TOWN OF AMHERSTBURG
219 Brock Street
RICHMOND ST
MURRAY ST
BALACLAVA ST S
GEORGE ST
BROCK ST
WOLFE ST
VICTORIA ST S
219

Appendix "A"

LASSALINE
PLANNING CONSULTANTS INC.

REPORT:	**PLANNING RATIONALE REPORT (PRR)**
MUNICIPALITY:	TOWN OF AMHERSTBURG
MUNICIPAL ADDRESS:	219 BROCK STREET
DEVELOPMENT:	OPA & ZBA
DATE:	May 30, 2022 (REVISED)

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St. Joachim, ON · N0R 1S0
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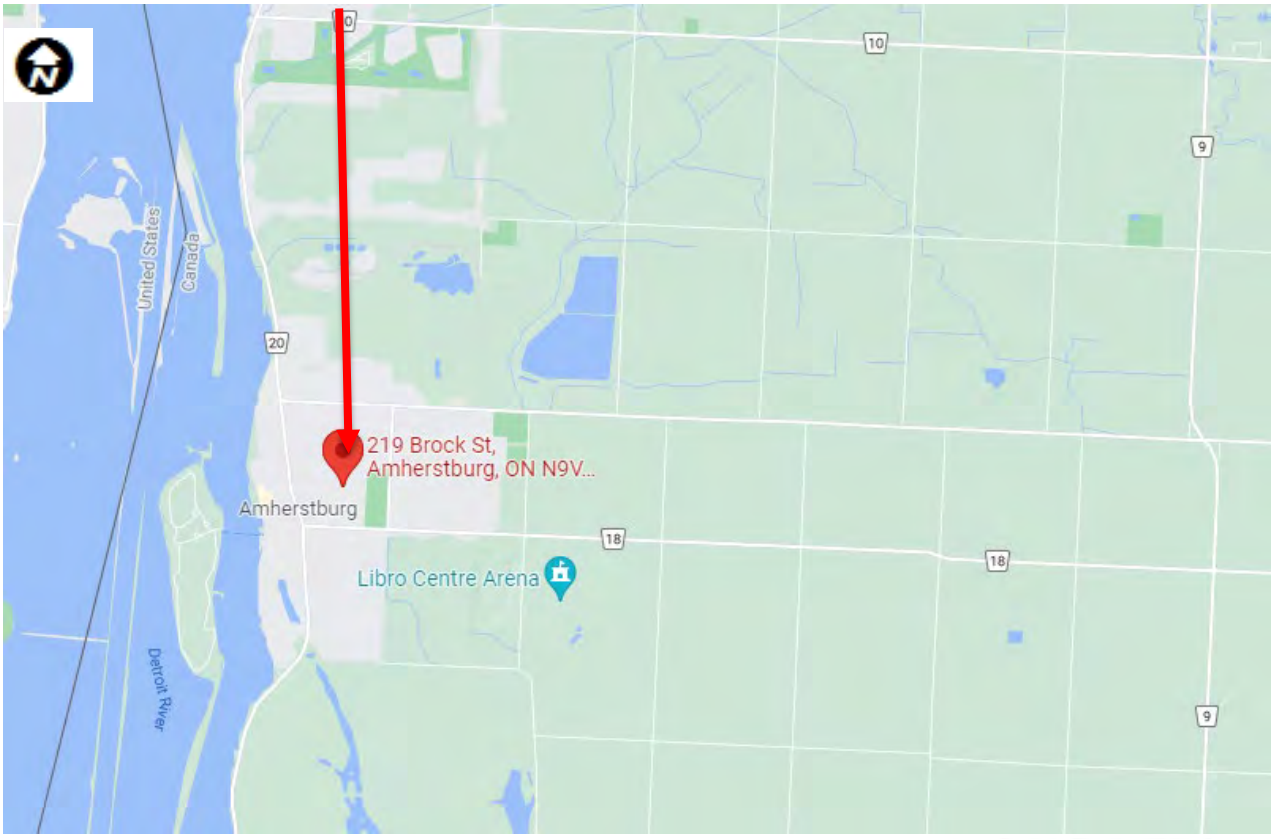
1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of an Official Plan Amendment (OPA) to support the change in designation of the property from 'Institutional' to 'Residential' and a Zoning Bylaw Amendment (ZBA) that will rezone the subject lands from 'Institutional (I)' to a site specific 'Residential Multiple Second Density (RM2)' zone.

The presently vacant lands are proposed to be developed with a 4 storey, low profile apartment building with a total of 75 residential rental apartment units with 2217 m2 GFA. The site is proposed to be developed with 117 parking spaces, comprised of 113 regular spaces and 4 barrier free spaces and 1 loading space.

A pre-consultation was held with the Manager of Planning at the Town of Amherstburg, Jackie Lassaline, BA MCIP RPP, LPC, and Rosati Group. A second pre-consultation was also held with the Manager of Planning of the County of Essex, the Manager of Planning at the Town of Amherstburg, Jackie Lassaline, BA MCIP RPP, LPC, and Rosati Group. Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) application.

FIGURE 1 - LOCATIONAL MAP 219 BROCK STREET



1.1 APPLICATION INFORMATION

The landowner, Jones Realty Inc. (c/o Terry Jones), has applied for:

1) an Official Plan Amendment (OPA) to have the subject property redesignated from the present 'Institutional' designation to a 'Residential' designation. The OPA will establish the 'Residential: Medium Density' policy framework for the parcel;

2) a Zoning Bylaw Amendment (ZBA) to have the property rezoned form the present 'Institutional (I)' to a site specific 'Residential Multiple Second Density (RM2)' zone. The ZBA will provide for a site specific regulatory framework to allow for the proposed residential apartment building on site;

3) Site Plan Control application will be requested after the adoption of the OPA and passing of the ZBA.

1.2 PURPOSE OF THE REPORT

The subject property is presently designated 'Institutional' on Schedule B-2, Land Use in the Town of Amherstburg Official Plan and zoned 'Institutional (I)' in Comprehensive Zoning By-law (CZB) 1999-52 for the Town of Amherstburg.

The subject site has a lot area of 10,625 m^2 (1.06 ha) and lot frontage of 83.5 m on Brock Street and street line of 127 m along Richmond Street creating an exterior side yard.

The owner proposes to build a 4 storey, 75 unit apartment building intended for rental residential with 2,217 m2 GFA resulting in 20.8 % lot coverage. The site will be extensively landscaped with gardens, trees, black wrought iron fencing that will assist in providing significant amenity space to the residents.

An Official Plan Amendment (OPA) is being requested to change the policy framework applied to the subject property from 'Institutional' to 'Residential' to support the proposed residential apartment building development. This rationale report will evaluate the requested OPA and change of land use category in context of the PPS, the County of Essex policy framework and in the Town of Amherstburg Official Plan policy direction for residential land use.

With the request for the change of land use from the previous institutional use to residential use, a Zoning Bylaw Amendment (ZBA) is required to recognize the existing lot configuration, site characteristics, and proposed residential development. This rationale report also examines the requested ZBA in context of the PPS, the County of Essex Official Plan, the Town of Amherstburg OP, and specifically in context of the CZB for the Town. The resultant ZBA will change of the applicable regulatory framework applied to the property from 'Institutional (I)' to a new site specific 'Residential Multiple Second Density (RM2-#)' zone.

This planning rationale report will demonstrate the consistency of the development proposal with the Provincial Policy Statement (PPS) 2020 and how the proposed residential apartment land use is consistent with provincial housing policies, supports healthy community initiatives, and provides for healthy, walkable community policies of the province.

This report provides the rationale and support for the requested residential development through the Official Plan Amendment (OPA) that will change the applicable OP policy framework applied to the property from 'Institutional' to 'Residential: Medium Density' and a site specific Zoning Bylaw Amendment (ZBA) that will rezone the lands from 'Institutional (I)' to apply a site specific 'Residential Multiple Second Density (RM2-#)' zone to the subject lands.

1.3 219 BROCK STREET SITE INFO

The subject property formerly described as Part of Lot 2 , Concession 1 in the Township of Malden, now in the Town of Amherstburg. The subject lands have a legal description of: Lots 9 and 10 (E/S Brock Street), Lots 11 and 12 (W/S Kempt Street), Parts Lots 5 and 6 (E/S Kempt Street), and Part of Kempt Street closed by unregistered Bylaw and Part of Murray Street (Closed by Bylaw R10039955), Plan 1 Amherstburg, designated as Part 4 Plan 12R25406, Town of Amherstburg.

In 1950 St. John the Baptist School was constructed on vacant land adjacent to the St John the Baptist Catholic Church to accommodate a catholic school associated with the church. In 1977 a portion of Murray Street was closed and added as playfield for the school. At this juncture, French immersion school programing was added to the school and the school was re-named to 'Ecole St Jean Baptiste'.

The subject lands are presently owned by Terry Jones Realty Inc. c/o Terry Jones. The subject site has a municipal address of 219 Brock Street and is located at the corner of Brock Street and Richmond Street urban settlement area of Amherstburg. The site is located in the periphery to the downtown core in a residential area known as the Old Town of Amherstburg.

FIGURE 2: 2010 SITE AERIAL

FIGURE 3: 2022 SITE AERIAL

Approximately 2010-2013 the school was closed and de-commissioned. In 2013 the school was purchased by the Town and a demolition permit was issued and the building removed. Since 2014 the property has remained vacant.

1.4 SITE CONFIGURATION

The subject site is a large, rectangular shaped lot with two road frontages at the corner of Brock Street and Richmond Street. Under the CZB for the definition of frontage for a corner lot being the lesser of the two frontages, Brock Street will remain as frontage for the proposed apartment building.

1.5 TOPOGRAPHY

FIGURE 4: 2022 SITE LOOKING NORTH

FIGURE 5: 2022 SITE LOOKING SOUTH/EAST

The property is flat and has little to no variation in elevation or grade change. There are no swales or ditches on the property. Refer to Figure 2 above showing site aerial. There are no natural features or natural hazards associated with this property.

1.6 VEGETATION

The subject lands consist of manicured lawn. The subject lands were originally the play area associated with the catholic school: St John de Baptiste. There are a couple of existing trees on site that were allowed to grow over the years of non-use of the property. As shown on the above pictures of Figures 4 and 5 above, the few existing trees on site appear to be Norway maples and standard spruce trees that are not significant nor are they identified as Species at Risk.

FIGURE 6: 2022 SITE LOOKING NORTH/WEST

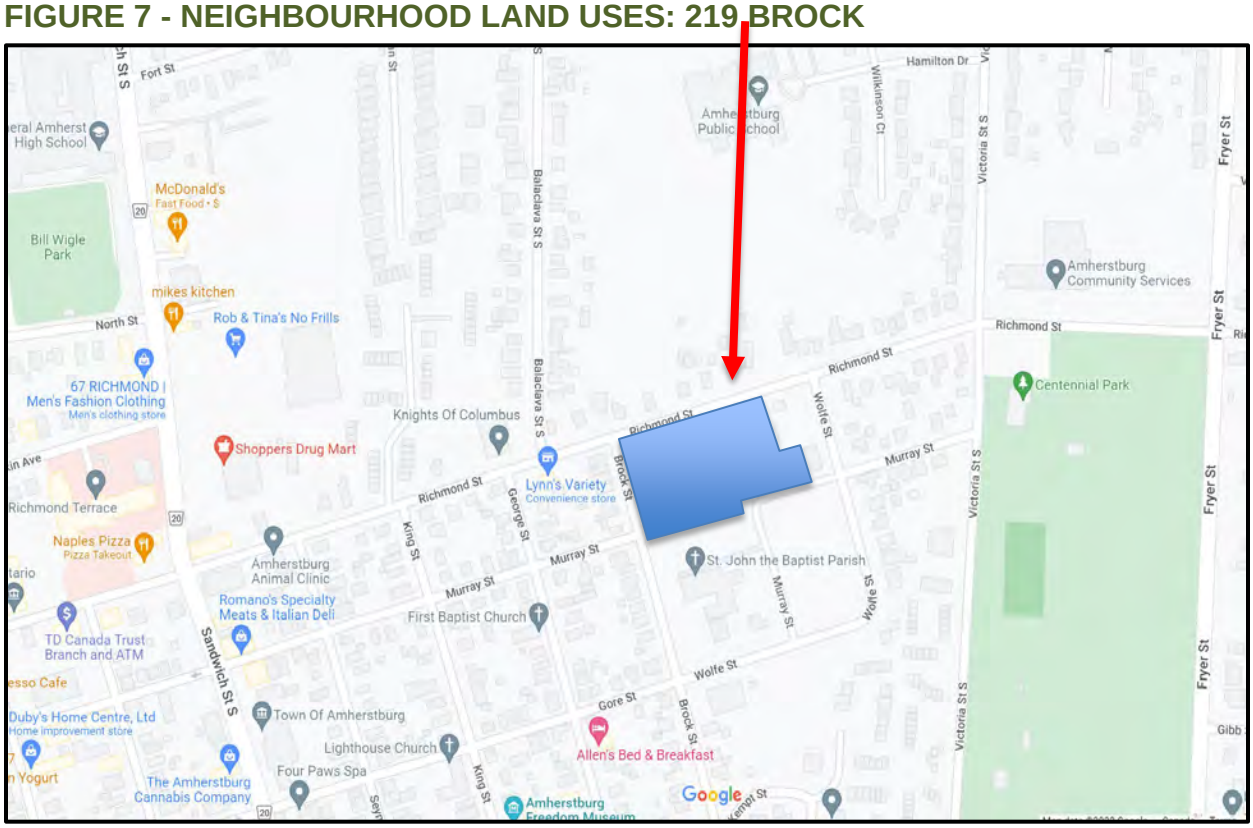
With the proposed development, the landscaping will be professionally designed and installed to create a welcoming amenity space associated with the residential development. Black wrought iron fencing will be included to provide a sense of space and definition of amenity spaced for the apartment building

1.7 NEIGHBOURHOOD LAND USES

The new residential low profile, 4 storey apartment building is proposed within a residential neighbourhood that is supported by active transportation walking and biking trails, and is within close walking distance to supportive commercial and institutional amenities. The residential neighbourhood is in the location of the Old Towne of Amherstburg.

a) **North- mixed density residential, Amherstburg Public School;**
b) **East- residential, commercial daycare, Centennial Park**;
c) **South- St. John the Baptist Church, mixed density residential;**
d) **West- institutional, downtown core, commercial, mixed density residential.**

FIGURE 7 - NEIGHBOURHOOD LAND USES: 219 BROCK



The subject site is located within a mixed use neighbourhood located in the periphery to the downtown business core and within a few minutes walking distance of many nearby commercial amenities including: Shoppers Drug Mart, Walmart, Sobey's, No Frills, personal service shops (hair dresser's, yoga studio, etc), and multiple restaurants such as 'Naples Pizza', Romano's Specialty Meats). A daycare is adjacent to the proposed development. An elementary school is within a short walk.

There are cultural and institutional uses within a 5 minute walking distance: Knights of Columbus, Amherstburg Public Library, the Park House Museum, the Amherstburg Freedom Museum, Amherstburg Community Services, Centennial Park, and multiple places of worship, and other commercial businesses in the Amherstburg downtown core.

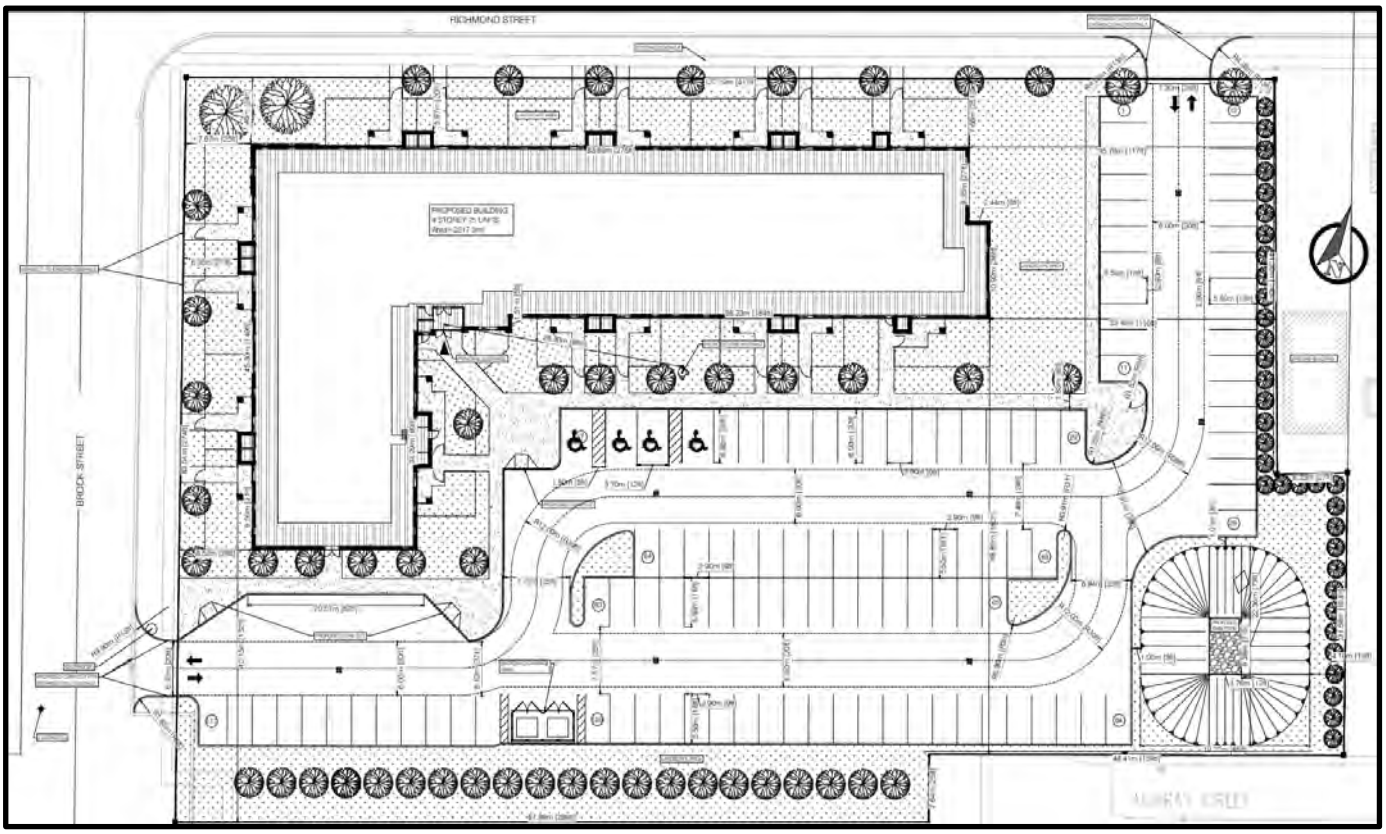
The proposed development can be considered a transitional site to the downtown core. The neighbourhood is a mix of uses, height, massing and density as a transitional neighbourhood in the periphery to the downtown core. This neighbourhood is also an area in transition as the downtown area thrives and prospers and the older neighbourhood begins to rejuvenate as uses and buildings transition to support the municipality as a whole.

2.0 DEVELOPMENT PROPOSAL

The present owner of the property, Terry Jones Realty Inc, is proposing the development of the subject site with a 75 unit residential apartment building. The site will also be development with parking, site amenities, extensive landscaping, bike parking, loading, and storm water management facilities.

The proposed development will require a change in OP policy framework and change in Zoning regulations from the institutional uses presently permitted to residential to support the residential land use proposed for development of the site.

FIGURE 8 – CONCEPT PLAN



The residential units are going to be rental units, an alternative form of accommodation and tenure from the standard single detached residences. The residential units for rent will provide for rental accommodation within a municipality that has a low vacancy rate and the development will provide for a diversity of accommodation that is needed in the Town. The rental apartment building will provide for a new housing choice identified as the 'Missing Middle' accommodate, needed in the Town of Amherstburg.

Consistent with the provincial housing direction and the need for rental apartment building, the proposed low profile building has been designed to be compatible with the neighbourhood and to result in a low impact on the long established residential neighbourhood. The site is well suited with the new building to be bounded by two roads, a church on one side, and only one side with existing residences resulting in an infill development in an existing residential neighbourhood.. The building has been designed to be distance separated from the existing residence. In my professional opinion the proposed building is compatible with the existing residential neighbourhood.

FIGURE 9 – CONCEPT PLAN: ENTRANCE RENDERING

FIGURE 10 – CONCEPT PLAN: BROCK/RICHMOND RENDERING

In conclusion, it is my professional opinion that the residential apartment building will provide for an alternative housing style while supporting a diversification of housing style and tenures within the Town. The low rise profile and medium density can be considered compatible with the existing neighbourhood. The extensive landscaping, site amenities and the siting of the building on the site will provide for a welcoming and friendly environment for the new residential buildings.

2.1 PROPOSED OPA AND ZBA

The Official Plan policies for the 'Institutional' designation allows for educational, civic, and recreational uses, as well as for municipal or private utilities.

4.6 INSTITUTIONAL LAND USE DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose. The general principles to be considered in the development and control of the use of such land are as follows: The uses permitted shall include educational facilities including public, separate, and private schools, places of

worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

Official Plan policies for the 'Institutional' designation allows for institutional uses such as schools, community centre uses, churches, etc. An Official Plan Amendment (OPA) is required to apply general residential policies to the proposed development. An OPA has been requested to redesignate the lands from 'Institutional' to 'Residential' designation to support the establishment of the 75 unit apartment building. The OPA will simply redesignate the subject lands to residential land use with the general residential policy framework applying to the proposed land use: a site specific policy is not required as the proposed land use will conform with the general residential designation policies.

The proposed Official Plan Amendment (OPA) to redesignate the subject lands to 'Residential: Medium Density' designation and a Zoning By-law Amendment (ZBA) to rezone the lands to ''Residential Multiple Second Density (RM2)' zone. The change to residential supports the infill development of the existing vacant lot for the development of needed residential rental apartment housing by the construction of a new 4 storey residential apartment building with 75 units. This new building will provide a needed diversity of housing options, has been designed to be compatible with the neighbourhood, is within a walkable distance to Downtown Amherstburg commercial areas, is within close proximity to open spaces and recreational areas, and can be considered a positive infill opportunity.

With the requested new residential apartment building, the site will require a site specific by-law to apply site specific regulations to the property for the inclusion of permitted uses and site specific regulations.

It is recommended that the following be considered as site specific provisions:

1) Front Yard Setback (Brock St): 6.3 m;
2) Landscaped Open Space (minimum): 37%

Both the existing Official Plan policies and Zoning regulations recognize the present land use of institutional on site. An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) has been requested to recognize the proposed residential land use and site specific characteristics for the proposed building and site. With the addition of a new apartment building, the new site specific (RM2-#) zone is required to recognize the site provisions.

2.2 SITE SERVICING STUDY

Baird AE Project No. 21-183, 27 Princess Street, Unit 102, Leamington ON, is a qualified civil engineering firm that undertook a Functional Servicing Report for 219 Brock Street proposed development.

> ***"4. Conclusion***
>
> *This report presents existing municipal and proposed servicing details, and stormwater management requirements for the proposed development, located at the southeast corner of Richmond Street and Brock Street, in Town of Amherstburg. Based on our initial investigation, we conclude and recommend the following:*
>
> *1)* ***Sanitary*** *– a new 200mm diameter sanitary service will tie-in to the existing 300mm sanitary sewer on Brock Street.*
>
> *2)* ***Watermain*** *– one new 150mm diameter water service will be provided to the development and tie-in to existing 200mm watermain on Richmond Street. New fire hydrants will also be installed to facilitate the development.*
>
> *3)* ***Storm*** *– All minor storms will be serviced through proposed storm sewers. A 200mm diameter storm pipe will be tied to the existing 300mm diameter storm sewer, and a control orifice plate is installed at the outlet pipe of SWM facility. During major storm events, the post-development peak flows from all events from the site will be controlled to the peak flow from the target pre-development conditions."*

Based on the findings of the Functional Servicing Report the proposed development can be considered to not cause negative impacts to the municipal infrastructure. Further, municipal services (water and sewer) have adequate capacity to accommodate the proposed development. Storm Water can be managed from the site in both quantity and quality without negative impact on the neighbourhood. No modifications to municipal infrastructure are required to facilitate the proposed development.

It is recommended that the SWM pond be landscaped to become a naturalized feature on site that is aesthetically integrated and can become a gathering spot for residents.

2.3 TRAFFIC MEMO CONCLUSIONS

Paradigm Transportation Solutions Limited, 5A-150 Pinebush Rd, Cambridge ON N1R 8J8, is a qualified transportation engineering firm that undertook a traffic study relating to the proposed development.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

"This impact assessment includes an analysis of existing traffic conditions, describes the proposed development, traffic forecasts for five years from the assumed completion of the developments (2030), and recommendations to improve future traffic conditions.

Development Description:

This TIS considers the development of 219 Brock Street and consists of:

- 219 Brock Street: a 75-unit mid-rise apartment building;
- Access to the proposed development is provided via:
  - an all-moves access to Brock Street; and
  - an all-moves access to Richmond Street.

Conclusions:

Based on the investigations carried out, it is concluded that:

- **Existing Traffic Conditions**: All study area intersections are currently operating within acceptable levels of service;
- **Proposed Development**:
  - 219 Brock Street: The full build-out of the site is forecast to generate 21 and 30 trips during weekday AM and PM peak hours, respectively.
- **2030 Background Traffic Conditions**: All study area intersections are forecast to operate at acceptable levels of service;
- **2030 Total Traffic Conditions**: The total traffic conditions are forecast to operate similarly to the background conditions;
- **Remedial Measures**:
  - Left-Turn Lane Warrants: It was found that **no left-turn** lanes are forecast to be warranted.

Recommendations:

Based on the findings of this study, it is recommended that the proposed development at 219 Brock Street and 247 Brock Street be constructed with no further roadway or intersection improvements."

Based on the findings of the TIS, the proposed development can be considered to not cause negative impacts to the municipal infrastructure and will not have a negative impact on the traffic of the neighbourhood. No modifications to municipal infrastructure are required to facilitate the proposed development.

2.4 ARCHEOLOGICAL STUDY;

AECOM Canada Ltd., 410-250 York Street, Citi Plaza, London ON N6A 6K2, a qualified archaeological firm licence No. P393, undertook an archaeological study under project file P393-0045-2014 relating to the proposed development. **The project study was prepared in 2014 for 1869089 Ontario Limited**.

Executive Summary:

1) Prior to AECOM Canada Ltd in 2014, there were three different Archaeological Assessments of the areas adjacent to the current study areas under Stage 2 and 3 assessments. The assessments were done "**as part of an investigation by the town to determine the development potential for the property adjacent to the former school, École St. Jean Baptiste, and delineate the boundaries of the existing St. Jean Baptiste Cemetery and excavations were carried out to fulfill the requirements of the Cemeteries Act (R.S.O. 1990)":**

    - 1988 Archaeological Delimitation of the Cemetery on the Grounds of the St. John the Baptist School, Amherstburg, Essex County. **Prepared by the Museum of Indian Archaeology;**

    - 2006 Eéole St. Jean Baptiste and St. John the Baptiste Cemetery (AaHs□31)…Stage 1 Archaeological Background Study. **Prepared by Historic Horizon Inc. P048-031-2006;**

    - 2011 Cemetery Investigation and Stage 2 & 3 Archaeological Assessment St. Jean Baptiste Cemetery (AaHs-31), 219 Brock Street, Amherstburg,

Geographic Township of Malden, Ontario. **Prepared by Timmins Martelle Heritage Consultants Inc. (TMHC) P083-136-2011.**

2) **In 2011, the areas adjacent to the current study area were subject to a previous Stage 2 and 3 archaeological assessments by Timmins Martelle Heritage Consultants Inc. (TMHC) (2011) as part of an investigation by the town to determine the development potential for the property adjacent to the former school, École St. Jean Baptiste, and <u>delineate the boundaries of the existing St. Jean Baptiste Cemetery.</u>**

3) ***AECOM Canada Ltd. (AECOM)*** *was contracted by 1869089 Ontario Limited in* ***2014*** *to conduct the required Stage 2 archaeological assessment of the St. John de Baptiste School Yard, legally described as Part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario.*

4) ***TMHC ASSESSMENT (2011):***

- **The TMHC assessment (2011) determined the boundaries of the cemetery which was accepted by the Town of Amherstburg and the Cemeteries Regulation Unit to be used as the legal boundary.**

- **<u>It was determined that the northern cemetery limit was south of the Murray Road ROW and does not extend into the current study area.</u>**

- **Given the presence of archaeological remains associated with the former St. Joseph's Academy (AaHs-106) the report recommended that should the current study area, north of the cemetery boundary, be subject to future development, a Stage 2 archaeological assessment should be conducted (TMHC 2011). <u>The current Stage 2 archaeological assessment satisfies this requirement</u>.**

5) *The study area is comprised of approximately 2 acres of manicured lawn surrounding a demolished school (Figure 1 and 2). The Stage 1 archaeological assessment was previously conducted by Historic Horizons Inc. (2006).*

6) *This assessment was conducted to meet the requirements of Section 3 of the Planning Act, and Section 2.6 of the most recent Provincial Policy Statement of April 30, 2014 (Ontario Government 1990a).*

7) *The Stage 2 archaeological assessment was conducted on May 12, 2014 under PIF number P393-0045-2014 issued to Erik Phaneuf, Professional Archaeologist at AECOM.*

> ***"No archaeological sites or material were identified during the course of the Stage 2 archaeological assessment of the St. John de Baptiste School Yard and, thus, archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required."***

8) July 20, 2015 the Ministry of Culture approved and entered the above report into the Public Register of Archaeological Reports. With the registration of the report, no further studies are required for the subject site and it is deemed clear.
9) For Council's assurance, provisions should be included in the Site Plan Agreement that identifies what process will be undertaken should artifacts be discovered on site during any construction or excavation of the site.

In conclusion, the findings of the archaeological report do not warrant any further study of the property.

2.5 SHADOW STUDY

When considering the infill of a new development within an existing neighbourhood, it is important to evaluate the impact of the built form on the neighbourhood.

FIGURE 11 – SUMMER SOLSTICE: BROCK/RICHMOND SHADOW STUDY

The Shadow Study: **Summer Solstice** shows that due to the low profile height and the orientation of the building during the summer months, **the shadow created by the new building will not put the existing residences into shadow during summer solstice**.

As shown below, **Winter Solstice** during the daylight hours of the winter months when sunlight is optimum, the shadow will extend across the street but does not **put the existing residences into shadow during winter solstice.**

Specifically, with the distance separation and the building oriented towards the corner of Brock and Richmond has effectively eliminated the shadow effect on the only adjacent residence at 259 Richmond St.

The low profile of the proposed building can be considered compatible with the neighbourhood as shown in the shadow study.

FIGURE 12 – WINTER SOLSTICE: BROCK/RICHMOND SHADOW STUDY

In my professional opinion, the Shadow Study shows that the 4 storey, low profile building is well suited for the neighbourhood and the study shows that the infill development is compatible with the existing neighbourhood.

2.6 URBAN DESIGN GUIDELINES/HERITAGE CONSIDERATION

The subject site is not located in the Downtown Core Residential area of the municipality where the 'Downtown Amherstburg Urban Design Guideline' was completed to direct new development, however, the guidelines provide sound direction for new development as infilling in established residential neighbourhood. The subject site is located within the 'Old Town of Amherstburg' as a residential neighborhood that is periphery to the downtown core.

The subject property is not designated under Part IV of the Heritage Act, nor is the site located within a Heritage District under Part V of the Heritage Act. There is a property to the east of the subject lands known municipally as 259 Richmond Street. The residence at 259 Richmond is designated under Part IV and is identified as the 'Wallace Smith Residence'.

The following are provided as guidance for the preservation and restoration of the heritage and for infill of new development to ensure compatibility with existing residential infrastructure;

1. *Design new building with careful consideration of their design elements so that new buildings are complementary to the established heritage in the area;*
2. *Site and scale of new buildings should be complementary to adjacent structures using setbacks and height for new buildings that respect the existing building setbacks and massing;*
3. *Use precedents for roof profiles, windows, entrances, and porches from the existing built form and streetscape as a guide for the design of new buildings;*
4. *Orient principal building entrances so they face the public street and are a prominent feature in the building elevation;*
5. *Locate garages {and parking} in the side or rear yards to diminish visual impact;*
6. *Select materials for new construction based on the variety of materials found within the existing neighbourhood;*
7. *Plant street trees to match established pattern on the street;*
8. *Ensure that physical improvements do not destroy historic character of neighbourhood.*

The building is bounded on two sides by roads and on the third side by a vacant parcel. An existing heritage designated parcel is adjacent to the east. The proposed building has been designed as a low profile, 4 storey building placed towards the road frontage away from the heritage parcel with an intent that the low profile and the distance separation will reduce visual impact on the existing heritage residence.

The main entrance has been designed as a welcoming entrance and incorporated on the interior face of the building in order to cause the least disturbance to the neighbourhood. As well, all parking is in the rear yard supporting the reduction of noise and disturbance to the neighbourhood. As shown on the elevations above, there will be individual entrances from the ground floor units providing for the connectivity of the building to the streetscape.

Please refer to Figure 9 and 10 above: the front facades have been designed to be sympathetic and supportive of the heritage of the neighbourhood without conflicting or contradicting the heritage of the neighbourhood. Features such as ‘limestone brick veneer’, accentuating pillars, ‘clap board’ accents, facia molding/boards as accents, and black powder coated railings to look like wrought iron defining the main floor entrances to create a welcoming approach to the building.

The proposed low rise apartment building, in my professional opinion, can be considered compatible and complimentary to the existing residential neighbourhood.

2.7 COMPATIBILITY OF DEVELOPMENT WITH NEIGHBOURHOOD

The proposed development is located in the peripheral area adjacent to the downtown core of Amherstburg. The site is located as an infilling development in the mixed use area that is peripheral to the downtown core.

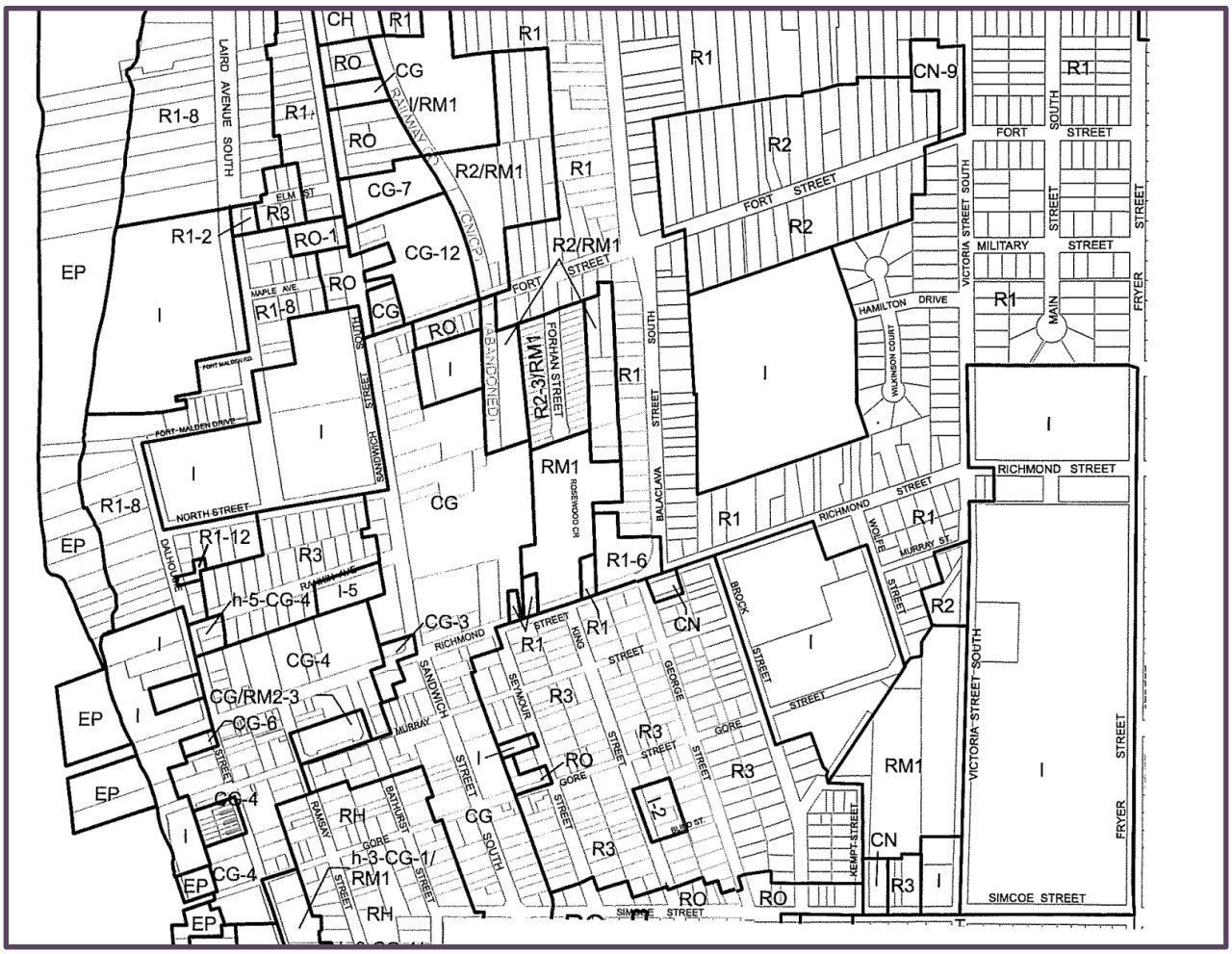
The province and the municipality policies and sound planning requires a mix of residential densities, tenures, and styles of housing in a municipality to ensure a healthy community. The provision of the 'missing middle' alternative housing of rental to be provided in a low profile building supports the province and the municipality's healthy community initiatives by providing for alternative tenure and style of housing to accommodate all residents within the municipality.

The proposal is appropriate and compatible with the neighbourhood as an infilling development as directed by provincial and municipal policies to provide medium density residential alternative housing in the peripheral areas to the downtown core. The subject site is an appropriate location and in my professional opinion, supports municipal and provincial polices that direct development to the peripheral areas of the downtown to assist in reducing climate change by reducing the dependence on the car with the development being in close walking proximity to commercial, institutional and amenities located in the downtown.

There are other properties within the neighbourhood with comparable density and the medium density zoning proposed for the property. The neighbourhood is a mix of densities that include medium density. It is my professional opinion that the proposed medium density residential is an appropriate, compatible density within the mixed density neighbourhood.

As shown below on **FIGURE 13 – ZONING OF THE NEIGHBOURHOOD,** there are mix of uses within the neighbourhood including institutional church, institutional schools, daycare, restaurants, CBD commercial, as well as residential uses and medium density residential uses (St Anthony Lofts) within the immediate neighbourhood. In my professional opinion, the proposed medium density residential use as an infilling development is compatible in use with the mixed use neighbourhood and existing residential neighbourhood.

FIGURE 13 – ZONING SHOWING MIXED DENSITIES IN NEIGHBOURHOOD

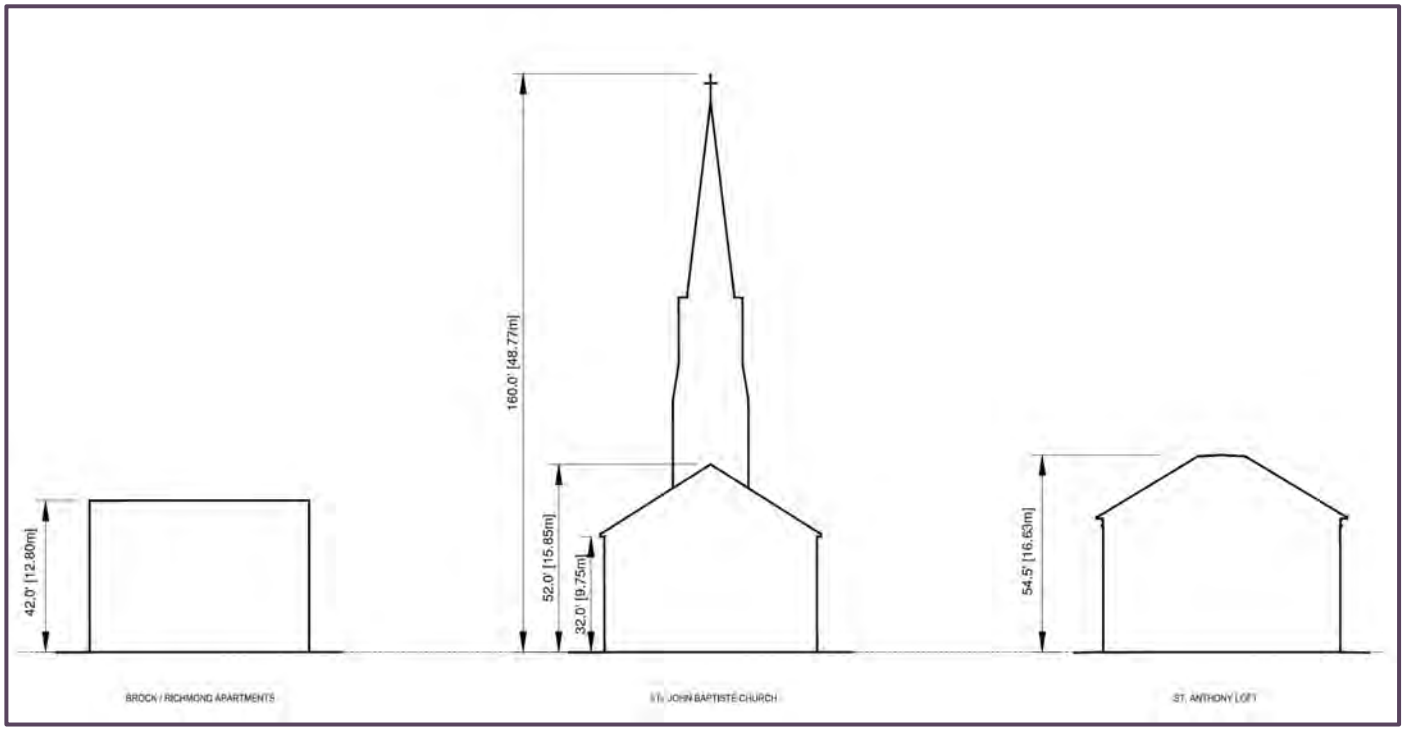


The building profile is comparable and similar to a number of flat roof buildings in the neighbourhood: church rectory has a flat roof, adjacent day care has a flat roof, the veterinary clinic has a flat roof, the school at the corner, a portion of St Anthony Lofts to name a few. The proposed building is low profile and is compatible and in keeping with design and styles within the neighbourhood.

The neighbourhood is a mix of heights, massing and profiles as a transitional neighbourhood in the periphery to the downtown core. Please note the attached elevation design in **FIGURE 14 – HIGHER STRUCTURES IN CLOSE PROXIMITY** below shows that the building is lower than the existing St Anthony's Lofts, located within a block of the site. The proposed building massing and height is substantially lower than the existing church located immediately to the east of the property.

Adjacent to the subject building is a church with a significant high profile building and steeple. There are multiple other examples of higher buildings within the mixed neighbourhood. With the proposed building being located in the periphery to the downtown, there are a number of buildings within close proximity to the CBD with commercial buildings with comparable heights. In my professional opinion, the building is a low profile building that is compatible in height within the neighbourhood.

FIGURE 14 – HIGHER STRUCTURES IN CLOSE PROXIMITY



Significantly, the building will be infilling within an 'aging' neighbourhood. The low profile building provides for a compatibly of similarities to the neighbourhood that will provide comfort to the seniors within the neighbourhood, and as a building geared to seniors, will provide them an opportunity to 'age in place' in a low profile building comparable to their housing within their existing neighbourhood.

This neighbourhood is an area in transition as the downtown area thrives and prospers and the older neighbourhood rejuvenates as uses and buildings transition to support medium density development. Development in close proximity such as the Lofts at St. Anthony support the rejuvenation of the neighbourhood and the municipality as a whole. The proposed development fosters the rejuvenation of the neighbourhood with the provision of new housing style and tenure that is compatible in height,

From a heritage perspective, the neighbourhood is a mix of building styles and designs, built design periods, and a mix of design elements and materials. There is not one period or design style that is cohesive to the neighbourhood. This mix of built periods, building styles and designs makes it impossible to try to stylize a building for continuity of design. The proposed building design is compatible with the neighbourhood by providing heritage features such as: black wrought iron fencing to define entrances, limestone style brick façade, muted 'limestone' colours, etc. The building has been designed to have similar components and to compliment the iconic Amherstburg limestone built design. The design compliments the Lofts at St Anthony without trying to replicate the building design. The new building supports the 'heritage image' of Amherstburg as a community. In my professional opinion the design and style of the building is compatible with the neighbourhood heritage.

The site and building will undergo Site Plan Control review whereby details of the site and building. As a component of Site Plan, as noted by Frank in the attached letter, the new building will be reviewed by the Heritage Committee. Minor adjustments will be made as directed by the Heritage Committee.

It is a primary policy direction of the province that residential development should increase in density in the urban settlement area from the standard single detached residences to ensure wise management of lands (build higher in town and not out on farm land). The proposal conforms with municipal and provincial policies to provide a managed growth, appropriate, gentle density, while also providing a low profile compatible building as an infilling within the existing neighbourhood.

The site is a large 1 ha parcel with two road frontages that has been designed to ensure built form compatibility with the existing buildings within the neighbourhood. There are some residential buildings (St Anthony's Lofts) within the neighbourhood that are 3 storeys in height that are taller than the proposed low profile building. The building is proposed with only 21% lot coverage. The size of the lot and the small footprint provide for the small massing of the building, making the building compatible with the neighbourhood.

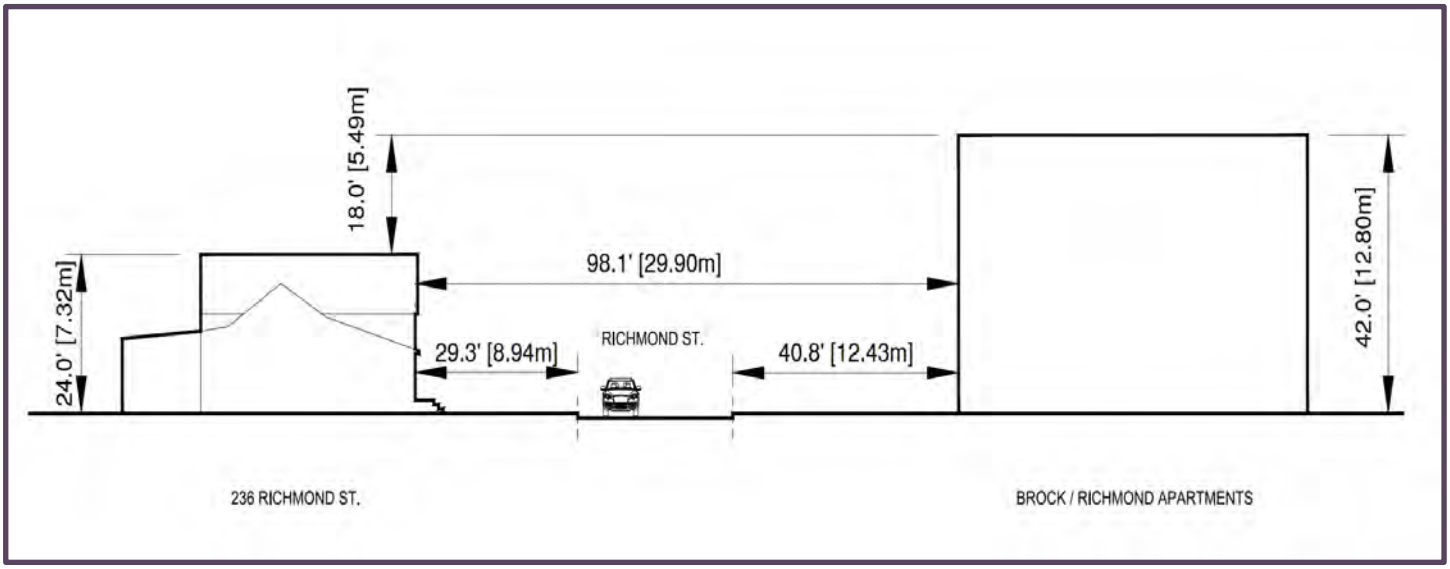
The building has been placed at the far side of the property, approximately 30 m away from the existing residence. The building is low profile at 4 storeys, comparable to other buildings within the neighbourhood and only slightly taller than the adjacent residence, a height differential negated by the distance separation.

Extensive landscaping has been provided to allow for separation and buffering from the existing adjacent residence. As well, landscaping will provide for visual buffering for the building from the general public.

The shadow study shows the low profile building will not have a negative impact on the existing residences across Richmond Street. The soft building design will result in a low visual impact and will blend with the neighbourhood built form. A heritage look has been given to the building to allow for the building to compliment the mix of heritage within the neighbourhood.

In my professional opinion, the proposed built form compliments the neighbourhood and the new development is considered compatible with the built form of the neighbourhood.

FIGURE 15 – HEIGHT COMPATIBILITY WITH ADJACENT RESIDENCE



The proposed development will provide a low profile building that is heritage complimentary to the existing neighbourhood, provides for alternative housing greatly needed in the community, provides for housing that will allow senior members of the neighbourhood to age in place, and supports healthy community initiatives of the municipality and province. It is my professional opinion that the proposed low profile height, small massing and heritage character of the building is compatible with the neighbourhood and the community of Amherstburg.

3. PROVINCIAL POLICY STATEMENT (PPS 2020)

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

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

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

COMMENT:

In my professional opinion, the proposed OPA and ZBA allowing for the proposed new residential apartment building will create an efficient and effective use suited and compatible with the existing neighbourhood.

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

COMMENT:

The proposed 75 unit residential apartment building will provide for an alternative style and tenure of housing than the standard housing in Amherstburg. The apartment units will provide for needed rental accommodation. The OPA and ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings provide for an alternative housing style and tenure while supporting a diversification of housing styles and tenures within Amherstburg. The proposed 75 unit residential apartment building will provide for efficient and effective moderate intensification creating a gentle density of residential units.

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

COMMENT:

There are no environmental or health issues associated with the proposed infilling development.

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;

COMMENT:

The subject lands are located within the urban area of the principal settlement area within the Town of Amherstburg. The new residential low profile apartment building can be considered, in my opinion, an appropriate and compatible infilling residential development within an established residential neighbourhood; the buildings are distance separated, provide a housing tenure and style diversification that is compatible with the neighbourhood. The property is located within a residential area peripheral to the downtown core and will not result in the unnecessary expansion of the urban settlement area.

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

COMMENT:

As noted in the servicing reports, there is sufficient capacity in the municipal system to accommodate the proposed 75 unit residential apartment building. As noted above, it is my professional opinion that the low profile, heritage sensitive building is an appropriate and compatible infilling development within the existing residential neighbourhood and provides for an appropriate moderate intensification of residential use. The rental tenure will support the present low vacancy rates within the municipality and provide for alternative housing tenure and style.

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

COMMENT:

Building accessibility will be established in compliance with the OBC for all the residential units.

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs

COMMENT:

As noted above in the Civil Works report there is capacity available in the municipal infrastructure to accommodate the proposed 75 unit residential apartment building. The proposed new residnetial building is considered an efficient and effective utilization of municipal infrastructure and provides for needed alternative residential housing.

h) promoting development and land use patterns that conserve biodiversity; and

COMMENT:

It is my professional opinion that the proposed development assists with the conservation and preservation of biodiversity by providing for appropriate gentle density through redevelopment of existing lands as infilling in an urban centre.

i) Preparing for the regional and local impacts of a changing climate.

COMMENT:

The building is located within a neighbourhood providing services and commodities within walking distance. There are employment opportunities within walking distance to the site, supporting the work/live initiative. In my professional opinion the proposal considers the changing climate by reducing the dependence on the vehicle while supporting walking, biking and healthy community initiatives of the Town and Province.

"Section 1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

1. *efficiently use land and resources;*
2. *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;*
3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
4. *prepare for the impacts of a changing climate;*
5. *support active transportation;*
6. *are transit-supportive, where transit is planned, exists or may be developed; and*
7. *are freight-supportive; and*

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."

COMMENT:

The proposed new 75 unit residential apartment results as an efficient infilling development of vacant lands with a compatible building and appropriate gentle density of residential land use.

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development.

In my professional opinion, the proposed residential development will provide for alternative development that allows for moderate intensification of use that can be considered is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development within the existing neighbourhood.

"***Section 1.1.3.3 Settlement Areas***

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."

COMMENT:

The subject lands are within a short walking distance to the downtown and within a neighbourhood where municipal walking trails are available. The OPA/ZBA will support the establishment of a 75 unit residential apartment providing for altertnative tenure and style, utilization of vacant lands to provide needed residential accommodation within a residential neighbourhood in the periphery to the downtown.

Section 1.1.3.4 Settlement Areas

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

COMMENT:

The development of the subject lands supports, promotes and facilities an appropriate land use for the neighbourhood while allowing for gentle density of land use and providing needed residential apartment building as alternative tenure and style of housing. The building has been designed to be compatible with the neighbourhood and will be an asset as an infilling developing. There are no public health issues or risks associated with the proposed development.

COMMENT:

In my professional opinion, the requested OPA and ZBA is consistent with the 2020 PPS by providing policy and regulatory framework supporting the efficient and effective re-use of lands that will result in a manageable, appropriate moderate intensification of serviced land within the periphery to the downtown core in the settlement area of the Town of Amherstburg. Providing for a general redesignation to 'Residential' land use and a site specific ZBA regulation that will support the establishment of rental residential apartments as needed alternative housing is consistent with the Provincial Policy Statements.

4.0 COUNTY OF ESSEX OFFICIAL PLAN

The Official Plan for Essex County is applicable to planning matters for the Town of Amherstburg. The subject property is presently designated 'Institutional' in the Official Plan of the Town of Amherstburg. The following sections review policies as they relate to the request for an OPA and ZBA to support the rezoning of the site from "Institutional" to "Medium Density Residential" for the development of the site as a 4 story apartment building with 75 residential units and 132 associated parking spaces.

"Section 1.5 Goals for a Heathy County

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. To this end, the policies of this Plan have been developed to achieve the following goals for a healthy County of Essex:

a) 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.
b) 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 livable communities.
c) To create more mixed use, compact, pedestrian-oriented development within designated and fully serviced urban settlement areas.
d) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population."

COMMENT:

The proposed development is located within the principal settlement area of Amherstburg. The proposed apartment will be an infilling residential apartment within an existing residential neighbourhood. The proposal is a wise utilization of existing infrastructure and will provide for appropriate, gentle density of needed alternative residential units. The proposed development of a 75 unit residential apartment building will provide for alternative housing supporting the diversification of residential units.

In my professional opinion, the proposal conforms with Section 1.5 Goals of the County of Essex Official Plan policies.

*"**3.2.1 General Directive Schedule "A1"** of this Plan identifies the location and precise boundaries of the "Settlement Areas" within the County. Schedule "A2" details the structure of the "Settlement Areas", by differentiating between Primary and Secondary.*

It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County's settlement structure, focus public and private investment in fewer areas and to preserve the lands designated "Agricultural" and "Natural Environment" for the purposes outlined in the policies of this Plan."

COMMENT:

The subject lands are located within the Principal Settlement Area of the Town of Amherstburg. The proposed 75 unit residential apartment provides for appropriate gentle density of land use in an appropriate area of the urban settlement area of Amherstburg.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.1 of the County Official Plan.

*"**3.2.2 Goals***

The following goals are established for those lands designated as "Settlement Areas" on Schedule "A1":

a) Support and promote public and private re-investment in the Primary Settlement Areas.

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

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."

COMMENT:

The investment to re-develop the subject lands is focused within the settlement area of the Town of Amherstburg.

The proposed development will provide for alternative housing and tenure by supporting diversification of the housing market by providing rental accommodation and ownership.

The development will support managed appropriate moderate intensification of residential land use.

The proposed building will be designed to be visually appealing and landscaped extensively and can be considered compatible with the existing residential neighbourhood.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.2 Goals of the County Official Plan.

3.2.4.1 Policies
The following policies apply to Primary Settlement Areas

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).

COMMENT:

The OPA/ZBA will support the infilling of an appropriate gentle density as an infilling development that is an efficient and effective utilization of municipal services. The proposed development will support alternative form of housing tenure and style while providing for an appropriate and compatible development. The proposed f rental apartment is within an area that is walkable to the downtown for commercial amenities supports the walkable healthy community.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.4.1 of the County Official Plan.

5.0 TOWN OF AMHERSGUBURG OFFICIAL PLAN

The subject lands are presently designated 'Institutional' in the Town of Amherstburg Official Plan. The following policies relate to the permitted uses within the 'Institutional' designation:

"4.6 INSTITUTIONAL LAND USE DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose. The general principles to be considered in the development and control of the use of such land are as follows: The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

COMMENT:

The proposed residential apartment use is not a permitted use under the 'Institutional' designation.

An OPA is required to change the designation of the property to 'Residential: Medium' to have residential policies applied to the subject property.

"SECTION 2.23 INSTITUTIONAL USES

New institutional development or redevelopment in the "Residential" designation shall satisfy all of the following location and design criteria:

(1) the site shall have frontage or flankage on an arterial or collector street as indicated on Schedule "D" of this Plan;
(2) building design shall be compatible with the residential neighbourhood, maintaining the scale, density and character of existing land uses;
(3) adequate buffering and transition shall be provided to protect surrounding existing development;
(4) adequate off-street parking shall be provided to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area; and
(5) on those streets which have been designated "no stopping" areas by the Town, provision shall be made for off-street locations to accommodate drop-off and pickup of the users of such facilities."

COMMENT:

The subject site fronts on both Richmond Street and Brock Street with access to two local roads. CZB requires 1 parking space for each residential unit therefore requiring 75 spaces on site. Proposed is 117 spaces providing for 1.5 parking spaces per unit and accommodating visitor parking and sufficient on site parking.

The proposed low profile building, as illustrated under Section 2.7 Compatibility above, is compatible with the existing neighbourhood for massing, height, profile, heritage and character of the neighbourhood. In addition, it is my professional opinion that the proposed development is compatible with the neighbourhood and the community of Amherstburg.

As discussed in Section 2.7 Compatibility above, the proposed development is substantially setback from the adjacent residence. Buffering and visual impact have been regarded with all attempts to reduce impact on the adjacent residence.

It is my professional opinion that the proposed low profile height, small massing and heritage character of the building is compatible with the neighbourhood and the community of Amherstburg.

An Official Plan Amendment (OPA) has been requested to redesignate the subject lands 'Residential' to apply the following policies to the proposed residential land use. The 'Residential' designation of the Official Plan permits low, medium or high profile residential buildings in the Mixed Use designation. The owner proposes to develop the subject lands with a 75 unit residential apartment as an infilling development within the existing residential neighbourhood.

"4.2 RESIDENTIAL USES 4.2.1

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 Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved."

COMMENT:

The requested OPA will support the redevelopment of the site for a new, 75 unit rental apartment building that will provide for alternative housing style and tenure. The rental units will provide for rental accommodation as an alternative to ownership that is greatly needed within the Town as economical housing.

The new building creates an infilling residential development within an established residential neighbourhood; provides for alternative housing, the buildings are distance separated, creates a low profile, medium density residential building that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood.

The efficient new building will support energy efficiency by providing medium density apartment building as an efficient and effective gentle density of land use. In addition, the location of the building in the periphery to the downtown core supports the walkable community and less dependence on the car as an energy efficiency.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.2.1 of the Town of Amherstburg Official Plan.

"Section 4.3.2 Medium Density Residential Areas

The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, ***low-rise apartment buildings with a maximum height of five stories are permitted****.*

The maximum density shall not exceed 70 units per gross hectare."

COMMENT:

The subject site has a lot area of 10,625 m^2 (1.06 ha). As a medium density development, 70 units per gross hectare allocates 75 units for the subject site. The building has been designed with 4 storeys in height and can be considered a low rise, low profile apartment building.

The redesignation will allow for the development of the subject lands for a medium density residential development, compatible as an infilling residential development within the existing residential neighbourhood.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3.2 of the Town of Amherstburg Official Plan.

COMMENT:

In my professional opinion, the requested OPA will conform once adopted with the relevant policies of the Official Plan for the Town of Amherstburg. Once passed, the ZBA will provide a regulatory framework for the proposed building and conforms with the relevant OP policies. The OPA/ZBA will support, in my professional opinion, needed alternative housing tenure and style in the form of rental residential apartments.

6.0 ZONING BY-LAW REGULATIONS

The subject lands are zoned 'Institutional (I)' in the Comprehensive Zoning By-law for the Town of Amherstburg.

The land use of residential is a not a permitted use in the 'Institutional (I)' zone presently applied to the subject lands.

A Zoning Bylaw Amendment (ZBA) has been requested to rezone the subject lands to 'Residential Multiple Second Density (RM2)' zone under the Comprehensive Zoning Bylaw 1999-52 for the Town of Amherstburg.

In addition to recognizing the proposed residential land use, it is critical to place site specific regulations on the site to provide ensure the infilling development establishes compatibility with the neighbourhood. Establishing site specific regulations for the situate of the building will support the conservation and preservation of the streetscape and support heritage designation of neighbouring properties. It is critical to reflect the uniqueness of the heritage aspects such as established front yard setback is respected for the new building.

Please refer to **APPENDIX A – ZONE PROVISIONS**

PROVISION	RM2	Proposal
LOT AREA	840m2	10,625 m2 (1.06 ha)
LOT FRONTAGE	30m	83.6m
# UNITS/DENSITY	75 units	75 units
MAX BLDG HEIGHT	5 Storeys 22 m	4 Storeys 12.8 m
MAX LOT COVERAGE	40%	21%
PARKING	75 spaces	117 spaces
FRONT YARD SETBACK	7.5m	6.3 m
INTERIOR SIDE YARD	The greater of 6m or ½ of building height 7.0 m	40 m
EXTERIOR SIDE YARD	6 m	6m
LANDSCAPED OPEN SPACE	30%	27.3 %
LOADING SPACES	1	1

COMMENT:

In my professional opinion, the requested ZBA complies with the intent of the CZB to recognize site specific regulations and provisions for the proposed new apartment building. After passing of the ZBA, the proposed development will comply with the regulatory framework under the CZB for the Town of Amherstburg.

7.0 CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' Official Plan policy framework and will provide a new site specific regulatory framework to allow for an appropriate land use for the subject site. The residential apartment land use is an appropriate use for within the neighbourhood and the proposed low profile building can be considered compatible as an infilling development within the existing neighbourhood within the Old Town of Amherstburg.

The proposed rental apartment building will provide for needed alternative housing supporting diversity in housing in the Town. The OPA/ZBA will support the Town's residential policy initiatives by establishing a 75 unit residential apartment building that will provide rental units needed as alternative housing in Amherstburg. The OPA/ZBA will support the province and municipality's initiative to provide for a residential development promoting a healthy, walkable community.

7.1 GOOD PLANNING

The proposed residential low profile building for rental apartments will provide alternative tenure and style requires a change in policy framework that will be used to support the residential land use.

The OPA will establish 'Residential' policies for the subject lands to direct and support the proposed residential land use. The new development is intended as a medium density residential development providing alternative housing tenure and style for a diverse housing option as an alternative to the single detached residence to the typical single detached residences found in the town.

The proposed low profile, 4 storey building with gentle density, and heritage complimentary features, in my professional opinion, is compatible with the existing neighbourhood and would result in a positive addition in the long established neighbourhood.

The proposed new residential building will provide for a compatible development in an existing residential neighbourhood; will provide an aesthetically pleasing development; will assist with rejuvenating the neighbourhood; will support the preservation of a heritage building at 259 Richmond; and will provide for needed alternative residential rental housing tenure supporting the diversification of housing accommodation in the Town of Amherstburg.

In my professional opinion, the requested OPA and ZBA makes sound planning and the necessary amendments are supportable.

7.2 CONCLUSIONS

Given the foregoing assessment and our evaluation of the proposal in relation to the PPS 2020, the County of Essex Official Plan, The Town of Amherstburg Official Plan and the Comprehensive Zoning By-law, in my professional opinion the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is consistent with polices of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is our opinion that the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of the site while also implementing the proposals included in this Planning Justification Report dated May 30, 2022.

In summation, the proposal conforms with the proposed Official Plan Amendment (OPA) that will see the subject lands re-designated to 'Residential' and the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site specific regulatory framework under the 'Residential Multiple Second Density (RM2)' zone. The OPA and ZBA provides a compatible residential rental apartment building and needed residential accommodation supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested OPA and ZBA:

1) is consistent with the policies of the 2020 Provincial Policy Statements;
2) maintains the intent of the relevant policies of the Town of Amherstburg Official Plan and when the OPA is adopted, it will conform with the established policy framework of the OP;
3) maintains the intent of Town of Amherstburg CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.

J M Lassaline

Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX A— ZONE PROVISIONS

SECTION 11 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Residential Multiple Second Density (RM2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM2 uses, namely:

(i) multiple dwelling;
(ii) continuum-of-care facility;
(iii) home occupation;
(iv) accessory uses;
(v) public use.

(3) ZONE REQUIREMENTS

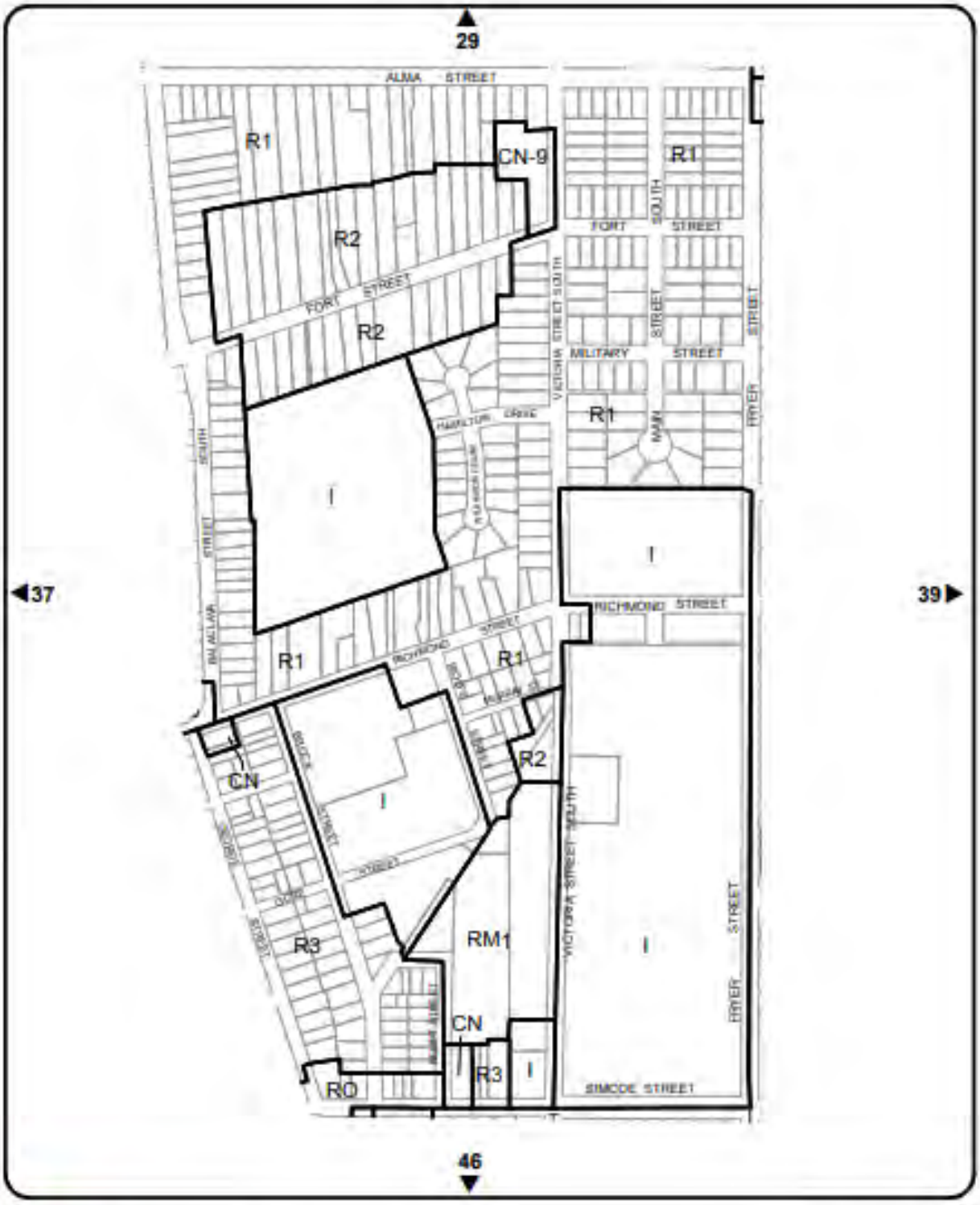
No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	840 m^2
(b)	Lot Frontage (Minimum)	30 m
(c)	Front Yard Depth (Minimum)	7.5 m
(d)	Interior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(e)	Exterior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum) including parking structures	40%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	
	(i) Bachelor dwelling unit	35 m^2
	(ii) Dwelling unit containing one bedroom	50 m^2

	(iii)	Dwelling unit containing two bedrooms	65 m^2
	(iv)	Dwelling unit containing three bedrooms	80 m^2
	(v)	Dwelling unit containing more than three bedrooms - 80 m^2 plus 10 m^2 for each bedroom in excess of 3	
(j)		Height (Maximum)	22 m
(k)		Privacy Yards (Minimum)	7 m
		A privacy yard shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room window.	
(l)		Building Separation (Minimum)	
	(i)	between two primary windows	15 m
	(ii)	between a primary window and a secondary window	12 m
	(iii)	between a primary window and an ancillary window	9 m
	(iv)	between a primary window and a blank wall	7.5 m
	(v)	between two secondary windows	9 m
	(vi)	between a secondary window and an ancillary window	6 m
	(vii)	between a secondary window and a blank wall	4 m
(m)		Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.	

APPENDIX B— OFFICIAL PLAN SCHEDULE A

APPENDIX C — CZBL 1999-52 SCHEDULE A MAP



TOWN OF AMHERSTBURG
ZONING BY-LAW NO. 1999-52

SCHEDULE 'A'
MAP 38

Appendix "B"

Environment

1869089 Ontario Limited

Stage 2 Archaeological Assessment
St. John de Baptiste School Yard
Lot 2, Concession 1,
Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario

Licensee: **Erik Phaneuf**

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PIF Number: **P393-0045-2014**

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Date: October 10, 2014

Original Report

Statement of Qualifications and Limitations

The attached Report (the "Report") has been prepared by AECOM Canada Ltd. ("Consultant") for the benefit of 1869089 Ontario Limited ("Client") in accordance with the agreement between Consultant and Client, including the scope of work detailed therein (the "Agreement").

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1	yes	AECOM

Revision Log

Revision #	Revised By	Date	Issue / Revision Description

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Executive Summary

AECOM Canada Ltd. (AECOM) was contracted by 1869089 Ontario Limited to conduct the required Stage 2 archaeological assessment of the St. John de Baptiste School Yard, legally described as Part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario. The study area is comprised of approximately 2 acres of manicured lawn surrounding a demolished school (Figure 1 and 2). The Stage 1 archaeological assessment was previously conducted by Historic Horizons Inc. (2006).

This assessment was conducted to meet the requirements of Section 3 of the Planning Act, and Section 2.6 of the most recent Provincial Policy Statement of April 30, 2014 (Ontario Government 1990a). This project is also subject to the Ontario Heritage Act (Government of Ontario 1990b) and the Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011). The Stage 2 archaeological assessment was conducted prior to the property being listed for sale.

The Stage 2 archaeological assessment was conducted on May 12, 2014 under PIF number P393-0045-2014 issued to Erik Phaneuf, Professional Archaeologist at AECOM.

No archaeological sites or material were identified during the course of the Stage 2 archaeological assessment of the St. John de Baptiste School Yard and, thus, archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.

The Ministry of Tourism, Culture and Sport is asked to review this report and accept it into the Ontario Public Register of Archaeological Reports thereby concurring with the recommendation that archaeological concerns under land use planning and development processes are considered addressed.

Project Personnel

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Acknowledgements

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1. Project Context

1.1 Development Context

AECOM Canada Ltd. (AECOM) was contracted by 1869089 Ontario Limited to conduct the required Stage 2 archaeological assessment of the St. John de Baptiste School Yard, legally described as Part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario. The study area is comprised of approximately 2 acres of manicured lawn surrounding a demolished school (Figure 1 and 2). The Stage 1 archaeological assessment was previously conducted by Historic Horizons Inc. (2006).

This assessment was conducted to meet the requirements of Section 3 of the *Planning Act*, and Section 2.6 of the most recent Provincial Policy Statement from April 30, 2014 (Ontario Government 1990a). This project is also subject to the *Ontario Heritage Act* (Government of Ontario 1990b) and the *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). The Stage 2 archaeological assessment was conducted prior to the property being listed for sale.

The Stage 2 archaeological assessment was conducted on May 12, 2014 under PIF number P393-0045-2014 issued to Erik Phaneuf, Professional Archaeologist at AECOM. Permission to access the study area to conduct all required archaeological fieldwork activities, including the removal of artifacts, was provided by Mr. Ed Fauch on behalf of 1869089 Ontario Limited. There were no limits placed on access.

1.1.1 Objectives

The Stage 2 archaeological assessment has been conducted to meet the requirements of the Ministry of Tourism, Culture and Sport's (MTCS) *Standards and Guidelines for Consultant Archaeologists* (Ontario Government 2011).

The objective of the Stage 2 property assessment is to provide an overview of archaeological resources on the property and make a determination of whether any of the resources might be artifacts or archaeological sites with cultural heritage value or interest requiring further assessment and to recommend appropriate Stage 3 assessment strategies for any archaeological sites identified.

1.2 Historical Context

The following sections provide an overview of the occupation history of the study area to inform the evaluation of archaeological potential for any undisturbed land that may be impacted by the proposed development.

1.2.1 Pre-Contact Aboriginal Settlement

It has been demonstrated that pre-contact Aboriginal people began occupying southwestern Ontario as the glaciers receded from the land, as early as 11,000 B.C. Table 1 provides a summary of the cultural and temporal history of past occupations of Essex County.

Table 1: Cultural Chronology for Essex County

Archaeological Period	Characteristics	Time Period	Comments
Early Paleo-Indian	Fluted Points	9000-8400 BC	Arctic tundra and spruce parkland, caribou hunters
Late Paleo-Indian	Holcombe, Hi-Lo and	8400-8000 BC	Slight reduction in territory

Archaeological Period	Characteristics	Time Period	Comments
	Lanceolate Points		size
Early Archaic	Notched and Bifurcate base Points	8000-6000 BC	Growing populations
Middle Archaic	Stemmed and Brewerton Points, Laurentian Development	6000-2500 BC	Increasing regionalization
Late Archaic	Narrow Point	2000-1800 BC	Environment similar to present
	Broad Point	1800-1500 BC	Large lithic tools
	Small Point	1500-1100 BC	Introduction of bow
Terminal Archaic	Hind Points, Glacial Kame Complex	1100-950 BC	Earliest true cemeteries
Early Woodland	Meadowood Points	950-400 BC	Introduction of pottery
Middle Woodland	Dentate/Pseudo-scallop Ceramics	400 BC – AD 500	Increased sedentism
	Princess Point	AD 550-900	Introduction of corn horticulture
Late Woodland	Early Ontario Iroquoian	AD 900-1300	Agricultural villages
	Middle Ontario Iroquoian	AD 1300-1400	Increased longhouse sizes
	Western Basin Tradition	AD 1400-1650	Warring nations and displacement
Contact Aboriginal	Various Algonkian and Iroquoian Groups	AD 1600-1875	Early written records and treaties
Historic	French and English Euro-Canadian	AD 1749-present	European settlement

Note: taken from Ellis and Ferris, 1990

As Chapman and Putnam (1984) illustrate, the modern physiography of southern Ontario is largely a product of events of the last major glacial stage and the landscape is a complex mosaic of features and deposits produced during the last series of glacial retreats and advances prior to the withdrawal of the continental glaciers from the area. Southwestern Ontario was finally ice free by 12,500 years ago. With continuing ice retreat and lake regressions the land area of southern Ontario progressively increased while barriers to the influx of plants and animals steadily diminished (Karrow and Warner 1990).

The first human settlement can be traced back 11,000 years; these earliest well-documented groups are referred to as Paleo-Indians which literally means old or ancient Indians. Paleo-Indian people were non-agriculturalists who depended on hunting and gathering of wild food stuffs, they would have moved their encampments on a regular basis to be in the locations where these resources naturally became available and the size of the groups occupying any particular location would vary depending on the nature and size of the available food resources (Ellis and Deller 1990). The picture that has emerged for early and late Paleo-Indian people is of groups at low population densities who were residentially mobile and made use of large territories during annual cycles of resource exploitation (Ellis and Deller 1990).

The next major cultural period following the Paleo-Indian is termed the Archaic, which is broken temporally into the Early, Middle and Late. There is much debate on how the term Archaic is employed; general practice bases the designation off assemblage content as there are marked differences in artifact suites from the preceding Paleo-Indian and subsequent Woodland periods. As Ellis et al (1990) note, from an artifact and site characteristic perspective the Archaic is simply used to refer to non-Paleo-Indian manifestations that pre-date the introduction of ceramics. Throughout the Archaic period the natural environment warmed and vegetation changed from closed conifer-dominated vegetation cover, to mixed coniferous and deciduous forest to the mixed coniferous and deciduous forest in the north and deciduous vegetation in the south we see in Ontario today (Ellis et al 1900). During the Archaic period there are indications of increasing populations and decreasing size of territories exploited during annual rounds; fewer moves of residential camps throughout the year and longer occupations at seasonal

campsites; continuous use of certain locations on a seasonal basis over many years; increasing attention to ritual associated with the deceased; and, long range exchange and trade systems for the purpose of obtaining valued and geographically localized resources (Ellis et al 1990).

In the 17th century two major language families, Algonquian and Iroquoian were represented by the diverse people of North America. Iroquoian speaking people were found in southern Ontario and New York State, with related dialects spoken in the mid-Atlantic and interior North Carolina, while Algonquian speaking peoples were located along the mid-Atlantic coast into the Maritimes, throughout the Canadian Shield of Ontario and Quebec and much of the central Great Lakes region (Ellis et al 1990). Linguists and anthropologists have attempted to trace the origin and development of these two language groups and usually place their genesis during the Archaic (Ellis et al 1990).

The Early Woodland period is distinguished from the Late Archaic period primarily by the addition of ceramic technology, which provides a useful demarcation point for archaeologists but is expected to have made less difference in the lives of the Early Woodland peoples. The settlement and subsistence patterns of Early Woodland people shows much continuity with the earlier Archaic with seasonal camps occupied to exploit specific natural resources (Spence et al 1990). During the Middle Woodland well-defined territories containing several key environmental zones were exploited over the yearly subsistence cycle. Large sites with structures and substantial middens appear in the Middle Woodland associated with spring macro-band occupations focussed on utilizing fish resources and created by consistent returns to the same site (Spence et al 1990). Groups would come together into large macro-bands during the spring-summer at lakeshore or marshland areas to take advantage of spawning fish; in the fall inland sand plains and river valleys were occupied for deer and nut harvesting and groups split into small micro-bands for winter survival (Spence et al 1990). This is a departure from earlier Woodland times when macro-band aggregation is thought to have taken place in the winter (Ellis et al 1988; Granger 1978).

The period between the Middle and Late Woodland period was both technically and socially transitional for the ethnically diverse populations of southern Ontario and these developments laid the basis for the emergence of settled villages and agriculturally based lifestyles (Fox 1990). The Late Woodland period began with a shift in settlement and subsistence patterns involving an increasing reliance on maize horticulture. Corn may have been introduced into southwestern Ontario from the American Midwest as early as 600 A.D.; however, it did not become a dietary staple until at least three to four hundred years later.

Archaeologists are able to trace archaeologically known groups from this time period to the historically documented people identified when French fur traders first arrived (Wright 1994). The Ontario Iroquois from southern Ontario gave rise to the Huron, Petun, Neutral and Erie; the St. Lawrence Iroquois, a distinct population encountered by Jaques Cartier in 1535 that had disappeared by the time Samuel de Champlain returned to the same area in 1603; and from Northern Ontario the groups that gave rise to the Algonquian speaking Cree, Ojibwa and Algonquin people (Wright 1994).

A distinct cultural occupation was present in the Late Woodland in the western-most corner of southern Ontario in the modern counties of Kent, Essex and Lambton as well as portions of west Middlesex and west Elgin. This emerging cultural manifestation is generally classified as Western Basin Tradition and has been observed in south-eastern Michigan and north-western Ohio. The inhabitants of these communities are considered distinct from Iroquoian groups to the east and Mississipian to the south. In recent years research has indicated that there was more variability in settlement-subsistence patterns within Western Basin Tradition groups than previously thought, the most surprising being evidence of significant maize consumption (Watts et al 2011). Western Basin Tradition people had previously been thought to maintain seasonal hunting and gathering cycles and non-sedentary lifestyles and much evidence has been recorded from seasonal occupation sites (Murphy and Ferris 1990); however, recent research in the Arkona area of Lambton County has uncovered large agriculturally based villages (Golder 2012). We now understand the Western Basin Tradition as Late Woodland people who combined seasonal hunting and

gathering along with maize horticulture who lived in short-term camps, large palisaded villages and everything in between. The radical changes that agricultural practice brought to the Early Ontario Iroquoian people living to the east did not have the same impact on settlement-subsistence patterns in the Western Basin Tradition.

1.2.2 Post-Contact Aboriginal Settlement

The post-contact Aboriginal occupation of southern Ontario was heavily influenced by the dispersal of Iroquoian speaking peoples, such as the Huron, Petun and Neutral by the New York State Confederacy of Iroquois, followed by the arrival of Algonkian speaking groups from northern Ontario. The Ojibwa of southern Ontario date from about 1701 and occupied the territory between Lakes Huron, Erie and Ontario (Schmalz 1991). This is also the period in which the Mississaugas are known to have moved into southern Ontario and the Great Lakes watersheds (Konrad 1981) while at the same time the members of the Three Fires Confederacy, the Chippewa, Ottawa and Potawatomi were immigrating from Ohio and Michigan (Feest and Feest 1978). As European settlers encroached on their territory the nature of Aboriginal population distribution, settlement size and material culture changed. Despite these changes it is possible to correlate historically recorded villages with archaeological manifestations and the similarity of those sites to more ancient sites reveals an antiquity to documented cultural expressions that confirms a long historical continuity to Iroquoian systems of ideology and thought (Ferris 1009). First Nations people of southern Ontario have left behind archaeological resources throughout the Great Lakes region that show continuity with past peoples even if this was not recorded in Euro-Canadian documentation.

1.2.3 Euro-Canadian Settlement

The study area falls within a portion of southern Ontario that was purchased by the Crown as part of Treaty No. 2 on May 19th, 1790, also known as the McKee Purchase:

> ... was made with the O[dawa], Chippew[a], Pottawatom[i] and Huro[n] May 19th, 1790, portions of which nations had established themselves on the Detroit River all of whom had been driven by the Iroquois from the northern and eastern parts of the Province, from the Detroit River easterly to Catfish Creek and south of the river La Tranche [Thames River] and Chenail Ecarte, and contains Essex County except Anderdon Township and Part of West Sandwich; Kent County except Zone Township, and Gores of Camden and Chatham; Elgin County except Bayham Township and parts of South Dorchester and Malahide. In Middlesex County, Del[a]ware and Westminster Townships and part of North Dorchester [are included].
>
> Morris 1943: 17

In May 1790 Alexander McKee, Deputy Agent of the British Indian Department, and the principal chiefs of the Ottawa, Potawatomi, Chippewa and Wyandot negotiated a treaty whereby the British Crown acquired title to what is now southwestern Ontario. This treaty completed the process begun with Niagara treaties of 1781 and 1784, with the result that most of the Ontario peninsula was soon opened to British and Loyalist settlement. The land was purchased for the sum of twelve hundred pounds of goods at the Quebec currency value of the day. While it is difficult to delineate treaty boundaries on modern maps, Figure 4 provides the approximate limits of Treaty No. 2 as well as the location of the current study area.

The European settlement of the study area extends back to the French regime in Canada, making it one of the earlier European settlements in the Province of Ontario. The French established Fort Detroit in 1701 along the north shore of the Detroit River, choosing it as an ideal location for communication, transportation, trade and military operations in the Upper Great Lakes (Lajeunesse 1960). Subsequent settlement in the area occurred around the fort along the north shore of the river at modern day Detroit. The settlement of the south shore of the Detroit River began in 1749 with the establishment of narrow, 100 acre farm lots running south from the river (Lajeunesse 1960: lxvi).

The Town of Amherstburg, located on Detroit River near Lake Erie, was first settled in 1784, when it became the new base for the British after they evacuated Detroit. In 1796, Fort Amherstburg was established, and Loyalist refugees laid out the town site of Malden. General Isaac Brock used the fort as a base to capture Detroit (1812), but it was under American occupation from 1813 to 1815. In 1837 to 1838, the Fort was attacked four times by rebel supporters of William Lyon Mackenzie and was bombarded by the schooner Anne, which later ran aground and was captured. The British garrison remained until 1851. By the late 1830s, the Fort and the town were known by each other's names, Fort Malden and Amherstburg (Douglas 2001).

The Map of Malden Township from the *1880 Illustrated Historical Atlas of Essex County* does not show any structures or other features of archaeological significance within Lot 2, Concession 1. Lot 2, Concession 1 lies within historical Amherstburg and does not have a listed owner (Figure 5).

1.2.4 Reports with Relevant Background Information

Areas adjacent to the current study area were subject to a previous Stage 2 and 3 archaeological assessment by Timmins Martelle Heritage Consultants Inc. (TMHC) (2011) as part of an investigation by the town to determine the development potential for the property adjacent to the former school, École St. Jean Baptiste, and delineate the boundaries of the existing St. Jean Baptiste Cemetery and excavations were carried out to fulfill the requirements of the *Cemeteries Act* (R.S.O. 1990). A Stage 1 was conducted by Historic Horizon Inc. (2006) on the school property that revealed previous work completed by the Museum of Indian Archaeology (now the Museum of Ontario Archaeology) in 1988. Excavations were undertaken by the Museum in 1988 to reveal the boundaries of the cemetery during hydro cable trenching beside the former school (TMHC 2011). The Stage 1 report by Historic Horizon Inc. (2006) was initiated by the school board to explore the possibility of constructing an addition to the existing building. It concluded that the full boundary of the 19th century cemetery was not recorded in any contemporary sources, and that the 1988 investigation failed to define the cemetery boundaries (Historic Horizon 2006:6; TMHC 2011). The reports that contain relevant information are listed below in Table 2.

Table 2: Related Archaeological Assessment Reports

Year	Title	Author	PIF Number
1988	*Archaeological Delimitation of the Cemetery on the Grounds of the St. John the Baptist School, Amherstburg, Essex County.*	Museum of Indian Archaeology	
2006	*Eéole St. Jean Baptiste and St. John the Baptiste Cemetery (AaHs-31)…Stage 1 Archaeological Background Study.*	Historic Horizon Inc.	P048-031-2006
2011	*Cemetery Investigation and Stage 2 & 3 Archaeological Assessment St. Jean Baptiste Cemetery (AaHs-31), 219 Brock Street, Amherstburg, Geographic Township of Malden, Ontario*	Timmins Martelle Heritage Consultants Inc.	P083-136-2011

The TMHC assessment (2011) determined the boundaries of the cemetery which was accepted by the Town of Amherstburg and the Cemeteries Regulation Unit to be used as the legal boundary. It was determined that the northern cemetery limit was south of the Murray Road ROW and does not extend into the current study area. Given the presence of archaeological remains associated with the former St. Joseph's Academy (AaHs-106) the report recommended that should the current study area, north of the cemetery boundary, be subject to future development, a Stage 2 archaeological assessment should be conducted (TMHC 2011). The current Stage 2 archaeological assessment satisfies this requirement.

1.3 Archaeological Context

1.3.1 Natural Environment

The study area falls within the St. Clair Clay Plains physiographic region as described by Chapman and Putnam (1966). The St. Clair Clay Plains physiographic region is:

> The region is one of little relief….However, there are minor variations in levelness that have had a great effect on the vegetation and soils…[with] a deep cover of overburden on the bedrock except near Amherstburg where a dome of limestone comes to the surface.
>
> Chapman and Putnam 1966:147.

The topography of the study area was found to be level and relatively flat with an almost absents of rocks in the sandy loam soil. The closest source of potable water is the Detroit River and its tributaries.

1.3.2 Known Archaeological Sites and Surveys

Previous research has indicated that Essex County was intensively occupied by pre-contact Aboriginal people and early Euro-Canadian pioneers. A request was made on May 9, 2014 to the provincial ASDB to determine if any known or registered archaeological sites are located in the vicinity of the current study area. As of June 18, 2014 no reply has been received. The previous Stage 2-3 assessment conducted by TMHC (2011) identified seven registered sites within 1 kilometre (km) of the study area boundaries. Table 3 provides details of the registered archaeological sites in the vicinity.

Table 3: Registered Archaeological Sites within 1 km of the Study Area

Borden #	Site Name	Cultural Affiliation	Site Type/Feature
AaHs-4	King's Shipyard	Euro-Canadian	Military wharf
AsHs-12	Fort Malden	Euro-Canadian	Military fort
AaHs-30	Gordon House	Euro-Canadian	Domestic
AaHs-31	St. Jean Baptiste Cemetery	Euro-Canadian	Historic Cemetery
AaHs-59	Salmoni	Pre-contact & Euro-Canadian	Lithic scatter/military/hotel/store
AaHs-106	St. Joseph's Academy	Euro-Canadian	
BdGv-29	Boblo Watermain	Pre-contact	Lithic scatter

The Stage 2-3 conducted by TMHC (2011) successfully determined the boundaries of the St. Jean Baptiste Cemetery, which is located to the south and west of the old school. The school has since been demolished.

1.3.3 Determination of Archaeological Potential

Archaeological potential is established by determining the likelihood that archaeological resources may be present on a subject property. Criteria commonly used by the Ontario MTCS (Ontario Government 2011) to determine areas of archaeological potential include:

- Proximity to previously identified archaeological sites;

- Distance to various types of water sources;
- Soil texture and drainage;
- Glacial geomorphology, elevated topography and the general topographic variability of the area;
- Resource areas including food or medicinal plants, scarce raw materials and early Euro-Canadian industry;
- Areas of early Euro- Canadian settlement and early transportation routes;
- Properties listed on municipal register of properties designated under the *Ontario Heritage Act* (Government of Ontario 1990b);
- Properties that local histories or informants have identified with possible archaeological sites, historical events, activities or occupants; and
- Historic landmarks or sites.

Distance to modern or ancient water sources is generally accepted as the most important element for past human settlement patterns and when considered alone may result in a determination of archaeological potential. In addition any combination of two or more of the criteria listed above, such as well drained soils or topographic variability, may indicate archaeological potential.

Certain features indicate that archaeological potential has been removed, such as land that has been subject to extensive and intensive deep land alterations that have severely damaged the integrity of any archaeological resources. This includes landscaping that involves grading below the topsoil level, building footprints, quarrying and sewage and infrastructure development (Ontario Government 2011).

The potential for pre-contact and contact period Aboriginal archaeological resources is judged to be moderate to high, based off the level topography, soil conditions suitable for agriculture and proximity to potable water at the Detroit River and tributaries. The potential for Euro-Canadian archaeological resources is judged to be high based off the early settlement history and association of the area with numerous battles and forts.

1.3.4 Existing Conditions

The study area consists of an approximately 2 acre manicured lawn, with various pockets of surface disturbance, which served as the school yard for the recently demolished St. John de Baptiste school, located at 219 Brock Street, on part of Lot 2, Concession 1, Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario (Figure 1 and 2).

2. Field Methods

The Stage 2 field investigation involved the physical survey of all of the land in the study area. Approximately 40% of the land displayed visible surface disturbance and the remaining 60% was manicured lawn. As per the *Standards and Guidelines for Consultant Archaeologists* (Section 7.8.6, Standard 1a; Ontario Government 2011) Photos 1 to 8 document the study area to confirm conditions met the requirements for Stage 2 archaeological assessment. Photograph locations and directions are provided on Figure 5 along with an illustration of the methods and results of the Stage 2 field investigation.

In accordance with the *Standards and Guidelines for Consultant Archaeologists* (Section 2.1.2, Standards1-9, Ontario Government 2011) the manicured lawn was subject to the standard shovel test pit survey. Each test pit was approximately 30 centimetres (cm) in diameter, was excavated at least 5 centimetre (cm) into sterile subsoil and was examined for stratigraphy, cultural features or evidence of fill. All soil was screened though hardware mesh with an aperture of 6 millimetres (mm) to facilitate the recovery of cultural material and was then used to backfill the pit. All test pits demonstrated a substantial degree of disturbance across the study area. They contained construction debris including mortar, brick fragments, slag, and at least 30% gravel fill (Photo 4). In accordance with Section 2.1.8, S.2 (Ontario Government 2011) after commencing at the standard 5 metre (m) intervals, test pit intervals were increased to 10 m and it was confirmed that this disturbance continued throughout the property. Significant sections in the east and west portions of the study area, as well as along the southern border, contained visible surface disturbance consisting of gravel deposits overgrown with grass. These areas were not subject to test pit survey (Photos 5-7).

The weather during the Stage 2 assessment on May 12, 2014 was overcast and rainy with a temperature of 18° Celsius. The visibility and lighting conditions were excellent and there were no conditions that were detrimental to the identification and recovery of archaeological material.

3. Record of Finds

The Stage 2 archaeological assessment was conducted by employing the methods outlined in Section 2 of this report. Table 2 provides a listing of the documentary record generated by the Stage 2 fieldwork and indicates the location of each document type.

Table 4: Inventory of Documentary Record

Document Type	Current Location	Additional Comments
2 pages of Field Notes	AECOM office in London	In original field book and photocopied in project file
1 Aerial Map with Field Notes	AECOM office in London	In original field book and photocopied in project file
2 Maps provided by client	AECOM office in London	Hard copy and digital copies in project file
21 Digital Photographs	AECOM office in London	Stored digitally in project file

No cultural material was collected through the course of this investigation.

4. Analysis and Conclusions

The Stage 2 field investigation did not result in the identification of any archaeological sites or material. As no archaeological sites or material were identified during the course of this Stage 2 archaeological assessment archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.

5. Recommendations

No archaeological sites or material were identified during the course of the Stage 2 archaeological assessment of the St. John de Baptiste School Yard. Therefore, archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.

The Ministry of Tourism, Culture and Sport is asked to review this report and accept it into the Ontario Public Register of Archaeological Reports thereby concurring with the recommendation that archaeological concerns under land use planning and development processes are considered addressed.

6. Advice on Compliance with Legislation

This report is submitted to the Ontario Minister of Tourism, Culture and Sport as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Tourism, Culture and Sport, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ontario Ministry of Consumer Services.

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8. Images

Photo 1: Extent of the study area at the southeast corner, facing west

Photo 2: Study area, facing east

Photo 3: Test pit assesment, facing east

Photo 4: Disturbed test pit in the southeast corner

Photo 5: Example of surface disturbance in east side of study area, facing north

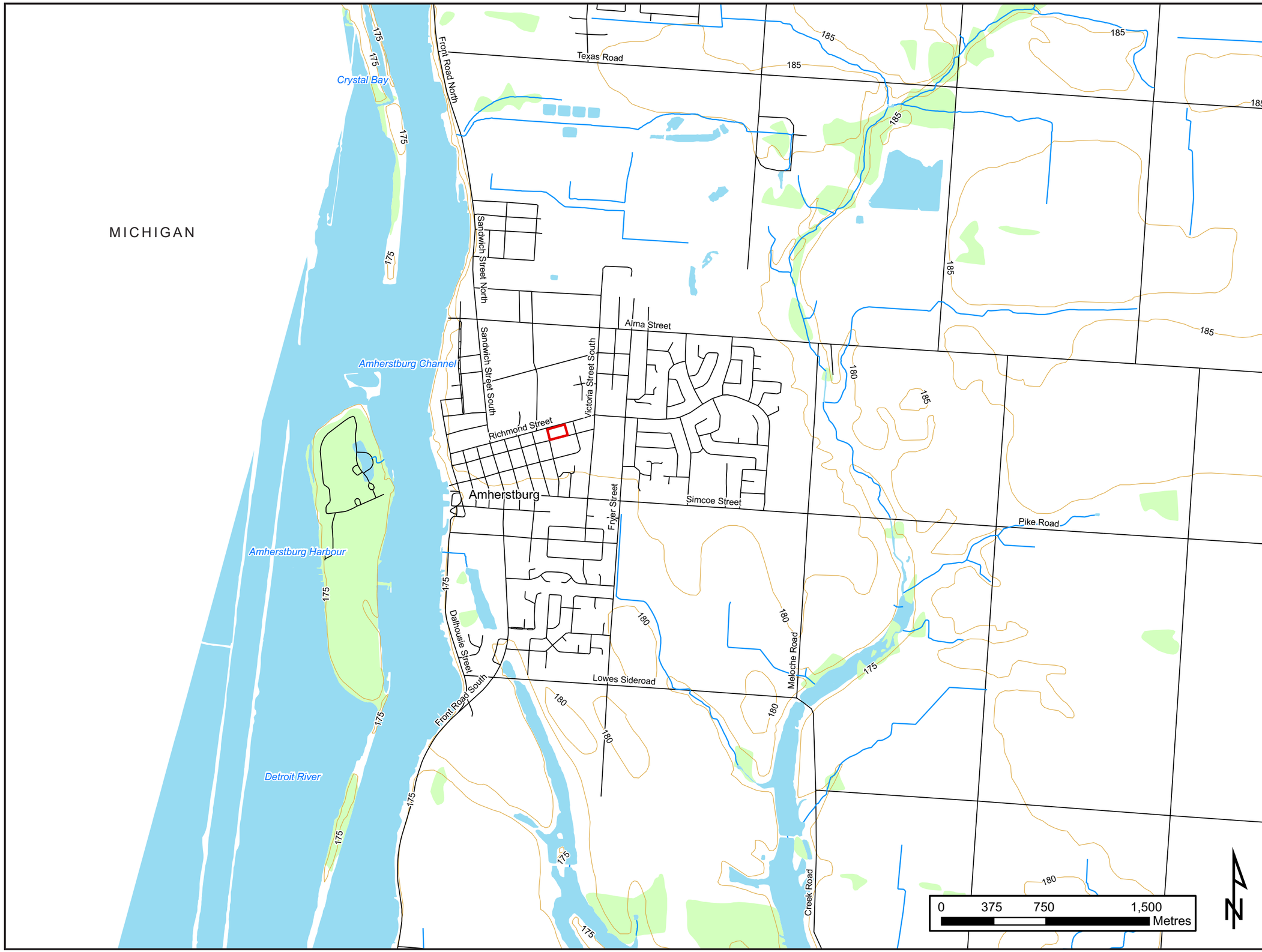
Photo 6: Example of surface disturbance in west side of study area, facing south

Photo 7: Close up of surface disturbance

Photo 8: Test pit sample (disturbed)

9. Maps

All maps pertaining to the Stage 2 archaeological assessment for the St. John de Baptiste School Yard on part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario are provided on the following pages.



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Stage 2 Archaeological Assessment
St John de Baptiste School Yard

Legend

- Study Area
- Wooded Area
- Water Body
- Wetland
- Aggregate Pit
- Watercourse
- Road
- Railway
- 120 Contour (5 m)

Source: OBM layers - Ministry of Natural Resources

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Figure 1:
Location of Study Area

Date: June 2014

PN: 60321384

Scale: 1:25,000

Datum: NAD 83 UTM 17N

AECOM

1869089 Ontario Limited

Stage 2 Archaeological Assessment
St John de Baptiste School Yard

Legend

- Study Area
- Watercourse
- 190 Contour (5 m)

Source: OBM layers - Natural Resources Canada
Aerial Photo - 2011 DigitalGlobe

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Figure 2:
Study Area in Detail

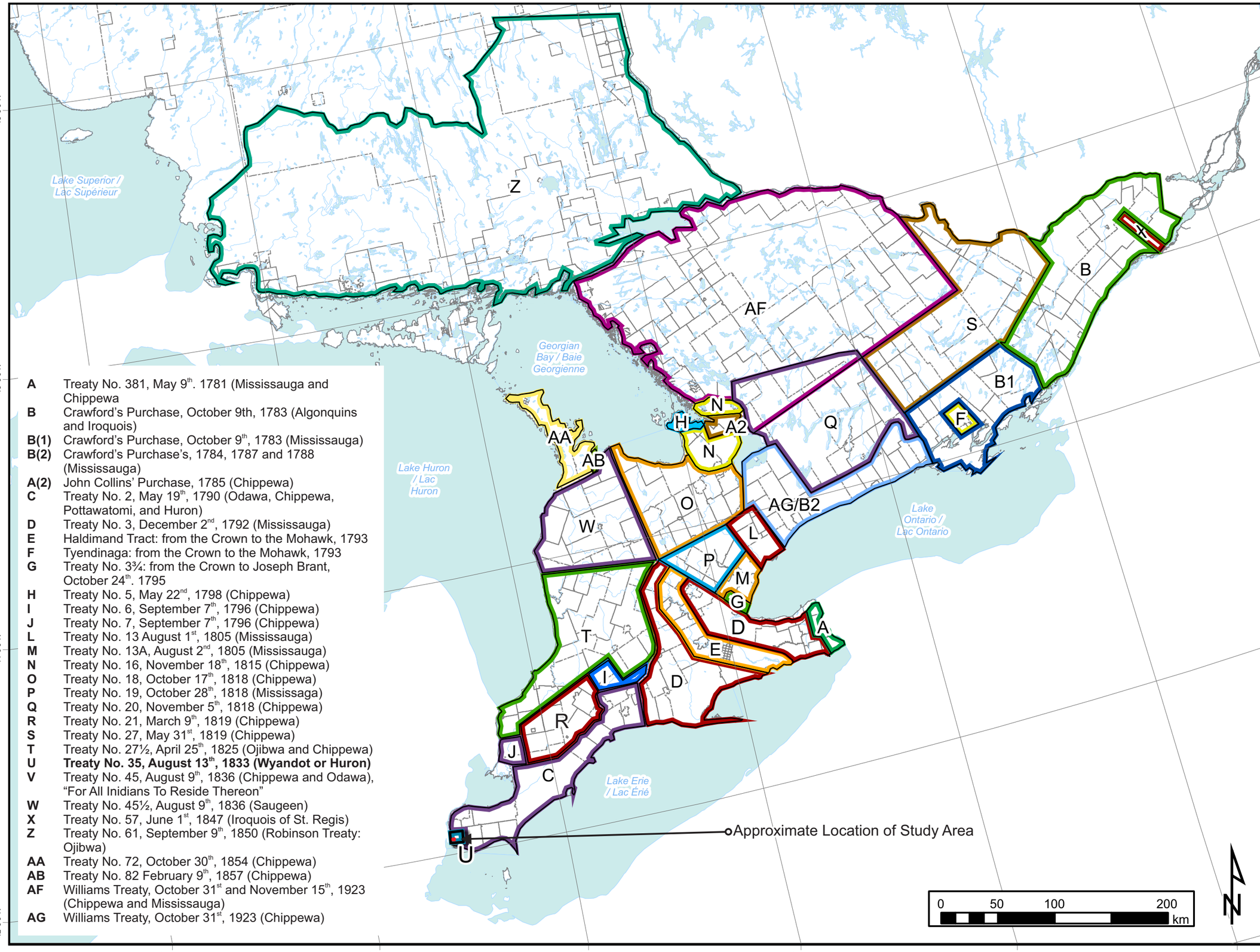
Date: June 2014

PN: 60321384

Scale: 1:2,500

Datum: NAD 83 UTM 17N

AECOM



A Treaty No. 381, May 9th. 1781 (Mississauga and Chippewa
B Crawford's Purchase, October 9th, 1783 (Algonquins and Iroquois)
B(1) Crawford's Purchase, October 9th, 1783 (Mississauga)
B(2) Crawford's Purchase's, 1784, 1787 and 1788 (Mississauga)
A(2) John Collins' Purchase, 1785 (Chippewa)
C Treaty No. 2, May 19th, 1790 (Odawa, Chippewa, Pottawatomi, and Huron)
D Treaty No. 3, December 2nd, 1792 (Mississauga)
E Haldimand Tract: from the Crown to the Mohawk, 1793
F Tyendinaga: from the Crown to the Mohawk, 1793
G Treaty No. 3¾: from the Crown to Joseph Brant, October 24th. 1795
H Treaty No. 5, May 22nd, 1798 (Chippewa)
I Treaty No. 6, September 7th, 1796 (Chippewa)
J Treaty No. 7, September 7th, 1796 (Chippewa)
L Treaty No. 13 August 1st, 1805 (Mississauga)
M Treaty No. 13A, August 2nd, 1805 (Mississauga)
N Treaty No. 16, November 18th, 1815 (Chippewa)
O Treaty No. 18, October 17th, 1818 (Chippewa)
P Treaty No. 19, October 28th, 1818 (Mississaga)
Q Treaty No. 20, November 5th, 1818 (Chippewa)
R Treaty No. 21, March 9th, 1819 (Chippewa)
S Treaty No. 27, May 31st, 1819 (Chippewa)
T Treaty No. 27½, April 25th, 1825 (Ojibwa and Chippewa)
U **Treaty No. 35, August 13th, 1833 (Wyandot or Huron)**
V Treaty No. 45, August 9th, 1836 (Chippewa and Odawa), "For All Inidians To Reside Thereon"
W Treaty No. 45½, August 9th, 1836 (Saugeen)
X Treaty No. 57, June 1st, 1847 (Iroquois of St. Regis)
Z Treaty No. 61, September 9th, 1850 (Robinson Treaty: Ojibwa)
AA Treaty No. 72, October 30th, 1854 (Chippewa)
AB Treaty No. 82 February 9th, 1857 (Chippewa)
AF Williams Treaty, October 31st and November 15th, 1923 (Chippewa and Mississauga)
AG Williams Treaty, October 31st, 1923 (Chippewa)

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Stage 2 Archaeological Assessment
St John de Baptiste School Yard

Legend
- Study Area
- Water Body
- Watercourse
- Municipality Boundary - Upper
- Municipality Boundary - Lower
- Treaty Boundary

Source: OBM layers - Natural Resources Canada
Treaty Boundaries - Morris 1943

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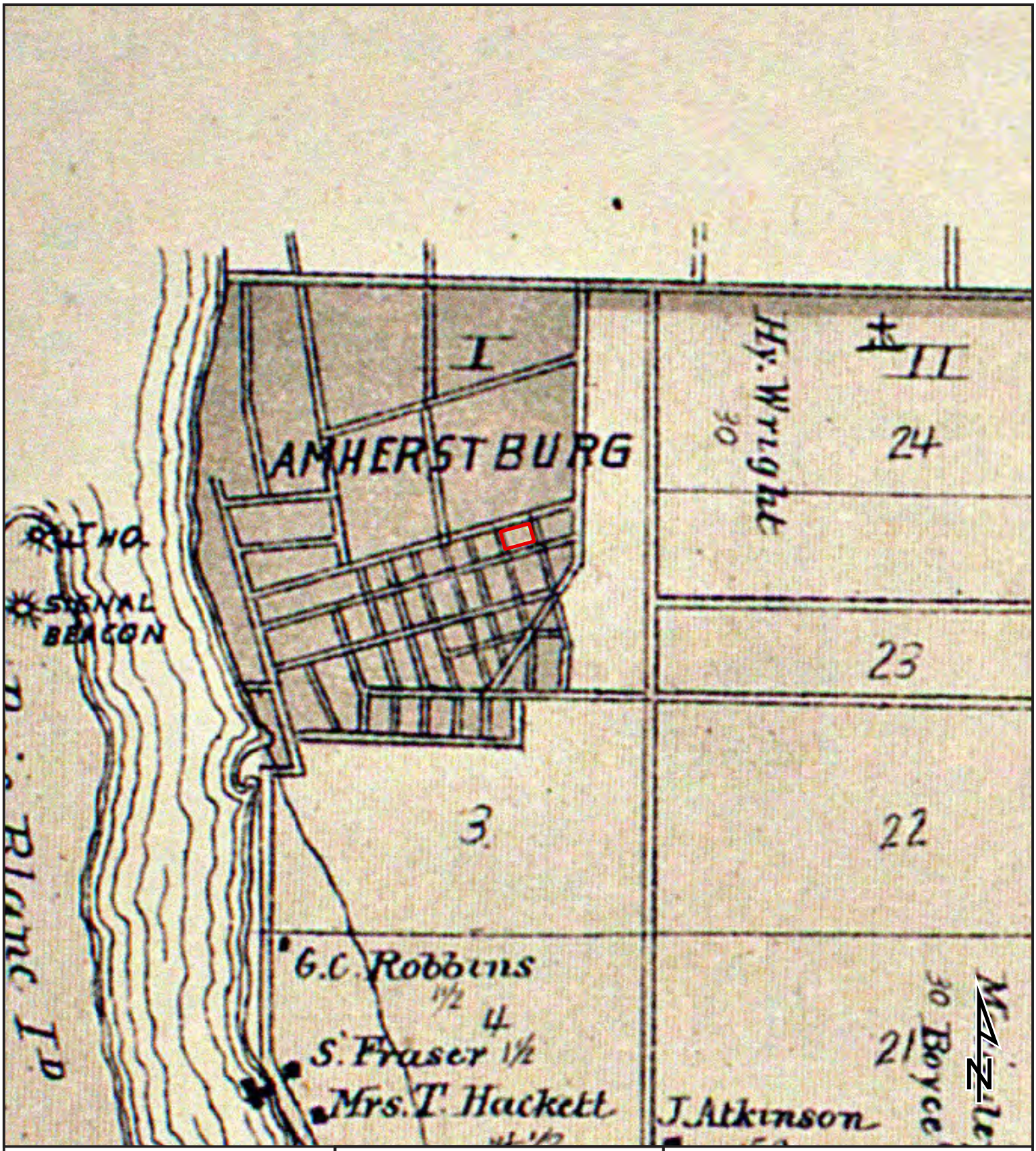
Figure 3:
Treaties and Purchases
(Adapted from Morris 1943)

Date: June 2014
PN: 60321384
Scale: 1:3,000,000
Datum: NAD 83 CSRS Canada Atlas Lambert

AECOM



Legend

Study Area

AECOM

1869089 Ontario Limited

Stage 2 Archaeological Assessment
St John de Baptiste School Yard

Figure 4:
Portion of the 1881 Map of the Township of Malden

Source: Historic Map - H. Beldon & Co. 1881

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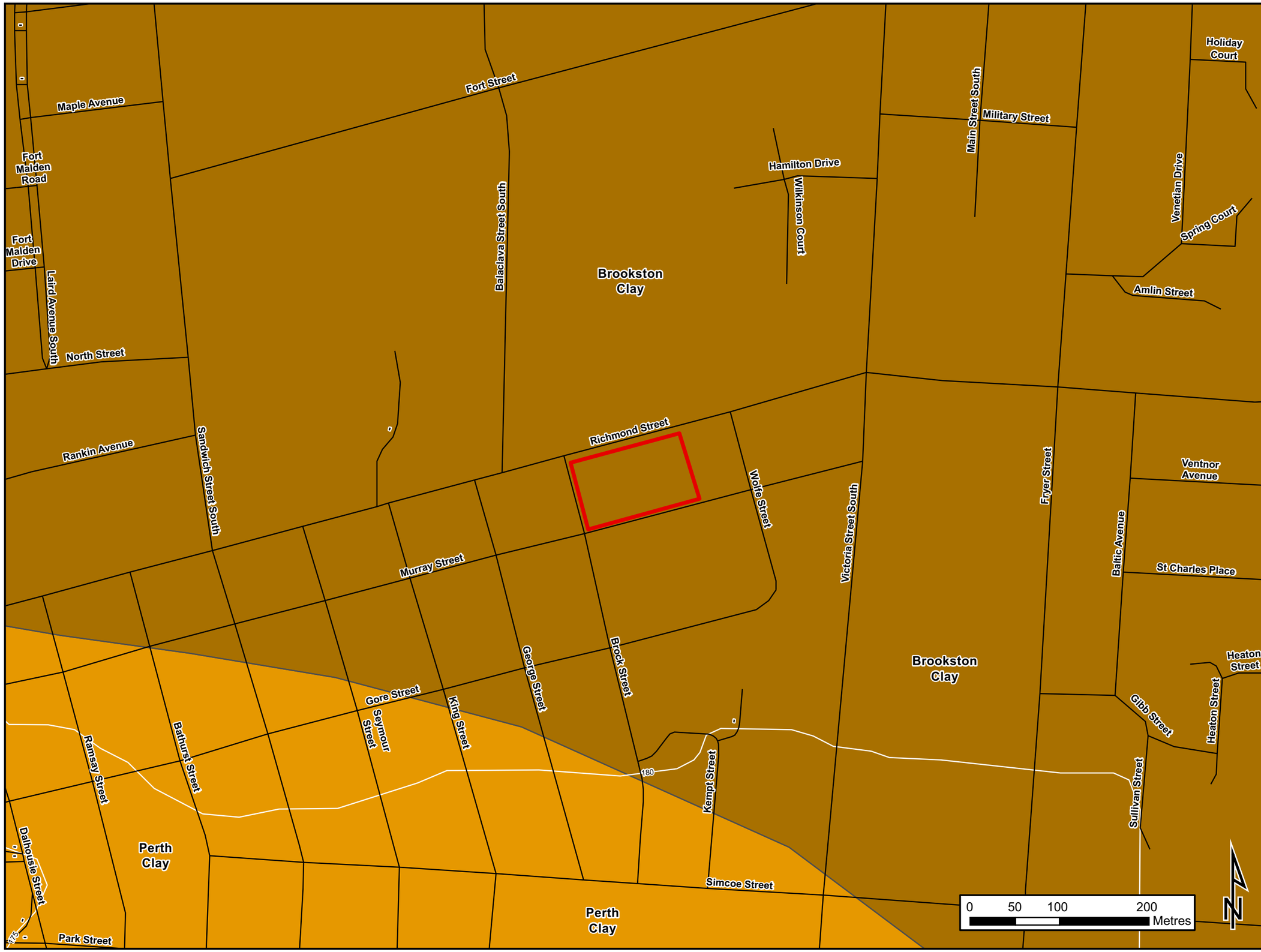
Date: June 2014	PN: 60321384
Scale: NTS	Datum: NA



1869089 Ontario Limited

Stage 2 Archaeological Assessment
St John de Baptiste School Yard

Legend

- Study Area
- Watercourse
- Road
- 185 Contour (5 m)

Soil Drainage

- Unclassified (Water / Stream Channel)
- Rapidly Drained
- Well Drained
- Moderately Well Drained
- Imperfectly Drained
- Poorly Drained
- Very Poorly Drained

Agricultural Suitability

- Severe Limitations to Crops
- No Capability for Agriculture

Source: OBM layers - Natural Resources Canada
Soil Survey - Ministry of Natural Resources

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Figure 5:
Soil Drainage and Agricultural Suitability

Date: June 2014

PN: 60321384

Scale: 1:4,000

Datum: NAD 83 UTM 17N

AECOM

1869089 Ontario Limited

Stage 2 Archaeological Assessment
St John de Baptiste School Yard

Legend

- Study Area
- Test Pit Survey, 10 m Interval, Confirmed Disturbance
- Test Pit Survey, 5 m Interval, Confirmed Disturbance
- Previously Disturbed, Visual Confirmation
- Photo Location

Source: OBM layers - Natural Resources Canada
Aerial Photo - 2011 DigitalGlobe

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Figure 6:
Methods and Results of the Stage 2 Field Investigation

Date: June 2014

PN: 60321384

Scale: 1:2,500

Datum: NAD 83 UTM 17N

AECOM

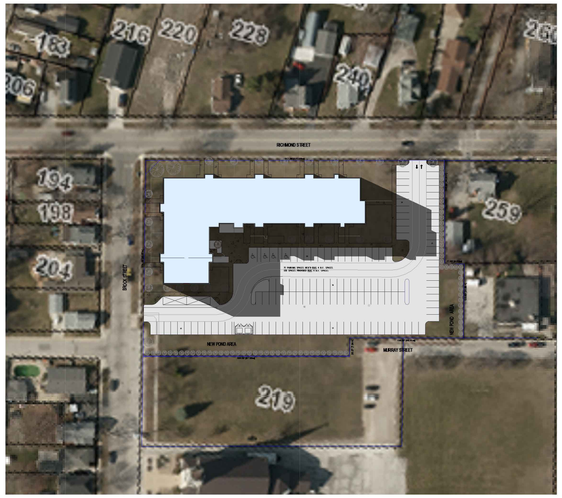
Appendix "C"

SUMMER SOLSTICE

Site 9am (S)
SCALE: 1" = 100'-0"

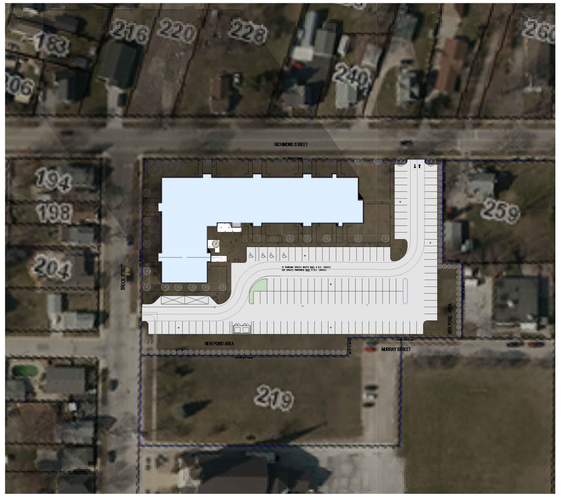
Site 12pm (S)
SCALE: 1" = 100'-0"

Site 3pm (S)
SCALE: 1" = 100'-0"



Site 6pm (S)
SCALE: 1" = 100'-0"

WINTER SOLSTICE



Site 9am (W)
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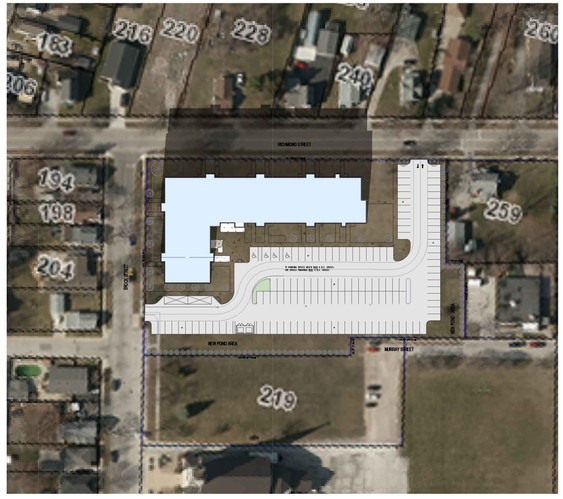


Site 12pm (W)
SCALE: 1" = 100'-0"

Site 3pm (W)
SCALE: 1" = 100'-0"

Site 5pm (W) SUN SET AT 5:05 PM
SCALE: 1" = 100'-0"

BAIRD|AE
architecture + engineering
102 - 27 Princess Street
Leamington ON N8H 2X8
1000 - 267 Pelissier Street
Windsor ON N9A 4K4
A DIVISION OF MATTHEW J. BAIRD CONSULTING
PARTNER / CONSULTANTS

Date	Revision
22/02/11	

SEAL

ONTARIO ASSOCIATION OF ARCHITECTS
PAUL WEIDL
LICENCE
7299

PROJECT TITLE
NEW BROCK & RICHMOND

SHEET TITLE
SUN SHADOW STUDY

JOB NUMBER 21-183

SHEET NUMBER
SK-1

2022-01-20 9:24:37 AM

P:\ - 2021 Projects\21-183 - New Brock & Richmond St Apartments - Hourly\ARCHITECTURE\2_Preliminary_Design\2.2_Planning_Site plan\Shadow Study\21-183 - New Brock & Richmond St Apartments - Shadow Study.rvt

Appendix "D"

AMENDMENT NO. 15

TO THE OFFICIAL PLAN

FOR THE

TOWN OF AMHERSTBURG

DRAFT

TABLE OF CONTENTS

1.0 OFFICIAL DOCUMENTATION PAGES

1.1 Clerk's Certificate Page

1.2 Adopting By-law

2.0 CONSTITUTIONAL STATEMENT

3.0 PART A – THE PREAMBLE

3.1 Purpose of the Amendment

3.2 Basis of the Amendment

4.0 PART B - THE AMENDMENT

4.1 Details of the Amendment

4.2 Implementation of the Amendment

DRAFT

DECISION

With respect to Official Plan Amendment No. to the Official Plan for The Corporation of the Town of Amherstburg

Subsection 17(34) of the Planning Act

I hereby approve Amendment No. 15 to the Official Plan 2009-30 for The Corporation of the Town of Amherstburg, as adopted by By-law 2022-062

Dated at Essex, Ontario this day of , 2022.

Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

DRAFT

AMENDMENT NO. 15 TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Valerie Critchley, Clerk of the Town of Amherstburg, certify that this is a/the original/duplication original/certified copy of Amendment No. 15 to the Official Plan of the Town of Amherstburg.

_____

CLERK – Valerie Critchley

DRAFT

The Corporation of the Town of Amherstburg

By-law 2022-062

Being a by-law to adopt Official Plan Amendment No. 15

to the Official Plan for the Town of Amherstburg

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 15 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and map, is hereby adopted;

2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 15 to the Official Plan for the Corporation of the Town of Amherstburg;

3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 13th day of June, 2022.

_____
Aldo DeCarlo, Mayor

_____
Valerie Critchley, Clerk

DRAFT

THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 15 to the Official Plan for The Corporation of the Town of Amherstburg.

DRAFT

PART A - THE PREAMBLE

Purpose of the Amendment

Official Plan Amendment No. 15 will redesignate lands known as 219 Brock Street from 'Institutional' to 'Medium Density Residential' designation in the Official Plan for the Town of Amherstburg.

Location of Lands

This OPA applies to the following land use designations depicted on Schedule A in the Official Plan:

i) Legal description: Lots 9 and 10 (E/S Brock Street), Lots 11 and 12 (W/S Kempt Street), Parts Lots 5 and 6 (E/S Kempt Street), and Part of Kempt Street closed by unregistered Bylaw and Part of Murray Street (Closed by Bylaw R10039955), Plan 1 Amherstburg, designated as Part 4 Plan 12R25406, Town of Amherstburg;

ii) Municipal address: 219 Brock Street, Town of Amherstburg.

Basis of the Amendment

An Official Plan Amendment (OPA) was requested to change the policy framework applied to the subject property from 'Institutional' to 'Medium Density Residential' to support the proposed residential development.

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were proponent initiated and requested to support the development of the site for

The former school site is proposed with a new, 4 storey building containing 75 unit residential rental apartment building with 112 parking spaces and 4 Barrier Free (BF) spaces.

DRAFT

Review and evaluation of the proposed development was placed in context of the Provincial Policy Statement 2020 (PPS) and was considered to be consistent with provincial policy direction. Specifically, the development is consistent with provincial housing policies, provides for healthy community initiatives, and supports the healthy, walkable community policies of the province.

The proposed development will provide for a low profile building on site that is heritage complimentary to the existing neighbourhood, provides for alternative housing greatly needed in the community, provides for housing that will support senior members of the neighbourhood to age in place, and conforms with healthy community initiatives of the municipality and province. After extensive review, the proposed building is determined compatible with the neighbourhood and the community of Amherstburg.

Official Plan Amendment No. 15 establishes a policy framework within the 'Medium Density Residential' policies for the subject lands. The Official Plan Amendment No. 15 establishes residential policy framework for the proposed new development that is intended as a medium density residential condominium development.

The proposed development, through the adoption of the Official Plan Amendment No. 15, will conform with the relevant policies of the County of Essex Official Plan policies and the Town of Amherstburg Official Plan policies by: providing alternative housing tenure and style while supporting a diversification in housing in Amherstburg; by efficiently and effectively utilizing existing infrastructure for the development of new rental residential apartment units; and by providing for a moderate intensification of land use with a new building containing 75 residential apartment units as a medium density development well suited for the neighbourhood.

The Official Plan Amendment No. 15 will provide a policy framework for the implementing bylaw amendment 2022-063. By-law 2022-063 provides a regulatory framework that will establish site specific regulations under the 'Residential Multiple Second Density (RM2)' zone provisions.

PART B – THE AMENDMENT

Details of the Amendment

All of this part of the document, entitled 'Part B – The Amendment' consisting of the following text and Schedule 'A' constitutes Official Plan Amendment No. 15 to the Official Plan 2009-03 for the Town of Amherstburg.

The Official Plan of the Town of Amherstburg is amended as follows:

> "Property known municipally as 219 Brock Street is hereby redesignated from 'Institutional' designation to 'Medium Density Residential' designation on Schedule 'A' to the Official Plan 2009-03 for the Town of Amherstburg and as shown on Schedule 'A' attached hereto."

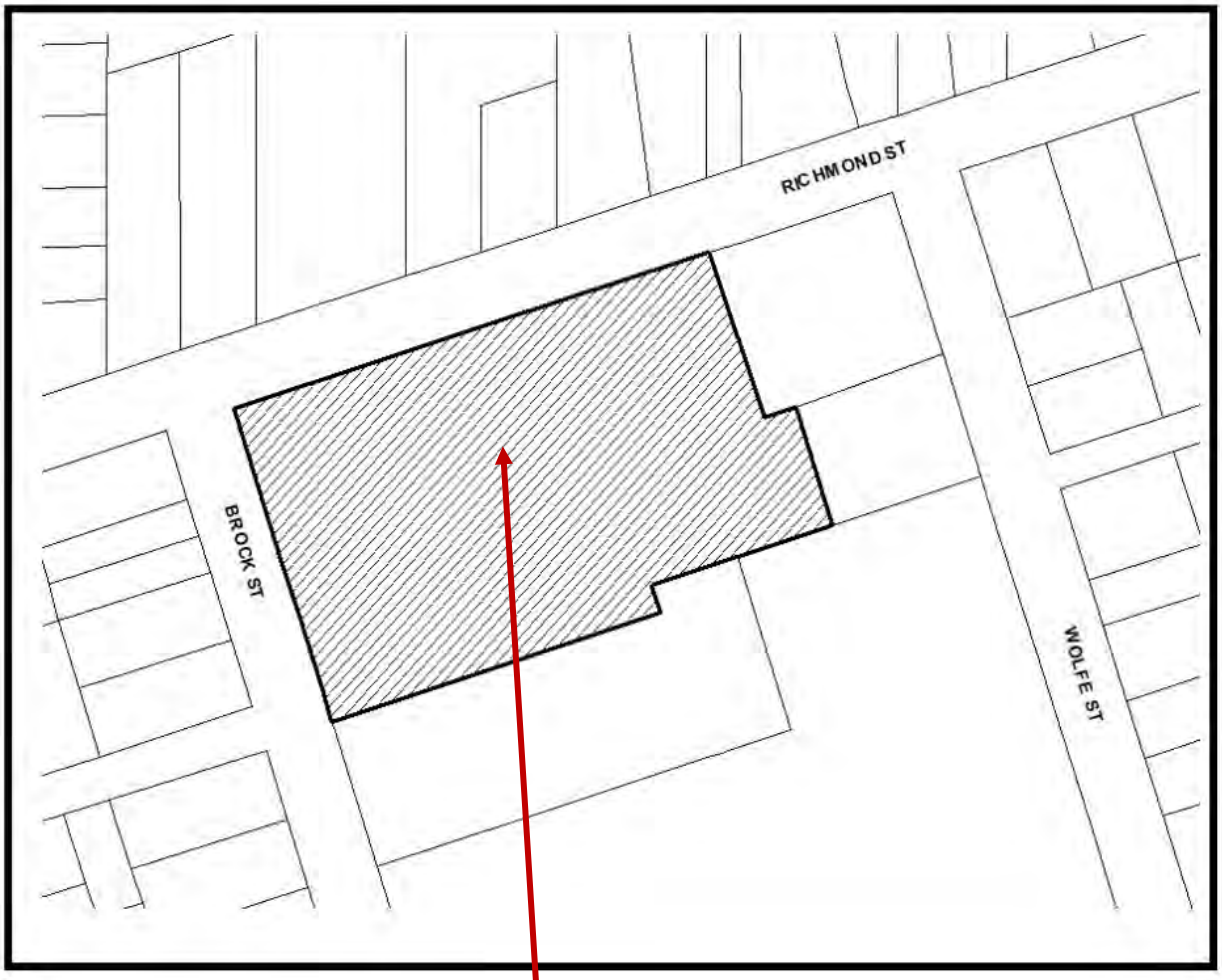
Implementation of the Amendment

Official Plan Amendment No. 15 will be implemented through Bylaw 2022-063, an amendment to Zoning By-law 1999-52, and Site Plan Control by-law.

DRAFT

OPA No. 15

SCHEDULE A



'MEDIUM DENSITY RESIDENTIAL'

Appendix "E"

CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-063

By-law to amend Zoning By-law No. 1999-52
219 Brock Street, Amherstburg

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to RM2-9" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Special Provision Residential Multiple Second Density (RM2-9) Zone".

2. THAT Section 3(3)(d)(iii) of By-law 1999-52, as amended, being the General Provisions Dwelling Unit Area (Minima) for other dwelling units, does not apply to those lands shown on Schedule "A".

3. THAT Section 3(23)(g) of By-law 1999-52, as amended, being the General Provisions Parking Regulations for yards where parking is permitted for a multiple residential dwelling, does not apply to those lands shown on Schedule "A".

4. THAT Section 3(23)(j)(i) of By-law 1999-52, as amended, being the General Provisions Special Parking Provisions for Residential Zones, does not apply to those lands shown on Schedule "A".

5. THAT Section 11(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (g) as follows;

   "(h) RM2-9 (219 Brock Street)

   Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-9 on Schedule "A" hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:

   (i) Uses Permitted:

   (a) multiple dwelling;
   (b) home occupation;
   (c) accessory uses.

(ii)	Front Yard Depth (Minimum)	6.0 m
(iii)	Exterior Side Yard Width (Minimum)	5.0 m
(iv)	Interior Side Yard Width (Minimum)	6.0 m
(v)	Rear Yard Depth (Minimum)	7.0 m

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(vi)	Landscaped Open Space (Minimum)	25 %
(vii)	Dwelling Unit Area (Minimum)	0 m^2
(viii)	Height (Maximum)	16.0 m
(ix)	Privacy Yards (Minimum)	0 m
(x)	Building Separation (Minimum)	0 m
(xi)	Accessory Parking Structure Lot Coverage (Maximum)	300 m^2
(xii)	Accessory uses and structures in addition to (xi) above will be in accordance with the provisions of Section 3 hereof;	
(xiii)	Required Parking Spaces (Minimum)	1.25 spaces/unit
(xiv)	Special Parking Provisions for (RM2-9) Residential Zones:	

a) all parking spaces shall be located in a garage, or carport or in a side yard, rear yard, or exterior side yard but shall not be located within the required front yard or on a driveway in the front yard;

b) all parking spaces located in an exterior side yard shall have a 2.5 m setback to any street line;

c) all parking spaces located in a rear yard shall have a 2.0 m setback to any property line;

d) all parking spaces shall have a 1 m setback to any interior side lot line."

6. THAT all other regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Multiple Second Density (RM2) Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

7. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.0. 1990, c.P. 13.

Read a first, second and third time and finally passed this 13th day of June, 2022.

_____
MAYOR- ALDO DICARLO

_____
CLERK- VALERIE CRITCHLEY

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TOWN OF AMHERSTBURG

SCHEDULE “A” TO BY-LAW No. 2022-063
A BY-LAW TO AMEND BY-LAW No. 1999-52

DRAFT

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

Appendix "F"

219 Brock Street
Archaeological Report Review

Prepared for:
Rosati Group
c/o Vince Rosati Jr.
6555 Malden Road
Windsor, Ontario
N9H 1T5

Author: Shane McCartney
Licensed Professional Archaeologist
License #: P321

Earthworks
ARCHAEOLOGICAL SERVICES INC.

Earthworks Archaeological Services Inc.
162 Catharine Street South
Hamilton, Ontario
L8N 2J8

June 6, 2022

1.0 Background

Earthworks Archaeological Services Inc. (Earthworks) was retained by Rosati Group to conduct a third party review of two archaeological reports produced by Timmins Martelle Heritage Consultants Inc. (TMHC) and AECOM as part of the investigations conducted at 219 Brock Street in the Town of Amherstburg.

The full report titles are cited as follows:

Report 1: *Cemetery Investigation and Stage 2 & 3 Archaeological Assessment St. Jean Baptiste Cemetery (AaHs-31), 219 Brock Street, Amherstburg, Geographic Township of Malden, Ontario*

Report 2: *Stage 2 Archaeological Assessment St. John de Baptiste School Yard Lot 2, Concession 1, Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario*

1.1 Objectives

The draft archaeological reports were evaluated against a list of criteria to determine if there were any outstanding archaeological concerns for the property. This included:

- Review of archaeological field work methods to ensure they meet the *Standards and Guidelines for Consultant Archaeologists*
- Review of the site interpretation to evaluate any outstanding concern for the St. John the Baptiste cemetery to extend into the property being proposed for development by Rosati Group.

2.0 Results

Both of the archaeological reports produced by TMHC and AECOM were conducted in accordance with the *Standards and Guidelines for Consultant Archaeologists.* The results of both reports did not produce any evidence that the historic cemetery extended into the current study area, and there is no evidence to suggest any outstanding archaeological concern on the property.

I confirm the above comments represent my professional opinion based on the documentation provided

June 6, 2022

Shane McCartney, M.A. **Date**

Senior Partner

Earthworks Archaeological Services Inc.

Appendix "G"

Summary of Correspondence Received on OPA and ZBA for 219 Brock Street

Below is a summary of the comments received by the Planning Services Division on OPA No. 15 and ZBA/07/22.

Infrastructure Services Department:

It is the expectation that the future development of this property will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, storm water management, etc. It should be noted, however, that IS has been in discussion with the developers with regards to their site servicing and development needs.

Windsor Police Services:

- The Windsor Police Service has no objections to the proposed official plan and Zoning By-law amendment being requested to allow for a residential land use on this former institutional land use site at 219 Brock Street. The conceptual site plan for this development reveals a design that will provide for effective emergency police incident response and general police patrolling capability that possesses numerous features to ensure public safety and security (such as unobstructed sight lines, good vehicular and pedestrian flow on the site, etc.).

- The redevelopment of the site for a residential use seems reasonable and appropriate within the broader context of the surrounding neighbourhood.

- To ensure all detailed facets of public safety and security get addressed for the development, we will provide more site-specific remarks during the site plan review phase for the project. This will include examining elements such as safe vehicular access and maneuverability, site lighting, etc.

Essex Region Conservation Authority:

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 15 & ZBA-07-22 and Zoning By-Law Amendment This Official Plan and Rezoning application affects approximately 1.1

hectares of land located on the southeast corner of Brock Street and Richmond Street. This Official Plan and Rezoning, if approved, will amend the existing official plan designation on this property from an “Institutional” to a “Medium Density Residential” designation, and will change the zoning from an Institutional zone to a new site-specific Residential Multiple Second Density (RM2) zone. This will allow a new 4 storey 75-unit residential apartment building to be built at this location.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act,* Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality, at site plan control. We do not require further consultation on this file with respect to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning by-law Amendment and Official Plan Amendment.

Canada Post:

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.