



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING - PLANNING**

**AGENDA**

**Electronic Meeting  
Public Participation via Livestream  
<https://www.amherstburg.ca/livestream>**

**Monday, July 12, 2021**

**5:30 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](mailto:tfowkes@amherstburg.ca)

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

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**Pages**

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**  
*(Public Council Meeting Agenda Items)*

### 3. SPECIAL PLANNING REPORTS

#### 3.1. Statutory Public Meeting for a Zoning By-law Amendment on the E/S Front Road South

3

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at E/S Front Rd S (File ZBA-03-21), owned by Capo D'Aqua Corporation, **BE RECEIVED and SUMMARIZED** in a future report to Council.

### 4. ADJOURNMENT

That Council rise and adjourn at     p.m.



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING AND DEVELOPMENT SERVICES

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

Author's Name: Frank Garardo	Report Date: June 25, 2021
Author's Phone: 519 736-5408 ext. 2124	Date to Council: July 12, 2021
Author's E-mail: <a href="mailto:fgarardo@amherstburg.ca">fgarardo@amherstburg.ca</a>	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for a Zoning By-law Amendment on the E/S Front Road South

#### 1. RECOMMENDATION:

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at E/S Front Rd S (File ZBA-03-21), owned by Capo D'Aqua Corporation, **BE RECEIVED and SUMMARIZED** in a future report to Council.

#### 2. BACKGROUND:

The lands are the subject of a decision of the Committee of Adjustment for Application B-16-19, which approved the creation of a new residential building lot with associated conditions. The rezoning of the subject property to a temporary special provision R2 zone to temporarily allow for the existing accessory structure without a main use is a condition of the consent decision. Condition (10) of the decision states:

- 10. The severance application B/16/19 is denied unless the applicant removes the existing accessory structure or is successful in obtaining a temporary use-by-law prior to the stamping of the deeds.*

#### 3. DISCUSSION:

The Town is in receipt of an application for a Temporary Use Zoning By-law Amendment, under Section 39 of the Planning Act from Melanie Muir, Dillon Consulting Ltd., on behalf of Capo D'Aqua Corporation for property described as Part of Lot 6, Concession 1, provisionally severed from 849 Front Rd S. At conclusion of the severance, the residential

building lot subject of the Zoning By-law Amendment will have a lot frontage of 48.5 m (159.12 ft) and an irregular depth with a total area of 0.37 hectares (0.91 acres) ±. The applicant is requesting extension of the re-zoning in order to allow the existing accessory structure to remain on the property without a dwelling unit, to be used until the dwelling is constructed.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Residential Second Density (R2) Zone” to “Temporary Special Provision Residential Second Density (T-R2-7) Zone”. The land is designated Low Density Residential in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/16/19) to sever a residential building lot with an existing accessory structure on the lot. The temporary use rezoning of the subject property to allow the accessory structure to remain without a main use is a condition of the consent decision.

All other conditions of consent have been finalized including Council adoption of By-law 2021-013, a zoning by-law amendment to rezone a 10 metre buffer strip of lands at the back of the property from the residential designation to an Environmental-Protected designation.

The requested Temporary Use By-law proposes to allow for an accessory structure to temporarily remain on the lot without a single detached dwelling unit for a maximum three year period.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment cannot be finalized.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

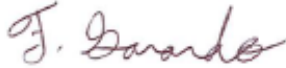
All costs associated with the application are the responsibility of the applicant.

**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.

**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.



Frank Garardo  
**Manager of Planning Services**

**JM**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Infrastructure Services**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 2136**

**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**

<b>NOTIFICATION :</b>				
<b>Name</b>	<b>Address</b>	<b>Email Address</b>	<b>Telephone</b>	<b>FAX</b>
Melanie Muir	3200 Deziel Dr, Suite 608, Windsor	<a href="mailto:mmuir@dillon.ca">mmuir@dillon.ca</a>	519-948-5000 ext. 3239	
Luigi DiPierdomenico				

## Report Approval Details

Document Title:	Statutory Public Meeting for a Zoning By-law Amendment on the E-S Front Road South.docx
Attachments:	- 2021 07 12- Statutory Public Mtd ZBA 849 Front Rd S Temp Use- ATTACHMENTS.pdf
Final Approval Date:	Jul 5, 2021

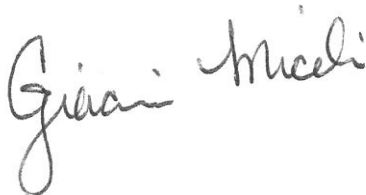
This report and all of its attachments were approved and signed as outlined below:



Nicole Rubli



Cheryl Horrobin



John Miceli



Paula Parker

CORPORATION OF THE TOWN OF AMHERSTBURG  
**NOTICE OF STATUTORY 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, July 12, 2021 commencing at 5:30 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 Concession 1, Part of Lot 6, located on east side of Front Road South, recently severed from 849 Front Road South. The property has 48.5 m (159.12 ft) frontage and an irregular depth with a total area of 0.37 hectares (0.91 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 “**Residential Second Density (R2) Zone**” to “**Temporary Special Provision Residential Second Density (T-R2-7) Zone**”. The extension of the re-zoning is requested in order to allow the existing 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 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 [planning@amherstburg.ca](mailto:planning@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 Thursday, July 8, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

**ANY PERSON** who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, July 8, 2021. To register for electronic participation please email the Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca). Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

**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/03/21) 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](http://www.amherstburg.ca). If you

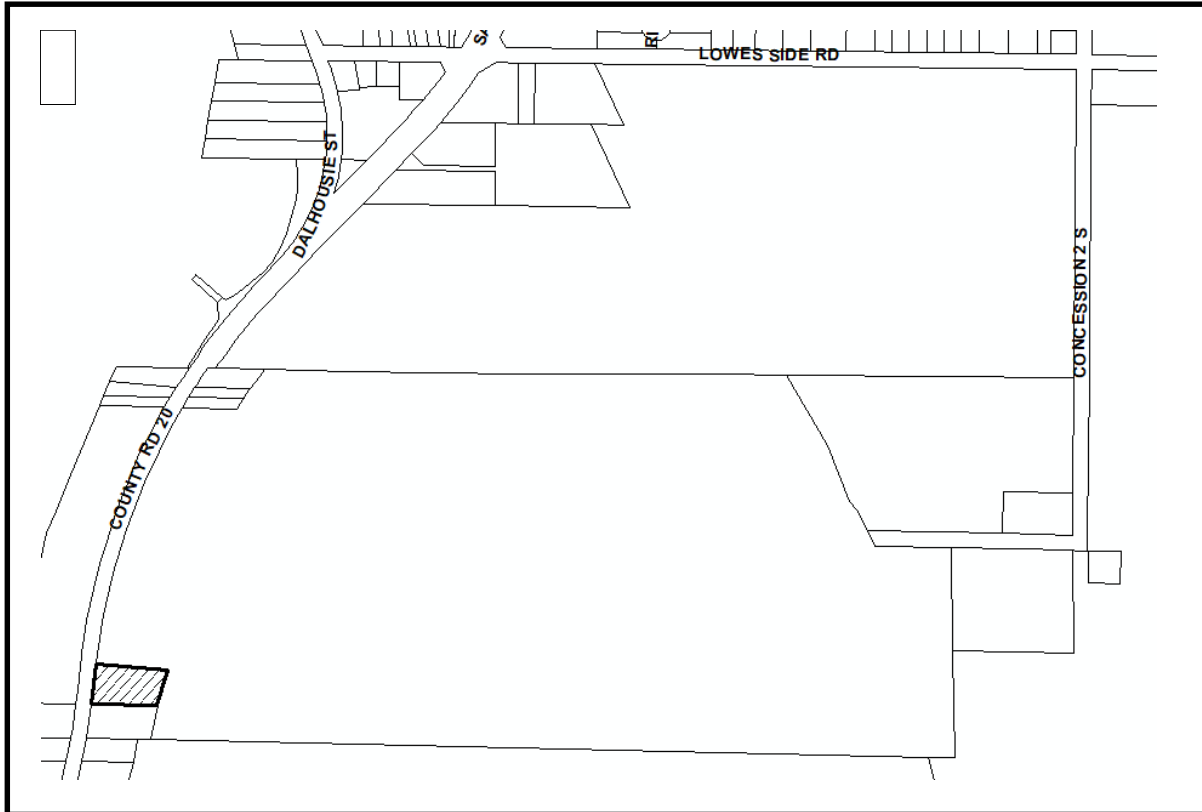
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wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting [www.amherstburg.ca](http://www.amherstburg.ca).

DATED at the Town of Amherstburg this 18<sup>th</sup> day of June, 2021.

## 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](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.



Application No. ZBA/03/21

**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 Dec. 11, 2020
- 3. Date application deemed complete by municipality June 7, 2021
- 4. Name of registered owner Capa D'Aqua Corporation c/o Luigi DiPierdomenico  
 Telephone number [REDACTED]  
 Address [REDACTED]  
 Email [REDACTED]  
 Name of registered owner's solicitor  
 or authorized agent (if any) Dillon Consulting Limited c/o Melanie Muir  
 Telephone number [REDACTED]  
 Address [REDACTED]  
 Email [REDACTED]

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. Part of Lots 5&6  
 Registered Plan No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_  
 Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
 Street Address 849 Front Road S Assessment Roll No. 3729-6000-000-2000

- 7. Size of subject parcel:

Frontage 48.50 m Depth Irregular Area 0.85ha

- 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 Low Density Residential
- (b) Explanation of how application conforms to the Official Plan \_\_\_\_\_

Application is for temporary use of an existing residential accessory structure on a property to be severed from the existing house

(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 R2, RM2, A, EP, W and h/h-2-EP/R

11. Nature and extent of rezoning requested Section 3.1 - accessory uses - a temporary use zoning amendment is requested

12. Reasons why rezoning is requested to allow existing an accessory structure to exist on a lot without a main use for a period of 3 years until the dwelling unit can be built

13. Current use of subject land Pole Barn used for storage of boat

14. Length of time current use of subject land has continued +/- 10 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 low density residential - max density 19 units/hectare  
R2 maximum height - 8.5m

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:

As a result of a recent severance the accessory structure is now located on Lot 1, approximately 58 m from front lot line, 20 m from southern side lot line, 10 m from northern side lot line and 7 m from rear lot line with no main use.

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

+/- 5 years

18. Date subject land acquired by current registered owner +/- 50 years

19. Proposed use of subject land Maintain the pole barn until a residence can be built

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:

unknown at this time, single detached dwelling to be designed on lot in the future

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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) \_\_\_\_\_
- \*Note: Septic system not required for the temporary

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:

B/16, B/17 and B/18, B/19 - Approved August 20, 2020 and September 29, 2020

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:

Concurrent - Rear buffer to be rezoned to EP zone.

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.

\_\_\_\_\_  
\_\_\_\_\_

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 Residential use on a residential property - temporary amendment to allow accessory structure to remain. Once the house is built the accessory structure will be legally permitted by the by-law

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

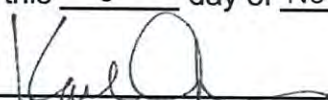
If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made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


Dillon Consulting Limited  
in the City of Windsor


Dated at the \_\_\_\_\_ of \_\_\_\_\_ this 8 day of November, 2020.

  
\_\_\_\_\_  
(signature of applicant, solicitor or authorized agent)

I, Karl Tanner of the City of Windsor  
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 Dillon Consulting Limited in the City of Windsor  
of Essex this 8 day of November, 2020.

  
\_\_\_\_\_  
Applicant, Solicitor or Authorized Agent

  
\_\_\_\_\_  
A Commissioner, etc.

**Melanie Anne Muir,**  
a Commissioner, etc., Province of Ontario.  
for Dillon Consulting Limited.  
Expires May 3, 2022.

**AUTHORIZATION**

(Please see note below)

To: Clerk  
Town of Amherstburg

Description and Location of Subject Land:

849 Front Road South

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Dillon Consulting Limited of the City Windsor of Windsor to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the Dillon Consulting Limited of in the City of Windsor in the County of Essex, this 8 day of December, 2020.

[Handwritten Signature]  
Signature of Witness

[Handwritten Signature]  
Signature of Owner

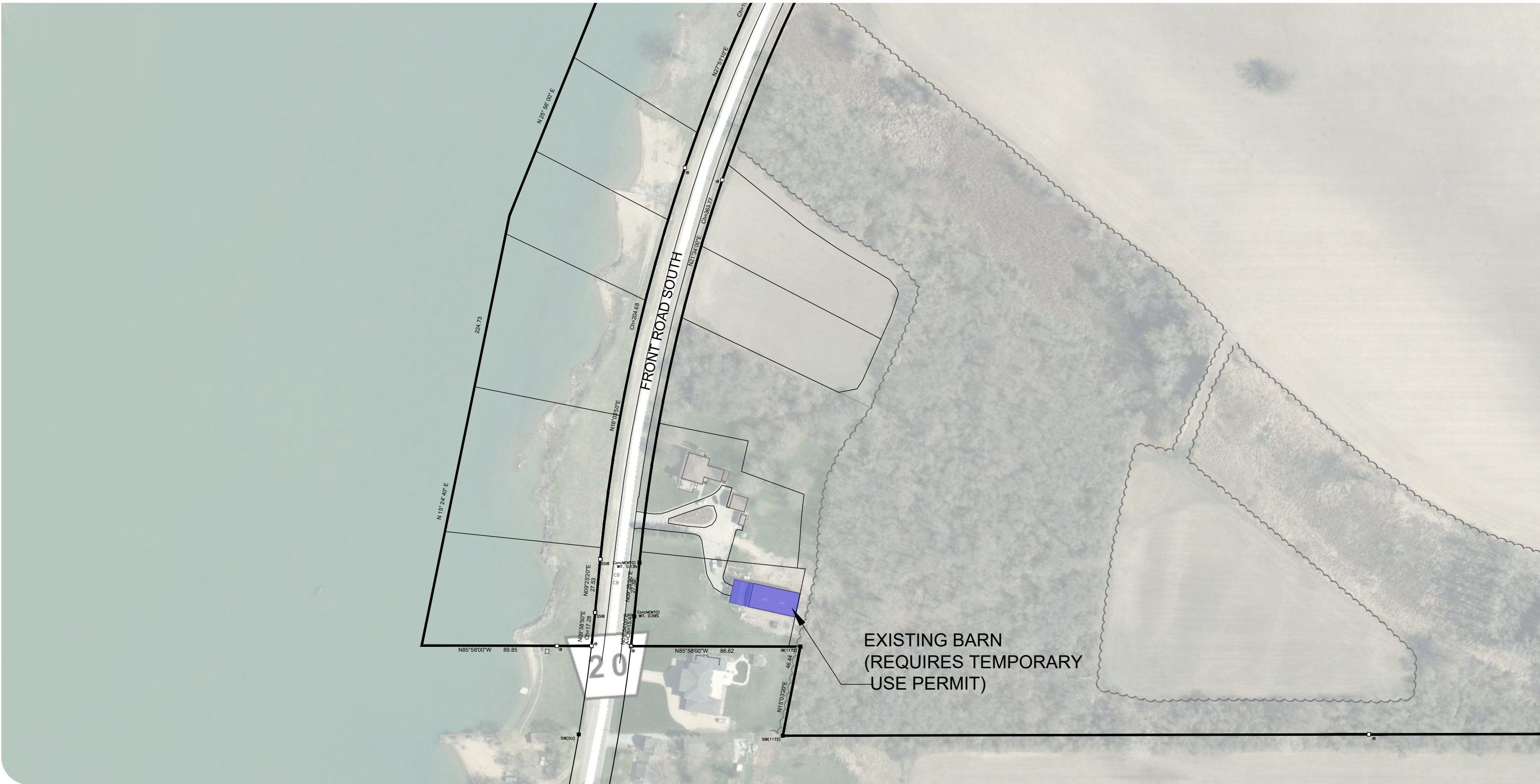
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Owner


\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Owner

\* Note: This form is only to be used for applications which are to be signed by someone other than the owner.



**CAPO D'AQUA CORPORATION**  
 849 FRONT ROAD, TOWN OF AMHERSTBURG, ON

 PROPOSED TEMPORARY USE PERMIT FOR THE EXISTING BARN

**PROPOSED TEMPORARY USE PERMIT**

File Location:  
 c:\pw working directory\projects to 2017\32mam\d0300077\163494 - zoning amendment plan.dwg  
 December, 11, 2020 9:01 AM

SOURCE: COUNTY OF ESSEX AERIAL PHOTOGRAPHY (2016)

MAP/DRAWING INFORMATION  
 THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
 CREATED BY: KRK /MMM  
 CHECKED BY: MAM  
 DESIGNED BY: MAM & KDT

1:3,000 (11' x 17')



PROJECT: 16-3494  
 STATUS: DRAFT  
 DATE: 10/08/2020



planning@erca.org

P.519.776.5209

F.519.776.8688

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

June 24, 2021

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

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-03-21  
849 FRONT RD S  
ARN 372960000002000, 372960000002050; PIN: 705700292  
Applicant: Town of Amherstburg

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-03-21 to continue the zoning of the subject lands noted above from the "Residential Second Density (R2) Zone" to "Temporary Special Provision Residential Second Density (T-R2-7) Zone". The extension of the re-zoning is requested in order to allow the existing accessory structure to remain on the property without a dwelling unit, to be used until the dwelling is constructed.

## **DELEGATED RESPONSIBILITY TO REPRESENT THE 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 Big Creek and Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future 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.

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was



Mr. Garardo  
June 24, 2021

developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at [riskmanagement@erca.org](mailto:riskmanagement@erca.org) or 519-776-5209 ext 214. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

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

### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (Big Creek Marsh (ER 13)), significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS).

Section 2.1.4 of the PPS, 2020 states - "Development and site alteration shall not be permitted in "significant wetlands..." and "significant coastal wetlands."

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected





Mr. Garardo  
June 24, 2021

under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).

Our information indicates that the subject parcel is likely to support fish habitat. As per Section 2.1.6 of the PPS, 2020 – "Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements." Inquiries regarding the applicability of fish habitat to the property should be made to the federal Fisheries and Oceans Canada website: [www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html).

Notwithstanding the above noted references to the PPS policies, based on our review of the subject application, it is our recommendation to the Municipality that an Environmental Impact Assessment is not required because the purpose of this application is to allow the existing accessory structure to remain on the property without a dwelling unit, to be used until the dwelling is constructed. In our opinion, this type of application is not development under the PPS. In our opinion based on these circumstances, a demonstration of no negative impact has been satisfied or is not necessary in this case.

### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment.

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

Sincerely,



Vitra Chodha, E.P  
*Resource Planner*  
/vc



**From:** [Shane McVitty](#)  
**To:** [Janine Mastronardi](#)  
**Cc:** [Todd Hewitt](#)  
**Subject:** Re: Notice of Public Meeting for a ZBA  
**Date:** June 22, 2021 3:37:44 PM

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Infrastructure Services (IS) has no comments.

**Shane McVitty**

*Drainage Superintendent / Engineering Coordinator*

Town of Amherstburg

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

Tel: 519-736-3664 x2318 Fax: 519-736-7080 TTY: 519-736-9860



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**On Jun 22, 2021, at 2:38 PM, Janine Mastronardi**  
<[jmastronardi@amherstburg.ca](mailto:jmastronardi@amherstburg.ca)> wrote:

Good afternoon.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for proposed zoning by-law amendment with associated application for property severed from 849 Front Road South, Town of Amherstburg, for your information and comments. Please provide the Town with any comments by June 25<sup>th</sup>, 2021.

Thank you,  
Janine

**Janine Mastronardi**

*Planning Office Clerk*

Town of Amherstburg - Libro Centre

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

Tel: 519-736-5408 ext 2134 Fax: 519-736-9859 TTY: 519-736-9860



**From:** [Horrobin, Barry](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** Windsor Police comments: Notice of Public Meeting for a ZBA  
**Date:** June 25, 2021 4:50:34 PM

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Janine:

The Windsor Police Service has no concerns or objections with this proposed Zoning By-law amendment. The outcome from this will not have a negative impact on public safety or the ability of the Windsor Police Service to provide incident response to the property.

Respectfully,

**Barry Horrobin, B.A., M.A., CLEP, CMM-III**  
**Director of Planning & Physical Resources**  
**WINDSOR POLICE SERVICE**



*Advanced Certified Law Enforcement Planner*

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**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Tuesday, June 22, 2021 2:38 PM  
**Subject:** Notice of Public Meeting for a ZBA

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for proposed zoning by-law amendment with associated application for property severed from 849 Front Road South, Town of Amherstburg, for your information and comments. Please provide the Town with any comments by June 25<sup>th</sup>, 2021.

Thank you,

**From:** [Ron Meloche](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for a ZBA  
**Date:** June 25, 2021 9:07:27 AM

---

Fire has no concern regarding ZBA- 03-01

**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:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** June 22, 2021 2:38 PM  
**Subject:** Notice of Public Meeting for a ZBA

Good afternoon.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for proposed zoning by-law amendment with associated application for property severed from 849 Front Road South, Town of Amherstburg, for your information and comments. Please provide the Town with any comments by June 25<sup>th</sup>, 2021.

Thank you,  
Janine

**Janine Mastronardi**

*Planning Office Clerk*  
Town of Amherstburg - Libro Centre  
3295 Meloche Rd., Amherstburg, Ontario, N9V 2Y8  
Tel: 519-736-5408 ext 2134 Fax: 519-736-9859 TTY: 519-736-9860



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**From:** [DESANDO, Bruno](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for a ZBA  
**Date:** June 22, 2021 7:44:16 PM  
**Importance:** High

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

Hello Janine,

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

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](mailto:bruno.desando@canadapost.ca)

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**From:** Janine Mastronardi <[jmastronardi@amherstburg.ca](mailto:jmastronardi@amherstburg.ca)>  
**Sent:** June-22-21 2:38 PM  
**Subject:** Notice of Public Meeting for a ZBA

**This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.**

Good afternoon.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for proposed zoning by-law amendment with associated application for property severed from 849 Front Road South, Town of Amherstburg, for your information and comments. Please provide the Town with any comments by June 25<sup>th</sup>, 2021.

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2021-043**

**By-law to amend Zoning By-law No. 1999-52  
E/S Front Road S (Conc 1, Pt Lot 6), Amherstburg**

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

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided under Sections 34 and 39 of the Planning Act for a Temporary Use;

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

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

1. Schedule "A", Map 55 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "R2 to T-R2-7" on Schedule "A" attached hereto and forming part of this By-law from "Residential Second Density (R2) Zone" to "Temporary Special Provision Residential Second Density (T-R2-7) Zone".
2. Section 8(4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (g) after clause (f) as follows:

“(g) T-R2-7 (Temporary Accessory Structure)

Notwithstanding any provisions of this By-law to the contrary, within any area designated T-R2-7 on Schedule "A" hereto, the following special provisions shall apply:

(i) Permitted Uses

1. A temporary accessory structure without a dwelling unit to be used until the dwelling unit is constructed;
2. Any use permitted in a R2 Zone.

(ii) Zone Provisions

All lot and building requirements for the permitted use and for the uses permitted in Subsection 8(4)(g) of this By-law shall be in accordance with Sections 8(3) and 8(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 "R2" Zone and the use permitted by the Temporary Zone that is not permitted by the base "R2" Zone shall be removed.

(iv) Expiry

The Permitted Uses and Zone Provisions of the T-R2-7 Zone shall expire on August 9, 2024.

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 9<sup>th</sup> day of August, 2021.

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MAYOR- ALDO DICARLO

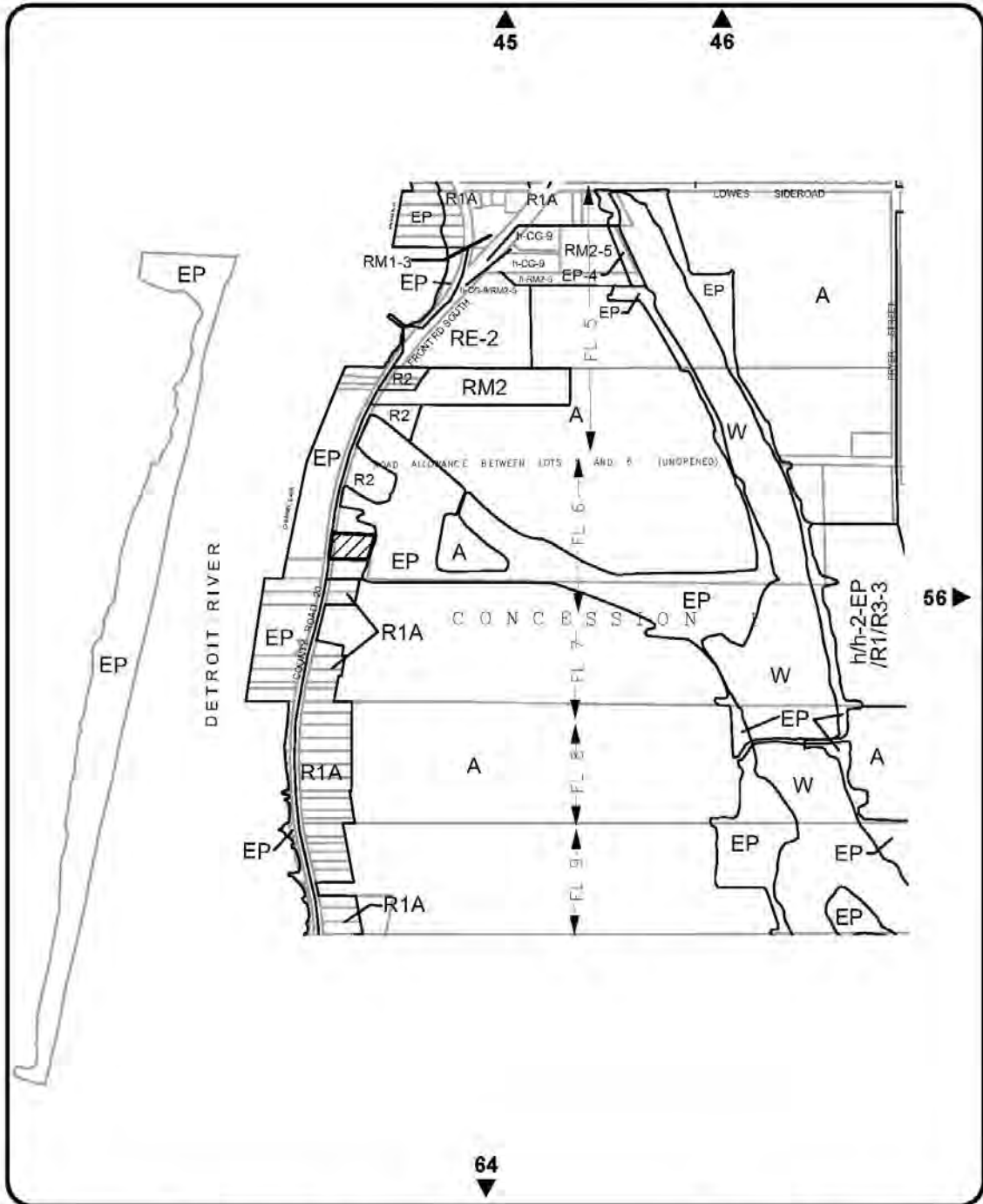
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CLERK- PAULA PARKER


DRAFT

**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2021-043  
 A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 55**  
 ZONING BY-LAW NO. 1999-52

R2 to T-R2-7 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER