



## 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.*

<b>Author's Name:</b> Sarah French	<b>Report Date:</b> December 1, 2022
<b>Author's Phone:</b> 519 736-5408 ext. 2145	<b>Date to Council:</b> December 12, 2022
<b>Author's E-mail:</b> sfrench@amherstburg.ca	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

**Subject:** Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA/26/22 for N/S Texas Road

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#### 1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies, and Council with respect to Zoning By-law Amendment for N/S Texas Road (File ZBA-26-22) **BE RECEIVED and SUMMARIZED** in a future report to Council.

#### 2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law amendment to By-law 1999-52 from Tri-M Holdings Corp. The re-zoning application affects approximately 5.29 hectares of land on the north side of Texas Road located between 436 and 440 Texas Road (Figure 1 in the attachments). The rezoning, if approved, will change the zoning from Residential Type 1A (R1A) Zone to Residential Second Density (R2) Zone. The lands are designated Low Density Residential in the Town's Official Plan (Figure 2 in the attachments).

#### 3. **DISCUSSION:**

The submitted application seeks to change the zoning for the proposed development's lot layout from Residential Type 1A (R1A) to Residential Second Density (R2) Zone to require a minimum lot frontage of 12 m and lot area of 460 m<sup>2</sup> for single detached dwellings, a minimum lot frontage of 15 m and lot area of 560 m<sup>2</sup> for duplex dwellings, a minimum lot frontage of 20 m and a lot area of 650 m<sup>2</sup> for semi-detached dwellings, and permit a maximum lot coverage of 35% for all permitted dwellings whereas the current

zoning requires a minimum lot frontage of 20 m and lot area of 900 m<sup>2</sup> and permit a maximum lot coverage of 30% for single detached dwellings. Additionally, the current zoning does not allow duplex or semi-detached dwellings. This zone category is consistent with other developments in Town including Kingsbridge Phase 5 and 10 which are in close proximity to the subject lands.

The submitted application does not facilitate a change in the established use of the property but instead seeks to establish revised lot frontage, lot area and lot coverage provisions to conform to the proposed lot layout. The subject lands will be subject to the draft plan of subdivision process and comprise of approximately 48 single detached units. The proposed zone will conform to the Residential Second Density (R2) Zone and the submitted application does not require any special provisions in the R2 Zone.

The requested increase in lot coverage does not facilitate any negative impacts on surrounding properties. The application is considered to conform to good planning principles. The Applicants will be required to provide all approval authorities with an engineered Stormwater Management Plan during the Draft Plan of Subdivision approval phase.

The proposed Zoning By-law Amendment appears to be in conformity with the Provincial Policy Statement 2020 (PPS). The proposed lots are located within a settlement area.

Section 1.1.3.1 of the PPS states:

*Settlement areas shall be the focus of growth and development.*

Section 1.1.3.6 of the PPS states:

*New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

The subject lands are located within a developed, fully serviced settlement area. The comprehensive subdivision planning process will ensure that the development addresses all Provincial, Regional and local interests with respect to the appropriate use and development of the land. Specifically, the proposed subdivision represents efficient and orderly development of serviced residential land in accordance with the land use vision outlined in the Provincial Policy Statement.

The proposal conforms to the County's land use vision as outlined in the specific policies under the County Official Plan as it represents efficient development of land within the Settlement Boundary. The subject lands are within Town's Settlement Boundary and are designated as Low Density Residential in the Town's Official Plan. The proposed single detached dwellings are permitted uses and the proposal makes efficient use of residential land and municipal infrastructure in accordance with the applicable Official Plan policies.

The purpose of this initial public meeting is to provide an opportunity for the Applicants to present information and outline the purpose of the application to Council and to hear all

comments regarding the re-zoning. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments are attached to this report.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed re-zoning and any applicable conditions if required.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. The circulation map and list of properties within the 120m circulation radius are attached for information.

**7. CONCLUSION:**

This report contains information with respect to applicable Provincial policies, Official Plan policies and Zoning By-law regulations, as they pertain to the subject rezoning application.

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.



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Sarah French  
**Planner**

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<b>DEPARTMENTS/OTHERS CONSULTED:</b>
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**Name: Office of Infrastructure Services**  
**Phone #: 519 736-3664 ext. 2313**

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

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Windsor Police**

**Name: Union Gas**  
**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

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

**Name: Windsor Essex Catholic District School Board**

**Name: Essex County District School Board**

## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-26-22, for N-S Texas Road.docx
Attachments:	<ul style="list-style-type: none"><li>- ZBA-26-22 Notice of Statutory Public Meeting- 420-440 Texas.pdf</li><li>- ZBA-26-22 Aerials.pdf</li><li>- ZBA-26-22 Site pictures.pdf</li><li>- ZBA-26-22 Planning Justification Report.pdf</li><li>- ZBA-26-22 Drainage Act Status.pdf</li><li>- ZBA-26-22 Stormwater Management Report.pdf</li><li>- ZBA-26-22 Draft Plan.pdf</li><li>- ZBA-26-22 Circulation Map and List.pdf</li><li>- ZBA-26-22 Summary of Comments Recieved.pdf</li><li>- ZBA-26-22 Draft By-law.pdf</li></ul>
Final Approval Date:	Dec 2, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox