CITY OF WINDSOR MINUTES 06/13/2022

City Council Meeting

Date: Monday, June 13, 2022
Time: 4:00 o'clock p.m.

Members Present:

Mayor
Mayor Dilkens

Councillors
Ward 1 - Councillor Francis
Ward 2 - Councillor Costante
Ward 3 - Councillor Bortolin
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 6 - Councillor Gignac
Ward 7 - Councillor Gill
Ward 8 - Councillor Kaschak
Ward 9 - Councillor McKenzie
Ward 10 - Councillor Morrison

Clerk's Note: Several members of Administration and members of the public participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

1. ORDER OF BUSINESS

2. CALL TO ORDER

Following the playing of the Canadian National Anthem and the Land Acknowledgement, the Mayor calls the meeting to order at 4:00 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Francis discloses an interest and abstains from voting on Item 8.7 being the report of the Development & Heritage Standing Committee meeting held June 6, 2022 entitled "Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1," as it may be relatable to a family member.

Councillor Gill discloses an interest and abstains from voting on Item 8.7 being the report of the Development & Heritage Standing Committee meeting held June 6, 2022 entitled "Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1," as one of his employees' spouse (his brokerage) is the architect for this application.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held May 30, 2022

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

That the minutes of the meeting of Council held May 30, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 167/2022

5. NOTICE OF PROCLAMATIONS

Proclamations
"Recreation & Parks Month" – June 2022
"Garden Day" – Saturday, June 18, 2022
"Longest Day of SMILES®" – Sunday, June 19, 2022
"World Sickle Cell Day" – Sunday, June 19, 2022

"Jennifer Jones Day" – Monday, June 27, 2022
"Father Paul Charbonneau Day" – Sunday, July 3, 2022
"Parachute National Injury Prevention Day" – Tuesday, July 5, 2022

Illumination
"World Blood Donor Day" – Sunday, June 12 to Saturday, June 18, 2022
"World Sickle Cell Day" – Sunday, June 19, 2022
"Parachute National Injury Prevention Day" – Tuesday, July 5, 2022

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:
(a) communication items;
(b) consent agenda;
(c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
(d) hearing presentations and delegations;
(e) consideration of business items;
(f) consideration of Committee reports:
(g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and
(h) consideration of by-law 71-2022 and by-laws 86-2022 through 97-2022 (inclusive).
Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence for June 13, 2022

Moved by: Councillor Gill
Seconded by: Councillor Holt

Decision Number: CR259/2022
That the following Communication Items 7.1.1 and 7.1.3 through 7.1.9 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted; and that Item 7.1.2 be dealt with as follows:

7.1.2. Request for a communication from the City of Windsor to the Chair of the House of Commons Environment Committee to request scheduling the hearings on C-248 as soon as possible (An Act to amend the *Canada National Parks Act*) regarding the Ojibway National Urban Park (NUP)

Moved by: Councillor Francis
Seconded by: Councillor McKenzie

Decision Number: CR260/2022
That the correspondence item from the Member of Parliament – Windsor West dated June 9, 2022 seeking a communication from the City of Windsor to the Chair of the House of Commons Environment Committee to request scheduling the hearings on C-248 as soon as possible (An Act to amend the *Canada National Parks Act*) regarding the Ojibway National Urban Park (NUP) **BE RECEIVED** for information; and further,

That Administration **BE DIRECTED** to issue a letter to the Chair of the House of Commons Standing Committee on Environment and Sustainable Development to schedule hearings on Bill C-248 (An Act to amend the *Canada National Parks Act*) as soon as possible.
Carried.

Clerk's File: SR/14270

No.	Sender	Subject
7.1.1.	Minister of Veterans Affairs	Letter in response to Windsor City Council's resolution to endorse the nomination of Private Jess Randall Larochelle for the award of the Canadian Victoria Cross APR2022 Note & File
7.1.2.	Member of Parliament – Windsor West	Request for a communication from the City of Windsor to the Chair of the House of Commons Environment Committee to request scheduling the hearings on C-248 as soon as possible (An Act to amend the *Canada National Parks Act*) regarding the Ojibway National Urban Park (NUP) Commissioner, Community Services Commissioner, Infrastructure Services SR/14270 COUNCIL DIRECTION REQUESTED, otherwise Note & File

No.	Sender	Subject
7.1.3.	Ontario Land Tribunal	Symonds v. Windsor (City) case heard February 2-3, 2022 by video hearing. Decision delivered by D. S. Colbourne on February 2, 2022, Case No. OLT-22-002012 (Formerly PL210246) Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation City Planner Chief Building Official Deputy City Solicitor Senior Legal Counsel Development Applications Clerk ZB/13918 Note & File
7.1.4.	Ministry of Transportation, Carrier Safety and Enforcement Branch	Letter regarding the Safety Rating Upgrade 062-452-600 Commissioner, Infrastructure Services Commissioner, Legal & Legislative Services Executive Director, Operations/Deputy City Engineer GP2022 Note & File
7.1.5.	Vice-President, Public, Government and Regulatory Affairs, Canadian National Railway Co. (CN)	Letter to the Minister of Agriculture, Food and Rural Affairs confirming receipt of the March 14 letter addressed to CN CEO Tracy Robinson regarding municipal drainage matters Commissioner, Infrastructure Services MT2022 Note & File
7.1.6.	City of Niagara Falls AND Town of Fort Erie AND Niagara Falls Bridge Commission & Buffalo and Fort Erie Public Bridge Authority	Letter requesting the Government of Canada continue to market the ArriveCAN application as an “optional” tool when crossing the border GM2022 Note & File

No.	Sender	Subject
7.1.7.	Town of Tecumseh	The Town of Tecumseh will hold a virtual/electronic public meeting on Tuesday, June 28, 2022 at 6:00 p.m. to consider a proposed Zoning By-law Amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990* for a parcel of land situated at the southwest corner of the Lesperance Road/Dillon Drive intersection City Planner Commissioner, Legal & Legislative Services Deputy City Solicitor Development Applications Clerk Z2022 Note & File
7.1.8.	Windsor Police Service	Windsor Police Service Annual Report 2021 SP2022 Note & File
7.1.9.	Committee of Adjustment	Applications to be heard by the Committee of Adjustment/Consent Authority, Thursday, June 16, 2022 at, 3:30 p.m., through Electronic Meeting Participation Z2022 Note & File

Carried.

Report Number: CMC 9/2022

8. CONSENT AGENDA

8.2. Capital Variance Report - March 31, 2022 - City Wide

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR262/2022

1. That City Council **RECEIVE** for information the 2022 Life-to-Date Capital Variance Report as at March 31, 2022 as presented by the Chief Financial Officer / City Treasurer.

2. That City Council **APPROVE** the transfers to and from capital projects/reserves as identified within Appendix A – Summary of Capital Project Variances.

3. That City Council **APPROVE** the purchase of a forklift, at an estimated cost of $70,000 plus HST, with 50% of funding originating from the Fire Truck Equipment Purchases project, 7145008, and the remaining 50% of funding originating from an Urban Search and Rescue grant.

4. That City Council **APPROVE** a transfer of $245,000 from the Major F.A. Tilston VC Armoury Reserve, Fund 191, to Capital Account 7151017 (Facility Structural & Building Envelope Maintenance Program).

5. That Administration **BE DIRECTED** to further investigate and consider appropriate strategies in order to address the increasing impacts of inflationary pressures on the capital budget and report back on how to manage and address these pressures as part of the 2023 budget process.

Carried.

Report Number: C 91/2022
Clerk's File: AF2022

8.3. Little River Pollution Control Plant -Sludge Pump House No 01 Upgrades-City Wide

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR263/2022

That the following tender be **ACCEPTED**:

TENDERER:	Vollmer Incorporated 3822 Sandwich Street Windsor, ON N9C 1C1
TENDER NO:	57-22
TOTAL TENDER PRICE:	$1,737,178.00, excluding HST
ACCOUNT CHARGED:	007 5410 9998 02942 7192004

and,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and financial content to the City Treasurer; and,

That City Council **APPROVE** a transfer of additional funds totalling $388,855 from the funding sources noted below to **Project ID 7192004** that are required to upgrade the Sludge Pump House No. 01 at Little River Pollution Control Plant (LRPCP):

a. Transfer of $22,852 from Project 7211023 (LRWRP-Transformer Screen Wall Replacement) and close the project

b. Transfer of $208,080 from Project 7161022 (LRPCP- Polymer System Upgrades) and close the project
c. Transfer of $157,423 from Project 7172011 (LRPCP- Replacement of Aeration Blowers)

Carried.

Report Number: C 99/2022
Clerk's File: SW/14411

8.5. Official Plan and Rezoning Amendments – Tunio Development – 3885 & 0 Sandwich Street - OPA 152 OPA[6504] Z-028/21 ZNG[6503] - Ward 2

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR265/2022 DHSC 399
That the City of Windsor Official Plan, Volume II, Part 1-Special Policy Areas **BE AMENDED** by deleting and replacing Specific Policy Area 1.7 as follows:

"1. 7 **Sandwich Street and Chappell Avenue**

1.7.1 The property comprising Part of Lot 27, Registered Plan 40S, east side of Sandwich Street and Part of Lot 28, east Side of Sandwich Street, and Lot 28 west side corner of Sandwich Street, Registered Plan 40, located at the northeast corner of Sandwich Street and Chappell Avenue;

Site Specific Policy Direction 1.7.2

Notwithstanding Section **6.4.3.1 Industrial Policies**-*Permitted Uses* designation of the subject lands on Schedule D: Land Use in Volume I--The Primary Plan, the uses permitted in Section 6.9.2.1 shall be additional permitted uses; and,

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 27, Registered Plan 40S, Lot 28 East Side, Registered Plan 40, and Lot 28 West Side, Registered Plan 40, situated at the northeast corner of Sandwich Street and Chappell Avenue (known municipally as 0 and 3885 Sandwich Street; Roll # 050-170-09700 and 050-170-09800) from Development Reserve District 1.1 (DRD1.1), Commercial District 2.1 (CD2.1) and Manufacturing District 1.4 (MD1.4) to Commercial District 2.1 (CD2.1) and by adding the following site specific provision:

445. **NORTHEAST SIDE OF SANDWICH STREET AND CHAPPELL AVENUE**

For the lands comprising Part Lot 27, Registered Plan 40S; Lot 28 East Side on Registered Plan 40; and Lot 28 West Side, Registered Plan 40:

1. The following uses are prohibited:
   Bakery

Food Outlet-Drive-Through
Gas Bar
Place of Entertainment and Recreation
Public Hall
Restaurant with Drive-through

2. A *Multiple Dwelling* and *Dwelling Units in a Combined Use Building* shall be additional permitted main uses and shall be subject to the following provisions:

a) Main Building Height – maximum 37.0 m
b) Amenity Area – Per Dwelling Unit – minimum 5.0 m^2
c) For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, are located above the non-residential uses
d) Exposed flat concrete block walls or exposed flat concrete wall, whether painted or unpainted, are prohibited
e) Required Number of Parking Spaces – minimum - 156

[ZDM 4; ZNG/6503]; and,

That Part Lot 27 on Registered Plan 40S (PIN 012580193) (Roll # 050-170-09800-0000) known municipally as 0 Sandwich Street and for Lots 28 East Side; & Lot 28 West Side; Corner on Registered Plan 40 (PIN 012580190) (Roll #170-09700-0000) known municipally as 3885 Sandwich Street, situated at the northeast corner of Sandwich Street and Chappell Avenue **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning); and,

That the Site Plan Approval Officer **BE DIRECTED** to incorporate the mitigation measures including warning clauses required for a Class 4 designation pursuant to Publication NPC-300 identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021, in the site plan approval and the site plan agreement; and,

That the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to the surrounding noise sources identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021.
Carried.

Report Number: SCM 156/2022 & S 65/2022
Clerk's File: Z/14317

8.6. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – St. Clair Rhodes Development – 233 Watson Avenue – Ward 6

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR266/2022 DHSC 400
That the application of St. Clair Rhodes Development for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units, as shown on the attached Map No. CDM-001/22-1 and CDM-001/22-2 on a parcel legally described as; Part of Lot 129, Concession 1, and Part of Closed Alley, Registered Plan 895; more particularly described as Parts 1 to 4, 12R-25008; City of Windsor; located at 233 Watson Avenue **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: SCM 152/2022 & S 55/2022
Clerk's File: Z/14381

8.7. Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR267/2022 DHSC 402
I. That the application of Bellocorp Inc. for Draft Plan of Subdivision approval for Part Lot 306 and Part Lot 307, Concession N Talbot Rd., Sandwich East, Windsor (PIN 01558-0962 LT, PIN 01558-0544 LT and PIN 01558-0964 LT), **BE APPROVED** subject to the following conditions:

A. That the Draft Plan Approval shall lapse on June 13, 2025;

B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-001/21-1, prepared by VERHAEGEN Land Surveyors for Bellocorp Inc., Reference No. 21-47-019-01, dated May 20, 2022, showing 33 Lots for single unit dwellings, 1 block for Stormwater Management Facility (SWM), 1 block for Parkland and 1 block for Reserve, plus proposed road allowances (Streets A, B & C);

C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;

D. That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final M plan; and

E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix C, attached) with further amendments as required and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).

2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street A, Street B and Street C, in accordance with the approved Plan of Subdivision.

3. The Owner(s) shall, prior to the issuance of a construction permit,
   (i) Finalize the engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
   (ii) install the stormwater management measures identified in the engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
   (iii) obtain the necessary development review clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind; and
   (iv) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner(s) and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.4 (i) & (ii) above;

4. Servicing Study - Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
   (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the municipal sewer system, and
   (ii) be finalized in agreement with the City Engineer.

5. Site Servicing Plans – The Owner(s) shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

6. Sidewalks -The Owner(s) shall pay to the Corporation
   (i) the sum of $33,500.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Talbot Road frontage of the subject lands, prior to the issuance of a Building Permit; and
   (ii) the sum of $16,500.00, being the Owner's contribution towards the future construction of a 3.0m wide multi-use trail connection from the Southwood Lakes Multi-use Trail, in Stoneybrook Park, to the proposed cul-de-sac at the western end of the proposed Street 'A', prior to the execution of a Subdivision Agreement,.

7. Curbs and Gutters – The Owner(s) shall also pay to the Corporation, prior to the issuance of a construction permit, the sum of $17,750.00 being the Owner's contribution towards the construction of concrete curb and gutter on the North Talbot Road frontage of the subject lands.

8. Corner Cut-Off - The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of North Talbot Road and Street 'B' as well as North Talbot Road and Street 'C' on Map No. SDN-001/21-1, in accordance with City of Windsor Standard Drawing AS-230.

9. Cul-De-Sac: The Owner(s) shall, prior to the issuance of construction permit, construct a cul-de-sac with a minimum radius of 9.5m at the west and east limits of Street A.

10. Stormwater Management Facility: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey Block 34 on Map No. SDN-001/21-1 to the Corporation of the City of Windsor for Storm Water Management (SWM) Facility SWM purposes, to the satisfaction of the City Engineer and City Solicitor.

11. Berm Requirement - Prior to the issuance of a construction permit, the Owner(s) shall install a berm along the west, south and east limits of the plan of subdivision, as proposed in Appendix A attached to the Stormwater and Functional Servicing Report dated May 14, 2021, prepared by Bill Fuerth of BAIRD AE Inc., to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

12. Fencing Requirement – Prior to the issuance of a construction permit, the Owner(s) shall install a 1.8m (6ft) chain link fence on Block 34, along the mutual boundary line with Lots 9, 10 and 11, to the satisfaction of the City Engineer, the Executive Director of Parks and the Chief of Police.

13. Video Inspection (Mainline) - The applicant shall, prior to the issuance of a construction permit, conduct at its entire expense a video inspection, or pay the cost of similar inspection, of ALL EXISTING sanitary/storm sewers on North Talbot Road which will be tapped to service the development, all to the satisfaction of the City Engineer.

14. MTO Corridor Management (MTO Requirement) - The Owner(s) shall, prior to the issuance of a construction permit, contact the Ministry of Transportation (MTO) Corridor Management to obtain the necessary permits, clearances and/or approvals in accordance with the *Public Transportation & Highway Improvement Act*.

15. Noise Control Measures for Lots 4, 5 & 6 (inclusive): The Owner(s) shall at its entire expense
    i) install a noise barrier fence along North Talbot Road as recommended in the Acoustical Report, prepared by Shurjeel Tunio of Baird AE Inc. (Baird AE Acoustical Report) dated March 16, 2021; and

ii) ensure that ducting is provided for the installation of Central Air Conditioning for all the affected lots (Lots 4, 5 & 6), to the satisfaction of the Chief Building Official.

16. Noise Control Measures for all Lots on Map No. SDN-001/21-1: The Owner(s) shall at its entire expense
    i) ensure that all windows and doors leading to sensitive living areas have a minimum sound transmission class (STC) to meet the Ministry of Environment and Climate Change (MOECC) indoor noise level criteria, as specified in the March 16, 2021 Baird AE Acoustical Report;
    ii) engage an acoustical consultant for review of the sound transmission class (STC) for walls, windows and doors, after being installed, to ensure they conform to the recommendations outlined in the March 16, 2021 BAIRD AE Acoustical Report.

17. Warning Clause(s) for Lots 4, 5 & 6 (inclusive): The Owner(s) shall place the following warning clauses in all Offers to Purchase, and Agreements of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within Lots 4, 5 & 6 on Map No. SDN-001/21-1:
    i) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."
    ii) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment."

18. Species at Risk/Habitat Protection: The Owner(s) shall comply with, and implement, mitigation measures for construction adjacent to habitat for SARS Reptiles (which include awareness training, strategic vegetation clearing, wildlife exclusion and erosion control fencing, equipment inspection, proper site maintenance and management, and implementation of encounter and reporting protocols) as detailed in Appendix B attached to the report (Preliminary Screening For Species at Risk) by MTE Consultants Inc., dated April 29, 2021, for the subject development.

19. Additional *Endangered Species Act* measures: To reduce the potential for impacts to maternity roosting habitat for Protected Species of bats, the Owner(s) shall
    i) ensure that vegetation removal will occur between October 1 and March 31, outside of the active season for bats; and
    ii) install replacement bat roosting habitat (two rocket boxes) under the direction of a qualified professional, prior to the issuance of a construction permit.

20. Parkland Conveyance - The Owner(s) shall, prior to the issuance of any construction permit, convey to the Corporation Block 35 on Map No. SDN-001/21-1 which

represents 2.7% Parkland conveyance and the 2.3% remaining balance of the Parkland conveyance in the form of cash payment.

21. Tree Preservation –
    i) Prior to the final Subdivision Plan approval, the Owner(s) shall provide a Landscape and Tree Preservation Plan identifying the proposed locations of all existing trees removed from the development and those to be retained in Block 35, to the satisfaction of the Executive Director of Parks and the City Planner/Executive Director of Planning and Development Services.
    ii) Prior to the issuance of the construction permit the Owner(s) shall pay to the Corporation the sum of $130,000.00 which represents replacement tree compensation, at a rate of one (1) street tree for every 70mm caliper (dbh) of desirable trees removed. Costs for the replacement trees is in accordance with the Corporation's Fees and Charges By-law 392-2002.

22. Performance Security - for preservation of the existing desirable trees in Block 35:
    i) Prior to issuance of the construction permit, the Owner(s) shall provide a Performance Security in the amount of $25,000.00, in the form of cash or a certified cheque, to the Corporation to ensure that the nine (9) desirable trees located on Block 35 are preserved during the construction process;
    ii) Prior to release of the Performance Security, the Owner(s) shall request inspection by the Corporation's City Forester to ensure that the proposed tree protection and appropriate method of protection has been completed to the satisfaction of the Executive Director of Parks;
    iii) Where trees proposed to be preserved have been removed, at the time of inspection by the Corporation's City Forester, replacement tree compensation will be deducted from the Performance Security at a rate of one tree for every 70mm of tree caliper (dbh) or portion thereof missing. Costs for the replacement trees will be in accordance with the Corporation's Fees and Charges By-law 392-2002.

23. Climate Change Considerations:
    i) Replacement trees will be planted at locations deemed appropriate by the Corporation's City Forester within and near the subject development, including the parkland allowance (Block 35), the Stormwater facility (Block 34), Stoneybrook Park and nearby Public Park(s), to compensate for the removal of existing trees on the subject lands.
    ii) The Corporation's City Forester shall incorporate shade trees, among the new trees, to minimize the urban heat island impacts, and incorporate native, drought resistant plants to limit watering requirements.

24. Bell Canada - The Owner(s) shall, prior to the issuance of a construction permit,
    i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;

ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development;

iii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service the subject development, and, where the required infrastructure is unavailable, the Owner(s) shall agree to pay for the connection to and/or extension of such network infrastructure.

25. Schools - The Owner(s) shall place the following warnings in all Offers to Purchase, Agreements of Purchase and Sale or lease between the Owner(s) and all prospective home buyers, and in the title:

    i) "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

26. Archaeological Warning Clause(s) - The Owner(s) agrees to insert, the following warning clauses in all construction documents concerning the subject lands:

    1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

    2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

NOTES TO DRAFT APPROVAL (File # SDN-001/21)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.*

2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.*

3. *Required agreements with the Municipality will be prepared by the City Solicitor.*

4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*

5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*

6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*

II. That the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*.

III. That the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.

IV. That prior to the final approval by the Corporation of the City of Windsor, the City Planner/Executive Director of Planning and Development Services shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.

V. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

VI. That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 34 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.5 for the purposes of a stormwater management facility, and Block 35 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.1 for Parkland.

Carried.
Councillors Francis and Gill disclose an interest and abstain from voting on this matter.

Report Number: SCM 157/2022 & S 59/2022
Clerk's File: Z/14278

8.9. Request for Partial Demolition of a Heritage Listed Property- 2038 Willistead Crescent, C.E. Platt House (Ward 4)

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR269/2022 DHSC 405
That Council **BE INFORMED** of the proposed removal of the cement and flagstone walkway, front stone porch and front door landing, and stone walls around the house above the collapsing porch, at 2038 Willistead Crescent, C.E. Platt House.
Carried.

Report Number: SCM 154/2022 & S 62/2022
Clerk's File: MBA2022

8.10. Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR270/2022 DHSC 406

I. That Council **REPEAL** Bylaw Number 11275: A by-law to delegate authority to the City Planner or designate, to approve plans and drawings and to impose conditions of the approval.

II. That Council **AMEND** Bylaw 139-2013 to delegate site plan control approval authority to the City Planner, allow the City Planner to determine the completeness of site plan control applications before accepting an application, terminate redundant site plan control agreements and remove all references to the Manager of Development Applications in accordance with the requirements of Bill 109, *More Homes for Everyone Act, 2022*.

Carried.

Report Number: SCM 155/2022 & S 57/2022
Clerk's File: Z2022

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

10. PRESENTATIONS AND DELEGATIONS

10.1. The Essex and Kent Scottish

Chief of Police (Ret'd) Glenn Stannard

Chief of Police (Ret'd) Glenn Stannard appears before Council to make a presentation regarding "The Essex and Kent Scottish Fundraising Campaign" and provides details related to the current campaign as well as some historical information and other details including the regiment's activities; over 200 years of service; governement funds only a portion of commemorative

initiatives; relying on individual donations is not sustainable; fundraising campaign launched to fund these initiatives in perpetuity; maintain a number of monuments locally and in France and Belgium and other locations around the world; preserve records and historical artifacts; ensuring funding lasts into the future; variety of ways for donors to show support; overseas operations often take place in areas of active conflict; advancing Canada's foreign-policy initiatives; domestic operations, from natural disaster relief to keeping seniors safe in a time of pandemic; and conclude by requesting that the City consider contributing to this worthwhile Community cause and supporting the Essex and Kent Scottish.

Moved by: Councillor Francis
Seconded by: Councillor Gill

Decision Number: CR271/2022
That the Essex and Kent Scottish presentation to Windsor City Council on June 13, 2022 **BE RECEIVED** for information; and further,

That $100,000 of currently available Mayor's Ward Funds **BE REDIRECTED** and **PROVIDED** as a contribution by the City of Windsor to the fundraising campaign of the Essex and Kent Scottish.
Carried.

Report Number: SCM 150/2022
Clerk's File: APR2022

11.2. Ditch Survey and Inspection of Private Culverts and Private Catch Basins - Ward 9

Jayme Lauzon, Area Resident

Jayme Lauzon, area resident, appears before Council and expresses concern regarding the recommendation in the administrative report "Ditch Survey and Inspection of Private Culverts and Private Catch Basins - Ward 9" and indicates that drainage is a big concern for this area and provides some historical information regarding flooding; and concludes by urging that the City continue to investigate a resolution to the flooding concerns in the area.

Russ Mann, Area Resident

Russ Mann, area resident, appears before Council and expresses concern regarding the recommendation in the administrative report "Ditch Survey and Inspection of Private Culverts and Private Catch Basins - Ward 9" and provides information related to water in the ditches in the surrounding area, as well as water in the culverts; and concludes by suggesting that if the vegetation in the ditches is taken care of this may alleviate some of the issues; and urges Council to continue to investigate a resolution to the flooding concerns in the area.

Moved by: Councillor McKenzie
Seconded by: Councillor Francis

Decision Number: CR273/2022 CR208/2022 ETPS892
That Local Improvement works for storm sewers, curb and gutter for those street segments not yet constructed to the municipal standard within the area bounded by E.C. Row Avenue to the north, Woodward Boulevard to the west, Division Road to the south, and Riberdy Road to the east, as shown on drawing 4M-206 **BE RECOMMENDED** to future Capital Budgets and prioritized relative to their technical scoring, subject to cost-sharing for such works as established by CR554/2019; and,

That WSP Canada Inc. firm **BE APPOINTED** as the Drainage Engineer to make an examination of, and prepare a Drainage Report for the repair and improvement to, the Dawson Drain between Division Road and the O'Neil Drain and to the O'Neil Drain from south of Hallee Crescent to Division Road under section 78 of the *Drainage Act*; and further,

That Administration **BE DIRECTED** to report back to Council once the Drainage report for the repair and improvement of the Dawson Drain is complete.
Carried.

Report Number: SCM 120/2022 & S 14/2022
Clerk's File: SW2022

8.4. Multi-Residential Interim Control By-law Study - Proposed Official Plan Amendment and Zoning By-law Amendment

Raymond Hoang, Resident of Ward 7

Raymond Hoang, resident of Ward 7, appears before Council regarding the report "Multi-Residential Interim Control By-law Study – Proposed Official Plan Amendment and Zoning By-law Amendment" and supports the portions of the adminstrative report related to intensification and the commitment to build more housing; and concludes by expressing concern related to limitations in the administrative report related to three-storey structures as well as the stipulation related to construction of same types of single family homes in existing areas and suggests that more dense type of affordable housing be built more quickly, including three storey structures.

Jim Dyment, Municipal Planning Consultants, and Ron Palmer, The Planning Partnership

Jim Dyment, Municipal Planning Consultants, and Ron Palmer, The Planning Partnership, appear before Council regarding the report "Multi-Residential Interim Control By-law Study – Proposed Official Plan Amendment and Zoning By-law Amendment" and are available for questions.

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR264/2022 DHSC 397

1. That the reports titled "MRICBL Background Study" prepared by Municipal Planning Consultants, dated April 2022, attached as Appendix B to Report S 64/2022 **BE ACCEPTED**.

2. That Volume 1: The Primary Plan of the City of Windsor Official Plan ("Official Plan") **BE AMENDED** as follows:

2A) Change the text of the Official Plan as follows:

a) "Commercial Corridor" changes to "Mixed Use Corridor"
b) "Commercial Centre" changes to "Mixed Use Centre"
c) "Mixed Use" changes to "Mixed Use Node"; and

That Schedule A-1: Special Policy Areas of the Official Plan **IS AMENDED** by adding the Mature Neighbourhoods designation as shown on Schedule A-1-1 attached to this report; and,

That Schedule D: Land Use of the Official Plan **IS AMENDED** by changing the names of the designations in the Legend as follows:

i. "Commercial Corridor" changes to "Mixed Use Corridor"
ii. "Commercial Centre" changes to "Mixed Use Centre"
iii. "Mixed Use" changes to "Mixed Use Node"; and

That Schedule D: Land Use of the Official Plan **IS FURTHER AMENDED** by changing the existing land use designations to the Mixed Use Corridor, Mixed Use Centre, and Mixed Use Node designations as shown on Schedule D-1 attached to this report.

2B) Add the following to the Chapter 6 – Land Use:

RESIDENTIAL INTENSIFICATION	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available

2C) Delete 6.3.1.3 and replace it with the following:

INTENSIFICATION, INFILL & REDEVELOPMENT	6.3.1.3	To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.

2D) Delete 6.3.2.1 and replace it with the following:

PERMITTED USES	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

2E) Delete 6.3.2.3 and replace it with the following:

TYPES OF LOW PROFILE HOUSING	6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows: (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units.

2F) Delete 6.3.2.4 and replace it with the following:

LOCATIONAL CRITERIA	6.3.2.4	Residential intensification shall be directed to the Mixed Use Nodes and areas generally within 200 metres of those Nodes. Within these areas mid-profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. Residential development shall be located where: (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided.

2G) Delete 6.3.2.5 (c) and replace it with the following:

(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.
In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

2H) Delete 6.3.2.5 (f) and replace it with the following:

(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate. In accordance with Design Guidelines approved by Council.

2I) Delete 6.3.2.9 and replace it with the following:

NEIGHBOURHOOD COMMERCIAL EVALUATION CRITERIA 6.3.2.9 Neighbourhood Commercial uses shall be encouraged to locate in Mixed Use Nodes as shown on Schedule J. Ideally these uses would form part of a multi-use building with residential uses located above or behind the non-residential uses on the street front.

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  (iii) within a site of potential or known contamination;
  (iv) where traffic generation and distribution is a provincial or municipal concern;
  (v) adjacent to heritage resources; and
  (vi) where market impact is identified as a municipal concern;
(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
(d) capable of being provided with full municipal physical services and emergency services; and
(e) provided with adequate off-street parking.

2J) Delete 6.3.2.17 and replace it with the following:

HERITAGE CONSERVATION 6.3.2.17 Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

2K) Delete 6.3.2.29 and replace it with the following:

COMPATIBLE ADDITIONAL UNITS	6.3.2.29	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

2L) Delete 6.5 and replace it with the following:

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes.

Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

The following objectives and policies establish the framework for development decisions in all Commercial areas.

2M) Add the 6.5.1.8 to the Chapter 6 – Land Use:

RESIDENTIAL INTENSIFICATION	6.5.1.8	To promote residential intensification with medium and high profile buildings to meet the housing needs of the City in appropriate areas where municipal services, transit and employment are in proximity.

2N) Delete 6.5.2.2 and replace it with the following:

RESIDENTIAL AND ANCILLARY USES	6.5.2.2	Medium and high profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be integrated within the Mixed Use Centres in a manner that creates a mixed-use community in a modern and attractive urban environment. Institutional uses, community, cultural, recreational and entertainment facilities shall be permitted in stand-alone buildings, or in mixed-use buildings/developments. Hotels, institutional uses, community, cultural, recreational and entertainment facilities may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre. In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Mixed Use Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that: (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and (b) the development satisfies the policies for the proposed land use.

2O) Add 6.5.2.6 (i) to 6.5.2.6:

(i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.

2P) Delete 6.5.3 and replace it with the following:

The Mixed Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed Use uses. Mixed Use Corridors take the form of Mixed Use strips along Arterial and Collector roads within Windsor. These Mixed Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.

2Q) Delete 6.5.3.1 and replace it with the following:

PERMITTED USES	6.5.3.1	Uses permitted in the Mixed Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses. Medium and High profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.

2R) Delete 6.5.3.3 and replace it with the following:

STREET PRESENCE 6.5.3.3 Council will encourage Mixed Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

(a) no more than four storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of buildings shall generally not exceed the width of the road right-or-way abutting the development site; and

(b) Notwithstanding the identified maximum building height, the City may consider additional height, where the City is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific zoning By-law Amendment;

(c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.

2S) Add 6.5.3.8 (f) to 6.5.3.8:

(i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure

2T) Delete 6.9 and replace it with the following:

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use Nodes areas.

2U) Delete 6.9.2.2

2V) Delete 6.9.2.3 and replace it with 6.9.2.2:

LOCATIONAL CRITERIA 6.9.2.2 Mixed Use Nodes development shall be located where:

(a) there is access to Class I or Class II Arterial Roads or Class I Collector Road;
(b) full municipal physical services can be provided;
(c) public transportation service can be provided; and
(d) the surrounding development pattern is compatible with Mixed Use Nodes development.

2W) Delete 6.9.2.5(b) and replace it with 6.9.2.4 (b):

(b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Building should not exceed 4 storeys in height;

2X) Add 8.7.2.3 (j) to the Chapter 8 – Urban Design:

(j) Council may adopt Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above.

2Y) Add 9.3.8 to Chapter 9 – Heritage Conservation:

RECOGNIZE MATURE NEIGHBOURHOODS AS HERITAGE RESOURCE 9.3.8 Schedule A-1 illustrates Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.

3. That Zoning By-law 8600 **BE AMENDED** as follows:

3A) Delete Section 10.1.5.4 and substitute with a new Section 10.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3B) Add Section 10.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3C) Delete Section 10.2.5.4 and substitute with a new Section 10.2.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3D) Add Section 10.2.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3E) Delete Section 10.3.5.4 and substitute with a new Section 10.3.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3F) Add Section 10.3.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3G) Delete Section 10.4.5.4 and substitute with a new Section 10.4.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3H) Add Section 10.4.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3I) Delete Section 10.5.5.4 and substitute with a new Section 10.4.5.4 as follows:

.4	Main Building Height - maximum	9.0 m

3J) Add Section 10.5.5.10 as follows:

.10	Gross Floor Area - maximum	400 m^2

3K) Delete Section 11.1.5.4 and substitute with a new Section 11.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3L) Add Section 11.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3M) Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

11.2.5 PROVISIONS

.1	Duplex Dwelling		
	.1	Lot Width – minimum	12.0 m
	.2	Lot Area – minimum	360.0 m^2
	.3	Lot Coverage – maximum	45.0%
	.4	Main Building Height – maximum	9.0 m
	.5	Front Yard Depth – minimum	6.0 m
	.6	Rear Yard Depth – minimum	7.50 m
	.7	Side Yard Width – minimum	1.20 m
	.10	Gross Floor Area – maximum	400 m^2
.2	Semi-Detached Dwelling		
	.1	Lot Width – minimum	15.0 m
	.2	Lot Area – minimum	450.0 m^2
	.3	Lot Coverage – maximum	45.0%
	.4	Main Building Height – maximum	9.0 m

.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m^2
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m^2
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m^2
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m^2
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per *dwelling unit* – minimum	200.0 m^2
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

3N) Delete Section 11.3.5.4 and substitute with a new Section 11.3.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3O) Add Section 11.3.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3P) Delete Section 11.4.5.4 and substitute with a new Section 11.4.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m

3Q) Add Section 11.4.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2

3R) Delete Section 5.2.20.1

3. That Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.

4. That the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.

Carried.

Report Number: SCM 149/2022 & S 64/2022
Clerk's File: Z/14384 & Z/13872

8.8. Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)

Terry Kennedy, Resident of Ward 2

Terry Kennedy, resident of Ward 2, appears before Council regarding the report "Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)" and expresses concern with the recommendation in the administrative report and concludes by reiterating his concerns with heritage preservation in the Sandwich area including the removal of trees.

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR268/2022 DHSC 404

I. That a Heritage Permit at 3036 Sandwich Street, McKee Park, for the alterations and addition of the gazebo, plaza, boardwalk, benches, decorative light standards, changes to address drainage, and playground, **BE APPROVED**, subject to the following condition(s)**:**
   a. Submission of satisfactory product details and samples (including material and colour selections as necessary) to the City Planner or designate; and further,

II. That the City Planner or designate **BE DELEGATED** the authority to approve any further changes to the heritage alteration permit associated with the current phase of proposed scope for McKee Park including but not limited to the following items:
   a. Receptacles
   b. Widened paths

Carried.

Report Number: SCM 153/2022 & S 61/2022
Clerk's File: MBA2022

8.1. Request for Provincial Assistance with Zoning for Automotive Battery Manufacturing Facility located at Banwell Road and EC ROW Avenue East (Ward 9)

Chief Mary Duckworth, Councillor Ian Duckworth, and Councillor Doug Heil, Larry Sault, Intergovernmental Affairs, Caldwell First Nation Representatives; Chief Jason Henry, Chippewas of Kettle and Stony Point Representative; and Philip Lee and Todd Jardine, Southwind Representatives

Chief Mary Duckworth, Councillor Ian Duckworth, Councillor Doug Heil, and Larry Sault, Intergovernmental Affairs, Caldwell First Nation representatives; Chief Jason Henry, Chippewas of Kettle and Stony Point representative; and Philip Lee and Todd Jardine, Southwind representatives; appear before Council regarding the report "Request for Provincial Assistance with Zoning for Automotive Battery Manufacturing Facility located at Banwell Road and EC ROW Avenue East (Ward 9)" and provide some historical information related to land claims related to the Caldwell First Nations; and the process related to legislation regarding building on these lands; and conclude by expressing concerns related to the consultation and engagement process; arechaelogical concerns; environmental requirements; and request that Council delay voting on the administrative request until such time that meaningful consultations can be undertaken.

Grand Chief Joel Abrams, Association of Iroquois and Allied Indians Representative, and Oliver MacLaren, Olthuis, Kleer, Townshend LLP Representative

Grand Chief Joel Abrams, Association of Iroquois and Allied Indians representative, and Oliver MacLaren, Olthuis, Kleer, Townshend LLP representative, appear before Council regarding the report "Request for Provincial Assistance with Zoning for Automotive Battery Manufacturing Facility located at Banwell Road and EC ROW Avenue East (Ward 9)" and express concern related to the consultation process and provide some historical information; and conclude by requesting that the legal obligation related to consultation be upheld.

Chief Jackie French and Jennifer Mills, Chippewas of the Thames First Nation Representatives

Chief Jackie French and Jennifer Mills, Chippewas of the Thames First Nation representatives, appear before Council regarding the report "Request for Provincial Assistance with Zoning for Automotive Battery Manufacturing Facility located at Banwell Road and EC ROW Avenue East (Ward 9)" in support of the concerns that were put forward by Caldwell First Nation representatives, Chippewas of Kettle and Stony Point representatives, Association of Iroquois and Allied Indians representative, and Townshend LLP representative.

Moved by: Councillor Gignac
Seconded by: Councillor McKenzie

Decision Number: CR261/2022

I. That the Mayor **BE AUTHORIZED** to submit a letter to the Deputy Minister of Economic Development, Job Creation and Trade outlining City Council's support for the required zoning for the proposed EV battery manufacturing facility to be located at Banwell Road and E.C. ROW Avenue East and requesting assistance with expediting such approval; and,

II. That supporting studies, reports, and information related to the zoning **BE ATTACHED** to the Mayor's letter; and,

III. That Administration **CONTINUE** to work with staff from the Ministry Economic Development, Job Creation and Trade to support and expedite the required zoning; and further,

IV. That, within the letter to the Deputy Minister of Economic Development, Job Creation and Trade, the Mayor **BE DIRECTED** to state the need for the Government of Ontario to meet with the indigenous communities immediately as part of the consultation process for this economic development project with an expectation of a resolution to be reached.

Carried.

Report Number: C 86/2022
Clerk's File: Z/14409

11.1. Charles Clark Square Repairs Versus Replacement at City Hall (Esplanade Project) - Ward 3

Art Roth, Coordinator All Saints Church Skate Program

Art Roth, Coordinator All Saints Church Skate Program, appears before Council regarding the report "Charles Clark Square Repairs Versus Replacement at City Hall (Esplanade Project) - Ward 3," and provides historical information related to the skate program at All Saints Church and supports the proposed changes for the Esplanade area as well as commending administration for continuing to allow the public to access to other community rinks to make up for the lost ice time while the Charles Clarke Square rink is closed and progress with the Esplanade moves forward.

Moved by: Councillor Morrison
Seconded by: Councillor McKenzie

Decision Number: CR272/2022
That City Council **APPROVE** $300,000 in funding from the City Hall Square and Civic Esplanade project to hire a consultant immediately to begin the design of a new outdoor ice rink at City Hall; and,

That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary to hire a consultant to begin the design of a new outdoor ice rink at City Hall, with an upset limit of $300,000, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the City Treasurer, and in technical content to the Executive Director of Recreation and Culture; and,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign any agreements or contracts related to this matter, satisfactory in legal form to the City Solicitor, in financial content to the City Treasurer, in technical content to the Executive Director of Recreation and Culture; and,

That the results of the Consultant's report for a new outdoor ice rink at City Hall **BE REFERRED** to the 2023 budget for funding required; and further,

That Administration **BE DIRECTED** to work with representatives from All Saints Church for alternatives/options for the next skating season.
Carried.

Report Number: C 98/2022
Clerk's File: SR/14410

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None presented.

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR274/2022
That the report of the In Camera meeting held June 13, 2022 **BE ADOPTED** as presented.
Carried.

Clerk's File: ACO2022

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That the following By-laws No. 86-2022 through 97-2022 (inclusive) be introduced and read a first and second time:

86-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR444/2019 dated August 26, 2019.

87-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR173/2022 dated April 25, 2022 and CR216/2022 dated May 9, 2022.

88-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by By-law 221-1998 dated July 13, 1998 and By-law 199-2001 dated June 4, 2001.

89-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 85-18 CITED AS THE "TOWNSHIP OF SANDWICH SOUTH COMPREHENSIVE ZONING BY-LAW" authorized CR254/2018 dated May 7, 2018 and By-law 59-2018 dated May 7, 2018.

90-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR175/2022 dated April 25, 2022.

91-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR487/2021 dated November 1, 2021.

92-2022 A BY-LAW TO ADOPT AMENDMENT NO. 143 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR115/2022 dated March 21, 2022.

93-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR115/2022 dated March 21, 2022.

94-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR239/2022 dated May 30, 2022.

95-2022 A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 1196 IN THE CITY OF WINDSOR authorized by By-law 139-2013 dated August 26, 2013.

96-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by By-law 8600 s. 5.4.20.

97-2022 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 13th DAY OF JUNE, 2022.
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Gill
Seconded by: Councillor Holt

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:
1) Communication Items (as amended)
2) Consent Agenda (as amended)
3) Items Deferred
   Items Referred
4) Consideration of the Balance of Business Items (as amended)
5) Committee Reports as presented
6) By-laws given first and second readings as presented

Carried.

15. NOTICES OF MOTION

15.1. COUNCILLOR GILL'S MOTION

Moved by: Councillor Gill
Seconded by: Councillor Francis

Decision Number: CR275/2022
Whereas there has been an increase in residential development in the east end of the City of Windsor, particularly in Ward 7; and,

Whereas the grade crossings on Banwell, north of Tecumseh Road East; on Clover, north of Tecumseh Road East; and on Lauzon Road, between Spitfire Way and Tecumseh Road East are located in heavily populated residential areas; and,

Whereas residents regularly call with complaints regarding trains blowing whistles late at night, affecting those who live near these train crossings and ask that train whistling be stopped at night unless absolutely necessary; and,

Whereas the process per Transport Canada to apply to stop train whistling begins with a Citizen or group expressing interest followed by the municipality consulting with the railway company;

THERFORE BE IT RESOLVED that Council **DIRECT** Administration to follow the procedures of Transport Canada and engage with the railway company to initiate the process to request train whistling stop at the following public grade crossings: Banwell, north of Tecumseh Road East; on Clover, north of Tecumseh Road East; and on Lauzon Road, between Spitfire Way and Tecumseh Road East.
Carried.
Councillor McKenzie voting nay.

Clerk's File: MT2022

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

That the By-law No. 71-2022 and By-laws No. 86-2022 through 97-2022 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.
Carried.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.3. CQ 9-2022

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR276/2022
That the following Council Question by Councillor McKenzie **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ 9-2022:
Assigned to Commissioner, Infrastructure Services:

That Administration report back on the potential benefits of the City of Windsor offering a Private Culvert Rehabilitation Subsidy program to residents similar to other programs currently offered through the Flood Mitigation program framework such as

the Basement Flooding Protection Program and the Downspout Disconnection Program. The analysis should include reference to impacts both to individual homeowners and the community as a whole from a flood mitigation standpoint as well as estimated financial impacts, storm water management benefits and a potential funding source. The report to also include a subsidy program for backyard drains on private property.

Carried.

Clerk's File: ACOQ2022

21. ADJOURNMENT

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.
Carried.

Accordingly, the meeting is adjourned at 6:05 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held June 13, 2022 (CR274/2022)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
June 13, 2022

Members participating via electronic participation in accordance with Procedure By-law #98-2011 as amended, which allows for electronic participation.

Meeting called to order at: 3:30 p.m.

Members in Attendance (in person):

Mayor D. Dilkens
Councillor F. Francis
Councillor G. Kaschak
Councillor J. Gignac
Councillor J. Morrison
Councillor E. Sleiman
Councillor J. Gill
Councillor C. Holt
Councillor F. Costante
Councillor K. McKenzie
Councillor R. Bortolin

Also in attendance:

S. Askin Hager, Acting Chief Administrative Officer
D. Cercone, Acting Commissioner, Human and Health Services (electronically)
C. Nepsy, Commissioner, Infrastructure Services (electronically)
J. Mancina, Commissioner, Corporate Services CFO/City Treasurer (electronically)
W. Vendrasco, Acting Commissioner, Legal and Legislative Services (electronically)
R. Mensour, Commissioner, Community Services (electronically)
J. Payne, Commissioner Economic Development and Innovation (electronically)
S. Vlachodimos, City Clerk
A. Teliszewsky, Mayor's Chief of Staff

Verbal Motion is presented by Councillor Kaschak, seconded by Councillor Gill, to move in Camera for discussion of the following item(s:

Item No.	**Subject**	**Section – Pursuant to Municipal Act, 2001, as amended**
1.	**Legal/property matter – expropriation settlement**	**239(2)(e)(f)**
2.	**Property matter – purchase of land**	**239(2)(c)**

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1 and 2)

Verbal Motion is presented by Councillor Bortolin, seconded by Councillor Morrison, to move back into public session.
Motion Carried.

****SEE NOTE BELOW**
Moved by Councillor Gignac, seconded by Councillor Costante,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held June 13, 2022, directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from Senior Legal Counsel, Acting Commissioner of Legal and Legislative Services and Commission of Corporate Services and CFO/City Treasurer respecting a legal/property matter – expropriation settlement **BE APPROVED**.

2. That the recommendation contained in the in-camera report from the Manager of Real Estate Services, Acting Commissioner of Legal and Legislative Services, Commissioner of Infrastructure and Commissioner of Corporate Services/CFO/City Treasurer respecting a property matter – purchase of land **BE APPROVED**.

Motion Carried.

Moved by Councillor Sleiman, seconded by Councillor Holt,
That the special meeting of council held June 13, 2022 BE ADJOURNED.
(Time: 3:33 p.m.)
Motion Carried.

****CLERK'S NOTE: The transmittal motion and final votes were held in the open session of Council on June 13, 2022**