CITY OF WINDSOR MINUTES 02/05/2024

Development & Heritage Standing Committee Meeting

Date: Monday, February 5, 2024
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Daniel Grenier
Member Robert Polewski

Member Regrets
Member Anthony Arbour

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Rob Martini, Council Assistant
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Thom Hunt, City Planner
Greg Atkinson, Deputy City Planner
Stacey McGuire, Executive Director / Deputy City Engineer
Shawna Boakes, Executive Director / Deputy City Engineer
Colleen Middaugh, Manager of Corporate Projects
Patrick Winters, Manager Development
Wira Vendrasco, Acting City Solicitor
Aaron Farough, Senior Legal Counsel

Clare Amicarelli, Transportation Planning Coordinator
Adam Szymczak, Planner III – Development
Jim Abbs, Planner III – Development
Kevin Alexander, Planner III – Special Projects
Brian Nagata, Planner II – Development Review
Tracy Tang, Planner II – Revitalization & Policy Initiatives
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 11.1 - Joshua Vitella, Vitella Plumbing
Item 11.1 - Amy Farkas, Agent for Landowner of 4575 Fourth Street
Item 11.4 – Anthony Malandruccolo, Stipic Weisman LLP, solicitor for property owner
Item 11.4 – Ishpal Bains, property owner

Delegations—participating in person

Item 7.2 - Anthony Pipolo, NuFusion & Associates
Item 7.2 - Mariusz Buchcic, Alta Nota Construction, owner of property
Item 7.2 - Jackie Lassaline, agent on behalf of the owner
Item 11.4 - Joey Gerry, property owner

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See Item 11.4

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act* Matters) minutes of its meeting held December 4, 2023

Moved by: Member Daniel Grenier
Seconded by: Member Robert Polewski

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held December 4, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 354/2023

5.2. Adoption of the Development & Heritage Standing Committee (*Planning Act* Matters) minutes of its meeting held January 8, 2024

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held January 8, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 17/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Items 7.1 and 7.2

7. *PLANNING ACT* MATTERS

7.1. Rezoning - City of Windsor - Housekeeping Amendment 2024-1 - Z-002/21 ZNG/6277 - City Wide

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 586**THAT Zoning By-law 8600 **BE AMENDED** as follows:

1A. Deleting and substituting Section 1.7 with the following:

1.7 INTERPRETATION AND ENFORCEMENT

1.7.1 The City Planner shall administer and interpret this by-law. Any reference to the City Planner in this by-law shall include the Deputy City Planner or their designate.

1.7.3 The Chief Building Official shall enforce this by-law. Any reference to the Chief Building Official in this by-law shall include the Deputy Chief Building Official or their designate

including an officer who has the responsibility of enforcing a zoning by-law.

1B. Deleting and substituting Section 1.10.50.1 with the following:

.1 Addition, correction, or revision of abbreviation, cross-referencing, grammar, numbering, punctuation, or typographical error, revision of the format in a manner that does not change the intent of a provision, or revision to a provision that has a general reference to the effective date of the provision coming into force or similar phrasing by adding the actual date the provision came into force.

Example: A provision contains the phrase “as they exist on the effective date of this clause” with the provision coming into force on January 1, 2022. The phrase “as they exist on the effective date of this clause” may be replaced with “as they exist on January 1, 2022” without an amending by-law.

[ZNG/6277]

1C. Deleting and substituting Section 1.20.9 with the following:

1.20.9 **DEFINED TERM** [ZNG/6277]

A term that is italicized in this by-law indicates that the term is defined in this by-law.

The case, capitalization, or emphasis of a defined term is done so for the ease of reading and does not affect the meaning of the defined term.

Example: *DWELLING*, *Dwelling*, and *dwelling* have the same meaning.

Where the term “existing” is not italicized, “existing” shall mean “lawfully existing”.

A term used in the singular may also mean the plural and vice versa, except “one” or “1” shall always mean the singular.

1D. Adding the following clauses to Section 1.20:

1.20.10 **WHOLE OR PART** [ZNG/6277]

Unless otherwise stated, a reference to a *building*, *lot*, *premises*, or *structure* includes the whole, or part of the, *building*, *lot*, *premises*, or *structure*.

1.20.11 **USE** [ZNG/6277]

.1 A *use* not listed as a permitted *use* is prohibited.

.5 Unless otherwise stated, a permitted *use* is a *main use.* A permitted *use* identified as a “*use* accessory to a permitted *use*” or similar is an *accessory use*.

1.20.12 **LEGAL NON-CONFORMING USE** [ZNG/6277]

No by-law passed under Section 34 of the *Planning Act* applies:

.1 to prevent the *use* of any *lot*, *building*, or *structure* for any purpose prohibited by the by-law if such *lot*, *building*, or *structure* was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

.5 to prevent the erection or *use* for a purpose prohibited by the by-law of any *building* or *structure* for which a permit has been issued under subsection 8 (1) of the *Building Code Act*, 1992, prior to the day of the passing of the by-law, so long as the *building* or *structure* when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act.

1E. Deleting Sections 3.1.10 and 3.1.20.

2A. Adding to Section 3.10, after "MOTOR VEHICLE SALVAGE OPERATION", the following new defined term:

MUNICIPAL INFRASTRUCTURE means a *building* or *structure* used for any of the following municipal systems: district heating or cooling, emergency power generator, heating, ventilation, or air conditioning (HVAC), electrical service, pumping station, sanitary sewer, site servicing facility, storm sewer, *storm water management facility*, storm water outlet, traffic equipment, or water service; where the *building* or *structure* is identified, generally or specifically, in any of the following documents approved, adopted, or moved by Council: Agency Budget, Capital Budget, Council Resolution, Environmental Assessment, Master Plan, Municipal By-law, Official Plan, or Operating Budget.
[ZNG/6277]

2B. Deleting and substituting Subsection 9.1 as follows:

9.1 GREEN DISTRICT 1.1 (GD1.1)
[ZNG/6277]

9.1.1 PERMITTED MAIN USES
Child Care Centre
Public Park

9.1.2 PERMITTED ACCESSORY USES
Any *use* accessory to a permitted *main use*

9.1.5 PROVISIONS

.3 *Lot Coverage* – maximum 25.0%

.4 *Building Height* – maximum
Lot having a *lot area* of less than 0.50 ha 9.0 m

Lot having a *lot area* of 0.50 ha or more 14.0 m

.90 For any *lot* situated on the north side of Riverside Drive East and West between Rosedale Avenue and Lauzon Road, the extension of a *building* above the crown of the pavement within Riverside Drive is prohibited. This provision shall not apply to the following: fountain, *municipal infrastructure*, observation deck, playground equipment, sculpture and any other work of art, or washroom.

2C. Deleting Section 20(1)3 from Section 20 and from all Zoning District Maps.

3. Deleting and substituting Section 5.23.5 with the following:

5.23.5 When a *lot* on which a *semi-detached dwelling* or *townhome dwelling* has been erected and is subsequently divided in compliance with Part VI of the *Planning Act* by a common *interior lot line* that separates the *dwelling units*, for each *dwelling unit* the following additional provisions shall apply:

.1 *Lot Width – minimum* – equal to the width of the *dwelling unit* plus any *exterior side yard* as existing at the time of the lot division

.2 *Lot Area – minimum* – as existing at the time of the lot division

.3 *Lot Coverage* – Total – *maximum* – 50% of *lot area*

.7 An interior *side yard* shall not be required along the common *interior lot line* for that part of the *dwelling unit* lawfully *existing* at the time of the lot division.

[ZNG/6277]

4. Deleting and substituting Section 5.99.7 with the following:

5.99.7 **AUTOMOBILE SALES, LEASE OR RENTAL – ACCESSORY USE**

.1 The sale, lease or rental of an *automobile* as an *accessory use* is prohibited, save and except the sale, lease or rental of an *automobile* as an *accessory use* to an *Automobile Repair Garage, Automobile Collision Shop,* or *Service Station* or the lease or rental of an *automobile* as an *accessory use* to any *Retail Store* is permitted subject to the following additional provisions:

.1 The storage or display of five or more *automobiles* for sale, lease or rental purposes on a *lot* is prohibited.

.2 The storage or display of an *automobile* for sale, lease or rental purposes having a width of greater than 2.50 m or a length greater than 6.10 m is prohibited.

.3 The storage or display of an *automobile* for sale, lease or rental purposes in a *required parking space*, required accessible parking space or *landscaped open space yard* is prohibited.

.4 The area where an *automobile* for sale, lease or rental purposes is stored or displayed shall be subject to the provisions in Section 5.99.60.6.1.1 to 5.99.60.6.1.3.

[ZNG/5271; ZNG/6277] **(AMENDED B/L 7-2018 Feb 23/2018)**

5A. Amending and substituting the defined term "HOME OCCUPATION" in Section 3.10 with the following:

HOME OCCUPATION means an occupation for profit or gain conducted entirely within an *accessory building*, *dwelling unit*, or *garage* which occupation is incidental and secondary to the *use* of the *dwelling unit* for residential purposes and does not change the character thereof. It includes any employment identified or classified as "Work at Home", "Work from Home", "Remote Work", or similar.
[ZNG/6276; ZNG/6277] **(AMENDED B/L 145-202 Oct 26/2021)**

5B. Deleting and substituting Section 5.99.40 with the following:

5.99.40 **HOME OCCUPATION**

.1 A *home occupation* within an *accessory building*, *dwelling unit*, or *garage* located on the same *lot* as the *dwelling unit* is an additional permitted *accessory use*.

.3 The *home occupation* shall be carried out by a resident of the *dwelling unit* located on the same *lot* as the *home occupation*.

.5 The total *gross floor area* of all *home occupations* shall not exceed 25% of the *gross floor area* of the *dwelling unit*.

.90 A *home occupation* within a *carport*, or a *home occupation* that generates dust, fumes, noise, odour, or vibration that is evident outside the *accessory building*, *dwelling unit*, or *garage* is prohibited.

.92 Except for those goods produced by, or accessory or related to, the *home occupation*, the direct sale of goods is prohibited.

.93 Except for a sign permitted by The Windsor Sign By-law, any visible indication from the exterior of the *accessory building*, *dwelling*, *dwelling unit*, or *garage* that a *home*

occupation is being carried on is prohibited.

.95 Except those items customarily used for housekeeping or personal recreational purposes, the external or outdoor storage of materials, goods, or equipment related to, or used by, the *home occupation* is prohibited.

[ZNG/6276; ZNG/6277] **(AMENDED B/L 145-2021 Oct 26/2021)**

6A. Amending the Side Yard Width values as follows:

Section 10.1.5.7 for a Single Unit Dwelling from 1.50 m to 1.20 m

Section 10.4.5.7 for a Single Unit Dwelling from 1.80 m to 1.20 m

Section 10.6.5.7 from 1.50 m to 1.20 m

Section 11.2.5.4.7 from 1.80 m to 1.20 m

Section 11.2.5.5.7 from 1.50 m to 1.20 m

Section 11.3.5.7 for a Townhome Dwelling from 1.50 m to 1.20 m

Section 11.5.5.6.7 for a Multiple Dwelling with 5 or more dwelling units from 2.50 m to 1.20 m

Section 11.5.5.7.7 for a Townhome Dwelling from 2.50 m to 1.20 m

6B. Deleting and replacing Section 10.7.5.7 with the following new Section 10.7.5.7:
".7 Side Yard Width – minimum 1.20 m 1.20 m"

6C. Changing the clause number of "Gross Floor Area – Main Building – maximum" from ".8" to ".10" in Sections 10.1.5, 10.2.5, 10.3.5, 10.4.5, 10.5.5, 11.1.5, 11.3.5, and 11.4.5.

7A. Adding new Section 95 as follows:

SECTION 95 - HOLDING ZONE PROVISIONS
[ZNG/6277]

95.1 APPLICATION

Section 95 applies to any *lot* where the H symbol precedes a *zoning district* symbol or is contained within a specific zoning exception on any Schedule listed in Section 1.20.3. "Holding zone", "Holding symbol", "H symbol", "H", or "h" mean the same thing.

In this by-law or in an amending by-law, any reference to Section 5.4 shall mean Section 95 and any reference to Section 5.4.20 shall mean Section 95.10.

95.2 PURPOSE

The purpose of the holding zone is to defer development or redevelopment until all holding conditions have been satisfied. A holding zone may supplement, alter, add, or remove any by-law provision affecting the *use* of the *lot*, *building*, or *structure*.

95.3 PROHIBITION AND EXCEPTION

A *use*, *building* or *structure* is prohibited except:

.1 For any *use*, *building*, or *structure* erected, operated, or maintained by the *City of Windsor*, a *Public Authority*, or a *Public Utility*;

.3 For an *existing use*, *building*, or *structure* that is permitted by the applicable *zoning district* or a specific zoning exception, additions or alterations to *existing buildings* are permitted, and *structures* and *accessory buildings* may be erected, provided such additions, alterations, *structures*, or *accessory buildings* are in accordance with the provisions of the *zoning district*, specific zoning exception, and all other provisions of this by-law.

95.5 REMOVAL OF H SYMBOL

The H symbol may be removed when the applicable holding conditions in Sections 95.10 and 95.20 have been satisfied. It is the responsibility of the property owner or an authorized agent to satisfy the applicable holding conditions, to submit proof to that effect, and to submit an application, including the fee, to remove the H symbol.

95.10 HOLDING CONDITIONS – GENERAL

The following holding conditions apply to any holding zone:

.1 The land is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law, or subject to an approved consent to sever by the Committee of Adjustment; and

.2 A *street* paved to the satisfaction of the City Engineer, municipal storm water outlet, municipal sanitary sewer, municipal electrical service, and municipal water service are available or an agreement to provide the aforementioned items is registered on title to the property; and

.3 Where required by legislation, full compliance with remediation/mitigation recommendations in a required study, report, or plan to the satisfaction of the appropriate approval authority, or an agreement registered on title to the property to comply with the remediation/mitigation recommendations in the required study,

report, or plan; and

.4 Where required, a site plan control agreement is registered on title for the *lot*; and

.5 Any other holding condition contained within any approved amending by-law for the subject land.

95.20 HOLDING CONDITIONS – SITE SPECIFIC

An H symbol may be followed by one or more numbers in brackets.

Example: H(1)RD1.3, H(1,4)MD1.4, or S.20(1)H(10)384

The number refers to a specific clause in Section 95.20. Unless otherwise stated, the applicable holding conditions in Section 95.10 shall also apply, and the greater clause number shall take precedence.

The format of the clause shall be the clause number in brackets with each condition listed separately and, if applicable, who is the approval authority that determines that the condition has been satisfied.

Example:

(99) a) Submission of a Noise Study to the satisfaction of the City Planner;

b) Submission of a Sanitary Sewer Study to the satisfaction of the City Engineer; and

c) Conveyance of a 6 m by 6 m corner cut-off at the intersection of Adstoll Avenue and Rivard Avenue to the satisfaction of the City Engineer.

[ZNG/9999]

7B. Deleting Section 5.4.
7C. Deleting and replacing Section 1.20.90 with the following:

1.20.90 **PRECEDENCE** [ZNG/6277]

.1 Unless otherwise stated, the precedence of provisions, from lowest to highest, is as follows:
a) Section 3 – Definitions
b) Section 5 – General Provisions
c) Section 24 – Parking, Loading and Stacking Provisions
d) Section 25 – Parking Area Provisions

e) Sections 8 to 19 – Zoning Districts

f) Section 20(1) – Site Specific Provisions

g) Section 20(3) – Heritage Conservation Districts

h) Section 20(4) – Traditional Commercial Street – Off-Street Parking Provisions

j) Section 95 – Holding Zone Provisions

k) Section 20(2) – Temporary Use Provisions

m) Within Section 20(1), Section 20(2), or Section 95, the greater clause number shall take precedence

.5 Where a provision in this by-law is less than the minimum required by, is more than the maximum required by, or conflicts with an exception in, a provincial or federal act, regulation, or statute, the provincial or federal act, regulation, or statute shall take precedence.

.10 Where a conflict between provisions cannot be resolved using the precedence of provisions, the City Planner shall determine the precedence.

8A. Amending zoning of Lots 122 & 123, Part Water Lot, Concession 1; Part 4, Plan 12R6456; Part 1, Plan 12R13549 (known municipally as 0 Riverside Drive East; Roll No. 060-170-01500), situated on the north side of Riverside Drive East at St. Rose Avenue, from GD1.1 and RD1.6 to GD1.1.

8B. Amending the zoning of Lots 274 to 281, Part of Lot 282, and Part of Closed Alley, Registered Plan 1247, (known municipally as 955, 961, 965, 971, 975, 981, 985, and 991 Parkview Avenue; Roll No. 060-180-11000, 060-180-10900, 060-180-10800, 060-180-10700, 060-180-10600, 060-180-10500, 060-180-10400, 060-180-10300), situated on the west side of Parkview Avenue between Ontario Street and Raymond Avenue, from RD3.2 to RD1.2.

Carried.

Report Number: S 8/2024
Clerk's File: ZB/12452

7.2. Official Plan & Zoning Bylaw Amendments Z 008-23 [ZNG-6976] &OPA 169 [OPA-6977] 2830065 Ontario Ltd. (Alta Nota-Mariusz Buchcic) 1460 Lauzon Rd Multiple Dwelling Development – Ward 6

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 587**

THAT an amendment to Schedule 'D'- Land Use of Volume I the City of Windsor Official Plan, **BE APPROVED,** by changing the land designation of Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road from "Industrial" to "Residential"; and,

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road from Manufacturing District MD1.2 and Holding Manufacturing District HMD1.2 to Residential District (RD) 3.2.; and,

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road by adding site specific regulations as follow:

499. Southeast corner Lauzon Road and McHugh Street

For the lands described as for Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road, the following regulations shall apply:

Building setback from an interior lot line abutting a Residential District (RD) 1.1 zone - 24m

Carried.
Councillor Mark McKenzie was absent from the meeting when the vote was taken on this matter.

Report Number: S 9/2024
Clerk's File: Z/14589 & Z/14588

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:00 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:00 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

10. *HERITAGE ACT* MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924

Joshua Vitella, on behalf of Vitella Plumbing Inc., Applicant

Joshua Vitella appears before the Development & Heritage Standing Committee, on behalf of Vitella Plumbing Inc., regarding the administrative report entitled "Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924" to request first rights to purchase the northern half of the land, to oppose the granting of an easement to the owner of 4575 Fourth Street and to support the recommendation to allow an easement to the City of Windsor for necessary maintenance. Mr. Vitella indicates that it is the intention of Vitella Plumbing, Inc. to develop the land.

Amy Farkas, Agent for Landowner of 4575 Fourth Street

Amy Farkas, Agent for Landowner of 4575 Fourth Street appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924" to support the Administrative recommendation as presented.

Councillor Angelo Marignani inquires about the need for the Third Street access. Ms. Farkas indicates that the parcel will be landlocked should there ever be an expansion. It had previously been used as an entrance until the City requested that First Student Inc. located at 4575 Fourth Street stop using the laneway. There is interest in acquiring a portion to allow access to the parcel.

Councillor Fred Francis asks Administration if anything can be done to mitigate concerns presented by Vitella Plumbing Inc., with respect to the easement of the bus company. Wira Vendrasco, City Solicitor appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924" and indicates that the bus company is entitled to have access from Third Street and it is the decision of the committee that will determine if they will continue to have access. Ms. Vendrasco also confirms that the recommendation is according to best practices and what is done for all similar types of developments.

Councillor Fred Francis inquires whether there are any other recommendations that Administration may wish to employ to help ease some of those concerns as it relates to commercial development if the recommendation is approved. Brian Nagata, Planner II – Development Review appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway,

Ward 2, SAS-6924" and indicates that specific details, including the design and development as well as how the easement would work, would be addressed during the site plan control process.

Councillor Fred Francis inquires whether the investment in commercial development in the area can move forward with the recommendation as presented. Mr. Nagata indicates that based on the comments from Mr. Vitella, the easement could compromise what Vitella Plumbing is trying to achieve. For the property at 4575 Fourth Street, it is subject to site plan control and any access onto Third Street will go through that process.

Ms. Vendrasco adds that the properties are entitled to access. It has been moved to make it an easement as opposed to not permitting the closure.

Councillor Kieran McKenzie asks Administration for clarification with regards to 4575 Fourth Street being landlocked. Ms. Vendrasco indicates that the lots are in the form of lots on a plan of subdivision. The northerly lots could be sold off without going to committee of adjustment or requiring any property. If Third Street is closed, those lots would be landlocked.

Councillor Kieran McKenzie inquires whether action was taken when it was identified that the bus company began using the wooded lot to create a separate roadway access to the 4575 Fourth Street. Mr. Nagata confirms that enforcement was taken and the company was asked to stop using the access.

Councillor Kieran McKenzie inquires about the municipality's authority to make decisions about easements as it relates to development opportunities. Ms. Vendrasco indicates that there is nothing stopping an owner from transferring property to another party and creating new parcels, which could result in the abutting properties being landlocked.

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 588**

I. THAT the 20.12-metre-wide Third Street right-of-way located between Continental Avenue and E. C. Row Expressway, and shown on Drawing No. CC-1828 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject right-of-way", **BE ASSUMED** for subsequent closure;

II. THAT the subject right-of-way **BE CLOSED AND CONVEYED** to the abutting property owners, in a manner deemed appropriate by the City Planner, subject to the following:

    a. 6.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. The Corporation of the City of Windsor to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing 1,500.0 millimetre reinforced concrete storm sewer pipe.

b. 6.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. The owner of the property known municipally as 4575 Fourth Street (legally described as Lots 225, 226 & 303 to 305, Plan 972; Lots 53 to 65 & 112 to 130, Part of Alley & Hudson, Plan 1154; Parts 1 to 6, Reference Plan 12R-10200) for vehicular and pedestrian access to Continental Avenue.

c. Easement over that portion of the subject right-of-way abutting the property known municipally as 0 Continental Avenue (legally described as Lots 38 to 40 & Part of Closed Alley, Plan 1209), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. The owner of the property known municipally as 0 Continental Avenue for access to maintain their property to City of Windsor standards, **IF** they choose not to purchase their half of the subject right-of-way.

III. THAT Conveyance Cost **BE SET** as follows:

a. For alley conveyed to abutting lands zoned MD2.1, $10.00 per square foot plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor without easements, and $5.00 per square foot plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor with easements.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1828, *attached* hereto as Appendix "A".

V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 97/2023
Clerk's File: SAA2023

11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by Bobaek America Inc. for a Manufacturing Facility located at 3490 Wheelton Drive (Ward 9)

Councillor Kieran McKenzie inquires about the need for additional infrastructure to support the building at the location being proposed. Stacey McGuire, Executive Director of Engineering appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Economic Revitalization Community Improvement Plan (CIP) application submitted by Bobaek America Inc. for a Manufacturing Facility located at 3490 Wheelton Drive (Ward 9)" and indicates that the services are almost at the doorstep for this property.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 589**

I. THAT the request made by Bobaek America Inc. to participate in the Business Development Grant Program **BE APPROVED** for the property located at 3490 Wheelton Drive (shown in Appendix 'A') for a period that ends the earlier of 10 years or when 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,

II. THAT Administration **BE DIRECTED** to prepare an agreement between the City and Bobaek America Inc. to implement the Business Development Grant Program in accordance with applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan, and applicable lease terms, for the subject property to the satisfaction of the City Planner as to technical content, the City Solicitor as to form, and the City Treasurer as to financial content; and,

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Development Grant Agreement.

Carried.

Report Number: S 1/2024
Clerk's File: SPL/10759

11.3. Main Street CIP Application for 1695 Ottawa Street, Owner: Dr. Eric Bellis Dentistry Professional Corporation, Ward 4

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 590**THAT the request for incentives under the *Main Streets Community Improvement Plan* made by Dr. Eric Bellis Dentistry Professional Corporation (C/O: Dr. Eric

Bellis), the owner of the property located at 1695 Ottawa Street **BE APPROVED IN PRINCIPLE** for the following programs:

i. *Building Facade Improvement Program* totaling a maximum of $6,213.87

ii. *Building/Property Improvement Tax Increment Grant Program* for 100% of the municipal portion of the tax increment for up to ten (10) years totaling a maximum of $32,560 ($3,256 per year);

II. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Main Street CIP for the *Building/Property Improvement Tax Increment Grant Program* agreement in accordance with all applicable policies, requirements, and provisions contained within the *Main Streets Community Improvement Plan* to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implication;

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;

IV. THAT funds in the maximum amount of $6,213.87 (*Building Facade Improvement grants*) under the *Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Main Streets CIP* Project Fund (Project #7219018) when the grant funds are ready to be paid out;

V. THAT grants **BE PAID** to Dr. Eric Bellis Dentistry Professional Corporation (Eric Bellis), upon completion of improvements to the exterior of the property located at 1695 Ottawa Street from the *Building Facade Improvement Program – Main Streets* CIP Project Fund (Project #7219018) to the satisfaction of the City Planner and Chief Building Official;

VI. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions will be considered at the discretion of the City Planner.

Carried.

Report Number: S 170/2023
Clerk's File: SPL/14200

11.4. Closure of north/south alley located between Vimy Avenue and Ypres Avenue, Ward 5, SAA-7093

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Angelo Marignani

THAT the report of the Planner II - Development Review dated January 11, 2024 entitled "Closure of north/south alley located between Vimy Avenue and Ypres Avenue, Ward 5, SAA-7093" **BE**

DEFERRED to a future Development & Heritage Standing Committee meeting to allow administration to communicate with the residents regarding their concerns.
Carried.

Report Number: S 4/2024
Clerk's File: SAA2024

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

Councillor Jim Morrison asks that Administration to provide a verbal update at the next meeting of the Development & Heritage Standing Committee on the status of the heritage listing properties.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 5:30 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on March 4, 2024.
Carried.

Ward 10 – Councillor Jim Morrison (Chairperson)	Deputy City Clerk / Supervisor of Council Services

Development & Heritage Standing Committee
(Planning Act Matters)

Date: Monday, February 5, 2024
Time: 4:30 o'clock pm

Members Present:

Councillors
Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Daniel Grenier
Member Robert Polewski
Member Regrets
Member Anthony Arbour

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Rob Martini, Council Assistant
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Thom Hunt, City Planner
Greg Atkinson, Deputy City Planner
Stacey McGuire, Executive Director / Deputy City Engineer
Shawna Boakes, Executive Director / Deputy City Engineer
Colleen Middaugh, Manager of Corporate Projects
Patrick Winters, Manager Development
Wira Vendrasco, Acting City Solicitor
Aaron Farough, Senior Legal Counsel
Clare Amicarelli, Transportation Planning Coordinator

Adam Szymczak, Planner III – Development
Jim Abbs, Planner III – Development
Kevin Alexander, Planner III – Special Projects
Brian Nagata, Planner II – Development Review
Tracy Tang, Planner II – Revitalization & Policy Initiatives
Anna Ciacelli, Deputy City Clerk
Delegations—participating via video conference
Item 11.1 - Joshua Vitella, Vitella Plumbing
Item 11.1 - Amy Farkas, Agent for Landowner of 4575 Fourth Street
Item 11.4 – Anthony Malandruccolo, Stipic Weisman LLP, solicitor for property owner
Item 11.4 – Ishpal Bains, property owner
Delegations—participating in person
Item 7.2 - Anthony Pipolo, NuFusion & Associates
Item 7.2 - Mariusz Buchcic, Alta Nota Construction, owner of property
Item 7.2 - Jackie Lassaline, agent on behalf of the owner
Item 11.4 - Joey Gerry, property owner

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m**.**

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See Item 11.4

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (Planning Act Matters) minutes of its meeting held December 4, 2023

Moved by: Member Daniel Grenier
Seconded by: Member Robert Polewski

THAT the Planning Act minutes of the Development & Heritage Standing Committee meeting held December 4, 2023 BE ADOPTED as presented.

Carried.

Report Number: SCM 354/2023

5.2. Adoption of the Development & Heritage Standing Committee (Planning Act Matters) minutes of its meeting held January 8, 2024

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

THAT the Planning Act minutes of the Development & Heritage Standing Committee meeting held January 8, 2024 BE ADOPTED as presented.

Carried.

Report Number: SCM 17/2024

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

See Items 7.1 and 7.2

7. PLANNING ACT MATTERS

7.1. Rezoning - City of Windsor - Housekeeping Amendment 2024-1 - Z-002/21 ZNG/6277 - City Wide

Adam Szymczak (author), Planner III – Development – presents application.

Councillor Marignani asks if there is anything in the future that this proposal can be applied to besides what was listed. Mr. Szymczak answers that what is being recommended is (including the exceptions that existed previously), adding washroom and municipal infrastructure.

Councillor Kieran Mackenzie states that pushing some of the structures listed; observation deck, fountains, playground equipment etc. to Administration poses some risks. Mr. Szymczak answers that the various structures exist currently in the Zoning By-Law, the proposal is adding it to a more appropriate section of the Zoning By-law. Mr. Szymczak adds that there are two additions: washroom and minister infrastructure.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: DHSC 586 THAT Zoning By-law 8600 BE AMENDED as follows:

1A. Deleting and substituting Section 1.7 with the following:

1.7 INTERPRETATION AND ENFORCEMENT

1.7.1 The City Planner shall administer and interpret this by-law. Any reference to the City Planner in this by-law shall include the Deputy City Planner or their designate.

1.7.3 The Chief Building Official shall enforce this by-law. Any reference to the Chief Building Official in this by-law shall include the Deputy Chief Building Official or their designate

including an officer who has the responsibility of enforcing a zoning by-law.

1B. Deleting and substituting Section 1.10.50.1 with the following:

.1 Addition, correction, or revision of abbreviation, cross-referencing, grammar, numbering, punctuation, or typographical error, revision of the format in a manner that does not change the intent of a provision, or revision to a provision that has a general reference to the effective date of the provision coming into force or similar phrasing by adding the actual date the provision came into force.

Example: A provision contains the phrase “as they exist on the effective date of this clause” with the provision coming into force on January 1, 2022. The phrase “as they exist on the effective date of this clause” may be replaced with “as they exist on January 1, 2022” without an amending by-law.[ZNG/6277]

1C. Deleting and substituting Section 1.20.9 with the following:

1.20.9 DEFINED TERM [ZNG/6277]

A term that is italicized in this by-law indicates that the term is defined in this by-law.

The case, capitalization, or emphasis of a defined term is done so for the ease of reading and does not affect the meaning of the defined term.

Example: DWELLING, Dwelling, and dwelling have the same meaning.

Where the term “existing” is not italicized, “existing” shall mean “lawfully existing”.

A term used in the singular may also mean the plural and vice versa, except “one” or “1” shall always mean the singular.

1D. Adding the following clauses to Section 1.20:

1.20.10 WHOLE OR PART [ZNG/6277]

Unless otherwise stated, a reference to a building, lot, premises, or structure includes the whole, or part of the, building, lot, premises, or structure.

1.20.11 USE [ZNG/6277]

.1 A use not listed as a permitted use is prohibited.

.5 Unless otherwise stated, a permitted use is a main use. A permitted use identified as a "use accessory to a permitted use" or similar is an accessory use.

1.20.12 LEGAL NON-CONFORMING USE [ZNG/6277]

No by-law passed under Section 34 of the Planning Act applies:

.1 to prevent the use of any lot, building, or structure for any purpose prohibited by the by-law if such lot, building, or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

.5 to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act.

1E. Deleting Sections 3.1.10 and 3.1.20.

2A. Adding to Section 3.10, after "MOTOR VEHICLE SALVAGE OPERATION", the following new defined term:

MUNICIPAL INFRASTRUCTURE means a building or structure used for any of the following municipal systems: district heating or cooling, emergency power generator, heating, ventilation, or air conditioning (HVAC), electrical service, pumping station, sanitary sewer, site servicing facility, storm sewer, storm water management facility, storm water outlet, traffic equipment, or water service; where the building or structure is identified, generally or specifically, in any of the following documents approved, adopted, or moved by Council: Agency Budget, Capital Budget, Council Resolution, Environmental Assessment, Master Plan, Municipal By-law, Official Plan, or Operating Budget.[ZNG/6277]

2B. Deleting and substituting Subsection 9.1 as follows:

9.1 GREEN DISTRICT 1.1 (GD1.1)

[ZNG/6277]

9.1.1 PERMITTED MAIN USES

Child Care Centre

Public Park

9.1.2 PERMITTED ACCESSORY USES

Any use accessory to a permitted main use

9.1.5 PROVISIONS

.3 Lot Coverage – maximum 25.0%

.4 Building Height – maximum

Lot having a lot area of less than 0.50 ha 9.0 m

Lot having a lot area of 0.50 ha or more 14.0 m

.90 For any lot situated on the north side of Riverside Drive East and West between Rosedale Avenue and Lauzon Road, the extension of a building above the crown of the pavement within Riverside Drive is prohibited. This provision shall not apply to the following: fountain, municipal infrastructure, observation deck, playground equipment, sculpture and any other work of art, or washroom.

2C. Deleting Section 20(1)3 from Section 20 and from all Zoning District Maps.

3. Deleting and substituting Section 5.23.5 with the following:

5.23.5 When a lot on which a semi-detached dwelling or townhome dwelling has been erected and is subsequently divided in compliance with Part VI of the Planning Act by a common interior lot line that separates the dwelling units, for each dwelling unit the following additional provisions shall apply:

.1 Lot Width – minimum – equal to the width of the dwelling unit plus any exterior side yard as existing at the time of the lot division

.2 Lot Area – minimum – as existing at the time of the lot division

.3 Lot Coverage – Total – maximum – 50% of lot area

.7 An interior side yard shall not be required along the common interior lot line for that part of the dwelling unit lawfully existing at the time of the lot division.

[ZNG/6277]

4. Deleting and substituting Section 5.99.7 with the following:

5.99.7 AUTOMOBILE SALES, LEASE OR RENTAL – ACCESSORY USE

.1 The sale, lease or rental of an automobile as an accessory use is prohibited, save and except the sale, lease or rental of an automobile as an accessory use to an Automobile Repair Garage, Automobile Collision Shop, or Service Station or the lease or rental of an automobile as an accessory use to any Retail Store is permitted subject to the following additional provisions:

.1 The storage or display of five or more automobiles for sale, lease or rental purposes on a lot is prohibited.

.2 The storage or display of an automobile for sale, lease or rental purposes having a width of greater than 2.50 m or a length greater than 6.10 m is prohibited.

.3 The storage or display of an automobile for sale, lease or rental purposes in a required parking space, required accessible parking space or landscaped open space yard is prohibited.

.4 The area where an automobile for sale, lease or rental purposes is stored or displayed shall be subject to the provisions in Section 5.99.60.6.1.1 to 5.99.60.6.1.3.

[ZNG/5271; ZNG/6277] (AMENDED B/L 7-2018 Feb 23/2018)

5A. Amending and substituting the defined term “HOME OCCUPATION” in Section 3.10 with the following:

HOME OCCUPATION means an occupation for profit or gain conducted entirely within an accessory building, dwelling unit, or garage which occupation is incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof. It includes any employment identified or classified as “Work at Home”, “Work from Home”, “Remote Work”, or similar.

[ZNG/6276; ZNG/6277] (AMENDED B/L 145-202 Oct 26/2021)

5B. Deleting and substituting Section 5.99.40 with the following:

5.99.40 HOME OCCUPATION

.1 A home occupation within an accessory building, dwelling unit, or garage located on the same lot as the dwelling unit is an additional permitted accessory use.

.3 The home occupation shall be carried out by a resident of the dwelling unit located on the same lot as the home occupation.

.5 The total gross floor area of all home occupations shall not exceed 25% of the gross floor area of the dwelling unit.

.90 A home occupation within a carport, or a home occupation that generates dust, fumes, noise, odour, or vibration that is evident outside the accessory building, dwelling unit, or garage is prohibited.

.92 Except for those goods produced by, or accessory or related to, the home occupation, the direct sale of goods is prohibited.

.93 Except for a sign permitted by The Windsor Sign By-law, any visible indication from the exterior of the accessory building, dwelling, dwelling unit, or garage that a home

occupation is being carried on is prohibited.

.95 Except those items customarily used for housekeeping or personal recreational purposes, the external or outdoor storage of materials, goods, or equipment related to, or used by, the home occupation is prohibited.

[ZNG/6276; ZNG/6277] (AMENDED B/L 145-2021 Oct 26/2021)

6A. Amending the Side Yard Width values as follows:

Section 10.1.5.7 for a Single Unit Dwelling from 1.50 m to 1.20 m

Section 10.4.5.7 for a Single Unit Dwelling from 1.80 m to 1.20 m

Section 10.6.5.7 from 1.50 m to 1.20 m

Section 11.2.5.4.7 from 1.80 m to 1.20 m

Section 11.2.5.5.7 from 1.50 m to 1.20 m

Section 11.3.5.7 for a Townhome Dwelling from 1.50 m to 1.20 m

Section 11.5.5.6.7 for a Multiple Dwelling with 5 or more dwelling units from 2.50 m to 1.20 m

Section 11.5.5.7.7 for a Townhome Dwelling from 2.50 m to 1.20 m

6B. Deleting and replacing Section 10.7.5.7 with the following new Section 10.7.5.7:

".7 Side Yard Width – minimum 1.20 m 1.20 m"

6C. Changing the clause number of "Gross Floor Area – Main Building – maximum" from ".8" to ".10" in Sections 10.1.5, 10.2.5, 10.3.5, 10.4.5, 10.5.5, 11.1.5, 11.3.5, and 11.4.5.

7A. Adding new Section 95 as follows:

SECTION 95 - HOLDING ZONE PROVISIONS

[ZNG/6277]

95.1 APPLICATION

Section 95 applies to any lot where the H symbol precedes a zoning district symbol or is contained within a specific zoning exception on any Schedule listed in Section 1.20.3. "Holding zone", "Holding symbol", "H symbol", "H", or "h" mean the same thing.

In this by-law or in an amending by-law, any reference to Section 5.4 shall mean Section 95 and any reference to Section 5.4.20 shall mean Section 95.10.

95.2 PURPOSE

The purpose of the holding zone is to defer development or redevelopment until all holding conditions have been satisfied. A holding zone may supplement, alter, add, or remove any by-law provision affecting the use of the lot, building, or structure.

95.3 PROHIBITION AND EXCEPTION

A use, building or structure is prohibited except:

.1 For any use, building, or structure erected, operated, or maintained by the City of Windsor, a Public Authority, or a Public Utility;

.3 For an existing use, building, or structure that is permitted by the applicable zoning district or a specific zoning exception, additions or alterations to existing buildings are permitted, and structures and accessory buildings may be erected, provided such additions, alterations, structures, or accessory buildings are in accordance with the provisions of the zoning district, specific zoning exception, and all other provisions of this by-law.

95.5 REMOVAL OF H SYMBOL

The H symbol may be removed when the applicable holding conditions in Sections 95.10 and 95.20 have been satisfied. It is the responsibility of the property owner or an authorized agent to satisfy the applicable holding conditions, to submit proof to that effect, and to submit an application, including the fee, to remove the H symbol.

95.10 HOLDING CONDITIONS – GENERAL

The following holding conditions apply to any holding zone:

.1 The land is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law, or subject to an approved consent to sever by the Committee of Adjustment; and

.2 A street paved to the satisfaction of the City Engineer, municipal storm water outlet, municipal sanitary sewer, municipal electrical service, and municipal water service are available or an agreement to provide the aforementioned items is registered on title to the property; and

.3 Where required by legislation, full compliance with remediation/mitigation recommendations in a required study, report, or plan to the satisfaction of the appropriate approval authority, or an agreement registered on title to the property to comply with the remediation/mitigation recommendations in the required study,

report, or plan; and

.4 Where required, a site plan control agreement is registered on title for the lot; and

.5 Any other holding condition contained within any approved amending by-law for the subject land.

95.20 HOLDING CONDITIONS – SITE SPECIFIC

An H symbol may be followed by one or more numbers in brackets.

Example: H(1)RD1.3, H(1,4)MD1.4, or S.20(1)H(10)384

The number refers to a specific clause in Section 95.20. Unless otherwise stated, the applicable holding conditions in Section 95.10 shall also apply, and the greater clause number shall take precedence.

The format of the clause shall be the clause number in brackets with each condition listed separately and, if applicable, who is the approval authority that determines that the condition has been satisfied.

Example:

(99) a) Submission of a Noise Study to the satisfaction of the City Planner;

b) Submission of a Sanitary Sewer Study to the satisfaction of the City Engineer; and

c) Conveyance of a 6 m by 6 m corner cut-off at the intersection of Adstoll Avenue and Rivard Avenue to the satisfaction of the City Engineer.

[ZNG/9999]

7B. Deleting Section 5.4.

7C. Deleting and replacing Section 1.20.90 with the following:

1.20.90 PRECEDENCE [ZNG/6277]

.1 Unless otherwise stated, the precedence of provisions, from lowest to highest, is as follows:

a) Section 3 – Definitions

b) Section 5 – General Provisions

c) Section 24 – Parking, Loading and Stacking Provisions

d) Section 25 – Parki

e) Sections 8 to 19 – Zoning Districts

f) Section 20(1) – Site Specific Provisions

g) Section 20(3) – Heritage Conservation Districts

h) Section 20(4) – Traditional Commercial Street – Off-Street Parking Provisions

j) Section 95 – Holding Zone Provisions

k) Section 20(2) – Temporary Use Provisions

m) Within Section 20(1), Section 20(2), or Section 95, the greater clause number shall take precedence

.5 Where a provision in this by-law is less than the minimum required by, is more than the maximum required by, or conflicts with an exception in, a provincial or federal act, regulation, or statute, the provincial or federal act, regulation, or statute shall take precedence.

.10 Where a conflict between provisions cannot be resolved using the precedence of provisions, the City Planner shall determine the precedence.

8A. Amending zoning of Lots 122 & 123, Part Water Lot, Concession 1; Part 4, Plan 12R6456; Part 1, Plan 12R13549 (known municipally as 0 Riverside Drive East; Roll No. 060-170-01500), situated on the north side of Riverside Drive East at St. Rose Avenue, from GD1.1 and RD1.6 to GD1.1.

8B. Amending the zoning of Lots 274 to 281, Part of Lot 282, and Part of Closed Alley, Registered Plan 1247, (known municipally as 955, 961, 965, 971, 975, 981, 985, and 991 Parkview Avenue; Roll No. 060-180-11000, 060-180-10900, 060-180-10800, 060-180-10700, 060-180-10600, 060-180-10500, 060-180-10400, 060-180-10300), situated on the west side of Parkview Avenue between Ontario Street and Raymond Avenue, from RD3.2 to RD1.2.

Carried.

Report Number: S 8/2024

Clerk's File: ZB/1245

7.2. Official Plan & Zoning Bylaw Amendments Z 008-23 [ZNG-6976] &OPA 169 [OPA-6977] 2830065 Ontario Ltd. (Alta Nota-Mariusz Buchcic) 1460 Lauzon Rd Multiple Dwelling Development – Ward 6

Jim Abbs (author) – Planner III – Development – presents application

Jackie Lassaline (agent) – Lassaline Planning Consultants – is available for questions.

Anthony Piplo (Applicant) – NuFusion Associates – is available for questions.

Councillor Marignani states that the building set back (24m) is more than what we typically see and asks why that is. Mr. Abbs answers that the recommended setback would discourage the applicant from significantly changing the concept plan through the rest of the development process.

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: DHSC 587

THAT an amendment to Schedule 'D'- Land Use of Volume I the City of Windsor Official Plan, BE **APPROVED**, by changing the land designation of Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road from "Industrial" to "Residential"; and,

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon

Road from Manufacturing District MD1.2 and Holding Manufacturing District HMD1.2 to Residential District (RD) 3.2.; and,

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 BE AMENDED for Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road by adding site specific regulations as follow:

499. Southeast corner Lauzon Road and McHugh Street

For the lands described as for Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road, the following regulations shall apply:

Building setback from an interior lot line abutting a Residential District (RD) 1.1 zone - 24m

Carried.

Councillor Mark McKenzie was absent from the meeting when the vote was taken on this matter.

Report Number: S 9/2024

Clerk's File: Z/14589 & Z/14588

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:00 o'clock pm.

Ward 10 – Councillor Morrison (Chairperson)	Deputy City Clerk (Supervisor of Council Services)