

PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT

Proposed Residential Development

196 Fort Street
Amherstburg, Ontario

June 27, 2023

Prepared by:



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1.0 INTRODUCTION

I have been retained by Brendan Renaud (herein the "Applicant") to provide a land use Planning Justification Report (PJR) in support of a proposed development located at 196 Fort Street (herein the "Site") in the Town of Amherstburg, Ontario.

The entire Site is made up of one (1) 0.18 ha corner lot and currently has an existing single detached dwelling located on the property.

It is proposed to remove the existing dwelling, sever the land into three (3) parcels and construct two (2) new semi-detached dwellings and one (1) new single detached dwelling. A total of five (5) residential units will be created.

The Site is serviced by municipal infrastructure.

The proposed development will provide for infilling and intensification within an existing built-up area.

In order to accommodate the proposal, a site specific Zoning By-law Amendment (ZBA) application, to be approved by the Town of Amherstburg Council and a Consent application, to be approved by the Town of Amherstburg Committee of Adjustment, are required.

Pre-consultation by the Applicant has been completed in order to identify what support studies and applications are required. Comments have been incorporated into the proposed development.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS) 2020, the County of Essex Official Plan (COP), the Amherstburg Official Plan (OP) and the Amherstburg Zoning By-law (ZBL).

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description

The Site is legally described as Part Lot 9, Plan 240 (PIN 70553-0023) and locally known as 196 Fort Street in the Town of Amherstburg, County of Essex, Province of Ontario (ARN 37292700000120000000).

The Site has been owned by Daniel Pento, Deanna Crawford and Brendan Renaud, since May 2023.

The Site is made up of one (1) corner lot located on the north side of Fort Street and the east side of Balaclava Street South (see the area in blue in Figure 1a – Key Map).



Figure 1a – Key Map (Source Town of Amherstburg GIS Mapping)

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site subject to the application is an irregularly shaped parcel of land.

The entire Site consists of a total area of approximately 0.18 ha. It has 30.27 m of frontage along Fort Street and an irregular depth along Balaclava Street South.

2.2.2 Existing Structures and Previous Uses

The Site currently has an existing single detached dwelling located on the property. It is proposed to remove the existing dwelling.

There have been no other previous uses.

2.2.3 Vegetation and Soil

The majority of the Site consists of a manicured lawn.

There are existing mature trees on the Site, included two (2) on the municipal right-of-way.

The soil is made up of Brookston Clay (Bc).

2.2.4 Topography and Drainage

The Site is flat and part of the Amherstburg Area Drainage Area.

The Site is outside the regulated area of the Essex Region Conservation Authority (ERCA).

The Site is within a Source Water Protection Area (Event Based Area 4 and Surface Water Intake Protection Zone 2).

2.2.5 Other Physical Features

There is a wooden fence along the east side of the Site, owned by others.

2.2.6 Municipal Services

The Site is serviced by municipal water, storm and sewer.

There are sidewalk on both sides of Fort Street and Balaclava Street South.

There are streetlights along the south side of Fort Street.

Fort Street and Balaclava Street South are 2-way street with a 4-way stop at the intersection. Both roads are considered 'Local Roads'.

Fire hydrants are located close to the Site.

The nearest bus stop is along Alma Street at Balaclava Street South (Stop ID 2322).

The Site is close to major roadways, including Alma Street, Simcoe Street and County Road 20 (Sandwich Street South).

2.2.7 Nearby Amenities

There are schools located close to the Site, including Amherstburg Public School, North Star High School, Stella Maris Catholic Elementary School.

There are parks and recreation opportunities in close proximity, including Centennial Park, Bill Wigle Park and Amhersburg AK Park.

There are nearby commercial, including food service, personal service shops, gas stations, and retail.

There are also nearby employment lands, places of worship, libraries and local/regional amenities within the settlement area.

2.3 Surrounding Land Uses

Overall, the Site is located within an existing settlement area with residential uses.

There are many similar types of infilling development in the area including those located between 5 and 15 Venetian Drive, 143 and 145 Fryer Street, 336 Victoria Street South, and 117 and 119 Park Street (see stars for locations of similar developments Figure 1b – Locations).

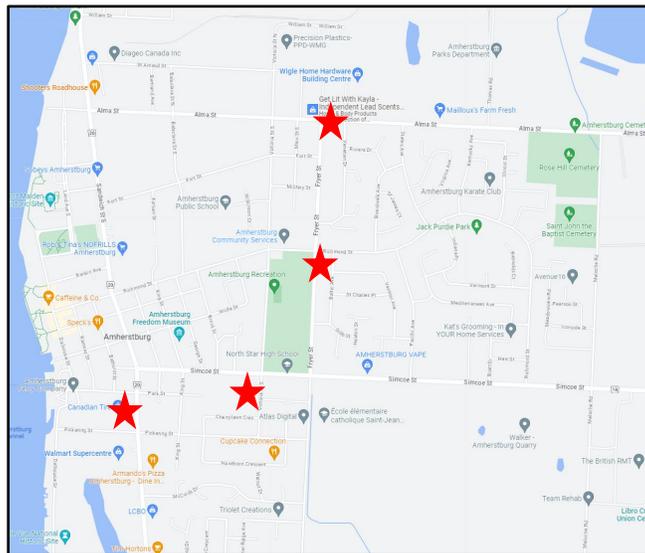


Figure 1b – Locations (Source: Google Map)

A Site Visit was undertaken on June 10, 2023. Photos were taken by Pillon Abbs Inc.

North – The lands to the north of the Site are used for residential with access from Balaclava Street South (see Photo 1 – North).



Photo 1 – North

East – The lands east of the Site are used for residential with access from Fort Street (see Photo 2- East).



Photo 2 – East

South – The lands south of the Site are used for residential with access from Fort Street (see Photo 3 - South).



Photo 3 – South

West – The lands to the west of the Site are used for residential with access from Balaclave Street South and Fort Street (see Photo 4 – West).



Photo 4 –West

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

The entire Site is made up of one (1) 0.18 ha corner lot and currently has an existing single detached dwelling located on the property.

It is proposed to remove the existing dwelling, sever the land into three (3) parcels and construct two (2) new semi detached dwelling and one (1) new single detached dwelling.

A preliminary concept plan has been prepared to illustrate how the lots will be severed and the location of the dwellings (see Figure 2 – Concept Plan).

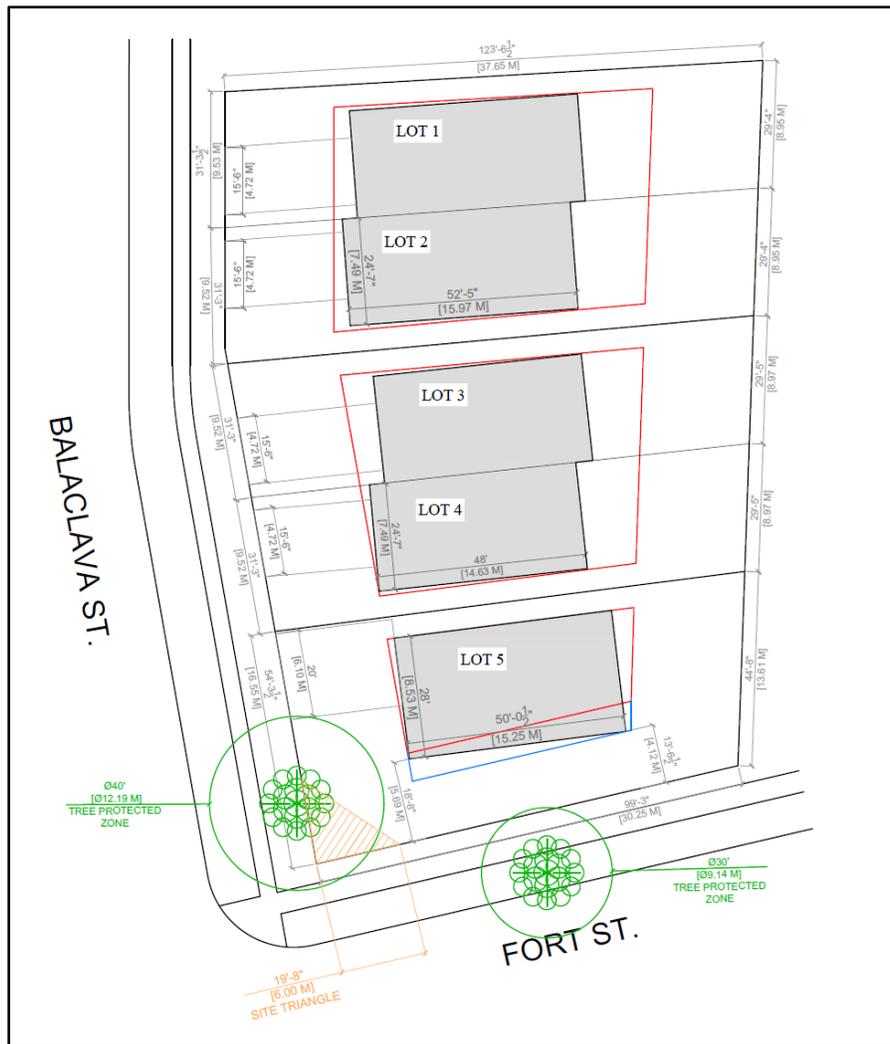


Figure 2 – Concept Plan

A total of five (5) residential units will be created.

Lots 1 to 4 are proposed to have an lot area of 315 m² (per unit) and Lot 5 is proposed to have a lot area of 467 m².

The proposed development will result in a gross density of 17.86 units per hectare (uph). Gross density includes the required infrastructure (0.28 ha).

Each unit will be freehold (privately owned).

The vision for the proposed development is smaller yards, main-level living and covered rear yard porches.

The Site is serviced by municipal water and sewer.

Access to the Site will be from Balaclava Road onto private driveways.

Each unit will have its own driveway, garage and amenity space.

A site visibility triangle is being provided.

The two (2) existing trees located in the right-of-way will remain. The Applicant has included the location of the trees and a tree protection zone on the concept plan in order to identify any impacts on the trees.

3.2 Public Consultation Strategy

The Planning Act requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the Applicant proposes that the required public meeting will be sufficient due to the small scale of the proposed development.

4.0 APPLICATIONS AND STUDIES

Pre-consultation by the Applicant has been completed in order to identify what support studies and applications are required.

Comments received by municipal staff have been incorporated into the proposed development.

The following explains the required applications.

4.1 Zoning By-Law Amendment (ZBA)

A site specific ZBA is required in support of the proposed residential development.

The Town of Amherstburg Council is the approval authority.

The current zoning for the Site is "Residential First Density (R1) Zone", as set out on Map 38 of the Zoning By-law.

It is proposed to amend the current zoning of the Site to a site specific "Residential Second Density (R2) Zone" to permit the proposed uses along with requested relief from the zoning provisions.

The ZBA is detailed, and the justification is set out in Section 5.1.4 of this PJR.

4.2 Consent

Once the ZBA has been considered and approved, a Consent approval will be required in order to sever the lots.

The Town of Amherstburg Committee of Adjustment is the approval authority.

Additional Consent approval is required once the common wall is located in order to create the freehold units.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PJR.

4.3 Other

Once the ZBA and Consent applications have been approved, Building Permit applications will be required prior to any demolition, constructing or site alterations.

Permits will be required for the demolition of the existing building and the construction of the proposed buildings.

Permits will include lot gardening, drainage, servicing and addressing.

4.4 Supporting Studies

No supporting studies were required or prepared as part of the proposed development.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	<p>The proposed use is appropriate for the Site.</p> <p>The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.</p> <p>The surrounding area consists of existing residential uses.</p>
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p>	<p>The proposed development is consistent with the policy to build strong, healthy and livable communities as it will provide for more housing choices in an existing settlement area.</p> <p>There are no environmental or public health and safety</p>

PPS Policy #	Policy	Response
	<p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>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;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>concerns as the area is well established.</p> <p>The development pattern does not require expansion of the settlement area.</p> <p>The Site has access to full municipal services and is close to nearby amenities.</p> <p>Building Permits will include lot grading, drainage, and servicing design/plans.</p> <p>Public service facilities are available within the settlement area, such as police and fire protection.</p> <p>The development pattern is proposed to be an efficient use of an underutilized parcel of land.</p>
1.1.2	<p>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.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if</p>	<p>The proposed development will help the Town meet the full range of current and future residential needs through infilling.</p> <p>The Site is an appropriate size for the development.</p> <p>The Site is flat, making it conducive to vehicle maneuvering.</p>

PPS Policy #	Policy	Response
	necessary, designated growth areas.	The Site will provide for more housing choices in an existing settlement area.
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within the Town's settlement area and close to nearby amenities.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> 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. 	<p>The total density (17.86 uph) of the proposed development is considered appropriate and is supported by the OP.</p> <p>The Site offers an opportunity for infilling by creating more housing in an existing settlement area.</p> <p>The infilling can be accommodated for the proposed development as it is an opportunity to use an underlized parcel of land within an existing settlement area.</p> <p>There are currently residential uses surrounding the Site.</p> <p>The design and style of the residential dwellings will be constructed to a high standard.</p> <p>The proposed building will blend well with the dwellings in the area.</p> <p>The land area is sufficient to accommodate the proposed development.</p>

PPS Policy #	Policy	Response
		Residents will have immediate access to nearby amenities within the settlement area.
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	<p>Infilling can be accommodated for the proposed residential development as it is an appropriate use of the Site.</p> <p>The Site is considered underutilized.</p> <p>The Site is designated for residential in the Town OP.</p>
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.	<p>Infilling can be accommodated as this is a development opportunity within an existing settlement area.</p> <p>There will be no risks to the public.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The County has incorporated principles for intensification and determining and reviewing targets for their OP. This development supports those principles and targets for providing additional housing.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and	The proposed development will allow for the efficient use of land, infrastructure and public services.

PPS Policy #	Policy	Response
	should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	
1.4.1 - Housing	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide for more housing in an existing settlement area.</p> <p>Infilling can be accommodated for the proposed development as it is within an existing settlement area.</p> <p>The area is pedestrian friendly with sidewalks along Fort Street and Balaclava Street South allowing residents to access nearby amenities.</p> <p>Existing municipal services are available.</p> <p>Building Permits will include lot gardening and drainage, servicing.</p>
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.	<p>The proposed development is compatible with the surrounding area and will provide infilling through the efficient use of the Site.</p> <p>The Site is close to nearby amenities.</p>

PPS Policy #	Policy	Response
		There is existing infrastructure.
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	The development has access to existing municipal services. There is access to major roadways and the Site is in close proximity to nearby amenities.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by existing municipal sewer, water and storm, which is the preferred form of servicing within existing settlement areas.
1.6.6.7	Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of	There will be no risk to health and safety.

PPS Policy #	Policy	Response
	<p>stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The subject property is in close proximity to major transportation corridors.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed development contributes to the Town's requirements for development within an existing built-up area.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The proposed development contributes to the Town's requirement for infilling within a built-up area.</p> <p>The area is pedestrian friendly, allowing people to access nearby amenities.</p> <p>The proposed density offers an opportunity to efficiently use existing municipal infrastructure.</p>
1.8	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse</p>	<p>The proposed development supports a compact form within an existing built-up area of the Town.</p>

PPS Policy #	Policy	Response
	gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	The Site has access to local amenities.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing service connections are located near the Site and will be expanded for the additional capacity.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site. The Site is not subject to any ERCA regulations. Sourcewater protection can be addressed.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 County of Essex Official Plan (COP)

The County of Essex is the upper tier municipality to the Town of Amherstburg. The County's Official Plan (COP) is dated February 19, 2014, as modified by the Ministry of Municipal Affairs and Housing (MMAH) on April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the COP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The subject lands are within the "Settlement Areas" designation as shown on Schedule "A1" Land Use Plan and "Primary Settlement Areas" designation as shown on Schedule "A2" Settlement Structure Plan attached to the COP (see the area in red on Figure 3 – COP).



Figure 3 – COP

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

COP Policy #	Policy	Response
1.5 - Goals	<p>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....</p> <p>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.</p> <p>e) To create more mixed use, compact, pedestrian-oriented</p>	<p>The proposed development will support the County's goal of a "healthy county" by supporting a strong economy where people can live, work and play.</p> <p>Residents will have opportunities to enjoy nearby amenities.</p> <p>The proposed development is within the existing settlement area of Amherstburg.</p> <p>The Site will provide more housing within the existing settlement area.</p>

COP Policy #	Policy	Response
	<p>development within designated and fully serviced urban settlement areas.</p> <p>f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.</p> <p>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.</p>	
2.5.3	<p>Stormwater management reports/plans, acceptable to the County, local municipalities, local Conservation Authorities, and the Ministry of the Environment will generally be required in advance of draft approval of applications</p>	<p>The Site has access to full municipal services.</p>
2.8	<p>Development proposals will be considered in the context of all forms of transportation subject to the following objectives and policies:</p> <p>a) To facilitate the safe, energy efficient and economical movement of people and goods throughout the County.</p> <p>f) To plan for and protect corridors for transportation, transit and infrastructure.</p>	<p>The Site has access to major transportation corridors.</p>
2.10	<p>The County encourages new development to proceed on the basis of full municipal</p>	<p>The development has access to full municipal services.</p>

COP Policy #	Policy	Response
	sewage services and municipal water services and local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.	
2.13	...support energy efficiency, improved air quality, and the use of green infrastructure by considering the following during planning and development review functions....	The proposed development will be designed to incorporate a compact form, efficient use of land and a mixture of uses and housing types.
3.2.2 – Settlement Areas	<p>b) 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.</p> <p>c) 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.</p> <p>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</p>	<p>The proposed development is within an existing settlement area.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>The Site is generally level which is conducive to easier vehicular movements.</p> <p>The Site will be pedestrian friendly.</p> <p>Full municipal services are available.</p>

COP Policy #	Policy	Response
	<p>policies contained within this Plan.</p> <p>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.</p> <p>i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.</p>	
3.2.4.1 – Primary Settlement Area	<p>The following policies apply to Primary Settlement Areas:</p> <p>a) Primary Settlement Areas shall be the focus of growth and public/private investment in each Municipality.</p> <p>b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).</p> <p>i) Cost effective development patterns and those which will</p>	<p>The Site is located within a primary settlement area.</p> <p>The proposed development will provide a new housing choice with full municipal services.</p>

COP Policy #	Policy	Response
	minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.	
3.2.7 – Intensification and 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.	The proposed development will create an opportunity to use a vacant and underutilized parcel of land for residential use. The Site will provide infilling and intensification in an existing settlement area.

Therefore, the proposed development conforms to the COP, and an amendment is not required.

5.1.3 Amherstburg Official Plan (OP)

The Town of Amherstburg Official Plan (OP) was adopted by Council on April 14, 2009 (By-law No. 2009-30) and approved by the County of Essex on July 15, 2009. The office consolidation version is dated April 10, 2017.

The OP implements the COP and PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Town.

The current designation of the Site subject to development is "Low Density Residential", as identified on Schedules "A" and "B-2" Land Use Plans (see the area in red on Figure 4 – OP).

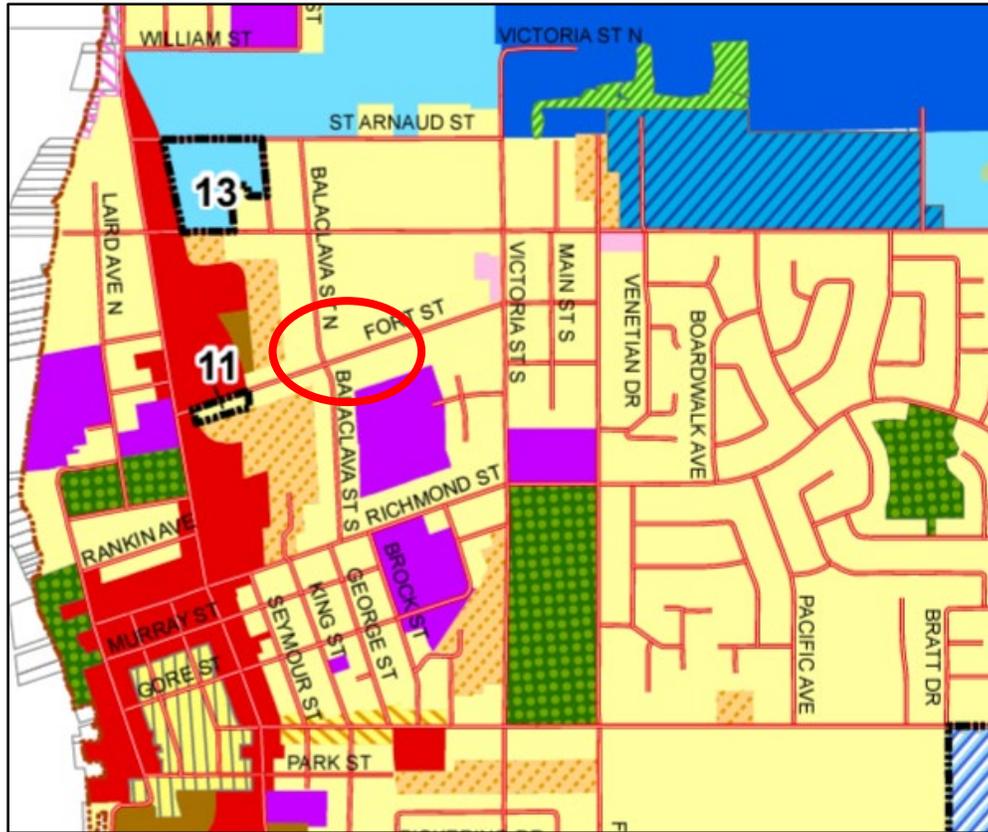


Figure 4 – OP

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
2.1 - General	In order to effectively accommodate the current and future inhabitants of the Town of Amherstburg in an orderly and logical manner the following general development policies and principles shall be applied to all land use designations and development within the Town.	<p>The number of proposed residential units will not create a significant increase in the school board's population to warrant concern.</p> <p>The Site has access to parks and recreation.</p> <p>Traffic is not anticipated to have any impacts.</p>

OP Policy #	Policy	Response
	<p>The Town of Amherstburg will endeavour to ensure that:</p> <p>(1) the various School Boards are satisfied that adequate provision to accommodate any additional school children be made;</p> <p>(2) sufficient community facilities such as parks or recreational facilities can be provided;</p> <p>(3) any increases in traffic can be accommodated by the road network without causing unacceptable congestion, accident hazard, or nuisance to adjacent residential areas;</p> <p>(4) residential amenities are maintained;</p> <p>(5) development has regard for the natural environment and ensures that it is demonstrated there are no negative impacts on the features or their functions; (Modification #2) and</p> <p>(6) adequate municipal services such as sewage disposal, water supply, storm drainage, police and fire protection, and garbage disposal can be made available without undue additional cost.</p>	<p>The residential units will have amenity space.</p> <p>Existing trees on the municipal right-of-way will be protected.</p> <p>Adequate water services, sewer services, hydro services, and road networks are available to service the proposed development.</p>
2.3 – Site Suitability	<p>Prior to the approval of any development or amendment to this Plan or the Zoning By-Law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:</p> <p>(1) soil and drainage conditions are suitable to</p>	<p>Characteristics of the site consist of flat, level ground.</p> <p>All municipal services are available to the plan with sufficient capacity to accommodate the proposed residential development.</p>

OP Policy #	Policy	Response
	<p>permit the proper siting of buildings;</p> <p>(2) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;</p> <p>(3) the road system is adequate to accommodate projected increases in traffic;</p> <p>(4) the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction;</p> <p>(5) lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing By-Law; and,</p> <p>(6) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural environmental features and functions.</p>	<p>The subject lands have access to major roadways.</p> <p>The Site fronts Fort Street.</p> <p>The proposed development will be strategically located to provide efficient ease of access.</p> <p>The size and configuration of the lots comply with the proposed zoning and are appropriate for the area development pattern.</p> <p>No adverse impacts are expected.</p>
2.6.1 – Water and Sewage	<p>Urban development or redevelopment in the Town of Amherstburg shall be directed to established Settlement Areas and developed on the basis of public piped water and sanitary sewer systems.</p>	<p>The Site is within an existing settlement area of the Town.</p>
2.6.4	<p>New proposals shall not be granted development approvals unless adequate uncommitted reserve water and sewage treatment capacity is demonstrated to be available to be allocated to accommodate the development of the site.</p>	<p>The Site has access to full municipal services.</p>

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2.7 – Stormwater Management	Stormwater management shall be required to ensure that runoff is controlled such that development does not increase peak flows to any greater extent than pre-development runoff in watercourses that impact on downstream flooding, to institute runoff control to prevent accelerated enrichment of watercourses from pollutants, and to enhance water quality and aquatic habitat.	Stormwater will be addressed at the time of a building permit for each lot.
4.2.1 – Residential Uses (General)	It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design.	The proposed development will help the Town provide more housing choices within an existing settlement area.
4.2.2 – Residential Uses (Goals)	The following goals that apply to this Site are established for the various Residential areas: (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Municipality; (2) To encourage the development of a greater variety of housing types; (4) To encourage the provision of an adequate	The Site has access to full services. Two (2) new semi-detached dwelling and one new single detached dwelling is proposed. The proposed development will be created consent. The Site offers an opportunity for infilling.

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	<p>supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;</p> <p>(5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;</p> <p>(6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period as the capacity of the Town's services permit.</p>	<p>The residential use proposed with assist in meeting housing supply for the Town.</p>
<p>4.2.3 – Residential Uses (Policies)</p>	<p>Applicable to All Residential Designations</p> <p>(1) Residential Lot Creation The creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Section 6.1 of this Plan...</p> <p>(2) Supply It shall be a policy of this Plan that residential proposals be evaluated with the intent being to achieve a housing mix.</p> <p>(3) Established Low Density Residential Areas In established low density</p>	<p>The lots will be created by consent.</p> <p>The proposed development will help the Town by providing more housing.</p> <p>The development is within a “Low Density Residential Area” designation.</p>

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	<p>residential areas, the indiscriminate mixing of different housing types shall not be permitted, in the interest of protecting the stability of existing neighbourhoods.</p> <p>Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.</p>	
4.3.1 – Low Density Residential Areas	<p>Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.</p>	<p>The proposed single detached and semi-detached dwellings are permitted in the land use designation.</p>
4.3.1(1) Maximum Density	<p>Although the existing densities within areas designated Low Density Residential are in the order of 6 to 12 units per hectare, smart growth encourages a more cost effective development pattern to better utilize services and the land base. In a desire to promote more efficient use of the land, the maximum density for single detached developments shall be 15 units per hectare and the maximum density for semi-detached development and conversions shall be 22 units per hectare. The overall maximum density shall not exceed 19 units per gross hectare. In keeping with the Provincial Policy Statement</p>	<p>A total of five (5) residential units will be created.</p> <p>The proposed development will result in a gross density of 17.86 uph, which complies with the maximum set out in the OP policy.</p> <p>The area is in an existing built-up area and can accommodate the proposed density.</p> <p>No relief is being sought for the proposed lot area or lot frontage.</p>

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	regarding intensification, in the older established portions of Amherstburg, a reduced lot frontage may be considered in the Zoning By-law where sufficient lot depth is available to accommodate new low-density residential units/lots.	
6.1.2 - Severances	Should the consent-granting authority establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to a land severance may be allowed. Generally, the consent process would only be considered for the creation of five or less lots.	It is proposed to create 3 lots by consent.
	(1) The division of land will only be allowed when all parcels involved abut a public road of a standard of construction acceptable to the Town (and the County of Essex when applicable) and safe and suitable access is available;	The Site has access to a public road.
	(2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;	No hazards are expected.
	(3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable....	The Site is flat. Building Permits will include lot grading, drainage, and servicing design/plans.

OP Policy #	Policy	Response
	(4) The division of land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law.	The proposed development is subject to a ZBA.
	(5) The division of land may be prohibited if development would occur on lands subject to severe flooding, provincially significant wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the Town in consultation with the Essex Region Conservation Authority;	The Site is outside of the ERCA regulated area.
	(7) The consent-granting authority may exercise its powers under Section 53(2) of the Planning Act, R.S.O. 1990 when reviewing the shape, size, etc. of any proposed lot;	Site share and size of the proposed development are appropriate for the area.
6.7 - Analysis	It is a policy of this 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	<p>This PJR provides a detailed planning impact analysis.</p> <p>The proposed use is compatible with the existing residential uses in the area.</p> <p>The height and location of the dwellings will blend well with the existing development pattern.</p> <p>The 2 trees in the municipal right-of-way will be protected and maintained.</p> <p>The Site has access to community services and amenities.</p>

OP Policy #	Policy	Response
	<p>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 on the basis of:</p> <p>(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;</p> <p>(2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p> <p>(3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area;</p> <p>(4) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;</p> <p>(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;</p>	<p>The Site can accommodate the proposed development as it is large enough and complies with the zoning as it pertains to lot frontage and lot area.</p> <p>Each unit will have access to a private driveway.</p> <p>The dwellings will be professionally designed.</p> <p>No mitigation is required to be addressed. The privacy and enjoyment of abutting properties will not be impacted.</p>

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	<p>(6) The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties;</p> <p>(7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;</p> <p>(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.</p>	

Therefore, the proposed development conforms to the general intent of the OP.

5.1.4 Amherstburg Zoning By-law (ZBL)

The Town of Amherstburg Zoning By-Law (ZBL) #1999-52 was approved by Council on December 13, 1999. Office consolidated version dated December 2019.

A ZBL implements the PPS, the COP and the OP by regulating the specific use of property and providing for its day-to-day administration.

The current zoning for the Site is "Residential First Density (R1) Zone", as set out on Map 38 of the Zoning By-law (see the area in red on Figure 5 – ZBL).

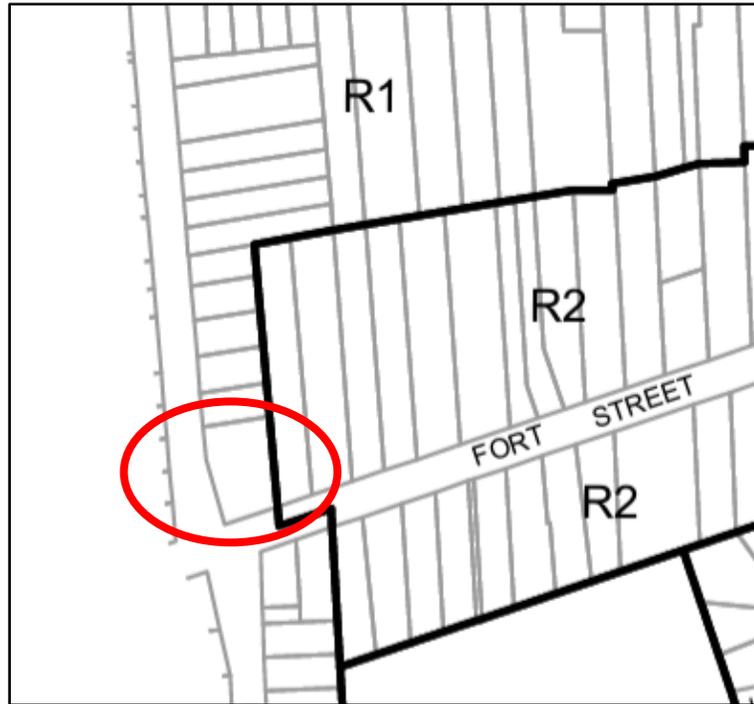


Figure 5 – ZBL

A site specific ZBA is required to permit the proposed uses.

It is proposed to amend the current zoning of the Site to a site specific "Residential Second Density (R2) Zone".

The application will result in a small adjustment of the existing R2 zone which is located immediately to the east of the Site.

A review of the R2 zone provisions, as set out in Section 8 of the ZBL are as follows:

Zone Regulations	Required R2	Proposed Lot 1-2	Proposed Lot 3-4	Proposed Lot 5	Compliance and/or Relief Requested with Justification
Permitted Uses	(i) single detached dwelling; (ii) semi-detached dwelling; (iii) duplex dwelling;	Semi detached dwelling – 2 units	Semi detached dwelling – 2 units	Single detached dwelling – 1 unit	Will comply, subject to the ZBA. The ZBA will provide for more housing choices

Zone Regulations	Required R2	Proposed Lot 1-2	Proposed Lot 3-4	Proposed Lot 5	Compliance and/or Relief Requested with Justification
	(iv) home occupation; (v) accessory uses; (vi) public use. (vii) supportive community home.				within an existing built up area of the Town. There are properties zoned R2 abutting the Site.
Minimum Lot Area	(i) Single detached dwelling unit 460 m ² (iii) Semi-detached dwelling 650 m ² Semi-detached dwelling unit 310 m ²	315 m ²	315 m ²	467 m ²	Complies
Minimum Lot Frontage	(i) Single detached dwelling unit 12 m (iii) Semi-detached dwelling 20 m Semi-detached dwelling unit 9.5 m	Lot 1 – 9.53 m Lot 2 – 9.52 m	Lot 3 – 9.52 m Lot 4 – 9.52 m	16.5 m (Balaclava St)	Complies
Minimum Front Yard Depth	6 m	>6 m	>6 m	>6 m	Complies
Minimum Interior Side Yard Width	1.5m Provided that on a lot where there is no attached	>1.5 m	>1.5 m	>1.5 m	Complies

Zone Regulations	Required R2	Proposed Lot 1-2	Proposed Lot 3-4	Proposed Lot 5	Compliance and/or Relief Requested with Justification
	private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side				
Minimum Exterior Side Yard Depth	6 m	N/A	N/A	4 m (Fort St)	<p>Relief is required for Lot 5 only.</p> <p>A reduction of 2 m is requested.</p> <p>The proposed lot is irregular in shape.</p> <p>The lot frontage of the parcel is larger than the required minimum for a single detached dwelling.</p> <p>The sight lines of the corner will not be impacted.</p> <p>The decrease in the exterior side yard depth does not impact the maintenance of the property.</p> <p>Relief is considered minor.</p>
Minimum Rear Yard Depth	7.5 m	>7.5 m	>7.5 m	>7.5 m	Complies

Zone Regulations	Required R2	Proposed Lot 1-2	Proposed Lot 3-4	Proposed Lot 5	Compliance and/or Relief Requested with Justification
Maximum Lot Coverage	35 %	35 %	35 %	35 %	Complies
Minimum Landscaped Open Space	30 %	>30 %	>30 %	>30 %	Complies
Minimum Dwelling Unit Area	(i) Single detached unit 75 m ² (ii) Semi-detached and duplex unit 65 m ²	119.61 m ²	108.58 m ²	130.08 m ²	Complies
Maximum Height	8.5 m	<8.5 m	<8.5 m	<8.5 m	Complies
Parking (Section 3)	Semi-Detached Dwelling 2 per unit Single Detached 2 per unit	2	2	2	Complies – also parking is available in the garage.
Driveway Access (Section 3)	(a) Access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways at least 7.62 metres and not more than fifty percent (50%) of the lot frontage up to a maximum of nine (9.0) metres (29.53 feet) for a driveway accessory to a single dwelling	4.72 m (Lot 1 49.68 % and Lot 2 49.58 %)	4.72 m (Lot 3 49.57 % and Lot 4 49.5 %)	6.10 m (36.85 %)	Complies

Zone Regulations	Required R2	Proposed Lot 1-2	Proposed Lot 3-4	Proposed Lot 5	Compliance and/or Relief Requested with Justification
	<p>and not more than 10 metres in width for any other driveway, measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom.</p>				
Sight Triangle / Daylight Corners (Section 3.28(b))	<p>...no building or structure shall be erected, no vehicle shall be parked, no land shall be graded and no landscaping materials shall be permitted to grow above the height of 0.6 metres above the elevation of the centreline of the said street.....6 m</p>	N/A	N/A	6m	Complies

Therefore, in addition to permitted the proposed uses, the proposed development will require a site specific zoning as part of the ZBA to a R2-XX with the following requested relief:

- a) *decrease the required minimum exterior side yard depth for a single detached dwelling from 6 m to 4 m.*

All other R2 zone requirement can be complied with.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- The Site is level,
- The Site has access to full municipal services,
- There are no environmental concerns or man-made hazards, and
- The location of the proposed uses is appropriate in that it will blend well with the uses in the surrounding area.

6.1.2 Compatibility

The proposed development will be strategically located to provide efficient ease of access.

The Site is compatible with the surrounding residential area.

6.1.3 Good Planning

The proposal represents good planning.

The proposed development provides for infilling of new housing choices in an existing settlement area with full municipal services.

The application will result in a small adjustment of the R2 zone.

There are other examples of this type of development in the area.

The vision for the proposed development is smaller yards, main-level living and covered rear yard porches.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environmental impacts.

The proposed development will be designed to prevent harm or damage to the Town tree and tree root system. The Applicant has included the location of the trees on the concept plan in order to identify any impacts on the trees.

6.1.5 Municipal Services Impacts

The Site has access to full municipal services.

Building Permits will include lot grading, drainage and servicing design/plans.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment. The Site is close to amenities.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns.

The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is on the edge of the existing settlement area and is an ideal development opportunity.

6.2 Conclusion

The proposal to use the Site should be approved as it is consistent with the PPS, conforms with the intent and purpose of the COP and OP, is consistent with the intent of the ZBL and represents good planning.

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner (RPP), within the meaning of the Ontario Professional Planners Institute Act, 1994.


Tracey Pillon-Abbs, RPP
Principal Planner

