



TOWN OF AMHERSTBURG SPECIAL COUNCIL MEETING

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

Tuesday, April 11, 2023

4:30 PM

Council Chambers

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

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact 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
(Public Council Meeting Agenda Items)

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. ORDER OF BUSINESS

5.1 Statutory Public Meeting: Economic Development CIP

4

It is recommended that:

1. Comments from the public, municipal departments, agencies, Economic Development Advisory Committee and Council with respect to an Economic Development Community Improvement Plan **BE RECEIVED and SUMMARIZED** in a future report to Council.

5.2 Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for part of 320 Richmond Street

75

It is recommended that:

1. Comments from the public, municipal departments, agencies, and Council with respect to an Official Plan Amendment and Zoning By-law Amendment for lands municipally known as part of 320 Richmond Street (File OPA #22 & ZBA/08/23) **BE RECEIVED and SUMMARIZED** in a future report to Council.

5.3 Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-09-23 for 256 Dalhousie Street

100

It is recommended that:

1. Comments from the public, municipal departments, agencies, and Council with respect to the Zoning By-law Amendment for 256 Dalhousie Street (File ZBA-09-23) **BE RECEIVED and SUMMARIZED** in a future report to Council.

6. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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: Christopher Aspila	Report Date: March 20, 2023
Author's Phone: 519 736-5408 ext. 2124	Date to Council: April 11, 2023
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting: Economic Development CIP

1. RECOMMENDATION:

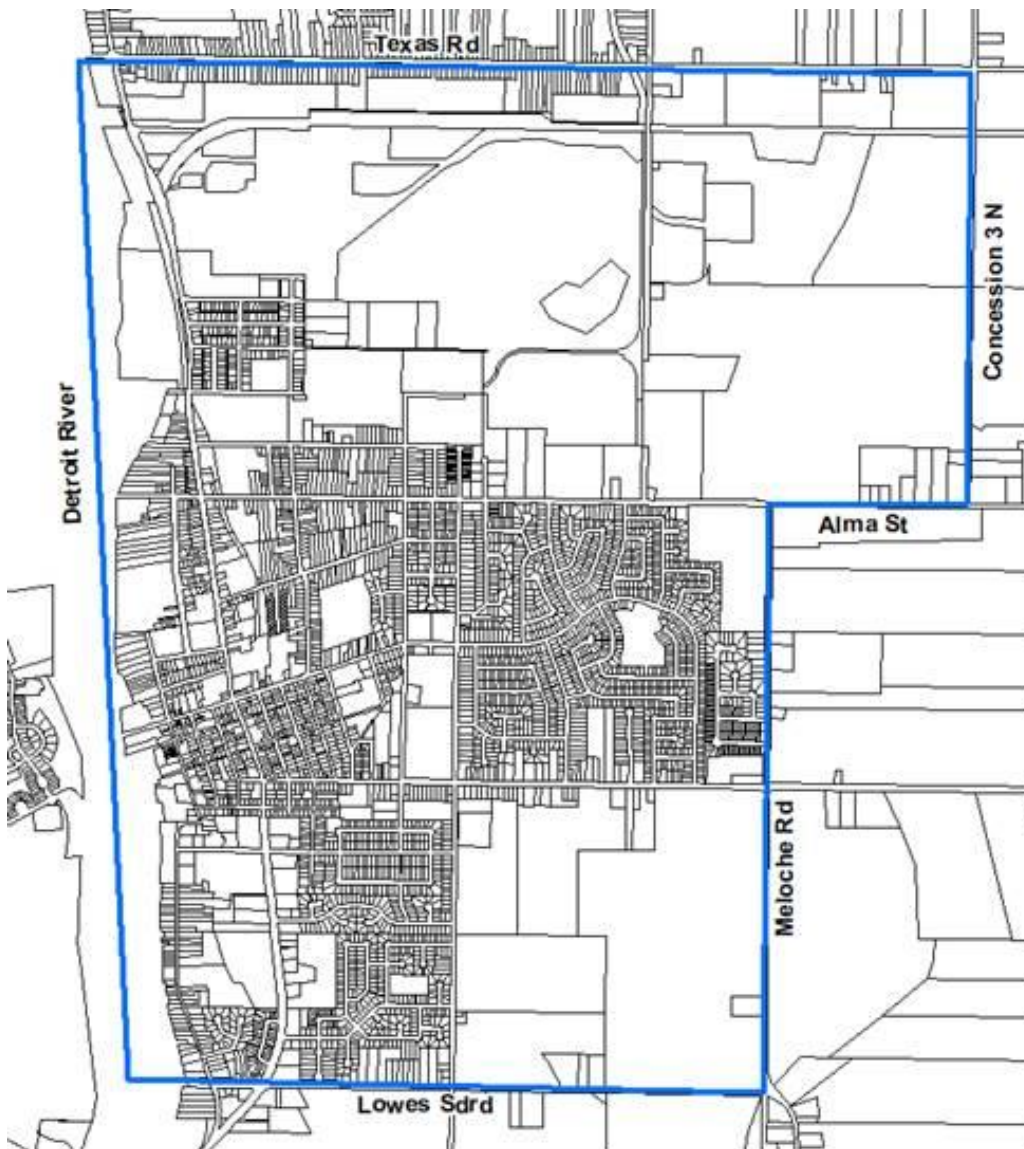
It is recommended that:

1. Comments from the public, municipal departments, agencies, Economic Development Advisory Committee and Council with respect to an Economic Development Community Improvement Plan **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. BACKGROUND:

On August 15, 2022 the Town of Amherstburg Council designated an Economic Development Community Improvement Project Area in accordance with s.28 of the *Planning Act*, R.S.O. 1990, c. p. 13 as shown in Figure 1 below. Opportunity exists to enhance economic development in the Town of Amherstburg as the Town of Amherstburg is receiving interest from firms seeking a presence in the Essex-Windsor region due to emerging regional economic development opportunities and our Town's proximity to the Canada-United States border.

There are four and soon to be five border crossing routes with the pending completion of the Gordie Howe International Bridge between Ontario and Michigan. Three of these routes are by road, one by rail and one by ferry. The border crossings between Ontario and Michigan are the busiest between Canada and the United States both in terms of dollar value and volume of commodities with the transportation equipment commodity group representing the largest component serving the well-developed automotive manufacturing sector. Additionally, there is an emerging financial and technical cluster in the Metro Detroit area that Amherstburg has proximity, infrastructure and skilled workforce to potentially attract firms to locate in Amherstburg.



In September 2022, the Town of Amherstburg retained planning consultants MillerSilani Inc. to lead consultations with government, businesses and residents about what an Economic Development Community Improvement Plan for Amherstburg should contain. A summary of the initial round of consultation is contained in the January 2023 Background report (attached as Appendix 'A').

On February 15, 2023, an Open House was held at the Libro Centre to receive comments from any member of the community about a potential new Economic Development Community Improvement Plan. Notice of this Open House was published in the River Town Times January 26, 2023, mailed to residents within 1000m of the study area and was posted on the Town's social media channels.

Following the Open House, additional consultation took place with Senior Town Staff to finalize the scope and nature of incentives to be included in the new Economic Development Community Improvement Plan (CIP). The proposed CIP is attached as Appendix 'B').

On March 20, 2023 the appointments to the Economic Development Advisory Committee were made by Council. Administration has provided the members with an email notification of the Statutory Public Meeting being held on April 11th, and attempting to schedule a meeting for this committee in mid April to allow them to provide their advice to Council on this CIP.

3. DISCUSSION:

The CIP is divided into six chapters including:

1. An introduction to this CIP;
2. A discussion of the legislative and policy framework;
3. A discussion of the Economic Development Community Improvement Project Area;
4. The CIP objectives;
5. A discussion of the financial incentives available; and
6. An overview of CIP program administration and monitoring.

The CIP has been drafted to offer a targeted set of incentives that are fiscally responsible and focused on attracting and/or retaining investment and jobs that will improve the economic well being of Amherstburg residents.

Comments received at this Statutory Public Meeting will be considered by Administration and a follow-up report will be provided for consideration at a future meeting of Council.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. There is a risk that further delays in finalizing this CIP to allow for input from the Economic Development Advisory Committee (EDAC) may result in lost opportunities for potential development due to the lack of incentives the Town can offer. This risk is being mitigated by providing the EDAC members with a copy of the draft CIP, awareness of the SPM on April 11th, as well as efforts to schedule and EDAC meeting in mid April as the first planned meeting is scheduled for June.

5. FINANCIAL MATTERS:

N/A.

6. CONSULTATIONS:

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

InvestWE – Stephen Mackenzie
Honeywell International Inc. – Megan Hall

Colliers Canada – Matt Chambers
Chief Administrative Office
Deputy Chief Administrative Officer / Director of Development Services

7. **CONCLUSION:**

A future report to Council summarizes the comments received and provide professional advice to Council on the Economic Development Community Improvement Plan.



Christopher Aspila
Manager Planning Services

Report Approval Details

Document Title:	Statutory Public Meeting - Economic Development Community Improvement Plan.docx
Attachments:	- Appendix 'A' - Amherstburg Ec Dev CIP Background Report.pdf - Appendix 'B' - DRAFT Amherstburg Ec Dev CIP.pdf
Final Approval Date:	Mar 30, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox

Town of Amherstburg

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN

Background Report



MillerSilani Inc., January 2023



TOWN OF AMHERSTBURG
ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN
BACKGROUND REPORT

Table of Contents

SECTION 1	INTRODUCTION	1
1.1	Why is this Community Improvement Plan Being Prepared At This Time?	1
1.2	Purpose Of This Background Report	3
SECTION 2	LEGISLATIVE AND POLICY FRAMEWORK	4
2.1	Provincial Enabling Legislation	4
2.2	Provincial Policy Direction	7
2.3	County of Essex Policy Direction	9
2.4	Town of Amherstburg Policy Direction	10
SECTION 3	ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA	25
SECTION 4	INITIAL OUTREACH AND CONSULTATION	27
SECTION 5	SUMMARY OF BEST PRACTICES	29
SECTION 6	NEXT STEPS	39

SECTION 1 INTRODUCTION

1.1 Why is this Community Improvement Plan Being Prepared At This Time?

The Town of Amherstburg is receiving interest from individuals and corporations seeking a presence in the Essex-Windsor Region, to take advantage of emerging regional economic development opportunities. The Town's proximity to the US-Canada border, together with the availability of designated, zoned and serviced industrial and commercial lands makes Amherstburg an ideal candidate to attract new investment and jobs.

With the pending completion of the Gordie Howe International Bridge between Ontario and Michigan our region has five international land borders between Canada and the United States. These crossings are the busiest international gateways between our two nations, both in terms of dollar value and volume of commodities with the transportation equipment commodity group representing the largest component serving the well-developed automotive manufacturing sector that exists in Southern Ontario and Southeastern Michigan. More than 40,000 commuters, tourists and truck drivers carrying \$323 million worth of goods cross the Windsor-Detroit border each day.

In the Spring of 2022 Stellantis and LG Energy Solution (with financial incentives provided by the Government of Canada, the Government of Ontario and the City of Windsor) announced that the first large-scale, domestic, electric-vehicle battery manufacturing facility will be built in the City of Windsor. This is the single largest investment to ever be made in the Windsor-Essex Region.

With an investment of \$5 billion and an estimated 2,500 new direct jobs being created, this new battery plant is a transformative investment that will enable this region to successfully compete for and attract additional new advanced manufacturing, research and commercial investments. Work is underway in constructing this new facility that is expected to be operational in 2024.

Stellantis also announced that the Windsor Assembly Plant will be transformed to support the production of new multi-energy vehicle (MEV) architecture that will provide battery-electric (BEV) capability for multiple models. This vehicle assembly plant is being designed to have maximum flexibility to adjust production volumes as needed to meet changing market demand for electric vehicles. Retooling of the Windsor Assemble Plant is scheduled to begin in 2023.

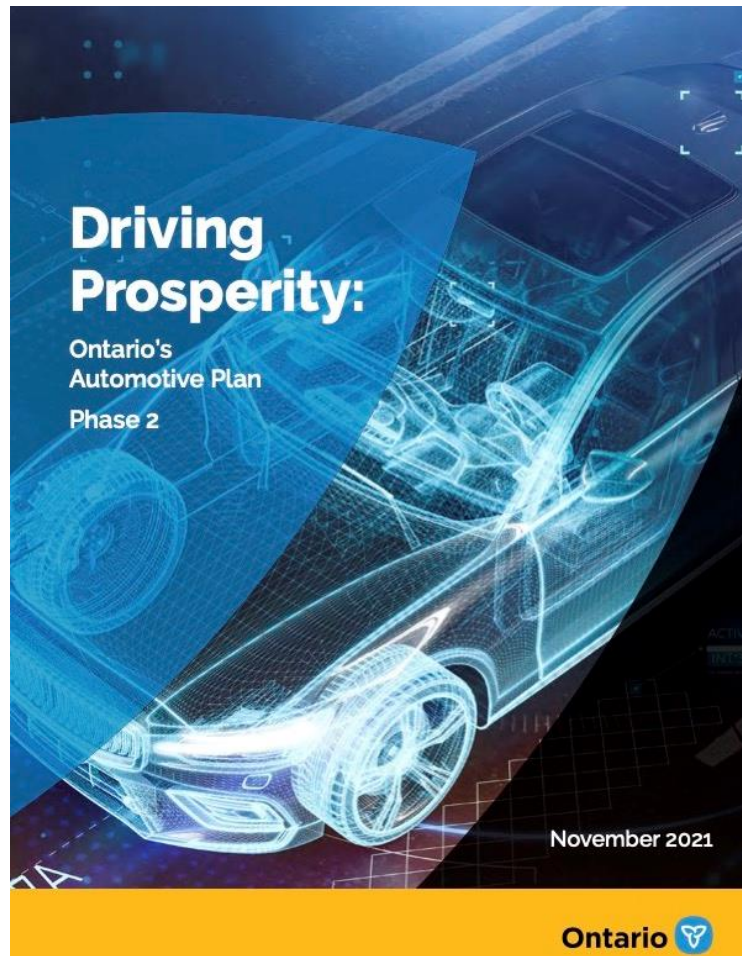
The Windsor-based Automotive Research and Development Centre (ARDC) is also being expanded by adding more than 650 highly skilled engineering jobs in support of Stellantis' growth in electrification. A new 100,000 square foot facility is being built to facilitate this

expansion, and it is expected to be completed by the end of 2023. This research centre will focus on advanced EV related technologies that are required for Stellantis to successfully transition its North American production facilities from ICE to EV propulsion systems.

In November of 2021 the Province of Ontario released “Driving Prosperity: Ontario’s Automotive Plan, Phase 2”. An integral part of this Plan is to position Ontario as a North American leader in developing and building the car of the future.

A new investment attraction agency (Invest Ontario) was specifically created to nurture investment and help businesses grow in the Province of Ontario.

Invest Ontario is offering a \$400-million fund to encourage investments in the advanced manufacturing sector, such as investment in EV-related technologies. This fund was utilized to assist with the funding of new battery plant in Windsor.



The Ontario Government is also offering a number of new tax incentives for manufacturing/ accelerated write-offs Ontario is encouraging new business investment by allowing faster write-offs of the cost of capital investments such as new machinery and equipment. Businesses can immediately write off investments in manufacturing and processing machinery and equipment, as well as certain clean energy equipment and eligible zero-emission vehicles.

The Town of Amherstburg is well positioned to build on the province’s new investment strategy, and to take advantage of the opportunities that will emerge over the next decade as:

- a new EV technology and manufacturing cluster continues to build and expand in Southwestern Ontario;
- new logistics and cross-border transportation infrastructure becomes operational; and
- the financial/information technology cluster that exists in Southwestern Ontario and Southeastern Michigan continues to expand.

Opportunities exist to enhance economic development and job creation in the Town of Amherstburg through the preparation and adoption of a new Economic Development Community Improvement Plan (CIP) prepared in accordance with Section 28 of the Planning Act. Town of Amherstburg Council has directed that a new Economic Development CIP be prepared:

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing industrial and commercial businesses in identified sectors of the economy.

It should be noted that Town Administrative Staff intend to re-activate and complete work that was commenced in 2017 to prepare a Community Improvement Plan (CIP) for the Downtown Core Area. Work on that project was put on hold in 2021, and a subsequent report will be brought back to Council in the summer of this year, outlining further actions that will be taken by Staff to complete the Core Area CIP.

1.2 Purpose Of This Background Report

This Background Report is intended to provide information that will be utilized by Council when preparing the new Economic Development Community Improvement Plan (CIP), in keeping with Council's economic development and job creation objectives and utilizing the legislative authority and best practices available in the Province of Ontario.

It is important that the new Economic Development CIP be drafted in such a manner as to offer a targeted set of actions and incentives that are fiscally responsible, and capable of attracting and/or retaining the investment and jobs that will improve the economic well being of Amherstburg residents.

SECTION 2 LEGISLATIVE AND POLICY FRAMEWORK

2.1 Provincial Enabling Legislation

A Community Improvement Plan (CIP) is a municipal planning tool used to establish strategies, actions and financial programs for improving identified areas within a municipality.

Community improvement planning was a popular planning tool utilized by many municipalities in the 1970s and 1980s, as a means to encourage neighbourhood and downtown commercial core area renewals. At that time, it was also a requirement to have a Community improvement Plan in place in order for municipalities to receive provincial grants under former community improvement programs such as ONIP (Ontario Neighbourhood Improvement Program), CAIP (Commercial Area Improvement Program), and ODRP (Ontario Downtown Revitalization Program).

Those provincial grant programs no longer exist, and municipalities are now using Community Improvement Plans, Policies and Programs in more innovative ways to address emerging economic development objectives and to support and incentivise targeted and/or sector specific development/redevelopment projects that lead to new job creation.

Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”



A “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

A “community improvement plan” is defined as “a plan for the community improvement of a community improvement project area.”

Once a municipality has identified and selected the geographic area that will be included within the CIP project area, it can prepare and adopt a Community Improvement Plan for the designated area.

Following the adoption of the Community Improvement Plan, Section 28 of the Planning Act allows a municipality to:

- a. acquire land within the community improvement project area;
- b. hold land acquired before or after the passing of the by-law within the community improvement project area;
- c. clear, grade or otherwise prepare the land for community improvement;
- d. construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area;
- e. sell, lease or otherwise dispose of any land acquired or held by it in the CIP area.;
- f. make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. (Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities as identified in Section 28 (7.1) of the Planning Act.)

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies, and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land.

Section 69 of the Planning Act allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Municipalities can also collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Section 5 of the Development Charges Act, allows municipalities to grant exemptions from a development charge. This allows both upper-tier (County of Essex) and lower-tier (Town of Amherstburg) municipalities to offer partial or total exemptions from municipal development charges in order to support community improvement objectives. Through Section 28 of the Planning Act, as part of an adopted CIP, municipalities can offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable.

These DC exemptions can be targeted and based on the Applicant meeting one or more specified project performance criteria, as set out in the Community Improvement Plan.

It should be noted that the Municipal Act regulates a municipality's ability to provide financial incentives. This restriction is set out in Section 106 (1) of the Municipal Act, and reads as follows:

“Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).”

Section 106 (2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge or fee.

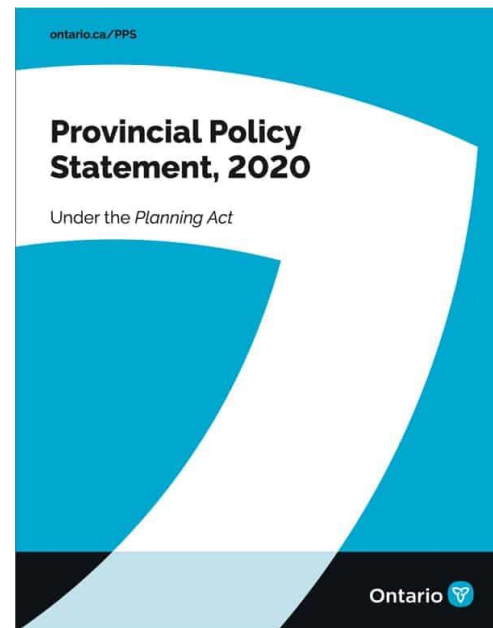
Despite these prohibited actions, there are exceptions in the Municipal Act provisions. Section 106 (3) of the Municipal Act provides an exception, allowing municipalities exercising authority under Section 28 of the Planning Act to make grants that would be otherwise prohibited.

2.2 Provincial Policy Direction

The Provincial Policy Statement (PPS) was issued in 2020 by the Provincial Government in accordance with Section 3 of the Planning Act.

It is a key part of Ontario's policy-led planning system, and it provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario, and it includes the following employment-related policies:



“Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and

- e) ensuring the necessary infrastructure is provided to support current and projected needs.”

“Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri- food network;
- j) promoting energy conservation and providing opportunities for increased energy supply;

- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.”

Section 3 of The Planning Act requires that all decisions made by Municipal Councils with respect to planning matters “shall be consistent with” policy statements issued under the Act.

2.3 County Of Essex Policy Direction

The existing County Official Plan was adopted by County Council and received approval from the Province of Ontario in 2014. This Plan applies to all seven local Essex County municipalities, including the Town of Amherstburg.

The following Essex County Official Plan goals and policies are particularly relevant and applicable to the Town’s new Economic Development Community Improvement Plan:



OFFICIAL PLAN



Prepared By:



Adopted February 19, 2014
Approved by MMAH April 28, 2014

“Essex County Goals:

- to increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live;
- to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- to encourage employment opportunities on lands within Settlement Areas that are in proximity to rail corridors.”

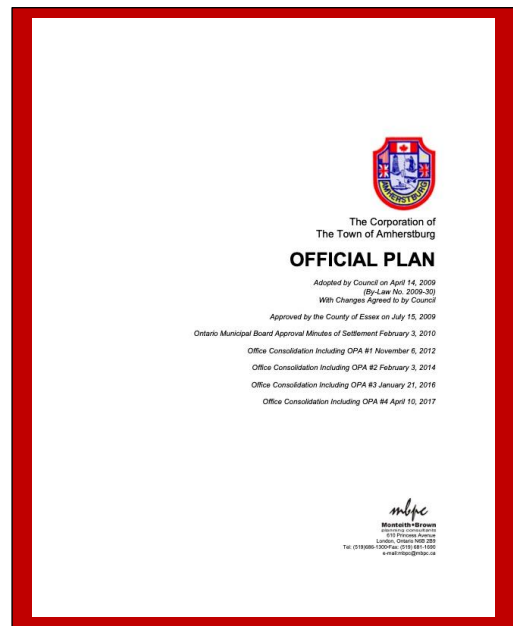
Essex County Policies:

- all new development within primary settlement areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect;
- Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian-oriented streetscape are encouraged. The preparation of Community Improvement Plans is also encouraged;
- The County encourages the redevelopment of brownfield sites.

2.4 Town Of Amherstburg Policy Direction

The Town of Amherstburg's Official Plan was adopted by Council in 2009 and received final approval in 2010.

A broad range of goals and policies contained within the Town's Official Plan are relevant and applicable to this new Economic Development Community Improvement Plan, and include the following:



“Subsection 1.7.9 – Industrial and Commercial Lands:

The Town of Amherstburg was the home of General Chemical/Allied Chemical. General Chemical lands are located within the Amherstburg Settlement Area adjacent to the

Detroit River between the Town's two largest areas of residential concentration. In addition to a large chemical plant General Chemical also had extensive brine wells, waste settling beds and quarrying operations associated with the chemical plant.

Although the industry has ceased as of January 2005 there continues to be an obligation to address the issue of the brownfields left by this industry's past activities.

The quarry operation had been acquired by a local quarry/gravel operator and will continue to operate in a manner similar to how it has operated in the past. The brine extraction lands have been sold to individuals interested in various recreational and residential forms of development. Concerns relating to servicing, land stability and provincially significant wetlands may limit any development on the former brine extraction property. Special policies to guide the after use of these lands will form part of this Official Plan.

The front portion of the chemical plant property was proposed for a general commercial development. While the proposal for commercial development in this location is very sound, recent inquiries would indicate that there may be interest in redeveloping the General Chemical lands for another heavy industrial use. The Town's desire for a balanced economy and job creation has resulted in a dual designation for this portion of the site to provide for the greatest flexibility between what was and what could be.

Within the Heavy Industrial designation referred to as the General Chemical lands is located Honeywell International Inc. Honeywell Chemicals is one of the largest producers of hydrofluoric acid and the Amherstburg plant employs 103 persons. Past consents to Honeywell have rendered certain parcels land-locked but with easements over the General Chemical lands. Future development of lands within this Heavy Industrial designation will address issues of access, buffering, servicing constraints and site rehabilitation.

As of June 2005, the Town has also lost another industry – Nexen. The site is located adjacent to the General Chemical lands. In 1981 when the plant was constructed, the road to this portion of the industrial park was closed for safety

considerations. The company is proposing to demolish the plant. Once the plant is removed concept plans as to how this area is to develop need to be part of any applications for redevelopment.

Subsection 2.5 – Industrial and Commercial Services

The Town of Amherstburg wishes to encourage businesses and industries to locate within the community to provide employment opportunities and to increase the assessment base. The Town also wishes to encourage the retention of disposable spending dollars within Essex County and Amherstburg in particular.

In order to achieve these objectives, the Town may participate in the development of additional or expanded business/industrial park sites and/or the provision of services to privately owned industrial lands so as to ensure an adequate supply of available serviced employment lands within the Town. The Town may also identify an area suitable for new format retail or service commercial opportunities while having regard for the existing commercial development. In doing so, the Town shall have regard to the relevant policies of this Plan.

Subsection 2.8.2 – Waste Settling Beds

The former General Chemical site and the Honeywell site have active waste settling beds, inactive waste settling beds and settling beds under remediation but closed. The Honeywell settling bed is considered an active waste disposal site.

Any new development or change of use on the site or within 500 metres of any of the waste settling bed sites as measured from the perimeter of the settling bed shall require an applicant to undertake a study, prepared by a qualified professional, to evaluate the presence and impact of environmental contaminants and any leachate migration in the soils.

The study will address the feasibility of mitigation measures if required. Depending on the results of the study, development may be restricted, conditions may be imposed, or development may be refused. Appropriate buffering may also be applied as determined by the study. No development may be permitted on the waste settling beds unless approval has

been granted under Section 46 of the Ontario Environmental Protection Act.

Subsection 2.18 – Brownfields Redevelopment Policies

The Province of Ontario recently amended Section 28 of the Planning Act. Section 28 allows municipalities to create Community Improvement Areas. The changes to the Act are intended to provide greater flexibility in how a municipality utilizes this Section of the Act when carrying out remedial works or redevelopment projects. The changes have expanded the range of projects and now include the ability to carry out remedial measures to clean up sites with environmental issues.

The Town can provide grants and loans to owners of brownfields to assist in the cost of any clean up. There are a number of sites within the community that could benefit from more flexible community improvement policies. The former General Chemical site, the former SKD site, the former Church and Dwight site, and the former Nexen site could possibly benefit from the new redevelopment policies.

More detailed policies on how this Official Plan addresses Community Improvement Areas are found in Section 6.3 of this Plan.

Subsection 2.19 – Smart Growth Policies

The Town will accommodate projected growth within the defined Settlement Areas and encourage a more efficient use of land and services.

The Town also supports revitalization of the downtown and commercial areas of the community while having appropriate and sensitive regard to the heritage features of this community.

Included in the Town's positive outlook for the commercial areas of the Downtown will be the continued encouragement of residential development on the upper floors of the commercial buildings, the added parking concessions to

existing and new development and the promotion of the tourism aspects of the Town.

Subsection 6.2 – Policies for Downtown Revitalization

It is the intent of this Plan to encourage the continued viability of the downtown core area. To this end, the following specific policies are set out with respect to future development in the Central Business Area.

6.2.1 Description:

- The Central Business Area shall comprise those lands adjacent to Richmond Street, west of Sandwich Street and Dalhousie Street from Rankin to Gore;
- The uses permitted in the Central Business Area shall consist primarily of those general commercial uses described in Section 4.4 hereof, but shall also include some mixed types of residential uses located primarily on the fringe of the Central Business Area;
- The limits of the Central Business Area do not coincide in all cases with those of land use areas. However, distinct and recognizable limits to the Central Business Area will be achieved where possible by differences in intensity and character between it and adjoining areas;
- The Central Business Area is and shall continue to be characterized by an intensive use of land.

6.2.2 Role and Function:

It is the intent of this Plan that the focal point of activity be the Central Business Area which shall continue to be the dominant and most intensive business area in the Town and in the surrounding market area. The Zoning by-law may apply square footage restrictions on uses beyond the Central Business Area in an attempt to encourage smaller retail and office uses to select the Central Business Area over locations on Sandwich Street.

6.2.5 Downtown Improvement and Revitalization

- It is the intent of this Plan that the progressive features and positive characteristics, which have developed in the Central Business Area, shall be retained and reinforced. Development of vacant sites and redevelopment of existing areas in the Central Business Area shall be encouraged in a comprehensive manner with a view to coordinating individual site designs and providing integrated solutions to pedestrian and vehicular traffic circulation problems. To further these objectives, Council may require that prospective developers of lands in the Central Business Area enter into a Development Agreement with the Municipality under Section 41 of the Planning Act, R.S.O. 1990 c.P.13;
- Although intensification of use will be inherent in most development or redevelopment, it is the intent of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout;
- No open storage shall be permitted in the Central Business Area;
- It is the intent of this Plan that the Central Business Area remain as compact as possible in order to serve the pedestrian most effectively. New development should be planned as an extension of the existing

business area and should not be allowed to infiltrate unnecessarily into adjoining residential areas;

- Preference should be granted to the redevelopment of vacant or derelict commercial buildings within the Central Business Area before considering amendments to the Zoning By-Law to permit expansion into adjoining residential areas;
- Council shall endeavour to improve the environment of the Central Business Area by making use of small spaces for such amenities as benches and planting and to improve the design of street lighting and other street furniture.
- Council shall encourage merchants and property owners in the Central Business Area to improve their shop fronts and signs and thereby improve the overall appearance of the downtown area;
- Council shall encourage an adequate standard of building maintenance on all property within the Central Business Area through the enforcement of a maintenance and occupancy standards by-law pursuant to Section 31 of the Planning Act R.S.O. 1990 c.P .13;
- Council shall consider the assembling of land within the Central Business Area as assistance to redevelopment or rehabilitation schemes;
- Council shall have regard to the policies relating to Economic Development that are contained in Section 6.5 of this Plan when considering the improvement and revitalization of the downtown area.

Subsection 6.3 – Policies for Community Improvement

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio- economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it

is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

In The principal goals for Community Improvement Area shall be:

- To protect and enhance the quality of the area which the residents value highly;
- To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- To urge and assist owners of commercial, industrial and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- To establish an active program for informing the property owners of various
 - available forms of housing and commercial rehabilitation assistance;
- To enforce, if necessary, any controls which will contribute to the visual
 - attractiveness of the community and the health and safety of the occupants;

- To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
- To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;
- To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin “Toddy” Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- There is a deficiency or deterioration² in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, libraries, cultural facilities
- That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;
- That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if

redeveloped or renovated or developed to another land use could enhance or revitalize the area;

- The overall streetscape or aesthetics of the area are in need of upgrades;
- The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

Implementation of the Community Improvements will occur through;

- implementation of the Property Standards By-Law;
- the support of the local Heritage Conservation committee and the application of Heritage designations;
- the acquisition of lands through Town expenditures;
- the sale of public lands for commercial redevelopment;
- the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise.;
- the support of the Business Improvement Area;
- consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- encouragement of private initiatives regarding conservation, rehabilitation, redevelopment and environmental remediation;
- consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.

Subsection 6.5 – Economic Development

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect.

This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

- The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service and commercial sectors upon the Town and its residents;
- The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites, maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town;
- The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability,

industrial development and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex and the Windsor-Essex County Development Commission;

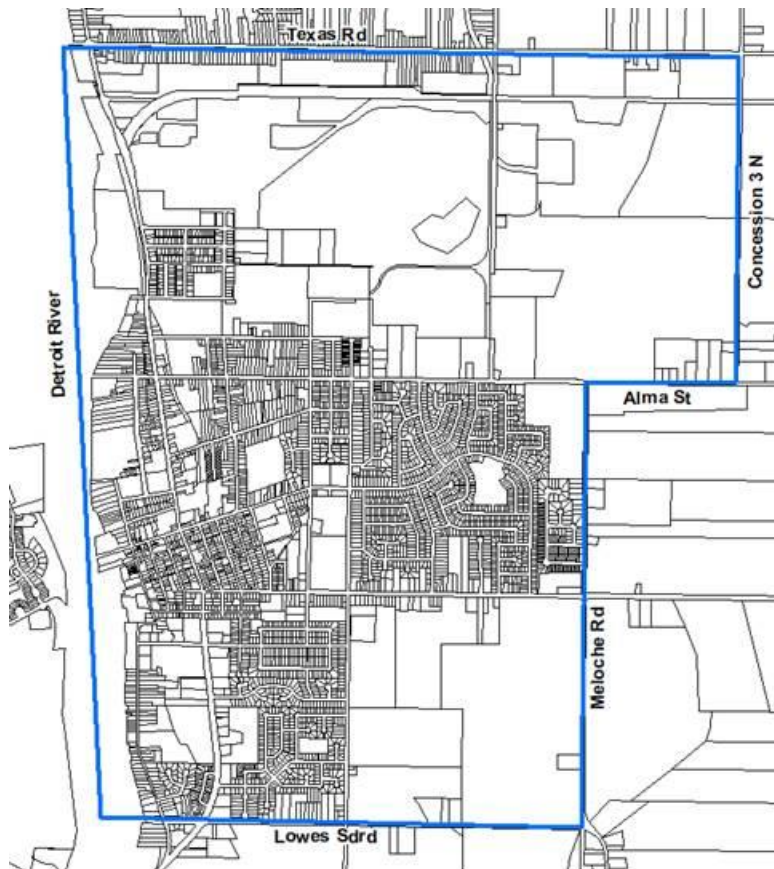
- The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development;
- The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes;
- The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures;
- The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism;
- The Town shall consider participating through financial or other support in County- wide cultural, heritage, convention and recreation activities which support tourism;
- Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion;
- As part of its on-going planning process, the Town will consider the short and long- term, direct and indirect, economic impacts of various types of development;
- In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs;

- The Town shall promote and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

SECTION 3 ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA

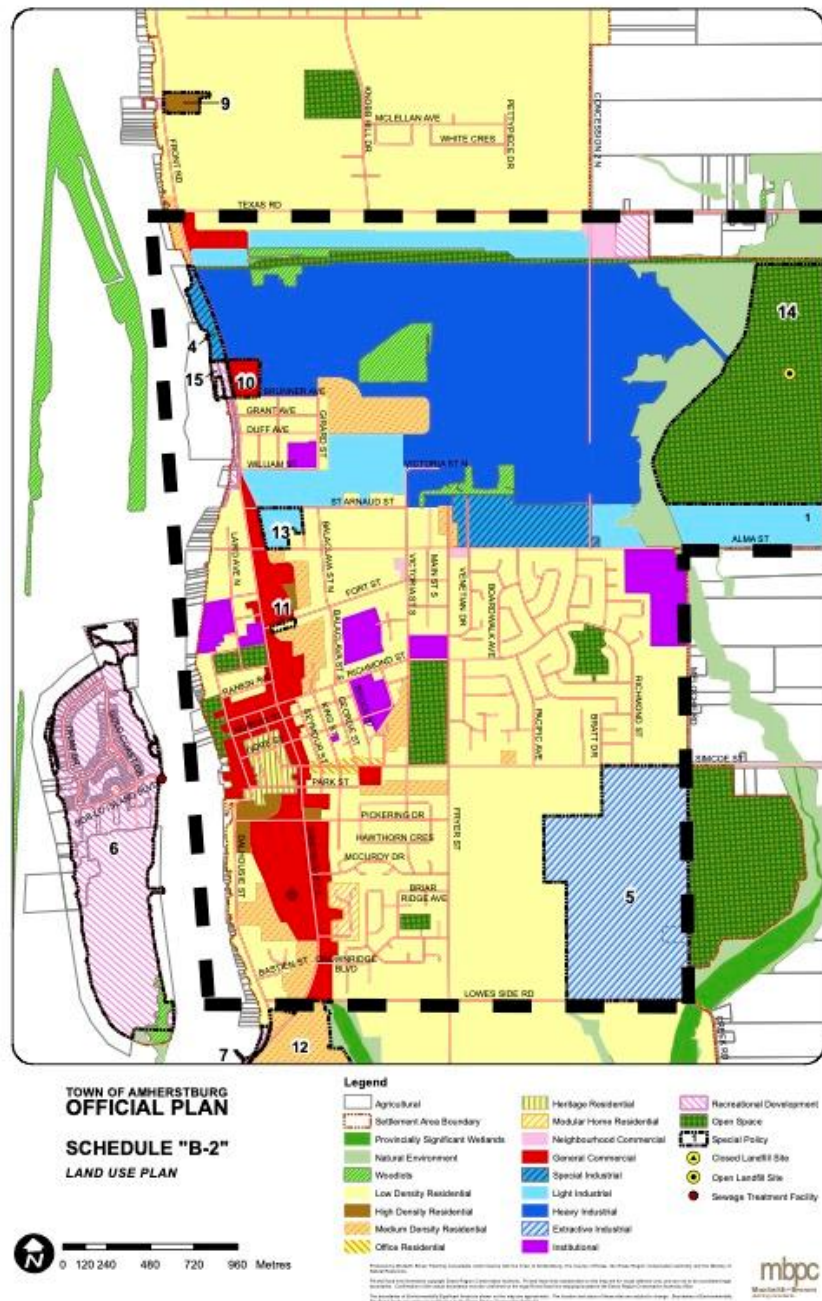
In the Fall of 2022 Council passed a By-law designating the lands shown in Figure 1 as the Economic Development Community Improvement Project Area. This CIP project area is based on the geographic land area identified in subsection 6.3.1 of the Town's existing approved Official Plan.

Figure 1 - Limits of the Economic Development CIP Project Area



The Town's Official Plan land use designations for properties located within the Economic Development CIP Project Area are shown on Figure 2.

Figure 2 – Official Plan Designations for lands located within CIP Project Area



Within the CIP Project Area there are large tracts of lands already designated for Heavy Industrial land uses. They are located generally along Front Road, south of Texas Road, west of Thomas Road and north of Alma Street. These lands comprise some of the properties previously occupied by the General Chemical plant and include sites that have frontage on the Detroit River and a seaport facility. A major County Road (former Highway 18) and the Essex Terminal Railway (which connects with Canadian National and Canadian Pacific Rail facilities) provide both highway and rail access from these lands to destinations located throughout Canada, the United States and Mexico.

Additionally, there are various properties situated within the CIP Project Area that are designated for Light Industrial, Special Industrial and General Commercial land uses.

All of these lands are situated within an area of the Town that is serviced with full municipal piped water and sanitary sewers. High speed (fibre) internet services are also available within the CIP Project Area.

SECTION 4 INITIAL OUTREACH AND CONSULTATION

An initial round of outreach and consultation was undertaken in the Fall of 2022 with staff from the following Provincial Ministries and Regional Agencies that have an interest in economic development, community improvement and brownfield redevelopment matters:

- the Ministry of Municipal Affairs and Housing;
- the Ministry of Economic Development, Job Creation and Trade;
- Invest Windsor-Essex;
- the Ministry of the Environment, Conservation and Parks.

Consultation also took place with senior Town of Amherstburg staff, including:

- the Chief Administrative Officer;
- the Deputy CAO/Director of Development Services;

- the Director of Corporate Services/Chief Financial Officer;
- the Director of Engineering & Infrastructure Services; and
- the Manager of Planning Services.

The following is a summary of what we heard from these initial meetings:

- This new Economic Development Community Improvement Plan (CIP) is intended to assist the Town achieve one of its key economic development objectives, by offering targeted financial incentives to medium and large scale industrial and/or commercial developments that are able to create a significant amount of new employment for Amherstburg residents;
- This CIP is also intended to assist with the Town’s community revitalization objectives, by offering targeted financial incentives for brownfield redevelopment and re-use of the Amherstburg Land Holdings Limited lands (and the surrounding industrially designated lands), in order to support new job creation within the Town of Amherstburg;
- Invest Windsor-Essex and Ministry of Economic Development, Job Creation and Trade staff advised that in their experience companies looking to invest in new businesses and/or to expand existing businesses are attracted to municipalities that have:
 - i. available sites that are pre-zoned, fully serviced and “shovel-ready”;
 - ii. removed the uncertainties associated with developing and/or redeveloping land by completing all required “due diligence work” up-front (i.e. Archeological, ESA studies);
 - iii. streamlined development review and approval processes, and building permits can be obtained quickly and without any undue delays;
 - iv. adopted a Community Improvement Plan that provides a broad range of financial incentives.
- Ministry and Regional Economic Development Staff also advised that companies are seeking to invest in communities that have:

- i. a highly educated and skilled pool of talent to draw from, to meet the needs of their particular business;
 - ii. willing sellers of available land (in appropriate locations), that are prepared to sell their properties at fair market prices;
 - iii. a broad range of cultural, recreational and commercial amenities and services, affordable housing options, and a quality of life that is able to attract and retain a skilled workforce.
- Staff from the Ministry of the Environment, Conservation and Parks (MECP) advised that:
 - i. A large portion of the Amherstburg Land Holdings Limited property has been remediated in keeping with a Director’s Order issued by MECP, and these lands can be redeveloped for new commercial and/or industrial purposes;
 - ii. A remaining portion of these industrially designated lands (located further to the east) is not subject to this Director’s Order. Someone wishing to redevelop these lands would have to undertake further Environmental and ESA studies to determine what additional site remediation work would be needed before development could be approved on these lands
- The Ministry of Municipal Affairs and Housing is responsible for administering Section 28 of the Planning Act. MMAH Staff noted that a number of communities in Southern Ontario have prepared Economic Development and/or Industrial Community Improvement Plans to support and facilitate Municipal Economic Development Objectives.

A review of best practices from these Council adopted Community Improvement Plans is set out in Section 5 of this Report.

SECTION 5 SUMMARY OF BEST PRACTICES

Based on discussions with Provincial, Regional and Municipal Staff involved in Municipal Economic Development and Municipal Planning, the following summary is offered of best practices currently being used to offer financial incentives to support municipal economic development and job creation objectives.

Municipalities are geographically, demographically, and economically diverse, and consequently the economic development opportunities and challenges that they need to address will vary across the province. Notwithstanding these differences, there are a common set of financial tools that many municipalities are successfully utilizing for municipal economic development purposes. Most of these municipalities offer a targeted package of financial incentives that include one or more of the following CIP programs:

- i. A Development Charge Rebate;
- ii. A Tax Increment Equivalent Rebate; and
- iii. A Planning & Building Permit Rebate.

Individual municipalities create specific CIP programs utilizing one or more of these financial incentives to achieve their stated job creation and economic development objectives. Best practices are to align these specific CIP incentives with:

- the desired outcomes and strategic economic development objectives of the community;
- the financial resources available to the municipality to fund the incentives being offered; and
- market knowledge as to which incentives will be most effective in attracting new investment (new jobs) to the community.

To highlight some of the best practices being utilized today, the following summary is offered from six small to mid-sized Ontario communities:

Town of Lincoln Industrial Lands Community Improvement Plan (2019)

The stated objective of this CIP is:

“To stimulate investment by the private sector in industrial-designated lands, and by doing so:

- Unlock the existing supply of vacant and underutilized land;

- Provide a direct contribution to achieving one of the Town’s fundamental economic development objectives of protecting and expanding the existing industrial base; and
- Create new jobs in the local economy.”

It is a five-year CIP, that offers the following financial incentives for an initial five-year period, that can be extended at the discretion of Council:

- An industrial Tax Increment Financial Grant. This grant provides a reimbursement to the Town’s portion of the property tax up to 80% of the annual Town tax increment over the base assessment and tax liability at Year 1. This grant can be collected for a maximum of 10 years. This grant cannot exceed the total value of eligible costs the developer incurred in site preparation and construction of the new industrial development.
- An Industrial Building Permit Fee Grant. This grant provides a 100% reduction in Building Permit Fees for building permit applications related to the construction of new and/or the expansion of existing industrial buildings, to a maximum grant of \$15,000 per property.
- An Industrial Development Charge Reduction Grant. This provides a reimbursement in the form of a grant of up to 50% of the value of the DC fees payable on a industrial development/redevelopment project, to a maximum grant of \$60,000.

Bradford West Gwillimbury Industrial Areas Community Improvement Plan (2016)

The objective of this Community Improvement Plan is...

“To stimulate investment by the private sector in industrially zoned employment districts including Artesian and Reagens Industrial Parks, and by so doing, provide or direct contribution to achieving fundamental economic development goals of the Town of Bradford West Gwillimbury.

More particularly, this may include stimulus to new investment in industrial buildings, operations, and employment by existing, new or relocating firms. By contributing to the build-out of these Parks, this plan will help meet the goals of existing businesses located in these Parks to expand, and thereby retain and

potentially create new or higher paying jobs which may have beneficial impacts elsewhere in the local economy.

Most specifically, the Plan is a basis for removing/reducing certain business costs which, in and of themselves, may act as a constraint to development.”

It is a five-year CIP, that applies to industrially designated lands located in the municipality’s two existing industrial parks, and it offers the following financial incentives for an initial five-year period, that can be extended at the discretion of Council:

- An Industrial Tax Increment Financial Grant. This grant provides a reimbursement to the Town’s portion of the property tax up to 100% of the annual Town tax increment over the base assessment and tax liability at Year 1. This grant can be collected for a maximum of 10 years. This grant cannot exceed the total value of eligible costs the developer incurred in site preparation and construction of the new industrial development.
- An Industrial Planning Fees and Building Permit Grant. This grant provides a 100% reduction in Planning and Building Permit Fees related to the construction of new and/or the expansion of existing industrial buildings in Year 1 and 2 of the CIP. In Year 3 and 4 the maximum grant is reduced to 50%, and in Year 5 of the CIP this grant is not offered.
- An Industrial Development Charge Reduction Grant. This provides a reimbursement in the form of a grant of up to 100% of the value of the DC fees payable on an industrial development/redevelopment project during Years 1 and 2 of the CIP. In Year 3 of the CIP the maximum grant is reduced to 75%, Year 4 to 50% and in Year 5 to 25%.
- An Industrial Building Restoration, Renovation, and Improvement Grant. This grant is offered to assist private sector landowners make improvements and/or small scale expansions to their existing industrial buildings by providing a grant equal to 50% of the eligible costs incurred by the landowner to make these improvements. The maximum grant per property is \$50,000, and the minimum grant is \$25,000.

Loyalist Township Industrial Community Improvement Plan (2022)

The stated purpose and objective of Loyalist Township Industrial Community Improvement Plan is:

“To attract or retain industrial businesses to encourage investment or reinvestment at greenfield and existing sites:

- To increase employment;
- To enhance property assessment and economic activity;
- To encourage land sales;
- And to take advantage of existing private and public infrastructure.

It is anticipated that this Plan should improve the likelihood of developing vacant or underutilized lands into productive uses, leading to the increase of the industrial base creating employment.

The purpose of the Industrial CIP is to provide the opportunity to develop and redevelop industrially zoned properties within the Township through the use of a tax increment equivalent grant in order to stimulate and support growth in local industries (existing and new operations) by reducing the initial cost barriers to such development.

The financial incentive program is intended to encourage the private sector to invest in publicly and privately held properties.

The Industrial CIP will provide an incentive in the form of a grant, up to four years in duration and Industrial CIP area is deemed to apply to the entire geographic limits of the Township.”

This CIP applies to all industrially zoned lands located throughout Loyalist Township, and offers one targeted financial incentive, as follows:

- An industrial Tax Increment Equivalent Grant. This grant is provided to eligible property owners over a 4 year period. The owner receives an annual grant equal to 100% of the value of the tax increment increase in Year 1. In Year 2, the grant is reduced to 75% of the value of the increment, in Year 3 it is reduced to 50% and in Year 4 it is reduced to 25%. At the end of Year 4 no further grants are provided to the owner.

In order to be eligible for this financial incentive, the cost of the new development/redevelopment must exceed a value of \$500,000 and lead to at least 10 new full time permanent jobs being created and maintained throughout the term of the grant.

The total value of the grant being offered cannot exceed 50 percent of the total cost of the improvements being made on the industrially zoned land.

Town of Tecumseh Industrial Community Improvement Plan (2022)

The Town of Tecumseh prepared a new Industrial Community Improvement Plan in 2022.

The stated purpose and objectives of this CIP are:

“To support the local economy by attracting major new investment and development that represent desirable sectors for the local economy, and to encourage job creation through the attraction of major new industrial development and/or expansion of existing industrial businesses into identified sectors of the economy.

The Industrial CIP will:

- Support investments in targeted high potential economic sectors that contribute to the diversification of the local economy;
- Support the establishment and on-going development of targeted sector clusters and encourage businesses to take advantage of cluster-related synergies;
- Support synergies with existing and growing industries by attracting investment based on the community’s strengths and competitive advantages;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of Town taxpayers and the Town’s ability to fund the financial incentive programs;

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

The Tecumseh Industrial Community Improvement Plan applies to all lands within the Town's three Settlement Areas that are designated as Business Park and are zoned industrially.

To be eligible for financial rebates (grants) under this CIP, the minimum size of the new industrial floor space being built would be 140,000 square metres, and this floor space must be used for an automotive assembly plant or an automotive parts manufacturing plant. This new Industrial CIP is intended to be in effect for 10 years and can be extended at that discretion of Council. It offers the following financial incentives to eligible industrial projects:

- A Tax Increment Equivalent Rebate. This rebate is equal to 50% of the increase in the municipal portion of property taxes as a result of the increase in assessment value from the new industrial development project. This rebate would be paid on an annual basis for up to 10 years.
- A Planning & Building Permit Rebate. This rebate is equal to 100% of the fees for Planning Act applications and/or Building Permit fees for eligible projects.
- A Development Charge Rebate. This provides a re-imbusement in the form of a grant of up to 100% of the value of the DC fees payable on an eligible industrial development.

City of Windsor Economic Revitalization Community Improvement Plan (2011)

The stated purpose of the City of Windsor’s Economic Revitalization Community Improvement Plan is:

“To diversify the local economy by attracting new businesses that represent new and desirable sectors of the local economy, and to encourage job creation through the attraction of new businesses and/or the expansion of existing businesses into identified sectors of the economy”.

This CIP applies to the entire City of Windsor, and offers the following financial incentive programs:

- The Business Development Grant Program. This CIP program is intended to attract new business investment to Windsor and provides a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this grant the development or redevelopment must create a minimum of 50 new jobs in the manufacturing sector or more than 20 new jobs in other eligible sectors (creative industries, health and life sciences, corporate/head offices, professional services, renewable energy, tourism, warehousing/logistics).
- The Business Retention and Expansion Grant Program. This CIP program focuses on existing businesses, allowing them to expand and grow at their current locations. It provides a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this grant the project must create 50 new jobs and/or retain 50 existing jobs in the manufacturing sector or create more than 20 new jobs and/or retain 35 existing jobs in the other targeted sectors (creative industries, health and life sciences, corporate/head offices, professional services, renewable energy, tourism, warehousing/logistics).
- The Small Business Investment Grant Program. This CIP program is intended to stimulate new investments in small businesses in the targeted economic sectors to assist with the expansion and diversification of the

local economy. It provides a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this grant the business must have less than 50 employees if it is in the manufacturing sector, and less than 20 employees if it is in any other targeted sector (creative industries, health and life sciences, corporate/head offices, professional services, renewable energy, tourism, warehousing/logistics). Investment must result in a minimum increase of \$25,000 in assessed property value in order to be eligible for this grant.

- The Development Charges Grant Program. Applicants successful in obtaining one of the three available tax rebate grants will also be eligible to receive a grant to offset up to 100% of the Development Charge Fees that are owing to the municipality.
- A detailed listing of eligible project costs is set out in this Community Improvement Plan, and include costs associated with: constructing the new building or expanding existing buildings; upgrading on-site infrastructure; and constructing off-site improvements required to fulfil any development approval conditions.

Chatham-Kent Community Improvement Plan (2020)

In 2020 the Municipality of Chatham-Kent adopted a new Community Improvement Plan that applies to the entire municipality. The stated objectives of this CIP are:

“To stimulate development activity in the region that increases investment in existing and new industrial buildings/employment uses and employment growth.

To provide incentives through planning policy in strategic areas that support new investment in existing and new industrial buildings and to assist the build-out and occupancy levels in areas where large groupings of industrial land exist.

To assist the redevelopment of properties within existing industrial park areas which may be more marketable for different and higher-order employment uses.

To continue to focus investment in the Downtown and Mainstreet Areas for beatification, revitalization of retailing, expansion of residential choices in the downtowns and (re)development of vacant and underutilized lands.

To continue to invest in the commercial areas outside of downtowns areas.”

This CIP offers the following financial incentive programs:

- A Property Tax Increment Equivalent Program. This rebate is equal to 60% of the increase in the municipal portion of property taxes as a result of the increase in assessment value from the development and/or redevelopment of commercial, employment, mixed-use commercial, and major rental housing and affordable housing developments.

With the exception of the residential developments and major employment projects, the rebate is limited to a maximum of 5 years and must include a project that has a minimum of \$250,000 in eligible project costs. A major employment project (which is defined as an employment development that represents a minimum investment of \$5 million of eligible costs) is eligible to receive this grant on an annual basis for up to 10 years.

Eligible costs include the costs of constructing new buildings or making improvements for the purposes of establishing new residential, commercial, employment or institutional uses, or the expansion of existing buildings to realize more effective use of the land’s potential. These eligible costs can also include feasibility studies and support studies required to fulfil any requirements of making a complete planning application or building permit applications, and the cost of making off-site improvements required to fulfil any condition of a development approval.

- A Building & Planning Fee Rebate Program. This rebate is equal to 100% of the fees for Planning Act applications and Building Permits up to a maximum of \$20,000 for eligible projects.
- A Development Charge Rebate. This provides a re-imbusement in the form of a grant of up to 50% of the value of the DC fees payable on an eligible major rental housing and new affordable housing developments.

- It should be noted that a Façade Improvement Program and a Residential Conversion and Affordable Housing Program is also offered as part of this CIP.

SECTION 6 NEXT STEPS

The Town of Amherstburg Council has directed the preparation of an Economic Development Community Improvement Plan (CIP):

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or expansion of existing industrial and commercial businesses in identified sectors of the economy.

Council has a range of options available as to the type and scope of incentives that it wishes to offer as part of this new CIP, including:

- what sectors are being targeted;
- the type of incentive is to be offered;
- the length of time that a grant/rebate is made available for;
- what project costs are eligible to receive a grant; and
- the minimum amount of investment and/or the minimum number of permanent jobs that the project will have to create to be eligible for one or more of the new grants/rebates.

To assist Council achieve its stated Economic Development objectives, the following description of potential new Amherstburg specific CIP programs are offered for review and discussion purposes:

An Industrial Business Development Grant

This CIP program is intended to attract new industrial development to Amherstburg and would provide a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project

completion for eligible projects. To be eligible for this CIP grant the new industrial development (or the expansion of an existing industrial building) must create a minimum of 60 new permanent full time jobs in the manufacturing or the warehousing/logistics sectors.

A Commercial Business Development Grant

This CIP program is intended to attract new commercial businesses to Amherstburg, in targeted economic sectors (tourism, hospitality, professional services, health care and life sciences, and information technology). It would provide a grant equivalent to 50% of the municipal property tax increase created by the project for up to 5 years after project completion for eligible projects. To be eligible for this grant the project must make a minimum investment of \$500,000 in eligible project costs and must create a minimum of 20 new permanent full time jobs in one of the targeted economic sectors.

A Development Charges Grant

Applicants successful in obtaining one of the above noted available tax rebate grants would also be eligible to receive a grant to offset up to 100% of the Development Charge Fees that are owing to the municipality.

A Building Permit and Planning Fee Grant.

This grant would provide a rebate in the amount of 100% of the value of Building Permit and Planning Fees related to the construction of new and/or the expansion of eligible industrial and commercial building projects, to a maximum grant of \$20,000 per eligible project.

It should be noted that a CIP property tax increment equivalent rebate incentive is calculated only in relation to the local municipal portion of the total property taxes paid and does not include the education taxes levied, nor does it include the county's portion of the total property taxes. A county tax incentive would only be available should the County of Essex adopt new Community Improvement Policies agreeing to provide such assistance for projects that would qualify for such an incentive as set out in a Town of Amherstburg adopted Community Improvement Plan.

An important next step in drafting the Town's new Economic Development Community Improvement Plan is to review the contents of this Background Report with Senior Administrative Staff and with members of the Town's Economic Development Committee, to ensure that the financial CIP incentives to be offered by the Town are

properly targeted to achieve the desired outcomes and are fiscally responsible to taxpayers.

Following these meetings, a draft new Economic Development Community Improvement Plan will be prepared. A public open house will also be scheduled to obtain community input in advance of the new Economic Development CIP being presented to Council for review and adoption purposes.

Town of Amherstburg

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN



MillerSilani Inc., April 2023



TOWN OF AMHERSTBURG
ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN

Table of Contents

SECTION 1	INTRODUCTION	1
SECTION 2	LEGISLATIVE AND POLICY FRAMEWORK	3
SECTION 3	ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA	15
SECTION 4	COMMUNITY IMPROVEMENT PLAN OBJECTIVES	16
SECTION 5	FINANCIAL INCENTIVES AVAILABLE	17
SECTION 6	PROGRAM ADMINISTRATION AND MONITORING	21

SECTION 1 INTRODUCTION

A Background Report (dated January 2023) has been prepared that highlights the opportunities that exist to enhance economic development and job creation in the Town of Amherstburg. These opportunities include becoming part of:

- a new EV technology and manufacturing cluster that is emerging in Southwestern Ontario;
- a new logistics and cross-border transportation hub; and
- the financial/information technology cluster that exists in Southwestern Ontario and Southeastern Michigan.

One of the Town's long-term strategic planning goals is to *"Secure commercial and industrial business investment through the use of progressive land-use planning tools and incentives."* To move forward with a key action item to achieve this strategic goal, the Town of Amherstburg Council has directed that a new Economic Development Community improvement Plan be prepared:

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing commercial and industrial businesses in identified sectors of the economy.

In the Fall of 2022 consultation took place with staff from the following Provincial Ministries and Regional Agencies that have an interest in economic development, community improvement, and brownfield redevelopment matters:

- the Ministry of Municipal Affairs and Housing;
- the Ministry of Economic Development, Job Creation and Trade;
- Invest Windsor-Essex;
- the Ministry of the Environment, Conservation and Parks.

Consultation also took place with senior Town of Amherstburg staff, including:

- the Chief Administrative Officer;
- the Deputy CAO/Director of Development Services;
- the Director of Corporate Services/Chief Financial Officer;
- the Director of Infrastructure Services;
- the Manager of Planning Services; and
- the Manager of Engineering.

A summary of the initial round of consultation is contained in the January 2023 Background Report.

On February 15, 2023 an Open House was held at the Libro Centre to receive comments from any member of the community about a potential new Economic Development Community Improvement Plan. A notice of this Open House was published on January 26, 2023, and was posted on the Town's social media channels.

Residents that attended in person were able to speak with Town Staff and the Consultants, and to provide their verbal input and written comments. The feedback received was generally positive in nature. Several residents submitted comments stating that in their opinion the Town's existing Development Charge Fees were too high, and that these fees were a deterrent to attracting new businesses to Amherstburg. There were no comments posted on social media.

Following the Open House additional consultation took place with Senior Town Staff to finalize the scope and nature of incentives to be included in the new Economic Development Community Improvement Plan (CIP). This new CIP has been drafted to offer a targeted set of incentives that are fiscally responsible and focused on attracting and/or retaining investment and jobs that will improve the economic well being of Amherstburg residents.

SECTION 2 LEGISLATIVE AND POLICY FRAMEWORK

A Community Improvement Plan (CIP) is a municipal planning tool used to establish strategies, actions, and financial programs for improving identified areas within a municipality.

Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”

A “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

A “community improvement plan” is defined as “a plan for the community improvement of a community improvement project area.”

Once a municipality has identified and selected the geographic area that will be included within the CIP project area, it can prepare and adopt a Community Improvement Plan for the designated area.

Following the adoption of the Community Improvement Plan, Section 28 of the Planning Act allows a municipality to:

- a. acquire land within the community improvement project area;
- b. hold land acquired before or after the passing of the by-law within the community improvement project area;
- c. clear, grade or otherwise prepare the land for community improvement;
- d. construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area;

- e. sell, lease, or otherwise dispose of any land acquired or held by it in the CIP area.;
- f. make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. (Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities as identified in Section 28 (7.1) of the Planning Act.)

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies, and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land.

Section 69 of the Planning Act allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Municipalities can also collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Section 5 of the Development Charges Act, allows municipalities to grant exemptions from a development charge. This allows both upper-tier (County of Essex) and lower-tier (Town of Amherstburg) municipalities to offer partial or total exemptions from municipal development charges to support community improvement objectives. Through Section 28 of the Planning Act, as part of an adopted CIP, municipalities can offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable.

These DC exemptions can be targeted and based on the Applicant meeting one or more specified project performance criteria, as set out in the Community Improvement Plan.

It should be noted that the Municipal Act regulates a municipality's ability to provide financial incentives. This restriction is set out in Section 106 (1) of the Municipal Act, and reads as follows:

“Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).”

Section 106 (2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge, or fee.

Despite these prohibited actions, there are exceptions in the Municipal Act provisions. Section 106 (3) of the Municipal Act provides an exception, allowing municipalities exercising authority under Section 28 of the Planning Act to make grants that would be otherwise prohibited.

A key part of Ontario's policy-led planning system is the Provincial Policy Statement (PPS). This statement was issued in 2020 by the Provincial Government in accordance with Section 3 of the Planning Act, and it provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario, and it includes the following employment-related policies:

“Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and

suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.”

Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri- food network;

- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.”

Section 3 of The Planning Act requires that all decisions made by Municipal Councils with respect to planning matters “shall be consistent with” policy statements issued under the Act.

The County of Essex Official Plan was adopted by County Council and received approval from the Province of Ontario in 2014. This Plan applies to all seven local Essex County municipalities, including the Town of Amherstburg.

The following Essex County Official Plan goals and policies are particularly relevant and applicable to the Town’s new Economic Development Community Improvement Plan:

“Essex County Goals:

- to increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live;
- to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- to encourage employment opportunities on lands within Settlement Areas that are in proximity to rail corridors.”

Essex County Policies:

- all new development within primary settlement areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect;

- Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian-oriented streetscape are encouraged. The preparation of Community Improvement Plans is also encouraged;
- The County encourages the redevelopment of brownfield sites.

The Town of Amherstburg’s Official Plan was adopted by Council in 2009 and received final approval in 2010. Subsection 6.5 and subsection 6.3 of the Town’s Official Plan articulates the Town’s Economic Development and Community Improvement Policies, and read as follows:

“Subsection 6.5 – Economic Development

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect.

This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial, and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

- The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service, and commercial sectors upon the Town and its residents;
- The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites,

maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town;

- The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability, industrial development, and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex, and the Windsor-Essex County Development Commission;
- The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development;
- The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes;
- The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures;
- The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism;
- The Town shall consider participating through financial or other support in County- wide cultural, heritage, convention and recreation activities which support tourism;
- Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion;
- As part of its on-going planning process, the Town will consider the short and long- term, direct and indirect, economic impacts of various types of development;
- In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs;

- The Town shall promote and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

Subsection 6.3 – Policies for Community Improvement

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio-economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

In The principal goals for Community Improvement Area shall be:

- To protect and enhance the quality of the area which the residents value highly;
- To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- To urge and assist owners of commercial, industrial, and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;
- To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
- To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
- To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;

- To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin “Toddy” Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- There is a deficiency or deterioration in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, and libraries
- That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;

- That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if redeveloped or renovated or developed to another land use could enhance or revitalize the area;
- The overall streetscape or aesthetics of the area are in need of upgrades;
- The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the

availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

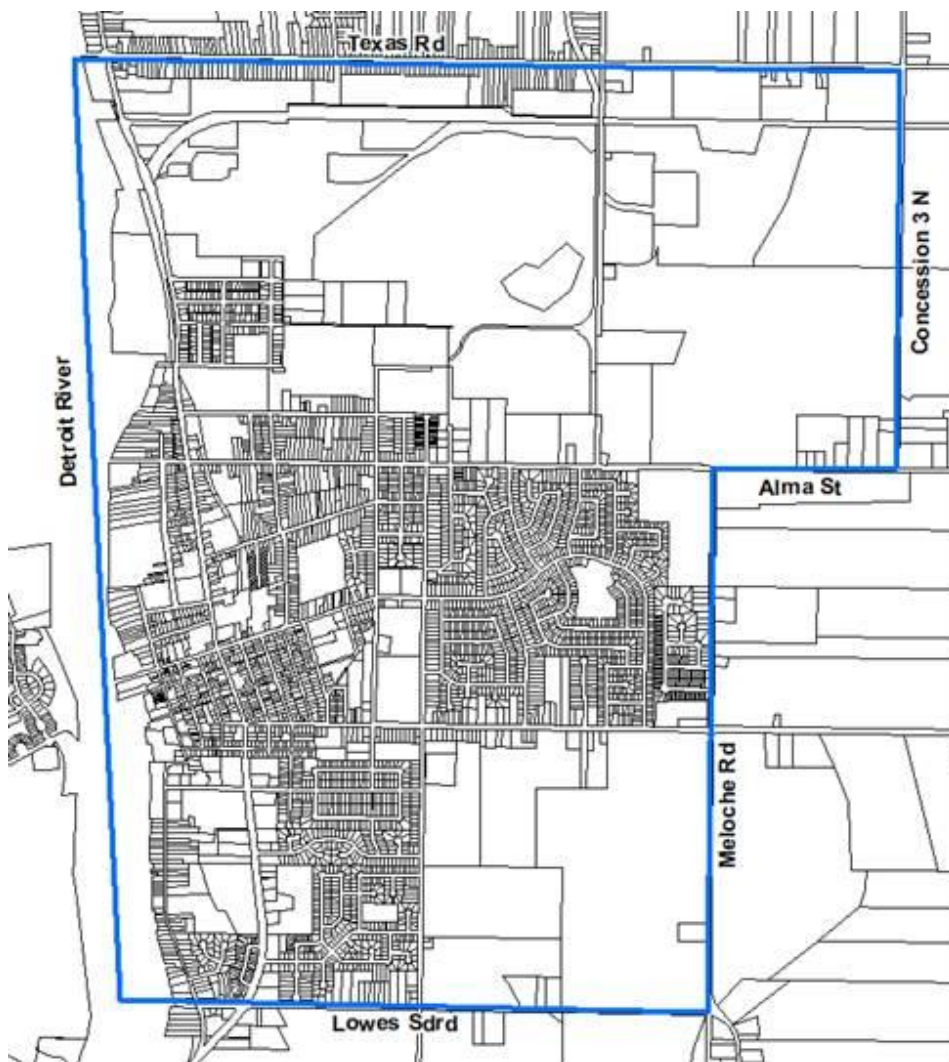
Implementation of the Community Improvements will occur through;

- implementation of the Property Standards By-Law;
- the support of the local Heritage Conservation committee and the application of Heritage designations;
- the acquisition of lands through Town expenditures;
- the sale of public lands for commercial redevelopment;
- the application for various government programs, grants, and loans; and the encouragement of local incentive under private enterprise.;
- the support of the Business Improvement Area;
- consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- encouragement of private initiatives regarding conservation, rehabilitation, redevelopment, and environmental remediation;
- consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.”

SECTION 3 ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA

Council passed a By-law pursuant to Section 28 of the Planning Act designating the lands shown in Figure 1 as the Economic Development Community Improvement Project Area. This CIP project area is based on the geographic land area identified in subsection 6.3.1 of the Town's existing approved Official Plan.

Figure 1 - Limits of the Economic Development CIP Project Area



SECTION 4 COMMUNITY IMPROVEMENT PLAN OBJECTIVES

The objectives of this new Economic Development Community Improvement Plan are as follows:

- 1) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy, including manufacturing, logistics, hospitality, professional services, health care, life sciences, and information technology;
- 2) to stimulate and encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing industrial and commercial businesses in identified sectors of the economy;
- 3) to continue to invest in and assist with the redevelopment of industrially and commercially zoned lands in existing built-up areas of the Town;
- 4) to act as a catalyst for new private sector investments to be made in identified sectors of the local economy;
- 5) to facilitate the re-use, development and revitalization of underutilized lands located within existing designated and serviced employment and commercial districts in the Town of Amherstburg; and
- 6) to be financially responsible to taxpayers, by focusing on strategic priorities and making use of targeted financial incentives that do not adversely impact the municipality.

The above noted objectives are an expression of the intended outcomes resulting from the implementation of this Economic Development Community Improvement Plan. They will also be used to guide decisions that are being made during the life of the plan, and as guideposts to monitor the performance of the CIP.

SECTION 5 FINANCIAL INCENTIVES AVAILABLE

To achieve an important Strategic Economic Development Goal of Council, and the stated objectives of this new Economic Development Community Improvement Plan, the following Financial Incentive Programs are being offered to eligible development projects:

1. An Industrial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new industrial development to Amherstburg and would provide a grant equivalent of up to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this CIP grant the new industrial development (or the expansion of an existing industrial building) must create a minimum of 60 new permanent full time jobs in a manufacturing and/or logistics facility and must make a minimum investment of \$1,000,000.

2. A Commercial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new commercial businesses to Amherstburg, in targeted economic sectors (hospitality, professional services, health care, life sciences, and information technology). It would provide a grant equivalent up to 50% of the municipal property tax increase created by the project for up to 5 years after project completion for eligible projects. To be eligible for this grant the new commercial development (or the expansion of an existing commercial building) must create a minimum of 20 new permanent full time jobs in a hospitality services facility, a professional office and health care facility, a life science facility and/or an information technology facility, and must make a minimum investment of \$500,000 in eligible project costs.

3. A Development Charges Grant and a Building Permit/Planning Fee Grant

Applicants successful in obtaining one of the above noted available tax rebate grants would also be eligible to receive a grant to offset:

- up to 100% of the Development Charge Fees that are owing to the municipality.

- up to 100% of the value of Building Permit and Planning Fees related to the construction of new and/or the expansion of eligible industrial and commercial building projects, to a maximum grant of \$20,000 per eligible project.

It should be noted that a CIP property tax increment equivalent rebate incentive is calculated only in relation to the local municipal portion of the total property taxes paid and does not include the education taxes levied, nor does it include the county's portion of the total property taxes. A county tax incentive would only be available should the County of Essex adopt new Community Improvement Policies agreeing to provide such assistance for projects that would qualify for such an incentive as set out in a Town of Amherstburg adopted Community Improvement Plan.

A detailed application form and program guide will be prepared and utilized by Town Administrative Staff to receive applications and to determine eligibility under one or more of these financial incentive programs.

The following definitions will be used by Town Administrative Staff when preparing the detailed program application form and guideline documents:

- Manufacturing Facility means an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly or similar production of various articles and commodities.
- Logistics Facility means a warehouse used for storage and transportation of goods, distribution facilities, and logistics services such as but not limited to material handling, packaging, and freight storage and forwarding.
- Professional Office and Health Care Facility means an office or clinic maintained and used as a place of business by individuals in licensed and other generally recognized professions that includes but is not limited to doctors, dentists, lawyers, engineers, architects, and accountants.
- Life Science Facility means an establishment primarily engaged in research and development in advanced and applied sciences, that includes but is not limited to biopharmaceuticals, biotechnology, nanotechnology, biomedical engineering, and biogenetics.
- Information Technology Facility means an establishment primarily engaged in providing services that include, but are not limited to the management, operation, programming, maintenance and system administration of computer and telecommunication networks and systems.

- Hospitality Services Facility means an establishment that provides hospitality related services that include, but are not limited to hotel/motel accommodations, restaurants, catering, banquets/receptions, entertainment, and conference/special event venues.
- Permanent Full-Time Employee means a person employed by a business who is normally scheduled to work a minimum of 35 hours per week for the entire normal year of the business, which normal year must consist of at least 48 weeks. The permanent full-time employee must be working in the Town of Amherstburg.
- Municipal Property Taxes is the Town of Amherstburg portion of property taxes payable, and does not include the Education portion payable to the Province of Ontario, and any property taxes payable to the County of Essex.
- Tax Increment is the difference between the base rate at the time of Amherstburg Council's approval of financial incentives for the project and the municipal taxes after the completion of the approved eligible works, occupancy, and reassessment by MPAC. The tax increment will be calculated on an annual basis and will include increases and decreases resulting from tax rate changes and reassessments.

Town Staff will also utilize the following general incentive program requirements when preparing the program application form and guideline document. These requirements are not necessarily exhaustive, and the Town of Amherstburg reserves the right to include other requirements and conditions as deemed necessary as part of the application form and/or the program guide.

- An application for any of the incentive programs contained in the CIP can only be made for properties located within the Community Improvement Project Area.
- If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property on the application. The registered property owner may also be required to be a party to any agreement for the financial incentive programs.
- The applicant will be required to submit a complete application to the Municipality describing in detail the work that is planned. This may include reports, floor plans, conceptual site plans, business plans, estimates, contracts, and other details as may be required to satisfy the Municipality with respect to conformity of the project with the CIP. The application must be submitted to

the Municipality prior to Council's approval of financial incentives for the project.

- All drawings, reports and/or materials submitted to and/or requested by the Municipality to support a financial incentive program application shall be prepared by qualified professionals to the satisfaction of the Municipality.
- The applicant must address all outstanding work orders and/or other fees from the Municipality (including tax arrears) against the subject property to the satisfaction of the Town of Amherstburg prior to the grant being approved.
- Council is the sole approval authority for all applications submitted under the financial incentive programs included in this CIP.
- As a condition of approval of an application for any of the financial incentive programs contained within this CIP, the applicant must enter into an agreement with the Municipality. The agreement will be registered against the land to which it applies and will specify the terms, duration, and default provisions of the grant.
- All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards, and guidelines, including applicable Official Plan and zoning requirements and approvals.
- The total of the grants made in respect of improvements to buildings and/or lands shall not exceed the eligible costs as further specified in the more detailed CIP program guide and application form.
- The Town of Amherstburg may undertake an audit of work done and eligible costs if it is deemed necessary, at the expense of the applicant. Municipal staff, officials, and/or agents of the Municipality may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Municipality.
- The Municipality is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant.
- The financial incentive programs approved by Council will take effect as of the date of Council adoption, and will not be applied retroactively to any work that has taken place prior to the execution of the CIP agreement in accordance with this CIP.

- Council at its discretion may at any time discontinue a program; however, any participants in the program prior to its discontinuance will continue to receive grants as approved for their property in accordance with the agreement signed with the Municipality.
- If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Municipality, the Municipality may delay, reduce, or cancel the approved grant, and any grant amount paid will be recovered by the Municipality.
- If a building that was erected or improved with a program grant is demolished prior to the expiry of the grant period, the grant is terminated and will be recovered by the Municipality.
- The Town of Amherstburg has the right to perform annual inspections, and to request information from the applicant with respect to full time employment numbers, to ensure compliance with the agreement and to adjust the incentive levels to reflect the current situation in relation to the agreement signed with the Municipality.

It should be noted that the CIP program application form and guideline will also include information highlighting the criteria that will be used by Council when evaluating the applications that are submitted pursuant to this new Economic Development Community Improvement Plan

SECTION 6 PROGRAM ADMINISTRATION AND MONITORING

This new Economic Development Community Improvement Plan is intended to be in effect for 5 years from the date of adoption by Council. It can be extended for a further 5 year period at the sole discretion of Council.

Town Staff will put in place a monitoring program and will prepare an annual report to assist Council evaluate the effectiveness of the new Economic Development Community Improvement Plan. This monitoring report will also be used to identify if there are refinements that need to be made to the CIP (including the program application form and guideline documents) to address changing economic conditions that may arise from time to time.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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: Christopher Aspila	Report Date: March 24, 2023
Author's Phone: 519 736-5408 ext. 2124	Date to Council: April 11, 2023
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for part of 320 Richmond Street

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies, and Council with respect to an Official Plan Amendment and Zoning By-law Amendment for lands municipally known as part of 320 Richmond Street (File OPA #22 & ZBA/08/23) **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. **BACKGROUND:**

The Town is the applicant for an Official Plan Amendment (OPA) and a Zoning By-law Amendment to By-law 1999-52 (ZBA). The OPA and ZBA applications apply to approximately 1945 sq m of land (municipally known as a portion of 320 Richmond Street) located on the east side of Victoria Street South between Hamilton Drive and Richmond Street. The official plan amendment, if approved, will change the land use designation from Institutional to Low Density Residential. The rezoning, if approved, will implement the change in the land use designation and change the zoning from Institutional (I) to Residential First Density (R1) Zone.

3. **DISCUSSION:**

The submitted applications seek to change the use of the lands from institutional to residential to facilitate the creation of two residential building lots. The proposed land use designation of Low Density Residential and the proposed Residential First Density (R1) Zone are consistent with the surrounding neighbourhood. The proposed zone will require

a minimum lot frontage of 15 m and minimum lot area of 540 m² and permit a maximum lot coverage of 35% for single detached dwellings.

The requested land use change does not facilitate any negative impacts on surrounding properties.

The proposed OPA and ZBA appear to be in consistency with the Provincial Policy Statement 2020 (PPS). The proposed lots are located within a settlement area.

Section 1.1.3.1 of the PPS states:

Settlement areas shall be the focus of growth and development.

Section 1.1.3.6 of the PPS states:

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

The subject lands are located within a developed, fully serviced settlement area. The Town is not required to go through the consent process to create lots from municipal land. However, the proposed OPA and ZBA to allow for the creation of two residential building lots represents efficient and orderly development of serviced land in accordance with the land use vision outlined in the Provincial Policy Statement.

The proposal conforms to the County's land use vision as outlined in the specific policies under the County Official Plan as it represents efficient development of land within in the Settlement Boundary. The subject lands are within Town's Settlement Boundary and are proposed to be designated Low Density Residential by the OPA. The proposed Residential First Density (R1) Zone provisions allow for single detached dwellings as permitted uses. The proposal makes efficient use of vacant settlement lands and municipal infrastructure in accordance with the applicable Official Plan policies.

The purpose of this initial public meeting is to provide an opportunity for the Applicant to present information and outline the purpose of the applications to Council and to hear all comments regarding the official plan amendment and the rezoning. As Council is aware, notice for the proposed OPA and ZBA was circulated in accordance to the provisions of the Planning Act. All comments received to date will be provided to Council prior to the Statutory Public Meeting and all will be attached to the subsequent Council report.

Following this public meeting, Administration 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 OPA and ZBA and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

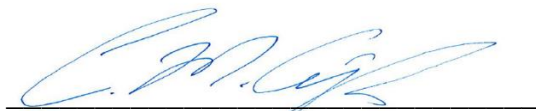
6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. The circulation map and list of properties within the 120m circulation radius are attached for information.

The County of Essex is the Approval Authority for Official Plan Amendments and has been circulated on the proposed OPA.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested official plan amendment and zoning by-law amendment.



Christopher Aspila
Manager, Planning Services

JM/CA/ca

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 2313 & 2314

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: Greater Essex County District School Board

Phone #: 519-255-3200

Report Approval Details

Document Title:	Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for part of 320 Richmond Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- 320 Richmond- Aerial w. OP and Zoning.pdf- Appendix B- 320 Richmond Site Photo.pdf- Appendix C- Summary of Correspondence Received on OPA 22 and ZBA-08-23.pdf- Appendix D- OPA 22 and ZBA-08-23- 120 m Circulation Map and List.pdf- Appendix E- 2023-049- OPA 22- Part of 320 Richmond- DRAFT.pdf- Appendix F- 2023-050- ZBA- Part of 320 Richmond- DRAFT.pdf
Final Approval Date:	Mar 30, 2023

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



Melissa Osborne



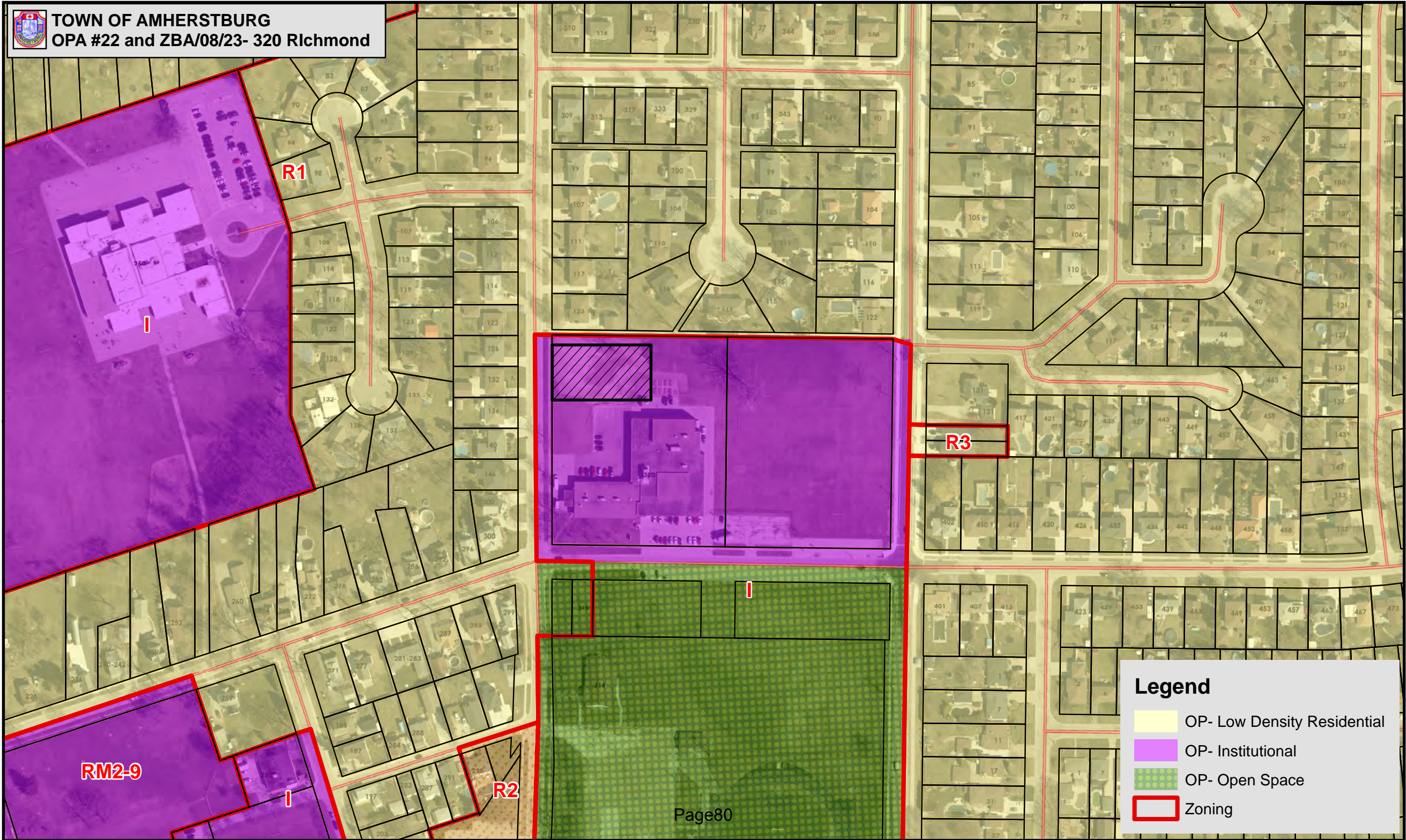
Tracy Prince



Valerie Critchley



Kevin Fox



Legend

- OP- Low Density Residential
- OP- Institutional
- OP- Open Space
- Zoning

320 Richmond Site Photo of Subject Lands





Summary of Correspondence Received on Proposed OPA and ZBA for Part of 320 Richmond Street

Below is a summary of the comments received by the Planning Services Division on OPA #22 and ZBA/08/23 as of March 24, 2023.

Windsor Police:

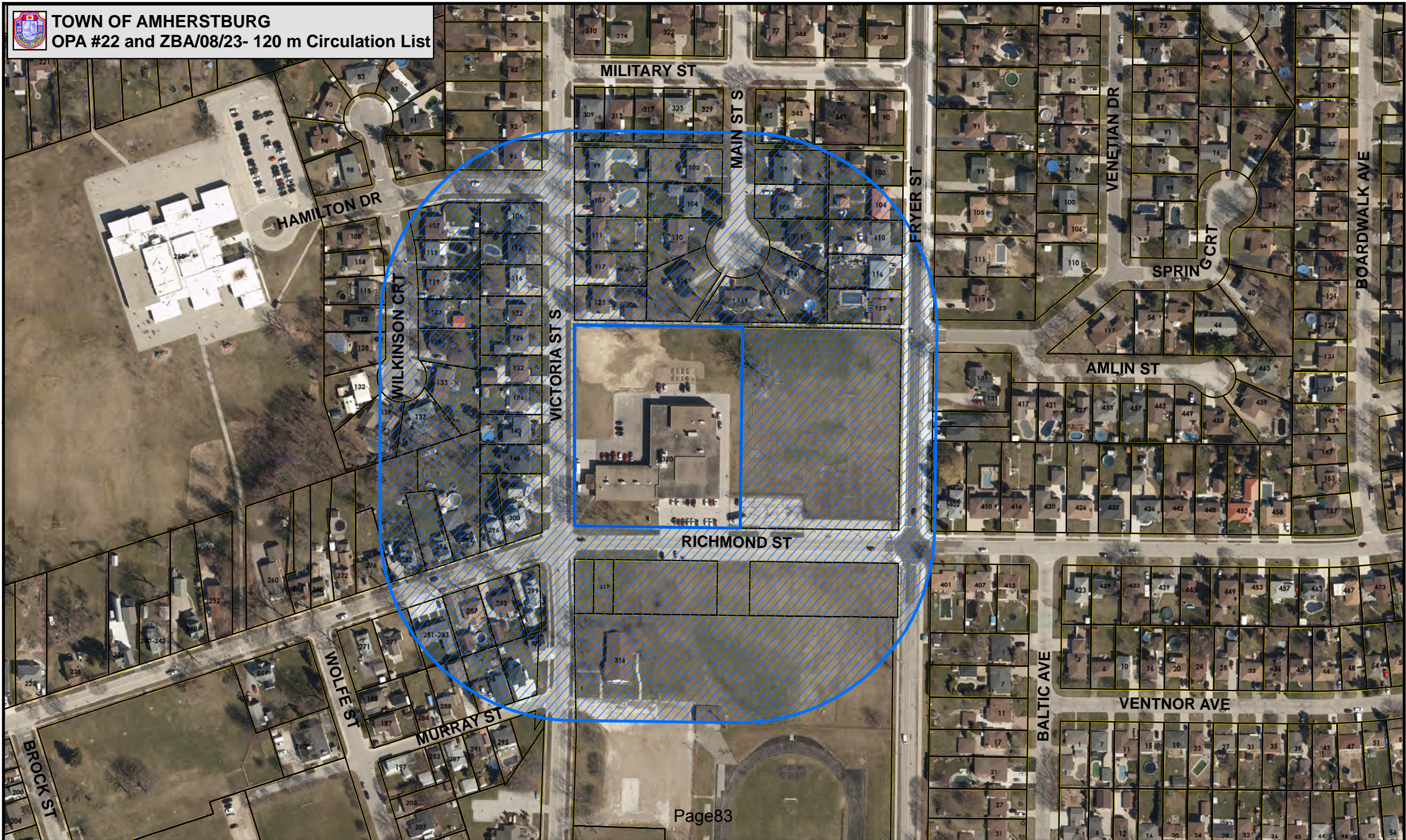
The Windsor Police Service has no concerns or objections with the proposed Official Plan and Zoning By-law amendments for this property. The end result from this will not inhibit emergency response or police service delivery capability and is not anticipated to create any negative public safety.

Building Department:

No concerns.

Infrastructure Services:

No comments.



ARN	ADD1	STREETNAME
372922000001500	133	WILKINSON CRT
372922000009400	286	RICHMOND ST
372922000009500	292	RICHMOND ST
372922000000700	116	VICTORIA ST S
372922000000500	126	VICTORIA ST S
372922000001600	137	WILKINSON CRT
372922000000400	132	VICTORIA ST S
372922000000600	122	VICTORIA ST S
372922000001800	132	WILKINSON CRT
372922000009700	300	RICHMOND ST
372922000000100	146	VICTORIA ST S
372922000009200	276	RICHMOND ST
372922000002000	122	WILKINSON CRT
372922000001700	138	WILKINSON CRT
372922000003300	92	VICTORIA ST S
372922000009300	282	RICHMOND ST
372922000001900	128	WILKINSON CRT
372922000001200	119	WILKINSON CRT
372922000000300	136	VICTORIA ST S
372922000001300	123	WILKINSON CRT
372922000000800	112	VICTORIA ST S
372922000003200	96	VICTORIA ST S
372922000001000	107	WILKINSON CRT
372922000002100	118	WILKINSON CRT
372922000001400	129	WILKINSON CRT
372922000001100	113	WILKINSON CRT
372922000000200	140	VICTORIA ST S
372922000000900	106	VICTORIA ST S
372922000009600	296	RICHMOND ST
372914000003800		MURRAY ST
372914000004700	176	VICTORIA ST S
372914000005100	281	RICHMOND ST
372914000005200	277	RICHMOND ST
372914000004500	296	MURRAY ST
372914000004300	288	MURRAY ST
372914000005000	287	RICHMOND ST
372914000004900	293	RICHMOND ST
372914000004800	299	RICHMOND ST
372915000000500		RICHMOND ST
372915000000300	315	RICHMOND ST
372915000000100	316	SIMCOE ST
372915000000250		RICHMOND ST
372915000000400		RICHMOND ST
372920000016700	401	RICHMOND ST
372921000000800	313	MILITARY ST
372919000012012	145	FRYER ST

372921000004700	323	MILITARY ST
372921000000500	107	VICTORIA ST S
372921000000600	99	VICTORIA ST S
372921000005700	99	MAIN ST S
372921000005300	119	MAIN ST S
372921000000300	117	VICTORIA ST S
372919000012000	131	FRYER ST
372921000004900	100	MAIN ST S
372921000005200	114	MAIN ST S
372921000000700	309	MILITARY ST
372921000005500	111	MAIN ST S
372921000005800	93	MAIN ST S
372921000004800	329	MILITARY ST
372921000000400	111	VICTORIA ST S
372921000005100	110	MAIN ST S
372921000005000	104	MAIN ST S
372920000000100	402	RICHMOND ST
372921000010000	100	FRYER ST
372921000000200	123	VICTORIA ST S
372921000005600	105	MAIN ST S
372921000010400	122	FRYER ST
372921000010300	116	FRYER ST
372921000010100	104	FRYER ST
372919000012010	143	FRYER ST
372919000011900	119	FRYER ST
372921000005400	115	MAIN ST S
372921000005900	343	MILITARY ST
372921000010200	110	FRYER ST
372921000000900	317	MILITARY ST
372921000000102		RICHMOND ST
372921000000100	320	RICHMOND ST

AMENDMENT NO. 22
TO THE OFFICIAL PLAN
FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG
CHANGE OF SCHEDULE 'A', 'B' and 'B-2' FOR PART OF 320 RICHMOND STREET

DRAFT

TABLE OF CONTENTS

1.0 OFFICIAL DOCUMENTATION PAGES

- 1.1 Clerk's Certificate Page
- 1.2 Adopting By-law

2.0 CONSTITUTIONAL STATEMENT

3.0 PART A – THE PREAMBLE

- 3.1 Purpose of the Amendment
- 3.2 Basis of the Amendment

4.0 PART B - THE AMENDMENT

- 4.1 Details of the Amendment
- 4.2 Implementation of the Amendment

DRAFT

DECISION

**With respect to Official Plan Amendment No. 22 to the Official Plan for
The Corporation of the Town of Amherstburg
Subsection 17(34) of the Planning Act**

I hereby approve Amendment No. 22 to the Official Plan 2009-30 for The Corporation of the Town of Amherstburg, as adopted by By-law 2023-049.

Dated at Essex, Ontario this day of , 2023.

Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

DRAFT

AMENDMENT NO. 22 TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Kevin Fox, Clerk of the Town of Amherstburg, certify that this is a/the original/duplication original/certified copy of Amendment No. 22 to the Official Plan of the Town of Amherstburg.

CLERK – Kevin Fox

DRAFT

**The Corporation of the Town of Amherstburg
By-law 2023-049**

**Being a by-law to adopt Official Plan Amendment No. 22
to the Official Plan for the Town of Amherstburg**

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 22 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and map, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 22 to the Official Plan for the Corporation of the Town of Amherstburg;
3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this --th day of ---, 2023.

Michael Prue, Mayor

Kevin Fox, Clerk

2.0 THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 22 to the Official Plan for The Corporation of the Town of Amherstburg.

DRAFT

AMENDMENT NO. 22
TO THE OFFICIAL PLAN
FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG

3.0 PART A - THE PREAMBLE

3.1 Purpose of the Amendment

Official Plan Amendment No. 22 will redesignate lands known as Part of 320 Richmond Street from 'Institutional' to 'Low Density Residential' designation in the Official Plan for the Corporation of the Town of Amherstburg.

Location of Lands

This OPA applies to the following land use designations depicted on Schedule A, B and B-2 in the Official Plan:

- i) Legal description: Plan 1066, Blk A and Pt Blk B, designated as Part of Part 2 on 12R-27695, Town of Amherstburg;
- ii) Municipal address: Part of 320 Richmond Street, Town of Amherstburg.

3.2 Basis of the Amendment

An Official Plan Amendment (OPA) is requested to change the policy framework applied to the subject property from 'Institutional' to 'Low Density Residential' to support the proposed residential development of two residential building lots.

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were Town initiated and requested to support the development of the site for residential development.

The subject lands are currently vacant as a former school playground/field area. The site will accommodate two residential building lots consistent with the surrounding residential properties.

Review and evaluation of the proposed development was placed in context of the Provincial Policy Statement 2020 (PPS) and was considered to be consistent with provincial policy direction. Specifically, the development is consistent with provincial housing policies, provides for healthy community initiatives, and supports the healthy, walkable community policies of the province.

Official Plan Amendment No. 22 establishes a policy framework within the 'Low Density Residential' policies for the subject lands. The Official Plan Amendment No. 22

establishes residential policy framework for the proposed development that is intended as a low density residential two building lot development.

The proposed development, through the adoption of the Official Plan Amendment No. 22, will conform with the relevant policies of the County of Essex Official Plan policies and the Town of Amherstburg Official Plan policies by: promoting development that is pedestrian oriented with services and amenities available for residents from all cultural, social and economic background; by efficiently and effectively utilizing existing infrastructure for the development of new residential units; and by providing for residential intensification of land within a primary settlement area with two new building lots within an established subdivision that are well suited for the neighbourhood.

The Official Plan Amendment No. 22 will provide a policy framework for the implementing bylaw amendment 2023-050. By-law 2023-050 provides a regulatory framework that will establish regulations under the 'Residential First Density (R1)' zone provisions.

DRAFT

4.0 PART B – THE AMENDMENT

4.1 Details of the Amendment

All of this part of the document, entitled ‘Part B – The Amendment’ consisting of the following text and Schedule ‘A’ constitutes Official Plan Amendment No. 22 to the Official Plan for the Town of Amherstburg.

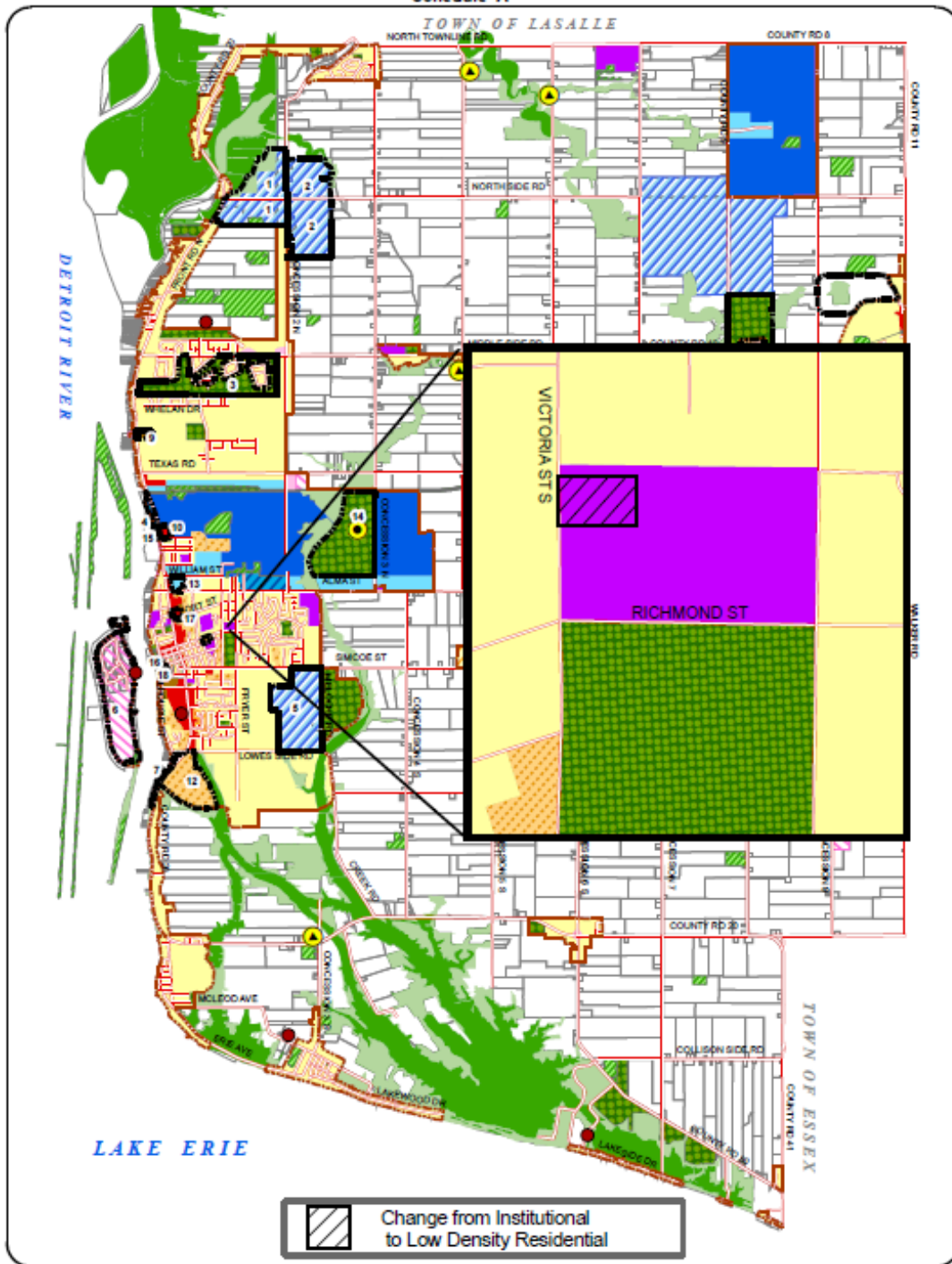
The Official Plan of the Town of Amherstburg is amended as follows:


“Property known municipally as Part of 320 Richmond Street is hereby redesignated from ‘Institutional’ designation to ‘Low Density Residential’ designation on Schedule ‘A’, ‘B’ and ‘B-2’ to the Official Plan for the Town of Amherstburg and as shown on Schedule ‘A’, ‘B’ and ‘B-2’ attached hereto.”

4.2 Implementation of the Amendment

Official Plan Amendment No. 22 will be implemented through Bylaw 2023-050, an amendment to Zoning By-law 1999-52.

Schedule 'A'



 Change from Institutional to Low Density Residential

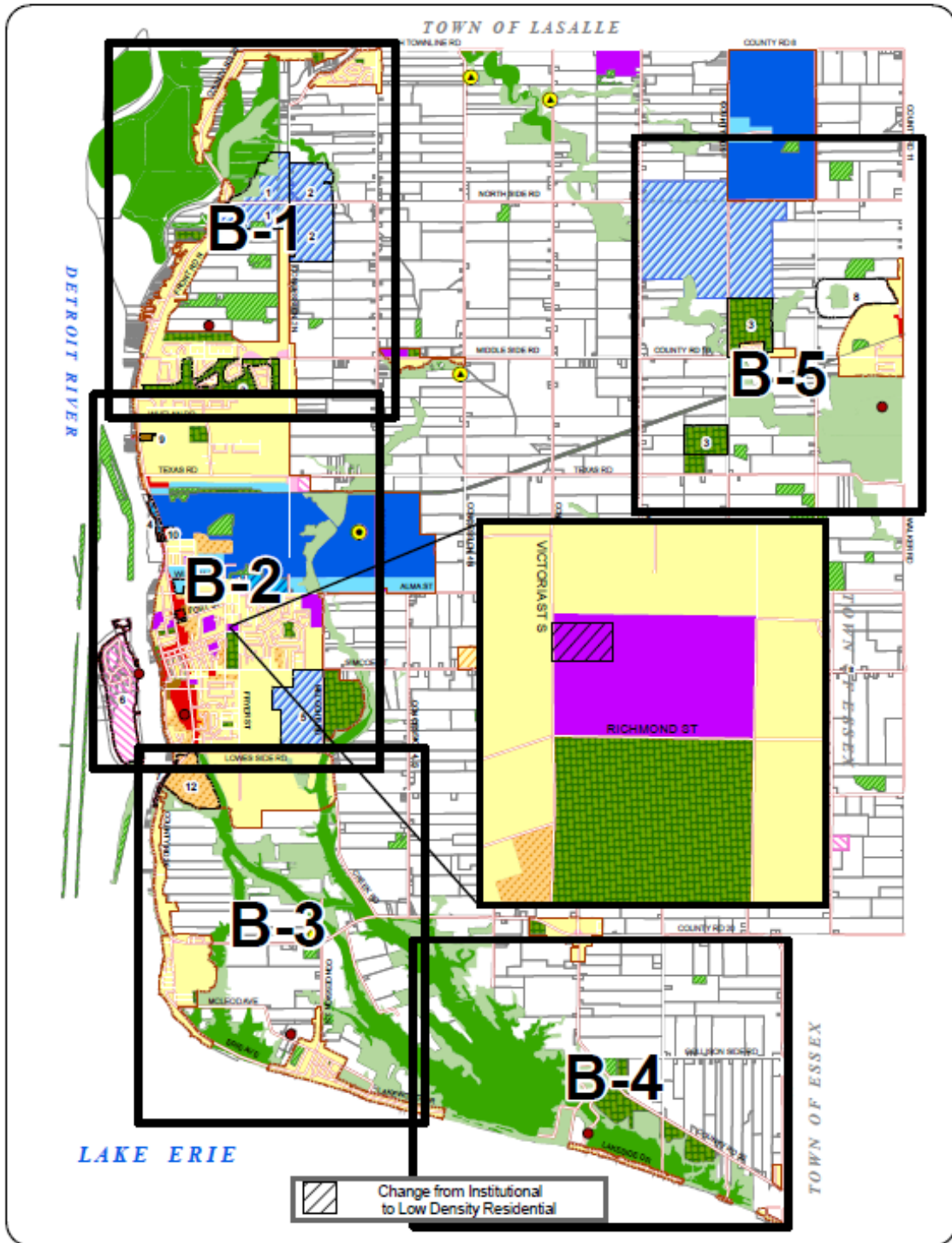
TOWN OF AMHERSTBURG
OFFICIAL PLAN

SCHEDULE "A"
LAND USE PLAN



Legend

-  Sewage Treatment Facility
-  Closed Landfill Site
-  Open Landfill Site
-  Agricultural
-  Special Policy
-  Settlement Area Boundary
-  Medium Density Residential
-  Provincially Significant Wetlands
-  Natural Environment
-  Woodlots
-  Low Density Residential
-  High Density Residential
-  Heritage Residential
-  Modular Home Residential
-  Neighbourhood Commercial
-  Open Space
-  Special Industrial
-  Light Industrial
-  Heavy Industrial
-  General Commercial
-  Extractive Industrial
-  Institutional
-  Recreational Development



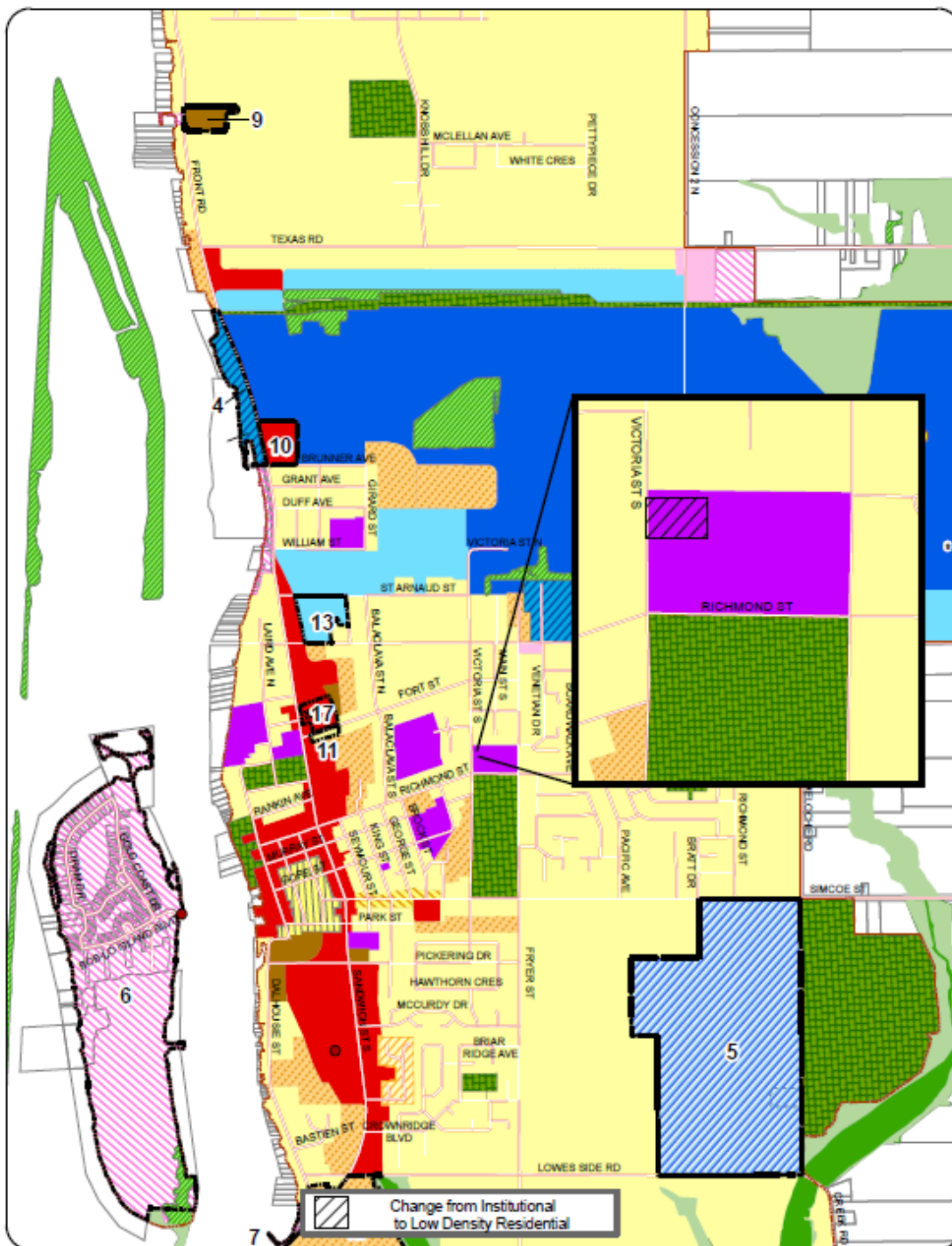
**TOWN OF AMHERSTBURG
OFFICIAL PLAN**

**SCHEDULE "B"
(Index Map)
LAND USE PLAN**



Legend

- | | | |
|-----------------------------------|--------------------------|---------------------------|
| Agricultural | Heritage Residential | Recreational Development |
| Settlement Area Boundary | Modular Home Residential | Open Space |
| Provincially Significant Wetlands | Neighbourhood Commercial | Special Policy |
| Natural Environment | General Commercial | Closed Landfill Site |
| Woodlots | Special Industrial | Open Landfill Site |
| Low Density Residential | Light Industrial | Sewage Treatment Facility |
| Medium Density Residential | Heavy Industrial | |
| High Density Residential | Extractive Industrial | |
| Office Residential | Institutional | |



**TOWN OF AMHERSTBURG
OFFICIAL PLAN
SCHEDULE "B-2"
LAND USE PLAN**

Legend

- Agricultural
- Settlement Area Boundary
- Provincially Significant Wetlands
- Natural Environment
- Woodlots
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Office Residential
- Heritage Residential
- Modular Home Residential
- Neighbourhood Commercial
- General Commercial
- Special Industrial
- Light Industrial
- Heavy Industrial
- Extractive Industrial
- Institutional
- Recreational Development
- Open Space
- Special Policy
- Closed Landfill Site
- Open Landfill Site
- Sewage Treatment Facility



**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-050**

**By-law to amend Zoning By-law No. 1999-52
Part of 320 Richmond Street, 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 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to R1" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Residential First Density (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.

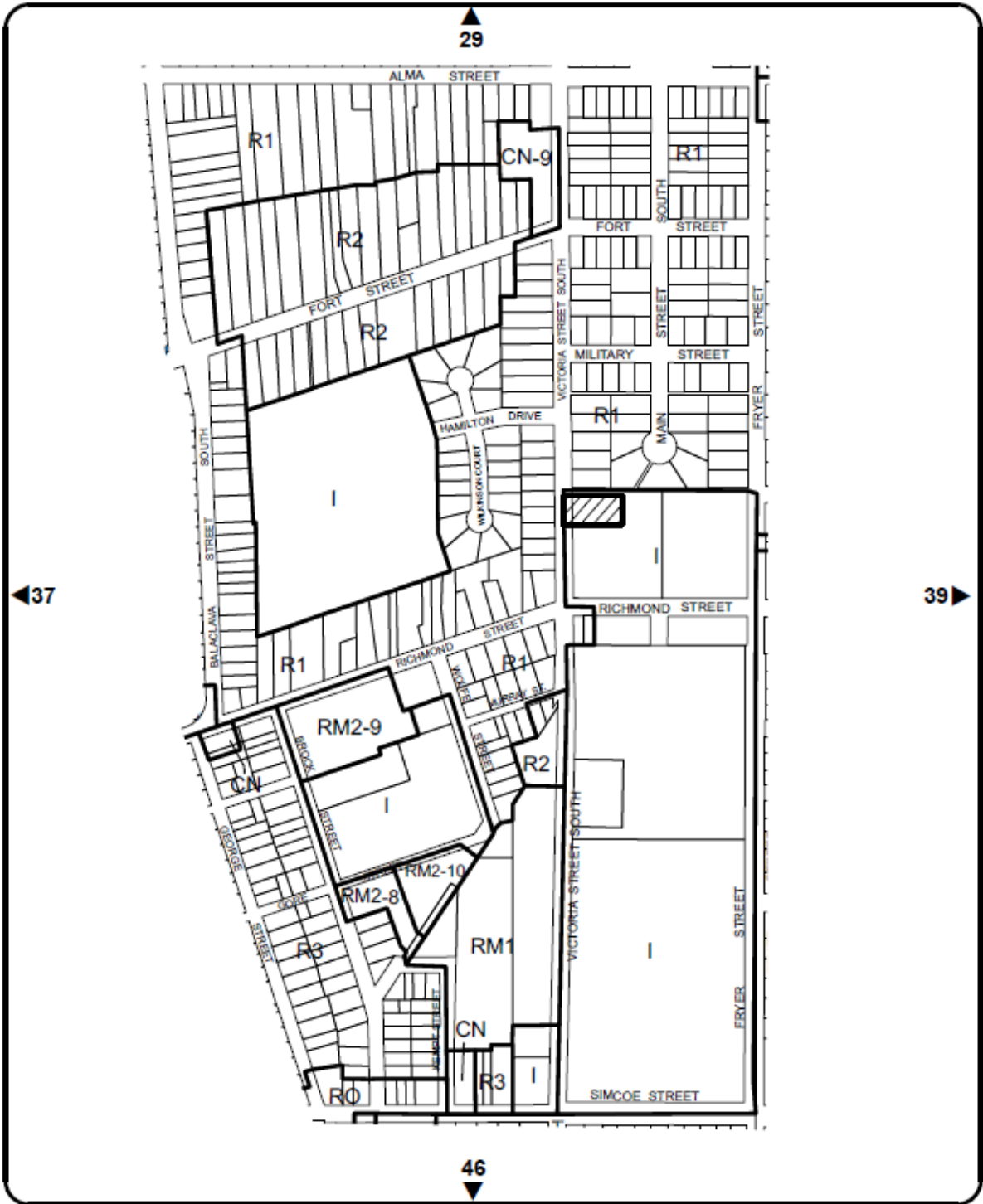
Read a first, second and third time and finally passed this --th day of --, 2023.

MAYOR- MICHAEL PRUE


CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2023-050
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 38
ZONING BY-LAW NO. 1999-52

I to R1 



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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 information and Report/Resolution details. Includes Author's Name, Phone, E-mail, Report Date, Date to Council, and Resolution #.

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-09-23 for 256 Dalhousie Street

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public, municipal departments, agencies, and Council with respect to the Zoning By-law Amendment for 256 Dalhousie Street (File ZBA-09-23) BE RECEIVED and SUMMARIZED in a future report to Council.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law amendment to By-law 1999-52 from Black Dog Entertainment Inc., c/o Kimberly Watkins from Architectural Design Associates Inc. (ADA). The re-zoning application applies to approximately 310.5 m² of land, on the west side of Dalhousie Street, south of Richmond Street, municipally known as 256 Dalhousie Street (Figure 1 in the attachments).

This rezoning, if approved at a future meeting of Council, will amend the existing site specific Commercial General Zone to permit 0 m rear yard setback where a 7.5 m rear yard setback is required. All other provisions of the existing site specific Commercial General Zone will continue to apply. The property is designated General Commercial in the Official Plan (Figure 2 in the attachments). The existing site specific Commercial General Zone (CG-4) on the subject property currently permits a reduction in parking to 0.33 parking spots per unit for a residential use and no parking requirements for non-residential uses. The CG-4 zone also requires a minimum height of 7 m and a maximum height of 18 m. These provisions will continue to apply to the subject lands.

Black Dog Entertainment Inc. is proposing the redevelopment of the property into a 5-storey mixed use building including a restaurant at the street level, a bike-rental retail space on the lower level with access from the Town owned laneway to the rear of the building, and a boutique hotel on the upper levels which will provide 15 rooms for overnight accommodation. The fifth storey of the building will be stepped back so that from Dalhousie Street the building will appear to be four storeys and of a similar height to the neighbouring building at 252 Dalhousie Street. The proposed façade of the building is consistent with an authentic representation of historic Amherstburg, and was endorsed by the Heritage Committee. The redevelopment provides an opportunity for investment in the Town's downtown core. The subject lands are located within the Town's Central Business Area. As stated in Section 6.2.1(4) of the Town of Amherstburg Official Plan "the Central Business Area is and shall continue to be characterized by an intensive use of land."

The proposed development will provide Amherstburg with a desirable overnight accommodation option, which will provide visitors with an option to spend the night in Amherstburg. Overnight visitors are more likely to spend their money locally, providing an economic benefit for local retail and food vendors. The proposed building will be an attractive addition to Dalhousie Street, providing a further sense of place and pride in the Town's downtown core. The level of investment proposed for the building could be a catalyst for further investment in the downtown core and the central business area.

3. DISCUSSION:

The subject lands are designated General Commercial in the Official Plan and is within the Central Business Area.

Section 4.4.2 of the Official Plan states:

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Section 4.4.2 of the Official Plan also states:

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing Zoning By-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

The submitted application does not facilitate a change in the established General Commercial use of the property, but instead seeks relief from the rear yard setback as established in the Zoning By-law.

The Zoning By-law identifies the lands as Special Provision Commercial General (CG-4). The proposed amendment will reduce the required rear yard setback from 7.5 m to 0 m.

This public meeting is being held in accordance with the Planning Act and 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. Notice for the proposed rezoning was circulated in accordance with the provisions of the Planning Act, specifically by the following actions:

- 1) Letters mailed by Canada Post to the owners of all properties within 120m of the proposed development on March 15, 2023;
- 2) Notice posted on the Town of Amherstburg website on March 15, 2023; and
- 3) Notice published in the River Town Times on March 22, 2023.

All comments received to date will be provided to Council prior to the Statutory Public Meeting and all will be attached to the subsequent Council 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 follow-up 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.

While the SPM is solely to receive and summarize comments, it is important to provide Council with clarity on next steps and how changes due to Bill 109 and Bill 23 relate. Specifically, the changes provide for the applicant to appeal to the Ontario Land Tribunal (OLT) on the grounds of failure to make a decision as per s. 34 (11) of the Planning Act. Council has 90 days after the Zoning By-law Amendment application has been deemed complete in which to make a decision on the application. In addition, the Town would need to refund the zoning application fee.

These risks are mitigated by the following measures:

- Our OP was amended in 2022, section 7.20, stating in part “deemed complete when a letter is issued to the applicant indicating that the application is complete”. This was put in place to ensure submission date of an application was not the date it was deemed complete, due to previous lack of clarity on this matter;
- Holding the SPM as soon as possible after deeming an application complete. This allows for appropriate time to summarize and consider the feedback for the recommendation report, which is the report for Council to make a decision on the application.

For this particular zoning amendment application, a decision of Council must be made by June 12, 2023. While there is a Council meeting scheduled on June 12, 2023, those meetings start after regular business hours. Out of an abundance of caution Administration recommends the May 23, 2023 Council meeting as the last possible council meeting date for Council decision on this matter, to avoid any risk that the 90 day timeline is reflective of normal end of business day, rather than 11:59 p.m.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. Should Council's decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

In accordance with Bill 109 and Bill 23, should Council fail to make a decision on Administration's recommendations by June 12, 2023, 90 days following the deeming of the application complete, the Town will be required to refund 50% (\$1,339) of the applicant's Minor Zoning By-law Amendment application fee of \$2,678 per s. 34 (10.12) of the Planning Act. Should the applicant elect to appeal to the OLT additional legal and staff costs will be incurred as well.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. The circulation map and list of properties within the 120 m circulation radius are attached for information.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a follow-up report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Sarah French
Planner



Chris Aspila
Manager of Planning Services

SF/CA

DEPARTMENTS/OTHERS CONSULTED:

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

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

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

Name: Windsor Police

**Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com**

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

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

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

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

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-09-22, for 256 Dalhousie Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix 'A' - ZBA-09-23- Notice of Statutory Public Meeting- 256 Dalhousie.pdf- Appendix 'B' - ZBA-09-23 Aerials.pdf- Appendix 'C' - 256 Dalhousie Street Site Photos.pdf- Appendix 'D' - ZBA-09-23 -Application_Redacted.pdf- Appendix 'E' - 2022-066_256-Dalhousie_Issued-For-Minor-ZBA_11x17-L.pdf- Appendix 'F' - 2022-066-256 Dalhousie- Render Package (2023-03-21).pdf- Appendix 'G' - Council Circulation List.pdf- Appendix 'H' Summary of Correspondence Received on ZBA-09-23_Redacted.pdf- Appendix 'I' - ZBA-09-23 Planning Justification Report.pdf
Final Approval Date:	Apr 4, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is written in a cursive style with a long, sweeping underline that extends to the left and then curves back under the name.

Kevin Fox

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

STATUTORY PUBLIC MEETING:

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Tuesday, April 11, 2023 commencing at 4:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

ANY PERSON seeking to attend meetings in-person should follow all public health guidance to ensure the safety of themselves and others during the COVID-19 pandemic.

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, April 6, 2023. To register for electronic participation please email the Clerk's office at clerk@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>

THE SUBJECT LANDS AND PURPOSE OF THIS REZONING APPLICATION:

This rezoning application affects approximately 310.5 m² of land, on the west side of Dalhousie Street, south of Richmond Street, municipally known as 256 Dalhousie Street (see map below).

This rezoning, if approved, will amend the existing site specific Commercial General Zone to permit 0 m rear yard setback where a 7.5 m rear yard setback is required. All other provisions of the existing site specific Commercial General Zone will continue to apply. The property is designated General Commercial in the Official Plan.

The existing site specific Commercial General Zone (CG-4) on the subject property currently permits a reduction in parking to 0.33 parking spots per unit for a residential use and no parking requirements for non-residential uses. The CG-4 zone also requires a minimum height of 7 m and a maximum height of 18 m. These provisions will continue to apply to the subject lands.

ADDITIONAL INFORMATION:

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Clerk's office at clerk@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, April 6, 2023 before the meeting and will be read aloud prior to the application being heard by Council.

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

Further information relating to the proposed Zoning By-law (File# ZBA/09/23) 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

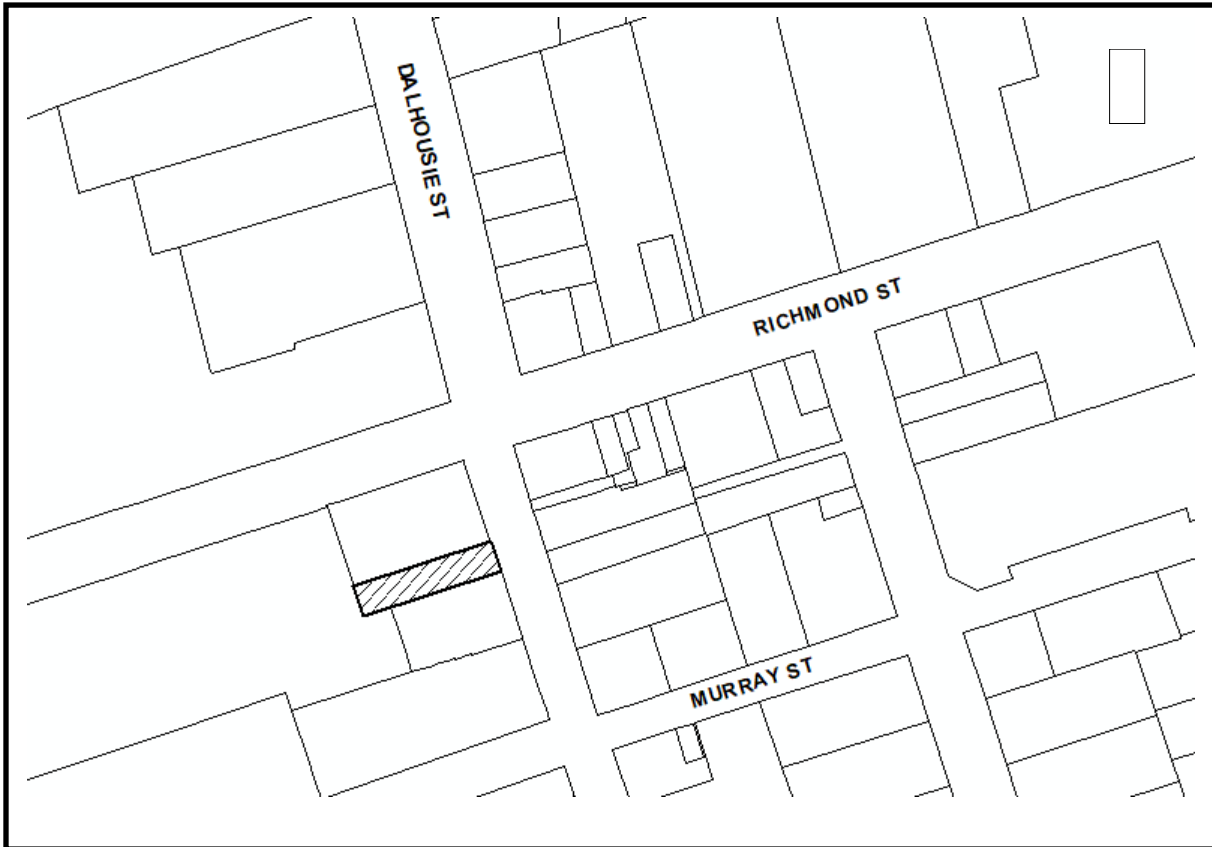
Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the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

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.

For Council and Committee Agendas and Meetings, visit amherstburg.ca/calendar. To subscribe to Council & Committee Agendas, visit Amherstburg.ca/calendar and click SUBSCRIBE.

DATED at the Town of Amherstburg this 15th day of March, 2023.

KEY MAP



Sarah French
Planner, Planning Services

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

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



30

48

RICHMOND ST

55

243-245

57

247

249-251

253

DALHOUSIE ST

252

256

258-264

257-265

267-271

266



CG-10

48

30

55

243-245

57

247

EP

I

CG-6

252

249-251

253

CG-4




256

258-264

257-265

EP

Legend

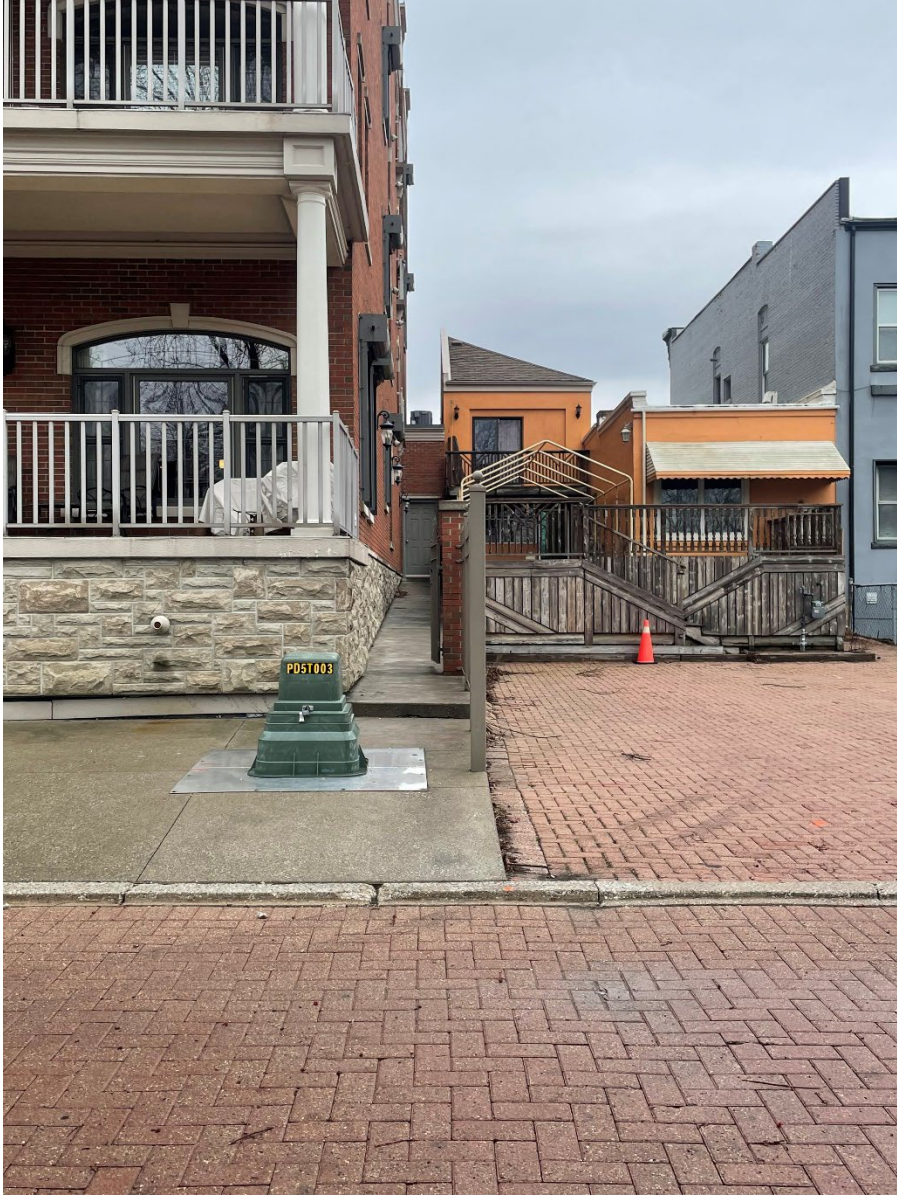
-  Zoning
-  Open Space
-  General Commercial

266

256 Dalhousie Street Site Photos





















Municipal Fee Received:	\$2678
Municipal Deposit Received:	\$1000
ERCA Fee Received:	\$275

Application No. ZBA/09/23

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

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality March 14, 2023
3. Date application deemed complete by municipality March 14, 2023
4. Name of registered owner Richard Peddie Black Dog Entertainment Inc.
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) Kimberly Watkins
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: PLAN 1 PT LOT 8 W/S, DALHOUSIE S/T ROW T/W ROW PT, LOTS 8 & 9
Concession No. _____ Lot(s) No. _____
Registered Plan No. _____ Lot(s) No. _____
Reference Plan No. _____ Part(s) No. _____
Street Address 256 Dalhousie St. Assessment Roll No. 372911000001800

7. Size of subject parcel:
Frontage 27'-0" / 8.2m² Depth 125'-0" / 38.1m Area 3,375 SF / 313.5m²

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 Commercial General
(b) Explanation of how application conforms to the Official Plan requested use is permitted within

(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 Commercial General Zone CG4

11. Nature and extent of rezoning requested Requesting 0 lot line rear yard set back from CG4 requirement of minimum 7.5m

12. Reasons why rezoning is requested 0 set back requested due to balcony and suite encroachment

13. Current use of subject land commercial/vacant

14. Length of time current use of subject land has continued unknown

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 CG4 special provision maximum building height shall be 18m.

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 Building, 1 storey, Front = 0, Rear = 6' - 10", Side = 0, 1400 S.F., +/- 20' - 0"

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

Unknown.

18. Date subject land acquired by current registered owner March 28, 2022

19. Proposed use of subject land Mixed Use Commercial + Group C Residential Hotel

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:

Please see drawing attached.

21. Type of water supply:

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

22. Type of sanitary sewage disposal:

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

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

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

23. Type of storm drainage:

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

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

- consent to sever
- approval of a plan of subdivision

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

N/A.

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

N/A.

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

N/A.

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

- Yes
- No

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

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 Infill development and intensification within existing core

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 14th day of March, 2023

Kimberly Watkins
(signature of applicant, solicitor or authorized agent)

I, Kimberly Watkins 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 Town of Amherstburg in the Town
of Amherstburg this 14 day of March, 2023.

Kimberly Watkins
Applicant, Solicitor or Authorized Agent

S. French
A Commissioner, etc.

Sarah Elizabeth French, a Commissioner, etc
Province of Ontario, for the
Corporation of the Town of Amherstburg
Expires November 8, 2025

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

NOTE:

A deposit of \$1,000 and a flat fee of \$5,355, along with an ERCA development review fee of \$400 for major ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$6,755 for major ZBA applications.

A deposit of \$1,000 and a flat fee of \$2,678, along with an ERCA development review fee of \$275 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$3,953 for minor ZBA applications.

Any unused portion of the deposit will be returned after the passing of the ZBA.

A flat fee of \$1,114 plus an ERCA review fee of \$275, totalling \$1,389, must accompany your completed application for a Holding (h) Removal zone change, zone change from A to A-36, or zone change which is a condition of consent.

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

256 Dalhousie St.

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Kimberly Watkins of the Town of Amherstburg of _____ 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 14 day of March, 2023.

Sturck

Signature of Witness

[Signature]

Signature of Owner

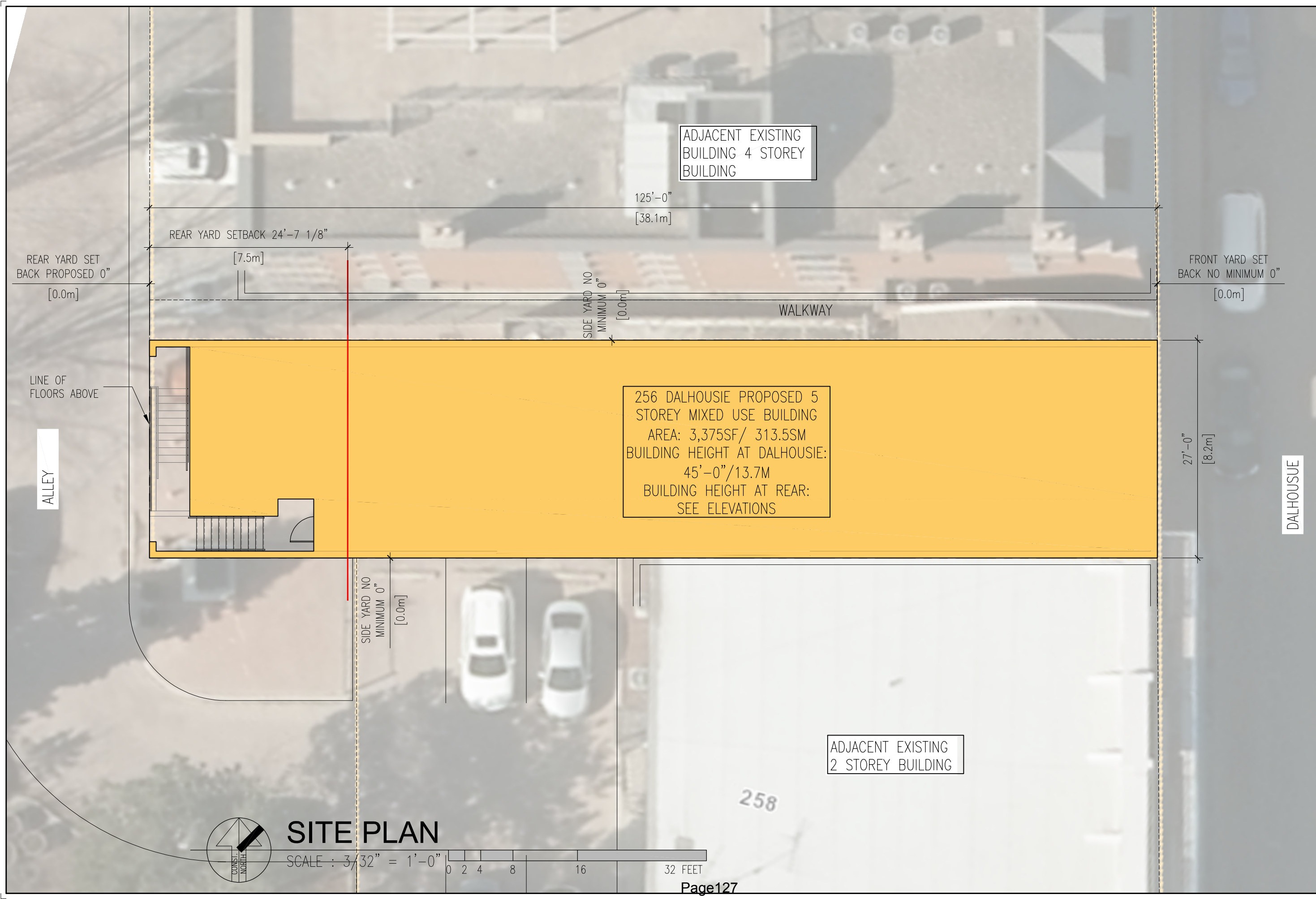
Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

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



ADJACENT EXISTING
BUILDING 4 STOREY
BUILDING

125'-0"
[38.1m]

REAR YARD SETBACK 24'-7 1/8"
[7.5m]

REAR YARD SET
BACK PROPOSED 0"
[0.0m]

FRONT YARD SET
BACK NO MINIMUM 0"
[0.0m]

SIDE YARD NO
MINIMUM 0"
[0.0m]

WALKWAY

LINE OF
FLOORS ABOVE

ALLEY

256 DALHOUSIE PROPOSED 5
STOREY MIXED USE BUILDING
AREA: 3,375SF/ 313.5SM
BUILDING HEIGHT AT DALHOUSIE:
45'-0"/13.7M
BUILDING HEIGHT AT REAR:
SEE ELEVATIONS

DALHOUSIE

SIDE YARD NO
MINIMUM 0"
[0.0m]

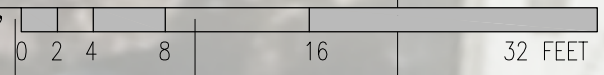
ADJACENT EXISTING
2 STOREY BUILDING

258



SITE PLAN

SCALE : 3/32" = 1'-0"



project: PROPOSED 5 STOREY MIXED USE BUILDING 256 DALHOUSIE ST. AMHERSTBURG ON. N9V 1W7	title: SITE PLAN	date: 2023-03-14
	client: RICHARD PEDDIE	drawn by: KW
1670 mercer street windsor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email: info@architect.ca www.architect.ca	checked by: JK	dwg. no.: A1.0
architectural design associates		

PEDDIE | PROPOSED BUILDING RENOVATION
256 DALHOUSIE ST. AMHERSTBURG
RENDER PACKAGE

 **architectural**
 **design**
 **associates**
inc. architect

1670 Mercer St.
Windsor | Ontario
N8X 3P7
Tel 519.254.3430
ada-architect.ca





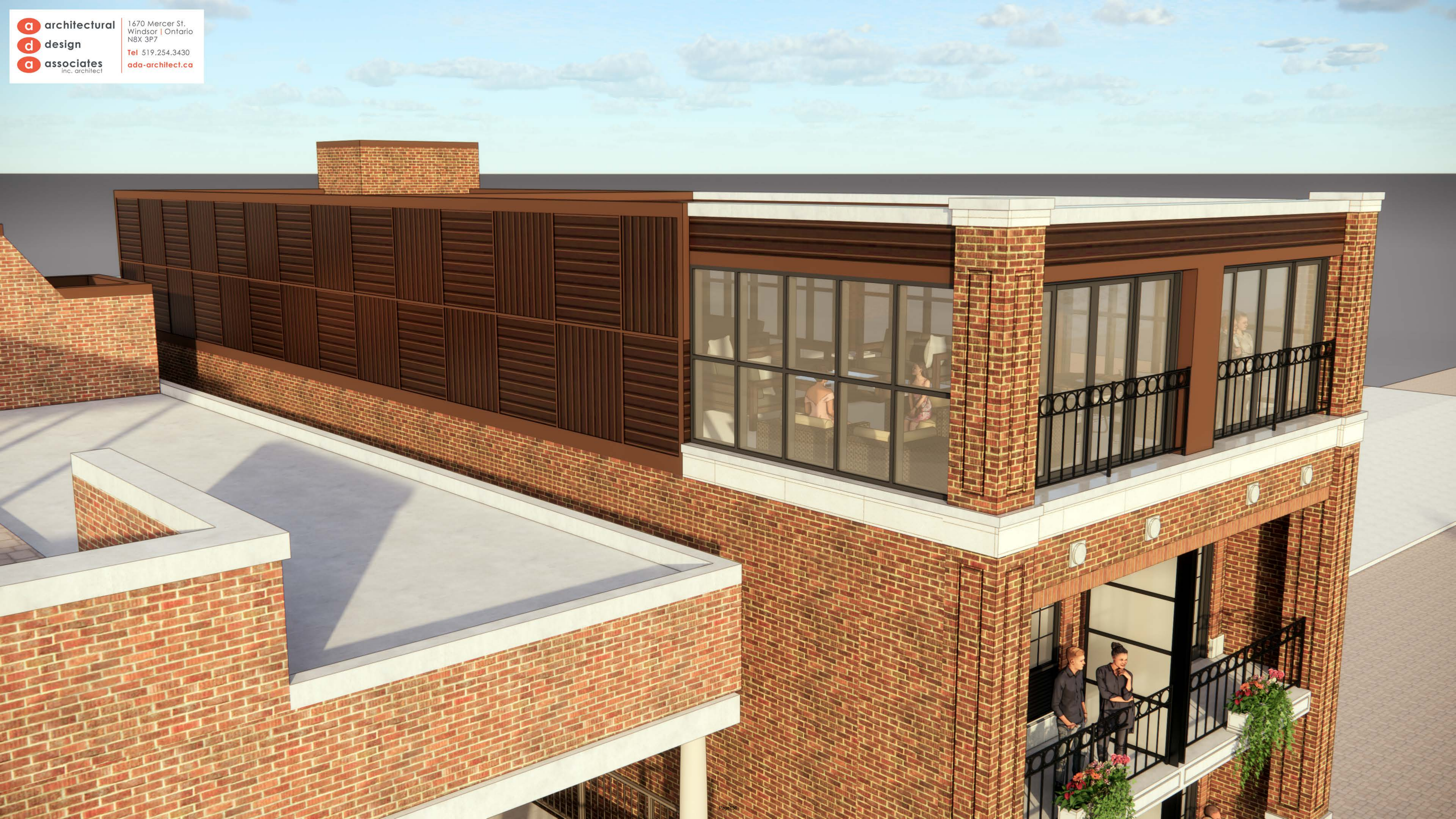












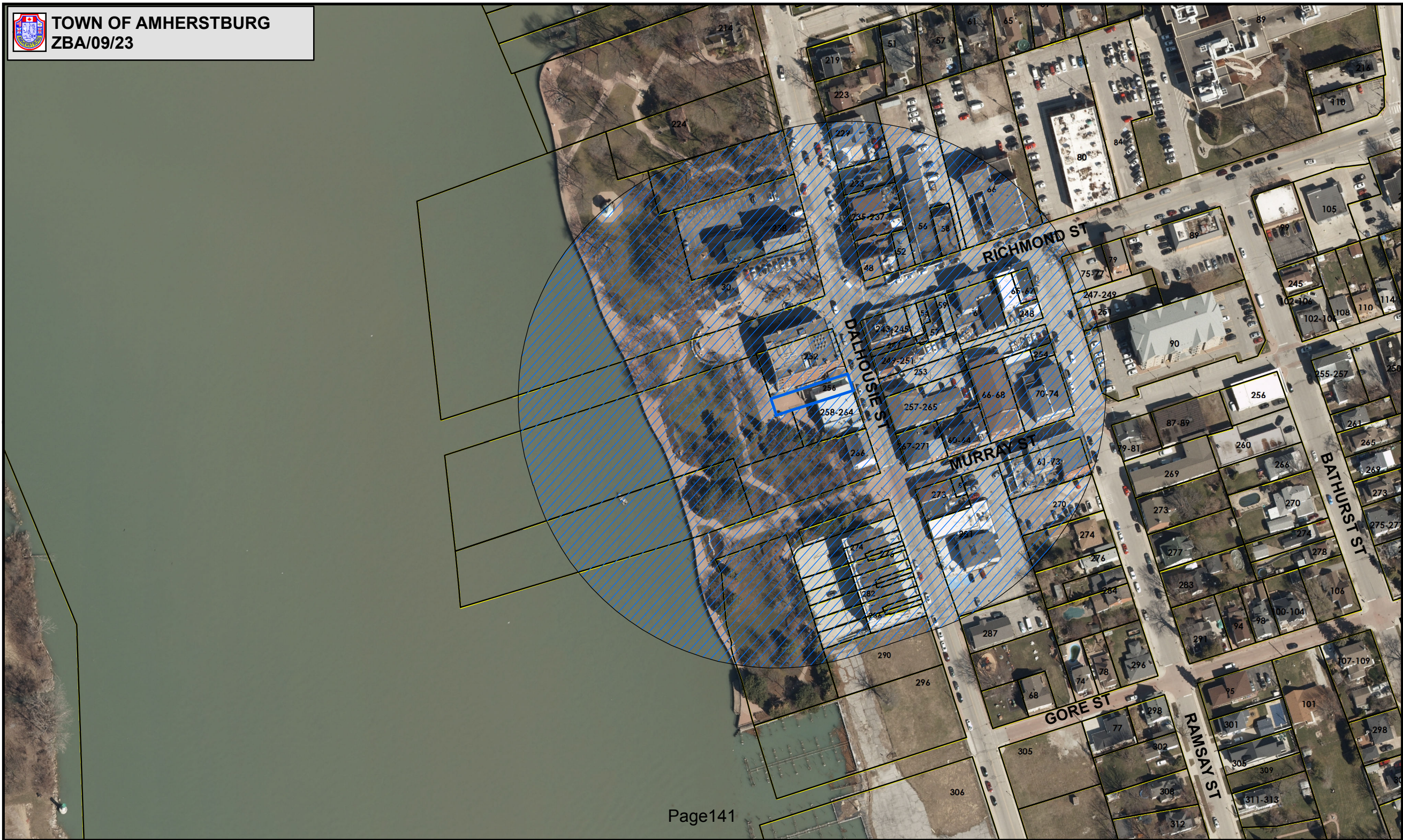


ZBA/09/23 256 Dalhousie St.

ARN	ADD1	ADD2	STREETNAME
372911000001500			MURRAY ST
372911000001600	266		DALHOUSIE ST
372911000001900			RICHMOND ST
372911000002001	252		DALHOUSIE ST
372924000001000	56		RICHMOND ST
372911000001700	258	264	DALHOUSIE ST
372924000001700	229		DALHOUSIE ST
372924000001100	52		RICHMOND ST
372924000000800	66		RICHMOND ST
372924000000900	58		RICHMOND ST
372924000001600	233		DALHOUSIE ST
372924000008300	238		DALHOUSIE ST
372911000001800	256		DALHOUSIE ST
372924000000600	80		RICHMOND ST
372924000001300	48		RICHMOND ST
372924000008500			DALHOUSIE ST
372924000001500	235	237	DALHOUSIE ST
372924000008600	224		DALHOUSIE ST
372924000008100	30		RICHMOND ST
372924000001400	239		DALHOUSIE ST
372911000011600	53		RICHMOND ST
372911000011200	61		RICHMOND ST
372911000011300	59		RICHMOND ST
372911000002200	247		DALHOUSIE ST
372911000011400	57		RICHMOND ST
372911000010900	75	77	RICHMOND ST
372911000011310			RICHMOND ST
372911000006000	60	64	MURRAY ST
372911000006350			RAMSAY ST
372911000002300	249	251	DALHOUSIE ST
372911000002600	267	269	DALHOUSIE ST

372911000011800	243	245	DALHOUSIE ST
372911000006600	251		RAMSAY ST
372911000006100	66	68	MURRAY ST
372911000011500	55		RICHMOND ST
372911000011100	63		RICHMOND ST
372911000006300	254		RAMSAY ST
372911000002400	253		DALHOUSIE ST
372911000011000	65	67	RICHMOND ST
372911000010700	90		MURRAY ST
372911000002500	257	265	DALHOUSIE ST
372911000006200	70	74	MURRAY ST
372911000006500	247	249	RAMSAY ST
372911000011510			RICHMOND ST
372911000003000	287		DALHOUSIE ST
372911000002700	273		DALHOUSIE ST
372911000005600	274		RAMSAY ST
372911000005900	57		MURRAY ST
372911000005800	61	73	MURRAY ST
372911000005700	270		RAMSAY ST
372911000002900	281		DALHOUSIE ST
372911000000803	274		DALHOUSIE ST
372911000000804	274		DALHOUSIE ST
372911000000805	274		DALHOUSIE ST
372911000000807	274		DALHOUSIE ST
372911000000802	274		DALHOUSIE ST
372911000000803	274		DALHOUSIE ST
372911000000805	274		DALHOUSIE ST
372911000000802	274		DALHOUSIE ST
372911000000700	290		DALHOUSIE ST
372911000001400			MURRAY ST
372911000000812	274		DALHOUSIE ST
372911000000804	274		DALHOUSIE ST
372911000000806	274		DALHOUSIE ST
372911000000808	274		DALHOUSIE ST

37291100000809	274	DALHOUSIE ST
37291100000810	274	DALHOUSIE ST
37291100000811	274	DALHOUSIE ST
37291100000800	274	DALHOUSIE ST
37291100000800	274	DALHOUSIE ST
37291100000806	274	DALHOUSIE ST
372911000001300		DALHOUSIE ST





Summary of Correspondence Received on Proposed ZBA for 256 Dalhousie Street

Below is a summary of the comments received by the Planning Services Division on ZBA/09/23 as of March 30, 2023.

Windsor Police:

The Windsor Police Service has no concerns or objections with the proposed Zoning By-law amendment for this property. The end result from this will not inhibit emergency response or police service delivery capability and is not anticipated to create any negative public safety consequences.

Essex Region Conservation Authority:

The Town of Amherstburg has received an Application for Zoning By-Law Amendment for the subject property. This rezoning, if approved, will amend the existing site specific Commercial General Zone to permit a 0 m rear yard setback where a 7.5 m rear yard setback is required. All other provisions of the existing site specific Commercial General Zone will continue to apply. The following is provided as a result of our review of Zoning By-Law Amendment ZBA-09-23.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

FINAL RECOMMENDATION

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Infrastructure Services:

Infrastructure Services provided the following questions:

Will they be using existing services?

Will they be hoarding the sidewalk?

Are there any other impacts?

Do they have easement over Town lands in the rear?

Ryan Deslippe a resident of Dalhousie St.:

As a life-long resident of Amherstburg and neighbouring property owner of [REDACTED] Dalhousie St. in downtown

Amherstburg, **I fully support this project and any variances required to proceed.**

I want to thank you and Colleen so much for your passion and continued investment in our community!

Ken Morrison:

I understand that the proposed Hotel the Peddie's are developing on Dalhousie requires a minor variance to the zoning. I believe the Town should work to advance this variance so that this project can proceed and Amherstburg can have a proper hotel in its core. We need to have accommodations available for tourism so that people come to stay in Amherstburg and not just visit. Also this will help provide alternatives to AirBNB which is not regulated and continues to impact residential areas.

Jerry Halliday resident of Crystal Bay Drive:

Dear Town of Amherstburg,

We have been very fortunate that we have a creative administration at the town of Amherstburg. So many decisions can't be measured by financial return however they can be measured by investment into the future of our historic town. It can be a wonderful destination to visit however only visionaries like the Peddies can make the difference because they are the dollars and cents of the idea. Please do whatever it takes to pave the way for gratuitous investors who aren't looking for a positive return on their investments just a positive spin on our town. We are so fortunate, we must capture the opportunity before it loses its appeal.

Gena Boschin:

My name is Gena Boschin and I work as the Sales and Marketing Director for Bois Blanc Island (formerly, BobLo Island) and I am writing in full support of the proposed development of 256 Dalhousie Street for a boutique hotel. I have learned throughout my working life (roughly 10 years) in our beautiful town of Amherstburg that our foot traffic is a large part of what makes our downtown core a draw for visitors...this foot traffic could easily be turned into overnight stays, that turn into repeat visits and potentially full-time residents one day. The forecasting for future economic benefits to all begins with these proposed plans that fit what the town needs and allows for the fruition of continued growth. There is no downside here.

The concept of this hotel will not only offer great rooms, but it will also offer retail and event space – this is something very much to look forward to! In the last several years, there has been much in the way of increased economic development in our downtown area (The River Bookshop, The Panetteria, Richmond Popcorn, White Wood etc.) and it's proven to bring that foot traffic and dollars into our local and area businesses...this can only get better with added (and muchly needed) amenities.

Now, not only do I work in Amherstburg, but I have been a full time resident/owner on BobLo Island for the past 10 years with my family as well, and I can certainly vouch for the number of occasions where family and friends have come

to visit and the whole of the visit is spent in town at the local shops, stores and restaurants – Amherstburg as you each

are well aware is an exciting gem, especially for those that don't live here ...with this great inspired looking boutique

hotel, I would anticipate more visits, more traffic to local and area businesses and more dollars pushed into our economy that will surely continue to make Amherstburg a continued beacon of intrigue as one of the top destinations

to visit and live!

I encourage and support the development of this very exciting opportunity.

Thank you each for the time in allowing myself to provide feedback.

Eric Farron & April Farron resident of Crystal Bay Drive:

We wanted to take this opportunity to express support for the proposed hotel at 256 Dalhousie. What a wonderful and timely addition to our rapidly progressing town. I thank the Peddie's for their incredible commitment to this town expressed through investment and their consistent efforts to make our amazing town all that it can be. We have come a long way in a short while - a Town of infinite possibilities. I am personally excited because I have often had to lodge out of town guests in Windsor as opposed to having them close to home. I have complete confidence that our Town will quickly recognize the value and remove any roadblocks to success. This is an easy one!

Meghan Desjardins:

I hope you're well! I want to write to voice my support for the Hotel project at 256 Dalhousie Street, being undertaken by Richard and Colleen Peddie. As someone who's new to Amherstburg—living in Windsor, but now working full time in Amherstburg since August and contributing to the local economy—I have fallen in love with the town. The downtown is vibrant, friendly, and interesting. In some ways I am more enamoured of it than Windsor. I constantly hear customers at the bookshop say similar things, especially in connection to how much development has happened recently, how they can't believe the growth, and how they want to come back. I personally believe that the hotel project will enhance this even further, and dramatically so. River Bookshop (for which I am the manager) has grown a lot over the past year, with increased foot traffic and sales, and more and more people on staff. Customers often tell me that they are in from out of town, from all over Essex County but also as far away as Montreal, to visit. I can only imagine how much growth we would see in this area if we had a hotel in the downtown core—especially a beautiful one that adds to the appeal of the town. I am in disbelief that

Amherstburg currently has zero hotels, and while the AirBnBs we do have are very nice, they are extremely limited in capacity. What's more, I still know people who don't like to use AirBnB at all. I am in the process of organizing an author's visit, and I recommended nearby AirBnBs. We went back and forth, but the one they really wanted was booked that day, and so they ultimately decided to return home to Toronto later that night instead of staying over. This is just one example of a missed opportunity, as this was a person who wanted to stay, who probably would have spent more time in our shops and facilities the next day, but decided there wasn't any desirable accommodations. I think that the Peddies' project will help in this area profoundly. I hope that you agree, and I urge you to support this project that is desperately needed in our downtown.

D. Laurie Red Oak Resident:

For your records, I am sending along a message in support of Mr Peddie's proposed new boutique hotel, seeing work is already underway, in the core of our beautiful historic Amherstburg. Richard Peddie brings his vision, enthusiasm and investment funds into the core of Amherstburg. This is what I am in favour of. We need these fresh and trendy businesses and more of this sort of investment. Amherstburg has seen only a handful of investors like Peddie in recent years and they are truly a blessing. I appreciate a hands-on businessman and developer. I believe the more investment in Amherstburg the better. Stands to reason, this sort of investment, the visual improvements and upscale businesses .. these things beget more talk, more visitors, more interest and more investment. A strong, unique and vibrant core is essential. It helps people pick our town. It allows Amherstburg to be that destination weekend away, that evening out, and even that exciting place to call home. Richard is taking an old run-down building and turning it into a gem for guests to visit and enjoy our town. Our historic Dalhousie Street and area really deserves this opportunity and I believe we should welcome this project with enthusiasm.

Looking forward to seeing the finished hotel and the many guests enjoying our town.

We hope to see more projects like it. Investment in our future.

Thank you Mr Peddie!

Kurt Reffle:

I'm in favor of the variance. I live downtown and I know not having as many rooms as we can get downtown is a deterrent to expanding our tourist industry. Our town was just featured in an American magazine, as a place to visit.

Robert Luckino:

I AM IN FULL SUPPORT OF THIS HOTEL PROJECT IT IS DEFINITELY NEEDED IN OUR TOWN AS THERE IS NO PLACE FOR VISITORS TO STAY DOMINIC AMICONE'S HOTEL IS NEEDED AS WELL I RESIDE ON BOBLO AND MY OFFICE IS ON DALHOUSIE STREET MY ONLY ISSUE IS PARKING—WE NEED ADDITIONAL PARKING IMMEDIATELY

THERE ARE MANY DAYS I CAN T FIND A PARKING SPOT TO GO TO MY OFFICE WHICH IS AT █████ DALHOUSIE
SOMEONE NEEDS TO DO A STUDY ON PARKING PARKING REQUIRED IN MY AREA
NEW HOTEL 12
MY OFFICE 3
HAPPIER CAMPER NEXT STORE 2-3
LAWYER NEXT DOOR 3-4
LITTLE BUDDIES ACROSS STREET 10-12
ICE CRÈAM PLACE 2-4
YOGA PLACE 8-10
LORD AMHERST---15-20
ARTISAN GRILL 15-20
THIS CAN BE AS HIGH AS 90—100 OR MORE PLUS MANY OTHERS IN THE IMMEDIATE AREA
THANK YOU

[Charlene Wolfe is a resident of Fairway Cr.:](#)

I fully support the development of the complete building area for a boutique hotel as proposed by Colleen and Richard Peddie. Their vision, style and client-forward approach to business is so very needed in Amherstburg and in fact in any town wanting to go beyond “that’s the way it’s always been” to one that truly wants its business and citizens to thrive and grow. Their developed business thus far have enhanced the area and are quickly becoming destinations in and of themselves, while remaining true to the architecture of the buildings.

We have been residents of the town since 1998 and truly believe Amherstburg is a gem waiting to happen. My husband and I moved from Tecumseh, after having lived across Canada. When we first moved to Amherstburg, our friends on the east-side of the county (Tecumseh included) thought we were crazy to come to what was then a town that in some respects had perhaps given up ... and it was so far away! Now, people are beginning to want to come to Amherstburg for the events, great restaurants, beautiful waterfront and really good people. And in my heart of hearts ... I believe it can only get better. Let’s continue to seek opportunities to revitalize and create Amherstburg as a destination and city/town envied. Please fully approve the proposal for the 256 Dalhousie Street Hotel in its entirety, and make another forward-thinking decision to build Amherstburg into the town-that-can!

[Lauri Brouette:](#)

I am writing to extend my support in favour of the zoning bylaw amendment request for 256 Dalhousie St. As a resident of the downtown core, business owner, and investor I see evidence everyday that developments of this nature are essential to the healthy growth of our economy. In the recent past Amherstburg has made great strides as a

community toward growing our business and tourism base. We see new housing developments springing up and new and exciting investments being made in our town. Methodical, well thought out planning will not only serve to increase the strength of our community from an economic standpoint, it will enhance the health and wellbeing of residents through employment and social opportunities.

Our town core cannot be replicated. We are the beneficiaries of a location that is undeniably rich in culture and beauty. This project serves to exemplify those attributes and allows us to share our municipality with more visitors annually. Hotels such as the one proposed for Dalhousie St. are befitting of the town's beauty and welcoming nature. Residents need places for their guests to stay and tourists need places to call home as they explore all that we have to offer. There is an undeniable synergy!

With appreciation for your time and dedication

Julie & David Breen resident of Gold Coast:

To whom it may concern,

We are emailing you today in support of the need for a small hotel in downtown Amherstburg. We are 22-year Amherstburg residents. We have watched the Town of Amherstburg blossom from a small quiet town into a vibrant community. As each small need has been satisfied over the last two decades, one large need remains unfulfilled. The development of a suitable hotel. This is a key element to the on-going growth of the Amherstburg area. The exponential growth of the short-term rental sector demonstrates the need for a quality boutique hotel in the downtown area. Why not keep this business in our business district instead of farming it out to the surrounding communities? Please support Richard Peddie's proven commitment to the Town of Amherstburg. Every great community has a great hotel which in-turn supports its growth.

Regards,

Julie & David Breen

Monty Logan:

Dear Distinguished Members of Amherstburg Town Council,

The Amherstburg Freedom Museum has been serving the community of Amherstburg and surrounding areas for over 45 years and our Nazrey African Methodist Episcopal Church has acted as a symbol of hope for Freedom Seekers and their descendants for 175 years, even before Amherstburg was Incorporated as a Town. Amherstburg was among the primary entry points of the Underground Railroad into Canada and offered a home for both Free Black and formerly enslaved persons. It was here, in Amherstburg, that they began a new life in freedom, becoming landowners, and establishing churches, businesses, and schools to uplift their community. They also started families and many of their descendants still reside in Essex County today.

It is this history that we share that attracts tourists and researchers from across Canada, but also the United States and beyond, especially those who are either tracing their roots or want to feel a connection to the history of the Underground Railroad and Black Settlement in Canada. Additionally, our annual signature events, including Ribs & Ragtime, Christmas at the Museum, Emancipation Celebrations, and Walter Perry

Golf Classic draw visitors from out of town who, in turn, stay and visit other amenities in Amherstburg. Over the past five years, the museum has had 6,255 visitors and 57% of the visitors come from over a 100+ km away (see graph below). For most of the visitors, the museum is their primary destination in the area. As a result, we are regularly asked by out-of-town visitors and large tour groups about where to stay in Amherstburg, but often must suggest lodging out of town because current Amherstburg accommodations do not have the capacity to receive larger groups. This does not only impact the Town as a whole, but also businesses and attractions such as the Amherstburg Freedom Museum, as a lack of accommodation can be a deterrent for visitors.

The AFM attracts visitors from around the world. The graph to the left highlights the home countries of our visitors. While Covid had an impact on our number of visitors, we are seeing a steady increase in visitors and are on track to exceed the pre-pandemic numbers. During the pandemic we strengthened our social media presence and now we currently have 12,000+ followers across our social media with an annual growth rate of 30% in new followers. This upsurge in followers is driving the increase in visitors to the museum from around the region and the world. A hotel such as the Boutique Hotel proposed for 256 Dalhousie Street is a positive way to attract and retain visitors for longer stays in Amherstburg, which will allow businesses to grow and cultural institutions to share our Town's significant history. For example, the hotel proprietors have expressed their willingness to partner with town attractions and business to help

market our events and presence in the community. Their proposed bike rentals from the hotel would also encourage visitors to explore the local shops, attractions, restaurants, and businesses, rather than going out of town which would have a negative economic impact on our community. For these reasons, the Amherstburg Freedom Museum is in full support of a hotel befitting of the downtown core.

Tracy Mitchell-Robinet:

I am writing in support of a downtown boutique hotel. I believe the design would work very well in our community. However, it is my hope that this hotel does not stop a proposal for a cheaper more family friendly local hotel such as a Holiday Inn or other. We need affordable hotel rooms for visiting guests.



**PLANNING JUSTIFICATION REPORT
256 Dalhousie Street, Amherstburg, ON**

March 31, 2023

Prepared for:

Town of Amherstburg

Prepared by:

Stantec Consulting Ltd., 100-300 Hagey
Boulevard, Waterloo ON N2L0A4

Project Number:
161414355

PLANNING JUSTIFICATION REPORT: 256 Dalhousie Street, Amherstburg, ON
March 29, 2023

The conclusions in the Report titled Planning Justification Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from Black Dog Entertainment (the "Client") and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided to applicable authorities having jurisdiction and others for whom the Client is responsible, Stantec does not warrant the services to any third party. The report may not be relied upon by any other party without the express written consent of Stantec, which may be withheld at Stantec's discretion.

Prepared by:



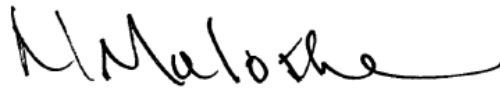
Angela Wang

Prepared &
reviewed by:



Moira Davidson, MCIP, RPP

Approved by:



Nancy Meloshe, MCIP, RPP

Table of Contents

1	INTRODUCTION.....	1
2	SITE DESCRIPTION.....	2
2.1	Surrounding Land Uses and Areas	2
3	CONCEPT OVERVIEW	4
4	LAND USE POLICY FRAMEWORK OVERVIEW.....	6
4.1	Provincial Policy Statement.....	6
4.2	Local Planning Framework.....	7
4.2.1	County of Essex Official Plan	7
4.2.2	Town of Amherstburg Official Plan.....	10
4.2.3	Town of Amherstburg Zoning By-law	14
4.2.4	DRAFT URBAN DESIGN GUIDELINES	2
5	DEVELOPMENT PROPOSAL	3
5.1	Minor Zoning By-law Amendment	3
5.1.1	Proposed Site-Specific Regulations & Draft Zoning By-law.....	4
5.1.2	Planning Justification.....	4
6	PLANNING JUSTIFICATION AND CONCLUSION	6
	APPENDIX A: SITE PLAN & ELEVATION RENDERINGS	1
	APPENDIX B: PPS REVIEW.....	2
	Figure 1: Site Context	1
	Figure 2: Surrounding Context Map.....	3
	Figure 4: Preliminary Site Plan.....	4
	Figure 5: Front and Rear Elevation Renderings	5
	Figure 6: Existing Discontinuous Façade.....	5
	Figure 7: Planning Policy Hierarchy.....	6
	Figure 8: Town of Amherstburg Official Plan Schedule B2 - Land Use Plan.....	10
	Figure 9: Heritage Areas - Town of Amherstburg	13
	Figure 10: Zoning of Subject Lands	2
	Figure 11: 274-286 Dalhousie Street.....	5
	Table 1: Zoning Compliance Chart	3



1 Introduction

On behalf of our client, Black Dog Entertainment, this Planning Justification Report has been prepared in accordance with Provincial Planning Policy, the County of Essex Official Plan, Town of Amherstburg Official Plan, and the Town of Amherstburg Zoning By-law for 256 Dalhousie Street in Amherstburg, Ontario (herein referred to as the Subject Site).

This Planning Justification Report is written in support of the Minor Zoning By-law Amendment (ZBA) submitted by Black Dog Entertainment to the Town of Amherstburg, which requests rear-yard setback relief from Section 15 of the Town of Amherstburg Zoning By-law.

It is our professional planning opinion that policies outlined in the Amherstburg planning regime documents support a Minor Zoning By-law Amendment (ZBA) to permit the redevelopment of the Subject Site in alignment with the proposed concept as detailed in Section 3 of this report. This report provides the background, an overview, and a development concept proposal for the Subject Site. For context, the Subject Site's location is outlined in **Figure 1** below. A concept plan has been included with this report, as shown in **Appendix A**.



Figure 1: Site Context



This Planning Justification report is part of a comprehensive and complete application package that collectively support the requested Minor Zoning By-law Amendment Application. This report provides a review and analysis of relevant land use policies as they pertain to zoning provisions and land use designations of the Subject Site and proposed development. While this report serves to set the planning and legislative framework for the proposed development in support of a Minor Zoning By-law Amendment, it should be noted that the concept plan presented may be refined further as the Subject Site moves through the development process.

2 Site Description

The Subject Site is situated at 256 Dalhousie Street in the Central Business Area of Amherstburg, between Richmond Street and Murray Street on the west side of Dalhousie Street. The Subject Site is approximately 0.031 hectares (313.5 square metres) in size and consists of one narrow parcel with approximately 9 metres of frontage onto Dalhousie Street. The Subject Site has existing access from Dalhousie Street, which is classified as a Collector Road in the Town of Amherstburg Official Plan, as well as a woonerf at the rear of the property, which is primarily used for deliveries.

Currently, the Subject Site is being occupied by a small one-storey commercial building. The Subject Site is located within the Town's Heritage Area and was identified as a Heritage Property of Interest (non-designated). As such, the owners (Black Dog Entertainment) were required to give the Town 60 days written notice of intention to demolish. At such time, the Subject Site was brought before the Heritage Committee. The Heritage Committee voiced support for the heritage design of the proposed building and it was determined that although the existing building was constructed in the Victorian era, it no longer contains any historical architecture despite its location in the Town's heritage district and should be removed as a Heritage Property of Interest. The property has since been removed from the Municipal Heritage Register and a demolition permit for the existing structure has been obtained.

The Subject Site is also within the Central Business Area, which is defined within the Town of Amherstburg's Official Plan as a focal point for activity and the dominant and most intensive business area in the Town and surrounding area. The Subject Site is adjacent to the Amherstburg Navy Yard, and is within walking distance to shops, restaurants, and other local amenities. From our initial review, the Subject Site is also not encumbered by any natural features.

2.1 Surrounding Land Uses and Areas

The lands immediately adjacent to the Subject Site are designated Open Space and General Commercial in the Town of Amherstburg Official Plan (see **Figure 2**). The adjacent property to the south and the property across the street to the east are both Heritage Properties of Interest, while the adjacent property to the north is a Designated Heritage Property. There are also other listed and designated properties within 100 metres of the Subject Site. The lands to the east, south, and southwest generally comprise of mixed commercial uses, similar to what is being proposed on the Subject Site, as well as open spaces. The Detroit River is just over 50 metres to the west of the Subject Site.



The Subject Site is well supported by community services and amenities, with a number of small shops, restaurants, and cafes immediately adjacent or in walking distance of the Subject Site, along with a waterfront park directly behind the lot. As the Subject Site is within the Central Business Area, it is well served by amenities and attractions, maximizing the potential for tourist activity. The Subject Site is situated in a desirable location that is walkable and accessible to recreation opportunities and has a diverse variety of compact mixed uses in the area.

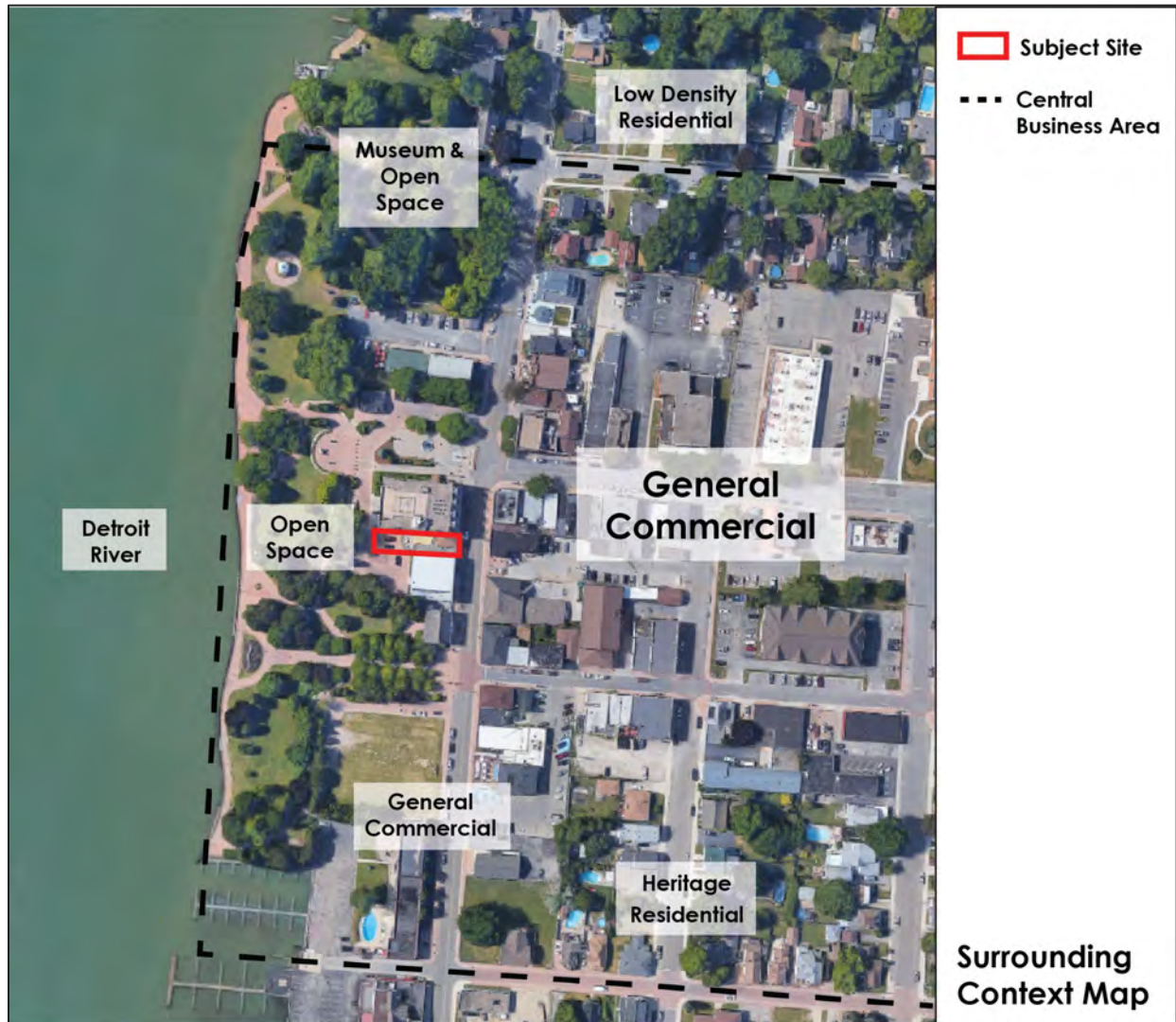


Figure 2: Surrounding Context Map



3 Concept Overview

The preliminary concept plan provided and discussed within this Section is considered draft for discussion purposes and is provided for context in support of the initial Minor Zoning By-law Amendment Request being made by the applicant. The concept will be further refined through the Site Plan process. The concept plan for the Subject Site is provided in Figure 3, with elevations provided in Figure 4; for ease of legibility, both are provided as **Appendix A**.

The concept plan is defined through a five-storey, mixed use building consisting of a fully accessible 15-suite hotel, a ground floor retail use fronting onto Dalhousie Street, and a restaurant in the rear of the building, facing the Navy Yard and the Detroit River. 2 of the 15 suites will be accessible rooms and 12 of the 15 suites will have private balconies. The proposed building is heritage-inspired and designed with premium and quality finishes that compliment adjacent heritage building design. The proposed hotel will provide a continuous façade that matches the characteristics of the existing adjacent buildings (Figure 5). Additionally, the hotel will utilize the entire lot, providing street definition for, and allowing access from, both Dalhousie Street and the rear woonerf. Emergency and delivery access is provided through the rear of the lot, similar to adjacent buildings and businesses. While parking is not provided, nor required, in the proposed concept, there is street parking in front of the Subject Site and additional street parking within walking distance of the Subject Site.

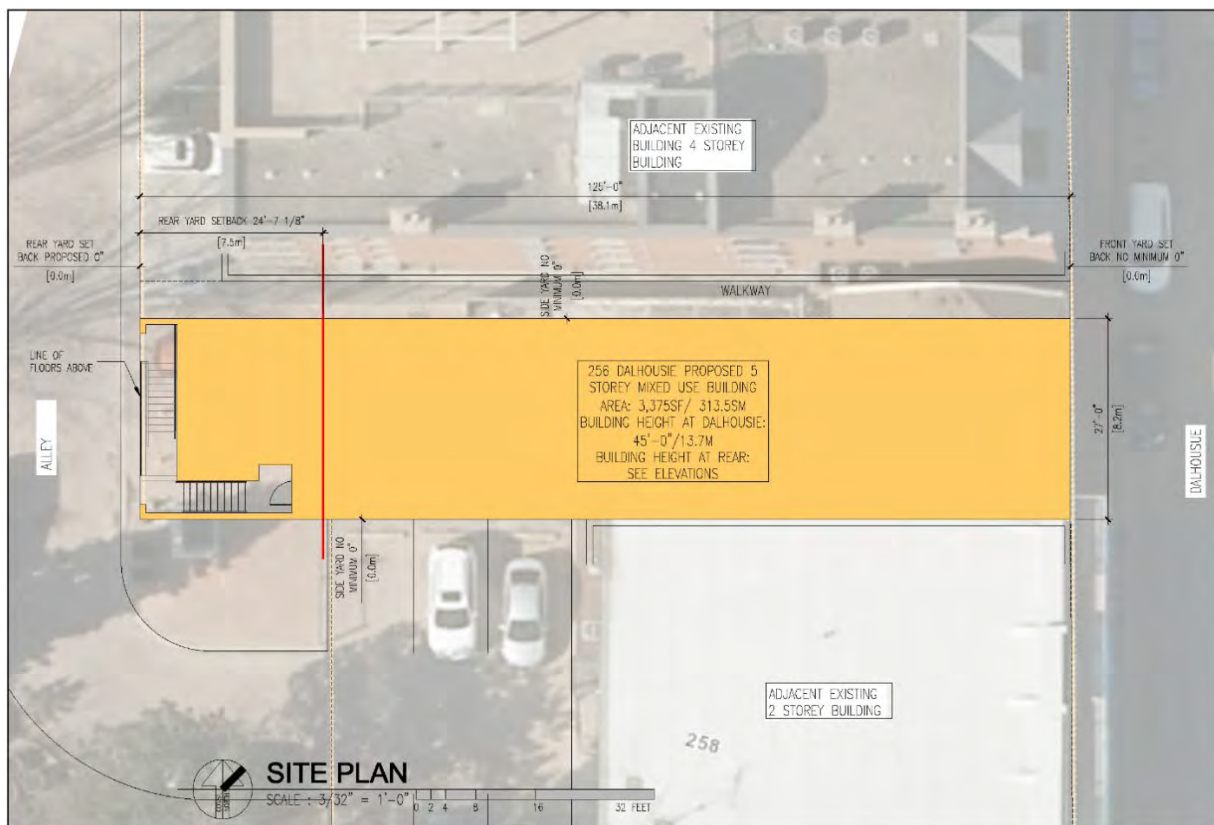


Figure 3: Preliminary Site Plan





Figure 4: Front and Rear Elevation Renderings

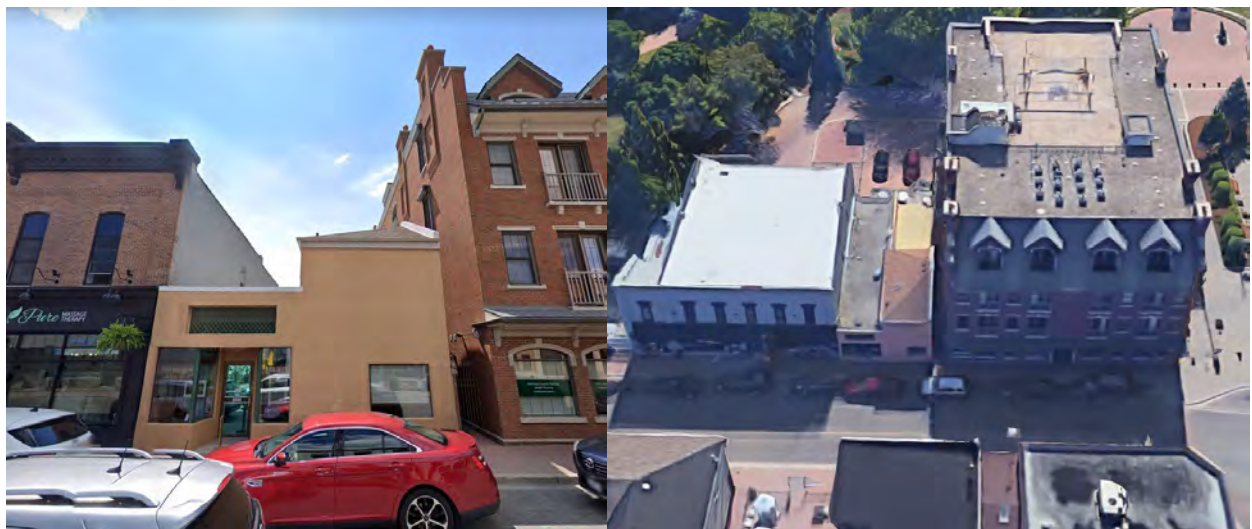


Figure 5: Existing Discontinuous Façade along Dalhousie



4 Land Use Policy Framework Overview

Planning policies exist within a hierarchy of plans directed by the Ontario Planning Act. Figure 6 provides an overview of the hierarchy for planning policies that are relevant for the proposed development. There are several adjacent legal frameworks which exist in parallel to the planning legislation, as such this list is not exhaustive, but rather provides direction for which policies must conform with the higher order in the planning process.

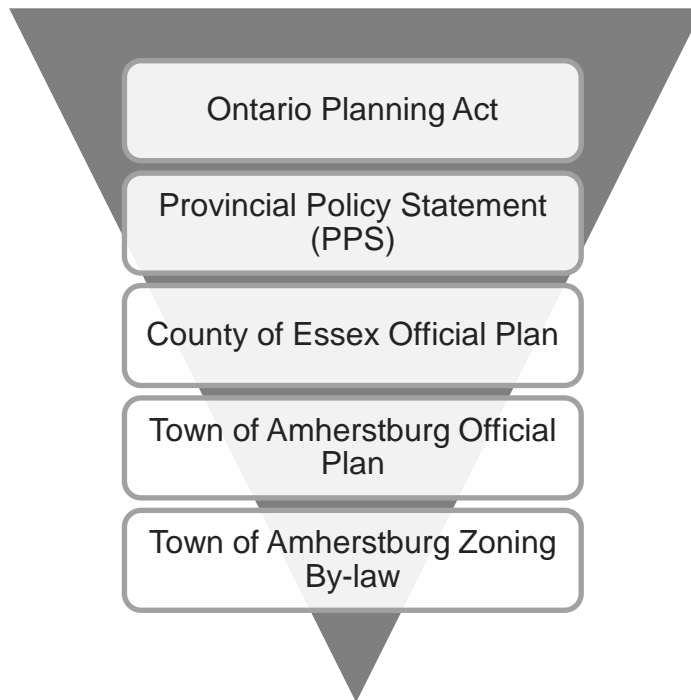


Figure 6: Planning Policy Hierarchy

4.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the *Planning Act*. It provides direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires all land use planning matters “be consistent” with the PPS. A review of PPS policies through the lens of this application is provided as **Appendix B**.

The Provincial Policy Framework encourages development that is designed to be sustainable, compact in form, and pedestrian oriented. Redevelopment of the Subject Site will support intensification that is well-suited and contextually appropriate for the surrounding neighbourhood, while having a positive impact on the Town’s walkability and heritage reputation. The PPS also promotes economic development and competitiveness by encouraging compact, mixed-use development that incorporate compatible employment uses to support liveable and resilient communities.



The proposed development provides a unique destination that can be enjoyed by both residents and visitors from the surrounding County, Province, and United States (Michigan and Ohio), providing opportunities to collaborate with local businesses and attractions. This development can help promote the economic competitiveness of the Town while also providing employment opportunities. The Subject Site is also located in proximity to other commercial and residential uses and open spaces, which would allow the development to contribute to the mixture of different land use types.

It is our professional opinion, that the proposed Minor Zoning By-law Amendment, is consistent with the PPS. The development proposed in this submission is located and designed in a manner that facilitates the implementation of the broad provincial interests outlined by the PPS.

4.2 Local Planning Framework

4.2.1 COUNTY OF ESSEX OFFICIAL PLAN

The County of Essex sets the framework for the development and growth for all lower-tier municipalities within the County, including the Town of Amherstburg. The Subject Site is located within the Settlement Area of Amherstburg, as identified on Schedule A1 – Land Use Plan and within the Primary Settlement Area of Amherstburg, as identified on Schedule A2 – Settlement Structure Plan. Relevant policies from the Official Plan that support the development of the Subject Site have been highlighted below.

1.4 Goals for a Healthy County: The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable, and resilient communities, a clean and healthy environment, and a strong economy. To this end, the policies of this Plan have been developed to achieve the following goals for a healthy County of Essex:

- c) To direct the majority of growth (including intensification and affordable housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas. These Primary Settlement Areas will serve as focal points for civic, commercial, entertainment and cultural activities.
- e) To create more mixed use, pedestrian-oriented development within designated and fully serviced urban settlement areas.
- f) To provide a broad range of housing choices, employment, and leisure opportunities for a growing and aging population.
- g) To prohibit urban forms of development outside of designated "Settlement Areas" and discouraging urban development in areas with partial municipal services.
- h) To create and maintain an improved balance between residential and employment growth in each of the Primary Settlement Areas, as detailed in Section 3.2 of this Plan, by increasing employment opportunities closer to where people live.



- i) To maintain and attract manufacturing, agribusinesses and tourism related businesses and activities that can provide well-paying employment opportunities to existing and future residents.

Response: The Subject Site is within the County's Primary Settlement Area and will be a focal point for commercial, entertainment and cultural activities for the Town as it provides retail, restaurant, and hotel space. Additionally, the proposed development is mixed use and pedestrian-oriented and within a fully serviced urban settlement area. The proposed development presents the most efficient use of the narrow lot. The implementation of the boutique hotel would provide employment and leisure opportunities for a wide range of residents and visitors alike. The development of Amherstburg's first hotel would open doors for more tourism-related businesses and activities that can provide employment opportunities to existing and future residents by establishing the Town as an attractive destination.

2.2 Growth Management: The health of the County requires that long-range land use planning and infrastructure investment be properly managed in a way that will:

- a) Direct non-resource related growth and development to settlements where it can be serviced, with a particular emphasis on Primary Settlement Areas.
- b) Protect and enhance the County's natural heritage system, cultural features, and heritage resources (including resources in and under water), and minerals, petroleum, and mineral aggregate resources.

Response: The Subject Site is within a Primary Settlement Area and will avoid or limit any potential impacts to the natural heritage system, cultural features, and heritage resources, as well as any other resources identified. Although removed from the Heritage Register, the proposed hotel design is in keeping with the scale and design of the adjacent heritage properties and the overall downtown heritage district.

2.8 Transportation

2.8.4.c During the development review process, the County encourages active transportation friendly (pedestrian and cyclist) streetscaping, urban design and active transportation oriented land development.

Response: The development will assist Amherstburg in creating an active transportation friendly downtown by providing a hotel that creates an inviting pedestrian environment through façade design and encourages walkability to adjacent, local businesses.

3.2 Settlement Areas

3.2.1 It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County's settlement structure, focus public and private investment in fewer areas and to preserve the lands designated "Agricultural" and "Natural Environment" for the purposes outlined in the policies of this Plan.

3.2.2 Goals of Settlement Areas:

- a) Support and promote public and private re-investment in the Primary Settlement Areas.



- c) To promote development within Primary Settlement Areas that is mixed-use, pedestrian oriented, with a broad range of housing types, services, and amenities available for residents from all cultural, social, and economic backgrounds.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained within this Plan.
- f) To increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live.

3.2.7 Intensification & Redevelopment: The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community. Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

Response: The proposed development is within a Primary Settlement Area and promotes a well-planned mixed-use form that is pedestrian oriented and is well supported by services and amenities for current and future County of Essex residents. The nearby commercial uses and recreational resources will all benefit from the increase in visitors to the Town, improving the relative viability of the area. As mentioned previously, the proposed hotel can assist with job creation in the Town, attracting and maintaining businesses closer to where residents live. The proposed development would present a more efficient use of land compared to the existing use and would provide economic and social benefits for the community. The design of the proposed hotel takes inspiration from the industrial architecture of the Victorian Era, which reflects the historic timeline of the Town; the design intends to respect the scale of the downtown’s built form and compliment the surrounding heritage character.

2.7 Cultural Heritage and Archaeological Resources: It is the policy of this Plan that the County will identify, recognize, and conserve archaeological and built heritage resources, and cultural heritage landscapes. To achieve these goals, and to encourage the restoration, protection and maintenance of the County’s heritage resources, all new development or redevelopment shall be consistent with the Provincial Policy Statement on cultural heritage resources. Cultural heritage resources include archaeological sites and/or areas of archaeological potential, buildings, structures, and landscapes of cultural heritage value or interest. The County will encourage new development, redevelopment, and public works to be sensitive to and in harmony with cultural heritage resources.

Response: The proposed development aims to provide greater benefits to the community that will offset the loss of the existing structure. As the existing structure is not designated under the Ontario Heritage Act and a demolition permit has been obtained, development and site alteration is permitted with 60 days notice. The concept plan will limit impacts to nearby Heritage Properties of Interest and maintain the existing street character through its design and continuous façade.



4.2.2 TOWN OF AMHERSTBURG OFFICIAL PLAN

The Town of Amherstburg’s Official Plan regulates the extent, type, and pattern of development within the Town, and provides direction regarding the management of resources and land use in efforts to achieve, and maintain, a high quality of life for residents. The following policy review is based on the 2023 consolidation of the 2010 Official Plan.

The Subject Site is located in the General Commercial designation, as identified on Schedule B-2 – Land Use Plan. The proposed development is entirely contained within the Settlement Area Boundary.



Figure 7: Town of Amherstburg Official Plan Schedule B2 - Land Use Plan

The General Commercial designation permits commercial establishments offering goods and services which primarily serve the whole of the municipality’s market area and includes uses such as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, recreational uses, and residential uses above the first floor. As retail and eating establishments as well as hotels are permitted in this designation, an Official Plan Amendment is not required.



The proposed development generally conforms to the policies of the Amherstburg Official Plan and the General Commercial designation. Relevant policies from the Official Plan that support the development of the Subject Site have been highlighted below.

4.4.2 General Commercial Areas

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

Response: As the proposed redevelopment is located within this area, parking spaces, and loading spaces are not included as part of the concept plan as they are not required. On street parking is plentiful and off-street parking is located within walking distance to serve the future clientele of the site.

6.2 Policies for Downtown Revitalization: It is the intent of this Plan to encourage the continued viability of the downtown core area. To this end, the following specific policies are set out with respect to future development in the Central Business Area.

6.2.1 Description: (1) The Central Business Area shall comprise those lands adjacent to Richmond Street, west of Sandwich Street and Dalhousie Street from Rankin to Gore. (2) The uses permitted in the Central Business Area shall consist primarily of those general commercial uses described in Section 4.4 hereof, but shall also include some mixed types of residential uses located primarily on the fringe of the Central Business Area. (4) The Central Business Area is and shall continue to be characterized by an intensive use of land.

Response: The Subject Site is within the Central Business Area and the proposed development conforms to the general commercial uses described in Section 4.4; the proposed development represents an intensive use of land compared to the existing use.

6.2.4 Traffic and Parking: (3) Because the Central Business Area is the sector of the Town wherein the volume of pedestrians is the most dense, it shall be designed primarily to serve a pedestrian function and to encourage social interaction. (6) The provision of on-site parking shall not be prerequisite for new development in the Central Business Area provided Council is satisfied that undue traffic hazards would not arise.

Response: The development is designed to be pedestrian-oriented with the continuous façade and ground floor retail and restaurant establishments. Further, no parking is provided on-site, encouraging visitors to walk or use other modes of transportation within the downtown area. Scooters and/or bike rentals will be provided by the proposed hotel to encourage such.

6.2.5 Downtown Improvement and Revitalization:

(1) It is the intent of this Plan that the progressive features and positive characteristics, which have developed in the Central Business Area, shall be retained, and reinforced. Development of vacant sites



and redevelopment of existing areas in the Central Business Area shall be encouraged in a comprehensive manner with a view to coordinating individual site designs and providing integrated solutions to pedestrian and vehicular traffic circulation problems.

(2) Although intensification of use will be inherent in most development or redevelopment, it is the intent of this Plan that in any [...] redevelopment schemes for the Central Business Area, emphasis be placed on [...] the aesthetic value of enclosed areas as well as open areas and the retention of historical atmosphere. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout.

(4) It is the intent of this Plan that the Central Business Area remain as compact as possible in order to serve the pedestrian most effectively. New development should be planned as an extension of the existing business area and should not be allowed to infiltrate unnecessarily into adjoining residential areas.

(5) Preference should be granted to the redevelopment of vacant or derelict commercial buildings within the Central Business Area before considering amendments to the Zoning By-Law to permit expansion into adjoining residential areas.

Response: The redevelopment takes place on a vacant site and reinforces the historic quality and character of the downtown area. As mentioned throughout the report, the proposed development contributed to the compact nature of the CBA and can be seen as a natural extension of the existing business area due to it matching the scale and character of adjacent buildings. The redevelopment takes place on a small lot in the Central Business Area and does not infiltrate into any residential areas. A change to a different zone is not required as the existing zone permits the proposed use.

2.12 Heritage Conservation: It is the policy of this Plan to encourage the restoration, protection, conservation, and maintenance of the Town's archaeological and heritage resources, which include buildings and structures of historical and/or architectural value, as well as the natural heritage landscape. All new development or redevelopment permitted by the policies and designations of this Plan shall have regard for the conservation of heritage resources.

6.4.1 Development Policies for Heritage Conservation: All new development within the Heritage Area will be carried out in a manner as to respect the existing historical character while every effort will be made to preserve existing structures, building sites, as well as the overall character and atmosphere within the area.

6.4.2(3) To encourage the construction of new buildings to be of a design compatible with existing structures and to restrict unsympathetic alteration to buildings that would, by doing so, detract from the character of the Heritage Area.

Response: The concept plan includes considerations for nearby Heritage Properties of Interest and Designated Properties and will conserve the character of those properties. As stated previously, the Heritage Committee voiced support for the heritage design of the new proposed building and agreed that the existing building no longer has heritage value, permitting the property's removal from the Heritage Registry. While the existing structure on the Subject Site will not be conserved in the concept plan, the



redevelopment will be designed to respect the existing historical character and atmosphere of the area. As mentioned earlier, the proposed development will provide many benefits and opportunities for the broader community and will better match the heritage character of surrounding buildings compared to the existing structure. The design takes inspiration from Industrial Architecture of the Victorian Era and keeps in scale with adjacent properties in downtown Amherstburg, improving the overall atmosphere of the area. The client will also be funding and installing a plaque to recognize that in 1799, the Subject Site was reserved for the occupation of John Sparkman, the barrack master of Fort Malden.

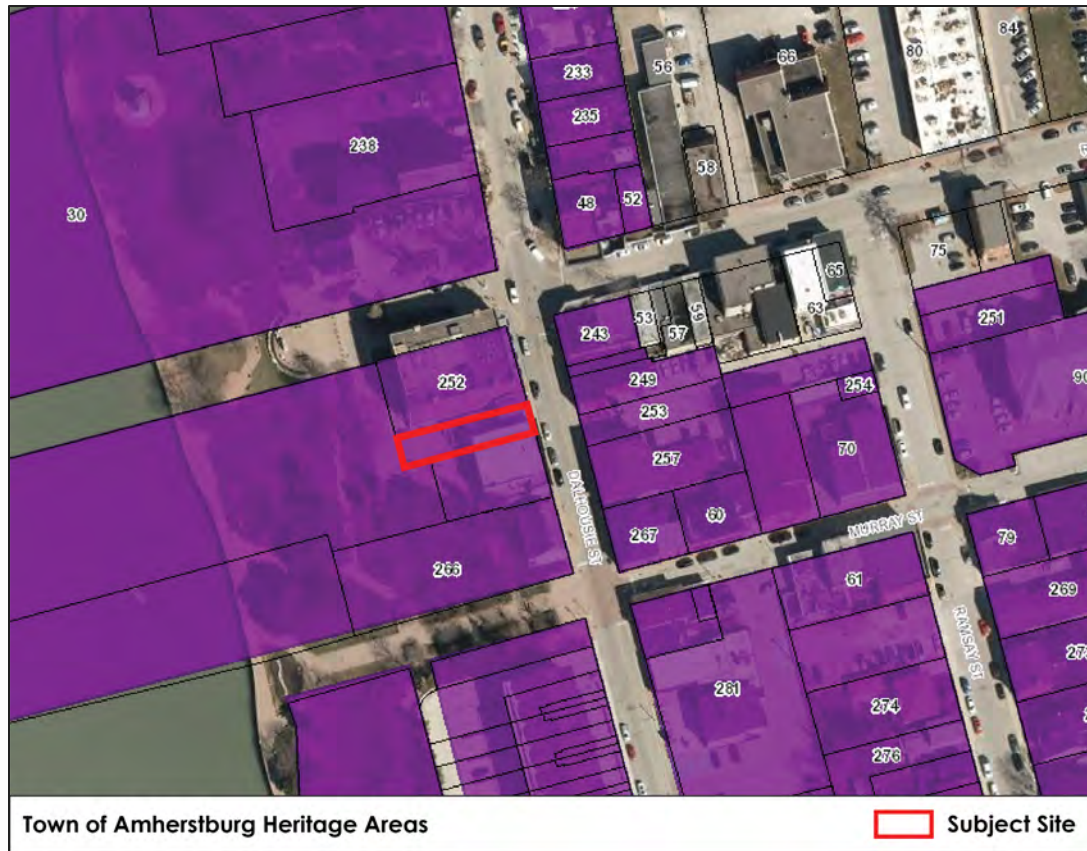


Figure 8: Heritage Areas - Town of Amherstburg



4.2.3 TOWN OF AMHERSTBURG ZONING BY-LAW

The Subject Site is currently zoned Commercial General (CG-4) according to the Town of Amherstburg Zoning By-law No. 1999-52 (see **Figure 8**). The CG Zone permits the following uses:

- amusement game establishment;
- animal hospital;
- art gallery;
- assembly hall;
- bakery shop;
- catalogue store;
- cinema;
- clinic;
- commercial recreation establishment;
- commercial school;
- continuum of care facility;
- data processing establishment;
- day care;
- department store;
- drive through facility;
- dry cleaning or laundry establishment or distribution centre;
- dwelling units restricted to above the first floor;
- existing place of worship;
- financial establishment;
- florist shop;
- food store;
- funeral home;
- hardware store;
- home and auto supply store;
- home appliance store;
- home decorating store;
- home for the aged
- home furnishing store;
- home improvement store;
- **hotel or motel;**
- institutional use;
- laboratory;
- laundromat;
- library;
- medical/dental office;
- merchandise service shop;
- marina; (xxxviii) nursing home;
- office;
- parking lot;
- personal service shop; pharmacy;
- place of entertainment;
- printing shop;
- public use;
- recreational establishment;
- repair and rental establishment;
- **restaurant;**
- restaurant, fast-food;
- **retail store;**
- retirement lodge;
- studio supermarket;
- tavern;
- theatre;
- taxi establishment;
- vehicle repair shop;
- veterinarian clinic;
- video rental establishment;
- wholesale use accessory to a permitted CG use; and
- any existing automotive use.

As noted in the uses above, hotels, restaurants and retail stores are permitted in the current zone.

The standard provisions of the CG Zone are detailed in Section 5.1 of this report. As for site specific provisions, the CG-4 Zone contains a special provision that provides the following:

- There are no parking requirements for non-residential uses.
- The minimum height shall be 7 metres while the maximum height shall be 18 metres.



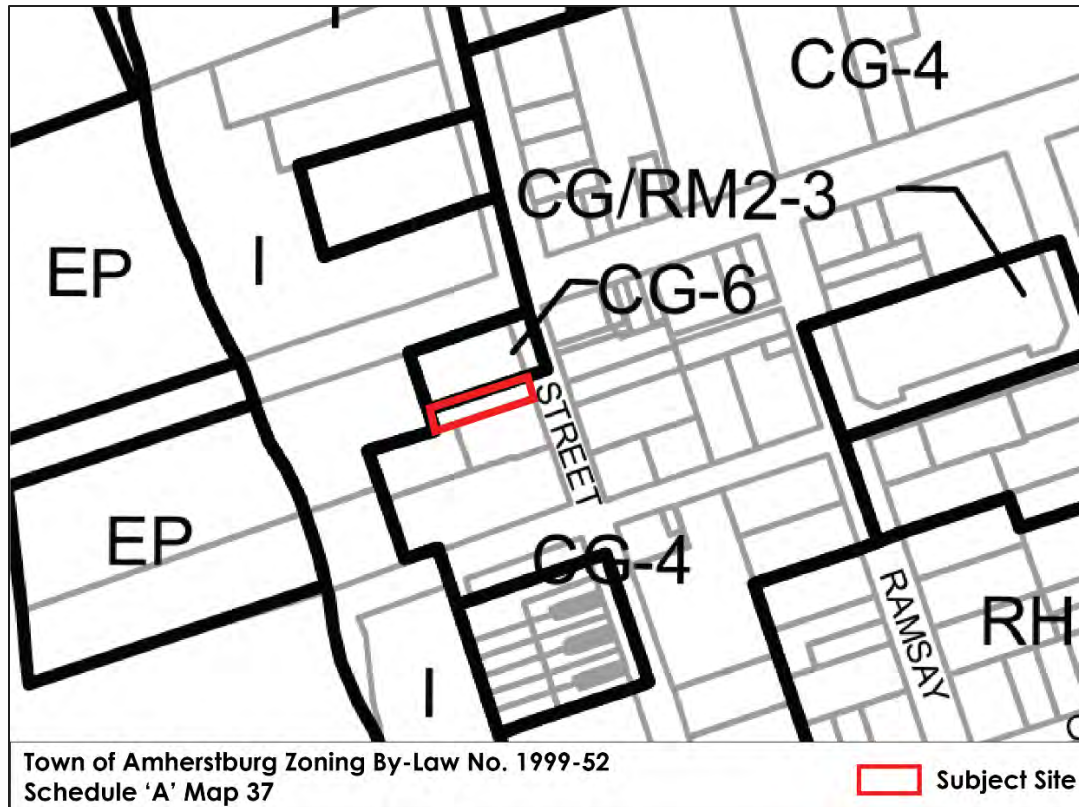


Figure 9: Zoning of Subject Lands

4.2.4 DRAFT URBAN DESIGN GUIDELINES

The Draft Urban Design Guidelines are intended to complement the objectives enforced in the Town of Amherstburg Official Plan and Zoning By-Law. Good urban design is about creating pedestrian-friendly streetscapes, vibrant and engaging meeting places, and safe and attractive neighbourhoods. The proposed development aligns with the general intent of the Draft Urban Design Guidelines. Relevant policies from the Draft Urban Design Guidelines that support the development of the Subject Site have been highlighted below:

3.5 Façade Materials & 3.6 Façade Colours

- For new developments utilize materials that compliment adjacent buildings and support a consistent theme and identity along the streetscape.
- Within the Central Sandwich and Historic Core Districts utilize materials that contribute to the historic character typified by red brick facades with wooden window frames, and cornices
- Ensure that building façades provide a variety of interest on all sides that are visible from streets and public walkways



- Red brick facades have historically been commonly used in Amherstburg, and existing brick facades should be uncovered / restored, and new development should be to be complimentary to existing brick buildings

Building Location, Rhythm, Massing, & Height (4.1, 4.3, 4.4)

- Where there is no established street wall, buildings should be located as close as possible to the street to create a more inviting pedestrian environment.
- Continue existing horizontal datum lines established by adjacent buildings
- In the Historic Core and Central Sandwich Districts, spaces between buildings should be minimized
- Provide a smooth transition in height between new and existing buildings

4.5 Intensification

Intensification should be encouraged on vacant lots, parking areas, and single storey buildings with no heritage significance at key intersections. This is especially important at key gateway corridors into the downtown and historic core.

5 Development Proposal

5.1 Minor Zoning By-law Amendment

The following table provides the zoning compliance of the Concept Plan with the CG-4 Zone. The items in red will require relief through a site-specific special provision.

Zone Requirement (CG-4)	Required	Provided	Site Specific Provision Requested
Lot Area (Minimum)	No minimum	313.5 m ²	No
Lot frontage (Minimum)	No minimum	8.2 m	No
Front Yard Depth (Minimum)	No minimum	0 m	No
Interior Side Yard Width (Minimum)	No minimum	0 m	No
Exterior Side Yard Width (Minimum)	No minimum	N/A	No
Rear Yard Depth (Minimum)	7.5 m	0 m	Yes
Height (Maximum)	18 m	13.7 m	No
Parking	N/A	N/A	No

Table 1: Zoning Compliance Chart



5.1.1 PROPOSED SITE-SPECIFIC REGULATIONS & DRAFT ZONING BY-LAW

The applicant is seeking special provisions to reduce rear yard depth from 7.5 metres to 0 metres. As the setback reduction is over half the minimum required depth, a Minor Zoning By-law Amendment is required rather than a Minor Variance.

The following provides the proposed site-specific policy for 256 Dalhousie Street.

Proposed Specialized CG Zone for 256 Dalhousie Street:

Rear Setback Reduction for Hotel at 256 Dalhousie Street:

All regulations of Section 15(3) of the By-law with the following exception shall apply to the Subject Site:

Setbacks

Minimum Rear Yard Depth reduced from 7.5 m to 0 m.

5.1.2 PLANNING JUSTIFICATION

As stated above, it is the request of Black Dog Entertainment to receive relief from the 7.5m required Rear Yard setback for their proposed redevelopment of 256 Dalhousie Street. Due to the compact size of the Subject Lands, complying with the 7.5 metre rear setback would reduce the developable space on the site by 20%. This would greatly impact the economic feasibility of the development and it would not allow all of the necessary elements of a accessible hotel to be developed due to a large portion of the lot being unusable. For a residential lot, a rear yard setback can provide private amenity space, however, for a commercial development, the requirement of a rear yard setback leads to unusable space, especially in areas where parking is not required for the permitted use, as is the case for 256 Dalhousie. Rather than unutilized rear-yard space, relief from the rear yard setback will allow for the proposed development to maximize the aesthetic value of the proposed enclosed restaurant and rear roof-top area and allow for appreciation of the historical atmosphere of the Historic Core and Historic Navy Yard by providing public gathering space. The additional space will also allow the hotel to provide enough interior clearance to be fully accessible and offer 2 accessible rooms. As the Subject Site is also visible from both Dalhousie Street and the Navy Yard Park, the rear yard relief would ensure that the proposed development assist the Central Business District in remaining compact to serve the pedestrian most effectively, as per the Official Plan. In alignment with the design guidelines, the building is proposed to be located as close as possible to the rear laneway, to further create a more inviting pedestrian environment as no existing street wall exists.

Lastly, the rear of the lot abuts a laneway, that seldom sees any traffic, and further abuts the park and trail system of the Amherstburg Navy Yard National Historic Site of Canada. As the laneway experiences low traffic volumes, reducing the rear setback to 0 metre would have little impact on the existing laneway and would allow for appropriate scaling and framing of the adjacent public realm.



This site-specific request is further in alignment with requests approved by Council for development(s) in the Central Business Area south of the Subject Site and the development approved by the OMB north of the Subject Site. Site-specific relief of the rear yard was approved by Council in 2015 for 274-286 Dalhousie Street, designated CG-11 in the Official Plan, which specifically permits a 0m minimum rear yard for commercial uses. This development similarly has frontage on both Dalhousie Street and a rear laneway and is also adjacent to the Navy Yard Park.



Figure 10: 274-286 Dalhousie Street

In February 2005, the Town of Amherstburg adopted by-law no. 2005-16, which permitted the adjacent building to the north of the Subject Property (252 Dalhousie) relief from the rear yard depth minimum, which was further supported by the OMB in September 2005. The building to the north of the subject lands, when originally developed, was developed higher than the original building, with an overall footprint larger than the existing building, and a reduced rear-yard setback. Specific to the OMB decision in support of adopted by-law no. 2005-16, the board noted considerable jurisprudence to the effect that no one has a right to a view over adjoining properties and thus agreed that the site-specific provisions should stay.

The proposed rear setback reduction requested for 256 Dalhousie is supported by Provincial, County, and Town Planning Policy and in alignment with past Town planning decisions. This Minor Zoning By-law Amendment will allow the proposed hotel project to continue and allow for the efficient use of an underutilized and underdeveloped lot to a use that will enhance the character of Amherstburg's downtown area. This development will positively contribute to the current and future intensification and redevelopment of the central business area, in alignment with Provincial Policy and the overall objectives of the County and Town Official Plans.



6 Planning Justification and Conclusion

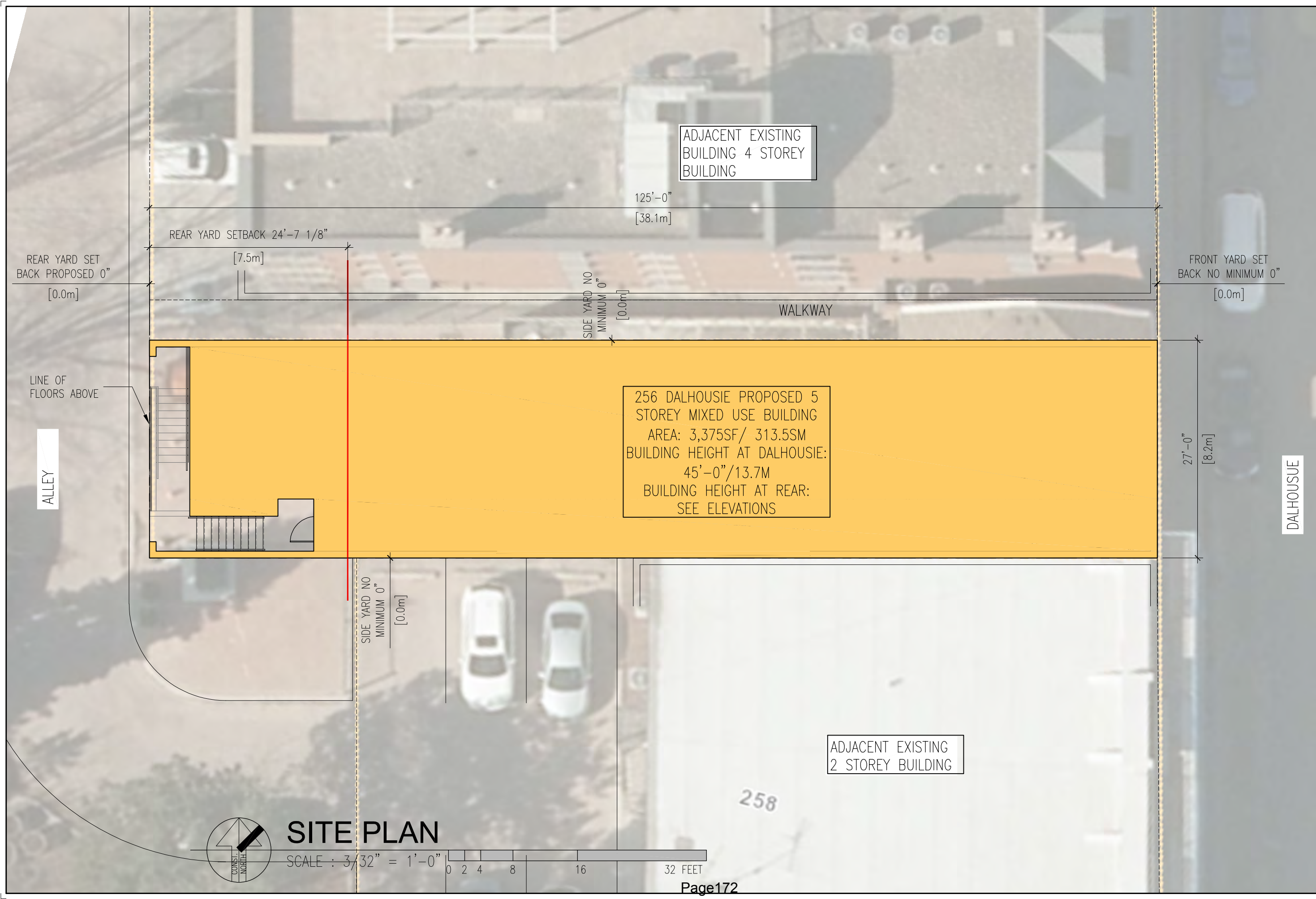
Based on the analysis of the existing policy framework, supporting studies, the planning justification discussed within this Report and recommendations provided herein, we provide the following conclusions:

- That this Planning Justification Report, along with other supporting studies, be considered as part of a complete application for the following application: Minor Zoning By-law Amendment, with consideration for the requested special provision.
- That the proposed development will provide greater benefits to the broader community compared to the existing use as it will act as a focal point for commercial, entertainment and culture for the community, while providing employment and tourism opportunities close to residents, contributing to local and provincial goals for intensification, heritage preservation, and the efficient use of land.
- The proposed development is supported by existing infrastructure and the form and character is compatible with surrounding uses.
- The proposed development is consistent with the Provincial Policy Statement, 2020;
- The proposed development conforms with the purpose and vision of the Town of Amherstburg Official Plan;
- The proposed Minor Zoning By-law Amendment is consistent with the intent of the current County and local Official Plan and will help to implement the proposed mixed-use development;
- The proposed Minor Zoning By-law Amendment is consistent with past amendments of similar nature approved by council for properties in the Downtown Core; and,
- The proposed development as part of this application represents sound planning principles and aligns with Provincial and Local interests. In our opinion the proposed development is in the public interest.



Appendix A: Site Plan & Elevation Renderings





ADJACENT EXISTING
BUILDING 4 STOREY
BUILDING

125'-0"
[38.1m]

REAR YARD SETBACK 24'-7 1/8"

[7.5m]

REAR YARD SET
BACK PROPOSED 0"
[0.0m]

FRONT YARD SET
BACK NO MINIMUM 0"
[0.0m]

SIDE YARD NO
MINIMUM 0"
[0.0m]

WALKWAY

LINE OF
FLOORS ABOVE

256 DALHOUSIE PROPOSED 5
STOREY MIXED USE BUILDING
AREA: 3,375SF/ 313.5SM
BUILDING HEIGHT AT DALHOUSIE:
45'-0"/13.7M
BUILDING HEIGHT AT REAR:
SEE ELEVATIONS

SIDE YARD NO
MINIMUM 0"
[0.0m]

27'-0"
[8.2m]

DALHOUSIE

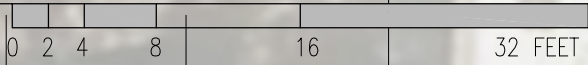
ADJACENT EXISTING
2 STOREY BUILDING

258



SITE PLAN

SCALE : 3/32" = 1'-0"

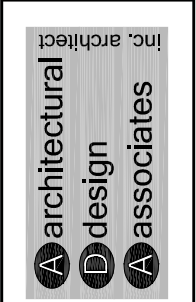


date:	2023-03-14
comm. no.:	2022-066
dwg. no.:	A1.0

title:	SITE PLAN
drawn by:	KW
checked by:	JK

project:	PROPOSED 5 STOREY MIXED USE BUILDING 256 DALHOUSIE ST. AMHERSTBURG ON. N9V 1W7
client:	RICHARD PEDDIE

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email: info@architect.ca www.architect.ca







Appendix B: PPS Review

The table below provides an overview of proposed development compliance with the Ontario Provincial Policy Statement (PPS)

Section	Policy	Application comments
1	Building Strong Healthy Communities	
1.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development of Land Use Patterns	
1.1.1	Healthy, liveable, and safe communities are sustained by:	
1.1.1.a)	promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term	The proposed development establishes a mixed-use building within an established settlement area, promoting the long-term sustainability of the community through increased employment and tourism opportunities.
1.1.1 c)	avoiding development and land use patterns which may cause environmental or public health and safety concerns	No environmental, public health or safety concerns are anticipated. Should any issues arise, adjustments will be made accordingly.
1.1.3	Settlement Areas	
1.1.3.1	Settlement Areas shall be the focus of growth and development.	The proposed development is within the Settlement Boundary.
1.1.3.2	Land use patterns within settlement areas shall be based on densities and a mix of land uses which:	
1.1.3.2 a)	efficiently use land and resources;	The Concept Plan is designed to maximize the efficient layout of the future development.
1.1.3.2 b)	are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;	The proposed development is located to provide direct access to the existing road network without requiring additional investment in major public infrastructure



Planning Justification Report

1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.	The application includes a 5-storey hotel building on a narrow lot, providing a compact development form.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.	The proposed development is within the growth area of the Town and provides an additional mix of commercial uses, including hotel, restaurant, and retail uses.
1.3	Employment	
1.3.1	Planning authorities shall promote economic development and competitiveness by:	
1.3.1 d)	encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities,	The proposed development provides a compact mix of uses that provides employment opportunities for the local community.

