



TOWN OF AMHERSTBURG SPECIAL COUNCIL MEETING

AGENDA

View Livestream at the time of the proceedings at
<https://www.amherstburg.ca/livestream>

Monday, February 28, 2022

4:00 PM

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk's Division at clerk@amherstburg.ca.

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

Pages

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

4. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. SPECIAL PLANNING REPORTS

5.1. Statutory Public Meeting to Consider a Zoning By-law Amendment for 111 St. Arnaud Street

4

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 111 St. Arnaud (File ZBA-02-22), owned by BD Warehousing Inc. and represented by Scott Riddell (Hammerhead Marine and Sports Co.), **BE RECEIVED and SUMMARIZED** in a future report to Council.

5.2. Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA/01/22, for 4841 County Road 18

38

It is recommended that:

1. That subject to any further comments or direction from Council, it is recommended that the proposed rezoning from Special Provisions Agricultural (A-1) Zone to Agricultural (A) Zone **BE APPROVED**; and,
2. The Director of Legislative Services/Clerk **BE AUTHORIZED** to prepare the necessary by-law for a future Council meeting.

5.3. Statutory Public Meeting to Consider a Zoning By-law Amendment for 8559 Concession 8

It is recommended that:

1. Subject to any further comments or direction from Council, it is recommended that the proposed rezoning from Agricultural (A) Zone to a Residential holding Zone **BE APPROVED**; and,
2. The Director of Legislative Services/Clerk **BE AUTHORIZED** to prepare the necessary by-law for a future Council meeting.

6. 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: Valerie Critchley	Report Date: February 17, 2022
Author's Phone: 519 736-0012 ext. 2238	Date to Council: February 28, 2022
Author's E-mail: vcritchley@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for 111 St. Arnaud Street

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 111 St. Arnaud (File ZBA-02-22), owned by BD Warehousing Inc. and represented by Scott Riddell (Hammerhead Marine and Sports Co.), **BE RECEIVED and SUMMARIZED** in a future report to Council.

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Scott Riddell (agent acting for Owner BD Warehousing Inc.). The subject lands are located on the south side of St. Arnaud St. between Sandwich St. N. and Bertrand Ave and are municipally known as 111 St. Arnaud St. (refer to Figure 1).

The purpose of the application is to establish a site-specific zone to add an indoor shooting range and retail space. As shown on Figure 2, the site is currently occupied with an industrial building having a total floor area of approximately 183,000 square feet. The proposed site-specific zone would apply to approximately 25,000 square feet of the building. The proposed shooting range would occupy an area of approximately 3,000

square feet, with the retail component occupying an area of approximately 8,000 square feet. The balance of the space being proposed to be rezoned will be used for a service and repair establishment and warehousing (refer to Figure 3).

3. DISCUSSION:

The subject lands are designated Light Industrial in the Official Plan. The uses permitted in the Light Industrial designation shall be limited to those industrial uses which have limited or restricted open storage and may include workshops, warehousing, service shops, processing, manufacturing and assembling operations, offices, medical/dental clinics, laboratories and research facilities, communication facilities, and printing and publishing plants. This designation does not allow, however, for major bulk storage operations such as grain elevators, fuel storage, etc., which are included in the Heavy Industrial category.

The type of Light Industrial use permitted shall be such that there are minimal adverse effects on adjoining Residential land uses as the result of the emission of noise, smoke, dust, or odour.

Adequate off-street parking and loading facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.

Buffer planting shall be provided between the Industrial areas and any adjacent Residential areas and such buffer planting may include provisions for grass strips, berms, screening, appropriate planting of trees and shrubs, or distance.

All new developments in the Light Industrial category shall be subject to site plan control as provided for by The Planning Act.

The Light Industrial uses may be placed in a separate zoning classification(s) in the implementing Zoning By-Law. The Zoning By-law zones the lands Heavy Industrial (HI).

Currently at this location the following uses are permitted in the Town's Comprehensive Zoning By-law:

- (i) agricultural service establishment;
- (ii) agricultural supply establishment;
- (iii) animal hospital
- (iv) assembly plant;
- (v) auction establishment;
- (vi) body shop;
- (vii) building supply yard;
- (viii) bulk sales establishment;
- (ix) chemical plant;
- (x) commercial storage unit;
- (xi) commercial garage;
- (xii) contractor's yard;
- (xiii) data processing establishment;
- (xiv) dry cleaning and laundry plant;
- (xv) electrical and electronic products industry;

- (xvi) existing waste settling ponds;
- (xvii) industrial and agricultural equipment sales and service;
- (xviii) impounding yard;
- (xix) licenced cannabis production facility (2019-075)
- (xx) manufacturing and assembly industry;
- (xxi) municipal or provincial garage or storage yard;
- (xxii) nursery and garden store;
- (xxiii) office, support;
- (xxiv) open storage use of goods or materials if accessory to a permitted use;
- (xxv) parking lot;
- (xxvi) pharmaceutical and medical products industry;
- (xxvii) printing plant;
- (xxviii) printing reproduction and data processing industry;
- (xxix) processed goods industry;
- (xxx) propane transfer facility;
- (xxxii) repair and rental establishment;
- (xxxii) research and development establishment;
- (xxxiii) service and repair establishment;
- (xxxiv) service shop;
- (xxxv) transport terminal;
- (xxxvi) vehicle repair garage;
- (xxxvii) warehousing;
- (xxxviii) wholesale establishment.

It is noted that Shooting Ranges are regulated by the Chief Fire Arms Office of Ontario. As such, any person wishing to operate a shooting range will be subject to all the applicable Provincial regulations. Part of the provincial regulations is to demonstrate that the applicant is able to comply with all municipal policies and by-laws. Attached to this report is a copy of a letter from the applicant detailing the proposed nature of the business.

The purpose of this initial public meeting is to provide an opportunity for the Applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the rezoning. As Council is aware, notice for the proposed rezoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments are attached to this report.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

This rezoning will have no impact on the municipal budget. All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

Refer to attached summary of comments. 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:

Subject to and further comments or direction from Council, that the presentation and comments on the proposed rezoning be received and referred to a future public meeting.



Valerie Critchley
Director, Legislative Services and Clerk

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: MillerSilani Inc., Consulting Services

Name: Office of Engineering and Public Works
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

Name: Ontario Power Generation

Email: Executivevp.lawanddevelopment@opg.com

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

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

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

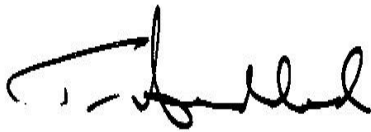
Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 111 St. Arnaud.docx
Attachments:	- 2022 02 28- Statutory Public Mtg- ZBA- 111 St. Arnuad- ATTACHMENTS.pdf
Final Approval Date:	Feb 22, 2022

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



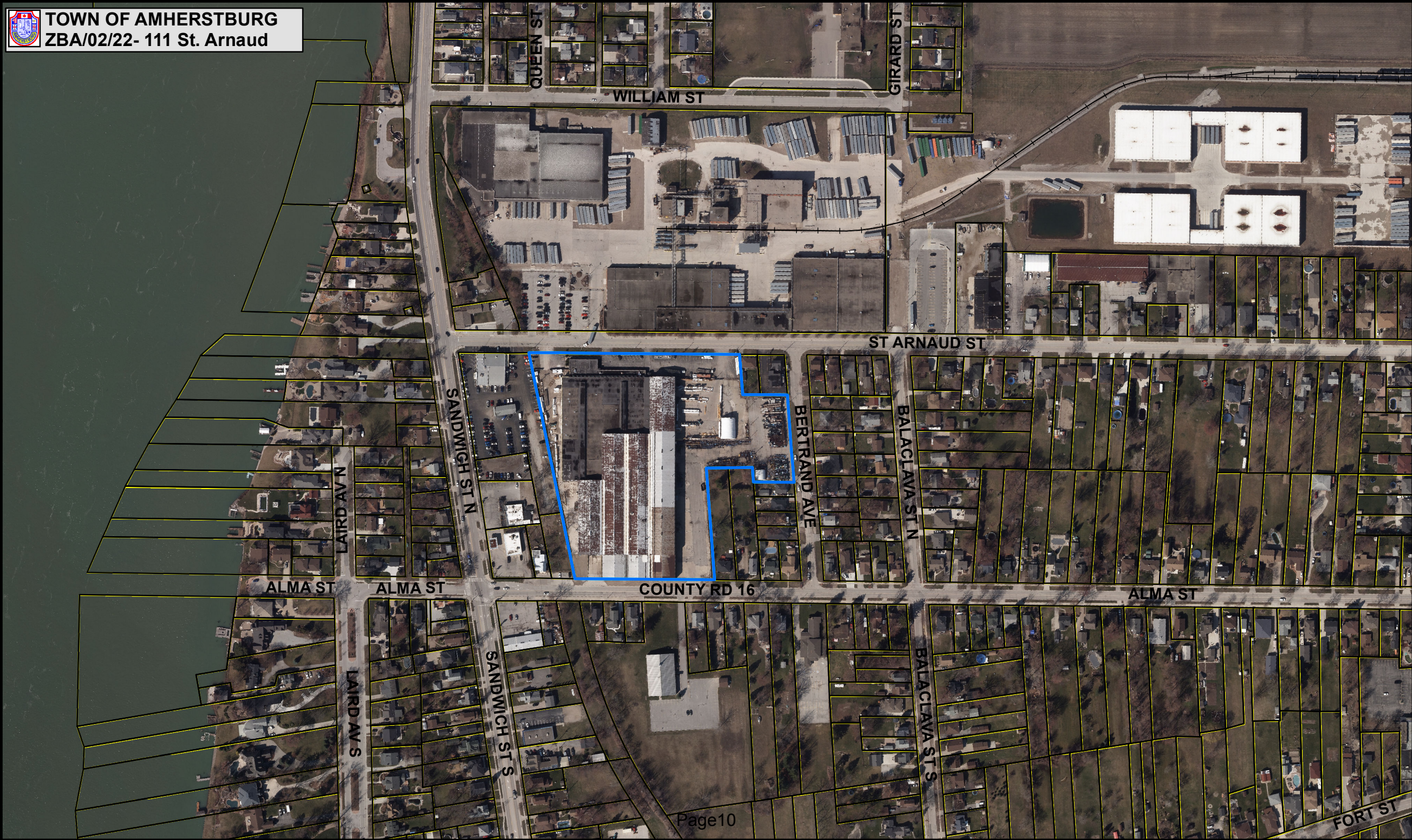
Tiffany Hong

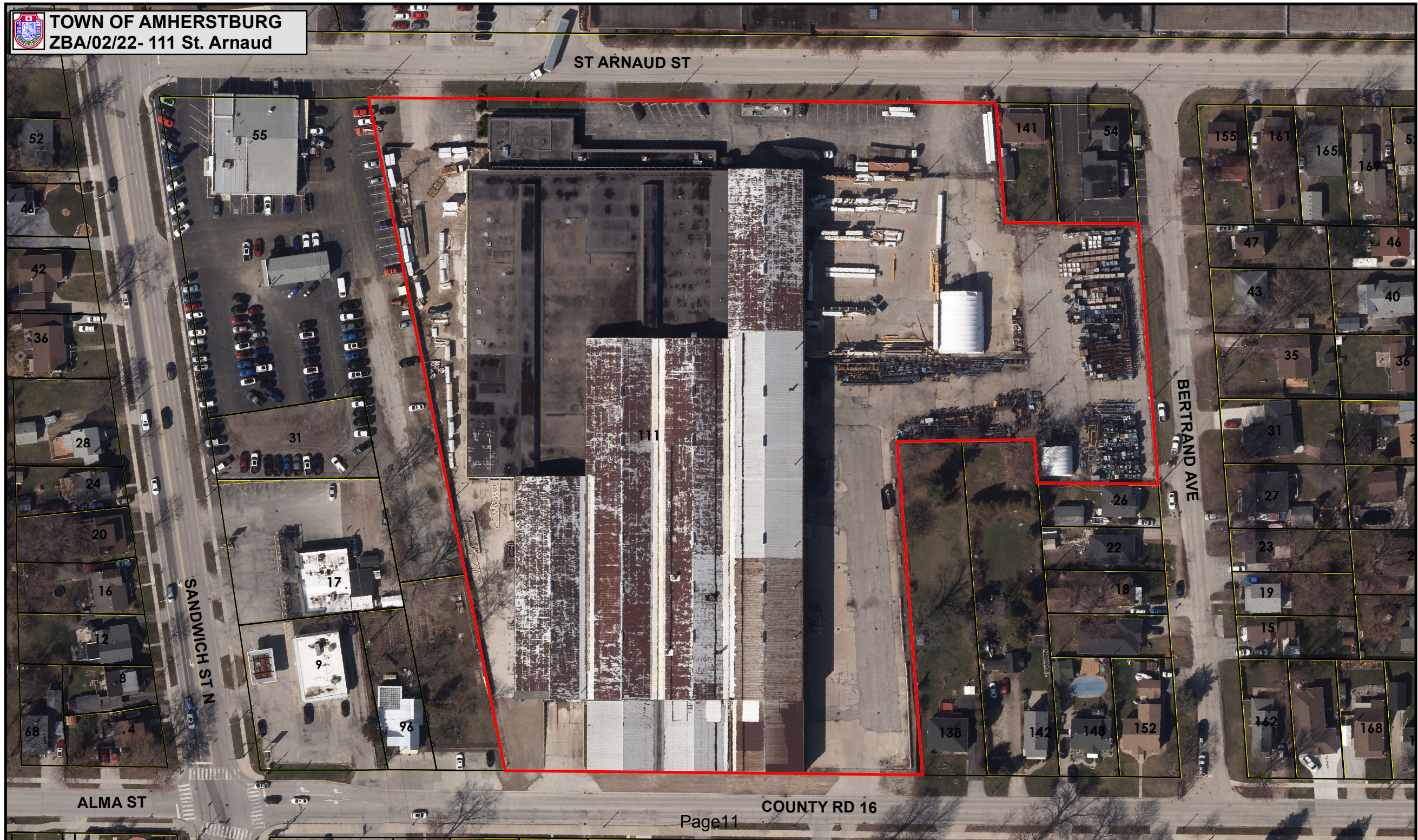


Tony Haddad



Valerie Critchley





ST ARNAUD ST

BERTRAND AVE

SANDWICH ST N

ALMA ST

COUNTY RD 16

52

46

42

36

28

24

20

16

12

8

4

68

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31

17

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111

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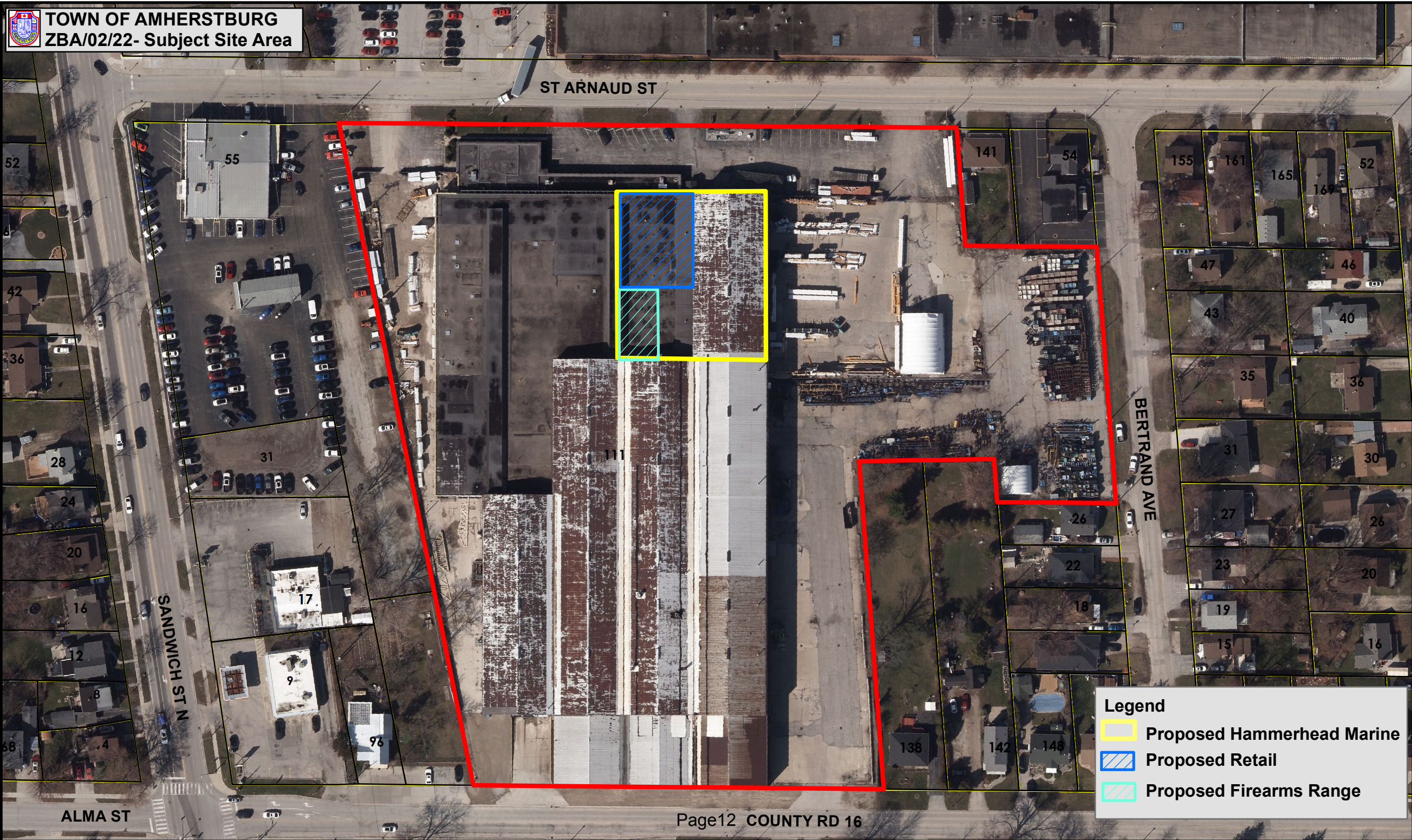
152

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148

152



ST ARNAUD ST

BERTRAND AVE

SANDWICH ST N

ALMA ST

Legend

-  Proposed Hammerhead Marine
-  Proposed Retail
-  Proposed Firearms Range

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, February 28, 2022 commencing at 4:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Lots 51 to 53, Plan 240 and Lots 8 to 13, Plan 946, municipally known as 111 St. Arnaud. The property contains a 182,993 sq ft industrial building with a total lot area of 8.49 acres (see key map below).

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the “**Heavy Industrial (HI) Zone**” to “**Special Provision Heavy Industrial (HI-8) Zone**”. The total building size is 182,993 sq ft. The site specific zoning will apply to one 24,800 sq ft unit within the existing building. The lands are designated Light Industrial in the Town’s Official Plan.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for a site specific provision to permit 8000 sq ft of retail uses and a 2960 sq ft firearms range on the subject property in addition to all other uses in the HI Zone. The remaining 13,840 sq ft of unit will be used for a service and repair establishment and warehousing.

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 Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, February 24, 2022 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, February 24, 2022. To register for electronic participation please email the Deputy Clerk at 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.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html> .

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 Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

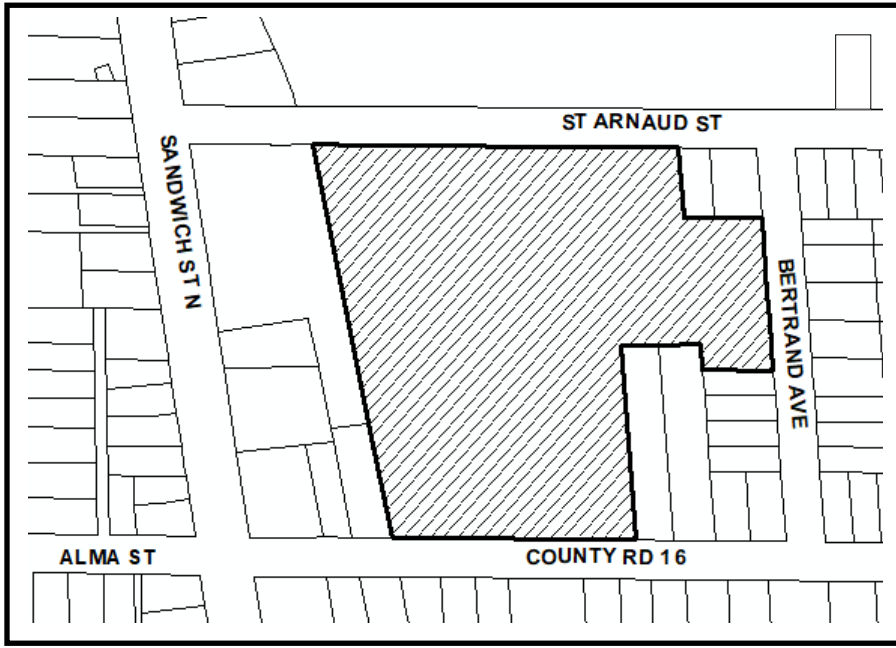
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion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

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.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/02/22) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 2nd day of February, 2022.

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

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Municipal Fee Received:	
Municipal Deposit Received:	<u>PAID</u>
ERCA Fee Received:	

Application No. ZBA/02/22

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

- Name of approval authority Town of Amherstburg
- Date application received by municipality Dec. 16, 2021
- Date application deemed complete by municipality Jan. 18, 2022
- Name of registered owner BD Warehousing Inc.

Telephone number _____
 Address _____
 Email _____

Name of registered owner's solicitor or authorized agent (if any) Scott Riddell

Telephone number _____
 Address _____
 Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

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

- Location and description of subject land:

Concession No. _____ Lot(s) No. _____
 Registered Plan No. 240 + 946 Lot(s) No. Lots 51 to 53 + Lots 8 to 13
 Reference Plan No. _____ Part(s) No. _____
 Street Address 111 St. Arnaud Assessment Roll No. 306-04700

- Size of subject parcel:

Frontage 615.29 ft Depth irregular Area 8.49 ac

- 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

- (a) Current Official Plan Land Use designation of subject land Light Industrial
 (b) Explanation of how application conforms to the Official Plan _____

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

Yes No

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

10. Current Zoning of subject land HI

11. Nature and extent of rezoning requested PERMIT INDOOR FIREARMS RANGE - ACCESSORY TO SPORTING STORE GUN STORE

12. Reasons why rezoning is requested ALLOW ADDITIONAL USE.

13. Current use of subject land RETAIL SPORTING GOODS.

14. Length of time current use of subject land has continued 4-6 MOS.

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

1 INDUSTRIAL BUILDING - SITE PLAN ATTACHED.

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

unknown

18. Date subject land acquired by current registered owner August 2017

19. Proposed use of subject land INDUSTRIAL.

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:

~~0~~

21. Type of water supply:

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

22. Type of sanitary sewage disposal:

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

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

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

23. Type of storm drainage:

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

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

- consent to sever
- approval of a plan of subdivision

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

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

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

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

- Yes
- No

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

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

Yes No

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

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

Yes No

Comments _____

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

Yes No

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

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

Yes No

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

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

Yes No


Dated at the Town of Amherstburg this 16th day of December 2021.



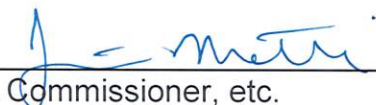
(signature of applicant, solicitor or authorized agent)

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

Declared before me at the Town of Amherstburg in the County
of Essex this 16th day of December, 2021.



Applicant, Solicitor or Authorized Agent



A Commissioner, etc.

Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

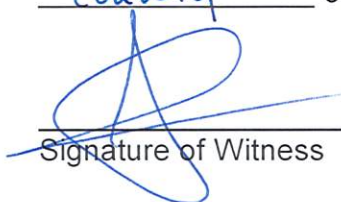
Description and Location of Subject Land:

111 St. Annand

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Scott Riddell of the Town of Amherstburg 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 Town of Amherstburg in the County of Essex, this 21st day of January, 2022



Signature of Witness



Signature of Owner

Signature of Witness

Signature of Owner

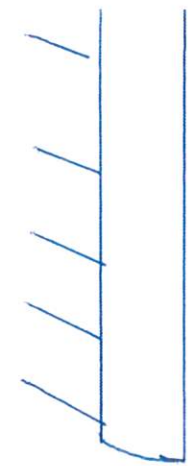
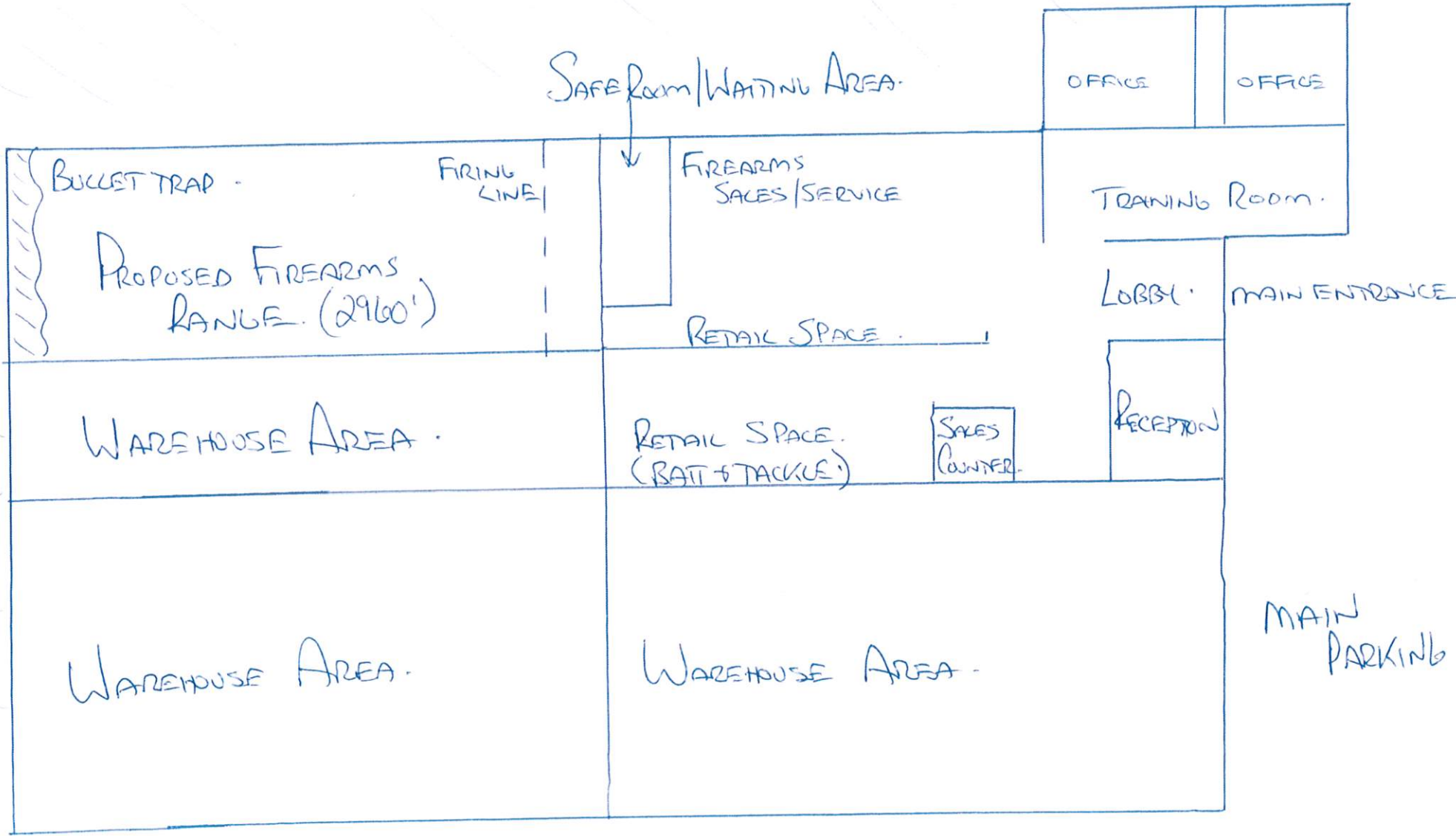
Signature of Witness

Signature of Owner

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

ADJOINING SPACE (TOP NORTH PLASTICS)

ADJOINING SPACE - ZEPHYRUS

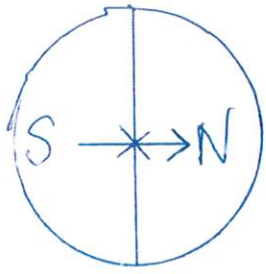


ST. ARNAUD STREET

MAIN PARKING LOT

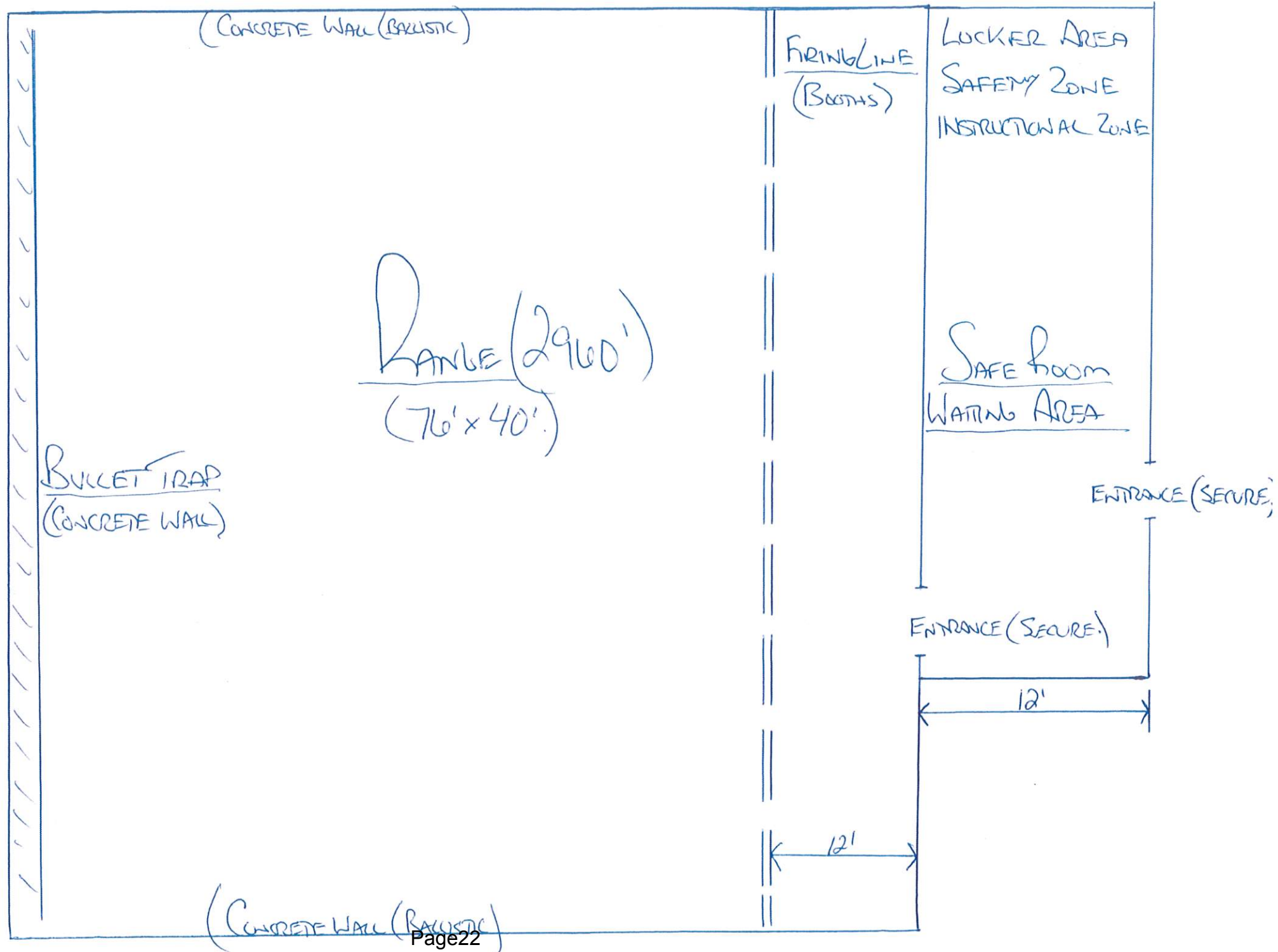
MAIN BOAT / SERVICE YARD

DIAGRAM #1



DISTANCES

- RANGE IS ENCLOSED WITHIN THE BUILDING
- NO EXTERIOR EXITS
- DISTANCES ARE FROM RANGE TO BUILDING EXTERIOR.
- NORTH - 190'
- SOUTH - 425'
- EAST - 120'
- WEST - 220'



Attention: CLERK, Town of Amherstburg
Proposal for Firearms Range,
Additional usage amendment

Applicant: Hammerhead Marine & Sport Co.



The following is a detailed list of information pertinent to the opening, constructing and use of a proposed Firearms Range located at 111 St Arnaud Street, Unit # 8 Amherstburg Ontario.

The applicant, Scott Riddell speaking on behalf of Hammerhead Marine & Sport Co. wishes to make application to change/add use of the property to support an indoor firearms range.

First and fore most we wish to express that proper operating procedures, club memberships and events will operate within all Provincial, Federal, and Municipal laws, rules, and regulations with no exception.

Safety, consistency, education, and structure are our top priorities as we begin this project.

The Firearms Range will be a great addition to our currently under application firearms, ammution, and outdoor sports facility. We are excited to be able to offer this opportunity in the Town of Amherstburg as the sport continues to grow throughout Canada. The addition of the Range will afford employment opportunities, educational seminars and a state of the art facility attracting members from all over Essex County.

111 St Arnaud Street Unit # 8 Amherstburg Ontario is a large facility housing commercial, industrial, service and retail business. The

land/building is zoned heavy industrial, and this unit has housed multiple diverse types of business over the past 50 plus years. The proposed space is approximately 2900' and will be constructed in a way to provide optimal safety meeting or exceeding regulations. Sound deadening materials will also be utilized where needed to lessen or remove any outside noise pollution or annoyance. Any noise generated from the use of the Range WILL NOT be heard off property and falls well under allowed noise compliance/allowances already in place fro the building.

Hammerhead Marine & Sport Co. will promote firearms safety, awareness, and training at this facility. Instructional classes and demonstration such as Hunter Education Course, Firearms Safety Course and law enforcement seminars/information sessions will be held on site. We will also engage with fundraising efforts within our communities.

Law enforcement, Ministry of Natural Resources, Canada Customs and Border Patrol, Ministry of Corrections, Ministry of Transportation and the AMA Sportsmen's Club will be encouraged to utilize memberships, provide instructional training and information on ever changing laws involving the ownership, safety and recreational use of firearms.

We wish this location to be a multi-faceted attraction and hub for much more than just a Firearms Range.

Meet our Qualified Staff

Our main Instructor/Range Officer *Richard Penketh* is an avid target sportsman, and previous (RO) Range Officer from the Parry Sound Anglers and Hunters organization. As a former Range Officer Richard possesses all the needed Knowledge, skills, abilities and licencing requirements to operate and over see Firing Range operations.

The first assistant to the Range Officer, *Zachary Riddell* is an avid shooting enthusiast. Zachary is also an avid hunter with over 10 years of experience

in related fields. Zachary possesses the knowledge, skills, abilities and licensing requirements to assist with/operate and oversee Firing Range operations.

The owner operator of Hammerhead Marine & Sport Co. is *Scott Riddell*. A retired Police officer with 25 years of law enforcement experience. In addition, 15 years of paramedic and firefighter experience will assist with risk management and range safety. He has the knowledge, skills, abilities and proper licencing to oversee all operations involving the Firearms Range. He has extensive knowledge of firearms, the laws, rules and regulations surrounding them.

All parameters set out by the Ministry/and or governing bodies will be strictly applied and followed.

It is our intention to keep constant contact with the Chief Firearms Officer of Ontario for legislation, updates, safety requirements and operational procedures.

There are several key factors to consider when constructing a range. They are as follows

-
- **The range must be contained within a building.**
-

Not only is the proposed space contained within a building, but it is also central and surrounded by existing space (See Diagram 1 attached) There are no exits or rooms attached inside the active firing range.

- **The safety area/room must be attached and not exterior to the range.**
-

Our Safety area/room is immediately attached to the range. This room is controlled by a security lock manipulated by an employee or pre-determined electronic access. This is the only way to enter or exit the range.

- **The range must have a bullet trap and proper ventilation.**
-

Recycled rubber, sand and steel plating will be utilized as a bullet trap/backstop inside the facility affording no opportunity for a projectile to escape. This trap meets or exceeds all requirements and regulations. Ventilation through the flat roof in several areas will be installed to provide ample air flow for comfort and safety as per the (CFO) Chief Firearms Officer of Ontario's suggestions.

In addition, there will be no gaps or protruding edges along the walls. No exposed screw heads, bolts or other hardware. Any steel plates will be capable of withstanding their own weight to avoid buckling or damage and any plate exposed will be beveled to avoid immediate ricochet.

- **The range must employ a lead control plan/environmental issues plan.**
-

Again, proper ventilation meeting and/or exceeding regulatory guidelines will be installed. The range area will have an aggressive cleaning schedule utilizing proper cleaning and sanitizing techniques to minimize any health hazards in the area. HEPA vacuums and filters will be utilized in the ventilation and hand held systems meeting or exceeding requirements.

-
- **The range shall have a downrange protected zone (PZ) (IE: protection from projectiles travelling in an upwards direction.)**
-

The range will use multiple horizontal and vertical angle ballistic protection in the ceiling. Thus, protecting the integrity of the structure, the occupants and exterior of the building.

-
- **If the range has a safety room/waiting area, it must be separate from the active range.**
-

The range will have a safety room/waiting area attached. It will be secured and accessed by employee manipulation or pre-determined electronic access. This room will have double entry access including proper seals and weather stripping to avoid sound and air contamination.

-
- **The floor of the range must be constructed in a way that minimizes bullet backslash and facilitates cleaning.**
-

The range floor is heavy concrete construction and will be sealed utilizing epoxy and a ceramic silicone sealer. These materials provide increased protection, cleanliness, slip resistance and anti-microbial properties. This meets or exceeds requirements and/or regulations.

-
- **The range must have clear lines of site (LOfs) and adequate ceiling heights.**
-

The proposed range location affords adequate height and the ability to construct proper vertical angle ballistic baffles. These will be installed in a manner that accommodates all shooting positions, prone, kneeling, sitting and standing.

-
- **The range shall have adequate emergency lighting**
-

The range will have emergency lighting that meets and/or exceeds local Fire Department and municipal requirements.

- **The range must have proper safety signage.**
-

There will be “RANGE SAFETY RULES” signage posted in the safety room/waiting area and on each end of the range behind the firing line visible from every entrance. These signs will highlight multiple safety requirements when using the range. Separate signage will be posted warning against food, drink, smoking and vaping. Signage for safety equipment will also be posted separately, hearing protection eye protection etc.

- **Range should have adequate warning lights.**
-

The range will have a warning light system indicating the operational status of the range.

An illuminated warning sign “RANGE IN USE”

Red and Green warning lights/beacons.

- **Target holders shall be designed to ensure they do not generate ricochets that might exit the range and or danger any users.**
-

Low ricochet materials, angled steel or coroplast will be used to construct all target holders. The target holders will be easily manipulated for differing heights to accommodate the multiple shooting positions.

- **All Ranges must be laid out with individual firing lanes**

The range will accommodate 9 individual firing lanes, with one access lane for cleaning, Maintenance and instruction if needed. Each individual firing lane booth will be equipped with a bench/table to assist shooters, barrier materials (wall) to stop casings from striking other members and to reduce sound vibration. These lanes (booths) will allow a comfortable and safe firing area but will not impede proper air flow and ventilation. Distance to targets and firing line will be painted/marked clearly in each lane.

- **Protection zone and construction materials**

Regulations set out thickness and materials for areas inside the PZ or protected zone. (Diagram # 2) sets these parameters. Concrete walls exceeding the minimum thickness will be used to encase the entire PZ protected zone. Regulations call for 7.87" however we will be utilizing 8"-10" of concrete thickness.

Angled Impact plate installed in the bullet trap at 45 degrees will be .5" thick exceeding recommendations.

A sand trap will be installed at a thickness of 6 inches covering the entire floor area between the steel plates exceeding recommendations.

An anti-backsplash curtain will be utilized to prevent fragmentation(s) debris reentering the firing range.

Bullet trap maintenance and range inspections will be conducted daily to determine any insufficiencies.

Additional Information to the above noted project plans

High resolution security cameras and sound systems will be installed in both the safety room/waiting area and firearms range for added safety and training. The Firearms range and exterior building will be secure, alarmed and monitored by a third-party source with direct access to law enforcement.

In closing the Firearms Range will meet or exceed all required safety rules, regulations, laws and construction requirements set out by the Province of Ontario, The Government of Canada, and the Township of Amherstburg.

We have the proper facility and people in place to make this Firearms Range successful, safe, educational and a much needed addition to the sporting world of Essex County.

As mentioned prior the Firearms range will have controlled access and does not abut the exterior of the building. The following measurements are approximate: From the Range wall North, it is 250' to St Arnaud Street

From the Range wall South, it is 347' to Alma Street

From the Range wall East, it is 426' to Bertrand Avenue

From the Range wall West, it is 375' to Sandwich Street

7 residences abut the entire industrial property, however the distances are quite great.

Any questions, comments, concerns or additional requirements/recommendations are greatly appreciated. Please feel free to contact the applicant.

Scott Riddell
Owner/Operator and Applicant



Further to our discussion and application:

The walls of the Firearms Range will be constructed of solid poured concrete 8" in thickness. Meeting and exceeding the recommended thickness.

The walls will be covered in ballistic rubber or foam to mitigate noise reverberation where needed. Also, meeting or exceeding recommendations.

The ceiling in the range area will be insulated to reduce noise escaping the range area. In addition, there will be ballistic baffles installed which protects the ceiling and reduces noise.

The range is contained within the building and is surrounded by our additional amenities. The distance of the range to the farthest portion of the property is great in most areas. The closest buildings are other factory type settings being that of Diageo Canada.

The current Land use has noise variance/allowances which I believe exceed the decibel levels of the firearms that will be fired inside the building.

We have done onsite testing with sledgehammers and construction hammers struck on a steel plate. The noise is heard within the building but not outside of the structure. This is with zero construction completed, and/or any noise mitigation amenities being installed.

Please call if you have any questions. Noise will not be an issue with the completed construction.

Safety areas, lockers, vaults, security surveillance and alarms will all be utilized within the building.

There is ample parking and secure yard access on this property.

Sincerely

Scott Riddell

Hammerhead Marine & Sport Co.

519-999-4584



Summary of Correspondence Received on Zoning By-law Amendment Application

Below is a summary of the comments received by the Planning Services Division on zoning by-law amendment application ZBA/02/22, 111 St. Arnaud.

Fire Services Department:

Fire was in the building in question for a business inspection along with building department, and identified a few issues involving separation between the shop and retail, and fire sprinkler system compatibility with the intended use. My understanding was that there would be permits obtained to meet building code. The sprinkler system will require an engineers report to verify the sprinkler system is designed for the commodity (fiberglass boats, resins, paints, etc. from the repair shop, but also for the indoor boat storage. Proper storage of all flammables will also be required. As for the shooting range modifications, how will it affect the fire sprinkler system in the proposed area, and how will the ammunition be stored.

Infrastructure Services Department:

No Comments from IS.

Building Services Division:

All permits required for construction- Change of use permit will be required. Drawings submitted to be completed by an Architect and or Professional Engineer. Sign permits will be required. Provide all other applicable law and ministry approvals at permit submission. Change of use permit required for Hammerhead Marine and Sports Co. Business licence required through By-law and Licensing Department

Licensing and By-law Enforcement:

Licensing & Enforcement has no objection to this land use development, however to avoid any noise complaints we would ask the development be limited to an indoor range only and have sound abatement as part of the construction.

February 28, 2022

Windsor Police Services:

The Windsor Police Service has no objections with this application to permit a firearms range comprising 2,960 sq. ft. within the existing industrial building but would recommend the following target hardening and public safety strengthening elements be considered:

- All physical access points associated with the firing range and its related space(s) should be equipped with high security locks that are not duplicable at a typical hardware store (only a locksmith)
- The firing range space(s) is equipped with a separately zoned security alarm system, complete with motion detectors, to identify access that may be unlawfully gained
- CCTV recording of the space(s) to enhance follow up investigative capacity, should an incident occur requiring police investigation
- Strong lighting that offers good coverage of the overall area
- Written protocols established and implemented that dictate proper and safe usage, including transporting of firearms

Essex Region Conservation Authority:

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

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

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 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 or 519-776- 5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. 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.

February 28, 2022

If this development, is subject to a future site plan control application, we wish to comment further, on stormwater management, at that time. The ERCA requests to be circulated on any submitted application for site plan control, related to this proposal.

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 not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, the ERCA advises that we have no concerns related to the zoning by-amendment application and request to be circulated on any required future site plan application.

Canada Post:

Canada Post has no comments.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-013**

**By-law to amend Zoning By-law No. 1999-52
111 St. Arnaud, 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 28 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from HI to HI-9" on Schedule "A" attached hereto and forming part of this By-law from "Heavy Industrial (HI) Zone" to "Special Provision Heavy Industrial (HI-9) Zone".
2. Section 2, Definitions, as amended, is hereby further amended with the inclusion of the following definition:

"Shooting Range means a place that is designed or intended for the safe discharge, on a regular structured basis, of firearms for the purposes of target practice or shooting competitions."

3. Section 22(4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (i) after clause (h) as follows:

"(i) HI-9 (111 St. Arnaud)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned HI-9 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) Uses Permitted
 1. shooting range
 2. retail store
 3. any use permitted in the HI Zone.
- (ii) Zone Requirements
 1. Maximum total floor area for a retail store 744 sq m
 2. Maximum total floor area for a shooting range 279 sq m

All other provisions of this By-law shall apply."

4. That all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Heavy Industrial Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

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

Read a first, second and third time and finally passed this --th day of March, 2022.

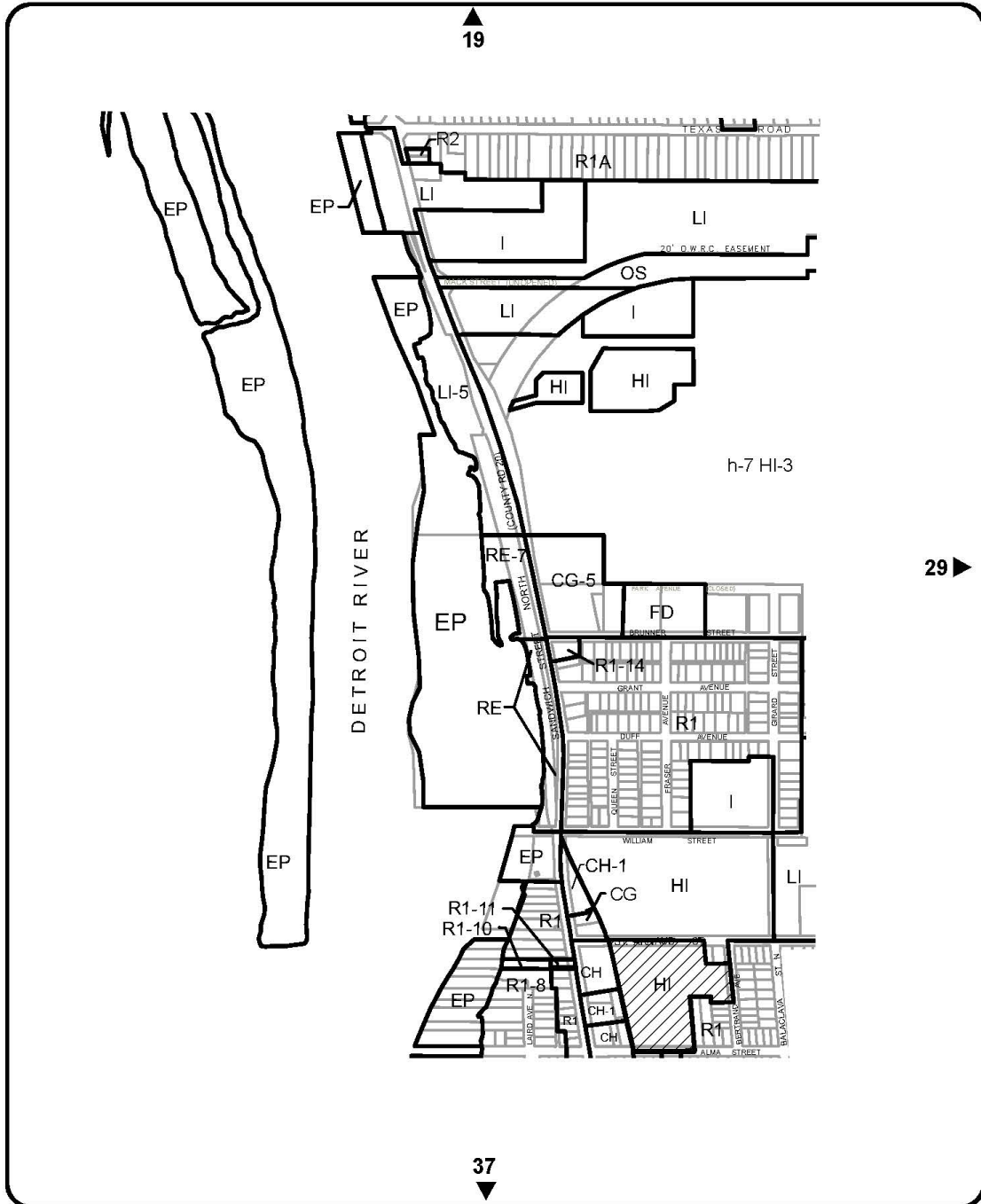
MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

DRAFT

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-013
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 28
 ZONING BY-LAW NO. 1999-52

HI to HI-9 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY



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.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA/01/22, for 4841 County Road 18

1. RECOMMENDATION:

It is recommended that:

- 1. That subject to any further comments or direction from Council, it is recommended that the proposed rezoning from Special Provisions Agricultural (A-1) Zone to Agricultural (A) Zone BE APPROVED; and,
2. That the Director, Legislative Services and Clerk BE AUTHORIZED to prepare the necessary by-law for a future Council meeting.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The purpose of this application is to fulfill a condition of a Committee of Adjustment decision granted as part of application B-34-21. The purpose of the consent application was to sever a parcel of land having a frontage of approximately 438 ft and an area of approximately 20.4 acres which is intended to be merged with property municipally known as 4841 County Road 18. The retained lands have a frontage of 225 ft and an area of approximately 1.6 acres and contains one single detached dwelling and one accessory structure (refer to figure 1)

The applicable conditions of the Committee decision include:

“5. that the applicant submit a draft transfer to break the original consent on 4841 County Road 18 together with a Solicitors undertaking that the parcels which are intended to be merged will be registered in the same name all to the satisfaction of the municipality.”

“10. That 4841 County Road 18 be rezoned from Agricultural Special Provisions (A-1) Zone to Agricultural (A) Zone to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal.”

3. DISCUSSION:

As indicated above, the purpose of the application is to merge the severed lands with lands municipally known as 4841 County Road 18. At some point in the past, 4841 County Road 18 was zoned to permit a transport truck terminal. Condition 10 of the Committee’s decision is to rezone 4841 County Road 18 to remove the transport terminal as a permitted use. Condition number 5 of the Committee’s decision requires the severed lands to be consolidated with 4841 County Road 18. This merger will ensure that no new building lot is created in the Agricultural Area.

On review of the application, the rezoning is consistent with the general intent and purpose of both the Official Plan and Zoning By-Law. The deletion of the transport truck terminal as a permitted use is deemed to be a benefit by removing an incompatible land use in this area.

Attached to this report is a copy of a letter from the applicant’s solicitor outlining additional background information on the application.

Also attached is a summary of all comments received as of the time when this report was prepared. None of the comments received would suggest this application be deferred or denied.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

This rezoning will have no impact on the municipal budget. All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

Refer to attached summary of comments. 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:**

Subject to any further comments received and/or direction from Council, it is recommended that the rezoning be approved and that the Director, Legislative Services and Clerk be authorized to prepare the necessary by-law for a future agenda.



Valerie Critchley
Director, Legislative Services and Clerk

JM

**Name: Office of Engineering and Public Works
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**

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

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

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

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

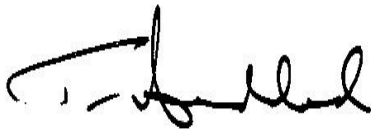
Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment at 4841 County Road 18.docx
Attachments:	- 2022 02 28- Statutory Public Mtg- ZBA- 4841 County Rd 18- ATTACH.pdf
Final Approval Date:	Feb 22, 2022

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



Tiffany Hong



Tony Haddad



Valerie Critchley

**CORPORATION OF THE TOWN OF AMHERSTBURG
AMENDED 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, February 28, 2022 commencing at 4:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Lot 41, Concession 4, municipally known as 4841 County Road 18. The property contains a single detached dwelling and one accessory structure. The total area subject to the rezoning is 0.47 hectares (1.17 acres) and labelled as Part 1. Subsequent to a consent the undersized agricultural parcel will consist of Part 1, the original lot, merged with Part 2, the severed lands, resulting in a lot area of 21.59 acres (see key map below).

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the “**Special Provision Agricultural (A-1) Zone**” to “**Agricultural (A) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described will merged with the abutting agricultural parcel. A condition of consent B/34/21 is to rezone the subject property to Agricultural “to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal”.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for general agricultural uses on the subject property and remove the A-1 site specific zoning which had permitted a transport truck terminal.

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 Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, February 24, 2022 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, February 24, 2022. To register for electronic participation please email the Deputy Clerk at 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.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html> .

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 Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

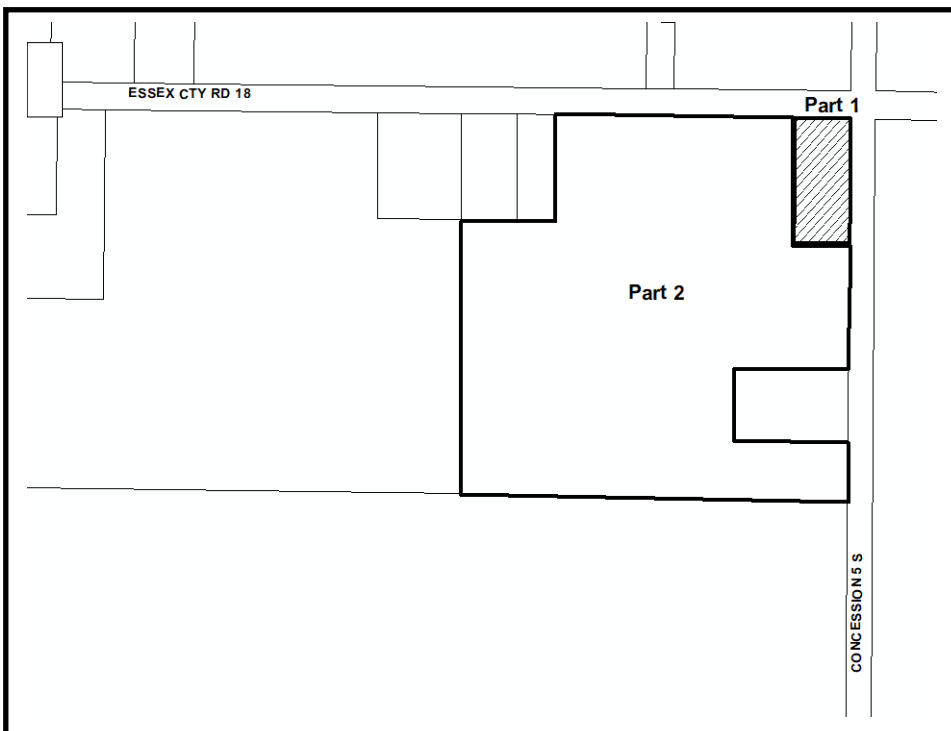
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion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

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.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/01/22) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 7th day of February, 2022.

KEY MAP



Valerie Critchley
Director, Legislative Services & Clerk

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

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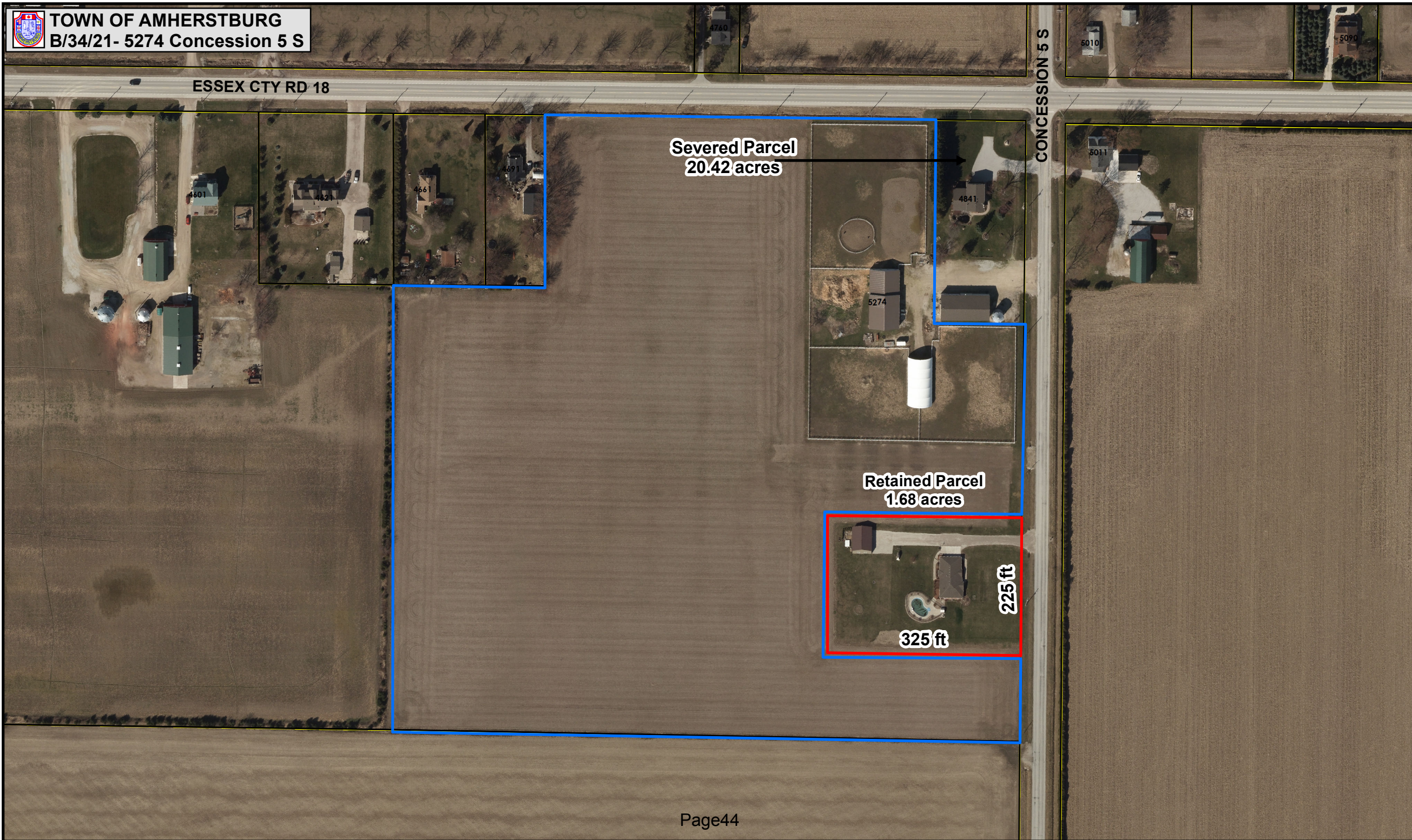
CONCESSION 5 S

Severed Parcel
20.42 acres

Retained Parcel
1.68 acres

225 ft

325 ft





RICHARD F. WOLF, B.Sc., LL.B.
EDWIN C. HOOKER, B.A., LL.B.

Associate
ROSINA ISABELLA, B.A., LL.B.

72 TALBOT STREET NORTH
SUITE 100
ESSEX, ONTARIO
CANADA
N8M 1A2

TELEPHONE (519) 776-4244
FAX (519) 776-7277

February 4, 2022

Corporation of the Town of Amherstburg
3295 Meloche Road
Amherstburg, ON N9V 2Y8

Attention: Mr. Frank Garardo, Manager of Planning Services

Dear Mr. Garardo,

RE: Zoning By-law Amendment Request - Consent Application # B/34/21
Brock and Nicole Humber
5274 Concession 5 South and 4841 County Road 18 boundary adjustment

Further to my letter dated July 16th, 2021, I am again writing as solicitor for the above applicant. I have been provided a copy of the Decision of Approval Authority With Reasons Re Application For Consent dated July 27th, 2021 (the "Decision"). I note that condition 10 in the Committee's Decision necessitates a rezoning of the subject lands. In advance of the Council's meeting regarding a Zoning By-Law Amendment, currently scheduled for February 28, 2022, I would like to draw the following to your attention for consideration (which information was provided to the Committee at the time of their decision):

Background provided to the Committee

1. 4841 County Road 18 (located at the corner of CR18 and Concession 5 South) was historically severed from the abutting farm on or about 1978. At that time, this home was severed to accommodate Allan and Gisele living close the home farm in their own house while their father/father-in-law continued to own the lands. There were no buildings at that time on the farmland.
2. Over time, as Allan became more involved in farming these lands. He erected a shed in 1980 and a boundary adjustment was eventually granted to allow for registered ownership of the shed site as part of their home property.
3. Trucking terminal uses were eventually permitted at 4841 under a specialized A-1 (Trucking Terminal) zoning to accommodate grain hauling operations carried on by Allan and his brother, Royce. These activities have long ceased on the site.
4. Livestock from the home farm operations further down on County Road 18 were eventually relocated to this site by reason of the proximity of the former site to the family campground (Borrowman's Grove/Jellystone);

5. The buildings built to accommodate the livestock relocation (mid 90s) were serviced from 4841 and treated as one entire site given that Allan eventually obtained ownership to the abutting farm on which the buildings were constructed.
6. In 2007 the farm ownership was transferred to Allan and Gisele's daughter, Nicole Humber, to accommodate Nicole building the house currently known municipally as 5274 Concession 5 South, assisting with Allan's health challenges which included debilitating depression and anxiety. At that time, consultations with Town administration indicated that they would not support a boundary adjustment to allow for merger of 4841 CR18 with the farm lands and severance of 5274 Con 5 S. Mr. Borrowman simply did not have the energy emotionally to pursue a decision before the committee at that time.
7. It has been over three and a half years since Allan's passing and the family wishes to clean up by way of boundary adjustment the boundaries to these two properties so that the house servicing the farm buildings for water and electricity is merged to the farm and the stand alone house at 5274 Concession 5 South is severed from this farm.

Committee Decision

1. On July 27, 2021 the Application for Consent applied for by the Humbers was approved by the Town of Amherstburg Committee of Adjustment.
2. The condition required by the Committee to be addressed by the proposed zoning amendment is as follows:
"10. That 4841 County Road 18 be rezoned from Agricultural Special Provisions (A-1) Zone to Agricultural (A) Zone to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal."

Planning Considerations

The primary "Goal" in the Town's OP and the PPS is to protect and preserve prime agricultural land for agricultural purposes. I submit there is nothing proposed in the application or in the proposed Zoning By-law Amendment that materially impacts this Goal.

Readjusting the boundary as requested would certainly provide the new rural lot boundary greater distance from the livestock operation on the farm parcel than the present situation. This is planning for the future and better achieves the MDS Goals. The proposed rezoning also eliminates the trucking use which is no longer appropriate for the agricultural area.


The purpose of the applications is not to create a precedent or change the land uses. It is simply to shift the boundaries of these parcels to reflect the current use and function of these properties and to better comply with MDS irrespective of the future owners of these properties.

Summary

In summary, no new lot has been created by the Application. Minor boundary adjustments will only further the Goals of the PPS and Official Plan, including ensuring the viability of the surrounding farm land for farm uses, and the rezoning will have a positive effect. Approval of the rezoning would be consistent with other boundary adjustments that have occurred on the Municipality as well as

surrounding municipalities from time to time. We look forward to your favourable consideration of the application.

Yours very truly,



Edwin C. Hooker

Municipal Fee Received:	
Municipal Deposit Received:	PAID
ERCA Fee Received:	

Application No. ZBA/01/22

**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. 21, 2021
3. Date application deemed complete by municipality Jan. 12, 2022
4. Name of registered owner Giselle Barrowman
Telephone number _____
Address _____
Email _____

Name of registered owner's solicitor or authorized agent (if any) Nicole Humbler / Ed Hooper
Telephone number _____
Address _____
Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

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

6. Location and description of subject land:

Concession No. 4 Lot(s) No. P+ L+ 4)
Registered Plan No. _____ Lot(s) No. _____
Reference Plan No. 12R-4499 + 12R6774 Part(s) No. 1 + P+ 1
Street Address 4841 City Rd 18 Assessment Roll No. 630-01602

7. Size of subject parcel:

Frontage 150 ft Depth 340 ft Area 1.17 ac

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

- removes industrial use from Agricultural parcel

(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 A-1

11. Nature and extent of rezoning requested remove special provision of transport terminal use

12. Reasons why rezoning is requested condition of consent

13. Current use of subject land Agricultural / Residential

14. Length of time current use of subject land has continued 43 yrs +/-

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

- single detached dwelling

- one accessory structure

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

- house 1978

- barn 1980s

18. Date subject land acquired by current registered owner 1977

19. Proposed use of subject land residential

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

none

21. Type of water supply:

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

22. Type of sanitary sewage disposal:

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

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

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

23. Type of storm drainage:

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

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

- consent to sever
- approval of a plan of subdivision

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

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:

A-1 - Malden ZBA in 1980s

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

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

- Yes
- No

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

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

Yes No

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

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

Yes No

Comments _____

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

Yes No

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

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

Yes No

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

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

Yes No

Dated at the Town of Amherstburg this 21st day of December 2021

Nicole Humber

(signature of applicant, solicitor or authorized agent)

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

Declared before me at the Town of Amherstburg in the County
of Essex this 21st day of December, 2021.

Nicole Humber

Applicant, Solicitor or Authorized Agent

J. Mastronardi

Commissioner, etc.

Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

4841 County Rd 18

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Nicole Humber + Ed Hooker of the Town _____ of Amherstburg / Essex 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 Town _____ of Amherstburg in the County _____ of Essex, this 21st day of December, 2021.

Nicole Humber

Signature of Witness

Nicole Berronman

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.



Summary of Correspondence Received on Zoning By-law Amendment Application

Below is a summary of the comments received by the Planning Services Division on zoning by-law amendment application ZBA/01/22, 4841 County Road 18.

Fire Services Department:

No issue.

Infrastructure Services Department:

IS supports the removal of the truck terminal on these lands.

Building Services Division:

No comments.

Windsor Police Services:

No concerns or objections with the application.

County of Essex:

The subject lands have frontage on County road No. 18. The Applicant will be required to comply with the following County Road regulations:

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

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road no. 18. Permits are necessary for any changes to existing structure, or the construction of structures. No new access will be permitted on to County Road 18, any new access to be located on 5th Concession South.

February 28, 2022

Essex Region Conservation Authority:

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 Ernest Paquette Drain. 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.

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 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 or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. 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.

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 as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS

With the review of background information and aerial photograph, ERCA has no objection to this application for zoning by-law amendment.

Canada Post:

Canada Post has no comments.

February 28, 2022

**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **Brock and Nicole Humber, c/o Edwin Hooker, Agent**
- (c) Brief description LOCATION OF PROPERTY (c) **5274 Concession 5 S (Roll No. 3729-630-000-01601)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land with 428.14 ft ± frontage by an irregular depth and an area of 20.42 acres ± for the purpose of a lot addition to merge with 4841 County Road 18. The proposed retained parcel being 225 ft ± frontage by 325 ft ± depth has an area of 1.68 acres ± and contains one single detached dwelling and one accessory structure.
- (e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 27th day of July, 2021.

DECISION: APPROVED

- (f) State conditions to be satisfied before granting of consent
 1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
 2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate, and a copy be provided to the municipality.
 3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
 4. That prior to the stamping of the deeds the owner is to provide satisfactory evidence that the adjacent parcel is under common ownership relative to the parcels which are subject to the consent.
 5. That the applicant submit a draft Transfer to break the original consent on 4841 County Road 18 together with a Solicitors undertaking that the parcels which are intended to be merged will be registered in the same name all to the satisfaction of the municipality.
 6. That all property taxes be paid in full.
 7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
 8. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
 9. That a minor variance or zoning by-law amendment be obtained from the Section 26(3)(a)(i) of By-law 1999-52, as amended, subject to the discretion of the municipality, which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the severed parcel, as required.
 10. That 4841 County Road 18 be rezoned from Agricultural Special Provisions (A-1) Zone to Agricultural (A) Zone to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal.
 11. That a restrictive covenant be registered on the title of the severed and merged parcel recognizing that to no further severances are to be permitted.

12. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

(g) State reasons for decision REASONS FOR DECISION: (g) The lot addition; preserves agricultural lands, no new lots are being created, improves MDS issue and limits possibility of a transport truck terminal on agricultural lands.

WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
David Cozens

.....
Terris Buchanan

.....
Anthony Campigotto

.....
Donald Shaw

.....
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

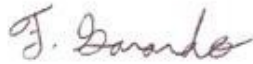
CERTIFICATION

The Planning Act, R.S.O. 1990

(h) Name of approval authority I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 27th day of July, 2021



.....
Secretary-Treasurer
Town of Amherstburg
Committee of Adjustment
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

4. That the applicant obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be entirely borne by the applicant.
5. That the property owner shall install separate water services, sanitary sewer services, storm water sewer services and utility services, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary.
6. That the developer be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the Building Department.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
9. That Emergency Services provide confirmation of safe access to the newly severed lot prior to the stamping of the deeds.
10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot provides for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

7.7 Application B/34/21 – Brock & Nicole Humber – 5274 Concession 5 S (Roll. No.3729-630-000-01601)

Public in Attendance: Nicole Humber, Applicant, Edwin Hooker, Agent on the application, Giselle Borrowman, 4841 County Road 18

Purpose of Application B/34/21: The applicant is proposing to sever a parcel of land with 428.14 ft ± frontage by an irregular depth and an area of 20.42 acres ± for the purpose of a lot addition to merge with 4841 County Road 18. The proposed retained parcel being 225 ft ± frontage by 325 ft ± depth has an area of 1.68 acres ± and contains one single detached dwelling and one accessory structure.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated July 20, 2021 from the Essex Region Conservation Authority stating:

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

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 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 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.

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 as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

- ii) Letter dated July 14, 2021 from the County of Essex stating:
Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 18. The Applicant will be required to comply with the following County Road regulations:

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

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 1B. Permits are necessary for any changes to existing structures, or the construction of structures. No new access will be permitted on to County Road 18, new access to be located on Concession Road 5.

- iii) Email dated July 14, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severance to facilitate a lot addition. This will not impact/compromise police service delivery.
- iv) Email dated July 12, 2021 from the Infrastructure Services Department stating:
- *Drainage Apportionment required for the Ernest Paquette Drain*
- v) Email dated June 21, 2021 from the Fire Department stating no concerns.

- vi) Email dated July 20, 2021 from the Building division stating,
 - *Performance evaluation of exiting septic system and confirmation of septic location.*
- vii) Planning Report dated June 22, 2021 and revised July 21, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. Giselle Borrowman, 4841 County Road 18 was present. The Planner, Frank Garardo read the purpose of the application. Edwin Hooker presented the concept of the application. Discussion ensued regarding the proposed condition. The Committee discussed a condition to ensure no further severance would be permitted from the severed and merged parcels. Proposed condition 5 was amended to add legal language to ensure the original consent is broken.

The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolution was put forth:

That application B/34/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate, and a copy be provided to the municipality.
3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
4. That prior to the stamping of the deeds the owner is to provide satisfactory evidence that the adjacent parcel is under common ownership relative to the parcels which are subject to the consent.
5. That the applicant submit a draft Transfer to break the original consent on 4841 County Road 18 together with a Solicitors undertaking that the parcels which are intended to be merged will be registered in the same name all to the satisfaction of the municipality.
6. That all property taxes be paid in full.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
9. That a minor variance or zoning by-law amendment be obtained from the Section 26(3)(a)(i) of By-law 1999-52, as amended, subject to the discretion of the municipality, which requires a minimum lot area of 40 hectares in an Agricultural

(A) Zone regarding the severed parcel, as required.

- 10. That 4841 County Road 18 be rezoned from Agricultural Special Provisions (A-1) Zone to Agricultural (A) Zone to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal.
- 11. That a restrictive covenant be registered on the title of the severed and merged parcel recognizing that to no further severances are to be permitted.
- 12. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw
 Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The lot addition; preserves agricultural lands, no new lots are being created, improves MDS issue and limits possibility of a transport truck terminal on agricultural lands.

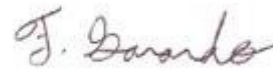
8. Next Meeting to be August 31, 2021.

9. Adjournment

The meeting was adjourned at 9:24 a.m.

Original Document Signed

 Chairman- Dave Cozens



 Secretary- Frank Garardo

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-012**

**By-law to amend Zoning By-law No. 1999-52
4841 County Road 18, 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 49 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A-1 to A" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Agricultural (A-1) Zone" to "Agricultural (A) 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.

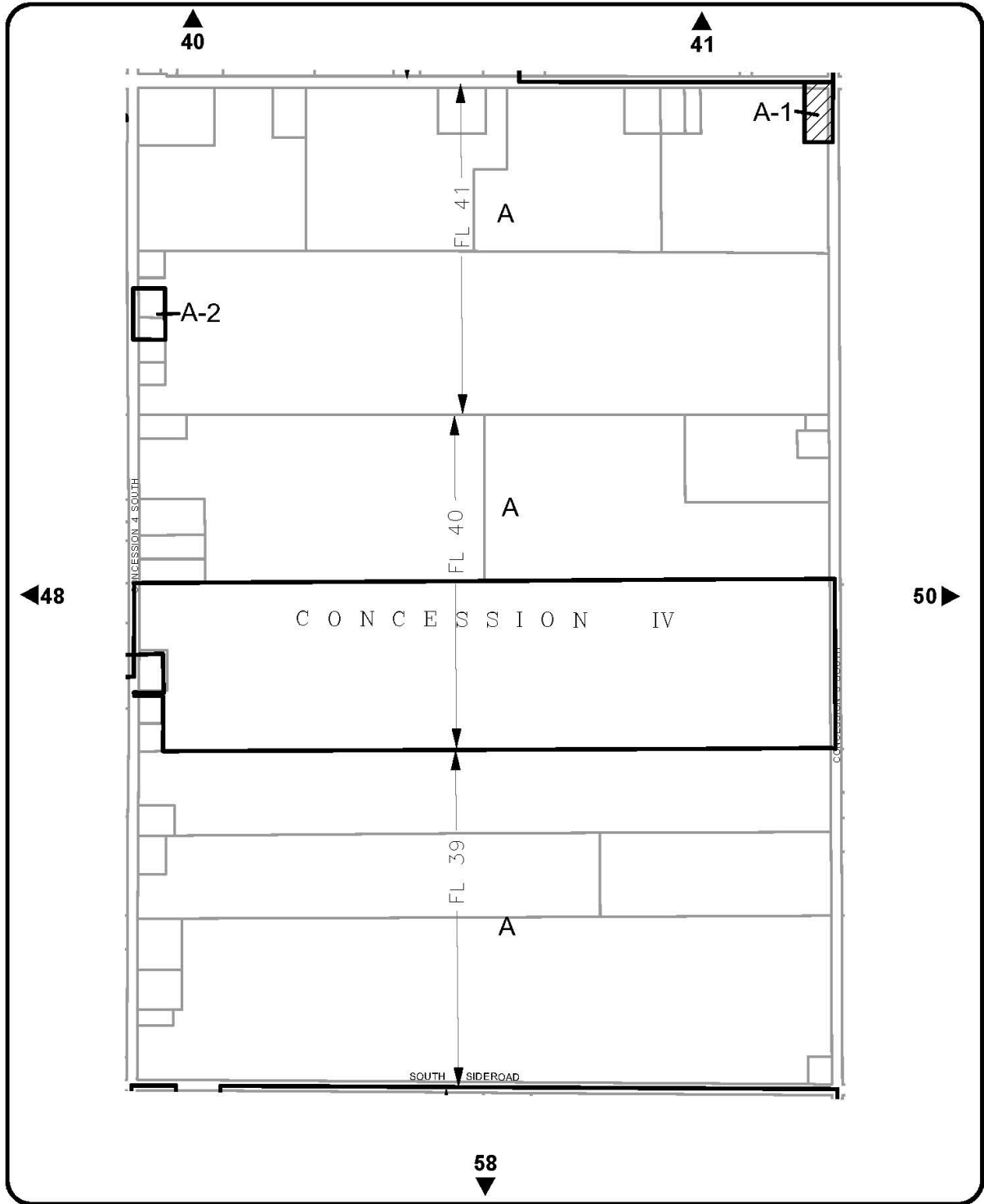
Read a first, second and third time and finally passed this 14th day of March, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-012
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 49
ZONING BY-LAW NO. 1999-52

A-1 to A 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

ZBA – 4841 County Road 18,
Amherstburg, ON

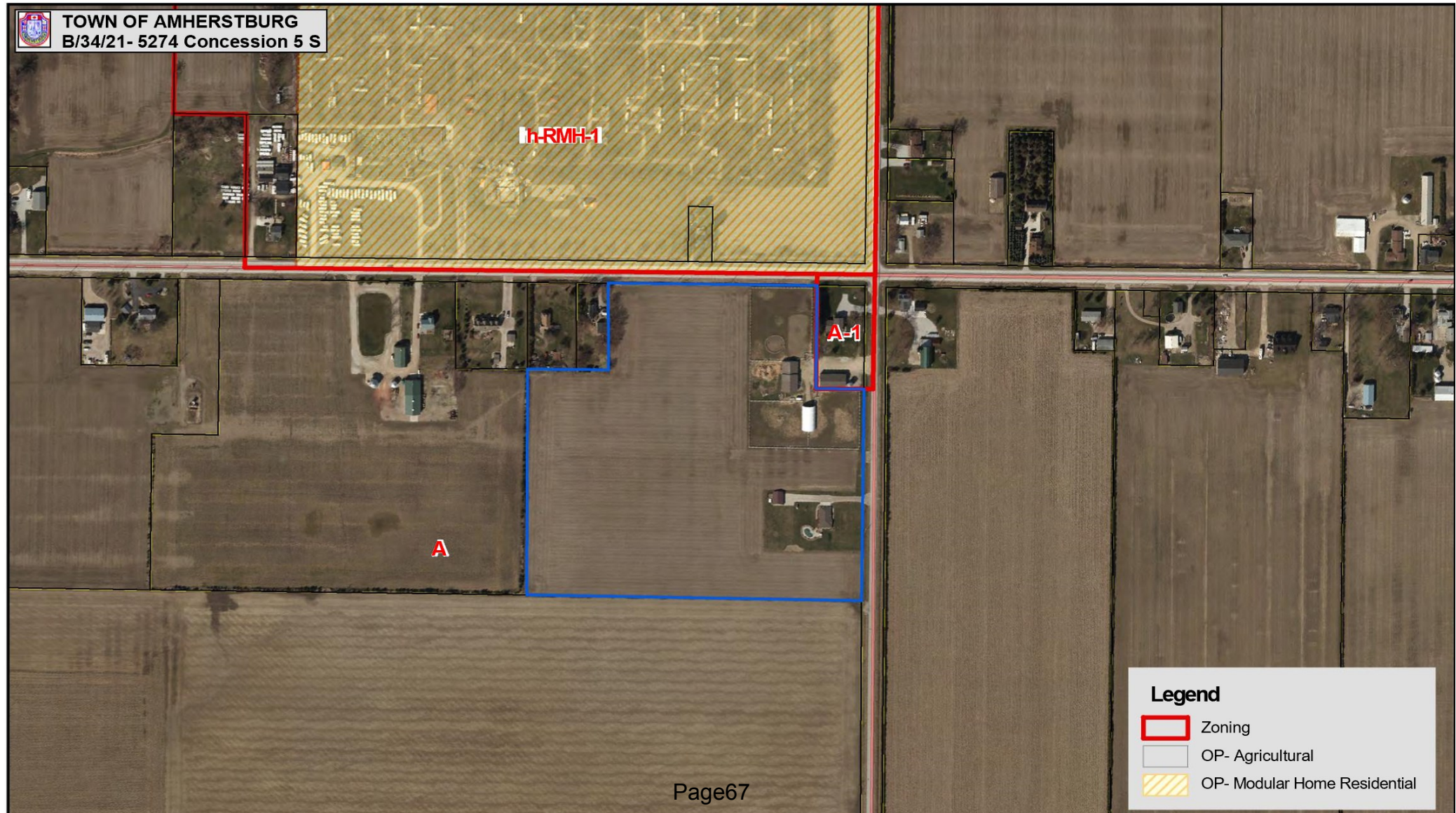
Timeline

- Application for Consent/Land Severance for a boundary adjustment between two family owned properties was filed on May 27, 2021
- An approval was provided by the Committee of Adjustment in the Decision of Approval Authority With Reasons Re Application For Consent (the “Decision”) on July 27, 2021
- As is customary, a number of conditions must be satisfied to finalize the boundary adjustment.

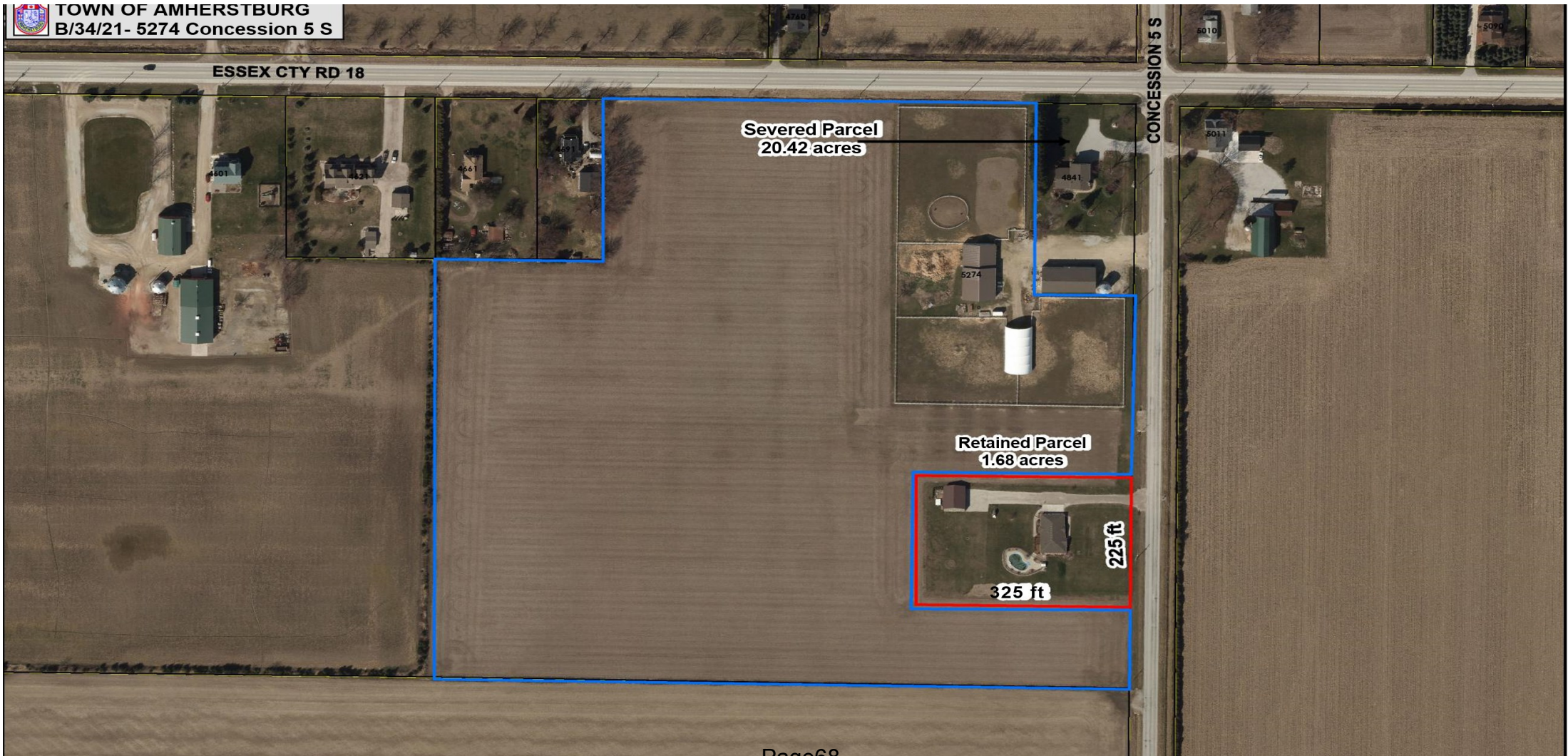
Subject of Today's Council meeting: Condition 10 – ZBA

- 10. That 4841 County Road 18 be rezoned from Agricultural Special Provisions (A-1) Zone to Agricultural (A) Zone to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal.
- A letter dated February 4, 2022 was provided to Mr. Garardo, Manager of Planning Services, for Council's consideration summarizing the history of the property and its ownership and use by the Borrowman/Humber family.
- The current zoning – Agricultural Special Provisions (A-1) permits the use of a transport truck terminal. The proposed rezoning to Agricultural (A) eliminates the trucking use, which is no longer appropriate for the agricultural area.

Current Zoning



Severed Parcel



**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-012**

**By-law to amend Zoning By-law No. 1999-52
4841 County Road 18, 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 49 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A-1 to A" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Agricultural (A-1) Zone" to "Agricultural (A) 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.

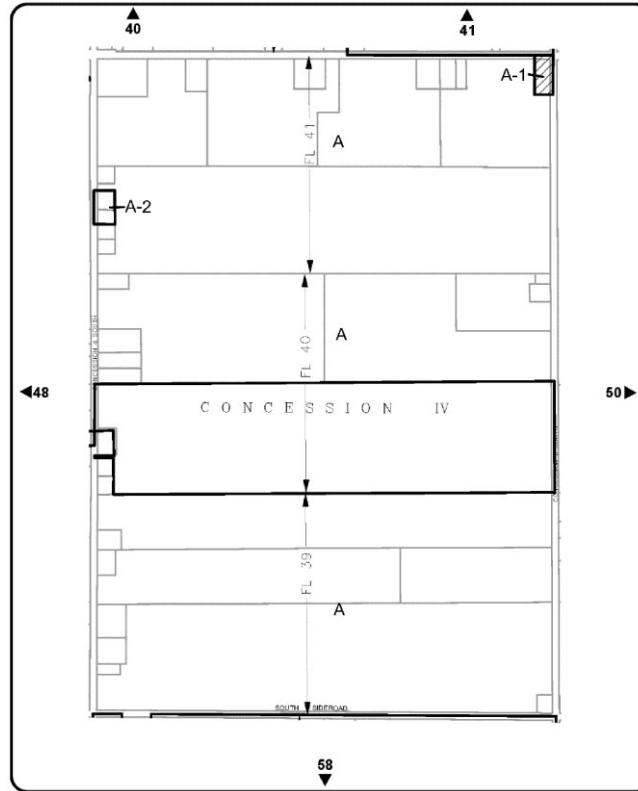
Read a first, second and third time and finally passed this 14th day of March, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-012
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 49
ZONING BY-LAW NO. 1999-52

A-1 to A 

MAYOR- ALDO DICARLO CLERK- VALERIE CRITCHLEY

Planning Considerations

- As noted in the February 4, 2022 letter (and the prior letter submitted to the Committee), the primary “Goal” in the Town’s OP and the PPS is to protect and preserve prime agricultural land for agricultural purposes. I submit there is nothing proposed in the application or in the proposed Zoning By-law Amendment that materially impacts this Goal.
- Readjusting the boundary as requested would certainly provide the new rural lot boundary greater distance from the livestock operation on the farm parcel than the present situation. This is planning for the future and better achieves the MDS Goals. The proposed rezoning also eliminates the trucking use which is no longer appropriate for the agricultural area.
- The purpose of the applications is not to create a precedent or change the land uses. It is simply to shift the boundaries of these parcels to reflect the current use and function of these properties and to better comply with MDS irrespective of the future owners of these properties.

Summary

- In summary, no new lot has been created by the Committee's earlier decision to grant the consent. Minor boundary adjustments will only further the Goals of the PPS and Official Plan, including ensuring the viability of the surrounding farm land for farm uses, and the rezoning will have a positive effect.
- The Committee's decision is consistent with other boundary adjustments that have occurred within the Municipality as well as surrounding municipalities from time to time.
- Approval of the rezoning eliminates the trucking use currently permitted and satisfies a condition of the Consent.



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: Valerie Critchley	Report Date: February 17, 2022
Author's Phone: 519 736-0012 ext. 2238	Date to Council: February 28, 2022
Author's E-mail: vcritchley@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for Concession 8

1. **RECOMMENDATION:**

It is recommended that:

1. That subject to any further comments or direction from Council, it is recommended that the proposed rezoning from Agricultural (A) Zone to a Residential holding Zone **BE APPROVED**; and,
2. That the Director of Legislative Services **BE AUTHORIZED** to prepare the necessary by-law for a future Council meeting.

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

The purpose of this application is to fulfill a condition of a Committee of Adjustment decision granted as part of application B-63-21. The purpose of the consent application was to sever a parcel of land with an area of 12.01 ha (29.67 ac) for the purpose of a lot addition to merge with the lands to the south owned by MGV Developments (McGregor) Inc. The retained parcel has an area of 8.67 ha (21.42 ac). The severed parcel is within the settlement boundary, designated Low Density Residential in the Town's Official Plan and zoned Agricultural (A) Zone in the Zoning By-law. The retained parcel is designated Agricultural and zoned Agricultural (A) Zone.

The committee imposed several conditions as part of approving the consent application. The conditions that are relevant to this rezoning application include:

- 6 *“That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent,*
- 7 *That the severed lands be rezoned to a holding-residential zone to ensure conformity to the Official Plan prior to the stamping of the deed. The zoning will include a holding provision to ensure the orderly development of the lands and the adequate provisions of municipal services, the holding symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amhestburg.”*

3. DISCUSSION:

As set out above, the purpose of the application is to sever the lands and consolidate same with property located immediately to the south. The lands to the south are located within the Town’s settlement area and are proposed for low density residential development (refer to Figure 1). The severed lands also lie within the Town’s settlement area, however, do not have access to the necessary servicing to permit development to proceed at this time. Therefore, as outlined in the condition of the Committee, these lands are intended to be placed in a residential holding zone until such time as adequate sanitary sewer capacity is available.

Attached to this report is a letter from Dillon Consulting on behalf of the applicant outlining the background and merits of the application. Administrative staff have reviewed the comments contained in Dillon’s report and concur with the comments and conclusions that the rezoning is consistent with the Official Plan and appropriate for the development of the lands.

Condition number 6 of the Committee’s decision requires that the severed parcel is consolidated with the adjacent lands, thereby ensuring that these lands do not become landlocked. The retained lands will remain within the Agricultural area of the municipality. Attached is a copy of the comments received as at the time when the report was prepared. There were no comments that would suggest that this rezoning be deferred or denied.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

This rezoning will have no impact on the municipal budget. All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

Refer to attached summary of comments. 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:

Subject to any further comments received and/or direction from Council, it is recommended that the rezoning of the lands from Agricultural to a Residential holding zone be approved, and the Director of Legislative Services be authorized to prepare the necessary by-law for a future agenda.



Valerie Critchley
Director, Legislative Services and Clerk

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
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

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

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

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

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

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for Concession 8.docx
Attachments:	- 2022 02 28- Statutory Public Mtg- ZBA- Concession 8- ATTACHMENTS.pdf
Final Approval Date:	Feb 22, 2022

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



Tiffany Hong



Tony Haddad



Valerie Critchley

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, February 28, 2022 commencing at 4:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Lot 7, Concession 8, municipally known as the land severed from 8559 Concession Road 8. The property is vacant land and the total area subject to the rezoning is 12.01 hectares (29.67 acres). (see key map below)

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**holding Residential First Density (h-R1) Zone**”. The lands described above are subject to an application for consent (File B/63/21) to sever a lot addition to merge with the lands to the south owned by MGV Developments (McGregor) Inc. A condition of consent is to rezone the subject property to a holding residential zone to be in conformance with the Official Plan. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for the future development of the subject property. The subject parcel will be placed in a holding provision temporarily until sanitary sewer capacity can be provided and draft plan approvals be obtained.

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 Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, February 24, 2022 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, February 24, 2022. To register for electronic participation please email the Deputy Clerk at 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.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html> .

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 Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

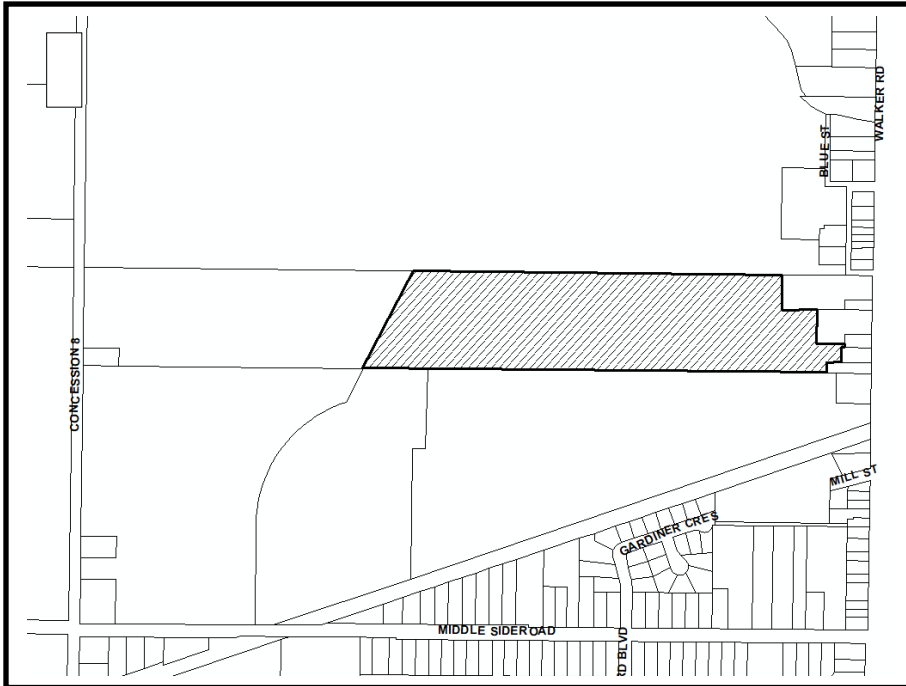
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion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

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.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/04/22) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 2nd day of February, 2022.

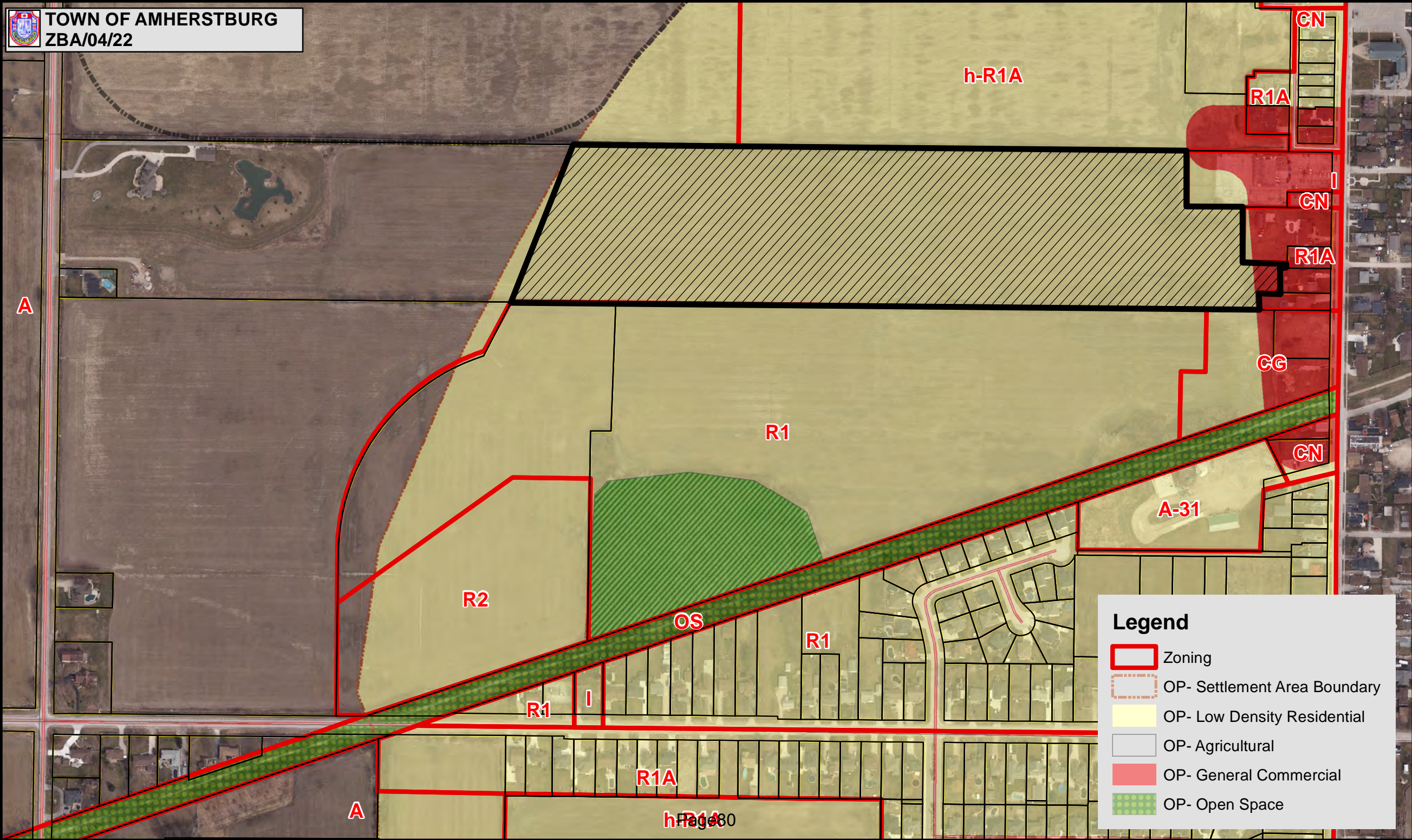
KEY MAP



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

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A

A

Application No. Z8A / 04 / 22

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

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality January 21, 2022
- 3. Date application deemed complete by municipality Jan. 26, 2022
- 4. Name of registered owner Christopher Mannina, Elaine Mannina

Telephone number [REDACTED]

Address [REDACTED]

Email [REDACTED]

Name of registered owner's solicitor
or authorized agent (if any) Dillon Consulting Limited c/o Zoe Sotirakos

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:
N/A

- 6. Location and description of subject land:

Concession No. 8 Lot(s) No. PT LT 7

Registered Plan No. _____ Lot(s) No. _____

Reference Plan No. _____ Part(s) No. _____

Street Address 8559 Concession Road 8 Assessment Roll No. 37294300000970

- 7. Size of subject parcel:

Frontage 137.3m Depth Irregular Area 51.09 ac / 20.68 ha

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

Please refer to the Planning Letter for details. There is no proposed change to the Official Plan designations of Low Density Residential & Agricultural and is therefore in conformity.

(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 Agricultural

11. Nature and extent of rezoning requested _____

Please refer to Planning Letter for details. Applicant is requesting to rezone severed lands to holding-residential (h-R1).

12. Reasons why rezoning is requested _____

Please refer to Planning Letter for details. The severed land rezoning is requested for future residential development with a holding symbol, due to current sanitary capacity limitations.

13. Current use of subject land Residential and Agricultural

14. Length of time current use of subject land has continued +/- 25 years

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

1 existing single detached dwelling and 1 accessory structure on the retained lands.

The retained lands are vacant.

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

Unknown

18. Date subject land acquired by current registered owner +/- 25 years

19. Proposed use of subject land Residential

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:

N/A

21. Type of water supply:
- municipally owned and operated piped water supply
 - well
 - Other (specify) _____

22. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
 - septic system
 - Other (specify) _____

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

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

23. Type of storm drainage:
- sewers
 - ditches
 - swales
 - Other (specify) _____

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:
- consent to sever
 - approval of a plan of subdivision

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

B/63/21

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

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

N/A

26. Does the requested amendment remove the subject land from an area of employment in the official plan?
- Yes
 - No

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

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?

N/A

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

Yes No

Comments _____

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

Yes No

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

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

Yes No

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

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

Yes No

Dated at the City of Windsor this 21 day of January, 2022.



(signature of applicant, solicitor or authorized agent)

I, Dillon Consulting Limited 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 of City of Windsor in the County of Essex this 21 day of January, 2022.



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.

** See consent application form

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

8559 Concession Road 8


North of Middle Side Road between Walker Road and Concession Road 8

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Dillon Consulting Limited of the City 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 City of Windsor in the County of Essex, this 21 day of January, 2022.

Signature of Witness



Signature of Owner

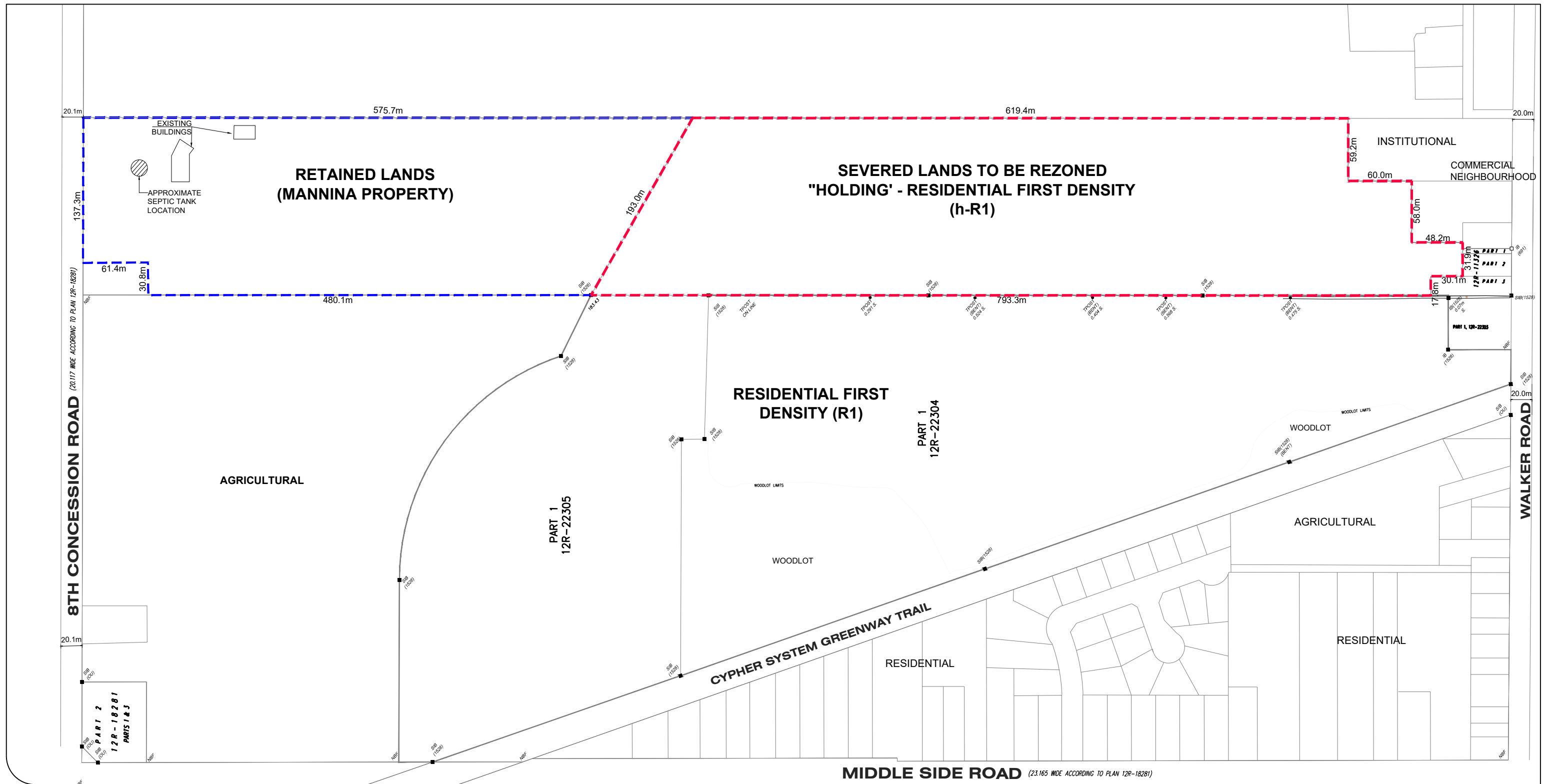
Signature of Witness

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.



MCGREGOR - WOODLAND TRAILS
 8559 8th CONCESSION ROAD &
 9583 WALKER ROAD

ZONING BY-LAW AMENDMENT
 FIGURE 1.0

 RETAINED LANDS (MANNINA)
 (±8.67 ha / 21.42 ac)

 REZONE TO "HOLDING" - RESIDENTIAL
 FIRST DENSITY (h-R1)
 (±12.01 ha / ± 29.67 ac)

File Location:
 c:\users\10amc\documents\projects\2020\202669 - mcgregorzba
 application\202669 - zba figure.dwg
 January, 25, 2022 11:49 AM

SOURCE:

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: AMC
 CHECKED BY: ZCS
 DESIGNED BY: AMC

SCALE : NTS



PROJECT: 20-2669
 STATUS: DRAFT
 DATE: 01/12/2021

[REDACTED]

January 26, 2022

Town of Amherstburg
271 Sandwich Street South
Amherstburg, ON
N9V 2A5

Attention: Frank Garardo
Manager of Planning Services

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

**Woodland Trails Subdivision
Zoning By-Law Amendment Application**

Dillon Consulting Limited (Dillon) is pleased to provide the following materials on behalf of our client, MGV Developments (McGregor) Inc., regarding the lands located at 8559 Concession 8, Amherstburg. As per the conditions of application B-63-21 which was approved November 20, 2021, we have prepared a submission package for a Zoning By-law Amendment Application. This Zoning By-law Amendment Application intends to satisfy the following condition:

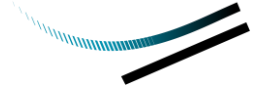
7. That the severed lands be rezoned to a holding-Residential zone to ensure conformity to the Official Plan prior to the stamping of the deed. The zoning will include a holding provision to ensure the orderly development of lands and the adequate provision of municipal services, the "holding" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amherstburg.

We have included the following documents in the application package:

- Zoning By-law Amendment Application Form;
- Zoning By-Law Rezoning Figure; and
- Notice of No Appeals for B-63-21 with Conditions.

Description of Site

The subject lands are located on the east side of Concession Road 8, west of Walker Road. The severed parcel has 0 metres of frontage with an area of 12.01 ha (29.67 acres) in size and irregular in shape and is currently vacant agricultural land. The severed parcel is a lot addition to the lands located south at 9583 Walker Road. The applicant is seeking to rezone the severed lands to a Holding-Residential First Density (H-R1) Zone.



County of Essex Official Plan

The County of Essex is the upper tier municipality for the Town of Amherstburg. The subject lands are currently designated Secondary Settlement Area in the County of Essex Official Plan which provides for a mixture of land uses. The Official Plan policies state that the Secondary Settlement Area are directed to be the focus of residential growth and development.

Our analysis suggests that the proposed development is consistent with the County of Essex Official Plan in the following ways:

- Section 1.5, relating to goals for a Health Community;
- Section 3.2., relating to Settlement Areas;
- Section 3.2.5, relating to Secondary Settlement Areas; and
- Section 3.2.7, relating to Intensification and Redevelopment.

In reviewing the County of Essex Official Plan Polices related to Secondary Settlement Areas, it is our opinion the subject lands conform to the County Official Plan Polices.

Town of Amherstburg Official Plan

The local policy context in the Town of Amherstburg is outlined in the Official which contains a set of goals, objectives, and polices to apply good management practices and direct growth within the Municipality. The severed parcel is designated as Low Density Residential and the retained lot is designated Low Density Residential and Agricultural in the Official Plan.

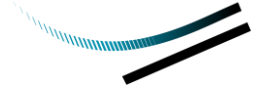
Our analysis suggests that the proposed development is consistent with the following polices found in the Town of Amherstburg Official plan:

- Section 1.5, relating to goals for a Health Community;
- Section 3.2, relating to Agricultural Land Uses;
- Section 4.2.3, relating to Policies Applicable to Residential Designations; and
- Section 4.3.1, relating to Low Density Residential Area.

In reviewing the Town of Amherstburg Official Plan Polices related to Low Density Residential and Agricultural Use, it is our opinion the subject lands conform to the Town's Official Plan Polices.

Town of Amherstburg Zoning By-Law

The Town of Amherstburg Zoning By-Law defines the subject lands as Agricultural (A) Zone.



The applicant is requesting to rezone the severed parcel to a Holding-Residential First Density (H-R1) Zone (refer to Figure 1.0). The rezoning will match the Residential First Density of the parcel south to the severed parcel. In accordance with Section 4.6 of the Zoning By-Law, the “Holding” zone will ensure future residential development conforms to the Official Plan and will proceed at time where sufficient sanitary capacity is available.

Conclusion

We feel the requested Zoning By-law Amendments are in accordance with the County of Essex and Town of Amherstburg Official Plan. We trust the application for Zoning By-law Amendments will fulfill Condition 7 of the Town file B-63-21.

We look forward to your update on this progress of this application as well as staff and agency comments when available. Should you have any questions or require additional information, please do not hesitate to contact the undersigned at [REDACTED]

Sincerely,
DILLON CONSULTING LIMITED

Zoe Sotirakos, MES
Planner
AMC:dt

CC+encl: Mike McMahon – MGV Developments (McGregor) Inc.
Andre Goulet – MGV Developments (McGregor) Inc.
Karl Tanner – Dillon Consulting Limited



Summary of Correspondence Received on Zoning By-law Amendment Application

Below is a summary of the comments received by the Planning Services Division on zoning by-law amendment application ZBA/04/22, Concession 8.

Fire Services Department:

No issue.

Infrastructure Services Department:

IS is supportive of the rezoning the residential to match the settlement area in the OP. It should be noted that there is currently no sewage capacity to support residential development of this property. There are also concerns regarding the potable water supply based on the 2018 water masterplan.

Building Services Division:

No comments.

Windsor Police Services:

No concerns or objections with the application. At such time when development commences on the property, Windsor Police would like to be circulated on any proposed plans/designs to ensure adequacy for emergency police response and general patrol capability. We would also review the proposed plan in terms of its capacity to promote and maintain a high degree of public safety for the community.

County of Essex:

Lands that will be severed and merged to MGV Developments fronts County Road No. 10 and county Road No. 11. The County of Essex requests to be included in circulation and consultation for future land development with the site.

February 28, 2022

Essex Region Conservation Authority:

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 Galipeau D&w, Sucker Creek Drain and Major Knapp Drain. 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.

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 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 or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. 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.

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

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. We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and 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,

February 28, 2022

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 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).

With the review of background information and aerial photograph, ERCA has no objection to this application for zoning by-law amendment.

Canada Post:

Canada Post has no comments.

**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **Christopher & Elaine Mannina, c/o Dillon Consulting, Agent**
- (c) Brief description LOCATION OF PROPERTY (c) **8559 Concession 8 (Roll No. 3729-430-000-09700)**
- (d) As set out in application PURPOSE OF APPLICATION (d) **The applicant is proposing to sever a parcel of land with an area of 12.01 ha (29.67 acres) ± for the purpose of a lot addition to merge with the lands to the south owned by MGV Developments (McGregor) Inc. The proposed retained parcel being 137.3 m ± frontage by an irregular depth has an area of 8.67 hectares (21.42 acres) ±. The proposed severed parcel is within the settlement boundary, designated Low Density Residential in the Town’s Official Plan and zoned Agricultural (A) Zone in the Town’s Zoning By-law.**
- (e) Date of decision **CONCUR in the following decision and reasons for decision made on the (e) 30th day of November, 2021.**

DECISION: APPROVED

- (f) State conditions to be satisfied before granting of consent
 1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
 2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
 3. That all property taxes be paid in full.
 4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant as necessary.
 5. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
 6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
 7. That the severed lands be rezoned to a holding-Residential zone to ensure conformity to the Official Plan prior to the stamping of the deed. The zoning will include a holding provision to ensure the orderly development of lands and the adequate provision of municipal services, the “holding” symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amherstburg.
 8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel, as required.
 9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

- (g) State reasons for decision REASONS FOR DECISION: (g) **The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.**

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
David Cozens

.....
Terris Buchanan

.....
Anthony Campigotto

.....
Donald Shaw

.....
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

CERTIFICATION

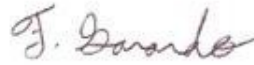
The Planning Act, R.S.O. 1990

(h) Name of approval authority

I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 8th day of December, 2021



.....
Secretary-Treasurer
Town of Amherstburg
Committee of Adjustment
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	
Anthony Campigotto	Absent	
Josh Mailloux	Absent	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

7.3 Application B/63/21 – Christopher & Elaine Mannina, c/o Dillon Consulting, Agent – 8559 Concession 8 (Roll No. 3729-430-000-09700).

Public in Attendance: Zoe Sotirakos, Dillon Consulting, Agent on the application

Purpose of Application B/63/21: The applicant is proposing to sever a parcel of land with an area of 12.01 ha (29.67 acres) ± for the purpose of a lot addition to merge with the lands to the south owned by MGV Developments (McGregor) Inc. The proposed retained parcel being 137.3 m ± frontage by an irregular depth has an area of 8.67 hectares (21.42 acres) ±. The proposed severed parcel is within the settlement boundary, designated Low Density Residential in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated November 18, 2021 from the Essex Region Conservation Authority with the following comments:
- 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 Galipeau D&W, Sucker Creek Drain and Major Knapp Drain. 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.*

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 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 or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. 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.

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

We note that the subject property is adjacent to (within 120 m of) a natural

heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is for a lot addition only, and that there will be no change in land use. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, 2020. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

FINAL RECOMMENDATION: With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

- ii) Letter dated November 23, 2021 from the County of Essex with the following comments:

Please be advised that the County of Essex has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective.

Lands that will be severed and merged to MGV Developments fronts County Road No. 10 and County Road No. 11. The County of Essex requests to be included in circulation and consultation for future land development with site.

- iii) Email dated November 19, 2021 from the Infrastructure Services Department with the following comments:

- *At the request of the developers (MGV Developments (McGregor Inc.), Council has previously appointed a drainage engineer to prepare a new report under the Drainage Act for the Dufour Drain. This report will make provisions for a new access crossing, drain maintenance, and updates to the schedule of assessment. Additionally, the appointed engineer has been instructed to review any physical affects that the proposed development will have on the drain and corresponding design mitigation measures.*
- *It is the expectation that the development of this property and those owned by MGV Developments (McGregor Inc.) will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, storm water management, etc.*

- iv) Email dated November 16, 2021 from Windsor Police Service stating that they have no concerns or objections with the application.

- v) Email dated November 16, 2021 from the Fire prevention and Inspection Officer stating they have no objection to the proposed land severance.

- vi) Planning Report dated November 24, 2021 from Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Kevin Fox read the purpose of the application. Zoe Sotirakos from Dillon Consulting explained the concept of the application. The Committee discussed the intended future use of the retained and severed land parcels. Zoe Sotirakos explained that the retained parcel will continue to be used as agricultural lands in compliance with the current Agricultural zoning. The severed parcel is intended to be merged with the adjoining residential lands to the south and be used for future residential development subject to the conditions of this applications and a future

rezoning application. The Committee discussed the need for a condition of a minor variance on the retained parcel to recognize the smaller than the allowable 40 ha agricultural lot area. Janine Mastronardi read the conditions of the severances and the applicant acknowledged understanding.

The following resolution was put forth:

That application B/63/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant as necessary.
5. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
7. That the severed lands be rezoned to a holding-Residential zone to ensure conformity to the Official Plan prior to the stamping of the deed. The zoning will include a holding provision to ensure the orderly development of lands and the adequate provision of municipal services, the "holding" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amherstburg.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel, as required.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Donald Shaw

Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	
Anthony Campigotto	Absent	
Josh Mailloux	Absent	

Reasons of Committee- The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-014**

**By-law to amend Zoning By-law No. 1999-52
Concession Road 8 (Part of Lot 7, Concession 8), 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 18 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to h-R1" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "holding-Residential First Density (h-R1) 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.

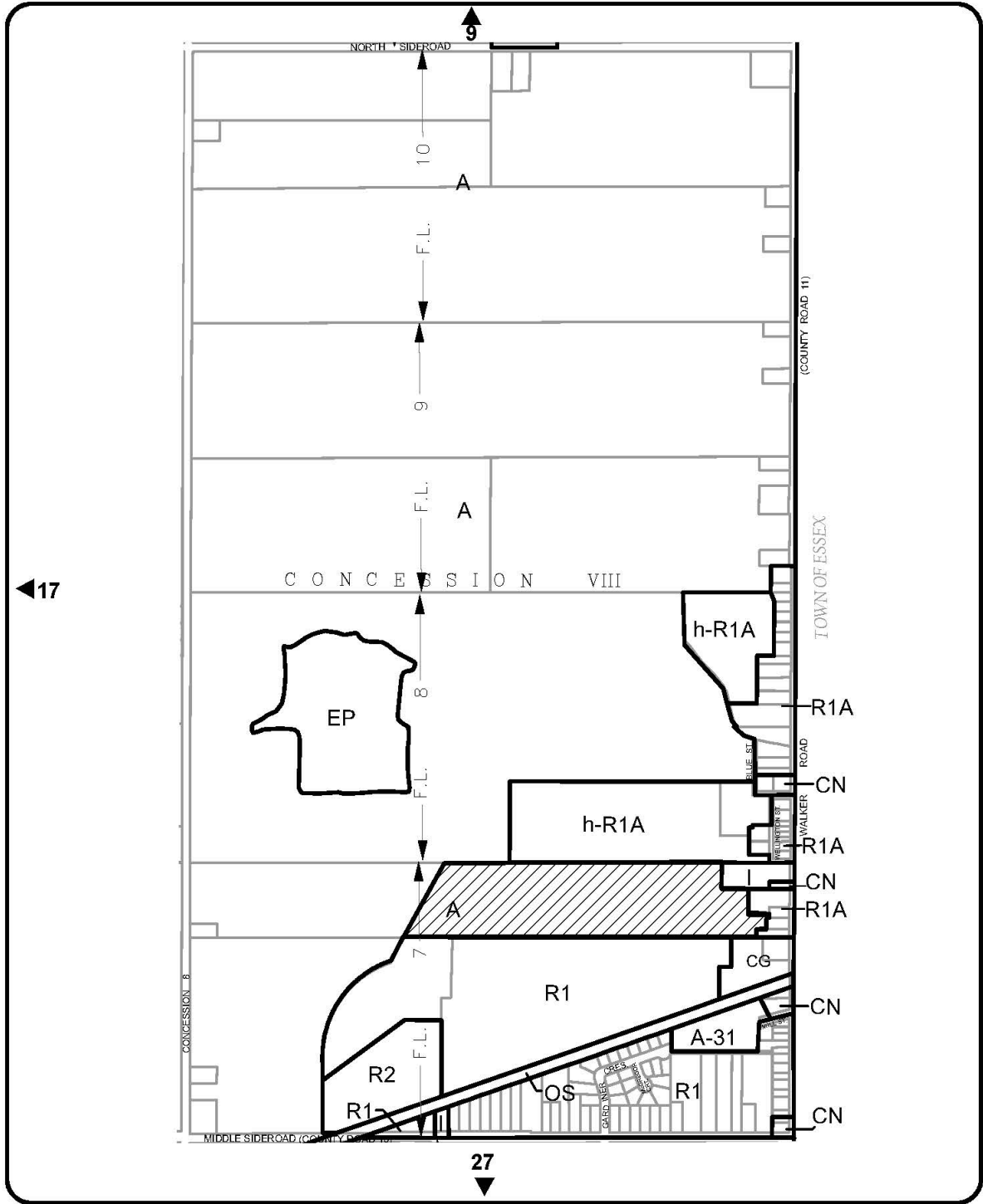
Read a first, second and third time and finally passed this 14th day of March, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-014
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 18
 ZONING BY-LAW NO. 1999-52

A to h-R1 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

Zoning By-law Amendment Application

8559 Concession Road 8, Amherstburg

February 28, 2022



Request to Town of Amherstburg Council

- Seeking Council's support for a Zoning By-law Amendment to change the zoning from "Agricultural (A) Zone" to "holding Residential First Density (h-R1) Zone"
- This Zoning By-law Amendment Application intends to satisfy the following condition of B/63/21:

7. That the severed lands be rezoned to a holding-Residential zone to ensure conformity to the Official Plan prior to the stamping of the deed. The zoning will include a holding provision to ensure the orderly development of lands and the adequate provision of municipal services, the "holding" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amherstburg.

County of Essex Official Plan – Secondary Settlement Area

- Policies support residential growth and development in this designation

Town of Amherstburg Official Plan – Low Density Residential

- Policies to support a suitable mix of housing types to a maximum density

Town of Amherstburg Zoning By-law – Agricultural

- The applicant is requesting to rezone the severed parcel to a Holding-Residential First Density (H-R1) Zone
- The rezoning will be consistent with the R1 Zone to the south
- Section 4.6 of the Zoning By-Law the “Holding” zone will ensure future residential development conforms to the Official Plan and will proceed at time where sufficient sanitary capacity is available.

Next Steps

- Requesting Council's support for the Zoning By-law Amendment Application to rezone the lands to h-R1 to satisfy Condition #7 of B-63-21