



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 and Christopher Aspila	Report Date: January 6, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: January 23, 2023
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 6101 County Road 20

1. **RECOMMENDATION:**

It is recommended that:

1. **By-law 2023-003** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 6101 County Road 20 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Seminary of Sacred Knowledge. The subject lands are located on the north side of County Road 20 east of Concession 6 S and is municipally known as 6101 County Road 20 (refer to Appendix A). The purpose of the application is to define a student residence in the Zoning By-law and to establish a site-specific zone to add a student residence as a permitted use to the subject lands. The site currently contains an institutional school building currently being used as a seminary.

A Statutory Public Meeting under the Planning Act was held on December 5, 2022, at which comments were received from members of the community and Council. Following the December 5, 2022 meeting, Administration worked with the applicants to address comments and bring forward this report for Council's consideration.

The subject property is designated Low Density Residential in the Town Official Plan and is zoned Institutional (I) in the Town of Amherstburg Zoning By-law 1999-52.

3. **DISCUSSION:**

Statutory Public Meeting Follow-up

Administration has addressed the questions and concerns raised at the Statutory Public Meeting through a table located below.

Table 1: Comments from the Statutory Public Meeting regarding the Zoning By-law Amendment proposed for 6101 County Road 20.

Comment	Administration's Response
Concerns regarding; <ul style="list-style-type: none">- Yard Maintenance/Property Standards- Parking- Garbage- Noise	<p>The applicant has advised that they have hired a contractor who has gone in and cleaned up the entire site. Site pictures are attached as Appendix B which demonstrate the current condition of the property. Yard maintenance and property standards issues are addressed through a complaint process with the By-law Enforcement department and are separate from the request for a zoning by-law amendment.</p> <p>The site has adequate existing approved parking facilities for the existing and proposed uses of the seminary with student residence. The Zoning By-law requires a minimum number of parking spaces on a subject property depending on the use. Additional parking areas are permitted which are in compliance with the zoning. In an Institutional Zone parking is permitted in the rear yard and planting strips are not required.</p> <p>Once the school is in session there will be staff on site on a daily basis to ensure the garbage is appropriately taken out and containers brought in.</p> <p>The Noise By-law applies to the property and must be complied with. Any concerns or complaints would be addressed through the complaint process.</p>
Questions to clarify the intensity and specifics on the proposed student residence.	<p>The applicant clarified that the school will be boarding 16-17 year old students with a site supervisor within the existing structure. The term will be an intense 8 month course.</p> <p>Currently the seminary has four student applications awaiting the commencement of the course. The intent is to have 4-8 students per term.</p>

Concerns expressed regarding expansion of the existing buildings and/or erection of new buildings on the property.	Any development and/or redevelopment on the site will be subject to the site plan control process which addresses buffering, lighting, stormwater management, setbacks etc. If in the future additional structure are proposed they must comply with the Institutional Zone provisions or additional Planning Act applications would be required.
Concern the land is in a floodplain and any building should not be permitted.	The property is not within a floodplain. There is a municipal drain along the northwest property line with this small area regulated by ERCA. Any development on the property would be subject to ERCA review of the site plan control and building permit applications.
When will the building be inhabited?	The current zoning permits the day school/seminary. If the zoning by-law amendment is approved the seminary is prepared take the next steps with the Building and Fire departments once the by-law is in force and effect.
Concern regarding property tax exemptions.	The Ontario Government establishes province assessment and taxation law. MPAC determines assessments and assigns applicable tax rates to properties. MPAC will determine how to classify the seminary and boarding school use on the property in accordance with provincial law.
Who governs/regulate boarding room density?	The municipal Fire Chief is responsible for inspecting and determining the density for the space provided for the student residence.
Why are County of Essex comments engineering comments and not planning comments?	The County of Essex Planning department does not have authority over the proposed zoning by-law amendment. The municipality is the approval authority for ZBAs and are responsible for ensuring the Zoning By-law complies with the applicable planning policies (discussed in the planning analysis). The Engineering department provides comments for the County on ZBA applications because they have authority over setbacks from the County Road and entrances off the County Roads.
<p>Lisa and Jeff McBride- 6760 County Road 50</p> <ul style="list-style-type: none"> - Several concerns in the correspondence are the same as concerns listed and addressed above. 	<p>It is noted in Section 2.23 of the Official Plan that should there be substantial enrollment of the school further approvals will be required.</p> <p>If changes to the site will result in the significant usability of the site then the site plan control process would be applicable.</p>

<ul style="list-style-type: none"> - Concern with expansion of proposed use 	<p>If the use on the property or structures on the property are proposed to be substantially expanded to a major institutional use as described in the OP then further planning approvals would be required.</p>
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The list of permitted uses under the current zoning permits colleges, schools and places of worship. The application before Council is to consider a zoning by-law amendment to permit an additional institutional use on the subject property of a student residence. Yard maintenance and/or property standards issues are a separate matter to this application and have a separate process for resolution.

Planning Analysis

The submitted application seeks to amend the existing Institutional (I) Zone to permit an additional use of student residence on the subject property and to add a definition to Section 2 of the Zoning By-law for student residence.

Provincial Policy Statement

The Provincial Policy Statement was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

When reviewing a planning application to determine if the requested Zoning By-law Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS).

The PPS provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The 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.

The following policy excerpts from the PPS are particularly applicable to the subject application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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.
- 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.
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- 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*.
- 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.
- f) Improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and project needs.
- h) Promoting development and land use patterns that conserve biodiversity; and
- i) Preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area. Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*. Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Official Plan Amendment include:

Section 1.5 Goals for a Healthy County outline the following:

- 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.
- 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 liveable communities.
- To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- To prohibit urban forms of *development* outside of designated “*Settlement Areas*” and discourage urban *development* in areas with partial municipal services.

Section 2.2 Growth Management note the following:

The health of the County requires that long-range land use planning and *infrastructure* investment are properly managed in a way that will:

- Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

Section 3.2 Settlement Areas

Section 3.2.2 Goals set out the following policies:

- Support and promote public and private re-investment in the *Primary Settlement Areas*.
- 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.
- 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.
- To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.

Section 3.2.6 General Settlement Area Policies include the following:

- Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections *local municipalities* are to be in accordance with the population projections contained in this Plan.
- Local Official Plans are encouraged to provide opportunities for *redevelopment, intensification* and revitalization in areas that have sufficient existing or planned *infrastructure*.
- It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:
 - Maintain the well-being of downtowns and main streets.

Town of Amherstburg Official Plan

The Official Plan currently designates the subject lands Low Density Residential. Sections 2.23 and 4.2.3 of the Plan sets out the following policies:

2.23 INSTITUTIONAL USES

In addition to the utilities permitted in accordance with Section 2.13 of this Plan, and lands that are explicitly designated “Institutional”, the development of institutional uses that serve the local community shall be permitted in all Settlement Areas without an amendment to this Plan. Uses that are deemed to serve the local community include neighbourhood-oriented institutional uses such as elementary schools, churches, community halls and/or a hall associated with either a school or a church if less than 500 square metres in floor area, cemeteries, public utilities, neighbourhood recreation facilities and parks, libraries, and facilities for special population groups (including homes, centres or elementary schools for the care, boarding or teaching of children, interval houses for the physically abused, daycare facilities, and senior citizen centres). Secondary schools, nursing homes, hospitals, arenas, community halls greater than 500 square metres in floor area, correctional facilities and other major institutional uses will require an “Institutional” or “Open Space” designation.

Both the development of new and the expansion of existing institutional uses shall be subject to the following policies:

- (1) the institutional uses shall be appropriately zoned in the Town's Zoning By-Law;
- (2) adequate precautions shall be taken to ensure that the institutional uses have no adverse effects on adjacent land uses;
- (3) adequate parking, vehicular access, landscaping, tree planting, buffering and site and building design shall be required where necessary to create an attractive appearance and ensure compatibility with surrounding land uses;
- (4) suitable arrangements will be made for water supply, sewage disposal, storm drainage and all other similar services.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided the subject property has

been successfully rezoned. The Zoning By-law implementing this Plan will specify particular uses that would be permitted and those areas where such activities would most appropriately be located.

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.

4.2.3 Policies – Applicable to All Residential Designations

(11) Institutional Uses in Residential Areas

Certain community-oriented Institutional uses, such as churches, recreation facilities, branch libraries, and facilities for special population groups (including daycare facilities, homes, centres or schools for the care, boarding or teaching of children, and interval houses for the physically abused, nursing homes and senior citizen centres) are permitted within areas designated for Residential purposes on Schedules “A” and “B” if they can satisfy all of the following location and design criteria:

- a) frontage or flankage on an arterial or collector street as indicated on Schedule “D” of this Plan;
- b) design which is residential in character, maintaining the scale, density and character of existing land uses;
- c) provision of adequate buffering and transition to protect surrounding existing development;
- d) provision of adequate off-street parking to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area and to permit the expected activities of a Residential area to be carried out;
- e) on those streets which have been designated “no stopping” areas, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

The Zoning By-law implementing this Plan will specify particular uses which would be permitted and those areas where such activities would most appropriately be located.

Town of Amherstburg Zoning By-law 1999-52

Section 2 of By-law 1999-52, is proposed to be 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.

The Institutional (I) Zone provides for the following:

(1) SCOPE

The provisions of this Section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

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

- (i) cemeteries;
- (ii) colleges;
- (iii) day nurseries;
- (iv) government buildings;
- (v) hospitals;
- (vi) marina;
- (vii) manse;
- (viii) museums;
- (ix) nursing home;
- (x) parks;
- (xi) places of worship;
- (xii) recreational facilities owned and operated by a public authority;
- (xiii) schools.

(3) ZONE REQUIREMENTS

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

- | | |
|---|------------|
| (a) Lot Area (Minimum) | No minimum |
| (b) Lot Frontage (Minimum) | No minimum |
| (c) Front Yard Depth (Minimum) | 15 m |
| (d) Interior Side Yard Width (Minimum) | 10 m |
| (e) Exterior Side Yard Width (Minimum) | 15 m |
| (f) Rear Yard Depth (Minimum) | 10 m |
| (g) Lot Coverage (Maximum) | 50% |
| (h) Landscaped Open Space (Minimum) | 30% |
| (i) Height of Building (Maximum) | 10m |
| (j) Accessory Uses, Parking etc. in accordance with the provisions of Section 3 hereof. | |

(4) SPECIAL PROVISION PROPOSED

(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.

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.

The submitted application does not facilitate a change in the established use of the property but instead seeks to define and permit an additional institutional use of student residence on the property.

The Town's Zoning By-law currently zones the subject lands Institutional (I). Within this zone category, a broad range of institutional land uses are permitted.

In the event this application is approved by Council, any development/redevelopment on the site would also be subject to the execution of a site plan control agreement to ensure orderly development of the site.

The proposed Zoning By-law Amendment is considered to be consistent with the 2020 PPS, in conformity with the County Official Plan and consistent with the policy direction as set out in the Town's Official Plan. The requested decrease in front yard setback and decrease in required parking spaces does not facilitate any negative impacts on surrounding properties. The application is considered to conform to good planning principles.

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:

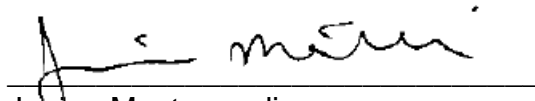
The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

No further consultation is required.

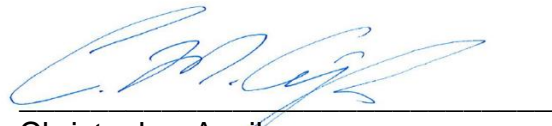
7. CONCLUSION:

It is the opinion of administration that the Zoning By-law Amendment allows for the appropriate development of the subject lands, is consistent with the policies of the Provincial Policy Statement, 2020, and conforms with the policies of the County of Essex Official Plan and the Town of Amherstburg Official Plan.

Administration recommends that Zoning By-law 2023-003 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Janine Mastronardi
Planner



Christopher Aspila
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JM/CA

DEPARTMENTS/OTHERS CONSULTED:

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Report Approval Details

Document Title:	Zoning By-law Amendment for 6101 County Road 20.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- 6101 Cty Rd 20- Aerial.pdf- Appendix B- Updated Site Pictures.pdf- Appendix C- Summary of Correspondence Received on ZBA-22-22 as of January 6, 2023.pdf- Appendix D- 6101 Cty Rd 20- 120 m Circulation Info.pdf- Appendix E- 2023-003- ZBA- 6101 County Rd 20- DRAFT.pdf
Final Approval Date:	Jan 9, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox