



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: Christopher Aspila	Report Date: June 20, 2024
Author's Phone: 519 736-5408 ext. 2124	Date to Council: July 8, 2024
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment – 496 and 532 Sandwich Street S – File: ZBA/10/24

1. RECOMMENDATION:

It is recommended that:

1. **By-law 2024-057** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 496 Sandwich Street South and 532 Sandwich Street South 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 the Town of Amherstburg. The subject lands are located on the west side of Sandwich Street South, between the addresses municipally known as 496 Sandwich Street South and 532 Sandwich Street South (refer to Appendix 'B' in the attachments).

The effect of the amendment will be to allow the permanent use of shipping containers as outdoor storage at the existing municipal Infrastructure Services yard (refer to Appendix 'C' in the attachments).

A Statutory Public Meeting was held in accordance with the *Planning Act* for this application on June 10, 2024 at Amherstburg Town Hall.

In preparing this 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
4. Comments Received as of June 21, 2024 (Appendix 'D')

3. **DISCUSSION:**

Subject Lands

The subject lands are municipally owned and have multiple existing public uses including sewage treatment facilities, a municipal garage, administrative buildings and a police station.

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

Comments Received

No additional comments or concerns were raised about this application at the Statutory Public Meeting further to the written submission attached as Appendix 'D'.

Planning Analysis

No record of any previous Planning Act applications for the subject property was found in a search of files.

Provincial Policy Statement (2020)

The entire Provincial Policy Statement (2020) was reviewed as part of the planning analysis of this application.

Specifically, the proposed amendment is consistent with Section 1.6.1 of the Provincial Policy Statement (2020), as it allows for the provision an efficient and financially viable storage option that reduces the need for new construction at the existing infrastructure facility.

Overall, the proposed amendment is consistent with the Provincial Policy Statement (2020).

County of Essex Official Plan

The following section of particularly applies to this application:

e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.

Overall, the proposed amendment appears to conform with the County of Essex Official Plan.

Town of Amherstburg Official Plan

Specifically, 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.

Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.

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 public use proposed in this application conforms with the Town of Amherstburg Official Plan.

Town of Amherstburg Zoning By-law 1999-52

The subject lands are currently zoned Special Provision Institutional -1 (I-1). The uses on the site are permitted with the exception of permanently located shipping containers.

As described in Section 3 (General Provisions) of Zoning By-law 1999-52, "SHIPPING CONTAINER" means a pre-fabricated metal container having a floor, ceiling or roof, walls, and door(s) that is designed for and used in the storage, packing or transport of freight, articles, goods or commodities by ship, rail or truck. For the purpose of this definition, a shipping container does not have wheels and does not include a motor vehicle or transport trailer. For the purposes of this By-law, a shipping container shall be deemed to be an accessory building when permanently located on a lot. This definition shall include storage containers, sea cans, and intermodal freight containers.

The requested zoning by-law amendment will provide site specific zoning provisions that allow for shipping containers to be used as accessory buildings for permanent storage at the Public Works yard.

It is noted that any shipping containers used for storage at the Public Works yard shall be maintained in accordance with the General Provisions of Zoning By-law 1999-52 and all other applicable Town of Amherstburg by-laws.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

The professional analysis of this matter, inclusive of any internal and third-party reviews, as well as application of legislative requirements and standards will be applied as it would for any non-municipal application. Any internal costs will not be charged as there is no monetary value in having one department charge another for services when the funding source to pay the fees is the tax payer.

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.

Municipal Departments were circulated for comments on this application.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

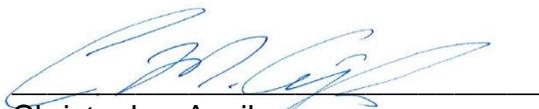
<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
PILLAR 1 Deliver Trusted & Accountable Local Government	PILLAR 3 Encourage Local Economic Prosperity
<ul style="list-style-type: none"> ✓ Improve trust between council and staff, and residents, by strengthening governance and internal accountability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

<ul style="list-style-type: none"> <input type="checkbox"/> Develop our staff team, resources, and workplace culture. ✓ Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<ul style="list-style-type: none"> <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <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> <ul style="list-style-type: none"> <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> <ul style="list-style-type: none"> <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:

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 2024-057 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



 Christopher Aspila
Manager of Planning Services

Report Approval Details

Document Title:	Zoning By-law Amendment - 512 Sandwich Street S.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - ZBA-10-24 - Application_Redacted-RM.pdf- Appendix B - Aerial Photo-RM.pdf- Appendix C - Concept Plan-RM.pdf- Appendix D - Summary of Comments-RM.pdf- Appendix E - ZBA-10-24- Notice of Statutory Public Meeting-512 Sandwich St S-RM.pdf- 2024-057- ZBA- 512 Sandwich St S.pdf
Final Approval Date:	Jun 26, 2024

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox