



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: Janine Mastronardi and Christopher Aspila	Report Date: January 27, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: February 13, 2023
Author's E-mail: jmastronardi@amherstburg.ca caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 580 Middle Sideroad

1. **RECOMMENDATION:**

It is recommended that:

1. **By-law 2023-004** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 580 Middle Sideroad be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Dillon Consulting on behalf of Pacitti Contracting Company Inc. The subject lands are located on the northwest corner of Middle Sideroad and Concession 2 N and are municipally known as 580 Middle Sideroad (refer to Appendix A).

The purpose of the application is to additionally allow for a maximum of six dwelling units above the first floor within new mixed-use buildings along with site specific lot and building regulations to accommodate the proposed site plan. The site currently contains two commercial buildings. The current uses of the buildings are in compliance with the site's current zone provisions. Site pictures are attached as Appendix B.

There is a concurrent application for consent which was approved by the Committee of Adjustment on January 11, 2023. A proposed condition of the consent approval is that a zoning by-law amendment be approved for a reduced interior side yard setback for the

retained parcel to accommodate the existing buildings on site. The Committee of Adjustment decision is attached as Appendix C. The proposed land severance plan and proposed conceptual plan are attached as Appendix D and Appendix E.

A Statutory Public Meeting under the Planning Act was held on December 12, 2022, at which comments were received from members of the community and Council. Following the December 12, 2022 meeting, Administration worked with the applicants to address comments and bring forward this report for Council's consideration.

The subject property is designated Neighbourhood Commercial in the Town's Official Plan and is currently zoned Special Provision Commercial Neighbourhood (CN-12) in the Town of Amherstburg Zoning By-law 1999-52.

The subject property's land use was proposed to change from Low Density Residential to Commercial Neighbourhood during the 2007-2008 Official Plan Review public process. This process involved an extensive public consultation. The intent of the change in designation was to provide land for neighbourhood commercial uses to serve the Kingsbridge, Pointe West and Golfview subdivision areas. The current Official Plan was adopted by Council in 2009 and received Ontario Municipal Board approval in 2010.

The current site specific Commercial Neighbourhood Zoning was approved by Council on June 10, 2013 and further amended and approved by Council on June 13, 2016. Commercial Neighbourhood uses along with one dwelling unit are currently permitted on the subject property.

3. **DISCUSSION:**


Statutory Public Meeting Follow-up

Administration has addressed the questions and concerns raised at the Statutory Public Meeting through a table located below.

Table 1: Comments from the Statutory Public Meeting regarding the Zoning By-law Amendment proposed for 580 Middle Sideroad.

Comment	Administration's Response
What can be built if the ZBA is not approved?	<p>The current zoning is a dual zone CN-12/R1A which includes the following permitted uses;</p> <p>CN-12 Zone permits;</p> <ul style="list-style-type: none">(i) business office;(ii) day care;(iii) dry cleaner's distribution station;(iv) dwelling unit;(v) medical/dental office;(vi) personal service shop;(vii) professional office;(viii) public use;(ix) retail store;(x) convenience store;

	<p>(xi) video rental establishment.</p> <p>R1A Zone permits; (i) single unit residential uses; (ii) home occupation; (iii) accessory uses; (iv) public use.</p> <p>The proposed ZBA is proposing to permit a maximum of six (6) dwelling units on the severed parcel.</p>
Concerns with Essex Terminal Railway (ETR) development restrictions.	The requested development restrictions are standard planning practice. The applicant and agent have confirmed they will be working with ETR through the SPC process to ensure all requirements are addressed to ETR's satisfaction.
ERCA's request for quality and quantity values to be provided in a stormwater management report.	A stormwater management (SWM) report will be a required study to form a complete site plan control (SPC) application. This is a standard request from ERCA, they will be provided the SWM report as part of the formal circulation requesting comments/review from agencies during SPC.
Concern with the height of the commercial development due to the proximity to residential properties.	<p>The maximum height permitted in the CN zone is 10 m. The maximum height permitted in the surrounding R1A zone is 10.5 m.</p> <p>The Chief Building Official has confirmed that with a commercial unit on the first floor, a residential unit on the second floor and with a pitch roof design a third storey would not be possible with the current height maximum of 10 m.</p> <p>The agent has confirmed that the applicant's intent is to only build two storeys with a building height of approximately 8-9 m depending on roof pitch.</p>
Why is the development proposed to be on private onsite septic system? Is the site large enough for these systems?	<p>The sanitary sewer line does not extend to the subject property where the development is proposed on Concession 2 N. All surrounding developments on Concession 2 N are also serviced by private onsite septic systems.</p> <p>Through the SPC process a development agreement will be entered into, a provision will be included in this agreement requiring that if sanitary sewers are extended and are possible to service the subject parcel</p>

	<p>the owner will be required to connect to said sanitary sewer.</p> <p>The applicant's agents have confirmed that there is adequate space available on the severed parcel to accommodate an onsite septic system to service six commercial units and six residential units.</p>
<p>What is the nearest connection point for the sanitary sewer? What would the cost be to extend the sanitary sewer?</p>	<p>The closest connection point (green line) can be seen below on Clubview Drive.</p>  <p>If sanitary sewers were extended it is Town policy that all properties along the extension with the ability to connect would be required to connect.</p> <p>The Director of Engineering and Infrastructure has advised that the extension of the sanitary sewer would cost approximately \$300,00 to \$600,000, subject to the feasibility of getting the sanitary to the area and any additional concerns that could affect the cost.</p>
<p>What is the purpose of the severance?</p>	<p>The agent on the applications has advised that the purpose for the severance is for tax reasons and ownership reasons. There are two companies, one for each development.</p>
<p>Mike and Danielle Stevenson, 991 Conc 2 N Concerns:</p> <ul style="list-style-type: none"> - Strongly against the proposed ZBA - Decrease in property values - People live outside of urban areas to be outside of urban areas - New owners of new lots not made aware 	<p>The subject property and 991 Conc 2 N are located within the Settlement Boundary. The County's Official Plan has had these lands as primary settlement lands since amalgamation. The intent of the Provincial Policy Statement, County and Town's Official Plans is to have mixed use development, intensification and walkable communities within these primary settlement areas.</p> <p>The land use has not changed since 2010. The existing two commercial buildings were existing prior to the new lots being severed. 1000 Concession 2 N has a similar zoning to the subject lands being a dual CN-11/R1A Zone.</p>

<p>John and Tracy Valaris, 1006 Concession 2 N</p> <p>Concerns:</p> <ul style="list-style-type: none"> - Opposes proposed ZBA - Commercial property and rental properties - Concern with the aesthetic of the new development - Concern with increased pedestrian traffic in the area - Decrease property values - If ZBA is approved will build a large apartment complex on property 	<p>The Neighbourhood Commercial land use designation has been existing since 2010. A dwelling unit has been a permitted use on the property as well. Commercial spaces typically are rented units because without further planning approvals the entire development would be owned by one owner.</p> <p>The agent on the application has confirmed that the intent of the developer is to build the third phase of the development in a consistent aesthetic with the existing development in the first two phases to the south.</p> <p>An increase in pedestrian traffic in the area is a desired effect of neighbourhood commercial development. Good planning practices promotes walkable communities with daily services and conveniences being provided in neighbourhood commercial nodes within large residential developments.</p> <p>The property at 1006 Concession 2 N is designated Low Density Residential and zoned Residential Type 1A (R1A). The permitted uses for this zone are single unit residential uses, home occupation, accessory uses and public use. The maximum height is 10.5 m. A large apartment complex would not be permitted and a ZBA would not be supported by the Official Plan.</p>
<p>Mohamed Saeed, 1012 Concession 2 N</p> <p>Concerns:</p> <ul style="list-style-type: none"> - Strongly opposes proposed ZBA - Decrease in property values - Proposed development will impact quiet neighbourhood 	<p>Middle Sideroad (County Road 10) is an arterial road and Concession 2 N is a collector road. The proposed development will have access from both of these ROWs. The ZBA application is proposing the increase in impact on traffic of 5 residential apartment units. All commercial uses and one residential unit on the site is already permitted.</p>

The applicants will be required to complete the site plan control process. Administration is the approval authority.

Planning Analysis

The submitted application seeks to amend the existing site specific Special Provision Commercial Neighbourhood/Residential Type 1A (CN-12/R1A) Zone. Through discussion with the agent on the application it has been agreed to remove the R1A from the entire parcel's zoning as the property is proposed to be developed for Commercial Neighbourhood purposes.

The proposed severed parcel will have its zoning amended to a site specific CN-14 Zone which will allow for all of the previous zone's uses and provisions with the addition of up

to a maximum of six (6) dwelling units on the property above the first floor and a maximum driveway width of 11 m.

The proposed retained parcel will maintain the existing CN-12 Zone with the proposed amendment to permit an interior side yard setback to the north property line of 1.5 m to acknowledge the setback of the existing commercial building on the site and to allow the required loading space for the site to be supplied on the abutting lot subject to a site plan agreement, easement and reciprocal use agreement.

The requested zoning by-law amendment is proposed to implement the conceptual site plan. Should the ZBA be approved the development would also be subject to the execution of a site plan control agreement to ensure orderly development of the site, subject to easements and subject to reciprocal access, parking and servicing agreements.

Provincial Policy Statement

The Provincial Policy Statement was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

When reviewing a planning application to determine if the requested Zoning By-law Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS).

The PPS provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS recognizes that the wise management of development may involve directing, promoting, or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs while achieving efficient development patterns.

The following policy excerpts from the PPS are particularly applicable to the subject applications:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable, and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.

- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) Avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*.
- e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification*, and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.
- f) Improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and project needs.
- h) Promoting development and land use patterns that conserve biodiversity; and
- i) Preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area. Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*. Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - 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;
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - d) prepare for the impacts of a changing climate;
 - e) support active transportation;
 - f) are transit-supportive, where transit is planned, exists or may be developed; and
 - g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 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.
- 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.

Additional policies from the Provincial Policy Statement that support the proposed development are referenced in the Dillon Consulting Planning Justification Brief, attached as Appendix F, and includes Policies 1.2.6.1, 1.3.1, 1.4.1, 1.4.3, 1.6.6.3, 1.6.6.7, 1.6.7.4, 1.7.1, 1.8.1.

County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Official Plan Amendment include:

Section 1.5 Goals for a Healthy County outline the following:

- 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.

- To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and *transportation systems* that create more *sustainable*, efficient, healthy, and liveable communities.
- To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- To prohibit urban forms of *development* outside of designated “*Settlement Areas*” and discourage urban *development* in areas with partial municipal services.

Section 2.2 Growth Management note the following:

The health of the County requires that long-range land use planning and *infrastructure* investment are properly managed in a way that will:

- Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

Section 3.2 Settlement Areas

Section 3.2.2 Goals set out the following policies:

- Support and promote public and private re-investment in the *Primary Settlement Areas*.
- To support and promote healthy, diverse and vibrant *settlement areas* within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.
- To promote *development* within *Primary Settlement Areas* that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.

Section 3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County. The locations and boundaries of the Primary

Settlement Areas within the County have been identified on Schedule “A2”, and include the following:

- a) Urban area of Amherstburg (Town of Amherstburg)

Additional policies from the County Official Plan that support the proposed development are referenced in the Dillon Consulting Planning Justification Brief, attached as Appendix F, and includes Sections 2.8, 2.8.4, 2.10, 2.13 and 3.2.7.

Town of Amherstburg Official Plan

The Official Plan currently designates the subject lands Neighbourhood Commercial. Section 4.4. of the Plan sets out the following policies:

4.4 COMMERCIAL LAND USE DESIGNATIONS

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas.

4.4.1 Neighbourhood Commercial

The uses permitted in the Commercial Neighbourhood designation shall be limited to those commercial uses which provide for the sale of convenience goods and services to meet the daily living needs in foods, sundries and personal services, and may include neighbourhood business and professional offices.

The development of Neighbourhood Commercial areas may take place in the form of a small shopping plaza owned and operated as a unit or as individual establishment. The scale of development shall be guided by the population of the area to be served, the location of the site relative to abutting land uses and road classification. The actual size of the uses permitted will be specified by the Zoning By-law.

Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

No open storage shall be permitted in Neighbourhood Commercial areas.

The location of the Neighbourhood Commercial areas shall be in accordance with Schedules “A” and “B”. Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.

The building or buildings contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.

The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

Additional policies from the Town Official Plan that support the proposed development are referenced in the Dillon Consulting Planning Justification Brief, attached as Appendix F, and includes Sections 1.7.3, 2.6.2, 2.7, 5.2 and 6.6.

Section 6.7 of the Town of Amherstburg Official Plan – Planning Impact Analysis set out several areas that must be considered as part of an Official Plan Amendment or Zoning By-law amendment. These include:

6.7 PLANNING IMPACT ANALYSIS

It is a policy of the Official Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:

- (1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.
- (2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.
- (5) The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- (7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;
- (8) The location of lighting and screening, and the adequacy of parking areas;
- (9) The provisions for landscaping and fencing;
- (10) The location of outside storage, garbage and loading facilities;
- (11) Conformity with the provisions of the Site Plan Control By-Law;
- (13) Measures planned by the applicant to mitigate any adverse impacts on surrounding

land uses and streets which have been identified as part of the Planning Impact Analysis.

Consideration with respect to the above noted evaluation criteria is as the follows;

- Commercial neighbourhood and residential land uses are consistent with neighbouring uses.
- The height of the proposed buildings will not impact the surrounding land uses.
- The parcel size is adequate to accommodate the intensity of the proposed use including required parking, septic systems and landscaped areas.
- The design and layout of the proposed buildings integrate into the present and future land use in the area in that they will have a similar aesthetic to the adjacent commercial buildings and will have an approximate foot print of 3100 sq ft, similar to surrounding buildings.
- Provisions for lighting, screening, parking, landscaping, fencing, garbage and loading facilities will be addressed appropriately through site plan control.
- The setback provided from the residential properties to the north exceeds the zone's minimums and contains a 6 m drainage corridor and the grassed area containing septic systems.

Town of Amherstburg Zoning By-law 1999-52

The Commercial Neighbourhood (CN) Zone provides for the following:

(1) SCOPE

The provisions of this Section shall apply in all Commercial Neighbourhood (CN) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any CN Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following CN uses, namely:

- (i) business office;
- (ii) day care;
- (iii) dry cleaner's distribution station;
- (iv) dwelling unit;
- (v) medical/dental office;
- (vi) personal service shop;
- (vii) professional office;
- (viii) public use;
- (ix) retail store;
- (x) convenience store;
- (xi) video rental establishment.

(3) ZONE REQUIREMENTS

No person shall within any CN Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Lot Area (Minimum)

No Minimum

(b)	Lot Frontage (Minimum)	15 m
(c)	Front Yard Depth (Minimum)	7 m
(d)	Interior Side Yard Width (Minimum) provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard width shall be 10 m.	7 m
(e)	Exterior Side Yard Width (Minimum)	10 m
(f)	Rear Yard Depth (Minimum) provided that where the rear lot line abuts a Residential Zone, the minimum rear yard depth shall be 10 m	7 m
(g)	Lot Coverage (Maximum)	30%
(h)	Landscaped Open Space (Maximum)	20%
(i)	Dwelling Unit Area (Minimum)	55 m ²
(j)	Gross Commercial Floor Area Per Permitted Use (Maximum)	140 only
(k)	Height (Maximum)	10 m
(l)	Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.	

(4) SPECIAL PROVISIONS

(l) CN-12

Notwithstanding the provisions of this By-law to the contrary, within any area zoned CN-12 on Schedule "A" hereto, the following special provisions shall apply:

(i) Commercial Gross Floor Area Per Permitted Use (Maximum)	558 m ²
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All other regulations of the By-law apply.

The submitted application does not facilitate a change in the established land use of the property. The established land use as provided by the Official Plan is Neighbourhood Commercial since 2010 with several permitted uses listed in the CN Zone and supported by the OP policies. Instead the ZBA seeks to expand on an existing permitted use on the site, currently one dwelling unit is permitted, proposing to expand to permit six dwelling units, establish a revised interior side yard setback for the existing building on the retained parcel (Appendix D), permit a loading space be on an abutting property subject to site plan control, an easement and a reciprocal parking agreement and increase the permitted driveway width by 1 m to implement the proposed conceptual site plan (Appendix E).

The Town's Zoning By-law currently zones the subject lands as Residential Type 1A/Special Provision Commercial Neighbourhood (CN-12). Within this zone category, a range of residential and commercial land uses are permitted.

In the event this application is approved by Council, the development would also be subject to the execution of a site plan control agreement to ensure orderly development of the site, subject to easements and subject to reciprocal access, parking and servicing agreements.

The applicants have provided a Planning Justification Brief from Dillon Consulting prepared by Melanie Muir, provided in the attachments to this report as Appendix F. Administration concurs with the opinion of the planner for the applicants that the proposed Zoning By-law Amendment is considered to be consistent with the 2020 PPS, is in conformity with the County Official Plan, meets the general intent and purpose of the Official Plan. The site is underutilized land that would be further supported through intensification, is physically suitable and well located to support the proposed mixed use development, would be able to co-exist in harmony with the adjacent residential land uses, can add to the vitality of the area while supporting efficient use of land and existing infrastructure, the mixed use development promotes compact form and intensification, and the proposed development is compatible with the surrounding land uses in scale, massing and landscaping. The proposed amendment to the Zoning By-law will permit additional five (5) dwelling units on the property with minor site specific provisions to accommodate a conceptual site plan, otherwise it will be in keeping with the current permitted uses.

The request to decrease the interior side yard setback to the north property line on the retained parcel, the request to locate a loading space on an abutting lot, the request to increase a permitted use of one (1) dwelling unit to six (6) dwelling units which will be contained in three 2-storey mixed use buildings and the request to increase the maximum driveway width from 10 m to 11 m does not facilitate any negative impacts on surrounding properties. The application is considered to conform to good planning principles.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. Should Council not approve the proposed application for ZBA, the consent which has been approved by the Committee of Adjustment could not be finalized. The new Commercial Neighbourhood lot could then not be severed and transferred.

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

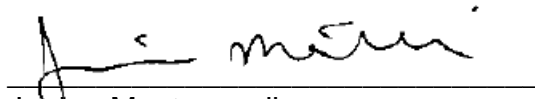
departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. A summary of comments received is attached as Appendix H.

No further consultation is required.

7. CONCLUSION:

It is the opinion of administration that the Zoning By-law Amendment allows for the appropriate development of the subject lands, is consistent with the policies of the Provincial Policy Statement, 2020, and conforms with the policies of the County of Essex Official Plan and the Town of Amherstburg Official Plan.

Administration recommends that Zoning By-law 2023-004 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.


Janine Mastronardi
Planner
Christopher Aspila
Manager, Planning Services

JM/CA

DEPARTMENTS/OTHERS CONSULTED:

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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:	Zoning By-law Amendment for 580 Middle Sideroad.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- ZBA-23-22- Aerial.pdf- Appendix B- 580 Middle Sideroad- Site Pictures.pdf- Appendix C- B-32-22- Decision- 580 Middle Sdrd.pdf- Appendix D- Land Severance Figure.pdf- Appendix E- Pacitti Concept Plan.pdf- Appendix F- ZBA-23-22 Planning Justification Brief.pdf- Appendix G- ZBA-23-22 120m Circulation Map and List.pdf- Appendix H- Summary of Correspondence Received on ZBA-23-22.pdf- Appendix I- 2023-004- ZBA- 580 Middle Sdrd.pdf
Final Approval Date:	Feb 3, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox