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Summary of Correspondence Received on Proposed ZBA at 6101 County Road 20

Below is a summary of the comments received by the Planning Services Division on ZBA/22/22.

ERCA:

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*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel partially falls within the regulated area of the Alvin Bondy Drain and Langlois Drain South. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The Department of Fisheries and Oceans (DFO) drain classification system may also be applicable should future works be proposed in the vicinity of the existing watercourse, such as the installation of a culvert or drainage outlet. These types of proposals would need to be reviewed in accordance with the Fisheries Act and may need Federal Authorization with respect to potential fish habitat issues, depending on the proposal. We note that previous partnership agreements between the Department of Fisheries and Oceans (DFO) and Conservation Authorities have lapsed. DFO and Conservation Ontario are now working to develop a new Memorandum of Understanding for a partnership under the new Fisheries Protection Program. In the interim, projects will need to be self-assessed by the proponent through the DFO website available at www.dfo-mpo.gc.ca/new-ppe/index-eng.html. Through the self-assessment process, you will be able to determine in any proposed works require a formal authorization under the federal *Fisheries Act*.

It should be noted that any proposed future development on the parcel would be subject to setback restrictions from top of bank of the Alvin Bondy Drain and Langlois Drain South. The setback is determined from a site specific analysis.

The above mentioned drains are municipal drains that fall under the jurisdiction of the Town of Amherstburg. The municipal drain typically has an unregistered working space in which the municipality has the right to use to maintain or repair the drain. In addition, it is the owner's responsibility to obtain all necessary permits and/or clearances from the Town of Amherstburg for any works to the drains. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Amherstburg.

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 PPS, 2020 - Stormwater Management

The Authority may have concern with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are 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.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

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

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alterations.

ERCA requests to be included in the circulation of the Site Plan Control application for future development on this property.

County of Essex:

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering-related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

This road was formerly King's Highway 18 until it was downloaded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures.

The minimum setback will be 85 feet from the centre of the right of way of County Road 20 for a residential structure and 105 feet for a commercial structure.

Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures.

Further consultation will be required once a site plan has been circulated to the County of Essex.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Windsor Police:

Windsor Police has no concerns or objections with this proposal to change the site's zoning from "Institutional Zone" to a site specific commercial zone that will allow a student residence as an additional use. Any changes this may trigger that pertain to establishing and maintaining public safety and security, plus ensuring proper police incident response capability, can be addressed during the appropriate time that such changes become implemented on the property.

Dan and Maryanne Beeson:

Good morning,

We have not complained as yet about the property at 6101 County Road 20 as we had hopes that the maintenance of the property would have improved over the year duration.

- The many garbage bins are out at the road all week

- The garbage has been left to fly around and litter in the ditch
- The weeds have not been maintained at all and are easily 3 to 4 feet tall in most areas
- The weeds are so high in the area where their signage is, that you can't even read the sign
- This is the first time that the ditch has not been maintained in over 20 years

We moved to the country for the quiet and we are concerned that if more people reside there, that the noise and higher volume of cars will impact the area. As well, we pay high taxes and therefore should not have to look at the mess.

We have lived here for over 20 years and take pride in our yard and maintain it on a regular basis.

Unfortunately, they have not shown the same pride in their yard. If more people are living there, it could get worse.

Therefore, we will have to oppose the rezoning.

Dan and Mary Anne Beeson

We are in opposition of the proposed by-law.



TOWN OF AMHERSTBURG
6101 County Rd 20- 120 m Circulation

ZBA/22/22- 6101 County Road 20- 120 m Circulation List

ARN	ADD1	STREETNAME
372952000002700	6220	COUNTY RD 20
372952000002100	6755	COUNTY ROAD 50 W
372952000002110	6759	COUNTY RD 50 W
372952000002610	6080	COUNTY RD 20
372952000002600	6100	COUNTY RD 20
372952000002200	6000	COUNTY RD 20
372952000002400	6050	COUNTY 20 RD
372952000002500	6060	COUNTY RD 20
372957000000900	6101	COUNTY 20 RD
372957000001308	6727	CONCESSION 6 S
372957000000702	16	ST THERESE
372957000000708	36	WOODSIDE AVE
372957000000711	39	WOODSIDE AVE
372957000001000	6041	COUNTY 20 RD
372957000000705	26	ST THERESE
372957000000706	28	WOODSIDE AVE
372957000000717	17	DURANGO AVE
372957000001304	6729	CONCESSION 6 S
372957000000713	10	DURANGO AVE
372957000000703	20	ST THERESE AVE
372957000000700	8	ST THERESE AVE
372957000001500	6687	CONCESSION 6
372957000000714	16	DURANGO AVE
372957000001100	6747	CONCESSION 6 S
372957000000801	6151	COUNTY RD 20
372957000000707	34	WOODSIDE AVE
372957000001101	6741	CONCESSION 6 S
372957000000704	22	ST THERESE AVE
372957000001200	6735	CONCESSION 6 S
372957000000718	11	DURANGO AVE
372957000000701	10	ST THERESE
372957000001400	6721	CON 6 SOUTH
372957000000800	6171	COUNTY RD 20
372957000001300	6733	CONCESSION 6 S
372957000000712	35	WOODSIDE AVE

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-003**

**By-law to amend Zoning By-law No. 1999-52
6101 County Road 20, 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 60 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 I-6" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Special Provision Institutional (I-6) Zone".
2. THAT Section 2 of By-law 1999-52, as amended, is hereby amended by adding a new definition, in the appropriate order, as follows:

“ "STUDENT RESIDENCE" means a dwelling operated and maintained by a school and may include a common area, cooking facility or dining facility. A college residence or university student residence is a student residence.”
3. THAT Section 24(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (f) as follows:

“(f) I-6 (6101 County Road 20)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned I-6 on Schedule "A" hereto, the zone requirements of Section 24 of the By-law shall apply with the addition of the following special provisions:

 - (i) Uses Permitted;
 - (a) student residence;
 - (b) any use permitted in a I Zone.”
4. THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Institutional Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
5. 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.O. 1990, c.P. 13.

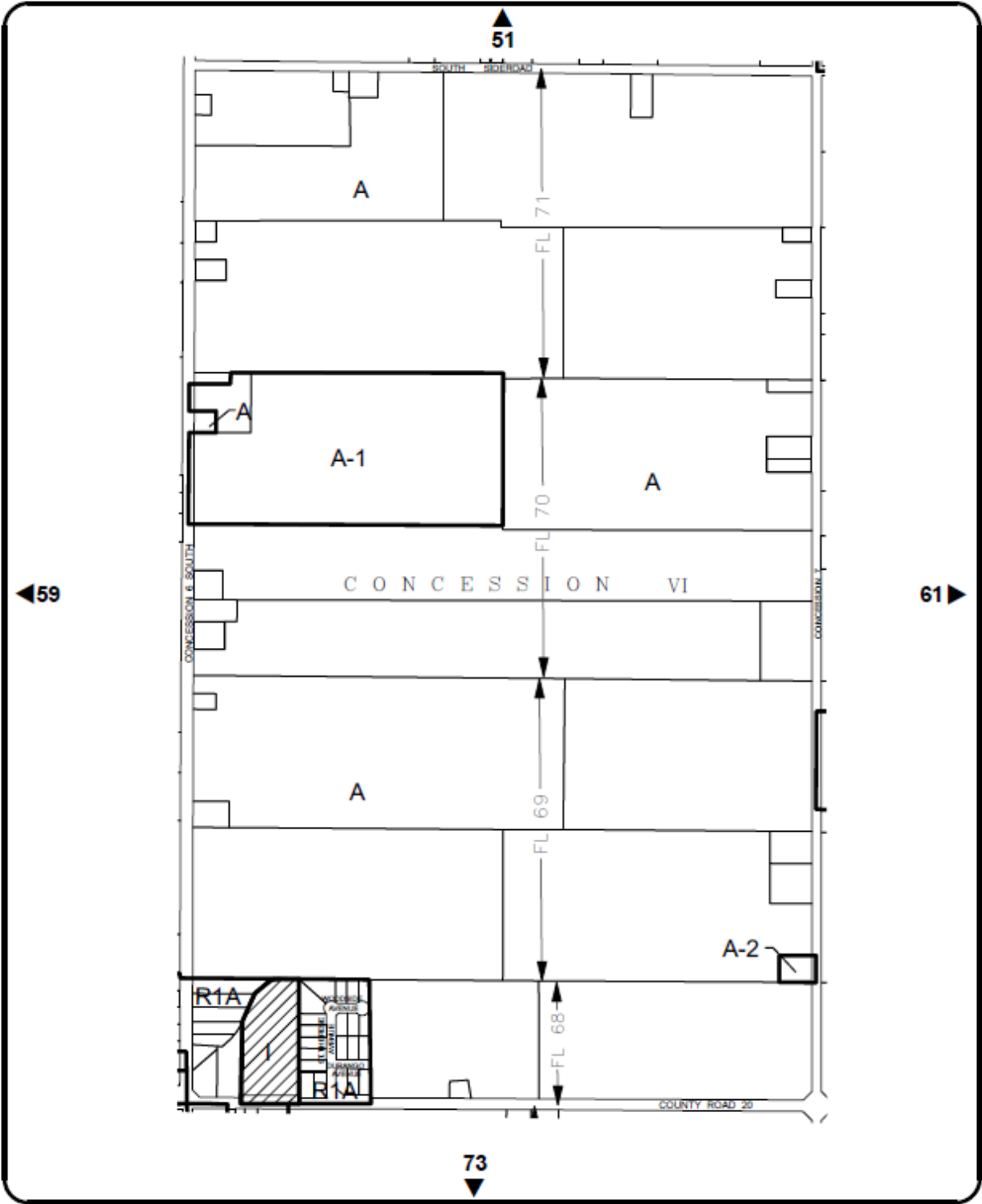
Read a first, second and third time and finally passed this th day of January, 2023.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2023-003
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 60
ZONING BY-LAW NO. 1999-52

I to I-6 