
Watershed Planner
/mn



From: [Ron Meloche](#)
To: [Katrina DiGiovanni](#)
Subject: RE: Zoning By-Law Amendment-Notice for Circualtion NS Cnty Rd 20
Date: Friday, February 28, 2020 12:06:20 PM

Fire would be requesting sufficient water supply with a fire hydrant spacing not to exceed 500' based on the Town's spacing requirements for new residential development.

Ron Meloche

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



The information in this e-mail is confidential, privileged and is subject to copyright and authorized solely for the addressee(s) named. The Town of Amherstburg is not responsible for any loss or damage arising from the use of this email or attachments.

From: Katrina DiGiovanni
Sent: February-27-20 2:46 PM
To: Bruce Bratt (bbratt@essexpowerlines.ca); Carr; Denise Kimmerly-Machier (denise_kimmerly@wecdsb.on.ca); ERCA Notices & Applications (planning@erca.org); Girard; kbalallo@countyofessex.ca; Lisa Shepley (lshepley@countyofessex.ca); Mark Alzner (malzner@essexpowerlines.ca); Rebecca Belanger; Angelo Avolio; Antonietta Giofu; Bruce Montone; Elke Leblanc; Giovanni (John) Miceli; Lynette Sharon; Michael Naccarato; Michelle Lavin-Faucher; Paul Acton; Paula Parker; Property Tax; Rob Unis; Ron Meloche; Shane McVitty; Todd Hewitt
Subject: Zoning By-Law Amendment-Notice for Circualtion NS Cnty Rd 20

Good Afternoon,

Please find attached a Notice of Circulation for a Zoning By-Law Amendment for Jon Parks on the NS of County Rd 20. Please provide comment by March 6, 2020.

Thanks,

Katrina DiGiovanni

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



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: Zoning By-law Amendment-Extension of Temporary Use By-Law-9830 Walker Road

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public with respect to the Zoning By-law Amendment for the Extension of the Temporary Use By-law (File ZBA-03-20), Zoning By-law 2020-028 BE RECEIVED and SUMMARIZED in a future report to Council.

2. BACKGROUND:

The Town is in receipt of an application from Cory Joseph Drouillard for the extension of a Temporary Use By-law Amendment, under Section 39 of the Planning Act for a property located at 9830 Walker Road. The applicant originally applied for the Temporary Use By-law for permission to locate an accessory building on the property prior to locating a single detached dwelling on the subject lands. The Temporary Use By-law Amendment was passed July 10, 2017 through By-law 2017-52. An aerial view map showing the location of the subject lands is shown below (Figure 1). The applicant has since constructed the accessory building on the property and completed construction in 2017. The applicant is requesting the extension of the Temporary Use By-law to allow additional time to construct the single detached dwelling.



Figure 1: Aerial of 9830 Walker Road.

3. **DISCUSSION:**

The subject lands affected by the proposed extension of the Temporary Zoning By-law Amendment are described as Parts 1 and 2 12R-12788, Pt Lot 12, Concession 8, municipally known as 9830 Walker Road. The Temporary Use By-law 2017-52 expires July 10, 2020 (3 years from the date of passing).

The property has 30.5 m frontage (approx.) on Walker Road and 64.6 m depth with a total area of 0.49± acres.

The subject lands are designated Agricultural in the Official Plan and Agricultural (A) in the Town of Amherstburg's Zoning By-law 1999-52, as amended. The Agricultural land use policies allow for a single detached dwelling as a permitted use in the Agricultural policy area subject to meeting all regulatory requirements.

The requested extension of the Temporary Zoning By-law Amendment will allow for the continued use of the accessory building on the subject lands with no main dwelling, until such time as the dwelling is constructed. The extension would allow for a further two-year time frame for the dwelling to be constructed. The additional two-year time period would begin on the date of the passing of the By-law. It is Administration's recommendation not allow any further extensions beyond the current application as, if approved, the Town would have allowed up to five years from approval of the

Temporary Zoning By-law Amendment for the property owner to comply with the Zoning By-law.

4. RISK ANALYSIS:

The recommendation presents little risk to the municipality with regard to risk and liability. The risk increases as the expiration date of the current extension approaches where there may be a risk of the single detached dwelling not being constructed, which would result in a contravention of the Zoning By-Law to allow an accessory structure to exist on a property with no main dwelling. The Town would then be in a position to enforce the Zoning By-Law provision for non-conformance with the Zoning By-Law.

5. FINANCIAL MATTERS:

The cost associated with the application and planning processes are the responsibility of the developer. The property owner will be required to pay development charges at the time of building permit approval. The development charges for a single detached dwelling in a rural area are currently \$9,264 per unit.

6. CONSULTATIONS:

The proposed extension of the Temporary Zoning By-law Amendment was published 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 Essex Region Conservation Authority (ERCA) provided correspondence stating that they have no objection to the Zoning By-law Amendment.

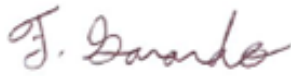
Canada Post identified no comments regarding the application.

The Engineering and Public Works Department identified no comments regarding the application.

The Fire Department provided one comment requesting that a fire hydrant be installed in the area to service the homes in the proximity.

7. **CONCLUSION:**

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



Frank Garardo
Manager of Planning Services

KD

DEPARTMENTS/OTHERS CONSULTED:

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

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

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

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

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

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

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

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

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

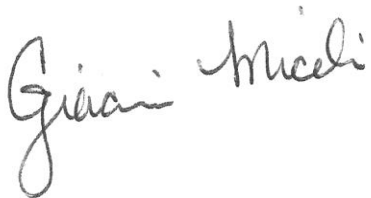
Report Approval Details

Document Title:	Zoning By-law Amendment-Extension of Temporary Use By-Law-9830 Walker Road.docx
Attachments:	- Report to Council-June 22-9830 Walker Rd-ATTACHMENTS.pdf
Final Approval Date:	Jun 16, 2020

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



Cheryl Horrobin



John Miceli



Paula Parker

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, by electronic means, on **Monday, June 22, 2020 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Parts 1 and 2 on Registered Plan 12R-12788, Concession 8, Lot 12, located on Walker Road at 9830 Walker Road. The property has 98.67 ft frontage and 213.16 ft depth with a total area of 0.48 acres. (see key map below)

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to continue the zoning of the subject lands noted above from the as **“Temporary Special Provision Agriculture (T-A-40) Zone”**. The extension of the re-zoning is requested in order to allow the (30 ft by 40 ft) accessory structure to remain on the property without a dwelling unit to be used until the dwelling is constructed.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for a temporary accessory structure without a single detached dwelling unit. The lands are designated Agricultural in the Town’s Official Plan.

The temporary-use by-law would expire a maximum of two (2) years after the date of passing of the amendment to the Zoning By-law, at which time: (a) the temporary use zoning must be reapplied for; or, (b) a single detached dwelling must be constructed on the property.

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

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at fgarardo@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by **4:00 p.m. on Friday, June 19, 2020** before the hearing and will be read aloud prior to the application being heard by Council.

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

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

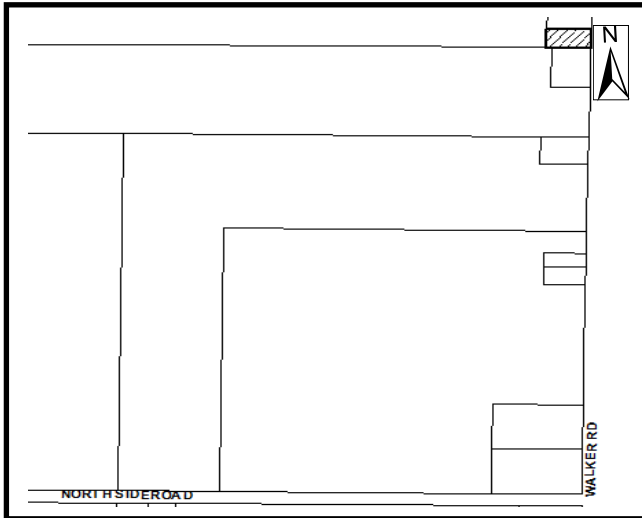
ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/01/20) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must

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.

make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 19th day of May, 2020.

KEY MAP



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

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

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO 2020-028**

**By-law to Temporarily Amend Zoning By-law No. 1999-52
9830 Walker Road, Amherstburg**

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

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided 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 9 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "A to T-A-40" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Temporary Special Provision Agricultural (T-A-40) Zone".
2. Section 26(4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (ee) after clause (dd) as follows:

“(ee) T-A-40 (Temporary Accessory Structure)

Notwithstanding any provisions of this By-law to the contrary, within any area designated T-A-40 on Schedule "A" hereto, the following special provisions shall apply:

(i) Permitted Uses

1. A temporary accessory structure (30 ft by 40 ft) without a dwelling unit to be used until the dwelling unit is constructed;
2. Any use permitted in an A Zone.

(ii) Zone Provisions

All lot and building requirements for the permitted use and for the uses permitted in Subsection 26(4)(ee) of this By-law shall be in accordance with 26(3) and 26(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 "A" Zone and the use permitted by the Temporary Zone that is not permitted by the base "A" Zone shall be removed.

(iv) Expiry

The Permitted Uses and Zone Provisions of the T-A-40 Zone shall expire on July 10, 2022.

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 22nd day of June, 2020.

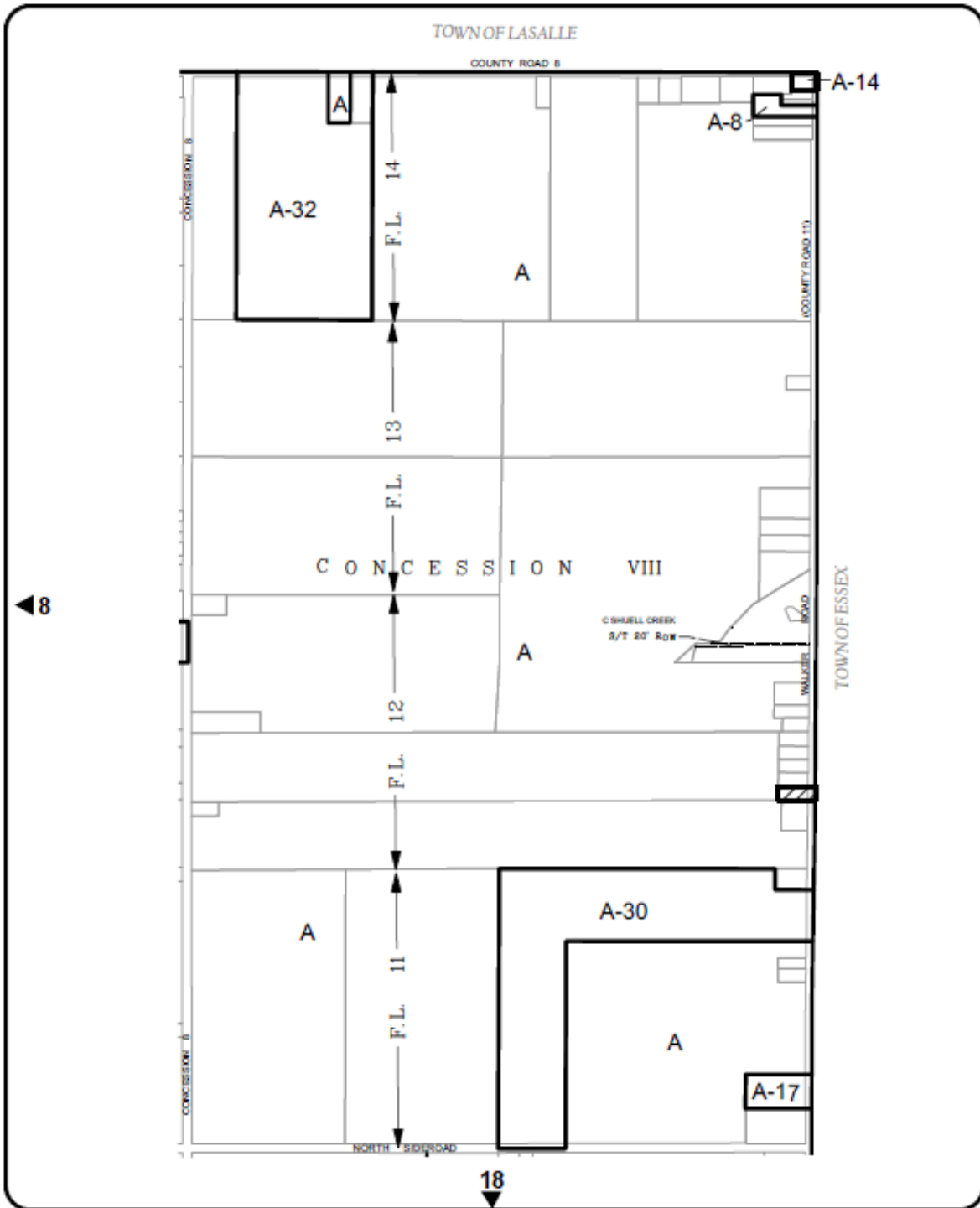
MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

DRAFT

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2020-028
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 9
 ZONING BY-LAW NO. 1999-52

T-A-40 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

Application No. ZBA-03-20

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

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality Feb 28, 2020
- 3. Date application deemed complete by municipality _____
- 4. Name of registered owner CORY JOSEPH DREULLARD
 Telephone number _____
 Address _____
 Email _____
- Name of registered owner's solicitor or authorized agent (if any) _____
 Telephone number _____
 Address _____
 Email _____

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

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

- 6. Location and description of subject land:
 Concession No. 8 Lot(s) No. 12
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. 12R12788 Part(s) No. 142
 Street Address 9830 WALKER RD. Assessment Roll No. 3729 470 000
(CTY RD 11) 07610 0000

- 7. Size of subject parcel:
 Frontage 30.5 m Depth 64.6 m Area _____

- 8. Access to subject parcel:
 Municipal Road County Road Provincial Highway
 Private Road Water

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

- 9. (a) Current Official Plan Land Use designation of subject land UNDERSIZED AGRICULTURAL LOT
 (b) Explanation of how application conforms to the Official Plan _____

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

Yes No

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

10. Current Zoning of subject land RESIDENTIAL AGRICULTURAL

11. Nature and extent of rezoning requested EXTEND TEMPORARY USE

2017-52 BY-LAW SEC. 26(4) (re) TA-40 TEMPORARY ACCESSORY STRUCTURE

12. Reasons why rezoning is requested DWELLING TO BE CONSTRUCTED
2022

13. Current use of subject land UNDERSIZED AGRICULTURE LOT

14. Length of time current use of subject land has continued SHED - 7 YRS.

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

1 - POLE BARN FRONT LOT LINE - 165'
REAR & SIDE LOT LINE - 10' HEIGHT - 16'
INSIDE DIMENSION - 31' X 39'

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

DECEMBER 2017

18. Date subject land acquired by current registered owner FEB 23 2015

19. Proposed use of subject land RESIDENTIAL - AGRICULTURE

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

1 - PROPOSED DWELLING

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) _____

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

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

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

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

- consent to sever
- approval of a plan of subdivision

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

_____ *N/A* _____

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

_____ *N/A* _____

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

_____ *N/A* _____

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

- Yes
- No

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

_____ *N/A* _____

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

- Yes
- No

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

_____ *ZBA 9 OF 2017 BY-LAW NO. 2017-52* _____
_____ *TEMPORARY USE BY-LAW* _____

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

Yes No

Comments _____

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

Yes No

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

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

Yes No

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

Dated at the TOWN of AMHERSTBURG this 28th day of February, 2020.

(signature of applicant, solicitor or authorized agent)

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

Declared before me at the TOWN of AMHERSTBURG in the COUNTY
of ESSEX this 28th day of February, 2020.

Cory Drouillard
Applicant, Solicitor or Authorized Agent

[Signature]
A Commissioner, etc.

Katrina Marie DiGiovanni, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires April 3, 2022.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2017-52**

**By-law to Temporarily Amend Zoning By-law No. 1999-52
N/S Walker Road, south of 9834 Walker Road, Amherstburg**

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

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided 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 9 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "A to T-A-40" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Temporary Special Provision Agricultural (T-A-40) Zone".
2. Section 26(4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (ee) after clause (dd) as follows:

“(ee) T-A-40 (Temporary Accessory Structure)

Notwithstanding any provisions of this By-law to the contrary, within any area designated T-A-40 on Schedule "A" hereto, the following special provisions shall apply:

- (i) Permitted Uses
 1. A temporary accessory structure (30 ft by 40 ft) without a dwelling unit to be used until the dwelling unit is constructed;
 2. Any use permitted in an A Zone.
- (ii) Zone Provisions

All lot and building requirements for the permitted use and for the uses permitted in Subsection 26(4)(ee) of this By-law shall be in accordance with 26(3) and 26(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 "A" Zone and the use permitted by the Temporary Zone that is not permitted by the base "A" Zone shall be removed.
- (iv) Expiry

The Permitted Uses and Zone Provisions of the T-A-40 Zone shall expire on July 10th, 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 10th day of July, 2017.



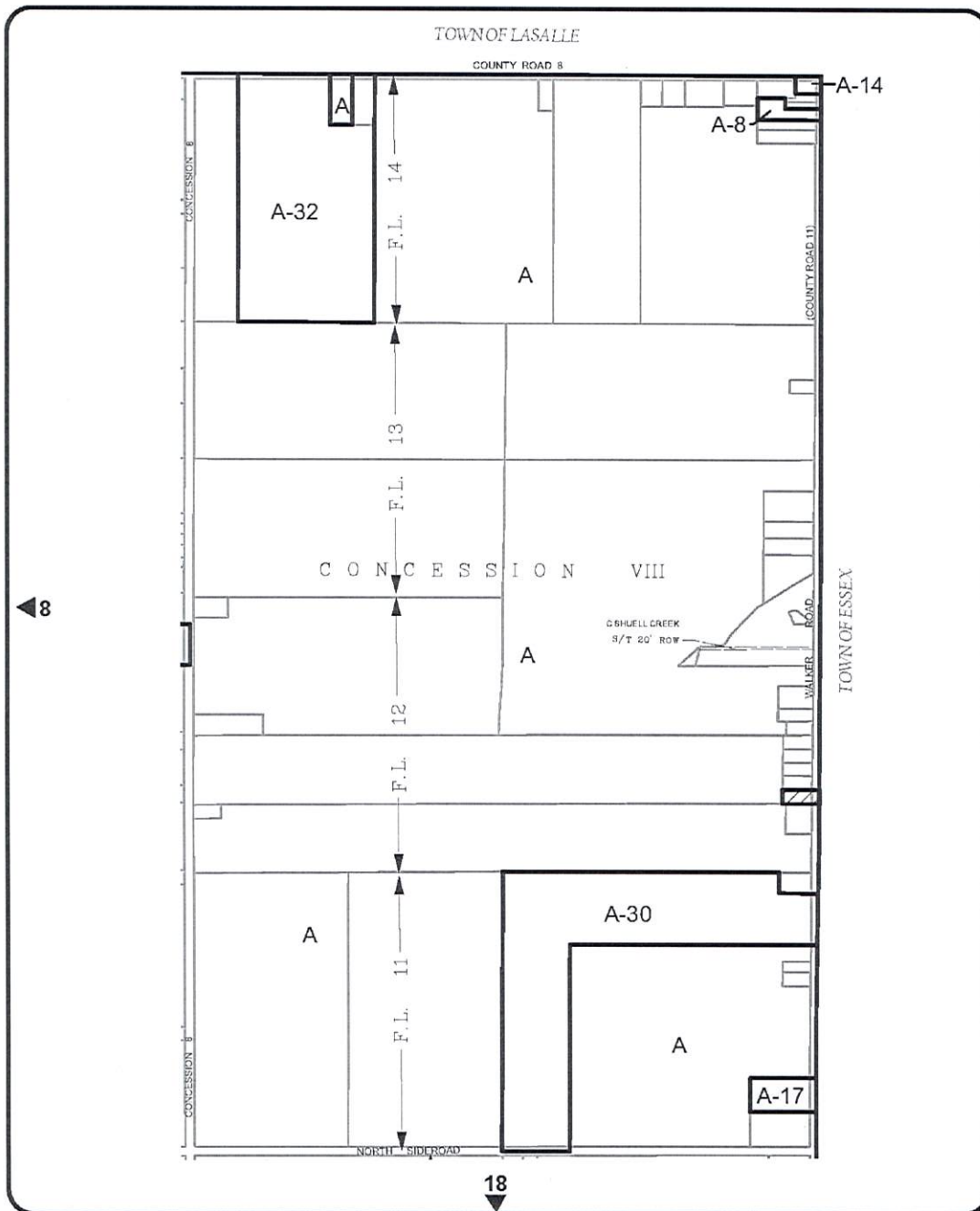
MAYOR- ALDO DICARLO



CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

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



SCHEDULE 'A'
 MAP 9
 ZONING BY-LAW NO. 1999-52

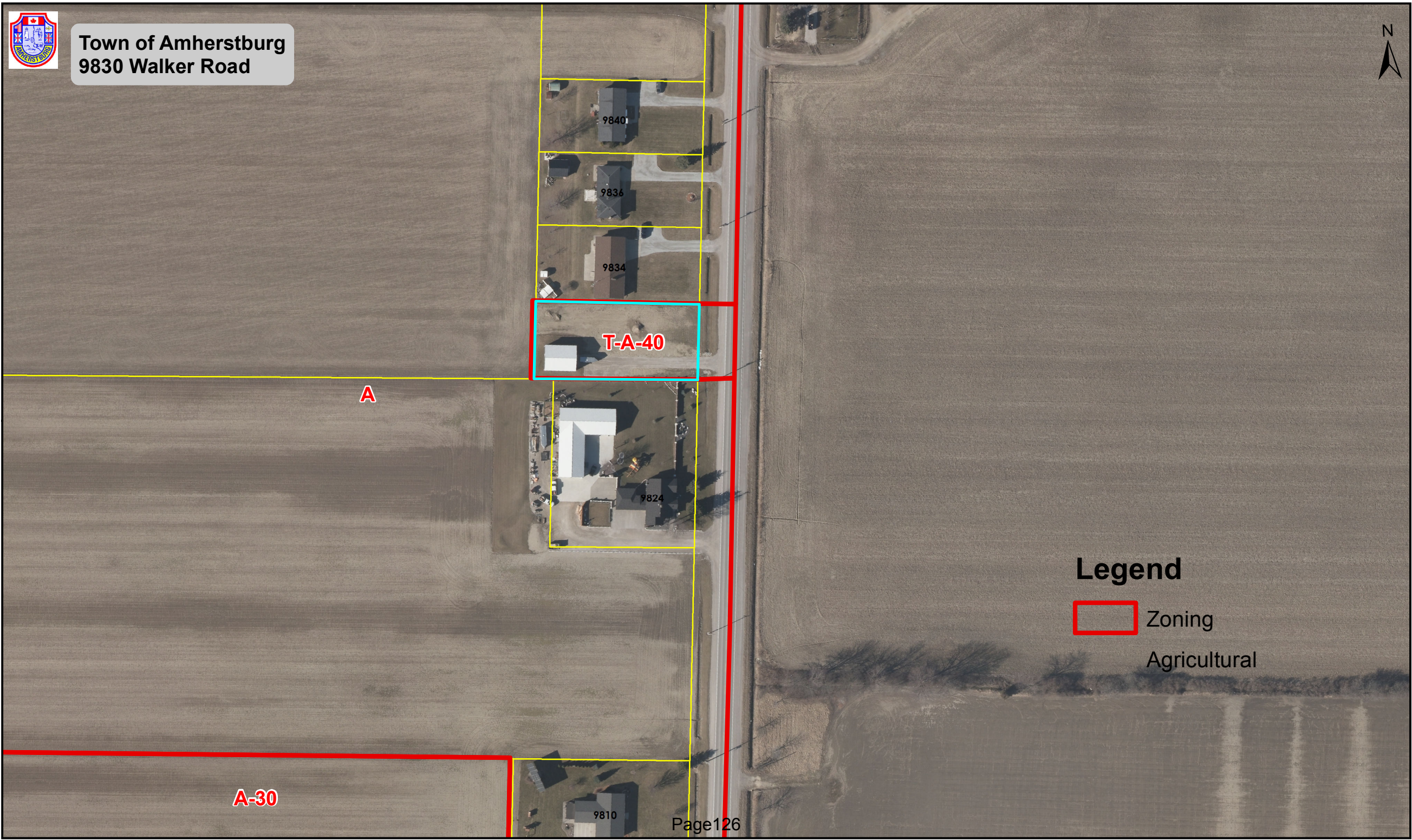
A to T-A-40 


 MAYOR- ALDO DICARLO



 CLERK- PAULA PARKER

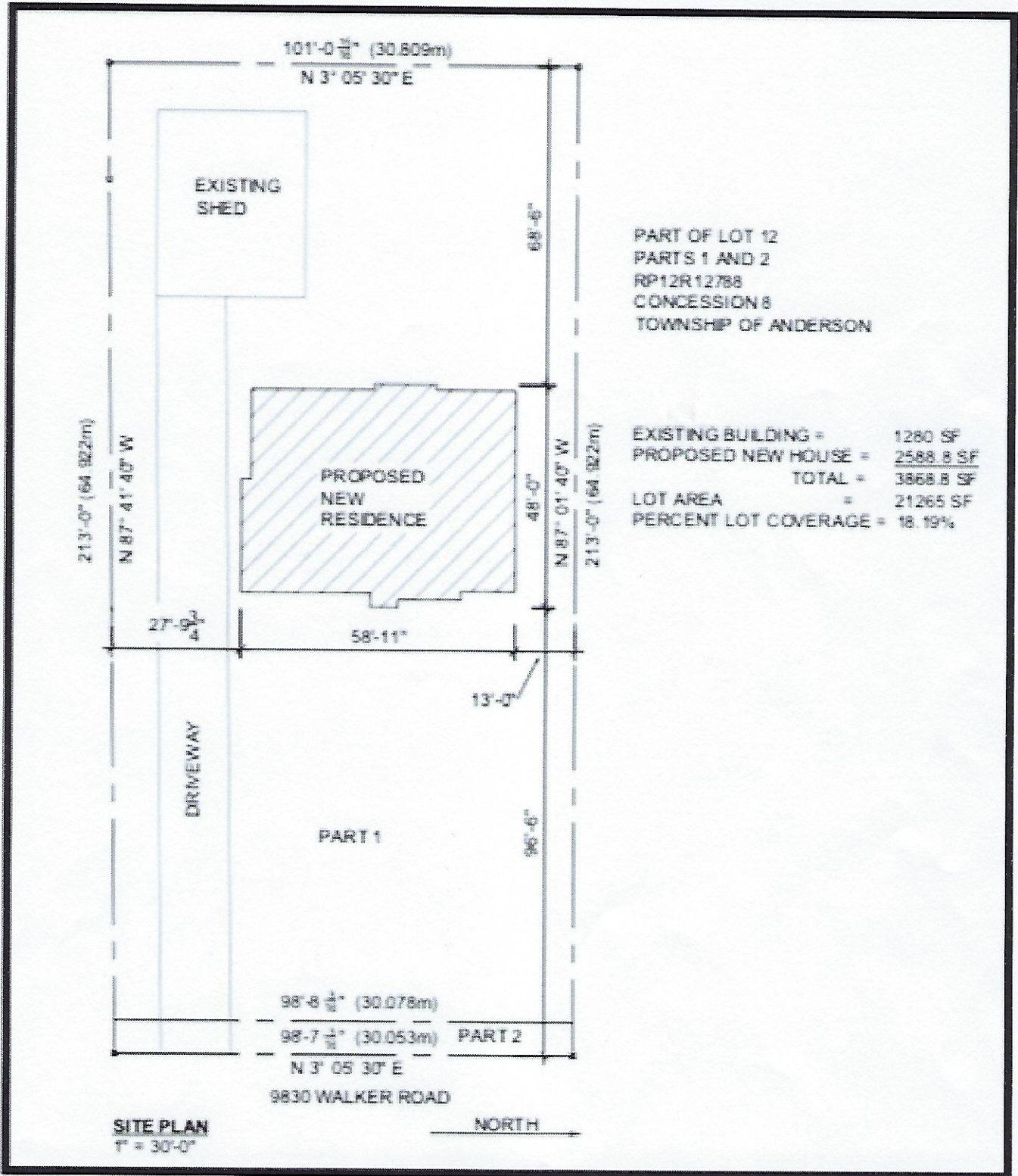


Town of Amherstburg
9830 Walker Road



Legend

-  Zoning
-  Agricultural



From: [Todd Hewitt](#)
To: [Katrina DiGiovanni](#)
Subject: RE: Notice of Circulation-ZBA-03-20 9830 Walker Road
Date: Thursday, May 21, 2020 7:45:50 AM

No comments from EPW

Todd Hewitt

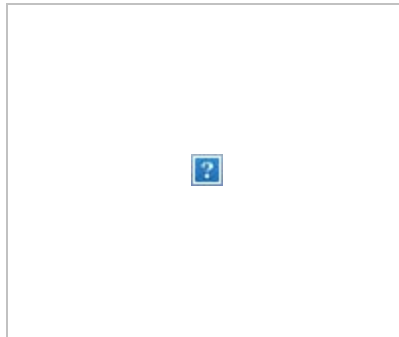
Manager of Engineering and Operations

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

NOTICE: Due to COVID-19, effective March 17, 2020 all Town facilities are closed to the public until further notice. The Town continues to monitor this rapidly changing public health situation in conjunction with the Windsor Essex County Health Unit and will provide updates as they become available. For further information about the pandemic, its impact on Town services and to receive emails on updates, subscribe to our [webpage](#) or check out our [Facebook](#) and [Twitter](#) accounts for up to date information.



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From: Katrina DiGiovanni
Sent: May 20, 2020 4:22 PM
To: Angelo Avolio <aavolio@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Bruce Montone <bmontone@amherstburg.ca>; Bruno DESANDO (bruno.desando@canadapost.ca) <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; 'Executivevp.lawanddevelopment@opg.com'; GECDsb-Planning Officer <Bryan.Pearce@publicboard.ca>; Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Girard <agirard@essexpowerlines.ca>; kbalallo@countyofessex.ca; Lisa Shepley (lshepley@countyofessex.ca) <lshepley@countyofessex.ca>; Michelle Lavin-Faucher <mlavin@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com'; Paul Acton <pacton@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; planning@erca.org; Rebecca Belanger <RBelanger@countyofessex.ca>; Rob Unis <runis@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>



planning@erca.org

P.519.776.5209

F.519.776.8688

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

May 21, 2020

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

Dear Mr. Garardo:

RE: Zoning By-Law Amendment, ZBA-03-20 WALKER RD (South of 9834)
ARN 372947000007610; PIN: 015510599

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-03-20 for purpose of extending the temporary zoning from Agriculture (A) Zone to Temporary Special Provision Agriculture (T-A-40). The zoning bylaw provision is to permit the continued use of a temporary accessory structure, without a dwelling unit until the dwelling is constructed.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

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

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

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

Mr. Garardo
May 21, 2020

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

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

FINAL RECOMMENDATION

ERCA has no objection to this Zoning By-Law amendment. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Fernando Cirino, MUD
Resource Planner
/fc



From: [DESANDO, Bruno](#)
To: [Katrina DiGiovanni](#)
Subject: RE: Notice of Circulation-ZBA-03-20 9830 Walker Road
Date: Monday, May 25, 2020 12:02:12 PM

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

Hello Katrina,

I hope this email finds you well and you are staying safe.

Canada Post has no comments for the attached notice for zoning by-law amendment.

Please let me know if you have questions or need anything further.

Regards,

Bruno

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca

From: Katrina DiGiovanni [<mailto:kdigiovanni@amherstburg.ca>]

Sent: May-20-20 4:22 PM

To: Angelo Avolio <aavolio@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; 'Executivevp.lawanddevelopment@opg.com'; GECDSB-Planning Officer <Bryan.Pearce@publicboard.ca>; Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Girard <agirard@essexpowerlines.ca>; kbalallo@countyofessex.ca; Lisa Shepley (<lshepley@countyofessex.ca> <lshepley@countyofessex.ca>); Michelle Lavin-Faucher <mlavin@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com'; Paul Acton <pacton@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; planning@erca.org; Rebecca