



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Janine Mastronardi	Report Date: November 24, 2022
Author's Phone: 519 736-5408 ext. 2134	Date to Council: December 5, 2022
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for Housekeeping Zoning By-law
Amendment 2022-105

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Housekeeping Zoning By-law (File ZBA-03-22) **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2022-105 **BE CONSIDERED** at a Regular Council meeting following this public meeting.

2. **BACKGROUND:**

Town of Amherstburg Zoning By-law 1999-52, as amended was passed by Council on November 8, 1999. The publication was consolidated through 2019, up to and including amendments of December 17, 2019. Since the intent of the Comprehensive Zoning By-law (CZBL) is to ensure that it remains up-to-date and in conformity with the Town of Amherstburg Official Plan and other provincial legislation, regular housekeeping amendments are required to deal with technical and housekeeping updates.

The Town has initiated a housekeeping by-law for an amendment to Zoning By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990, c.P. 13. The proposed amendment is general in nature and applies to various properties throughout the Town of Amherstburg. The proposed amendment has been drafted to amend the total lot coverage permitted for all accessory structures in Agricultural Zones and to bring

accessible parking provisions up to the current Accessibility for Ontarians with Disabilities Act (AODA) standards.

3. DISCUSSION:

The Town of Amherstburg has initiated a housekeeping Zoning By-law Amendment to update one provision and correct one provision in By-law 1999-52, as amended. The following is a summary of the proposed changes:

1. Section 3(1)(b) Accessory Uses Lot Coverage is hereby amended by replacing “In the Agricultural Zone the total lot coverage of all non-farm accessory use structures are permitted to a maximum of 185 square meters (1991 sq ft)” with “In the Agricultural Zone the total lot coverage of all accessory structures is permitted to a maximum of 10 percent of the lot area. In the Agricultural Zone the total lot coverage of a secondary dwelling unit is permitted to a maximum of 185 square meters (1991 sq ft). All other regulations of Secondary Dwelling Unit provisions of Section 3(3)(f) shall apply”.

Originally, the 1999 Amherstburg ZBL provided for a maximum lot coverage of accessory structures in an Agricultural Zone to a maximum of 10% of the lot area. In 2019, a zoning by-law amendment was approved to decrease the non-farm accessory structure lot coverage to a maximum of 185 square metre (1991 sq ft). Since this change there have been several approved minor variance requests to increase this set lot coverage.

Sections 2.15 and 8.2 of the Town’s Official Plan state, “Wherever a use is permitted in a land use classification, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted.” Agricultural accessory structures are permitted in the zone with the maximum lot coverage determined by Council.

A review of zone provisions of surrounding municipalities in Essex County provides an indicator of a suitable accessory structure lot coverage. These values are provided in the table below.

Permitted Agricultural Accessory Structure Lot Coverage in Other Essex County Municipalities:

Municipality	Permitted Accessory Structure Lot Coverage
Kingsville	10%
Lakeshore	15%
LaSalle	10%
Leamington	10%
Tecumseh	10%

At this time administration is proposing to return the permitted Agricultural accessory structure lot coverage to a maximum of 10 percent of the lot area.

2. Section 3(23)(a) Parking Spaces Required General Provisions is hereby amended by deleting and replacing the subsection with the following;

“(a) PARKING SPACES REQUIRED

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of this Subsection, shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection.

In addition to the parking spaces required by Section 3(23)(b) and 3(23)(c) accessible parking spaces shall be required as set forth in the following;

Types of accessible parking spaces:

- (i) Off-street parking facilities must provide the following two types of parking spaces for the use of persons with disabilities:
 - a. Type A, a wider parking space which has a minimum width of 3,400 mm and signage that identifies the space as “van accessible”.
 - b. Type B, a standard parking space which has a minimum width of 2,400 mm.

Access Aisles:

- (ii) Access aisles, that is the space between parking spaces that allows persons with disabilities to get in and out of their vehicles, must be provided for all parking spaces for the use of persons with disabilities in off-street parking facilities.
- (iii) Access aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facility and must meet the following requirements:
 - a. They must have a minimum width of 1,500 mm.
 - b. They must extend the full length of the parking space.
 - c. They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

Minimum Number and Type of Accessible Parking Spaces:

- (iv) Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements:

- a. One parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer.
- b. Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:
 - i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
 - ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.
- c. One parking space for the use of persons with disabilities and an additional three per cent of parking spaces for the use of persons with disabilities, where there are between 101 and 200 parking spaces must be parking spaces for the use of persons with disabilities, calculated in accordance with ratios set out in subparagraphs b i and ii, rounding up to the nearest whole number.
- d. Two parking spaces for the use of persons with disabilities and an additional two per cent of parking spaces for the use of persons with disabilities, where there are between 201 and 1,000 parking spaces must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs b(i) and b(ii), rounding up to the nearest whole number.
- e. Eleven parking spaces for the use of persons with disabilities and an additional one per cent of parking spaces for the use of persons with disabilities, where more than 1,000 parking spaces are provided must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs b(i) and b(ii), rounding up to the nearest whole number.”

The deletion of the existing barrier free parking provisions and the addition of new provisions will bring the CZBL into compliance with the Integrated Accessibility Standards Regulation (O.Reg. 191/11) under the Accessibility for Ontarians with Disabilities Act (AODA).

The proposed amendments to the Zoning By-law are in conformity with the policies of the Provincial Policy Statement, Official Plan and the Ontario Regulations under the AODA.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

No applications fees were collected on this file as it is a Town driven housekeeping zoning by-law amendment. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

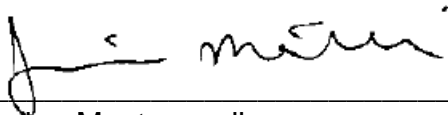
6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CONCLUSION:

This report contains information with respect to applicable Official Plan policies, Integrated Accessibility Standards Regulation (O.Reg. 191/11) under the Accessibility for Ontarians with Disabilities Act (AODA) and Zoning By-law regulations, as they pertain to the subject rezoning.

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Janine Mastronardi
Planner

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 2313 & 2314

Name: Building Services
Phone #: 519 736-5408 ext. 2136

Name: Fire Services
Phone #: 519 736-6500

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481

Name: Greater Essex County District School Board
Phone #: 519 255-3200

Report Approval Details

Document Title:	Statutory Public Meeting for Housekeeping Zoning By-law Amendment 2022-105.docx
Attachments:	- 2022-105- Housekeeping ZBA.pdf
Final Approval Date:	Nov 25, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox