



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday, May 28, 2018**

**5:00 PM**

**Council Chambers**

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

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

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

---

**Pages**

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

### 3. SPECIAL PLANNING REPORTS

#### 3.1 Statutory Public Meeting for a Zoning By-law Amendment at 4365 Concession 4 N, Part of Lot 5, Concession 4 4

It is recommended that:

1. The report from the Manager of Planning Services dated May 14, 2018, regarding the Statutory Public Meeting for a Zoning By-law Amendment at 4365 Concession 4 N, Part of Lot 5, Concession 4 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-54 **BE CONSIDERED** at a future Regular Council Meeting.

#### 3.2 Statutory Public Meeting for a Zoning By-law Amendment at 191 Concession 3 N, Part of Lots 1 and 2, Concession 3 15

It is recommended that:

1. The report from the Manager of Planning Services dated May 14, 2018, regarding the Statutory Public Meeting for a Zoning By-law Amendment at 191 Concession 3 N, Part of Lots 1 and 2, Concession 3 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-59 **BE CONSIDERED** at a future Regular Council Meeting.

#### 3.3 Statutory Public Meeting for a Temporary Use Zoning By-law Amendment at 2376 Front Road N 26

It is recommended that:

1. The report from the Manager of Planning and Development Services dated May 14, 2018 regarding a Temporary Use Zoning By-law Amendment for 2376 Front Rd N, Amherstburg **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-55, being a by-law to permit the temporary use of the property located at 2376 Front Road N for the construction and temporary residency of a second dwelling **BE CONSIDERED / NOT CONSIDERED** at a future Regular Council Meeting.

#### 4. ADJOURNMENT

That Council rise and adjourn at     p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

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

Author's Name: Rebecca Belanger	Report Date: May 14, 2018
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 28, 2018
Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for a Zoning By-law Amendment at 4365 Concession 4 N, Part of Lot 5, Concession 4

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated May 14, 2018, regarding the Statutory Public Meeting for a Zoning By-law Amendment at 4365 Concession 4 N, Part of Lot 5, Concession 4 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-54 **BE CONSIDERED** at a future Regular Council Meeting.

2. **BACKGROUND:**

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

3. **DISCUSSION:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from 806524 Ontario Inc. The subject lands affected by the proposed amendment are described as Part of Lot 5, Concession 4; the residence which was the subject of the severance is located at 4365 Concession 4 N is not subject to this rezoning. At

conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 56.7 acres.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/7/18) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

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

The application is consistent with the Provincial Policy Statement, specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan specifically Section 3.2.2(14) which provides for surplus dwelling severances subject to the remnant parcel being rezoned to prohibit a dwelling unit. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

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

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

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

**6. CONSULTATIONS:**

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

The Essex Region Conservation Authority (ERCA) provided correspondence which stated that the *“lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Long Marsh Drain. The property owner will be required to obtain a*

*Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.*

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

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

*We have no objections to this Zoning By-law Amendment.”*

The Engineering and Public Works Department identified no objection to the application.

The Building and Fire Departments identified no objection to the application.

**7. CONCLUSION:**

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



Rebecca Belanger  
**Manager of Planning Services**

jm

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**  
**Phone #: 519 736-3664 ext. 313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 4136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

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

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

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

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

## Report Approval Details

Document Title:	Statutory Public Meeting for a Zoning By-law Amendment at 4365 Concession 4 N, Part of Lot 5, Concession 4.docx
Attachments:	- Report to Council- May 28- Statutory Pub Mtg- ZBA- 4365 Conc 4 N- ATTACHMENTS.pdf
Final Approval Date:	May 22, 2018

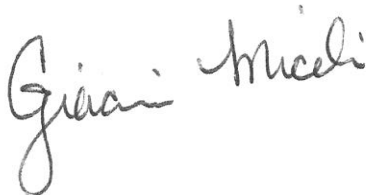
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - May 17, 2018 - 11:36 AM**



**Cheryl Horrobin - May 17, 2018 - 4:00 PM**



**John Miceli - May 18, 2018 - 7:54 AM**



**Task assigned to Paula Parker was completed Tammy Fowkes - May 22, 2018 - 4:17 PM**





Town of Amherstburg  
ZBA/7/18- 4365 Concession 4 N



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

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, May 28, 2018 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

**THE SUBJECT LAND** affected by the proposed amendment is described as Part of Lot 5, Concession 4, municipally known as 4365 Concession 4 N. The property has 475.6 ft frontage and an irregular depth with a total area of 56.7 acres ± (see key map below).

**THE PURPOSE OF THE AMENDMENT** is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/7/18) to sever a dwelling which is surplus to the needs of a farming operation.

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

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

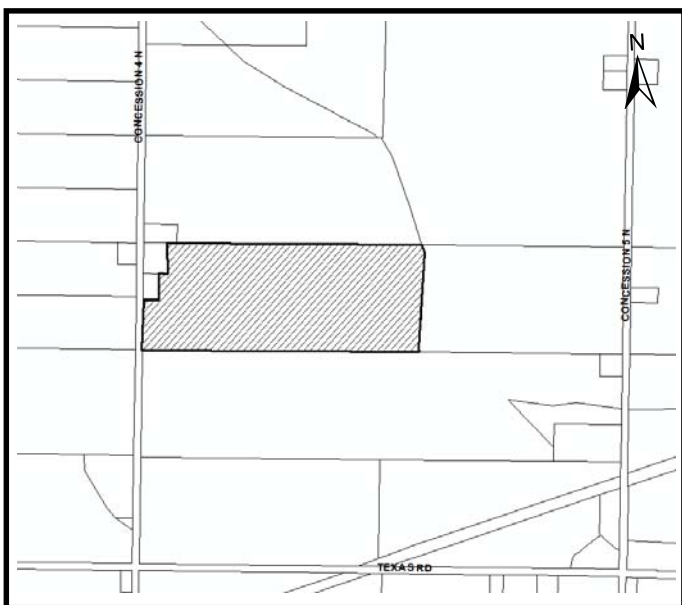
**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council for the Corporation of the Town of Amherstburg to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Corporation of 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 Amendment (File No. ZBA/7/18) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 4<sup>th</sup> day of May, 2018.

**KEY MAP**



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

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

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2018-54**

**By-law to amend Zoning By-law No. 1999-52  
4365 Concession 4 N, 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 23 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 11<sup>th</sup> day of June, 2018.

---

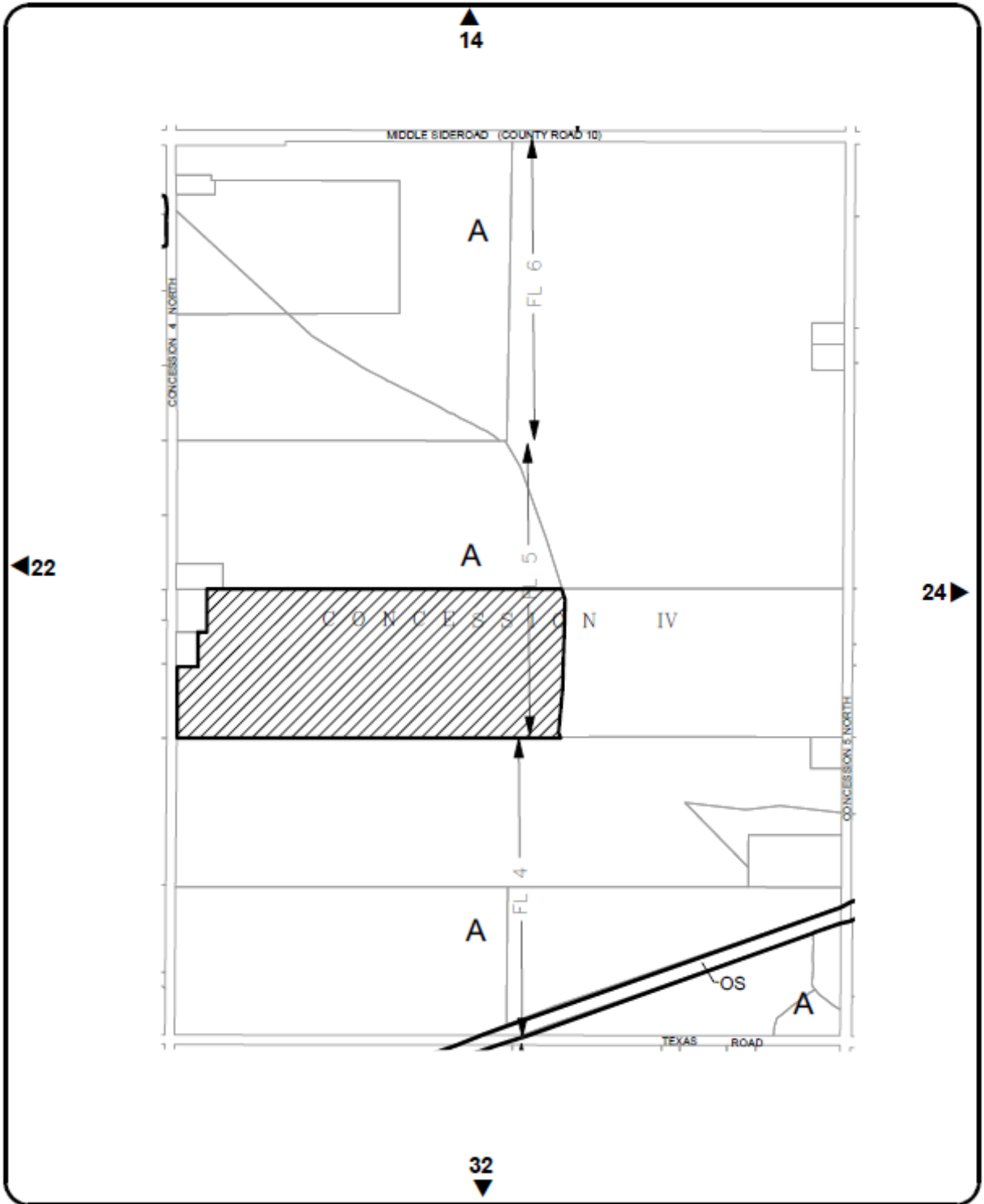
MAYOR- ALDO DICARLO

---

CLERK- PAULA PARKER


**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2018-54  
A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 23**

ZONING BY-LAW NO. 1999-52

A to A-36 

\_\_\_\_\_  
MAYOR- ALDO DICARLO

\_\_\_\_\_  
CLERK- PAULA PARKER



regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

May 09, 2018

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

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-7-18 CONCESSION 4 N  
ARN 37294000002000; PIN: 015430323  
Applicant: 806524 Ontario Inc

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-7-18. We understand that the purpose of this application is to change the zoning from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone" as a result of a condition of Consent application B-7-18 which created on surplus dwelling from the farm lot. This rezoning will prohibit any future dwellings from being constructed on the retained farmlands.

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

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

## **WATER RESOURCES MANAGEMENT**

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

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

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

## **FINAL RECOMMENDATION**

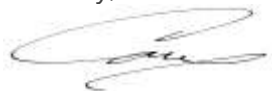
We have no objections to this Zoning By-law Amendment.



Ms. Belanger  
May 09, 2018

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

Sincerely,



Corinne Chiasson  
*Resource Planner*  
/cor





## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

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

Author's Name: Rebecca Belanger	Report Date: May 14, 2018
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 28, 2018
Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for a Zoning By-law Amendment at 191 Concession 3 N, Part of Lots 1 and 2, Concession 3

---

#### 1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated May 14, 2018, regarding the Statutory Public Meeting for a Zoning By-law Amendment at 191 Concession 3 N, Part of Lots 1 and 2, Concession 3 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-59 **BE CONSIDERED** at a future Regular Council Meeting.

#### 2. BACKGROUND:

The lands are subject of a decision of the Committee of Adjustment which approved a severance for the purpose of a lot addition to the lands to the south for drainage purposes with associated conditions. The rezoning of the subject property to SI is a condition of the consent decision.

#### 3. DISCUSSION:

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from 1681351 Ontario Inc. The subject lands affected by the proposed amendment are described as Part of Lots 1 and 2, Concession 3; the parcel which was the subject of

the severance is located in the southeast corner of 191 Concession 3 N. At the conclusion of the severance, the severed parcel subject of the Zoning By-law Amendment will have a total area of 11 acres.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Special Policy Heavy Industrial (HI-2) Zone” to “Special Industrial (SI) Zone”. The land is designated Heavy Industrial in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/4/18) to sever 11 acres for the purpose of a lot addition to the lands to the south for drainage purposes. The rezoning of the subject property to SI is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general special industrial use on the subject property. The zone change is required to establish a consistent zoning for the subject parcel which will be severed and legally merged with the lots to the south created along Alma Street to allow for a stormwater outlet to the Darrah Drain for the future development on the lands.

Also, for Council’s information, the land is subject of a site plan control agreement and demolition agreement at the time that the Helios solar farm was constructed. A component of the conditions of the consent also requires an amendment to the agreements removing the subject lands from the legal description. The amendment will be brought forward for Council’s approval at a later date.

The application is consistent with the Provincial Policy Statement, specifically Section 1.3 which states:

*“1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.”*

and

*“d) ensuring the necessary infrastructure is provided to support current and projected needs”*

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment could not be finalized. The subject parcel is required to provide direct storm water drainage to the Darrah Drain for the six industrial lots created along Alma Street.

#### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.



**5. FINANCIAL MATTERS:**

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

**6. CONSULTATIONS:**

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

*The Essex Region Conservation Authority (ERCA) provided correspondence which stated that the “lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Darrah Drain. Please also note that portions of this proposed industrial lot fall within a drainage maintenance corridor and a hazard setback area of the Darrah drain, where no development would be permitted. Development on this lot therefore may be restricted to areas only outside of the setback distance. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.*

*We acknowledge that this application is for the purposes of a zoning amendment only, in which we have no objections. It is our understanding that future development on this merged parcel would be subject to the site plan control process, therefore we would prefer to comment on the site specific nature of any proposed developments through that process when circulated. Pending the location and scale of any future development, we may request the opportunity to review the stormwater management report, and include conditions in the Site Plan Control Agreement.*

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

*We have no objections to this Zoning Amendment.”*

The Engineering and Public Works Department identified no objection to the application.

The Building and Fire Departments identified no objection to the application.

**7. CONCLUSION:**

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



---

Rebecca Belanger  
**Manager of Planning Services**

jm

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**  
**Phone #: 519 736-3664 ext. 313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 4136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

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

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

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

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

## Report Approval Details

Document Title:	Statutory Public Meeting for a Zoning By-law Amendment at 191 Concession 3 N, Part of Lots 1 and 2, Concession 3.docx
Attachments:	- Report to Council- May 28- Statutory Pub Mtg- ZBA- 191Conc 3 N- ATTACHMENTS.pdf
Final Approval Date:	May 22, 2018

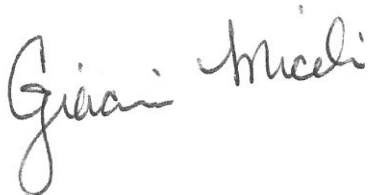
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - May 17, 2018 - 11:34 AM**



**Cheryl Horrobin - May 17, 2018 - 3:55 PM**



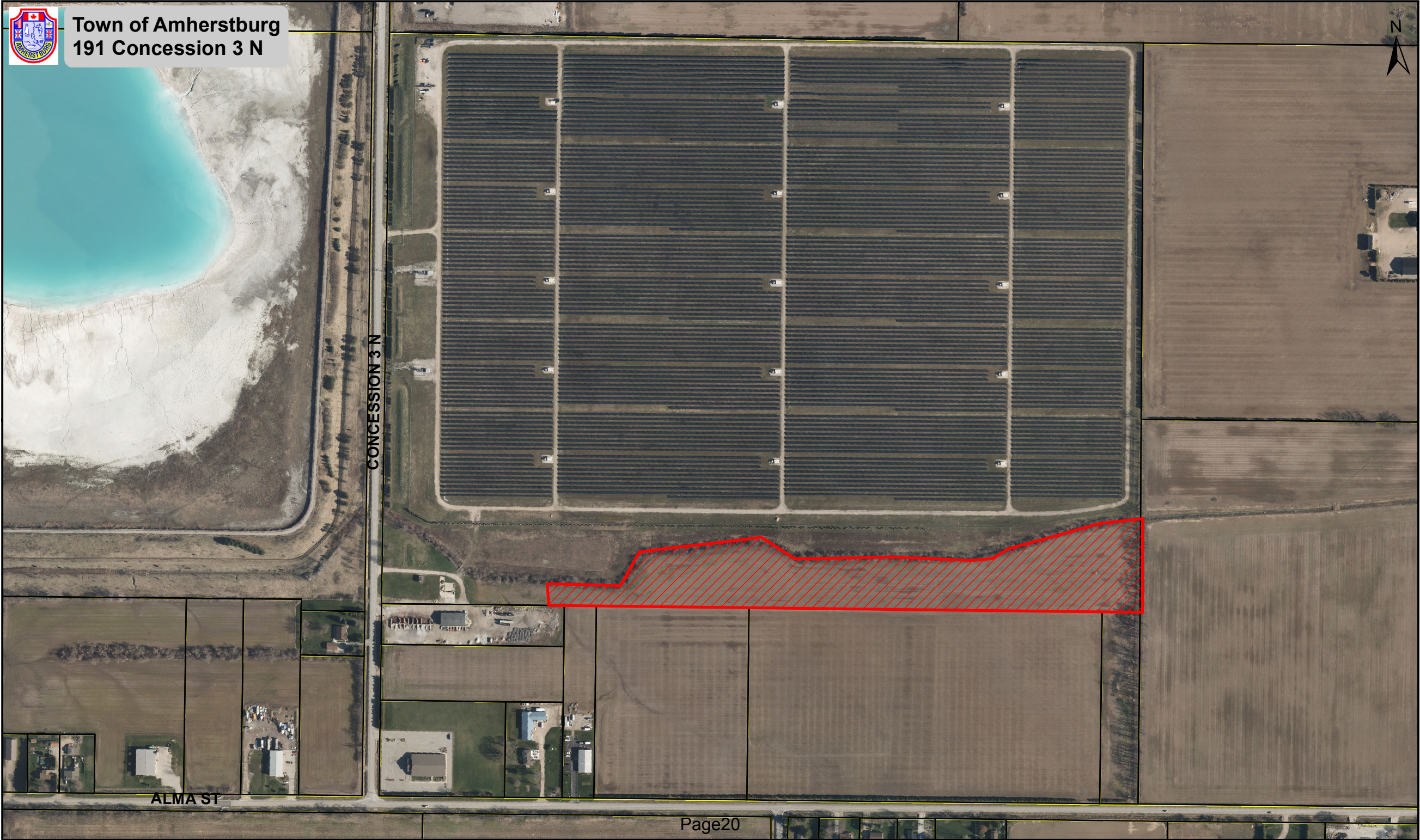
**John Miceli - May 18, 2018 - 7:53**



**Task assigned to Paula Parker was completed by Tammy Fowkes - May 22, 2018 - 4:15 PM**



Town of Amherstburg  
191 Concession 3 N



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

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, May 28, 2018 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

**THE SUBJECT LAND** affected by the proposed amendment is described as a portion of Part of Lots 1 and 2, Concession 3, municipally known as 191 Concession 3 N. The property has an irregular width and 2333 ft depth with a total area of 11 acres ± (see key map below).

**THE PURPOSE OF THE AMENDMENT** is to change the zoning of the subject lands noted above from the “**Special Provisions Heavy Industrial (HI-2) Zone**” to “**Special Industrial (SI) Zone**”. The parcel is designated Heavy Industrial in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/4/18) to sever 11 acres for the purpose of a lot addition to the lands to the south for drainage purposes.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for general special industrial use on the subject property. The zone change is required to establish a consistent zoning for the subject parcel which will be severed and legally merged with the lots to the south created along Alma Street to allow for direct storm water drainage to the Darragh Drain.

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

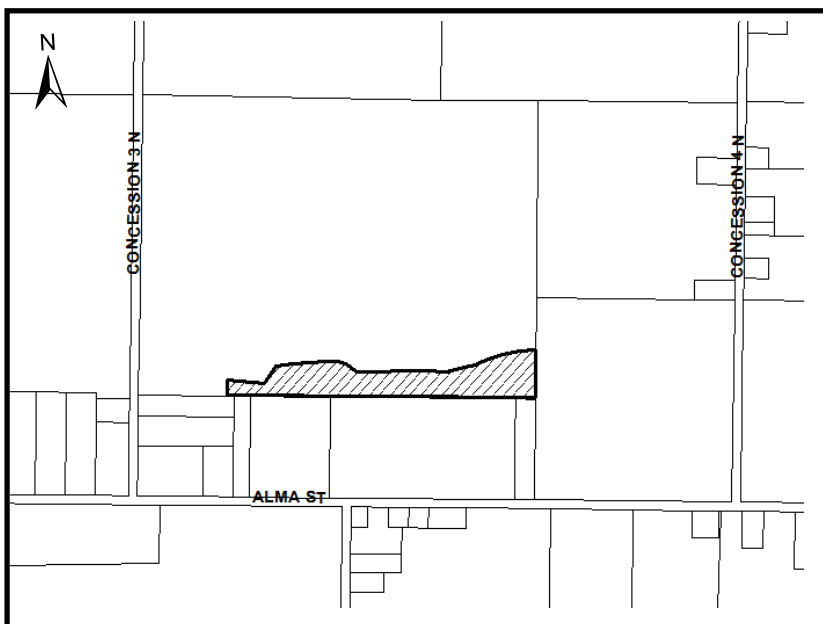
**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council for the Corporation of the Town of Amherstburg to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Corporation of 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 Amendment (File No. ZBA/8/18) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 7<sup>th</sup> day of May, 2018.

**KEY MAP**



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

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

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2018-59**

**By-law to amend Zoning By-law No. 1999-52  
191 Concession 3 N, 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 31 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from HI-2 to SI" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Heavy Industrial (HI-2) Zone" to "Special Industrial (SI) 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.

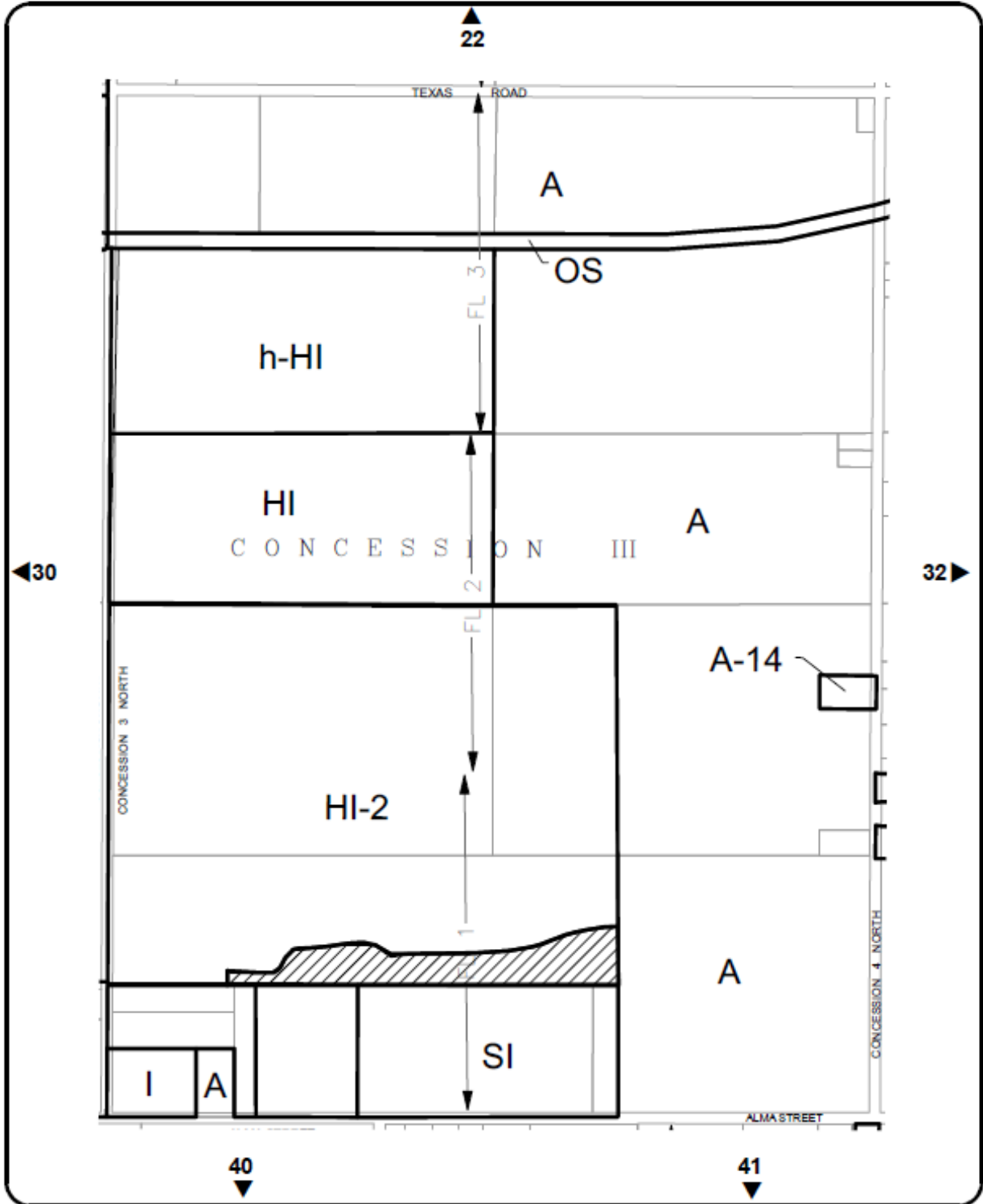
Read a first, second and third time and finally passed this 11<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
MAYOR- ALDO DICARLO

\_\_\_\_\_  
CLERK- PAULA PARKER


TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2018-59  
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'  
MAP 31

ZONING BY-LAW NO. 1999-52

HI-2 to SI 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

May 09, 2018

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

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-8-18  
191 CONCESSION 3 N  
ARN 372936000002000; PIN: 015430164  
Applicant: 1681351 Ontario Inc

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-8-18. We understand that the purpose of this application is to change the zoning of the subject property from "Special Provisions Heavy Industrial (HI-2)" to "Special Industrial (SI) Zone" as a result of a previous lot addition, Consent Application B-4-18. The lot addition was requested to provide stormwater drainage easements for industrial properties created along Alma Street.

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Darrah Drain. Please also note that portions of this proposed industrial lot fall within a drainage maintenance corridor and a hazard setback area of the Darrah drain, where no development would be permitted. Development on this lot therefore may be restricted to areas only outside of the setback distance. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

## **WATER RESOURCES MANAGEMENT**

We acknowledge that this application is for the purposes of a zoning amendment only, in which we have no objections. It is our understanding that future development on this merged parcel would be subject to the site plan control process, therefore we would prefer to comment on the site specific nature of any proposed developments through that process when circulated. Pending the location and scale of any future development, we may request the opportunity to review the stormwater management report, and include conditions in the Site Plan Control Agreement.





Ms. Belanger  
May 09, 2018

**NATURAL HERITAGE POLICIES OF THE PPS 2014**

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

**FINAL RECOMMENDATION**

We have no objections to this Zoning Amendment.

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

Sincerely,



Corinne Chiasson  
*Resource Planner*  
/cor





## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

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

Author's Name: Rebecca Belanger	Report Date: May 14, 2018
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 28, 2018
Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for a Temporary Use Zoning By-law Amendment at 2376 Front Road N

---

#### 1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning and Development Services dated May 14, 2018 regarding a Temporary Use Zoning By-law Amendment for 2376 Front Rd N, Amherstburg **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-55, being a by-law to permit the temporary use of the property located at 2376 Front Road N for the construction and temporary residency of a second dwelling **BE CONSIDERED / NOT CONSIDERED** at a future Regular Council Meeting.

#### 2. BACKGROUND:

The Town is in receipt of an application for a Temporary Use Zoning By-law Amendment, under sections 34 and 39 of the Planning Act for a property located at 2376 Front Road N. The applicant is requesting the temporary use of the property for the construction of a second dwelling on a temporary basis. The subject land is zoned Agricultural and Wetland.

Section 39 of the Planning Act states *"the council of a local municipality may, in a by-law passed under Section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law."*

A zoning by-law regulates land use and the erection, location and use of buildings and structures. It must conform to the Official Plan (Section 24 (l) of the Planning Act) and is a primary mechanism used to implement the policies of the Official Plan. In contrast to a municipality's Official Plan, the zoning by-law is a rigid, inflexible document which should be as free from uncertainty as possible. For example, an Official Plan might establish a policy requiring "adequate setbacks" from water bodies in order to protect water quality and shorelines, whereas a zoning by-law would specify a particular distance, such as thirty metres. An Official Plan might establish a policy discouraging an overdeveloped appearance or encouraging a low-impact use of a property, whereas the relevant zoning by-law might implement this policy by establishing maximum lot coverage of five per cent (buildings must not cover more than five per cent of the lot).

Section 34 of the Planning Act establishes the municipality's authority to pass zoning by-laws and, in addition to regulating buildings, structures and land use, permits such by-laws to prohibit development on lands subject to natural (floodplains, unstable slopes) or artificial (former mine shaft areas) perils, contaminated lands, groundwater recharge or headwater areas, significant wildlife habitat, wetlands, woodlands, ravines, valleys or areas of natural and scientific interest, shorelines, or significant natural corridors.

A zoning by-law is regarded as "applicable law" under the Building Code Act. This means that a building permit cannot be issued for a use that conflicts with a zoning by-law. In contrast, an Official Plan is not "applicable law" and requires a zoning by-law in order to give many of its policies legal effect.

### **3. DISCUSSION:**

The subject lands affected by the proposed amendment are described as Part of Lots 41 and 42, Concession 1, RP 12R-22135, Part 1, municipally known as 2376 Front Road N. The property has approximately 230 ft. frontage and 3020 ft. depth with a total area of 35.13 acres. The proposed amendment would only be permitted is approved to the middle 16.8 acres ±.

The subject lands are designated Agricultural and Provincially Significant Wetland, in the Official Plan and zoned Agricultural and Wetland in the Zoning By-law. The applicant has applied for a Temporary Use By-law to allow for the construction and temporary residency of a second dwelling on the subject property. The current zoning of the subject parcel only permits one dwelling.

The temporary use by-law would remain in place for a period not exceeding three years, at which point one of the two dwellings must be demolished or moved such that only one dwelling exists on this site. Should Council entertain this proposal, it is recommended that an agreement be registered on title (at the cost of the applicant) requiring demolition of a dwelling and payment of a demolition security deposit be required as prerequisites.

The accompanying map shows the location of the lands to which the Temporary Use Zoning By-law Amendment would apply.

## Official Plan

Section 7.9 of the Official Plan deals with Temporary Use By-laws, setting out the following conditions to be met when considering such an application: *“the proposed use is temporary and the proposed use will not create detrimental effects on the surrounding area”*.

Pending approval of this application, the applicant has indicated that a second dwelling will be built on the property in which the applicants and their family will reside. The existing dwelling currently houses the applicant’s father. The father’s house was built in 1978 and has an approximate building footprint of 2,000 square feet. In order to meet the intent of Section 7.9 of the Official Plan, which states *“The types of uses envisaged by Council as using a temporary use by-law include, but not limited to, parking lots, fairs, ploughing match, temporary use of mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction,”* the existing house on the property must be demolished once the construction on the second house has been completed. The applicants have agreed to demolish the existing residence within the three year time period provided by the temporary use zoning by-law which is not in conformity with the Official Plan policies unless it takes three years to construct the new dwelling. It is always within the purview of Council to determine a shorter timeframe; the three year timeframe is the default timeframe as it is the upper limit the Act allows for.

While Section 39 of the Planning Act does not mention the Official Plan specifically, Ontario Municipal Board decisions have determined that temporary use zoning by-laws must be in conformity with the Official Plan. The proposed location of the second dwelling is outside of the Town of Amherstburg’s settlement area and is within the Agricultural designation of the Official Plan. Within the Goals section of the Agricultural Designation in the Town of Amherstburg’s Official Plan (Section 3.2.1), Goal #3 states *“to restrict the type and amount of non-farm development in the agricultural area”*, which indicates that new development in the agricultural area is to be discouraged. The redevelopment of existing residential uses is permitted in the Agricultural Designation, however new residential dwellings, which do not replace an existing dwelling are to be directed to the Settlement Areas. An additional consideration is the fact that this new proposed dwelling unit would be required to install a private septic system as the sanitary sewer does not continue on the northerly portion of Front Road. Due to the location of the proposed new home and a required septic system on the lot, all components of building and servicing would be required to meet minimum floodproofing elevations above the 1:100 year flood event.

The Agricultural Policies in the Official Plan (Section 3.2.2 (16)) state:

*(16) Residential uses on existing lots of record shall be permitted in the Agricultural designation. The Zoning By-Law shall only permit one residence per lot (lot as defined in the Zoning By-Law). More than one residence on a lot for the purposes of housing farm help, however, may be allowed in those instances where the need for such housing has been adequately demonstrated, the farm help is primarily devoted to (but not exclusively) the farm operation and a minor variance has been obtained. This additional residence should use the same access as the principal residence and will not be severable in the future. In those instances where a second home is required on a lot*

*on a temporary basis, for example because the existing home is to be replaced, the Town may include a general provision in the Zoning By-Law or pass a temporary use by-law allowing both homes for a specified period of time. The intention however, is that the original home be removed within a specified period of time.*

Therefore, if the original dwelling is demolished within the specified period of time that the construction of the second home is completed and prior to occupancy, the request can be considered to be in conformity with the Official Plan. The request to allow for three years for both houses to exist on the land, may not conform to the Official Plan if both are occupied for a period of time.

The proposed location of the second dwelling is adjacent to a Provincially Significant Wetland and within ERCA's limit of regulated area, and a permit from the Essex Region Conservation Authority would be required prior to the issuance of a building permit. Section 2.1.5 of the Provincial Policy Statement states *"Development and site alteration shall not be permitted within 120 metres of: a) significant wetlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."*

The demonstration of no negative impact is accomplished through the preparation of an Environmental Impact Assessment (EIA). In the consultations section of this report, ERCA provides additional comments in this regard. The preparation of an EIA would normally be required prior to the approval of a Planning Act application.

### **Zoning By-law**

Currently, the Agricultural Zoning limits the number of dwellings on the property to one. An agreement on title and a demolition security deposit will ensure that upon completion of the construction of the second dwelling, one of the dwellings must be demolished, ultimately maintaining conformity with the by-law.

### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS, 2014) promotes the conservation and redevelopment of existing housing stock on rural lands (Section 1.1.4.1), however it restricts the creation of new residential lots in agricultural areas (Section 2.3.4.2). The second dwelling will not be permitted to be severed from the existing lot in order to create a new residential lot. The second dwelling will not be permitted to become a legal non-conforming use. Two dwellings are only permitted on the one lot for the extent of the temporary use zoning by-law and one must be demolished prior to the expiration of the by-law.

Section 39 of the Planning Act permits a municipality to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. It is Administration's understanding that the typical application of a temporary use zoning by-law is for the 'use' of the land and does not result in any material change on the land. The construction of a new dwelling can be considered material change and not appropriate for the application of a temporary use zoning by-law. Upon consultation with neighbouring municipalities' planning departments, it was confirmed that the use of a temporary use zoning by-law amendment to permit a second dwelling on a property, even if only for a time period of three years, is not an appropriate

use of the temporary use zoning by-law. It is our understanding that Town Council has granted a second dwelling on a property, utilizing a temporary use zoning by-law, on one other occasion. In that case, the smaller home was demolished within the three-year period in accordance with the by-law.

Other alternatives exist aside from the requested Temporary Use By-law to allow for two single detached dwelling units to exist on the lands for a period of three years. These alternatives include building a second dwelling (separate apartment into the new house) and demolishing the original house. Alternatively, the temporary use by-law could be permitted only for the period of time that it takes to build the new home at which point the other home would have to be removed.

### **Additional Planning Analysis**

The following additional criteria to assess a temporary use by-law as largely referenced from the annotations in the Planning Act and further research and case-law and is offered for Council's consideration:

1. Temporary use by-laws must conform with the Official Plan. A temporary use by-law that does not conform to the Official Plan is prohibited.
2. Hardship is not a relevant factor in planning matters.
3. Council may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation, etc. are not practical. Once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the zoning by-law.
4. The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use provisions.
5. The proposed use shall not be incompatible with adjacent land uses and the character of the surrounding area. (The proposed home has been planned in close proximity to the Detroit River Marshes Provincially Significant Wetland.)
6. The proposed use shall be properly serviced and not require the extension of existing municipal services. (The proposed use would require the construction by the owner of a second septic system on the property which would be in close proximity to the adjacent wetland.)
7. The proposed use shall generally be beneficial to the surrounding area of the community at large.

#### **4. RISK ANALYSIS:**

The approval of the Temporary Use Zoning By-law for the second dwelling at 2376 Front Road N presents some risk to the municipality. Due to the age, size and condition of the existing house on the property, there are some concerns that the house will not be demolished in a timely manner. Therefore should Council entertain this proposal, it is recommended that substantial demolition securities be collected from the applicants and that the applicants enter into a demolition agreement with the Town. The approval of the Temporary Use Zoning By-law may set precedence for other residents on Agriculturally Zoned properties, and an influx of applications for second dwellings may occur. Administration and Council must remain in compliance with the Official Plan and

only allow two dwellings on a property while the second is being constructed. The original dwelling must be demolished upon completion of the construction of the new dwelling.

Although a draft demolition agreement has been prepared and can be registered against the lands, the actual prospect of the municipality entering onto the subject lands to demolish the original home as committed to by the applicants may pose legal difficulties and create additional financial risk in the form of legal services that may be required by the municipality for enforcement.

A request such as this also poses additional time on the part of Administration in monitoring the time period for required demolition in the instances where a second dwelling is allowed during a construction period and prior to occupancy. The Building and Planning Departments have very limited staffing and placing additional responsibilities on these departments should be carefully considered for their actual municipal benefit.

## **5. FINANCIAL MATTERS:**

The cost associated with the application and planning processes are the responsibility of the developer. An application fee of \$1000 was submitted to the Town to process the application.

The Town would have some financial risk should the Town need to act on the demolition of the original dwelling under the Agreement. Recovery of the costs laid out by the Town for demolition would be recovered from the security deposit and, if necessary, through addition to the tax roll for this property.

## **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 proposed Zoning By-law Amendment for the temporary use was discussed with planners from adjacent municipalities in Essex County to determine if they permit this type of application. The overall consensus was that other municipalities in Essex County would not permit this type of activity for three years as a temporary use by-law due to the amount of potential risk to the municipality but would permit the temporary residency of two dwellings only during a construction period until the new home is completed. Several of the other municipalities require a demolition agreement and a security deposit ranging between \$5,000 and \$10,000 to confirm that the demolition will occur. Given the size of the existing dwelling, the Town will investigate the appropriate amount and require that amount from the applicant.

The Essex Region Conservation Authority (ERCA) provided correspondence which stated the following:

*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel*

*falls within the regulated area of the Detroit River. In addition, the subject lands support a Provincially Significant Wetland and ERCA's regulatory authority extends to the protection of this wetland. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations. The subject application is located within 120 metres of the extent of a Provincially Significant Wetland that is identified in both the official plan and zoning by-law. The official plan policy 3.6.3 (5) states that*

*"Development and site alteration shall not be permitted on any adjacent lands within 120 metres of an identified provincially significant wetland feature or area unless the natural features and ecological functions of the adjacent lands have been evaluated...."*

*In addition, question 30 of the application form for the re-zoning application incorrectly notes that the land is not associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment. The direction in the application form if the response was "Yes" would be to require an Environmental Impact Assessment.*

*Therefore, to be consistent with the Official Plan and the Application for Zoning By-law Amendment, it is the recommendation of the ERCA to the Municipality that the Application be deferred until such time as an Environmental Impact Assessment has been completed. We encourage the applicant to consult with the Town of Amherstburg in consultation with our office to discuss the Terms Of Reference for the Environmental Impact Assessment. ERCA would be satisfied with the following as being an adequate demonstration of no negative impact. It should be stated that this is for the consideration of the Town of Amherstburg and other options may also meet the requirements.*

*1. Registration on title of a conservation easement in the name of the Municipality. The intent of the conservation easement would be to protect the identified wetland from impacts of adjacent uses and establish provisions for enforcement and issue resolution. ERCA can provide the Municipality a copy of a draft conservation easement for consideration.*

*2. Confirmation from the owner to the satisfaction of the Municipality that during the period of time (e.g., periodic reporting) that the temporary use by-law is in effect that no negative impacts from the proposed dwelling occur on the lands zoned Wetland. This could be integrated into the conservation easement provisions.*

*3. Establishment of a site-specific wetland zone on the lands zoned Wetland. The current list of uses permitted for Wetland zoning includes agriculture and forestry. We recommend that the Municipality remove these two uses from the subject lands in the area zoned Wetland. The official plan policy 3.6.3 (3) identifies that the "Permitted uses within a Provincially Significant Wetlands designation shall be limited to conservation uses, fish and wildlife areas, passive open space uses, and existing agricultural uses".*

*The Building Department provided comments which state "It is my understanding that a second dwelling unit would be created on a single property. This is typically not an acceptable practice, as it has the potential to set a bad precedence for others to do the*



same. I don't believe this is a practice that we want to endeavour. I have several concerns on this notice.

- Single access on to the property
- Sanitary
- Grading and drainage
- Addressing/ 911 notifications”

**7. CONCLUSION:**

Should Council prefer to consider this proposed application for a Temporary Use By-law, the comments received at this public meeting will be summarized and brought back in a future Council Report.



---

Rebecca Belanger  
**Manager of Planning Services**

**Jm/ss**

## Report Approval Details

Document Title:	Statutory Public Meeting for a Temporary Use Zoning By-law Amendment at 2376 Front Road N.docx
Attachments:	- Report to Council- May 28 - 2376 Front Rd N- Temporary Zoning By-law ATTACHMENTS.pdf
Final Approval Date:	May 23, 2018

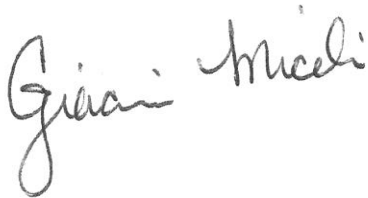
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - May 23, 2018 - 12:30 PM**



**Cheryl Horrobin - May 23, 2018 - 1:46 PM**



**John Miceli - May 23, 2018 - 2:03 PM**



**Task assigned to Paula Parker was completed by Tammy Fowkes - May 23, 2018 - 2:04 PM**

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

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, May 28, 2018, commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Sections 34 and 39 of the Planning Act, RSO 1990 cP.13 for a Temporary Use.

**THE SUBJECT LANDS** affected by the proposed amendment are described as Part of Lots 41 and 42, Concession 1, municipally known as 2376 Front Road North (County Road 20). The property has approximately 230 ft frontage and 3020 ft depth with a total area of 35.13 acres. The amendment applies to the middle 16.8 acres ±. (see key map below)

**THE PROPOSED AMENDMENT TO THE ZONING BY-LAW No. 1999-52** would change the zoning of the subject lands noted above from "**Agricultural (A) Zone**" to "**Temporary Special Provision Agricultural (T-A-38) Zone**" to add a second dwelling on that property which is not permitted as part of the current Agricultural Zone. The applicant has applied for a temporary-use by-law to allow for the construction and temporary residency of a second dwelling on the subject property. The current zoning of the subject parcel only permits one dwelling. The property is designated Agricultural in the Official Plan.

The temporary-use by-law would expire a maximum of three (3) years after the date of passing of the amendment to the Zoning Bylaw, at which time: (a) the temporary use zoning must be reapplied for; or, (b) one of the two dwellings must be demolished. The owner will be required to enter into an agreement to be registered on title and payment of a demolition security deposit as prerequisites to the approval of the proposed temporary use by-law.

A Planning Report will be presented to Council and the public at the Statutory Public Meeting to assess the conformity of the application with the Official Plan, Provincial Policy Statement and the Planning Act. Temporary Use By-laws must be in conformity with an Official Plan

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

**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council for the Corporation of the Town of Amherstburg to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Corporation of 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 Amendment (File No. ZBA/6/18) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the

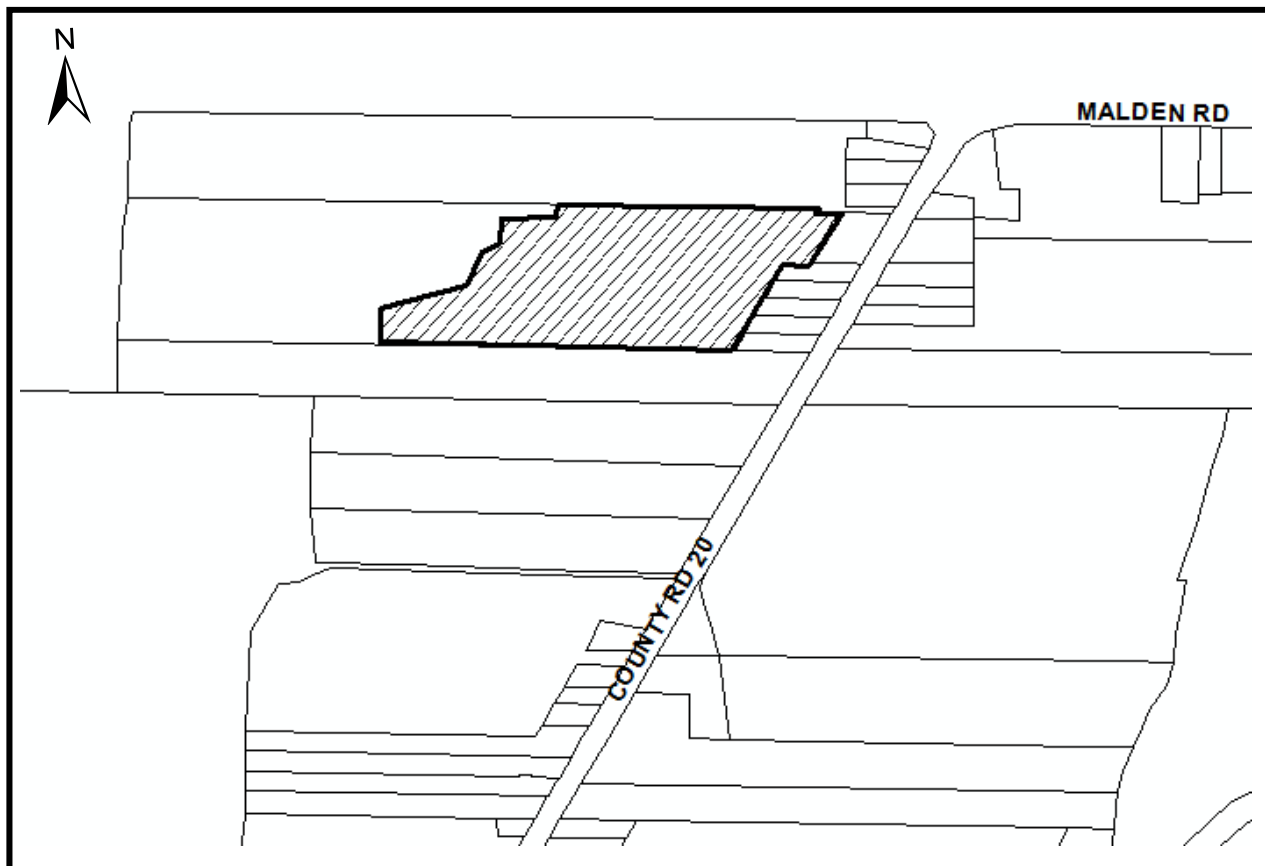
---

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.

passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 4<sup>th</sup> day of May, 2018.

**KEY MAP**






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

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

Town of Amherstburg  
2376 Front Road N



**Legend**

- Agricultural
-  Settlement Area Boundary
-  Provincially Significant Wetlands
-  Low Density Residential

Town of Amherstburg  
2376 Front Road N



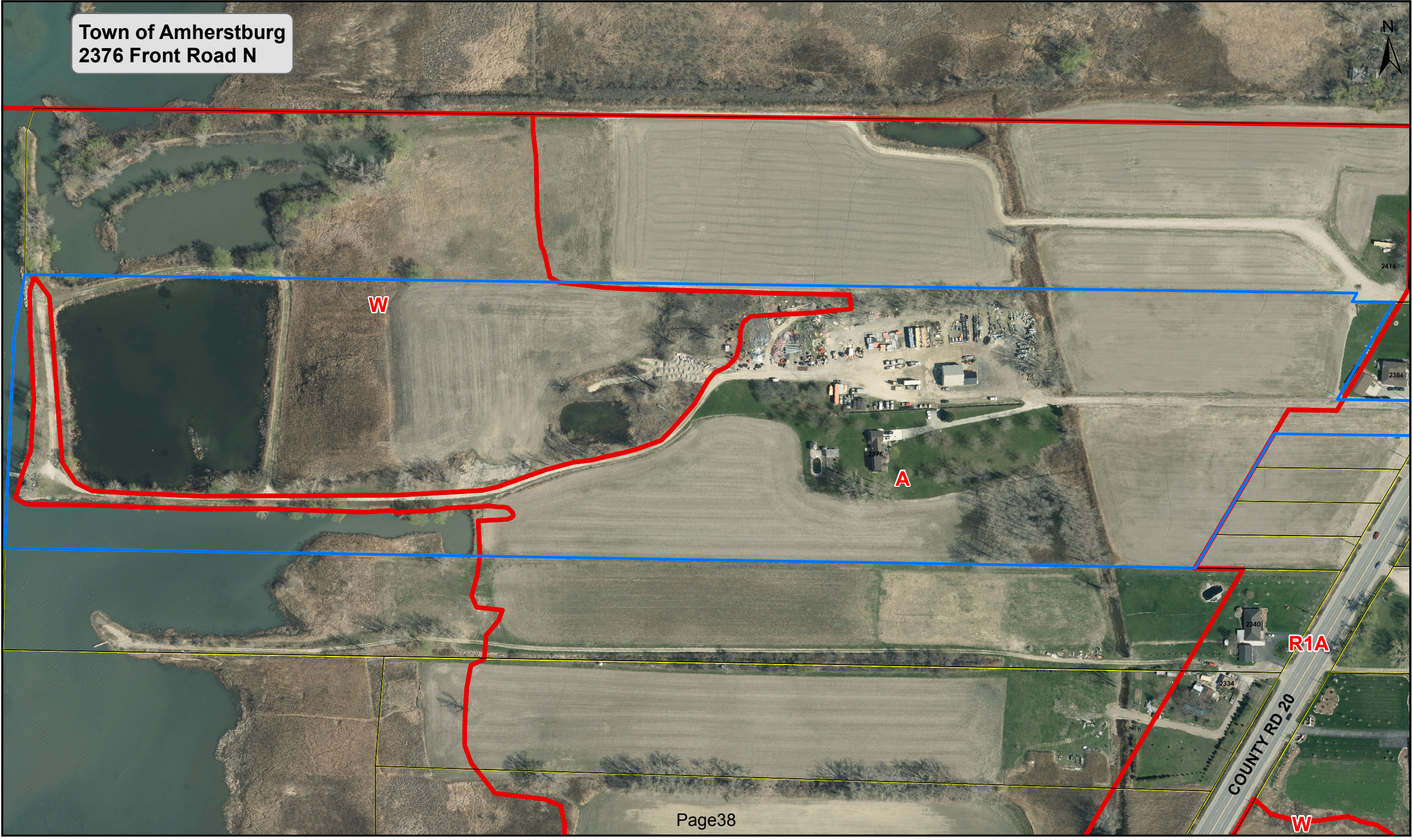
W

A

R1A

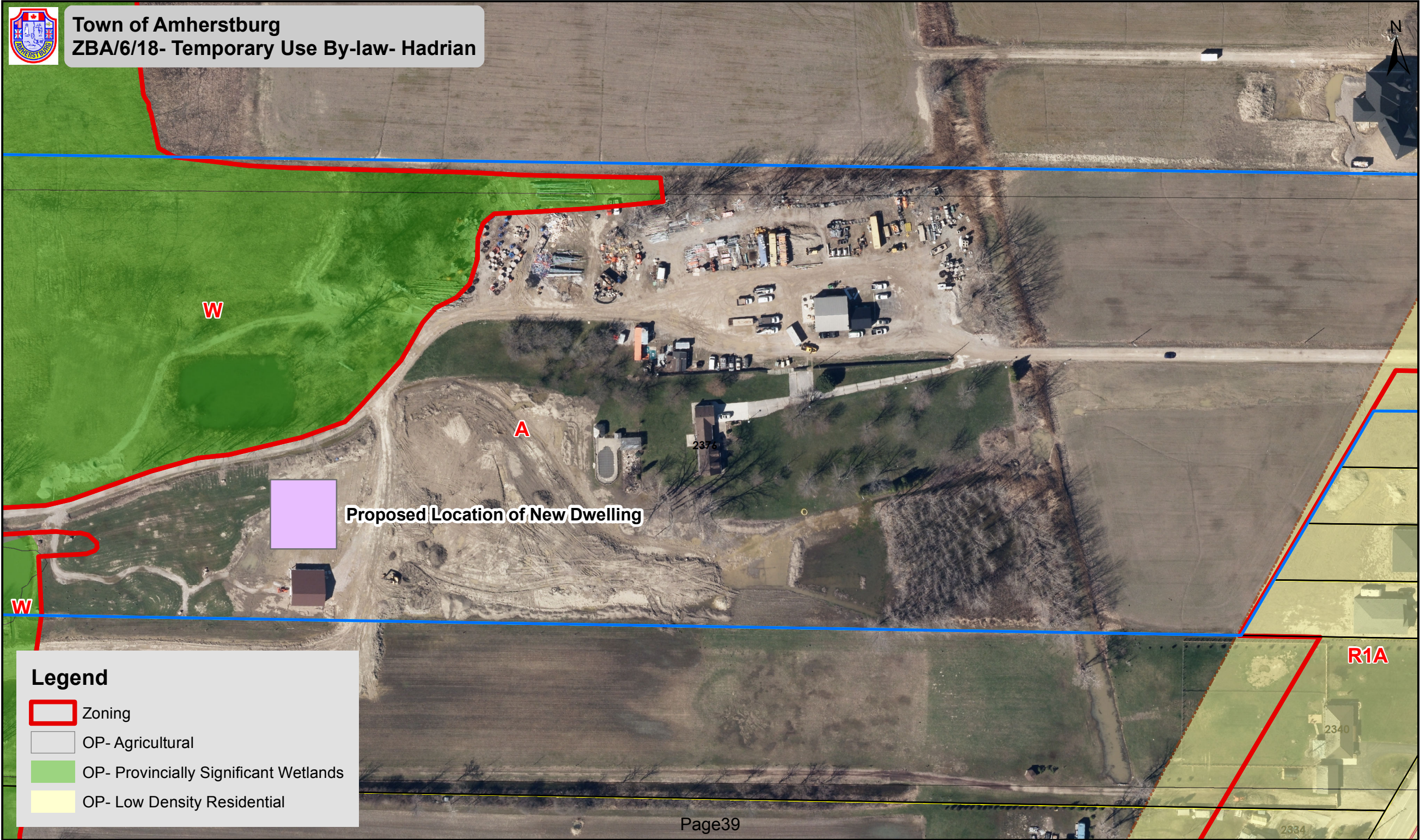
COUNTY RD 20

W





**Town of Amherstburg**  
**ZBA/6/18- Temporary Use By-law- Hadrian**



**Legend**

- Zoning
- OP- Agricultural
- OP- Provincially Significant Wetlands
- OP- Low Density Residential



regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

May 10, 2018

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

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-6-18 2376 FRONT RD N  
ARN 372950000040100; PIN: 705510168  
Applicant: Sean & Veronica Hadrian

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-6-18. The proposed amendment to the zoning by-law would change the zoning of the subject lands from "Agricultural Zone" to "Temporary Special Provision Agricultural (T-A-38) Zone" to allow for a second dwelling on the property.

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Detroit River. In addition, the subject lands support a Provincially Significant Wetland and ERCA's regulatory authority extends to the protection of this wetland. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

## **WATER RESOURCES MANAGEMENT**

Our office has reviewed the proposal and has no concerns relating to stormwater management as a result of the application for a change to the zoning by-law.

## **NATURAL HERITAGE**

The subject application is located within 120 metres of the extent of a Provincially Significant Wetland that is identified in both the official plan and zoning by-law. The official plan policy 3.6.3 (5) states that ""Development and site alteration shall not be permitted on any adjacent lands within 120 metres of an identified provincially significant wetland feature or area unless the natural features and ecological functions of the adjacent lands have been evaluated...". In addition, question 30 of the application form for the re-zoning application incorrectly notes that the land is not associated with any natural





Ms. Belanger  
May 10, 2018

environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment. The direction in the application form if the response was "Yes" would be to require an Environmental Impact Assessment.

Therefore, to be consistent with the Official Plan and the Application for Zoning By-law Amendment, it is the recommendation of the ERCA to the Municipality that the Application be **deferred** until such time as an Environmental Impact Assessment has been completed. We encourage the applicant to consult with the Town of Amherstburg in consultation with our office to discuss the Terms Of Reference for the Environmental Impact Assessment. ERCA would be satisfied with the following as being an adequate demonstration of no negative impact. It should be stated that this is for the consideration of the Town of Amherstburg and other options may also meet the requirements.

1. Registration on title of a conservation easement in the name of the Municipality. The intent of the conservation easement would be to protect the identified wetland from impacts of adjacent uses and establish provisions for enforcement and issue resolution. ERCA can provide the Municipality a copy of a draft conservation easement for consideration.
2. Confirmation from the owner to the satisfaction of the Municipality that during the period of time (e.g., periodic reporting) that the temporary use by-law is in effect that no negative impacts from the proposed dwelling occur on the lands zoned Wetland. This could be integrated into the conservation easement provisions.
3. Establishment of a site-specific wetland zone on the lands zoned Wetland. The current list of uses permitted for Wetland zoning includes agriculture and forestry. We recommend that the Municipality remove these two uses from the subject lands in the area zoned Wetland. The official plan policy 3.6.3 (3) identifies that the "Permitted uses within a Provincially Significant Wetlands designation shall be limited to conservation uses, fish and wildlife areas, passive open space uses, and existing agricultural uses".

We request to receive a copy of the Notice of Decision on this application.

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

Sincerely,



Michael Nelson  
Watershed Planner  
/mn



## Janine Mastronardi

---

**From:** Angelo Avolio  
**Sent:** Tuesday, May 08, 2018 12:55 PM  
**To:** Janine Mastronardi  
**Subject:** RE: Notice of Public Meeting- ZBA 2376 Front St N, Amherstburg

Good afternoon, It is my understanding that a second dwelling unit would be created on a single property. This is typically not an accepted practice, as it has a potential to set a bad precedence for others to do the same. I don't believe this is a practice we want to endeavour. I have several concerns on this notice.

- Single access on to the property
- Sanitary
- Grading and drainage
- Addressing / 911 notifications

### Angelo Avolio CBCO,CRBO

#### *Chief Building Official*

Town of Amherstburg - Libro Centre  
3295 Meloche Rd., Amherstburg, ON, N9V 2Y8  
Tel: 519-736-5408 ext 2136  
[aavolio@amherstburg.ca](mailto:aavolio@amherstburg.ca)  
**web site:** [www.amherstburg.ca](http://www.amherstburg.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.

### Angelo Avolio

#### *Chief Building Official*

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



**TALK  
THE  
BURG**

[www.talktheburg.ca](http://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.