



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 10, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: January 23, 2023
Author's E-mail: jmastronardi@amherstburg.ca and caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 9540 Walker Road

1. **RECOMMENDATION:**

It is recommended that:

1. **By-law 2023-002** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 9540 Walker Road 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 Jove Vasovski on behalf of 1156618 Ontario Limited. The subject lands are located on the west side of Walker Road (County Road 11) between Wellington Street and Middle Sideroad and is municipally known as 9540 Walker Road (refer to Appendix A). The purpose of the application is to amend the existing Commercial General (CG) Zone to create a new site-specific CG-17 zone to reduce the County Road setback, reduce the buffer strip width on the north side of the property and permit parking and a loading space in the front yard. The site has remained vacant for 16 years since the bowling alley was demolished in 2006. The applicant is proposing the construction of 8125 sq ft, one-storey, 5-unit commercial plaza with medical offices, pharmacy and potential for other commercial uses. A site picture is attached as Appendix B.

A Statutory Public Meeting under the Planning Act was held on January 9, 2023, at which comments were received from members of the community and Council. Following the

January 9, 2023 meeting, Administration worked with the applicants to address comments and bring forward this report for Council's consideration.

The subject property is designated General Commercial in the Town's Official Plan.

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 9540 Walker Road.

Comment	Administration's Response
Question regarding Fire comments; the municipality upgrade the watermain and hydrant system to allow great flow in that part of town.	A new watermain/waterline is not in the budget. This will not prevent development in the McGregor area. The building being sprinklered will be required for fire protection. This is a requirement for all future residential and commercial developments in the area.
Neighbour at 9546 Walker Road – supports ZBA	<p>It was confirmed by the abutting neighbour to the north the request is supported for relief in the buffer strip as long as the existing drainage is fixed and a fence is installed.</p> <p>During the site plan control process a stormwater management plan will be designed and implemented to the satisfaction of the Town to ensure the site maintains its own stormwater and there is no runoff onto neighbouring properties.</p> <p>A solid board fence will be required along the north property line. This is indicated on the proposed site plan.</p>

The applicants will be required to complete the site plan control process. Administration is the approval authority.

Planning Analysis

The submitted application seeks to amend the existing Commercial General (CG) Zone to allow for a 25.21 m County Road setback, a 2.13 m buffer strip (planting strip) and to permit parking and a loading space be located in the front yard for a proposed new one-storey commercial plaza to implement the proposed site plan.

The subject property is within a Secondary Settlement Area in the County of Essex Official Plan and designated General Commercial in the Town's Official Plan.

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.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

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

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

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

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 2.8.1 Roads set out the following policies:

This Plan acknowledges the strong relationship between roads, their function, land use and *development*. Schedule “D1” of this Plan identifies Provincial Highways and County Roads.

Provincial Highways are under the jurisdiction of the Ministry of Transportation and are subject to permit control and approval under the Public Transportation and Highway Improvement Act. In addition to all municipal requirements under the Planning Act, Ministry of Transportation permits are required for access to Provincial Highways where permitted and for the construction of buildings, structures and signs in proximity to the Provincial Highways. All applicants proposing new *development* or changes to existing development on lands adjacent to a Provincial Highway are advised to consult with the Ministry of Transportation prior to making formal applications under the Planning Act.

In December 2004, the draft Essex-Windsor Regional Transportation Master Plan was completed. The Plan was prepared using the Master Planning Process from the “Municipal Class Environmental Assessment Process” and was intended to provide a comprehensive regional transportation master plan with policies and implementation strategies that would serve the needs of the region for 20 years. The Plan identified roadway capacity enhancements, evaluated the levels of service, and recommended a new roadway classification system. Unfortunately, the Plan was prepared based on population projections that have not been achieved. As a result, the recommendations contained in the Plan require review and the County intends on updating the Transportation Master Plan, and implementing it by way of a future amendment to this Plan.

When considering matters of land use planning, the County shall:

- Identify measures to reduce transportation needs such as managing the appropriate type and scale of growth, the use of alternative transportation choices, and the development of an *active transportation* system.

- Strive to minimize conflict between local and non-local traffic by protecting the County Road system depicted on Schedule “D1”. The County shall discourage new *development* that would adversely impact traffic movement along the County Road system unless road improvements can be undertaken to eliminate the adverse impact. New *development* proposing access onto County Roads outside of “Settlement Areas” shall be managed according to the County’s access policies.
- Encourage safe, convenient and visually appealing pedestrian facilities, where appropriate, along the Provincial and County Road systems.
- Ensure that *development* proposals that are likely to generate *significant* traffic are accompanied by a traffic impact study addressing the potential impact on the Provincial and County Road systems and the surrounding land uses and how to minimize any identified negative impact.

Section 3.2 Settlement Areas

3.2.5 Secondary Settlement Areas

The Secondary Settlement Areas shown on Schedule “A2” represent more than 40 small hamlet, village, employment based, or other site specific settlements or developments that have historically been identified in local Official Plans and were conceptually carried forward into the first version of the County Official Plan.

Secondary Settlement Areas do not meet the criteria outlined above for Primary Settlement Areas; however, they do have varying levels of community investment County of Essex Official Plan 47 Adopted February 19, 2014 and Approved April 28, 2014 such as full or partial services or public buildings. These communities do not have public transit, and have few housing options or public services facilities.

The majority of Secondary Settlement Areas in the County are residential in nature, such as the shoreline areas in the Towns of Essex and Kingsville and the Municipality of Leamington. There are also several employment based Secondary Settlement Areas such as Smith Industrial Park in the Town of Amherstburg and Ruthven in the Town of Kingsville. Further still, there are examples of Secondary Settlement Areas that contain a mixture of uses such as the Hamlet of Cottam in the Town of Kingsville and the Hamlet of McGregor in the Towns of Amherstburg and Essex.

The County recognizes the diversity among the many different Secondary Settlements Areas and accordingly has established the following policy framework that recognizes this diversity:

- New development will be permitted to the boundaries of the Secondary Settlement Areas as shown on Schedule “A2” provided such development is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.
- New development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.
- All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans.

- Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:
 - They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these Secondary Settlement Areas, provided the Primary Settlement Area(s) in the municipality remains the focus of growth.
 - New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.
- Secondary Settlement Areas, or portions thereof, that generally consist of employment uses are subject to the following additional policies:
 - Cost effective development patterns and those which reduce servicing costs are encouraged.
 - Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
 - New development shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.
 - Local Official Plan policies will ensure the orderly and appropriate development of these areas.
 - Cost effective development patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

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 General Commercial. Section 4.4.2 of the Plan sets out the following policies:

GENERAL COMMERCIAL LAND USE DESIGNATION

The uses permitted in the General Commercial shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planning may include provisions for grass strips, berms, screening and appropriate planting of trees shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

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

Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern.

The general location of the General Commercial areas shall be in accordance with Schedules "A" and "B" [of the Official Plan].

Any public works or private redevelopment within the area should take into account the Heritage Policies and Downtown Revitalization Policies of this Plan and should implement any applicable portion.

The General Commercial lands may be placed in separate zoning classifications in the implementing Zoning By-law.

Section 6.7 of the Town of Amherstburg Official Plan – Planning Impact Analysis set out several areas that must be considered as part of an Official Plan Amendment or Zoning By-law amendment. These include:

6.7 PLANNING IMPACT ANALYSIS

It is a policy of the Official Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:

- Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.
- The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.
- The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.
- The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties.
- The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area.
- The location of lighting and screening, and the adequacy of parking areas.
- The provisions for landscaping and fencing.
- The location of outside storage, garbage and loading facilities.

With respect to items noted above the proposed development is located in the peripheral area adjacent to the downtown core of McGregor. The site is located as infill development on an existing commercial property. This area of Walker Road consists of commercial uses, residential uses and mixed use developments. There is a proposed subdivision to the west of the subject property that is proposed to contain commercial parcels adjacent to 9540 Walker Road.

McGregor has new residential development moving forward and will increase the existing demand for commercial uses that serve people by walk-up or bicycle or other accessible access means to the businesses.

The site provides for adequate parking, garage and loading facilities, landscaping and fencing. Access to the parcel is proposed off of Walker Road with an additional exit proposed onto a new municipal road abutting the southern property line of the parcel.

Town of Amherstburg Zoning By-law 1999-52

The Commercial Highway (CG) Zone provides for the following:

(1) SCOPE

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

(2) USES PERMITTED

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

- (i) amusement game establishment;
- (ii) animal hospital;
- (iii) art gallery;
- (iv) assembly hall;
- (v) bakery shop;
- (vi) catalogue store;
- (vii) cinema;
- (viii) clinic;
- (ix) commercial recreation establishment;
- (x) commercial school;
- (xi) continuum of care facility;
- (xii) data processing establishment;
- (xiii) day care;
- (xiv) department store;
- (xv) *drive through facility; (By-law No. 2012-65)*
- (xvi) dry cleaning or laundry establishment or distribution centre;
- (xvii) dwelling units restricted to above the first floor;
- (xviii) existing place of worship;
- (xix) financial establishment;
- (xx) florist shop;
- (xxi) food store;
- (xxii) funeral home;
- (xxiii) hardware store;
- (xxiv) home and auto supply store;
- (xxv) home appliance store;
- (xxvi) home decorating store;
- (xxvii) home for the aged;
- (xxviii) home furnishing store;
- (xxix) home improvement store;
- (xxx) hotel or motel;
- (xxxi) institutional use;
- (xxxii) laboratory;
- (xxxiii) laundromat;
- (xxxiv) library;
- (xxxv) medical/dental office;
- (xxxvi) merchandise service shop;
- (xxxvii) marina;
- (xxxviii) nursing home;
- (xxxix) office;
- (xl) parking lot;
- (xli) personal service shop;

- (xlii) pharmacy;
- (xliii) place of entertainment;
- (xliv) printing shop;
- (xlv) public use;
- (xlv) recreational establishment;
- (xlvii) repair and rental establishment;
- (xlviii) restaurant;
- (xlix) restaurant, fast-food;
- (l) retail store;
- (li) retirement lodge;
- (lii) studio
- (liii) supermarket;
- (liv) tavern;
- (lv) theatre;
- (lvi) taxi establishment;
- (lvii) vehicle repair shop;
- (lviii) veterinarian clinic;
- (lix) video rental establishment;
- (lx) wholesale use accessory to a permitted CG use;
- (lxi) any existing automotive use.

(3) ZONE REQUIREMENTS

No person shall within any CG 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)	No Minimum except as provided in Section 3(23) thereof	
(d) Interior Side Yard Width (Minimum) provided that where the interior side lot line abuts land in a zone other than a Commercial or Institutional Zone, the minimum interior side yard width shall be 7 m.	No Minimum	
(e) Exterior Side Yard Width (Minimum)	No Minimum	No Minimum
(f) Rear Yard Depth (Minimum)	7.5 m	7.5 m
(g) Dwelling Unit Area (Minimum)	55 m ²	55 m ²
(h) Height (Maximum)	10 m	10 m (By-law 2012)

(i) Heritage Buildings

If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

(j) Open Storage

No open storage of goods, materials or waste shall be permitted.

(k) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3

SPECIAL PROVISIONS

CG-17 (9540 Walker Road)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-17 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the addition of the following special provisions:

- (i) Notwithstanding Section 3(12)(b)(i) the planting strip along the north property line shall be a minimum of 2.13 m.
- (ii) Notwithstanding Section 3(16)(e)(i) a loading space may be provided in the front yard in the CG-17 Zone.
- (iii) Notwithstanding Section 3(23)(g) parking may be provided in the front yard in the CG-17 Zone.
- (iv) Notwithstanding Section 3(26)(a) the required minimum setback from the centerline of County Road 10 shall be 25.21 metres

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 Commercial General 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 establish a reduced County Road setback, a reduced buffer strip (planting strip) and to permit parking and a loading space be located in the front yard for a proposed new one-storey commercial plaza to implement the proposed site plan.

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

The Applicant is requesting that the current zoning regulations that apply to these lands be amended to allow for;

- a reduction of 0.79 m in County Road Setback to permit a 25.21 m County Road setback;
- a reduction in the required 3 m planting strip to permit a 2.13 m buffer strip (planting strip); and
- to permit parking and a loading space to be located in the front yard where it is not currently permitted.

The requested amendments to the zoning is to implement the proposed site plan containing a proposed new one-storey commercial plaza.

In the event this application is approved by Council, the development 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 amendments do 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:

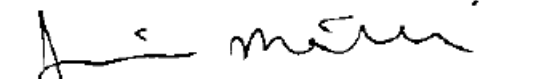
The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

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 2023-002 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
Manager, Planning Services

JM/CA

DEPARTMENTS/OTHERS CONSULTED:

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
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Name: Ontario Power Generation
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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
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Report Approval Details

Document Title:	Zoning By-law Amendment for 9540 Walker Road.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- Aerial of Area.pdf- Appendix B- Site Picture.pdf- Appendix C- Summary of Correspondence Received on ZBA-21-22.pdf- Appendix D- 120m Circulation Area.pdf- Appendix E- Site Plan.pdf- Appendix F- 2023-002- ZBA- 9540 Walker Road- DRAFT.pdf
Final Approval Date:	Jan 11, 2023

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

No Signature found

Chris Aspila

No Signature - Task assigned to Melissa Osborne was completed by workflow administrator Tammy Fowkes

Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox