

## PUBLIC MEETING

Minutes of a public meeting held Tuesday, April 25, 2006 at 7:00 p.m. in the Council Chambers to consider proposed Zoning By-law Amendments.

Present: Deputy Mayor Anthony Leardi  
Councillor Robert Bailey  
Councillor Carl Gibb  
Councillor Paul Renaud  
Councillor Rosa White

Also Present Frank Pizzuto, CAO  
Dave Mailloux, Clerk  
Lory Bratt, Planning Coordinator  
Lou Zarlenga, Public Works Manager  
Steve Brown, Chief Building Official  
Steve Wever, Planning Consultant

Absent: Mayor Wayne Hurst (with prior notice)  
Councillor Gord Freeman (with prior notice)

A record of those members of the public in attendance is attached as a schedule and forms part of these minutes.

### DISCLOSURE OF INTEREST

There were no disclosures of interest

Deputy Mayor Leardi assumed the Chair and opened the meeting welcoming all those in attendance stating the purpose was to consider proposed Zoning By-law Amendments. He explained the process for the meeting and the requirements under the Planning Act and asked the Planning Coordinator to summarize the applications.

#### Planning Coordinator

##### **(1) Wismer Brothers Ltd.**

We are in receipt of an application for Zoning By-law Amendment to By-law 1999-52 under Section 34 of the Planning Act from Wismer Brothers Ltd.

The property affected by the proposed amendment is located at the northeast corner of Alma Street and 3<sup>rd</sup> Concession North. The subject land has approximately 380 ft. of frontage along 3<sup>rd</sup> Concession North, 790 ft. of frontage along Alma Street and an area of 20 acres. Currently the lands are used for agriculture and contain one existing pole barn.

The proposed amendment would change the zoning of the lands from Agricultural (A) Zone to Special Industrial (SI) Zone. Permitted uses in the Special Industrial (SI) Zone include a range of light industrial uses, specific types of retail uses and offices. The subject lands are also subject to an application for consent to sever.

The proposed amendment is in conformity with the Official Plan Policies.

The following correspondence was received from the various agencies circulated:

- (1) Letter dated April 18, 2006 from the Essex Region Conservation Authority – no objections, however the northwest corner of the site is subject to ERCA regulations and will require a permit/clearance prior to any construction or site alterations. ERCA also requests the opportunity to review site plans for the subject lands to determine the need for the owner to undertake a stormwater management analysis.
- (2) Letter dated April 22, 2006 from A.J. Tiefenbach objecting to the proposed zoning by-law amendment.

Councillor Bailey asked if the subject land had always been zoned Agricultural.

The Planning Coordinator advised that the subject lands have been zoned Agricultural (A) Zone both in the current and previous Zoning By-law, however, the eastern portion of the lands 20+ acres had previously been rezoned to Special Industrial. Initially only one half of the property was rezoned to Special Industrial due to the availability of municipal water, however, the waterline along Alma has now been looped.

Chairman Leardi asked what the property is designated in the Official Plan.

The Planning Coordinator advised the property is designated Light Industrial in the Town's Official Plan.

Councillor Renaud inquired as to the proposed use of the corner lot.

The Planning Coordinator advised that a church is proposed for the corner lot and the property was the subject of both a rezoning and site plan agreement.

Chairman Leardi asked if a daycare centre is also proposed on this lot.

The Planning Coordinator indicated that a daycare is proposed on the church lands, however, is not proposed on the lands which form part of the current application.

Mr. Tiefenbach stated that his letter is self explanatory and had no further comments.

There were no further questions and/or comments from members of the public on this proposed amendment.

**(2) Housekeeping By-law – various**

The proposed amendment is a housekeeping amendment to address a number of minor issues that have been raised since the passage of By-law 1999-52.

Since the preparation of the Zoning By-law in 1999, the Committee of Adjustment, Planning Coordinator and Chief Building Official have noted minor issues with certain provisions within the By-law. Slight adjustments to certain regulations would result in a document that is more in keeping with today's development standards.

- The By-law has always incorporated a distinction between businesses and manufacturing operations that were referred to as "establishments" and businesses that were "retail stores". "Retail stores" is a defined term in the Zoning By-law but "establishment" was not defined. The proposed housekeeping by-law has provided a definition for "establishment".
- The proposed by-law also reduces the setback for the location of pump or filtration system associated with a swimming pool. The By-law 1999-52 already provides for a 1 metre setback for accessory buildings from the property line. Pumps and filtration systems were required to setback 3 metres. As a result of today's quieter systems it was determined that the pool systems should be treated in a similar manner as heating and cooling systems and permitted to locate with a 1 metre setback.
- Due to a change in the definition of height for accessory buildings (measured to the highest point) a number of accessory buildings have had to seek minor variances to construct accessory structures. The current by-law has a height limitation of 4.5 metres and the proposed amendment would change the height to a maximum of 5.5 metres. The definition of how one measures the height will remain the same.
- Within the Agricultural zone there exist many lots of record that are significantly smaller than the 30 hectare (74 acre) minimum lot size established for the Agricultural Zone. When the smaller lots attempted to construct an accessory building the existing By-law did not provide a proportionately smaller side yard requirement. As a result numerous applications were made to the Committee of Adjustment to seek relief from the By-law regulations. It has been deemed appropriate to incorporate a reduced side yard provision for accessory dwelling within the Agricultural Zone. The Interior side yard provisions for an accessory structure to a dwelling unit on a lot with less area and or frontage than required by the By-law is being proposed in this amending by-law as 3 metres.
- Within the General Provisions Section of the By-law is a list of uses that are prohibited unless otherwise specifically listed as permitted. Within that list is a list of "emissions" that include reference to emissions of "heat, glare, dust, dirt, fly ash or smoke". This emissions list does not have measurements associated with it except for reference to regulations of the Ministry of the Environment. As emissions are matters that are regulated by the Ministry of the Environment and are not enforceable by the municipality they are proposed to be removed from the by-law.
- Height Restriction is proposed to be amended by deleting from the list of exempt structures a tower and a windmill.

The Amendment to the Zoning By-law is in conformity to the Official Plan and the Amendment has application to the entire Town of Amherstburg.

The following correspondence was received from the various agencies circulated:

- (1) Letter dated April 18, 2006 from the Essex Region Conservation Authority – no objection.

Councillor White questioned the regulation of towers in the Agricultural zone.

The General Provisions section of the Zoning By-law relative to permitted Public uses was explained.

Ms. Bouvier expressed her objection to the removal of the words "smoke" and "dust" from the list of prohibited uses. Ms. Bouvier read from a prepared presentation expressing her concerns relating burning to lung cancer and pneumonia. She reviewed her longstanding concerns about burning being done by her neighbour and the lack of action from Town departments.

Chairman Leardi requested that she provide a copy of her presentation to the Town Clerk.

There were no further questions and/or comments from members of the public on this proposed amendment.

**(3) Housekeeping By-law – Wind energy**

The proposed amendment is a housekeeping amendment to ensure the Town has adequate regulations in place when considering an application for a wind generating facility.

The Town of Amherstburg is very supportive of the need to find creative and environmentally sound alternatives for energy production. The development of wind energy facilities in suitable locations is a sound planning objective. However, not all locations are suitable for the establishment of either a single wind energy conservation system or a combination of such turbines or "wind farms". This amendment to the By-law introduces definitions for small and large wind energy conversion systems and for wind farms. The By-law also creates general provision standards for the required setbacks to property lines for the erection of such structures.

The General Provision Regulation permits small wind energy conversion systems to locate within Agricultural, Industrial and Institutional zones as of right subject to specific setback and lot area requirements. For large wind energy conversion systems and wind farms the General Provision provides the setbacks and conditions for their erection but the use must be specifically listed as a permitted use within a zone before the use can be established.

The Amendment to the Zoning By-law is in conformity to the Official Plan and the amendment has application to the entire Town of Amherstburg.

The following correspondence was received from the various agencies circulated:

- (1) Letter dated April 18, 2006 from the Essex Region Conservation Authority – no objection.

Steve Wever, Planning Consultant consulted with the Ministry of the Environment and also contacted with the County of Bruce to establish regulations for a draft by-law.

Councillor Gibb expressed concern that with the proposed setback regulations from an existing residence on the same lot it may be difficult to have a wind energy system on a one (1) acre lot.

Councillor Renaud requested clarification for wind energy facilities in the Agricultural areas.

Mr. Wever explained that they are proposed as an accessory use to a permitted agricultural use. Therefore, they would not be permitted as an accessory use to a non-farm dwelling.

Councillor White asked who would be able to have a tower on their property giving Creative Kitchens as an example for a potential location.

With the current proposed by-law it would have to be an accessory use to a permitted agricultural, industrial or institutional use.

Mr. Wever noted that the Town can review the draft by-law relative to permitting a small wind energy system accessory to a non-farm dwelling.

Mr. Dominic Puzzuoli shared his interest in windmills. While he understands setback requirements from the road, he feels that the further a windmill is from a house would result in decreased power.

Chairman Leardi requested that Mr. Puzzuoli put his thoughts on paper and forward it to the Clerk.

There were not further comments and/or questions on this proposed amendment.

Chairman Leardi advised that Council will be considering the proposed amendments at the regular Council meeting scheduled for Monday, May 8, 2006 at 7:00 p.m. Chairman Leardi invited people to put their comments in writing and submit them to the Clerk and he thanked everyone for their attendance.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

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Chairman

*Lory Bratt*  
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Planning Coordinator

