



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.*

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Author's Phone: 519 736 5408 ext. 2134	Date to Council: December 12, 2022
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To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment at 580 Middle Sideroad

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 580 Middle Sideroad (County Road 10) (File ZBA-23-22) **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 Dillon Consulting on behalf of Pacitti Contracting Company Inc. The subject lands are located on the northwest corner of Middle Sideroad and Concession 2 N and is municipally known as 580 Middle Sideroad (refer to Figure 1).

The purpose of the application is to additionally allow for a maximum of six dwelling units above the first floor within new mixed-use buildings along with site specific lot and building regulations to accommodate the proposed site plan. The site currently contains two commercial buildings. The current uses of the buildings are in compliance with the site's current zone provisions. Site pictures are attached as Figure 2.

There is a concurrent application for consent which will be before the Committee of Adjustment on December 7th. A proposed condition of the consent approval is that a zoning by-law amendment be approved for a reduced interior side yard setback for the retained parcel to accommodate the existing buildings on site. The proposed land severance plan and proposed conceptual plan are attached as Figures 3 and 4.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act
4. Comments Received as of December 2nd (Appendix “E”)

(Note: an administrative discussion and analysis of the documentation provided by the applicant will be provided as part of the subsequent report to Council.)

3. DISCUSSION:

The subject lands are designated Commercial Neighbourhood in the Official Plan and are within the Settlement Area. The applicable excerpts from the Official Plan are as follows;

Commercial Land Use Designations

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas.

Neighbourhood Commercial

The uses permitted in the Commercial Neighbourhood designation shall be limited to those commercial uses which provide for the sale of convenience goods and services to meet the daily living needs in foods, sundries and personal services, and may include neighbourhood business and professional offices.

The development of Neighbourhood Commercial areas may take place in the form of a small shopping plaza owned and operated as a unit or as individual establishments. The scale of development shall be guided by the population of the area to be served, the location of the site relative to abutting land uses and road classification. The actual size of the uses permitted will be specified by the Zoning By-law.

Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

No open storage shall be permitted in Neighbourhood Commercial areas.

The location of the Neighbourhood Commercial areas shall be in accordance with Schedules "A" and "B". Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.

The building or buildings contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.

The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

The Zoning By-law zones the lands Commercial Neighbourhood (CN). Currently at this location the following uses are permitted in the Town's Comprehensive Zoning By-law:

- (i) business office;
- (ii) day care;
- (iii) dry cleaner's distribution station;
- (iv) dwelling unit;
- (v) medical/dental office;
- (vi) personal service shop;
- (vii) professional office;
- (viii) public use;
- (ix) retail store;
- (x) convenience store;
- (xi) video rental establishment.

The Applicant is requesting that the current zoning regulations that apply to the proposed severed lands be amended to allow for a maximum of six (6) dwelling units restricted to above the first floor, with a dwelling unit area minimum of 55 square metres and a total driveway width of 11 metres. The Applicant is also requesting that the current zoning regulations that apply to the proposed retained lands be amended to allow for an interior side yard width minimum of 1.5 m to the north property line and allow for the loading spaces on the retained lot be located on the abutting property. The proposed amendments to the Zoning By-law are proposed to support the proposed consent and implement the final approved site plan.

As part of the regulations of the Planning Act, the application has been circulated to the area residents and various agencies. The purpose of this initial public meeting is to

provide an opportunity for the Applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the rezoning. As Council is aware, notice for the proposed rezoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, comments were received by the Town. A summary of the comments are attached to this report as Appendix "E".

Planning staff will be reviewing all of the questions and comments received from this statutory public meeting and will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

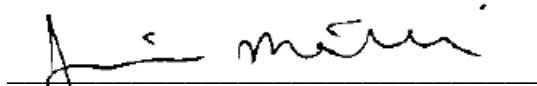
All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

6. CONSULTATIONS:

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

7. CONCLUSION:

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
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Name: Building Services
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Name: Fire Services
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Name: Windsor Essex Catholic District School Board
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Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment at 580 Middle Sideroad.docx
Attachments:	<ul style="list-style-type: none">- Figure 1- ZBA-23-22- Aerial.pdf- Figure 2- 580 Middle Sideroad- Site Pictures.pdf- Figure 3- Land Severance Figure.pdf- Figure 4- ZBA-23-22- Concept Plan.pdf- Appendix E- Summary of Correspondence Received on ZBA-23-22.pdf- Appendix F-120m Circulation List for Report.pdf- Figure 7- 120m Circulation Map for Report.pdf- Appendix H- ZBA-23-22- Planning Justification Brief.pdf- Appendix I- Draft 2023-004- ZBA- 580 Middle Sdrd.pdf
Final Approval Date:	Dec 7, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox