



TOWN OF AMHERSTBURG SPECIAL COUNCIL MEETING - PLANNING

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

Tuesday, October 15, 2024

4:00 PM

Council Chambers

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

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact 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. PLANNING REPORTS

5.1 Statutory Public Meeting for Zoning By-law Amendment ZBA-21-24 for 365 Sandwich Street South

3

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 365 Sandwich Street South (File ZBA-21-24) **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: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Janine Mastronardi	Report Date: September 27, 2024
Author's Phone: 519 736-5408 ext. 2134	Date to Council: October 15, 2024
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for Zoning By-law Amendment ZBA-21-24
for 365 Sandwich Street South

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 365 Sandwich Street South (File ZBA-21-24) **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 DS Real Estate Holdings and Jones Realty Inc. c/o Tony Rosati, Agent. The subject lands are located on the east side of Sandwich Street South, between Park Street and Pickering Street and is municipally known as 365 Sandwich Street South (refer to Appendix B in the attachments).

The effect of the amendment will be to add a permitted use of 'food store' to the existing site-specific CH-13 zoning. Food store is an existing defined use in the Zoning By-law, 1999-52, as amended (ZBL), and "means a retail store selling food and associated small household items, and having a gross leaseable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard."

The effect of the amendment will also be to allow a patio accessory to the proposed food store. Section 3.22(b)(i) restricts outdoor patios associated with a restaurant where any

lot line adjoins lands which are in a residential zone class. The amendment will specifically allow an outdoor patio accessory to a food store and will not permit outdoor patios accessory to any other uses. All other requirements of the existing Special Provision Commercial Highway (CH-13) Zone provisions will be maintained.

The subject lands have been the subject of several zoning by-law amendments as a result of changes to ownership and the evolution of proposals for the use of the site.

- By-law 2013-92 was approved to create the site-specific CH-13 zoning which provides for two special provisions; a reduced interior side yard setback and a specific number of required parking spaces. A holding symbol was also added to the property at this time.
- By-law 2015-64 was approved to remove the holding to allow for a commercial development to proceed.
- By-law 2018-95 was approved to add a second site specific zone, RM2-7 to the rear half of the property which provides for site specific regulations for a multi-residential development. A holding symbol was also added to the rear portion of the site at this time.
- By-law 2022-088 was approved to add the dual zone of CH-13/RM-7 to the entire site, increase the height limit for structures on the property and remove the holding from the entire site.

The subject lands have also been through the site plan control process with an approved agreement dated April 8, 2019. This agreement addresses the existing commercial development on the front half of the site.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act, Provincial Policy Statement
4. Comments Received as of September 27, 2024 (Appendix “F”)

3. DISCUSSION:

The subject lands are designated General Commercial in the Town of Amherstburg's Official Plan.

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.

...

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

The current requested zoning by-law amendment will provide permissions for a food store to be located in the existing structure on the subject lands along with an outdoor patio accessory to the food store use. The Official Plan supports the use of a food store on the subject lands. The food store offers in-house prepared meals and coffees for purchase. The outdoor patio would provide a location on site for these items to be consumed on the premises.

The subject lands are currently zoned Special Provision Commercial Highway (CH-13) Zone/Special Provision Residential Multiple Second Density (RM2-7) Zone. The addition of a food store use is consistent with other uses permitted in the Commercial Highway Zone, such as the big box retail establishments located along Sandwich Street South, south of Simcoe Street.

Section 3.22(b)(i) restricts outdoor patios associated with a restaurant where any lot line adjoins lands which are in a residential zone class. The subject lands abut residential uses along the rear and side lot lines.

While the proposed food store use is different from a restaurant use the purpose of the proposed outdoor patio is for on-site consumption of food that is prepared on the premises which forms part of the restaurant definition in the ZBL. There appears to be a policy gap in the ZBL in regards to commercial outdoor patios. To be conservative with the zoning interpretation and ensure all proposed uses are in full compliance with the ZBL permission for the outdoor patio use has been requested.

The outdoor patio is proposed to be accessory to the food store. The existing structure is situated between the patio and the residential uses to the south, the existing parking lot is situated between the patio and the residential uses to the north, and a setback of over 115 m is proposed between the patio and residential uses to the east. Outdoor patios associated with food store is typically a passive use, as there is no table service or alcohol being served. The patios are unlikely to cause an increased disturbance to the residential uses when compared to the commercial traffic generated by this commercial corridor. Additional parking will not be required for the patio as it is accessory to the food store.

The proposed amendment is consistent with Section 1.3 of the Provincial Policy Statement 2020, as it increases the mix and range of employment uses within the Town of Amherstburg. The commercial areas within the Town of Amherstburg provide employment areas and opportunities for the development of population-related job growth.

The purpose of this initial public meeting is to provide an opportunity for the applicant to present information and outline the purpose of the application to Council and to hear all

comments regarding the rezoning. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments is attached to this report as Appendix “F”.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required. Additional analysis of planning policy will be provided in the follow-up report to Council with a staff recommendation.

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 on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CORPORATE STRATEGIC ALIGNMENT:

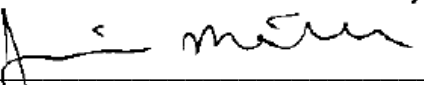
Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
PILLAR 1 Deliver Trusted & Accountable Local Government	PILLAR 3 Encourage Local Economic Prosperity
<ul style="list-style-type: none"><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.<input type="checkbox"/> Deliver transparent and efficient financial management.<input checked="" type="checkbox"/> Increase effective communication and engagement with residents.	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Encourage development of commercial and industrial lands.<input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.<input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.

<input type="checkbox"/> Develop our staff team, resources, and workplace culture. <input type="checkbox"/> Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.	<input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2</p> <p style="text-align: center;">Invest in Community Amenities and Infrastructure</p> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.	<p style="text-align: center;">PILLAR 4</p> <p style="text-align: center;">Shape Growth Aligned with Local Identity</p> <input type="checkbox"/> Define and communicate a vision for the Town's future and identity. <input type="checkbox"/> Promote and plan for green and "climate change ready" development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town's historic sites and heritage. <input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.

8. 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 zoning by-law amendment.


 Janine Mastronardi
Planner

Report Approval Details

Document Title:	Statutory Public Meeting for Zoning By-law Amendment ZBA-21-24 for 365 Sandwich Street South.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- ZBA-21-24- Notice of Statutory Public Meeting- 365 Sandwich St S-RM.pdf- Appendix B- ZBA-21-24- Aerial Map-RM.pdf- Appendix C- 2024020 - Floor Plan (A2.0) - 09-19-24-RM.pdf- Appendix D- ZBA-21-24- ZBA Application 2024_Redacted-RM.pdf- Appendix E- ZBA-21-24- Circulation Map and List-RM.pdf- Appendix F- Summary of Correspondence Received on ZBA-21-24-RM.pdf- Appendix G- 2024-074- ZBA- 365 Sandwich St S-RM.pdf
Final Approval Date:	Oct 3, 2024

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox", with a long horizontal line extending from the end of the signature.

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, October 15, 2024 commencing at 4:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

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

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, October 10, 2024. To register for electronic participation please email the Clerk 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 will affect approximately 11.09 ha (2.7 ac) ± of land described as Concession 1, Part Lot 3, municipally known as 365 Sandwich Street South (see map below). The subject lands are currently zoned Special Provision Commercial Highway/Residential Multiple Second Density (CH-13/RM2-7) Zone and designated General Commercial in the Town's Official Plan.

This rezoning, if approved, will add a permitted use of 'food store' to the existing site-specific CH-13 zoning. Food store is an existing defined use in the Zoning By-law, 1999-52, as amended, and "means a retail store selling food and associated small household items, and having a gross leaseable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard."

The effect of the amendment will also be to allow a patio accessory to the proposed food store. Section 3.22(b)(i) restricts outdoor patios associated with a restaurant where any lot line adjoins lands which are in a residential zone class. The amendment will specifically allow an outdoor patio accessory to a food store and will not permit outdoor patios accessory to any other uses. All other requirements of the existing Special Provision Commercial Highway (CH-13) Zone provisions will be maintained.

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 at clerk@amherstburg.ca or in person by appointment for drop-off at Town Hall located at 271 Sandwich Street South. Comments must be submitted by 4:00 p.m. on Thursday, October 10, 2024 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

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.

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/21/24) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

The meeting 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 25th day of September, 2024.

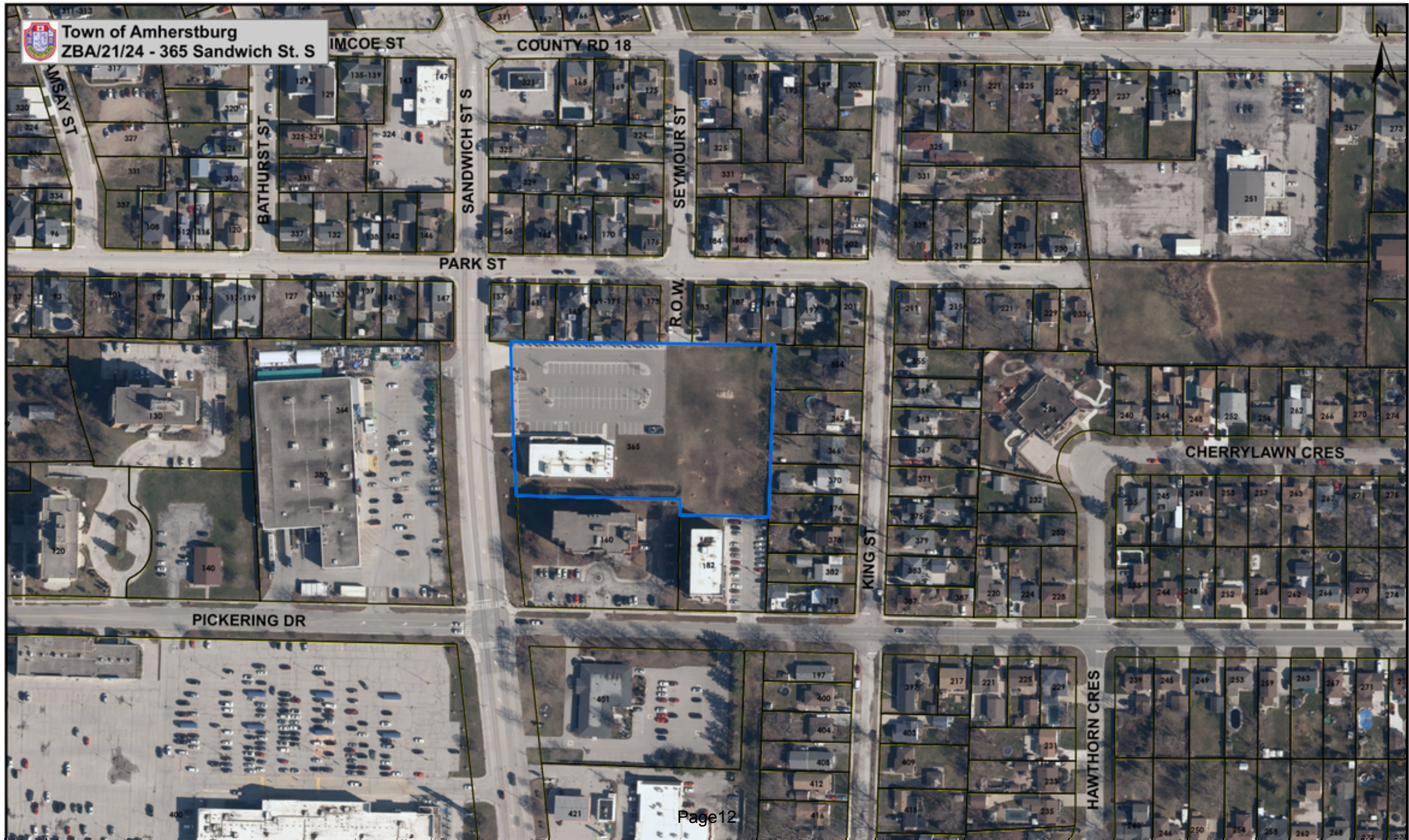
KEY MAP

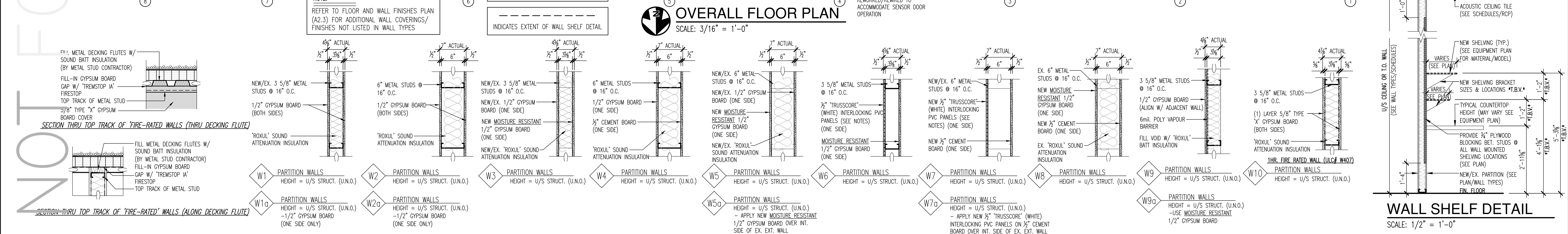
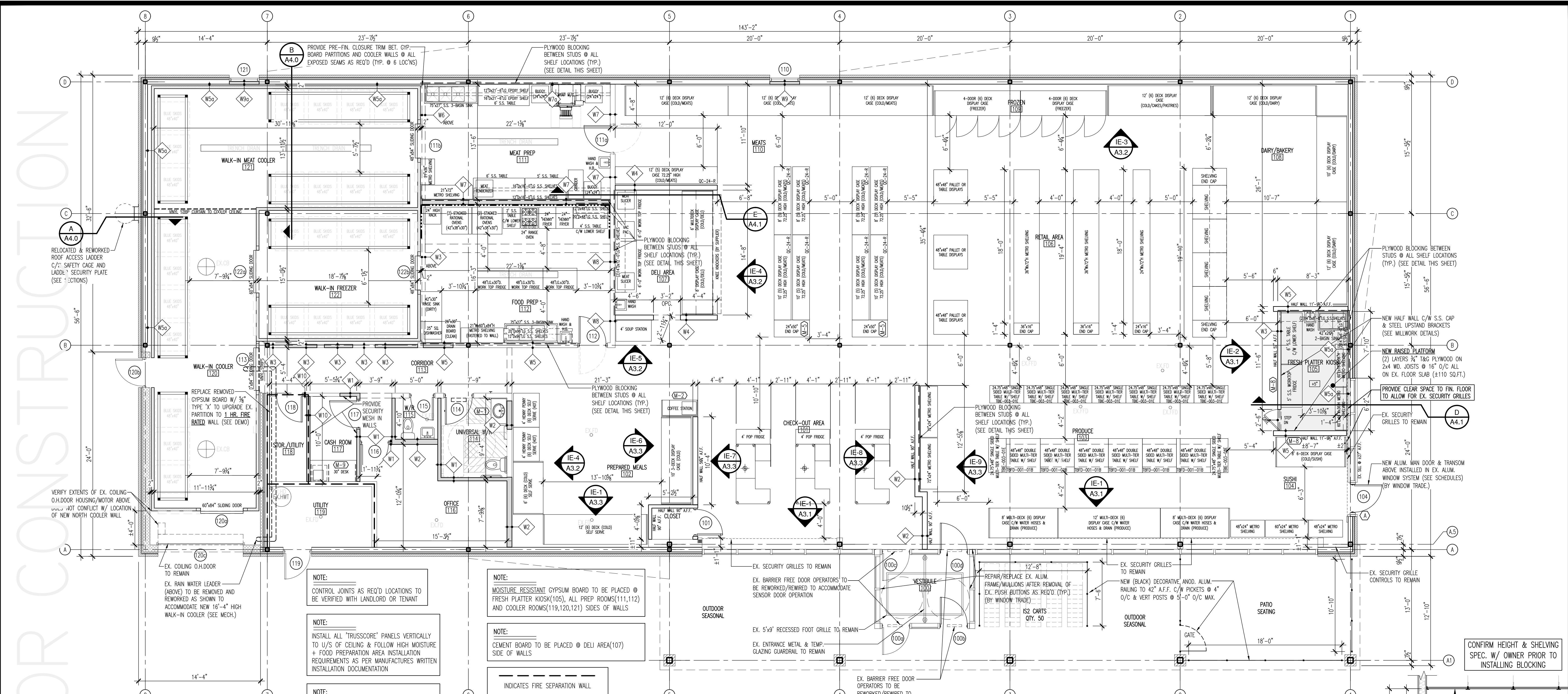


Christopher Aspila
Manager, Planning Services

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.





DEVELOP • DESIGN • CONSTRUCT

DRAWING TITLE:

OVERALL FLOOR PLAN

PROJECT/CLIENT:

TENANT FIT-UP

365 SANDWICH ST., AMHERSTBURG, ON.

DATE ISSUED FOR:

09.17.24 BUILDING PERMIT

DATE ISSUED FOR:

PROJECT No.:

2024020

SCALE:

AS SHOWN

DRAWN BY:

RU

CHECKED BY:

DI

GENERAL NOTES:

ALL DIMENSIONS TO BE CALCULATED AND VERIFIED ON THE JOB SITE. ANY AND ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT OR ENGINEER. ALL DRAWINGS REMAIN THE PROPERTY OF ROSATI GROUP INC.

DO NOT SCALE DRAWINGS

© ROSATI CONSTRUCTION INC. ALL RIGHTS RESERVED

STAMP:

ONTARIO ASSOCIATION OF ARCHITECTS

Robert Argent

ROBERT ARGENT

LICENCE 7412

STAMP:

ARGENT

ARCHITECTURE + DESIGN

1222A RIVERVIEW DRIVE EAST, SUITE 7 TECHNICAL INCUBATOR, NEW LANSING, ONTARIO L4Y 1A1

PHONE: 519-257-1815 WWW.ARGENTARCHITECTURE.COM

DRAWING No.:

A2.0

Municipal Fee Received:	\$2762
Municipal Deposit Received:	\$1000
ERCA Fee Received:	\$400

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 September 19, 2024
3. Date application deemed complete by municipality September 19, 2024
4. Name of registered owner DS Real Estate Holdings and Jones Realty Inc.
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor
or authorized agent (if any) Tony Rosati
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Please specify to whom all communications should be sent:
registered owner ☐ solicitor ☐ ☒ agent
5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:
Concession No. Con 1 Lot(s) No. Part Lot 3
Registered Plan No. R268627 Lot(s) No. _____
Reference Plan No. 12R14329 Part(s) No. 1,2
Street Address 365 Sandwich Street Assessment Roll No. 3729 090 000-07101.0000
7. Size of subject parcel:
Frontage 259 Depth 276 Area 2.723 Acres
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
(b) Explanation of how application conforms to the Official Plan _____
Food store will provide goods and services to the whole of the municipality

- (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 CH-13
11. Nature and extent of rezoning requested Want to add Food Store to the existing use and patio area as accessory use to Food Store
12. Reasons why rezoning is requested Current zoning does not allow for a Food Store
13. Current use of subject land Vacant Building
14. Length of time current use of subject land has continued 5 years
15. Is the subject land within an area where the municipality has pre-determined:
- (a) minimum and maximum density requirements
- ☐ Yes ☐ No
- (b) minimum and maximum height requirements
- ☐ Yes ☐ No

If yes, state the requirements _____

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

1 Existing Building	Rear - 262'	Floor Area 8190ft
Front 23 f	North Side- 176'	56.6 x143.17 ft2
Height - 24'-10'	Side- 29'-10"	

17. Date of construction of existing buildings and structures on the subject land:
2019

18. Date subject land acquired by current registered owner June 2022

19. Proposed use of subject land Food Store

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

None

21. Type of water supply:

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

22. Type of sanitary sewage disposal:

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

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

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

23. Type of storm drainage:

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

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

- ☐ consent to sever ☐ approval of a plan of subdivision

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

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

yes

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.

no

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

- ☐ Yes ☒ No

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

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

- ☐ Yes ☒ No

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

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

☒ Yes ☐ No

Comments _____

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

32. Is the land within 600 m of property that is designated as Extractive Industrial?

☐ Yes ☒ No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.

Dated at the _____ Town _____ of LaSalle _____ this 19th day of September, 2024.

(signature of applicant, solicitor or authorized agent)

I, Katie Blais of the County of Essex
in the Municipality of LaSalle 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 _____ County _____ of Essex _____ in the _____ Town _____
of LaSalle _____ this 19th day of September, 2024.

Katie Blais
Applicant, Solicitor or Authorized Agent

Katie Rose Blais, a Commissioner, etc.,
Province of Ontario, for Rosati Construction Inc.
and its associated companies
Expires January 16, 2027.
A Commissioner,

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

365 Sandwich Street

PT LT 3 CON 1 MALDEN (AMHERSTBURG) AS IN R268627 EXCEPT PT 1
12R10000, PT 1 12R12572, PTS 1, 2 12R14329; AMHERSTBURG

I/We, the undersigned, being the registered owner(s) of the above lands hereby

authorize Tony Rosati of the Rosati Construction Inc.

6555 Malden Road
519-734-6511

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 County of Essex in the
Town of Amherstburg, this 19th day of September, 2024.

Antonio M Francisco

Signature of Witness

Signature of Witness

Signature of Witness

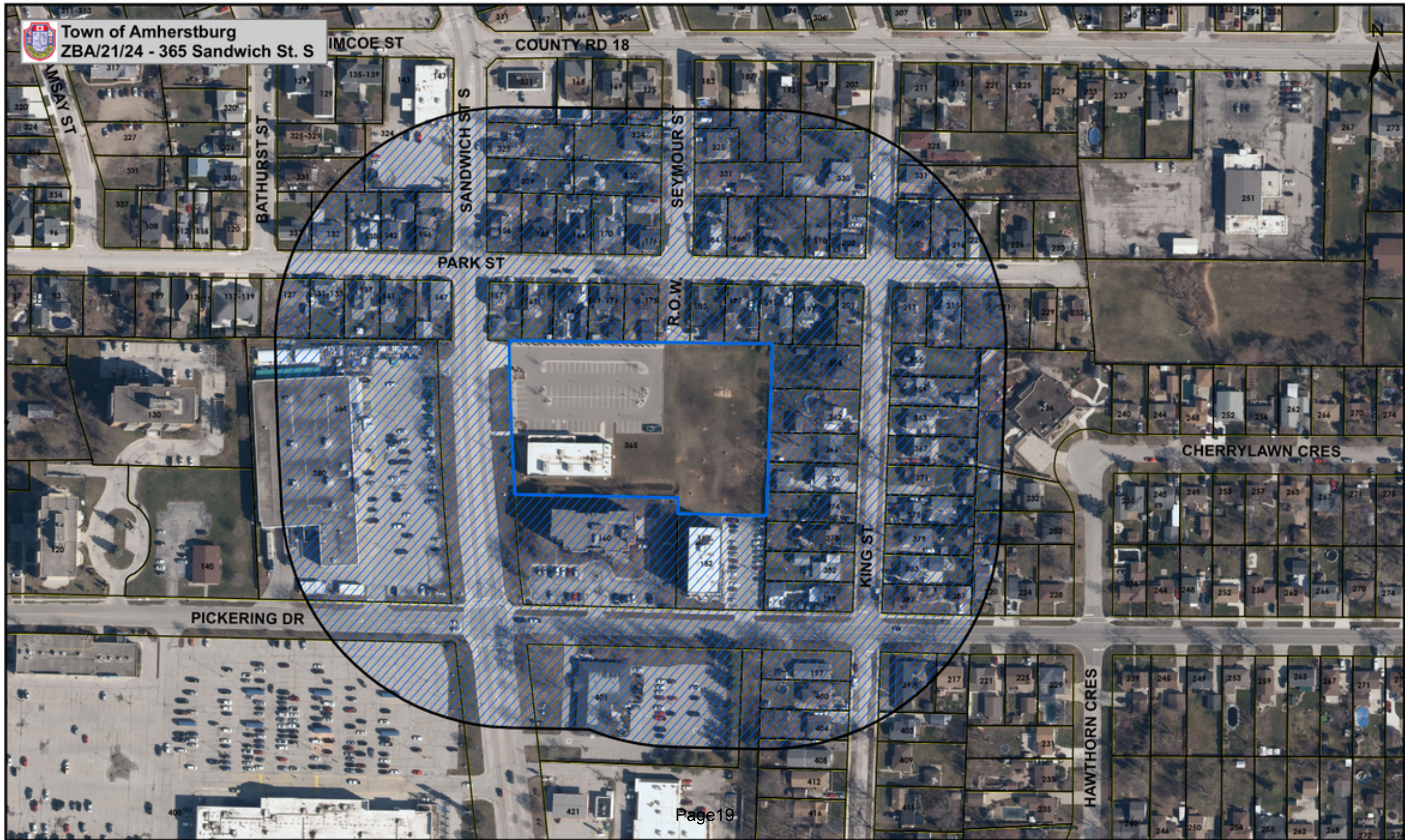
Terry Jones

Signature of Owner

Signature of Owner

Signature of Owner

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



ZBA/21/24 - 365 Sandwich St. S

ARN	ADD1	ADD2	STREETNAME
372910000001300	138		PARK ST
372910000001200	132		PARK ST
372910000001000	331		BATHURST ST
372910000001400	142		PARK ST
372910000001100	337		BATHURST ST
372910000000900	325	329	BATHURST ST
372910000001500	146		PARK ST
372910000000300	322		SANDWICH ST S
3729090000006100	201		PARK ST
3729090000004400	355		KING ST
3729090000004800	371		KING ST
3729090000004700	367		KING ST
3729090000006200	197		PARK ST
3729080000007700	230		CHERRYLAWN CRES
3729090000005100	383		KING ST
3729090000007150	160		PICKERING DR
3729090000003500	216		PARK ST
3729090000001400	325		SEYMOUR ST
3729090000000800	330		KING ST
3729090000004600	363		KING ST
3729090000000700	331		KING ST
3729090000004300	211		PARK ST
3729090000004100	221		PARK ST
3729090000006700	169	171	PARK ST
3729090000007000	157		PARK ST
3729090000001600	330		SEYMOUR ST
3729090000002800	176		PARK ST
3729080000000100	220		PICKERING DR
3729090000005800	366		KING ST
3729090000003000	188		PARK ST
3729090000002500	162		PARK ST
3729090000005500	378		KING ST
3729090000005600	374		KING ST
3729090000004900	375		KING ST
3729090000005200	387		KING ST
3729090000006400	187		PARK ST
3729090000003200	198		PARK ST
3729090000003600	220		PARK ST
3729090000006000	354		KING ST
3729090000006300	191		PARK ST
3729090000002600	166		PARK ST
3729090000001700	324		SEYMOUR ST
3729090000002200	325		SANDWICH ST S
3729090000002900	184		PARK ST
3729090000003300	202		PARK ST

372909000002300	329		SANDWICH ST S
372909000004200	215		PARK ST
372909000005700	370		KING ST
372909000005000	379		KING ST
372909000005900	362		KING ST
372909000002400	156		PARK ST
372909000006500	183		PARK ST
372908000007800	232		CHERRYLAWN CRES
372909000003400	339		KING ST
372909000006800	165		PARK ST
372909000006900	161		PARK ST
372909000003100	194		PARK ST
372909000007101	365		SANDWICH S
372909000006600	175		PARK ST
372909000005400	382		KING ST
372909000002700	170		PARK ST
372909000004500	359		KING ST
372909000001300	183		SIMCOE ST
372909000001800	175		SIMCOE ST
372909000002100	321		SANDWICH ST S
372909000001100	193		SIMCOE ST
372909000001200	187		SIMCOE ST
372909000001000	197		SIMCOE ST
372909000001900	169		SIMCOE ST
372909000002000	165		SIMCOE ST
372909000000900	203		SIMCOE ST
372908000007900	236		CHERRYLAWN CRES
372909000007100	182		PICKERING DR
372909000001500	331		SEYMOUR ST
372909000005300	198		PICKERING DR
372909000000600	325		KING ST
372910000001600	147		PARK ST
372910000001700	141		PARK ST
372910000000100	380		SANDWICH ST S
372910000002000	131	133	PARK ST
372910000002100	127		PARK ST
372910000001800	137		PARK ST
372905000002300	400		SANDWICH ST S
372906000000600	197		PICKERING DR
372906000000800	404		KING ST
372906000002000	403		KING ST
372906000000700	400		KING ST
372906000000500	401		SANDWICH ST S
372906000000400	421		SANDWICH ST S
372906000002100	397		KING ST
372906000002200	217		PICKERING DR
372906000000900	408		KING ST



Summary of Correspondence Received on Proposed ZBA for 365 Sandwich Street South

Below is a summary of the comments received by the Planning Services Division on ZBA/21/24.

Infrastructure Services:

No Concerns

Fire Services:

No comments from fire on the zoning application.

Building Department:

No concerns with the proposed uses in the existing structure and on the existing site. Building permits are required for interior alterations.

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2024-074**

**By-law to amend Zoning By-law No. 1999-52
365 Sandwich Street South, Amherstburg**

WHEREAS pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13 Zoning by-laws may be passed by the councils of local municipalities.

AND WHEREAS pursuant to Subsection 10 of Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13 the Zoning by-law may be amended.

AND 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. THAT Section 16(4)(m) of By-law 1999-52, as amended, is hereby amended by adding the additional subsection after subsection (ii) as follows;
 - “(iii) Uses Permitted
 1. Food Store within the existing structure as of the date of this by-law.
 2. Any use permitted in a CH Zone.
 - (iv) Notwithstanding Section 3(22)(b) and Section 3(22)(f) one outdoor patio shall be permitted accessory to the permitted food store. No additional parking shall be required for the accessory patio.”
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 28th day of October, 2024.

MAYOR – MICHAEL PRUE

CLERK – KEVIN FOX