



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.

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| Author's Name: Janine Mastronardi and Christopher Aspila | Report Date: March 7, 2025 |
| Author's Phone: 519 736-5408 ext. 2134 | Date to Council: March 24, 2025 |
| Author's E-mail: jmastronardi@amherstburg.ca | Resolution #: |

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 1267 Front Road North, Riverview Subdivision and Endorsement of Redline Draft Plan

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2025-015** being a by-law to amend Zoning By-law No. 1999- 52, to amend the zoning for the subject lands located at 1267 Front Road North being River Subdivision, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.
- Administration **BE DIRECTED** to **NOTIFY** the County of Essex that the Town of Amherstburg supports the minor change to the revised draft plan approval for Riverview Subdivision.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law amendment to By-law 1999- 52 for Riverview Subdivision along with an application for a minor redline amendment to the approved draft plan of subdivision, 37-T-22003. The applications affect approximately 4.42 ha ± of land described as Concession 1, Part Lot 24, municipally known as 1267 Front Road North. The subject lands are currently zoned holding Special Provision Residential Type 1B (h-R1B-2) Zone and designated Low Density Residential in the Town's Official Plan.

The property has been through extensive planning processes to receive draft plan approval for Riverview Subdivision. On September 14, 2020 Council approved a zoning by-law amendment for the subject lands. On July 2, 2022 the County of Essex issued a Notice of Decision on an application for approval of a Draft Plan of Subdivision. On August 8, 2022 Council approved a subdivision agreement which has subsequently been executed and registered.

A Statutory Public Meeting under the Planning Act was held February 24, 2025, at which comments and questions were received from members of the public and Council that are addressed in the Discussion portion of this report.

The applicant is under agreement to sell the property to a new developer, the authorized agent on the application as listed on Appendix D, who has come forward to request a minor redline amendment to the approved draft plan of subdivision. This redline amendment will increase the number of lots in the subdivision from 37 to 44, an increase of 7 lots all for single detached dwellings. This change in lot configuration requires a change in zoning. The applicant has a concurrent application submitted to the Town and County for the minor redline amendment.

Prior to deeming the applications complete for the minor redline amendment and for a zoning by-law amendment the following studies were provided to the Town, reviewed and deemed satisfactory;

- Redline Draft Plan, attached as Appendix E
- Planning Brief, attached as Appendix F
- Concept Development Plan, attached as Appendix G
- Impact Assessment reviewing the sanitary sewer design, watermain and storm sewer design, Impact Assessment without appendices is attached as Appendix H
- Traffic Memo to evaluate the increase in 7 lots and the potential impact on the approved 2019 Traffic Impact Assessment (TIA), Conclusion attached as Appendix I

In preparing this report to Council, administration has reviewed the submission and the following documents:

- Planning Act, R.S.O. 1990
- Provincial Planning Statement 2024
- County of Essex Official Plan (2014)
- Locally Adopted County of Essex Official Plan (2024)
- Town of Amherstburg Official Plan
- Town of Amherstburg Zoning By-law 1999-52
- Written and Oral comments received

3. DISCUSSION:

This rezoning, if approved, will change the zoning of the subject lands noted above from the **“holding Special Provision Residential Type 1B (h-R1B-2) Zone”** to **“holding Special Provision Residential Second Density (h-R2-11) Zone”**.

The effect of the amendment will be to allow general residential uses specifically limited to single detached dwelling, home occupation, accessory uses, public use and supportive community home on the subject properties with a minimum lot area of 460 sq m, a minimum lot frontage of 12 m, a minimum interior side yard setback of 1.2 m. The proposed zone change will facilitate a proposed minor redline amendment to the approved draft plan of subdivision which is proposing to increase the number of single detached dwelling building lots from the approved 37 to 44. This application for amendment is proceeding concurrently with the County of Essex and Town.

The submitted application does not facilitate a change in the established land use instead seeks to establish revised lot area, lot frontage, front yard depth and interior side yard width.

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 1267 Front Rd N, Riverview Subdivision.

| Comments and Concerns Received | Administrative Response |
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| Concerns were raised regarding impacts on servicing with the increase of 7 lots. | <p>The Applicant's engineer, Landmark Engineers Inc., has prepared an Impact Assessment of the sanitary sewers, watermain, storm sewer and stormwater management design which has been reviewed by internal departments and external agencies</p> <p>The Town's Infrastructure Services (IS) department have reviewed the submission and have deemed it satisfactory to be able to support the proposed ZBA and redline draft plan amendment.</p> <p>The additional comments provided by IS are to be addressed during the detailed design stage of the development.</p> <p>The Impact Assessment without appendices is attached as Appendix H. The entire report is available for viewing at the Planning Department offices.</p> |
| Concerns were raised regarding impacts on traffic with the increase of 7 lots. | The Applicant's engineer, Baird AE, has prepared a Traffic Memo to assess the possibility of effects of site generated traffic as a result of the increase of 7 residential lots. The conclusion was that the increase in |

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| | <p>7 lots will have no significant impact on traffic operation or safety of the intersection at County Road 20. The memo has been reviewed by internal departments and external agencies</p> <p>The Town's IS department and Manager of Planning Services, a qualified expert on the topic of transportation planning by the OLT, have reviewed the Traffic memo and are satisfied with the conclusion.</p> <p>The Traffic Memo Conclusion is attached as Appendix I. The entire report is available for viewing at the Planning Department offices.</p> |
| Concerns were raised regarding the potential for additional residential units in the subdivision. | <p>Section 35.1 of the <i>Planning Act</i> allows for three residential dwelling units, one primary dwelling and two additional residential dwelling units (ARU) on any urban residential lot. The configuration of the three dwelling units can vary, with all three permitted in the primary dwelling or one to two permitted in the primary dwelling and one in an ancillary (accessory) building.</p> <p>Three residential dwellings units are permitted on any fully municipally serviced residential parcel containing a single detached dwelling, semi-detached dwelling or rowhouse in Ontario.</p> |
| Concerns were raised regarding the previous Environmental Impact Assessment, endangered species and buffers. | <p>An Environmental Impact Assessment was prepared and approved by internal departments and external agencies including the Ministry of the Environment, Conservation and Parks (MECP) during the original plan of subdivision approvals.</p> <p>The following are the recommendations from MECP that will be implemented:</p> <ol style="list-style-type: none"> 1. <i>The existing east-west naturalized hedgerow running along the southern lot line, from Front Rd to the eastern project boundary, should be retained and protected. Some approaches to consider implementing, for the effective protection of this hedgerow, are outlined in section 12.8 of the Natural Heritage Reference Manual. The appropriate mechanism(s) for protection should be determined in consultation with the Planning Authority.</i> 2. <i>A naturalized corridor running north-south along the eastern property boundary should be included</i> |

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| | <p><i>in the project design to provide a feature to adequately support Eastern Foxsnake movement. The current proposal of a double row of cedar trees with a farm plough setback between the proposed hedge row and the adjacent farm field is an adequate feature to avoid contravention of the ESA.</i></p> <p>3. <i>Fencing should be installed along the backs of properties bordering naturalized areas/corridors to prevent damage/destruction by encroachment, i.e. the southern boundary, eastern boundary, and northernmost extent.</i></p> <p>4. <i>A Storm Water Management pond feature that includes an area of vegetation mowed once or less annually should be included in the project design.</i></p> <p>5. <i>Avoidance and mitigation measures during and following construction as described in the attached Scoped Environmental Impact Assessment (EIA) for Riverview Development – Lot 24 Concession 1, Town of Amherstburg, County of Essex should be implemented.</i></p> <p>Approvals under the previous MNRF would contain an expiry. Under the new MECP EIA approvals do not expire. In 2021 the Town received correspondence from MECP confirming the 2018 MNRF approvals were still in place and have not expired.</p> |
| A comment/question was provided that the increase in 7 lots in the development should decrease the price points. | The Applicant confirmed that they are aiming to build a 1400 sq ft ranch or raised ranch style home in the \$599,000 range. |

PLANNING ANALYSIS

Planning Act (R.S.O. 1990)

The purposes of the Planning Act are;

- “(a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;

- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 3-50”

The proposal is consistent with Section 2 of the Planning Act which requires that the Council have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the protection of ecological systems, including natural areas, features and functions
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
- the orderly development of safe and healthy communities
- the adequate provision of a full range of housing, including affordable housing
- the appropriate location of growth and development

The development is located within the settlement area with full municipal services. An Environmental Impact Assessment (EIA) has been prepared and approved with recommendations which will be implemented at the time of development to protect the endangered species in the area. The proposed rezoning is providing for intensification of the land within the existing serviced area. There is adequate municipal water and municipal sanitary and storm sewer capacity to service the development

The proposed redlined revision has been confirmed to be minor in nature by the County of Essex. The County of Essex is not required under Section 51 of the Planning Act being Plan of Subdivision Approvals specifically subsection (47) to give notice when a change is minor in nature. Also there is no appeal period on a redline revision to an approved draft plan.

The proposed Zoning By-law Amendment (ZBA) and Redline Draft Plan comply with the provisions of the Planning Act.

Provincial Planning Statement (2024)

The Provincial Planning Statement 2024 is a policy statement issued under the authority of section 3 of the *Planning Act* and came into effect on October 20, 2024. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

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

Terms used in this section of the report in *italics* are defined in the PPS and have specific meaning.

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

In Chapter 1, the Introduction summarizes the vision for the province and includes the following statement, “Ontario’s land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Prioritizing compact and *transit-supportive* design, where locally appropriate, and optimizing investments in *infrastructure* and *public service facilities* will support convenient access to housing, quality employment, services and recreation for all Ontarians.”

Chapter 2 discusses housing and is entitled, Building Homes, Sustaining Strong and Competitive Communities.

2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:

a) establishing and implementing minimum targets for the provision of housing that is *affordable* to *low and moderate income households*, and coordinating land use planning and planning for housing with Service Managers to address the full range of *housing options* including *affordable* housing needs;

b) permitting and facilitating:

1. all *housing options* required to meet the social, health, economic and wellbeing requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and

2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation*; and

d) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations.

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.
2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned *infrastructure* and *public service facilities*;
 - c) support *active transportation*;
 - d) are *transit-supportive*, as appropriate; and
 - e) are *freight-supportive*.
3. Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.
4. Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.
5. Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.
6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within *designated growth areas* is orderly and aligns with the timely provision of the *infrastructure* and *public service facilities*.

3.6 Sewage, Water and Stormwater

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. For clarity, *municipal sewage services* and *municipal water services* include both centralized servicing systems and decentralized servicing systems.
8. Planning for stormwater management shall:
 - a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
 - b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;
 - c) minimize erosion and changes in water balance including through the use of *green infrastructure*;
 - d) mitigate risks to human health, safety, property and the environment;
 - e) maximize the extent and function of vegetative and pervious surfaces;
 - f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and

- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a *watershed* scale.

6.1 General Policies for Implementation and Interpretation

1. The Provincial Planning Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

2. The Provincial Planning Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

3. The Provincial Planning Statement shall be implemented in a manner that is consistent with *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4. When implementing the Provincial Planning Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations to balance government priorities.

5. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan.

6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

7. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.

8. In addition to land use approvals under the *Planning Act*, *infrastructure* may also have requirements under other legislation and regulations. For example, an environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

9. To assess progress on implementation of the Provincial Planning Statement, the Province may:

- a) identify key indicators to measure the outcomes, relevance and efficiency of the policies in the Provincial Planning Statement in consultation with municipalities, Indigenous communities, other public bodies and stakeholders;
- b) monitor and assess the implementation of the Provincial Planning Statement through the collection and analysis of data under each indicator; and
- c) consider the resulting assessment in each review of the Provincial Planning Statement.

10. Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any requirements for reporting planning information to the Province, data standards, and including through any other guidelines that may be issued by the Minister.

11. *Strategic growth areas* and *designated growth areas* are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.

12. Density targets represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Provincial Planning Statement or any other provincial plan.

13. Minimum density targets will be revisited at the time of each official plan update to ensure the target is appropriate.

The proposed zoning by-law amendment and redline draft plan are consistent with the Provincial Planning Statement as they facilitate greater residential intensification within a settlement area. The lots will be serviced with municipal water, municipal storm sewers and municipal sanitary sewers. The applications are consistent with the PPS which speaks to managing and directing land use to achieve efficient development and land use patterns. It is acknowledged that the proposed lot sizes are smaller in lot area than what was originally approved. The minimum lot areas for the residential zones have been in place for over 25 years. The PPS has been updated four times since they were created with the last update strongly encouraging compact built form and intensification in areas with full municipal services as the proposal encourages efficient use of land and higher density than what was previously approved.

The above sections of the PPS, 2024 have been reviewed and taken into consideration in the formulation of the professional planning recommendations in Section 1 of this report.

County of Essex Official Plan 2014

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 Zoning By-law Amendment and redline draft plan 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 notes 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 3.2.4.1 Primary Settlement Areas Policies outline the following:

The following policies apply to Primary Settlement Areas:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.
- 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).
- c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan.
- d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.
- e) Expansions of the boundaries of a Primary Settlement Area shall only occur in accordance with the Local Comprehensive Review policies in Section 3.2.3.1 of this Plan. An amendment to this Plan and the local Plan shall be required to alter the boundary of any “Settlement Area”.
- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented

streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.

- g) The County encourages the redevelopment of brownfield properties.
- h) All types of land use are permitted within the "Settlement Areas" designation subject to the specific land use policies of the local Official Plans.
- i) Cost effective development patterns and those which will 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.
- j) The County supports universal physical access and encourages the building industry to incorporate such features into new structures.

Section 3.2.6 General Settlement Area Policies outlines the following:

The following policies apply to all "Settlement Areas" identified on Schedule "A1" of this Plan:

- a) Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections for local municipalities are to be in accordance with the population projections contained within this Plan.
- b) The County supports residential intensification within Primary Settlement Areas.
- c) The County supports the provision of housing which is affordable to low and moderate income households.
- d) Local Official Plans are encouraged to establish land requirement needs based on densities which meet the following:
 - i) Efficiently use land, resources, infrastructure and public service facilities.
 - ii) Avoid the need for unnecessary and/or uneconomical expansion of infrastructure.
 - iii) Support the use of public transit where available or where it can be provided in future years.
 - iv) Are appropriate to the type of sewage and water systems which are planned or available.
- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:
 - i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.
 - ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
 - iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

- f) Local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.
- g) It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:
 - i) Make provision such that infrastructure and public service facilities will be available to accommodate projected growth.
 - ii) Provide a supply of land to meet long term requirements.
 - iii) Provide for an efficient, cost effective, reliable, multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth.
 - iv) Conserve energy and water by providing for energy and water efficiency.
 - v) Maintain the well-being of downtowns and mainstreets.
 - vi) Optimize the long term availability, viability and use of agricultural and other resources.
 - vii) Plan so that major facilities such as transportation corridors, sewage treatment facilities, waste management systems, industries and mineral aggregate resource activities and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.
- h) Local Official Plans are encouraged to develop growth management strategies as part of their Official Plans and to establish the type, amount, location and timing of growth and development including a servicing strategy that is in keeping with the servicing and growth projection policies contained within this Plan.
- i) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated “Settlement Areas”.

The proposed Zoning By-law Amendment is in conformity with the 2014 County of Essex Official Plan as it provides for intensification of approved residential development on full services within the existing primary settlement area. The minor redline amendment process will ensure orderly development of the subdivision. The proposed Zoning By-law Amendment and redline draft plan appear to conform to the County of Essex’s 2014 Official Plan.

County of Essex Official Plan 2024

The County of Essex adopted a new Official Plan on November 6, 2024. The Official Plan is awaiting final adoption by the Ministry of Municipal Affairs and Housing.

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 Zoning By-law Amendment include:

Principle 2: Housing Supply, Housing Choice and Housing Affordability

A wide range of housing options will be provided to meet the needs of the growing and increasingly diverse population in the County. Increasing housing supply and housing choices is important to support the growing economy, aging population, and to create housing that is affordable and equitable to County residents, to support Essex residents

in staying in Essex and its communities throughout their lives, and to support the growing population.

4.0 Growth and Settlement Areas

The County of Essex has a strong foundation for growth for housing and jobs. Growth is identified for every municipality in the County, providing opportunities for a range of housing, broader choices in employment, access to services and public spaces – supporting complete communities in every municipality.

The County's growth strategy is focused on Settlement Areas. Primary Settlement Areas are those communities in the County where the majority of growth will be concentrated. These areas include places for housing, schools, parks, commercial areas, industrial areas, trails, and more. Primary Settlement Areas are the communities where most of the County's residents live, work, play, and shop. Primary Settlement Areas provide municipal sewer and water services, and support greater access to parks, schools, and multimodal transportation, including active transportation options.

- a) Ensuring the efficient use of land and optimizing the supply of land in settlement areas, and minimizing the use and conversion of agricultural land for urban purposes;
- b) Planning for intensification with efficient use of existing land, infrastructure and services that supports the creation of: more affordable rental and ownership Housing; walkable, bikeable, and transit-ready main streets, districts and corridors; and mixed income neighbourhoods;
- c) Planning for densities and housing types that achieve a broader range of housing options for all household sizes, including affordable and market-based housing; and,
- d) Ensuring that growth takes place in a sustainable manner that contributes to the long-term financial, social and environmental well-being of the County of Essex and its constituent Local Municipalities.

4.A.1.6 The County Structure includes policies and designations that direct growth to designated Settlement Areas and Employment Areas. Settlement Areas consist of:

- a) Primary Settlement Areas

4.A.1.7 The housing units shall be implemented utilizing a forecasted housing mix as follows:

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| Low Density Residential | 48% |
| Medium Density Residential | 27% |
| High Density Residential | 25% |

4.A.2 – Primary Settlement Areas

4.A.2.1 Primary Settlement Areas are the largest communities and are the traditional centres of settlement and commerce in the County. It a priority for the County to focus growth and investment in Primary Settlement Areas. The locations and boundaries of Primary Settlement Areas within the County have been identified on Schedule "A-2". Primary Settlement Areas are *Strategic Growth Areas*.

4.A.2.2 Primary Settlement Areas are characterized by the following:

- a) Largest in geographic area and generally the largest settlement areas in terms of population;
- b) Full municipal servicing is provided/expected;
- c) A broad mix and the highest concentration of commercial uses and services intended to meet the daily needs of residents is provided. This should include a commercial core or downtown;
- d) Employment lands are included in the Primary Settlement Area;
- e) Institutional uses such as schools, hospital/health care, day care and government services are located in Primary Settlement Areas; and,
- f) The broadest mix of housing is located in Primary Settlement Areas, including areas of intensification for housing.

4.A.2.3 Primary Settlement Areas shall provide full municipal sewage services, municipal water services, stormwater management services, and a wide range of land uses and densities with a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups. Primary Settlement Areas shall be designed to be walkable communities with densities, land uses, road patterns and built forms that can support active transportation and public transit.

4.A.2.4 Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan for Primary Settlement Areas to achieve complete communities.

4.A.2.5 All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local municipal Official Plan that are in effect at the time of approval of this Plan.

4.A.2.7 Downtown/Uptown areas should maintain and/or enhance their existing character. Mixed-use development and an accessible pedestrian-oriented streetscape are supported through the identification of Mixed-Use Corridors in Primary Settlement Areas. The preparation of Community Improvement Plans are also encouraged.

4.A.2.10 Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are supported and shall be the preferred form of development county-wide. Land use patterns which may be detrimental to the environment, to agricultural lands, and to the conservation of cultural heritage resources or public health and safety shall be avoided.

4.A.2.11 The County supports universal accessibility in the built environment and encourages the building industry to incorporate such features into new structures that support potential for all residents to equitably participate in the community.

4.A.2.12 Development in Primary Settlement Areas will integrate land use planning, fiscal planning, and infrastructure planning to responsibly manage forecasted growth and to support:

- a) A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market bases and affordable housing needs.
- b) Opportunities for the integration of gentle density, and a mix and range of housing options that considers the evolving character of residential neighbourhoods.
- c) Implementation of Infrastructure Master Plans for planned growth, including a financial strategy to implement the Infrastructure Master Plans.
- d) Asset Management Plans.

4.A.5 – Intensification

4.A.5.1 The County and the Local Municipalities shall plan for a residential intensification target of 30% of new housing units to be achieved. Intensification shall consider the density targets in Policy 4.A.6.2 as a minimum.

4.A.5.2 Residential intensification shall be provided in every Primary Settlement Area. Residential intensification is to be provided in Secondary Settlement Areas where full servicing is available.

4.A.5.5 Local Municipalities shall identify where the “missing middle” can be accommodated to provide more affordable medium density options for Essex County, and should pre-zone such lands to expedite and streamline the approval of this important housing built form.

4.A.6.2 Local municipal Official Plans, Zoning By-laws, and Secondary Plans shall plan to achieve the following net residential densities:

Low Density Residential 25 units per hectare
Medium Density Residential 50 units per hectare
High Density Residential 80 units per hectare

These densities should be considered as minimums, and Local Municipalities are encouraged to utilize higher residential densities where appropriate to achieve the stated goals and policies of this Plan.

4.B – HOUSING

Housing is a necessity of life and is an essential element for achieving an equitable, thriving, and sustainable community. Communities thrive when everyone has a place they can afford and call home, and where they can feel safe, comfortable, and part of the community. Housing needs change throughout our lifetimes. A diverse housing stock with a range of tenures, sizes, types, and supports must be made available to meet the needs of communities and residents. As a priority, the County must retain, protect, and increase the supply of affordable housing for low- and moderate-income households.

In alignment with the Windsor Essex Housing and Homelessness Master Plan and the Regional Affordable Housing Strategy, the policies in this section support the provision of

a range and mix of housing options that are essential for the creation of complete communities and support the regional economy.

Land use tools and targets are identified to help improve access to housing and encourage innovation in housing design and construction that help adapt to and mitigate the impacts of climate change.

GOALS

- a) Providing an adequate supply of housing;
- b) Providing housing to meet changing needs throughout all stages of life;
- c) Prioritizing increasing the supply of affordable housing;
- d) Aligning with the Windsor Essex Housing and Homelessness Master Plan;
- e) Identifying land use tools and targets to improve access to housing;
- f) Supporting a mix and range of housing;
- g) Supporting innovation in housing design and mitigate the impacts of climate change; and,
- h) Providing a range and mix of housing options that are essential for the creation of complete communities.

4.B.1 – Supply of Land for Housing

4.B.1.1 The County requires that each local municipality achieve a minimum affordable housing target of 20 percent of all new development.

4.B.2.3 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

4.B.2.4 New residential development and residential intensification are to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form;
- b) ensuring that infrastructure is available to promote safe and convenient mobility for walking, cycling and other forms of non-motorized transportation; and
- c) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

4.B.3 – Affordable and Attainable Housing

The term “affordable housing” is often used interchangeably with “social housing”; however, social housing is just one category of affordable housing and usually refers to rental housing owned and/or subsidized by one or more levels of government. Affordable housing is a much broader term and includes housing provided by the private, public, and not-for-profit sectors as well as all forms of housing tenure (i.e. rental, ownership and cooperative ownership). It also includes temporary as well as permanent housing. In other words, the term “affordable housing” can refer to any part of the housing continuum from temporary emergency shelters through transition housing, supportive housing, subsidized housing, market rental housing, or market homeownership.

4.B.3.1 To encourage the development of affordable and attainable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:

- a) 20 percent of all new rental housing is to be affordable and attainable; and,

- b) 10 percent of all new ownership housing is to be affordable and attainable. As work progresses provincially and locally the definition of attainable housing will be developed.

Chapters 6.G Healthy and Active Communities, 9.A Water and Wastewater Servicing, 9.B Stormwater and 11.F Complete Streets and Context Sensitive Design will all be addressed through the detailed design process of the subdivision and consolidated linear infrastructure (CLI) approvals to ensure orderly development of the subdivision.

The proposed Zoning By-law Amendment will facilitate the proposed redline draft plan which proposes to increase the number of residential building lots for single detached dwellings from the approved 37 to a new 44, an increase of 7 lots within a primary settlement area with full municipal services. The proposed Zoning By-law Amendment and redline draft plan appear to conform to the County of Essex's 2024 Official Plan.

Town of Amherstburg Official Plan

The subject lands are designated Low Density Residential in the Town of Amherstburg's Official plan. The applicable excerpts from the Official Plan are as follows:

4.3.1 Low Density Residential Areas

Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.

Notwithstanding the above policy, vacant tracts of land greater than 5 hectares in size and designated Low Density Residential may be developed for Medium or High-Density Residential uses if they can meet the criteria outlined in Subsection 4.3.1(3).

(1) Maximum Density

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.¹ In keeping with the Provincial Policy Statement 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.

In areas where the criteria of Subsection 4.3.1(3) have been achieved, the density policies for the Medium Density Residential designation or the High-Density Residential designation shall apply.

Low Density Residential may be placed in separate zoning categories in the implementing Zoning By-Law.

The proposed use of single detached dwellings and the proposed density of 10 units per gross hectare of the subject lands conforms to the Low Density Residential designation of the property. The proposed Zoning By-law Amendment and redline draft plan appear to be in conformity with the Town of Amherstburg Official Plan.

Zoning By-law 1999-52, as amended

The subject lands are currently zoned holding Special Provision Residential Type 1B (h-RB-2) Zone. The proposed Zoning By-law Amendment is proposing to change the zoning of the subject lands to holding Special Provision Residential Second Density (h-R2-11).

A new developer is under agreement to purchase the development lands, the Agent on the application, and is proposing to increase the number of building lots in the approved plan of subdivision from 37 lot to 44 lots. The increase in 7 lots requires a change in zoning to permit the smaller lot areas and smaller lot frontages. This is facilitated through a zone change to a denser residential zone, being the Residential Second Density (R2) Zone. A site-specific zoning provision is required to permit a reduced interior side yard width of 1.2 m, a decrease of 0.3 m from the standard 1.5 m and to allow only for single detached dwellings and accessory uses. The holding provision is recommended to remain until such time as an amending subdivision agreement is approved. This is yet another protection to ensure orderly development of the subdivision occurs. A request for the removal of holding will be brought back before Council concurrently with an amending subdivision agreement at a future meeting.

The request for reduced lot area and lot frontage still provide for a sufficient building envelope for the proposed single detached dwellings. The smallest lot on the proposed redline draft plan has 14.25 m (46.75 ft) frontage and 538.28 sq m (5794 sq ft) lot area. This results in the ability to build up to 2028 sq ft in building footprint to comply with the permitted 35% total lot coverage.

The request for a reduced interior side yard width of 1.2 m is permitted by the Ontario Building Code. The reduced interior side yards will allow for a 38 ft wide house to be built on a lot with a 46ft frontage.

There is no change from the current zone to the proposed zone for the type of residential uses permitted, for the percentage of lot coverage permitted, for the required rear yard depth or for the maximum height permitted. Through the change in zone from R1B to R2 the front yard depth and exterior side ward width are reduced from 7.5 m to 6 m.

Prior to deeming the applications complete for the minor redline amendment and for a zoning by-law amendment the following studies were provided to the Town, reviewed and deemed satisfactory;

- Redline Draft Plan, attached as Appendix E
- Planning Brief, attached as Appendix F
- Concept Development Plan, attached as Appendix G
- Impact Assessment reviewing the sanitary sewer design, watermain and storm sewer design, Impact Assessment without appendices is attached as Appendix H
- Traffic Memo to evaluate the increase in 7 lots and the potential impact on the approved 2019 Traffic Impact Assessment (TIA), Conclusion attached as Appendix I

A chart is provided on page 3 of the Planning Brief, Appendix F, providing a comparison between the current zoning and the proposed zoning.

Planning has reviewed the redlined draft plan and confirms that the plan adheres to the proposed Zoning By-law Amendment. Zoning conformance for purpose of draft plan approval includes sufficient lot frontages and lot areas.

Summary of Planning Analysis

Proposed Zoning By-law Amendment and redline draft plan are consistent with the Planning Act, Provincial Planning Statement, 2024, the new County of Essex Official Plan 2024 (as adopted), the existing approved County of Essex Official Plan, the Town of Amherstburg Official Plan and the Town of Amherstburg Comprehensive Zoning By-law 1999-52. The proposed lots are located within a fully serviceable settlement area. The minor redline amendment process will ensure that the development addresses all Provincial, Regional and local interests with respect to the appropriate use, servicing and development of the land.

The proposed ZBA will allow for general residential uses specifically limited to single detached dwelling, home occupation, accessory uses, public use and supportive community home on the subject properties with a minimum lot area of 460 sq m, a minimum lot frontage of 12 m, a minimum interior side yard setback of 1.2 m. The proposed zone change will facilitate a proposed minor redline amendment to the approved draft plan of subdivision which is proposing to increase the number of single detached dwelling building lots from the approved 37 to 44. This application for amendment is proceeding concurrently with the County of Essex and Town.

The proposed redlined revision has been confirmed to be minor in nature by the County of Essex. The County of Essex is not required under Section 51(47) of the Planning Act to give notice when a change is minor in nature, and there will be no appeal period.

4. RISK ANALYSIS:

There is a risk that a decision on a zoning matter is appealed to the Ontario Land Tribunal. The risks noted below provides further clarity on this depending on the recommendation and Council decision on the matter.

| Administration's Recommendation | Decision of Council | Who can appeal the decision to OLT.* | Costs to the Town if Appealed |
|--|----------------------------|--|---|
| Recommend approval | Approve the Recommendation | The Applicant who requested the zoning amendment and the Minister. | Legal consulting and Administrative time to defend the decision before OLT. |
| Recommend to deny the application | Approve the Recommendation | The Applicant who requested the zoning amendment and the Minister. | Planning and legal consulting services to defend Council's decision and legal consulting and Administrative time to defend Administration's |

| | | | |
|-----------------------------------|---|--|--|
| | | | recommendation before OLT. |
| Recommend approval | Refuse the Recommendation Note: The Planning Act defines a tied vote as a refusal. | The Applicant who requested the zoning amendment and the Minister. | Planning and legal consulting services to defend Council's decision and legal consulting and Administrative time to defend Administration's recommendation before OLT. |
| Recommend to deny the application | Refuse the Recommendation Note: The Planning Act defines a tied vote as a refusal. | The Applicant who requested the zoning amendment and the Minister. | Legal consulting and Administrative time to defend the decision before OLT. |
| Recommend to approve (or deny) | Request to defer decision on the grounds of requiring additional information. | The Applicant who requested the zoning amendment and the Minister. | In this scenario it allows for the applicant to consider if the additional information requested by Council, rather than an OLT hearing is preferred. As OLT hearings are costly and time consuming the applicant may elect to provide the additional information. If that is the direction the Town may need to refund the application fee, noting the refund is also less costly for the Town than an OLT hearing. |

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the Applicant. Should Council's decision be appealed to the Ontario Land Tribunal, the Town will incur costs, as noted above. OLT appeals of any nature can be costly with estimated costs of a hearing at \$6,000/day, noting that those daily costs will likely be higher if Town Administration is required to be before OLT as both witnesses for an Applicant and defense of a decision.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the

requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. Extensive consultations and meetings have occurred with the County of Essex and the Essex Region Conservation Authority. The circulation map and list of properties within the 120m circulation radius and notice of public meeting are attached as Appendix J and Appendix A for information.

Oral submissions were received at the Statutory Public meeting on February 24, 2025. A summary of written submissions received is attached for Council consideration as Appendix K. Comments received from Windsor Police Services will be addressed during the detailed design phase of the subdivision. The pathways noted are overland flow routes for stormwater which will be paved and fenced. They are not for pedestrian access.

A summary of oral submissions received at the statutory public meeting are included in Table 1 of this report.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

| Amherstburg Community Strategic Plan 2022 - 2026 | |
|--|---|
| <p>PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. <input type="checkbox"/> Deliver transparent and efficient financial management. ✓ Increase effective communication and engagement with residents. <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. | <p>PILLAR 3 Encourage Local Economic Prosperity</p> <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. <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>PILLAR 2 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. | <p>PILLAR 4 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. |

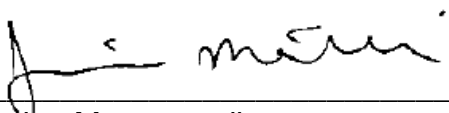
| | |
|--|---|
| <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. | <input checked="" 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 provisions of the Planning Act, is consistent with the policies of the Provincial Planning Statement 2024, conforms with the policies of the County of Essex Official Plan and the Town of Amherstburg Official Plan and maintains the intent of the Town of Amherstburg Zoning By-law.

Administration recommends that Zoning By-law 2025-015, Appendix L, be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.

Administration is also recommending approval of the redline draft plan for Riverview Subdivision and that the resolution of support be circulated to the County of Essex.



Janine Mastronardi
Planner



Christopher Aspila
Manager, Planning Services

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Zoning By-law Amendment for 1267 Front Road North, Riverview Subdivision and Endorsement of Redline Draft Plan.docx |
| Attachments: | <ul style="list-style-type: none">- Appendix A- ZBA-03-25- Notice of Statutory Public Meeting- Riverview Subdivision-RM.pdf- Appendix B- ZBA-03-25 -Aerial map-RM.pdf- Appendix C- ZBA-03-25 - Application_Redacted-RM.pdf- Appendix D- Letter of Authorization- 1267 Front Rd N- RM.pdf- Appendix E- Red Line Draft Plan - OLS Certified-RM.pdf- Appendix F- Planning Brief for 1267 Front Rd N-RM.pdf- Appendix G- Concept Development Plan-RM.pdf- Appendix H- FSR SWM Impact Assessment (w.o Appendicies)- RM.pdf- Appendix I- Conclusion from Traffic Memo- dated 01052025- RM.pdf- Appendix J- Circulation Map and List-RM.pdf- Appendix K- Summary of Correspondence Received on ZBA-03-25-MARCH-RM.pdf- Appendix L- 2025-015- ZBA- 1267 Front Rd N- Riverview Subdivision-RM.pdf |
| Final Approval Date: | Mar 12, 2025 |

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



Melissa Osborne



Tracy Prince



Valerie Critchley

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

Kevin Fox