

Development & Heritage Standing Committee Meeting

Date: Tuesday, April 2, 2024

Time: 4:30 o'clock p.m.

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

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)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item #	Item Description
1.	CALL TO ORDER

READING OF LAND ACKNOWLEDGMENT

We [] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2.	DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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4.	COMMUNICATIONS
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5.	ADOPTION OF THE PLANNING ACT MINUTES
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5.1.	Adoption of the Development & Heritage Standing Committee minutes (Planning Act) of its meeting held March 4, 2024 (SCM 81/2024)
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6.	PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)
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7.	PLANNING ACT MATTERS
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7.1.	Zoning By-law Amendment Application for 3842 Woodward Boulevard, Z-030/23 [ZNG-7151], Ward 9 (S 18/2024)
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8.	ADOPTION OF THE MINUTES
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9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**

10. **HERITAGE ACT MATTERS**

11. **ADMINISTRATIVE ITEMS**
 - 11.1. Windsor Sign By-law Billboard Review and Amendments **(S 116/2024)**
 - 11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1000506202 Ontario Inc. for 1567 Ouellette Avenue (Ward 3) **(S 36/2024)**
 - 11.3. Sandwich Town CIP Application, 3573 Peter Street; Owner: Sarin Ty and Soknao Tieng (Ward 2) **(S 34/2024)**

12. **COMMITTEE MATTERS**
 - 12.1. Minutes of the Property Standards Committee of its meeting held February 12, 2024 **(SCM 57/2024)**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



Committee Matters: SCM 81/2024

**Subject: Adoption of the Development & Heritage Standing Committee minutes
(*Planning Act*) of its meeting held March 4, 2024**

Development & Heritage Standing Committee Meeting

(Planning Act Matters)

Date: Monday, March 4, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Councillor Regrets

Ward 1 - Councillor Fred Francis

Members

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development

Shawna Boakes, Executive Director, Operations / Deputy City Engineer

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Greg Atkinson, Deputy City Planner
Emilie Dunnigan, Deputy Treasurer Financial Planning
Rob Vani, Deputy Chief Building Official – Inspections
Patrick Winters, Manager, Development
Michael Cooke, Manager, Planning Policy / Deputy City Planner
Aaron Farough, Senior Legal Counsel
Clare Amicarelli, Transportation Planning Coordinator
Brian Nagata, Planner II – Development Review
Adam Szymczak, Planner III – Development
Kevin Alexander, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Tracy Tang, Planner III – Economic Development
Laura Strahl, Planner III – Special Projects
Ashley Porter, Administrative Assistant
Natasha McMullin, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1 & 7.2 – Tracey Pillon-Abbs, RPP, Principal Planner

Delegations—participating in person

Item 7.2 – Robert Smith, ward 2 resident
Item 10.1 – Cameron Adamson, Windsor Masonic Temple
Item 11.1 – Jay Shanmugam, M.Eng., P.Eng., Chief Development and Regeneration Officer,
Windsor Essex Community Housing Corporation (CHC)

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

4. COMMUNICATIONS

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None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held February 5, 2024.

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held February 5, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 51/2024

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6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

See items 7.1 and 7.2

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for 3445 Church Street, Z-002/24 [ZNG-7165], Ward 1

Brian Nagata (author), Planner II – Development Review – presents application.

Tracey Pillon-Abbs (agent), Pillon-Abbs Inc. is available for questions.

Councillor Marignani asks what the main concern during the open house. Mrs. Pillon-Abbs states that the public wanted a better understanding of the proposal and had various questions like; yard setback, garage relief, short term rentals and the public wanted to review the floor plans.

Councillor Marignani asks for confirmation that the increase of maximum garage width is .8 meters. Mr. Nagata confirms that the increase of .8 metres is correct.

Councillor Kieran McKenzie asks for clarification on the number of lots. Mr. Nagata answers that it is 1 parcel of land consisting of 2 underlying lots on a plan of subdivision, registered in 1928. Mr. Nagata adds the underlying still exist and can be transferred without having to obtain a Consent from the Committee of Adjustment. Councillor Kieran MacKenzie asks if the whole parcel is proposed to be zoned RD1.2. Mr. Nagata confirms that the RD1.2 zoning is correct

Councillor Marignani asks if the parcel is on a rural cross section. Mr. Winters answers that there are no curb and gutters on the street but there are sewers. Councillor Marignani asks if there are any plans to do a Local Improvement on this section of the road. Mr. Winters answers that there are no plans currently as they are prioritizing areas that lack sanitary sewers.

Councillor Morrison asks if the applicants are going to close the alley. Mr. Nagata answer that the alley is already closed.

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

Decision Number: **DHSC 591**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the west side of Church Street between Liberty Street and Beals Street West, described as Lots 153 & 154 and Part of Closed Alley, Plan 1305 [PIN No. 01304-0854 LT], from Residential District 1.4 (RD1.4) to Residential District 1.2 (RD1.2), subject to additional regulations:

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498. WEST SIDE OF CHURCH STREET BETWEEN LIBERTY STREET AND BEALS STREET WEST

For the lands comprising of Lots 153 & 154 and Part of Closed Alley, Plan 1305, PIN No. 01304-0854 LT, the following shall apply:

1. Notwithstanding Section 5.11.5, for a *single unit dwelling*, the maximum width of a *carport* or *garage* forming part of the *main building* shall not exceed 68.0% of the maximum permitted width of the *main building* on the *lot*.

[ZDM 8; ZNG/7165]

Carried.

Report Number: S 17/2024

Clerk's File: Z/14730

7.2. Rezoning – Sital Garha – 1350 Pelletier Street - Z-031/23 ZNG/7158 – Ward 2

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

Tracey Pillon-Abbs (agent), Pillon-Abbs Inc. is available for questions.

Robert Smith (resident) - 1500 Pelletier St. - has concerns with parking and maintenance of sidewalks and grass not being done.

Member Arbour asks if the land is suitable to build on. Mr. Szymczak answers that no concerns regarding that matter were brought up during the liaison or consultation stage. Mr. Szymczak adds that a Record of Site Condition can be requested during the Site Plan Control stage.

Councillor Marignani asks Mr. Smith if parking is his main concern. Mr. Smith answers that parking is his primary concern

Councillor Marignani asks Administration if the restaurant will be remaining. Mr. Szymczak answers that the building will remain and there are no changes to the existing uses.

Councillor Kierran Mackenzie asks if there will be a curb cut and asks for confirmation on width of the driveway. Mr. Szymczak answers that there will be a curb cut and the driveway will be approximately 10 feet.

Councillor Kieran Mackenzie asks about noise concerns given the proximity to the railway. Mr. Szymczak answers that the applicant provided a Noise Study and the only measures that were necessary was a warning clause.

Councillor Mark Mackenzie asks if the area residents could be contacted to discuss permit parking. Mrs. Boakes answers that the residents can to call 311 and put in the request for permit parking.

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

Decision Number: **DHSC 592**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the westerly half of Part Lot 72, Concession 1 Sandwich West (PIN: 01206-0266; Roll No: 040-430-04150), situated on the north side of Pelletier Street, east of McKay Avenue, and known municipally as 1350 Pelletier Street, further identified as Parts 2 and 4 on the draft reference plan attached as Appendix A to Report S 14/2024, from Manufacturing District 2.13 (MD2.13) to Residential District 2.2 (RD2.2). Carried.

Report Number: S 14/2024
Clerk's File: Z/14721

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:09 o'clock.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services

Subject: Zoning By-law Amendment Application for 3842 Woodward Boulevard, Z-030/23 [ZNG-7151], Ward 9

Reference:

Date to Council: April 2, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: February 8, 2024
Clerk's File #: Z/14699

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Woodward Boulevard, between Ledyard Avenue and Moxlay Avenue, described as Part of Lot 19 as in R1119645 and Closed Alley, Plan 1045 as in R1162410, by adding a site specific provision to permit a *Semi-Detached Dwelling* as an additional permitted *main use*, subject to additional regulations:

495. EAST SIDE OF WOODWARD BOULEVARD BETWEEN LEDYARD AVENUE AND MOXLAY AVENUE

For the lands comprising of Part of Lot 19 & Closed Alley, Plan 1045, PIN No. 01349-0395 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.1.5 shall apply;
and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 12; ZNG/7151]

Executive Summary:

N/A

Background:

Application Information:

Location: 3842 Woodward Boulevard
(Part of Lot 19 Plan 1045 as R1119645 & Closed Alley Plan 1045 as in R1162410; Roll No. 070-260-22900; PIN No. 01349-0395 LT)

Ward: 9

Planning District: Devonshire

Zoning District Map: 12

Owner: Klean Konzept Inc.

Applicant: Homes by Artisan (Mamum Chowdury)

Authorized Agent: Pillon Abbs Inc. (Tracey Pillon-Abbs)

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning for the lands located on the east side of Woodward Boulevard between Ledyard Avenue and Moxlay Avenue, known municipally as 3842 Woodward Boulevard (the subject property), from Residential District 1.1 (RD1.1) to Residential District 2.1 (RD2.1) to allow for the construction of two (2) semi-detached dwellings.

The applicant has acknowledged that a Consent must be obtained from the Committee of Adjustment to sever the subject property into two (2) lots for compliance with the RD2.1 zoning. The RD2.1 zoning only permits one (1) semi-detached dwelling per lot.

Submitted Information: Conceptual Site Plan (See Appendix A), Deed, Planning Rationale Report (See Appendix G), Topographic Survey, and Zoning By-law Amendment Application Form.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District 1.1 (RD1.1)	Single Unit Dwelling	Agricultural
Lot Width	Lot Depth	Lot Area	Lot Shape
30.5 m	47.8 m	1,457.8 m ²	Rectangular

All measurements are based on Verhaegen Land Surveyors' Topographic Survey, dated March 20, 2023.

The subject property contains a one (1) storey single unit dwelling, constructed in 1956. The remainder of the subject property is maintained as landscaped open space that includes a 2.3-metre-wide utility easement running along the rear lot line. The subject property was used for agricultural purposes prior to its residential use. The applicant has confirmed that the existing single unit dwelling is to be demolished.



KEY MAP - Z-030/23, ZNG/7151



● SUBJECT LANDS



PART OF ZONING DISTRICT MAP 12

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Homes By Artisan

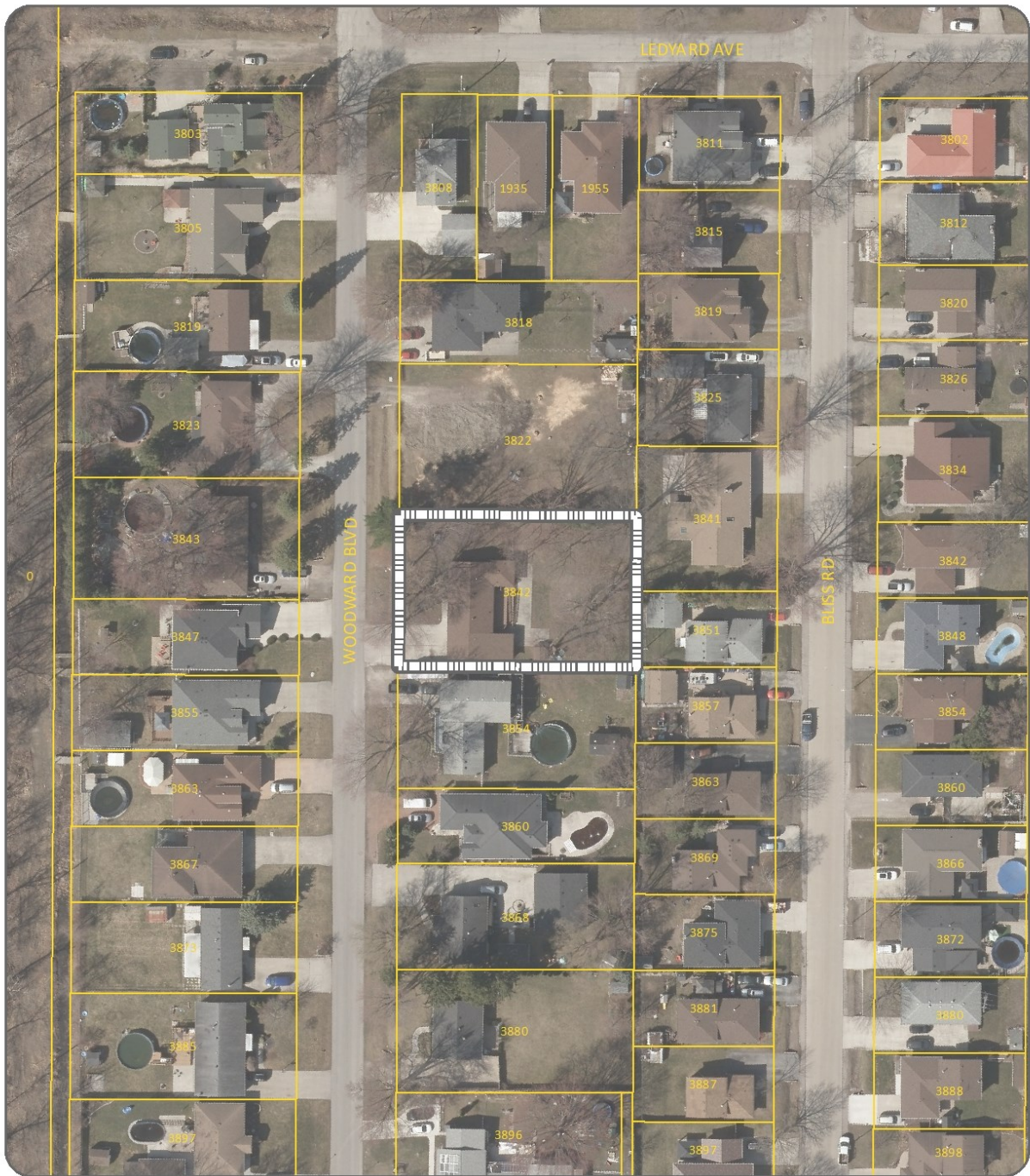


SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : NOVEMBER, 2023
FILE NO. : Z-030/23, ZNG/7151



NEIGHBOURHOOD MAP - Z-030/23, ZNG/7151



SUBJECT LANDS

Neighbourhood Characteristics:

The subject property is located on the eastern side of the Devonshire neighbourhood. The Devonshire neighbourhood constitutes the area north of Division Road, east of the Canadian Pacific Railway rail corridor, south of E. C. Row Expressway and west of the Canadian National Railway rail corridor.

Surrounding Land Uses:

North:

- Calderwood Park
- Low density residential
- Shinglecreek Park
- Walker Homesite bike trail

East:

- Commercial (business office, retail and service oriented)
- Light industrial
- Low density residential
- Windsor International Airport

South:

- Low density residential
- Walker Commons commercial centre

West:

- Devonwood Conservation Area
- Low density residential

Municipal Infrastructure:

- Roadside ditch, sanitary sewer, and watermain are located within the Woodward Boulevard right-of-way.
- Woodward Boulevard is classified as a local road, which has a two-lane cross section with no curbs and gutters, sidewalks or streetlights.

Discussion:

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

The following policies of PPS 2020 are considered relevant in discussing provincial interests related to this amendment:

1.0 Building Strong Healthy Communities

Policy 1.1.1 states:

- *Healthy, liveable and safe communities are sustained by:*
 - *a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.*
 - Refer to the response provided to PPS Policy 1.1.1 e) herein.
 - *b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), to meet long-term needs.*
 - This amendment will allow a semi-detached dwelling use on the subject property, further diversifying the range and mix of residential types available in the Devonshire neighbourhood.
 - *c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.*
 - This amendment will not cause any environmental or public health and safety concerns.
 - *e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.*
 - This amendment will allow for the redevelopment of the subject property through intensification, optimizing existing municipal infrastructure and public service facilities, and avoiding unnecessary land consumption.
 - *f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.*
 - The interior layout and exterior site design for a semi-detached dwelling is exempt from having to comply with the Barrier-Free Design requirements of the *Ontario Building Code*.
 - The *Accessibility for Ontarians with Disabilities Act* does not apply to semi-detached dwellings.

- *g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.*
 - The subject property is serviced by the 150-millimetre watermain, 250-millimetre asbestos concrete sanitary sewer, and roadside ditch within the Woodward Boulevard right-of-way.
 - EnWin Utilities Ltd., through their comments, has advised that the existing water service may need to be upgraded to accommodate the proposed development.
 - The water service will be reviewed and approved at the Building Permit stage of the development process.
 - The subject property is serviced by overhead hydro lines running parallel to the rear property line.
 - The subject property has direct access to a public highway in the form of Woodward Boulevard.
 - Roseland Public School and Vincent Massey Secondary School are located within 2.0 kilometres and 5.4 kilometres of the subject property, respectively.
 - St. Christopher Catholic Elementary School and Holy Names High School are located within 2.8 kilometres and 6.3 kilometres of the subject property, respectively.
 - Optimist Community Centre/W.F. Chisholm Public Library are located within 5.3 kilometres of the subject property.

Policy 1.1.3.1 states:

- *Settlement areas shall be the focus of growth and development.*
 - The subject property is located within a settlement area.

Policy 1.6.9.1 states:

- *Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*
 - a) their long-term operation and economic role is protected; and
 - Refer to response to Official Plan policy 7.2.10.2 herein.
 - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
 - Refer to response to Official Plan policy 7.2.10.2 herein.

One or more of the aforesaid responses to PPS Policy 1.1.1 also speak to the following relevant PPS Policies:

- *1.1.3.2 - Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
 - *a) efficiently use land and resources;*
 - *b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- *1.4.3 - Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
 - *b) permitting and facilitating:*
 - *2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
 - *c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- *1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services;*
- *1.7.1 Long-term economic prosperity should be supported by:*
 - *b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*

The applicant's Planning Rationale Report (PRR), dated November 16, 2023, demonstrates that the requested amendment to Zoning By-law 8600 is consistent with the relevant policies of PPS 2020. The Planning Department agrees with the conclusions of the PRR regarding consistency with the PPS 2020.

Official Plan

Relevant excerpts from Volume I of the Official Plan are attached as Appendix C. The following policies from these excerpts are considered relevant in discussing this amendment's conformity with the Official Plan.

The subject property is located within the Devonshire Planning District on *Schedule A - Planning Districts & Policy Areas*, within an Airport Operating Area with a Noise Exposure Forecast above 25 on *Schedule C - Development Constraint Areas*, and within a Residential land use designation on *Schedule D - Land Use Plan* to the City of Windsor Official Plan.

Volume I

Chapter 3 - Development Strategy

This amendment complies with the following applicable key policy direction for managing growth consistent with the Vision of the City of Windsor Community Strategic Plan.

3.2 - Growth Concept

3.2.1 - Safe, Caring and Diverse Communities

Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands (Policy 3.2.1.2).

- Refer to the response provided to PPS Policy 1.1.1 b) herein.

3.3 - Urban Structure Plan

This amendment complies with the following applicable key policy direction for managing the structural elements within the municipality.

3.3.3 - Neighbourhoods

..... The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods.

.....

- This amendment will achieve a density of 27.4 units per hectare. *

*This figure does not include Additional Dwelling Units (ADU), permitted as of right under any zoning district that permits a single unit dwelling, duplex dwelling, semi-detached dwelling or townhome dwelling.

Chapter 6 - Land Use:

6.1 Goals

This amendment complies with the following applicable land use goal:

- *Housing suited to the needs of Windsor residents (Goal 6.1.3).*

6.3 Residential

6.3.1 Objectives

The amendment complies with the following applicable Residential land use objective:

- *To support a complementary range of housing forms and tenures in all neighbourhoods (Objective 6.3.1.1).*

6.3.2 Policies

Permitted Uses

Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile, and Medium Profile dwelling units. (Policy 6.3.2.1)

- A semi-detached dwelling is classified as a Low Profile dwelling.

Locational Criteria

New residential development and intensification shall be located where: (Policy 6.3.2.4)

- *(a) There is access to a collector or arterial road;*
 - The subject property is located within approximately 500.0 metres of Walker Road, a Class II Arterial Road, and approximately 700.0 metres of Calderwood Avenue, a Class II Collector Road.
- *(b) Full municipal physical services can be provided;*
 - Refer to the response provided to PPS Policy 1.1.1 g) herein.
- *(c) Adequate community services and open spaces are available or are planned; and*
 - Refer to the responses provided to PPS Policy 1.1.1 g) and the Surrounding Land Uses section herein.
- *(d) Public transportation service can be provided.*
 - The subject property is located within approximately 500.0 metres of transit stops for the Walkerville 8 Northbound and Southbound transit routes.

It should be noted that the subject property is outside of what is considered walking distance to the nearest transit stops. A distance of 400.0 metres is often used as an acceptable walking distance to a transit stop. This is reflected within Transit Windsor's 2019 Transit Master Plan and the City of Windsor's Active Transportation Master Plan.

Evaluation Criteria

Policy 6.3.2.5 states:

- *At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern 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;*
 - The subject property is located within an Airport Operating Area with a Noise Exposure Forecast above 25 and less than 30.
 - New residential developments located within an Airport Operating Area with a Noise Exposure Forecast below 30 are not required to complete a Noise Study.
 - *(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.*
 - This amendment will allow for a development that is compatible with the established built environment found within the block and surrounding neighbourhood.
 - The provisions for a semi-detached dwelling under the RD2.1 zoning are identical to the provisions for a semi-detached and single unit dwelling under the RD1.1 zoning, save and except for the minimum side yard width for a single unit dwelling which is 1.50 metres.
 - It should be further noted that the Planning Department, through Housekeeping Amendment Application Z-002/21 [ZNG/6277] to Zoning By-law 8600, is recommending that the minimum side yard width provision for a single unit dwelling under all Residential District 1 and Residential District 2 zones be 1.20 metres [save and except the Residential District 1.5 (RD1.5) zone, which is specific to the Little River Acres (Villages of Riverside) subdivision].

- The supporting report states that *“This will ensure consistency and fairness between the various zoning districts, allows more flexibility in the design of a dwelling, and allows for more efficient use of land.”*
 - The Development & Heritage Standing Committee endorsed the Planning Department’s recommendation at their February 5, 2024 meeting.
 - Council approved the Housekeeping Amendment Application at its February 26, 2024 meeting.
 - Council will hear the amending by-law at a future meeting.
 - The applicant is not requesting any relief from the aforesaid provisions or any other provisions to Zoning By-law 8600.
- *(d) provided with adequate off street parking;*
 - The proposed development will accommodate the required number of parking spaces onsite.
 - Transportation Planning, through their comments, confirmed that a parking study is not required so long as the required number of parking spaces are being provided onsite.
- *(e) capable of being provided with full municipal physical services and emergency services; and*
 - Refer to the response provided to PPS Policy 1.1.1 g) herein for details on the municipal physical services available to the subject property.
 - The subject property is served by Essex-Windsor EMS, Windsor Fire & Rescue Services (Fire Hall No. 6) and Windsor Police Service.

Chapter 7 - Infrastructure:

7.2 Transportation System

7.2.10 Air Transportation Policies

Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule ‘C’: Development Constraint Areas shall be subject to the following: (Policy 7.2.10.2)

- *(d) Land uses which may cause a potential aviation safety hazard are discouraged;*

- Windsor International Airport, through their comments, confirmed that they have no objections or concerns with the proposed amendment.

Chapter 11 - Tools:

Land use compatibility throughout Windsor is an implementation goal to be achieved when administering a planning tool under this Chapter. Compatibility between land uses is also an objective of the Zoning By-law Amendment planning tool (Policy 11.6.1.2).

- Land use compatibility was considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

Policy 11.6.3.3 states:

- *When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*
 - *(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;*
 - *(b) Relevant support studies;*
 - *(c) The comments and recommendations from municipal staff and circularized agencies;*
 - *(d) Relevant provincial legislation, policies and appropriate guidelines; and*
 - *(e) The ramifications of the decision on the use of adjacent or similar lands.*
 - This amendment is not anticipated to have any ramifications on the use of adjacent or similar lands.

The aforesaid matters were considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

The applicant's PRR demonstrates that the requested amendment to Zoning By-law 8600 conforms with the policies of the Official Plan. The Planning Department agrees with the conclusions of the PRR regarding conformity with the Official Plan.

Zoning By-Law

Relevant excerpts from Zoning By-law 8600 are *attached* as Appendix D.

The subject property is within a RD1.1 zone of Zoning By-law 8600, which does not permit a semi-detached dwelling use.

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning to an RD2.1 zone to allow a semi-detached dwelling.

The applicant's request has been considered and is supported in part within this report. The Planning Department supports the amendment to allow a semi-detached dwelling use, however does not support changing the zoning district for the following reasons.

- The RD2.1 zoning permits a single unit dwelling on a significantly smaller lot than that permitted under the RD1.1 zoning.
 - The minimum lot area (270.0 m²) and lot width (9.0 metres) provisions for a single unit dwelling under the RD2.1 zoning are not consistent with the existing lots within the 3800 block of Woodward Boulevard.
 - Lot widths within the block range from approximately 15.2 metres to 30.5 metres.
 - Lot areas within the block range from approximately 570.0 m² to 1,450.0 m².
 - This could potentially result in the subject property being developed with three (3) single unit dwellings with lot areas and lot widths that are not consistent to those existing within the block.
- The provisions for a semi-detached dwelling under the RD2.1 zoning are identical to those under the RD1.1 zoning.

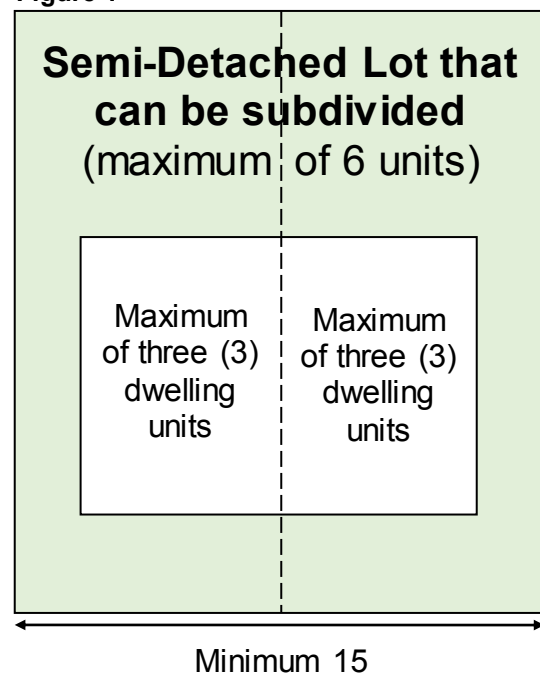
Section 35.1 of the *Planning Act* (i.e. Restriction for residential units) does not allow a zoning by-law to restrict the establishment of three (3) dwelling units on a parcel of urban residential land (lot) where a single unit dwelling, semi-detached dwelling, or townhome dwelling is a permitted use.

Section 5.99.80.1.1.b) of Zoning By-law 8600 (i.e. ADU Provisions) states that: *“For the purposes of this provision each semi-detached dwelling unit or townhome dwelling unit is considered to be located on its own parcel of urban residential land if it conforms with the provisions of the applicable zoning district and can be subdivided.”*

Generally, this means that a semi-detached dwelling unit or townhome dwelling unit is considered to be on its own parcel of urban residential land if the lot can be subdivided without a minor variance. This is beneficial where all units within a dwelling are in common ownership. For a semi-detached dwelling this would permit two (2) ADU's within each dwelling unit resulting in a maximum of six (6) dwelling units on a single lot, as illustrated in Figure 1.

In the scenario where this criterion cannot be met, the ADU Provisions allow a semi-detached dwelling to have a maximum of one (1) ADU. This equates to a maximum of

Figure 1



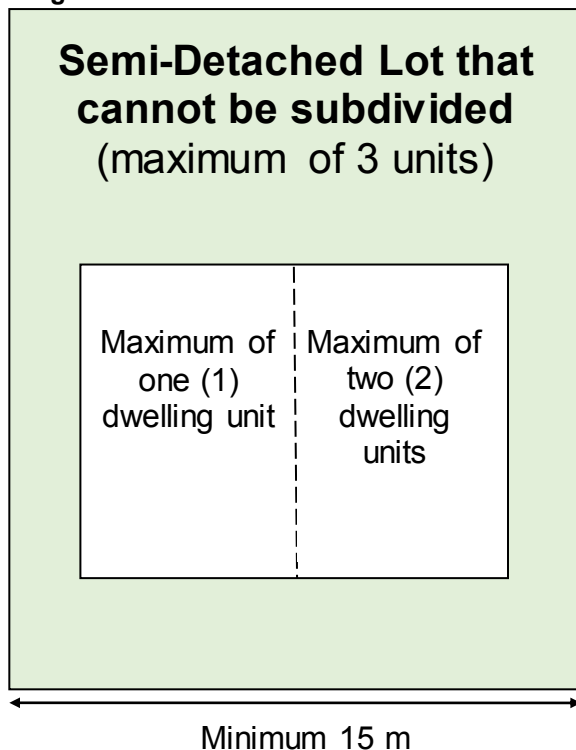
three (3) dwelling units on a single lot, as illustrated in Figure 2. This is the same number of dwelling units allowed for a single unit dwelling under the ADU Provisions.

The difference in density between the two scenarios as it pertains to the proposed development is illustrated in Table 1 below.

Table 1 - Density Comparison

Scenario	Max. No. Dwelling Units	Density
Semi-detached dwelling on a single lot that can be subdivided without a minor variance (maximum of 6 dwelling units per single lot)	12	82.4 units per hectare
Semi-detached dwelling on a single lot that cannot be subdivided without a minor variance, or a single unit dwelling (maximum of 3 dwelling units per single lot)	6	41.2 units per hectare

Figure 2



While the applicant is proposing a total of 4 units (i.e. 27.5 units per hectare), the Planning Department has concerns with the potential maximum density that can be achieved with this development as a result of the combination of:

- Section 35.1 of the *Planning Act* allowance of three (3) dwelling units on each parcel of urban residential land;
- Zoning Bylaw 8600 ADU Provisions recognizing each semi-detached dwelling unit as its own parcel of urban residential land (if can be subdivided without a minor variance); and
- Zoning Bylaw 8600 ADU Provisions allowing up to two (2) ADU's for each semi-detached dwelling unit on its own parcel of urban residential land.

Should Council adopt the Planning Department's recommendation to remove the applicability of Section 5.99.80.1.1.b) from the subject property, the result would limit each semi-detached dwelling to a maximum of three (3) dwelling units for an overall total maximum of six (6) dwelling units.

Should the current or future owner(s) wish to establish further ADUs a Consent granted by the Committee of Adjustment or a by-law passed by Council granting an Exemption from Part Lot Control must be approved, which would establish each semi-detached dwelling on a separate parcel.

No other zoning deficiencies have been identified or supported.

A draft amending by-law is attached as Appendix G. Subsection 24 (1) of the *Planning Act*, R.S.O. 1990, c. P.13., prohibits a by-law from being passed that does not conform with the Official Plan. As discussed through the Official Plan section herein, the proposed amendment conforms to the applicable policies of the Official Plan.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit helps to mitigate development impact.

Climate Change Adaptation:

The proposed construction of a new dwelling provides an opportunity to increase resiliency for the development and surrounding area.

Financial Matters:

N/A

Consultations:

Comments received from City Departments, external agencies and members of the public on this application were taken into consideration when preparing this report. A record of the comments is included as Appendix E herein.

There are no objections to the proposed amendment.

The applicant hosted an electronic public open house on August 22, 2023, via Zoom. Notice of the open house was issued to owners of properties within 120.0 metres of the subject property. The open house was attended by eight (8) people. Comments from were also received by phone and email as well.

Section 3.2 of the PRR summarizes the comments and questions, and includes corresponding responses. Comments received were taken into consideration when preparing this report.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120 metres of the subject parcel.

Conclusion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “shall be consistent with” *Provincial Policy Statement 2020*. The recommended zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

The recommended zoning by-law amendment is consistent with the PPS, conforms with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Greg Atkinson, MCIP, RPP
Manager of Development

Thom Hunt, MCIP, RPP
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader
JP JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Aaron Farough	Senior Legal Counsel, Legal Services & Real Estate
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

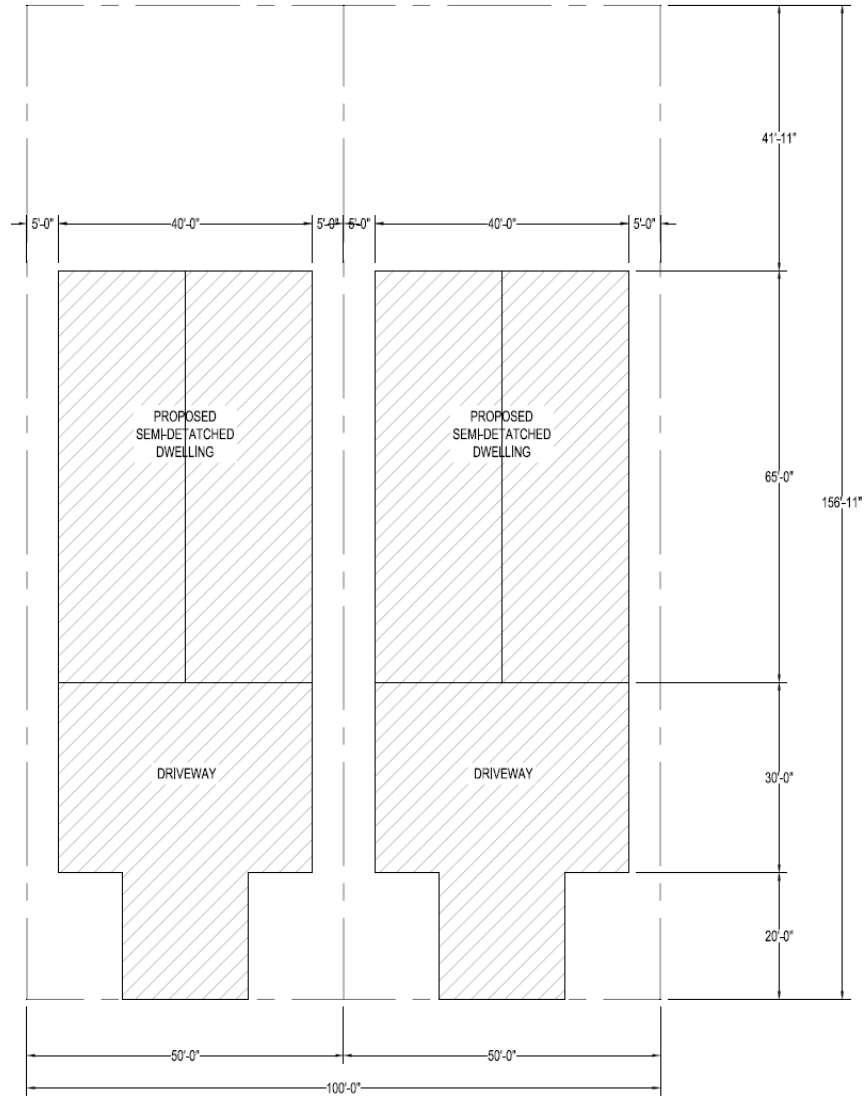
Name	Address	Email
Abutting property owners, tenants/occupants within 120-meter (400 feet) radius of the subject property		

Appendices:

- 1 Appendix A - Conceptual Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Excerpts from Official Plan Volume I
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Consultations
- 6 Appendix F - Draft Amending By-law (Site Specific Provision)

7 Appendix G - Planning Rationale Report

APPENDIX "A" Conceptual Plan



3842 WOODWARD AVE - PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

APPENDIX "B"
Site Photos



Figure 1 - Looking northeast towards 3842 Woodward Blvd (Google Street View - November 2023)



Figure 2 - Looking southeast towards 3842 Woodward Blvd (Google Street View - November 2023)

APPENDIX “C”
Excerpts from Official Plan Volume I

3. Development Strategy

3.2 Growth Concept

3.2.1 Safe, Caring and Diverse Community

*NEIGHBOURHOOD
HOUSING VARIETY*

3.2.1.2 Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

3.2 Urban Structure Plan

3.3.3 Neighbourhoods

*NEIGHBOURHOOD
HOUSING VARIETY*

Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.

The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.

6. Land Use

6.1 Goals

In keeping with the Strategic Directions, Council’s land use goals are to achieve:

<i>NEIGHBOURHOODS</i>	6.1.1	Safe, caring and diverse neighbourhoods.
<i>ENVIRONMENTALLY SUSTAINABLE</i>	6.1.2	Environmentally sustainable urban development.
<i>RESIDENTIAL</i>	6.1.3	Housing suited to the needs of Windsor’s residents.
<i>EMPLOYMENT</i>	6.1.4	The retention and expansion of Windsor’s employment base.
<i>COMMERCIAL</i>	6.1.5	Convenient and viable areas for the purchase and sale of goods and services.
<i>INSTITUTIONAL</i>	6.1.6	An integration of institutions within Windsor’s
<i>OPEN SPACE</i>	6.1.7	A variety of open space areas.
<i>WATERFRONT</i>	6.1.8	An accessible Detroit River, Lake St. Clair and a healthy
<i>NATURAL HERITAGE</i>	6.1.9	The protection and conservation of environmentally significant and sensitive natural heritage features and
<i>MIXED USE</i>	6.1.10	Pedestrian oriented clusters of residential, commercial, employment and institutional uses.
<i>CITY CENTRE PLANNING DISTRICT</i>	6.1.11	The City Centre as the vibrant focal point and symbol of Windsor.
<i>AIRPORT</i>	6.1.12	Protection and enhancement of Windsor Airport’s role in serving passenger and cargo needs. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)
<i>FUTURE GROWTH AREAS</i>	6.1.13	The provision of sufficient land in appropriate locations to accommodate future population and employment growth in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order
<i>RESIDENTIAL INTENSIFICATION</i>	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community and goods and services are readily available. (added by OPA #159-AP PROVED July 11, 2022, B/L# 100-2022)

6.3 Residential

6.3.1 Objectives

- RANGE OF FORMS & TENURES* 6.3.1.1 To support a complementary range of housing forms and tenures
- NEIGHBOURHOODS* 6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.
- INTENSIFICATION, INFILL & REDEVELOPMENT* 6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan. (Added by OPA#159 - APPROVED July 11, 2022, B/L#100-2022)
- MAINTENANCE & REHABILITATION* 6.3.1.4 To ensure that the existing housing stock is maintained and rehabilitated.
- SERVICE & AMENITIES* 6.3.1.5 To provide for complementary services and amenities which enhance the quality of residential areas.
- HOME BASED OCCUPATIONS* 6.3.1.6 To accommodate home based occupations.
- SUFFICIENT LAND SUPPLY* 6.3.1.7 To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

6.3.2 Policies

- 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. (Added by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022)
- LOCATIONAL CRITERIA* 6.3.2.4 Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up to four (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.

New residential development and intensification shall be located where:

- (a) There is access to a collector or arterial road;
- (b) Full municipal physical services can be
- (c) Adequate community services and open spaces are available or are planned; and
- (d) Public transportation service can be provided.
(Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN*

6.3.2.5 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern 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,
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
 - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;

- (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; (Added by OPA #159 – APPROVED July 11 2022, B/L# 100-2022)

- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical
- (f) Facilitation 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.

(Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)

7. Tools

7.2 Transportation Policies

7.2.10 Air Transportation Policies

*DEVELOPMENT
WITHIN THE
AIRPORT
OPERATING
AREA*

7.2.10.2 Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule ‘C’: Development Constraint Areas shall be subject to the following:

- (d) Land uses which may cause a potential aviation safety hazard are discouraged;

11. Tools

11.6 Zoning

11.6.1 Objectives

*COMPATIBLE
USES*

11.6.1.2 To ensure compatibility between land uses.

11.6.3 Zoning By-law Amendment Policies

*EVALUATION
CRITERIA*

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

APPENDIX “D”
Excerpts from Zoning By-law 8600

SECTION 5 - GENERAL PROVISIONS

(AMENDED by B/L 274-1998, Oct. 2, 1998; B/L 31-2013, March 28/2013; DELETED By B/L 117-2016, Dec. 28, 2016; ADDED by B/L 177-2016, Dec. 28, 2016; AMENDED by B/L 95-2019, Sept. 27/2019)

5.99 ADDITIONAL USE PROVISIONS

5.99.80 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any zoning district that permits a single unit dwelling, semidetached dwelling, duplex dwelling, or townhome dwelling, the following additional provisions shall apply:

- .1 Additional Permitted Uses

- a) Two additional dwelling units shall be permitted on a parcel of urban residential land. This may be either:
 - i. Two additional dwelling units within the primary dwelling unit located in the main building, or
 - ii. One additional dwelling unit in the primary dwelling unit located in the main building and one additional dwelling unit in a building accessory to said dwelling.

For clarity, this provision permits a maximum of three dwelling units in total on a parcel of urban residential land as shown in Tables 5.99.80.11 and 5.99.80.12.

TABLE 5.99.80.11			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	3	0	3
Semi-detached Dwelling Unit	3	0	3
Duplex Dwelling	3	0	3
Townhome Dwelling Unit	3	0	3

TABLE 5.99.80.12			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	2	1	3
Semi-detached Dwelling Unit	2	1	3
Duplex Dwelling	2	1	3
Townhome Dwelling Unit	2	1	3

- b) For the purposes of this provision each semi-detached dwelling unit or townhome dwelling unit is considered to be located on its own parcel of urban residential land if it conforms with the provisions of the applicable zoning district and can be subdivided.

(AMENDED BY B/L 149/2018, NOV. 21, 2018;
AMENDED BY B/L 95-2019, SEPT. 27/2019,
AMENDED BY B/L 78-2020, JUNE 26, 2020,
AMENDED BY B/L 98-2023, AUGUST 8, 2023)

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 220-2002, Feb 24/2003; B/L 10-2004 OMB Order PL040143, File No. R040023, Decision/Order No. 0055, Issued Jan 12/2005 B/L 114-2016 Sep 19/2016); B/L 164-2017, Dec. 7/2017 [ZNG/5270]; B/L 95-2019, Sept. 27/2019

10.1 RESIDENTIAL DISTRICT 1.1 (RD1.1)

10.1.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	15.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	450.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 12651 Approved by OMB Order R960323, Feb 25/1997
 B/L 169-2001 Jun 1/2001; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233
 B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 142-2006 Aug 24/2006; B/L 114-2016 Sep 19/2016)
 B/L 164-2017, Dec. 7/2017 [ZNG/5270]

11.1 RESIDENTIAL DISTRICT 2.1 (RD2.1)

11.1.1 PERMITTED USES

- One Duplex Dwelling*
- One Semi-Detached Dwelling*
- One Single Unit Dwelling*
- Any use accessory to the preceding uses

11.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	12.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	270.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m
.8 Gross Floor Area – main building – maximum	400 m ²	400 m ²	400 m ²

(AMENDED by B/L 101-2022, July 11, 2022)

APPENDIX “E” Consultations

CALDWELL FIRST NATION COMMUNITY

No comments provided

ENBRIDGE GAS

After reviewing the provided drawing at 3842 Woodward Blvd. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

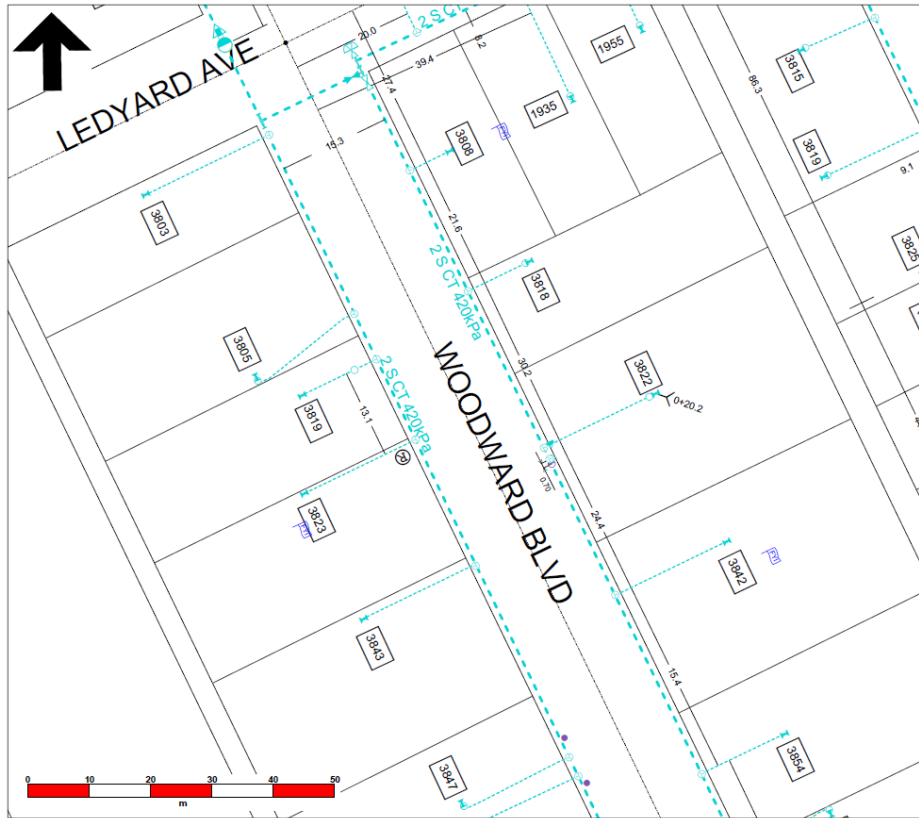
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1.0 m (3.3 ft.) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

[Gord Joynson, Drafter Estimator]



KEY PLAN - NTS

SOURCE DOCUMENT INFORMATION

Qualified Individual:	Pipeline Certificate No:
Welder / Fuser:	Ticket Number:
In-Service Date:	Q-Test Update By:
Design Pressure:	Date:
Time On:	Test Medium:
Time Off:	Pressure:

REVISIONS

Date	By	App'd	Remarks

ENBRIDGE
AS - Built

Title: **3842 Woodward Blvd**

Description: **3842 Woodward Blvd**

Project #:	Work Management Work Order:	% SMYS:
District: WINDSOR	Municipality: WINDSOR	Authorized:
Drawn By: GCJOVNS	Date Issued: 2023/11/27	Correction:
Scale: 1:500	Drawn # JOBNC40096	Drawing Number 1 OF 1

ENWIN UTILITIES - HYDRO

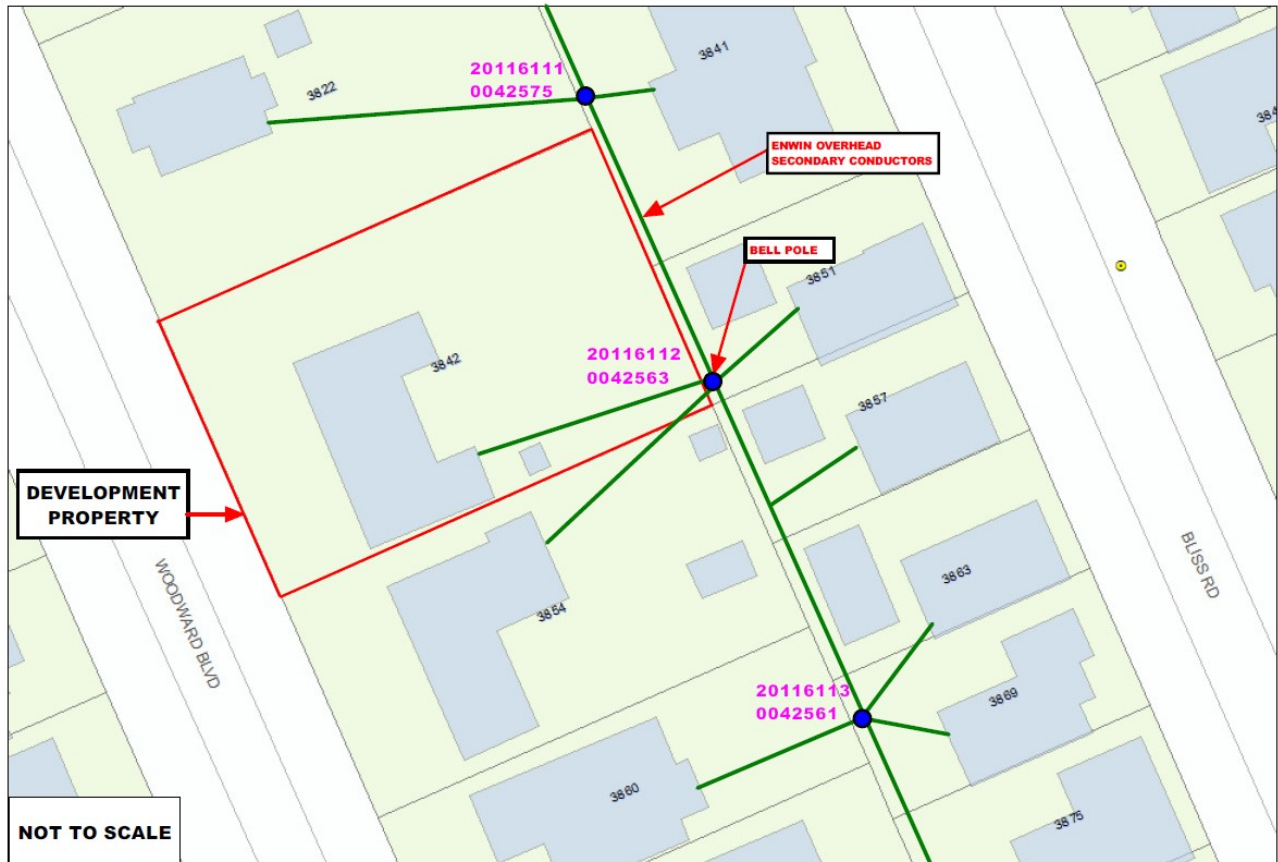
No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

1. ENWIN has 120/240V overhead secondary conductors going across the rear property (east of property).
2. The pole line behind the property is a Bell owned pole line.

Prior to working in these areas, we would suggest notifying your contractor and referring to the *Occupational Health and Safety Act* and Regulations for Construction Projects to confirm clearance requirements during construction.

[Keegan Morency-Kendall, Hydro Engineering Technologist]



ENWIN UTILITIES - WATER

Water Engineering has no objections. The existing water service may need to be upgraded to accommodate the proposed development.

[Bruce Ogg, Water Project Review Officer]

PARKS DEPARTMENT

January 17, 2024

Under the City’s Official Plan:

Section 5.3.6.7: Council may require proponents of development and infrastructure undertakings to submit an inventory of trees on site and prepare and implement a tree conservation and replacement plan.

Section 10.2.1.7: municipality may require the applicant to submit any of the following information at any time during an application under the *Planning Act*:

r) tree inventory and preservation study

Section 10.2.14 Tre Inventory & preservation study

Purpose of this study to investigate existing tree vegetation, within and adjacent to development...

In the City's Development Manual, 2015.

Section 1.17

... the cost of these studies shall be borne by the Developer.

December 4, 2023

There are no city trees listed on our inventory at this address.

I would recommend requesting the contractor to conduct a private tree inventory by a certified consulting arborist. In the report we would be looking for species, size and condition of the trees. From this we can offer recommendations regarding tree health care if required.

[Marc Edwards, Supervisor Parks]

Due to proximity to Devonwood Conservation Area.

- No removal of trees or shrubs with active nests during breeding bird season. (*Migratory Birds Act*)
- Exercise caution during construction to protect Windsor's natural features and biological diversity (*Windsor's Official Plan*)
- Protection of Species at Risk (SAR) that may appear on site during construction is required. (*Ontario ESA*)
 - City SAR Hotline is available and can be used to contact City Staff for assistance with incidental SAR observations

[Karen Alexander, Naturalist and Outreach Coordinator]

PLANNING DEPARTMENT - LANDSCAPE

Pursuant to the application for a zoning amendment (Z 030/23) to permit the construction of two (2) Semi-Detached Dwellings on the subject property, please note the following comments:

Tree Preservation:

The topographic survey provided shows 10 trees on the subject property all having a 3.0 ft. diameter at breast height. The proposed site plan, demonstrates that all but one tree located in the rear easement will be removed for development. It is therefore recommended that the applicant be required to replace the trees at an equal diameter loss ratio of caliper-per-caliper to the satisfaction of the City Forester to compensate for the loss to the urban tree canopy.

Urban Design:

The neighbourhood of Woodward Boulevard within this block is characterized by single storey ranch style homes or newer 1.5 to 2-storey raised ranch homes. The development proposes four 3-storey (9.0 m) units on two parcels of land. Contrary to 6.1 of the Planning Rationale prepared by Pillon Abbs Inc., this built form is not characteristic of the building style or mass of the existing neighbourhood.

The Planning Rationale also suggests that professional landscaping will be provided. Landscape requirements may only be imposed through site plan review. While screening thorough a mix of larger deciduous and evergreen trees around the perimeter of the subject property would ensure that the impact to the neighbours is minimized. "More Homes Built Faster" Act, Bill 23 does not allow for Site Plan Control for developments under 10 units nor for exterior landscape recommendations for residential development.

Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication for residential development.

[Stefan Fediuk, Landscape Architect]

PLANNING DEPARTMENT - SITE PLAN CONTROL

Site Plan is not applicable for this proposed development pursuant to the *Planning Act* and City of Windsor By-law 1-2004.

[Jacqueline Cabral, Clerk Steno]

PUBLIC WORKS DEPARTMENT

We have reviewed the subject Rezoning application and have the following comments:

Sewers

The site may be serviced by a 250 m asbestos cement sanitary sewer located +/- 1.5 m east of Woodward Boulevard centre line and an open ditch located +/- 1.8 m west of property Line. If possible existing connections should be utilized and shall follow best practices. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

Right-of-Way

Woodward Boulevard is classified as a local road according to the Official Plan requiring a right-of-way width of 20 m; the current right-of-way is 20 m therefore, no conveyance required along the frontage of this property.

Additional notes to the applicant

If the intent is to sever the property and individual connections to each unit are provided;

- Each unit will be permitted a driveway as per engineering best practices.
- At the time of permit application, a site plan including the right of way to the road will be required showing the layout and dimensions of the driveway and any leadwalks.
- Permits from Public Works are required for driveways and sewers.

In summary we have no objection to the proposed development.

If you have any further questions or concerns, please contact Lea Marshall, of this department at lmarshall@citywindsor.ca

[Juan Paramo, Development Engineer]

TRANSPORTATION PLANNING

- All parking must comply with ZBL 8600 otherwise a parking study would be required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings, driveway must comply with AS-203 and AS-204, straight flares only.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

[Siddharth Dhiman, Transportation Planner I]

WALPOLE ISLAND FIRST NATION

No comments provided

WINDSOR AIRPORT

The Airport has no objections or concerns with this development.

[Steve Tuffin, *Director of Airport Operations*]

**APPENDIX “F”
Draft Amending By-law**

B Y - L A W N U M B E R -2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2024.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. That subsection 1 of Section 20, of said by-law, is amended by adding the following clause:

495. EAST SIDE OF WOODWARD BOULEVARD BETWEEN LEDYARD AVENUE AND MOXLAY AVENUE

For the lands comprising of Part of Lot 19 & Closed Alley, Plan 1045, PIN No. 01349-0395 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.1.5 shall apply; and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 12; ZNG/7151]

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	12	Part of Lot 19 & Closed Alley, Plan 1045, PIN No. 01349-0395 LT (located on the east side of Woodward Boulevard between Ledyard Avenue and Moxlay Avenue)		S.20(1)495

DREW DILKENS, MAYOR

CLERK

First Reading - , 2024

Second Reading - , 2024

Third Reading - , 2024

SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of the lands located on the east side of Woodward Boulevard between Ledyard Avenue and Moxlay Avenue, legally described as Part of Lot 19 & Closed Alley, Plan 1045, PIN No. 01349-0395 LT, so as to permit the development of two (2) semi-detached dwellings on the subject lands.

The amending by-law maintains the RD1.1 zoning on the subject lands and adds a special zoning provision permitting a semi-detached dwelling as an additional permitted main use, and nullifying the Second Units / Additional Dwelling Units General Provision regulation that defines when a semi-detached dwelling unit is considered to be on its own parcel of urban residential land.

2. Key map showing the location of the lands to which By-law _____ applies.

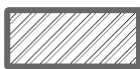


PART OF ZONING DISTRICT MAP 12

N.T.S.

SCHEDULE 2

Applicant: Homes By Artisan



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : NOVEMBER, 2023
FILE NO. : Z-030/23, ZNG/7151

PLANNING RATIONALE REPORT

ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

3842 Woodward Boulevard
Windsor, Ontario

August 27, 2023

Prepared by:



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1.0 INTRODUCTION

I have been retained by Homes By Artisan (herein the "Applicant"), to provide a land use Planning Rationale Report (PRR) in support of a proposed development located at 3842 Woodward Boulevard (herein the "Site") in the City of Windsor, Province of Ontario.

The Site is currently one parcel of land of land in Ward 9, in the Devonshire Planning District and is used for residential with an existing single detached dwelling.

It is proposed to construct two new semi-detached dwellings with associated parking.

Each semi-detached dwelling will be located in its own parcel of land.

The dwellings are proposed to be freehold.

The Site has access to full municipal services (storm, water and sewer).

An application for a Zoning By-law Amendment (ZBA) is required.

Once the ZBA has been approved, the Applicant will proceed with Consent (CON) approval in order to sever the lot.

A building permit will also be required prior to any construction or site alterations.

Once the common walls are located, the dwelling units will be severed.

Pre-consultation (Stage 1) was completed by the Applicant (City File #PS-19/23) in order to confirm the required applications and support studies. Comments dated July 20, 2023, were received and have been incorporated into this PRR.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

This PRR will show that the proposed development is suitable for residential use, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Description of Site and Ownership

The Site has been owned by Adewale Dawud Aderinto since 2021 and is made up of one (1) rectangularly shaped parcel of land located on the east side of Woodward Boulevard north of Moxlay Avenue and south of Riverside Drive West (see the area in blue on Figure 1a – Site Location).



Figure 1a – Site Location (Source: City of Windsor GIS)

The Site is locally known as 3842 Woodward Boulevard and is legally described as PT LT 19 PL 1045 SANDWICH EAST AS IN R1119645; PT ALLEY PL 1045 SANDWICH EAST CLOSED BY R1140409 AS IN R1162410; S/T R1162410E; WINDSOR (ARN 070-260-22900-0000).

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The entire Site consists of a total area of 1,457.8 m², with a lot width of 30.48 m along Woodward Boulevard and a lot depth of 47.83 m.

2.2.2 Existing Structures and Previous Use

The Site is currently used for residential with an existing single detached dwelling (see Figure 1b – Site Street View).



Figure 1b – Site Street View (Source: Pillon Abbs Inc.)

The previous use of the Site, prior to residential, is unknown.

2.2.3 Vegetation

The Site has an open grassed area and landscaping.

There are some mature trees located on the Site.

2.2.4 Topography, Drainage and Soil

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

The Site is part of the Turkey Creek Drainage area. There is an open drain along the east side of Woodward Blvd. and portion of the west side of Woodward Blvd.

The City of Windsor is currently working on drainage improvements for the area.

The Site is impacted by Source Water Protection and is part of a Significant Groundwater Recharge Area (SGRA).

The soil is made up of Burford Loan – Shallow Phase (Bg-s).

2.2.5 Other Physical Features

There are 2 existing driveway accesses and fencing along a portion of the Site.

2.2.6 Municipal Services

The property has access to municipal water, storm and sanitary services.

Woodward Blvd is a north / south local residential road. There is no on-site parking.

There are no streetlights or sidewalks along Woodward Blvd.

The closest fire hydrants are located at the corner of Ledyard Ave and Woodward Blvd and Molay Ave and Woodward Blvd.

The Site has access to transit with the closest bus stops located along Division Road at Woodward Blvd, Stop ID: 1980 (Bus #7) and Walker Road at Ledyard Ave, Stop ID: 1962 (Bus #8).

The Site is in close proximity to major transportation corridors, including Division Road, Cabana Road East, Walker Road, Hwy 401 and E.C. Row Expressway.

2.2.7 Nearby Amenities

There are several schools nearby, including the Talbot Trail Public School, First Lutheran Christian Academy, Roseland Public School, JA McWilliam Public School and St. Christopher Catholic Elementary School.

There are many parks and recreation opportunities in close proximity to the Site, including Devonwood Conservation Area, Captain J Wilson Park, Talbot Wilson Park, and Kenilworth Park.

The nearest library is Fontainebleau Public Library.

There is nearby shopping in the form of plazas and malls, as well as employment, places of worship and local amenities.

2.3 Surrounding Land Uses

Overall, the Site is located in an existing built up area in Ward 9 and within the Devonshire Planning District.

The surrounding area is primarily residential, consisting of single detached homes.

A site visit was undertaken on August 19, 2023. Photos were taken by Pillon Abbs Inc. Google Street View was also used.

North – The lands directly north of the Site are used for residential with access from Woodward Blvd. (see Photo 1 - North).



Photos 1 – North

South – The lands directly south of the Site are used for residential with access from Woodward Blvd. (see Photos 2 - South).



Photos 2 – South

East – The lands directly west of the Site are used for residential with access from Bliss Road (see Photo 3 - East).



Photos 3 – East

West – The lands directly west of the Site are used for residential with access from Woodward Blvd. Beyond these residential uses, is Devonwood Conservation Area (see Photo 4 - West).



Photo 4 – West

3.0 PROPOSAL AND CONSULTATION

3.1 Development Proposal

It is proposed to develop the Site for residential.

The existing single detached dwelling will be demolished.

The Site will be severed into 2 parcels of land. It is proposed to construct two new semi-detached dwellings.

A Concept Plan has been prepared to illustrate how the proposed dwellings can be located on the Site (see Figure 2 – Concept Plan).

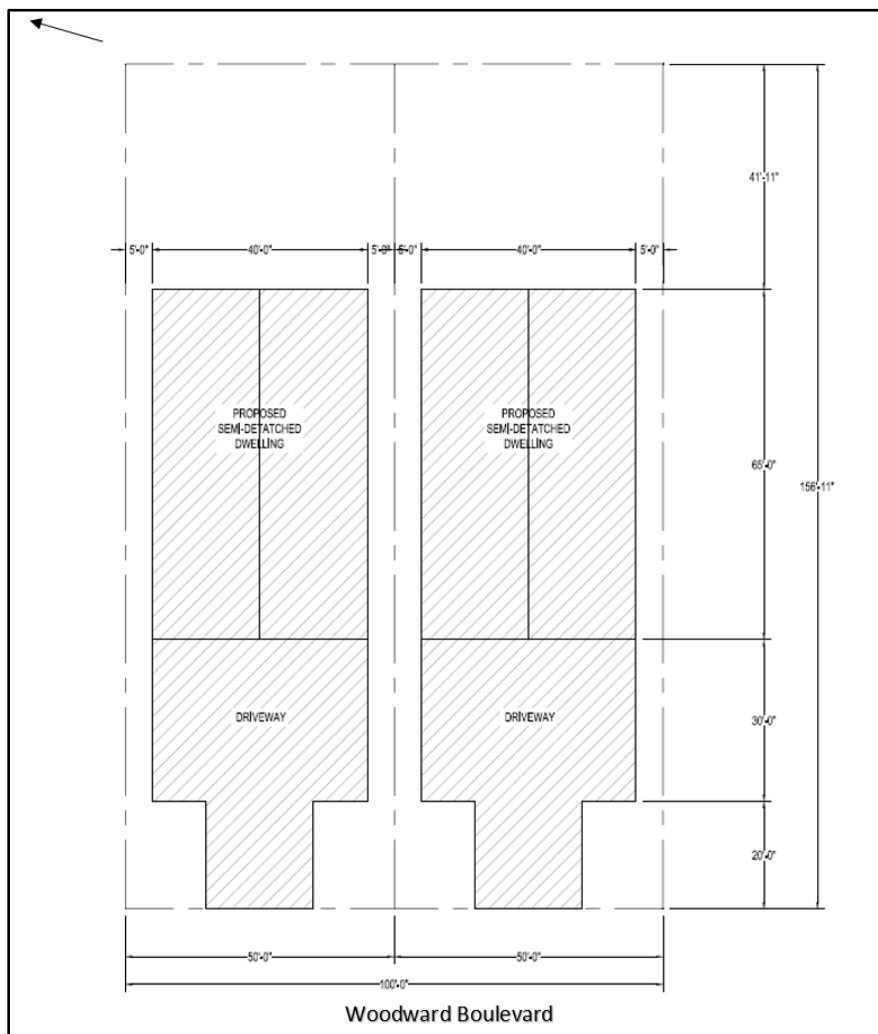


Figure 2 – Concept Plan

The concept plan is a preliminary proposal.

Each semi-detached dwelling unit will be located on its own parcel of land.

Each proposed lot will have an area of 744.17 m², with 15.24 m frontage along Woodward Blvd. and a depth of 47.83 m.

Once the common wall is built, the semi-detached dwellings will be severed.

A total of 4 residential dwelling units will be created. The dwellings are proposed to be freehold and sold separately.

Each semi-detached dwelling will have associated parking located on the Site. One parking space is required per unit.

New private driveways are proposed. No garages are proposed.

The proposed semi-detached dwellings will be no taller than 9.0 m in height (3 storeys).

The total building area of each semi-detached dwelling is proposed to be 241.56 m² in size.

The floor plans of the units are not yet finalized.

Based on the size of the Site (0.145 ha), and a total of 4 residential dwelling units proposed, the gross density will be 27.586 units per hectare (uph).

The buildings will face Woodward Blvd.

Amenity space is proposed. Professional landscaping will be provided. Garbage and recycling pick up will be curb-side.

Parking will be located in the front of the buildings. Electric Vehicle (EV) charging stations will be installed.

3.2 Public Consultation Strategy

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, in addition to the statutory public meeting, an informal electronic public open house was held with area residents (120 m radius) and property owners on Tuesday, August 22, 2023, from 6:00 pm to 7:00 pm.

The open house provided members of the public with opportunities to review and comment on the proposed development.

In addition to City of Windsor Staff and the Applicants Team, a total of 8 people registered and attended.

Emails and phone calls were also received.

The following is a summary of the comments and responses from the public open houses:

Topic Item	Comments and Questions	Response
Dwelling Type	<p>Do not want semi-detached dwellings to be built on this property.</p> <p>We do not want them across the street from us.</p>	<p>The proposed development offers a new housing choice in an existing neighbourhood.</p> <p>The proposed semi-detached dwellings will be no taller than 9.0 m in height (3 storeys), similar to the existing low profile buildings in the area.</p>
Drainage	<p>There are already drainage issues with the Dawson Drain and drains on the surrounding streets. The storm water is not flowing away from everyone's properties in this area properly and now more square footage of land will be covered by 4 structures taking away even more ability of natural drainage.</p>	<p>Drainage will be addressed at the time of a building permit.</p>
Lot Size	<p>Lot is too small.</p> <p>None of the lot sizes in the area are this small.</p> <p>We built our house last year and the City of Windsor said that you are only allowed to build a single house dwelling on a 50 foot lot.</p>	<p>The proposed development is subject to a land use change in order to permit the proposed semi-detached dwellings.</p> <p>No zoning relief is required for the lot area or lot frontage.</p> <p>Smaller lots make the proposed developments more affordable.</p>
Streetlights and Sidewalk	<p>There are no street lights or sidewalks along Woodward Ave.</p>	<p>Noted.</p>
Density	<p>The density is too high.</p>	<p>The total density of the proposed development is considered appropriate.</p>
Garbage	<p>People will store garbage outside.</p>	<p>Curb side garbage pick is proposed.</p>
Notice circulation	<p>Confirm who was notified</p>	<p>120 m radius, letters were mailed out.</p>

Topic Item	Comments and Questions	Response
		Labels provided by the City of Windsor Planning Dept.
Affordability	These units will not be affordable.	Affordability will be provided by buildings smaller units. This will allow for aging in place and new home buyer opportunities.
Lot Coverage	What is the proposed lot coverage?	Lot = 744.17 m2 Building = 241.56 m2 32.46 % (each lot) The maximum lot coverage is 45%.
Parking	The required parking for each unit is not enough. You should accommodate for 4-5 cars per dwelling unit. There is no on street parking available.	Semi-detached dwellings: 1 parking space required for each dwelling unit 4 x 1 = 4 parking spaces total required, and 4 spaces are provided
Bedrooms	How many bedrooms will be in each dwelling unit?	The floor plans of the units are not yet finalized.

4.0 APPLICATIONS AND STUDIES

Pre-consultation (Stage 1) was completed by the Applicant (City File #PS-19/23) in order to confirm the required applications and support studies. Comments dated July 20, 2023, were received and have been incorporated into this PRR.

The proposed development requires an application for Zoning By-law Amendment (ZBA).

The following explains the application and other required approvals as well as the required support studies.

4.1 Zoning By-Law Amendment

A site specific Zoning By-law Amendment (ZBA) is required to permit the proposed development.

The current zoning for the Site is Residential District 1.1 (RD1.1) category, as shown on Map 12 of the City of Windsor Zoning By-Law (ZBL).

It is proposed to change the zoning category to a Residential District 2.1 (RD2.1) in order to permit semi-detached dwelling units.

The proposed development will comply with all zone provisions set out in the RD2.1 Zone and no site specific relief will be required.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

4.2 Other Application

Once the ZBA has been approved, the Applicant will proceed with Consent (CON) approval in order to sever the dwellings.

A building permit will also be required prior to any construction or site alterations.

Once the common walls are built, a further application to sever will be required in order to make each dwelling unit freehold.

4.3 Supporting Studies

No supporting studies have been required as part of the application submission.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	Windsor has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns. Residential use on the Site represents an efficient use of land.
1.1.1	Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix	The proposed development is consistent with the policy to build strong healthy, and livable communities as it provides for a development where people can live, work and play. The proposed development offers a new housing choice. There are no anticipated environmental or public

PPS Policy #	Policy	Response
	<p>of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling within an existing neighbourhood.</p> <p>The proposed development will not change lotting or street patterns in the area.</p> <p>The Site has access to full municipal services and is close to existing local parks, libraries, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p> <p>Public service facilities are available in the area.</p> <p>The proposed development is proposed to be an efficient use of the Site.</p>
1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made</p>	<p>The proposed development will help the City meet the full range of current and future residential needs through intensification.</p>

PPS Policy #	Policy	Response
	available through intensification and redevelopment and, if necessary, designated growth areas.	The Site will provide for residential infilling within an existing settlement area.
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and 	<p>The Site will provide for a new housing choice in an existing built-up area.</p> <p>The total density of the proposed development is considered appropriate.</p> <p>The Site provides for an infilling opportunity within the existing neighbourhood.</p> <p>The Site offers an opportunity for intensification by creating a new housing choice.</p> <p>The design and style of the building will blend well with the scale and massing of the existing surrounding neighbourhood.</p> <p>Residents will have immediate access to local amenities, shopping, employment, recreational areas, and institutional uses.</p> <p>Transit is available for the area.</p>

PPS Policy #	Policy	Response
	g) are freight-supportive.	The Site is located close to major transportation corridors.
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	<p>The proposed development is located on a Site that is physically suitable.</p> <p>The Site is generally level which is conducive to easy pedestrian access and vehicular movements.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of the Site.</p> <p>Parking will be provided on-site.</p>
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>The proposed residential building will be built with a high standard of construction allowing a seamless integration with the existing neighbourhood.</p> <p>There will be no risks to the public as identified in the support studies.</p> <p>The Site is outside of the ERCA regulated area.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up	<p>The City has established targets for intensification and redevelopment.</p> <p>The proposed development will assist in meeting targets</p>

PPS Policy #	Policy	Response
	areas, based on local conditions.	as the Site is located in an existing built-up area.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development does have a compact built form.</p> <p>The proposed building size will allow for the efficient use of land and infrastructure.</p> <p>The proposed development can comply to the RD2.1 zone requirements and no relief is required.</p>
1.4.1 - Housing	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential</p>	<p>The proposed development will provide for an infill opportunity in the existing built-up area.</p> <p>The Site offers an opportunity for intensification.</p> <p>Municipal services are available.</p>

PPS Policy #	Policy	Response
	intensification and redevelopment, and land in draft approved and registered plans.	
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.	<p>The proposed density is compatible with the surrounding area and will blend well between existing buildings.</p> <p>The Site is close to local amenities.</p> <p>There is suitable infrastructure.</p> <p>The Site has access to transit.</p>
1.6.1 - Infrastructure	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	<p>The proposed development can proceed on full municipal services.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>
1.6.6.2 - Sewage, Water and Stormwater	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.

PPS Policy #	Policy	Response
	promoted wherever feasible to optimize the use of the services.	
1.6.6.7 - Stormwater	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development. 	<p>There are no anticipated impacts on the municipal system, and the proposed development will not add to the capacity in a significant way.</p> <p>There will be no risk to health and safety.</p> <p>The City is currently working on drainage improvements for the area.</p>
1.6.7.1 - Transportation	Transportation systems should be provided which are safe, energy efficient, facilitate	The Site is in close proximity to major transportation

PPS Policy #	Policy	Response
	the movement of people and goods, and are appropriate to address projected needs.	corridors and has access to nearby transit.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development is supported by the City's requirements for development within an existing built-up area.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	<p>The proposed development contributes to the City's requirement for infilling and intensification within an existing settlement area.</p> <p>The proposed density, scale, and building height will blend with the existing land use pattern.</p> <p>The height of the proposed development is keeping in context with the surrounding area.</p>
2.1.1 - Natural Heritage	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
3.0 - Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	<p>There are no natural or human-made hazards.</p> <p>The Site is outside the regulated area of ERCA.</p>

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 Official Plan

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated "Residential" according to Schedule "D" Land Use attached to the OP for the City of Windsor (see Figure 3 –OP).

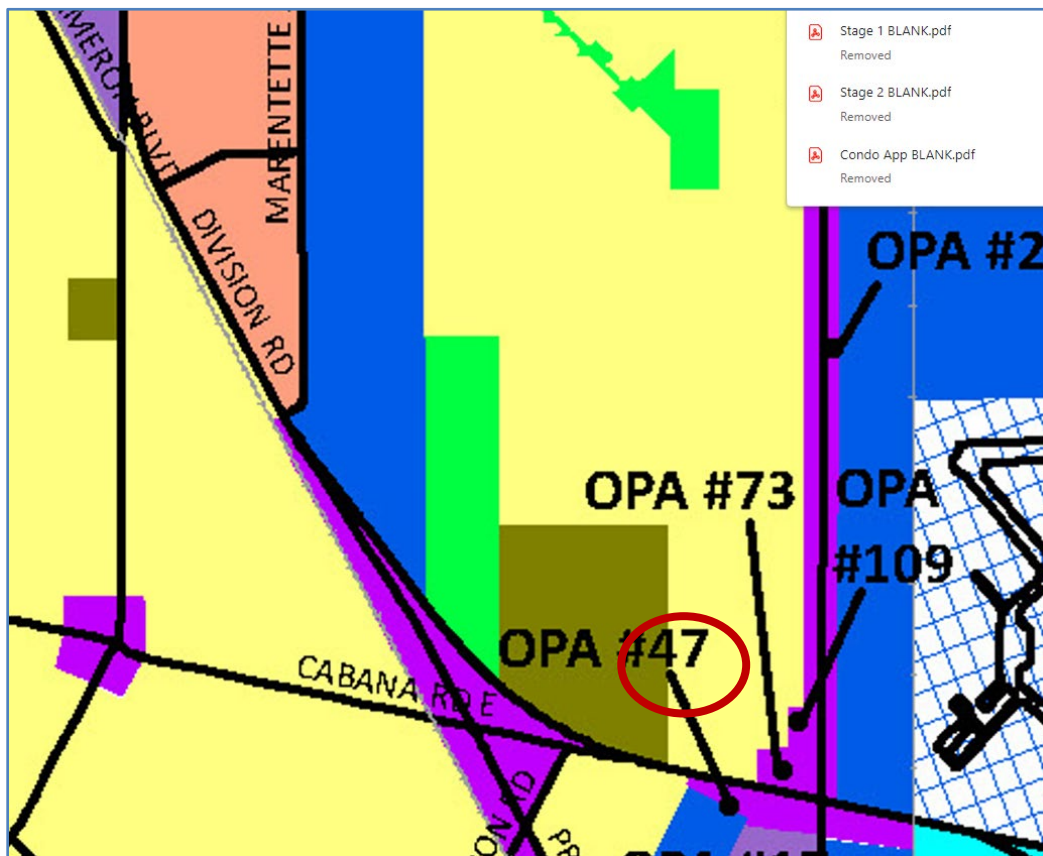


Figure 3 –OP

The proposed residential use is permitted in the existing land use designation.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.1	The planning of Windsor's future is guided by the following vision taken from Dream Dare Do – The City of Windsor Community Strategic Plan.	The proposed development will support the City's vision by providing residential in an existing built-up area where citizens can live, work and play.
3.2.1.2 – Growth Concept, Neighbourhood Housing Variety	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed development supports one of the City's overall development strategies of providing for a range of housing types. The Site will provide for new housing in an existing built-up area.
3.2.1.3 – Growth Concept, Distinctive Neighbourhood Character	Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced.	The Site will provide for a new housing choice in an existing built-up area. The proposed semi-detached dwellings will provide for an opportunity for residents to downsize or to start new in an existing neighbourhood.
4.0 - Healthy Community	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	The proposed development will support the City's goal of promoting a healthy community. The proposed development is close to nearby transit, employment, institutional uses, shopping, local/regional amenities and parks.
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a	The proposed development supports the policy set out in

OP Policy #	Policy	Response
	sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	the OP as it is suited for the residential needs of the City.
6.1 - Goals	In keeping with the Strategic Directions, Council's land use goals are to achieve: 6.1.1 Safe, caring and diverse neighbourhoods. 6.1.3 Housing suited to the needs of Windsor's residents. 6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.	The proposed development supports the goals set out in the OP as it provides for the intensification of residential offering a new housing choice. The Site provides for an infilling opportunity, allowing the proposed development to blend well between existing buildings.
6.1.14 – Residential Intensification	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.	The Site has access to transportation, full municipal services and local amenities.
6.2.1.2 – General Policies, Type of Development Profile	For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan: (a) Low Profile developments are buildings or structures generally no	The proposed development is considered a low profile development as it is proposed to have a maximum of 3 storeys constructed on the Site. The building is considered small in scale. The proposed development is in keeping with the neighbouring heights.

OP Policy #	Policy	Response
	<p>greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	<p>Many of the residential dwellings along Woodward Blvd. have similar setbacks and heights.</p>
6.3.1.1 – Range of Forms & Tenures	To support a complementary range of housing forms and tenures in all neighbourhoods.	<p>The proposed development will offer a new housing choice which will complement the existing neighbourhood.</p> <p>Tenure will be freehold.</p>
6.3.1.2 - Neighbourhoods	To promote compact neighbourhoods which encourage a balanced transportation system.	<p>The proposed development takes advantage of the entire Site.</p> <p>The Site will have paved sidewalk connections from the driveway to the main entrance.</p> <p>The Site has access to transit and is in close proximity to major transportation corridors.</p>
6.3.1.3 – Intensification, Infill & Redevelopment	To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.	<p>The proposed development is considered infill and intensification.</p> <p>The parcel of land is appropriate for development.</p>
6.3.2.1 – Permitted Uses	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	The proposed development is a permitted use in the OP as it is considered a low profile residential use.

OP Policy #	Policy	Response
	Centres and Mixed Use Corridors.	
6.3.2.4 – Location Criteria	<p>New residential development and intensification 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.</p>	<p>The Site is located near major transportation corridors.</p> <p>Full services are available.</p> <p>Local amenities are close by.</p> <p>The proposed development is located close to transit.</p>
6.3.2.5 – Evaluation for a Neighbourhood	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:</p> <p>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</p> <p>(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;</p> <p>(iii) within a site of potential or known contamination;</p> <p>(iv) where traffic generation and distribution is a provincial or municipal concern; and</p> <p>(v) adjacent to heritage resources.</p>	<p>This PRR has undertaken the required evaluation of provincial legislation.</p> <p>There are no constraint areas that impact this Site.</p> <p>The Site will provide for a new housing choice in an existing built-up area.</p> <p>No anticipated traffic concerns.</p> <p>The proposed development will be strategically located to provide efficient ease of the proposed new driveways.</p> <p>The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.</p> <p>Full municipal services can be provided.</p> <p>The setbacks and the design features incorporated into the proposed development provide for a blend between</p>

OP Policy #	Policy	Response
	<p>(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;</p> <p>(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.</p>	<p>the existing buildings abutting the Site.</p> <p>The Site is not within a Mature Neighborhood, as shown on Schedule A-1.</p>
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major transportation corridor and has access to full municipal services.</p> <p>The City is currently working on drainage improvements for the area.</p>
8.7.2.3 – Built Form, Infill Development	<p>Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:</p> <p>(a) massing;</p> <p>(b) building height;</p> <p>(c) architectural proportion;</p> <p>(d) volumes of defined space;</p> <p>(e) lot size;</p> <p>(f) position relative to the road;</p> <p>(g) building area to site area ratios;</p> <p>(h) the pattern, scale and character of existing development; and</p> <p>(i) exterior building appearance,</p>	<p>The Site provides for an infilling opportunity, allowing a blend between buildings.</p> <p>Massing – The proposed development will be limited to a maximum of 9 m in height.</p> <p>Building height – The height of the proposed development is in keeping with the context of the surrounding area and with the adjacent properties.</p> <p>The height is what is proposed if the development were a single detached dwelling.</p> <p>Architectural proportion – The proposed development will embrace the local</p>

OP Policy #	Policy	Response
	(j) Council adopted Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above	<p>architectural design of the surrounding area.</p> <p>Volume of defined space – The proposed semi-detached dwellings will maintain an active street frontage.</p> <p>Lot size – This design approach strengthens the continuity and cohesive identity of the block.</p> <p>Building area – The design considerations of the proposed development will balance between fitting into the existing context and adding a unique architectural contribution to the block.</p> <p>Pattern, scale and character – The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.</p> <p>Exterior building appearance – The proposed semi-detached dwellings will take inspiration from the surrounding neighbourhood for the design aesthetic.</p>
9.3.1.1 – Cultural Heritage Resources Definition	For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as being important to the community.	The Site does not contain cultural heritage resources.

Therefore, the proposed development will conform to the City of Windsor OP.

5.1.3 Zoning By-law

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision was issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 12 attached to the ZBL the Site is currently zoned Residential District 1.1 (RD1.1) category (see Figure 4 – ZBL).

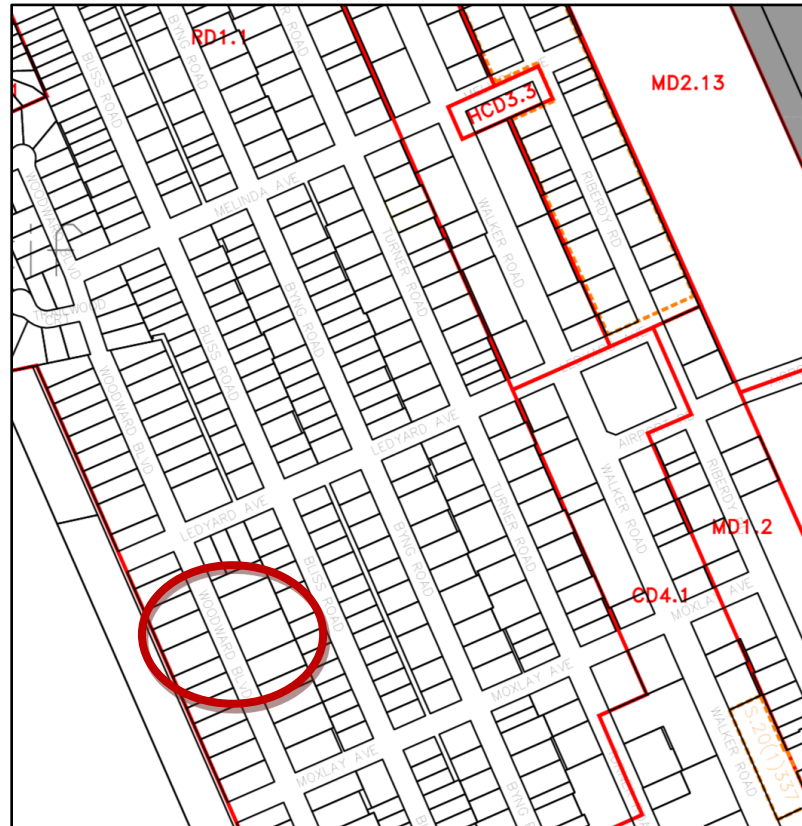


Figure 4 –ZBL

It is proposed to change the zoning category to Residential District 2.1 (RD2.1) in order to permit semi-detached dwelling units.

According to Section 3 of the ZBL, a semi-detached dwelling is defined as:

SEMI-DETACHED DWELLING means one dwelling divided vertically into two dwelling units by a common interior wall having a minimum area above grade of 10.0 sq. m. and may include, where permitted by Section 5.99.80, up to two additional dwelling units.

A review of the RD2.1 zone provisions, as set out in Section 11.1.5 of the ZBL is as follows:

Zone Regulations	Required RD 2.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	One Duplex Dwelling One Semi-Detached Dwelling One Single Unit Dwelling Any use accessory to the preceding uses	Semi-detached dwelling (1 on each lot)	A zoning amendment is required to permit the proposed development.
Min Lot Width	15.0 m	15.24 m (each lot)	Complies
Min Lot Area	450.0 m ²	744.107 m ² (each lot)	Complies
Max Lot Coverage	45.0 %	Lot = 744.17 m ² Building = 241.56 m ² 32.46 % (each lot)	Complies
Max Building Height	9.0 m	9.0 m (3 storeys max)	Complies
Min Front Yard Depth	6.0 m	6.096 m	Complies
Min Rear Yard Depth	7.50 m	12.776 m	Complies
Min Side Yard	1.20 m	1.524 m	Complies
Parking Spaces Required (Table 24.20.20.5.1)	Semi-detached dwellings: 1 parking space required for each dwelling unit 4 x 1 =4 parking space total	4 total (2 on each proposed lot)	Complies

Therefore, the proposed development will comply with all zone provisions set out in the RD2.1 Zone, and no site specific relief will be required.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate transition and blending from abutting land uses,
- The Site is generally level, which is conducive to easy pedestrian access and vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no development constraints that impact the Site, and
- The location of the proposed development is appropriate.

6.1.2 Compatibility of Design

The proposed development has been designed to be compatible with the existing built-up area.

The proposed development is a low profile form of development which incorporates sufficient setbacks.

The building has been designed to address compatibility within an existing neighbourhood.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.

There are no heritage constraints that impact the Site.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements.

Residential use on the Site represents an efficient development pattern that optimizes the use of land.

The proposed development will not change lotting or street patterns in the area.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environmental impacts.

6.1.5 Municipal Services Impacts

Full municipal services are available, which is the preferred form for development.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Infilling in an existing built-up area of the City contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposal does not cause any public health and safety concerns.

The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

Based on the Site area, the proposed development will result in a total net density, which is appropriate for the area.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

6.2 Conclusion

In summary, it would be appropriate for Council for the City of Windsor to approve the ZBA to permit the proposed residential development on the Site as it is appropriate for infilling and will offer a new housing choice in an existing neighbourhood.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

10.2.13.2 Where a Planning Rationale Report is required, such a study should:

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*
- (c) Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act;*

- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP
Principal Planner**



Subject: Windsor Sign By-law Billboard Review and Amendments.

Reference:

Date to Council: April 2, 2024

Author: Stefan Fediuk

Landscape Architect / (A) Sr. Urban Designer

519-255-6543 ext.6025

Planning & Building Services

Report Date: September 11, 2023

Clerk's File #: SB2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT this report detailing the Windsor Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property, in response to council decision CR103/2023 DHSC 477, **BE RECEIVED**; and,
- II. THAT By-Law 250-2004, being a by-law respecting signs and other advertising devices in the City of Windsor (the "**Sign By-law**"), **BE AMENDED** as summarized in the chart attached as Appendix 'A'; and,
- III. THAT the City Solicitor **BE DIRECTED** to prepare the by-law to amend the Sign By-law.

Executive Summary:

N/A

Background:

At the March 6th, 2017 Council Meeting, Administration was directed to provide a report to update the Sign By-law, incorporating electronic changing copy LED signs. A billboard sign application at 3100 Walker Road was used as a pilot project for this emerging technology (CR158/2017).

Following a comprehensive review of the Sign By-law, related to electronic changing copy LED Signs and Billboard Signs, By-law 84-2019 was approved by Council on June 17th, 2019 amending the Sign By-law to include this form of advertising technology.

At the February 6, 2023 Development & Heritage Standing Committee, a temporary (1 year) moratorium on the issuance of Billboard Signs throughout the City of Windsor was granted to allow the Planning Division to undertake a comprehensive review to further update the Sign Bylaw, in relation to Paper Copy and Electronic Change Copy Billboards, as a response to the overwhelming number of new Electronic Billboards applications. (CR103/2023 DHSC 477).

Council was provided an update with respect to consultations between Administration, numerous Ontario municipalities and billboard advertising sector stakeholders (CM 7/2023).

Discussion:

Following a surge in applications for Electronic Change Copy Billboard Ground Signs, Council approved a moratorium on permits for new or retrofitted billboards (CR103/2023 DHSC 477). This action was taken to enable administration to study and bring forward recommendations to the Sign Bylaw with respect to Billboards. Administration undertook a comprehensive review, engaging in research and consultation with numerous municipalities and industry stakeholders to identify potential enhancements to the Sign By-law, a summary of which is attached hereto as Appendix 'B'.

The consultation revealed four primary areas of concern:

1. Over saturation and clutter of signs.
2. The placement of billboards and their setbacks from sensitive land uses.
3. Issues related to traffic and aviation safety.
4. The need for greater clarity within the bylaw and its permitting process.

Oversaturation and Sign Clutter

The first area of concern highlights a recognized need to mitigate advertising clutter by regulating the number of billboards and on-site signs within Windsor. Proposed amendments include introducing a 5-year renewal process, limiting the number of ground signs on any given property, and extending the spacing between billboards.

Locations and Setbacks from Sensitive Land Uses

The second area of concern addresses billboard placement near residential areas, particularly in light of new Residential Intensification Guidelines. Proposed changes aim to reassess permitted locations, redefine residential setbacks, and adjust restrictions for special districts.

Traffic and Aviation Safety Issues

The third area of concern recommends aligning setback regulations with Transportation Association of Canada (TAC) guidelines, expanding controlled access highway regulations, and requiring pre-consultation for billboards near airport areas.

By-law and Permitting Clarifications

The fourth area of concern focuses on enhancing clarity and efficiency in the permitting process set forth in the Sign By-law. This includes refining measurements for sign setbacks, clarifying sign types and definitions, adjusting sign face area maximums, and revising ad change intervals for electronic billboards. Additionally, the report discusses

streamlining the permit process and suggests a review of the fee structure to align with other Ontario municipalities.

This comprehensive review culminated proposed amendments attached as Appendix 'A' aimed at reducing sign clutter, ensuring safety, and streamlining the permitting process for billboards in Windsor. Council's approval of these recommendations herein will facilitate a more efficient and effective application process for billboard signage.

Risk Analysis:

Health and Safety: Inappropriately placed Electronic Change Copy Billboards could significantly endanger drivers, pedestrians, and cyclists. The primary goal of these proposed changes to the Sign By-law, especially regarding Electronic Change Copy Billboards, is to minimize the risk of injury to Windsor's residents. Although Windsor's Vision Zero Action Plan, dated April 4, 2023, does not explicitly mention this, the suggested amendments are in line with the plan's 23rd recommendation to decrease road crash fatalities and serious injuries, mainly by addressing distracted driving in high-risk areas.

The introduction of more Electronic Change Copy Billboards might present a minor risk by increasing light pollution and affecting residential areas. The modifications aim to mitigate health risks and enhance overall well-being and comfort for the community.

Operational: The costs associated with enforcing compliance with the updated regulations and ensuring that structures for permit renewals meet the Building Code are expected to rise. The Council has the discretion not to proceed with the proposed Sign By-law amendments. The report highlights deficiencies in the current Sign By-law regarding billboards, indicating that without changes, billboard saturation in the city could increase, and application processing could continue to face delays. There's a minor risk that the billboard industry may not address the existing oversupply, necessitating further variance and amendment applications. The proposed amendments aim to streamline the application process and ensure billboards are placed in suitable locations.

Financial: There are no financial risks related to this proposed amendment to the Sign By-law.

Climate Change Risks

Climate Change Mitigation:

The Billboard Industry primarily advocates for Electronic Change Copy Billboards, acknowledging their role in generating light pollution, a recognized contributor to climate change. However, these digital displays offer the environmental benefit of reducing paper waste accumulation in landfills. The inclusion of automatic brightness controls, which adjust the sign's illumination in response to the ambient light conditions, mitigates excessive light emissions. The existing Sign By-law, specifically within Section 3.3, governs the luminosity of these illuminated signs, ensuring compliance with regulated brightness levels.

Proposing a reduction in operational hours for billboards is as a strategic measure to diminish light pollution. Such a reduction will lower the potential risks associated with climate change and minimize health concerns stemming from nocturnal light pollution.

Climate Change Adaptation:

N/A

Financial Matters:

In its review of other municipalities sign bylaws, Administration reviewed the fees for permits, variances and amendments related to Billboard signs to ensure that the amount of time that applications need to be processed is reflected in the fees.

Though there are no financial implications related to the Sign Bylaw amendments to the Sign By-law recommended herein, Administration is reviewing the current Fees Schedule for all Development Applications and will be providing an update to Council in the future.

Consultations:

A summary of all consultations are attached hereto as Appendix 'B'.

In addition to external consultations, the following City staff have been consulted:

Shawna Boakes – Executive Director Operations/ Deputy City Engineer
David Dean – Plan Examiner III, Building Department
Walid Hawilo - Plan Examiner II, Building Department.

Conclusion:

The process to amend the Sign By-law included a comprehensive review of the existing regulations with the number of variances requested since the inclusion of Electronic Change Copy Billboards. Primary and secondary consultations with other municipalities of similar size and character to the City of Windsor as well as consultation with industry stakeholders provided a clear direction to proceed with the proposed amendments.

The proposed amendments to the Sign By-law outlined in Appendix 'A' will:

- Address Official Plan Policies through the reduction of sign clutter and oversaturation, as well as setbacks from sensitive areas,
- Ensure health and safety for vehicles and pedestrians through appropriate setbacks from the roads and crosswalks, and
- Improve the permit approval process to help expedite applications with less red tape, and clarity within the bylaw to reduce interpretation.

Council approval of these recommendations will help to ensure that the process for applications for Billboards signs to be more streamlined and efficient.

Planning Act Matters:

N/A

Approvals:

Name	Title
Stefan Fediuk	Landscape Architect / (A) Sr.Urban Designer
John Revell	CBO, Chief Building Official
Jason Campigotto	Manager of Growth/Deputy City Planner
Thom Hunt	City Planner
Kate Tracey	Senior Legal Counsel
Wira Vendrasco	City Solicitor
Jelena Payne	Commissioner of Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
List provided to clerks office		

Appendices:

- 1 Appendix 'A' - Proposed Amendments to the Sign By-law
- 2 Appendix 'B' - Consultation Summary

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
SECTION 2.0 - DEFINITIONS AND INTERPRETATION			
1		2.47 <u>OPERATIONAL APPROVAL</u> means confirmation by the AUTHORITY HAVING JURISDICTION that all required inspections relating to a SIGN PERMIT in accordance with Section 4.8 herein have been satisfied.	Definition added for clarity
2		2.56 <u>SENSITIVE USE</u> means a USE of a LOT that is zoned as either Residential or Institutional land under the ZONING BY-LAW, which USE may include the presence of a building or structure on such LOT being used as a dwelling, school, long-term care facility, hospital, day nursery, crisis residence, group home or group residence.	Definition added for clarity
3		2.57.4 <u>FIRST PARTY ADVERTISING SIGN</u> means a SIGN which identifies or directs attention to a business, profession, commodity, service, event or other activity being conducted, sold or offered on the property on which the sign is located.	Definition added for clarity
4		2.57.8 <u>THIRD PARTY ADVERTISING SIGN</u> means a SIGN which identifies or directs attention to a business, profession, commodity, service, event or other activity not being conducted, sold or offered on the property on which the sign is located.	Definition added for clarity

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
5	<p>2.58.10 SIGN FACE means that portion of the SIGN, excluding the supporting STRUCTURE, borders and frames, upon which, against, or through which COPY is DISPLAYED or is capable of being DISPLAYED. Further:</p> <p>(a) SINGLE SIGN FACE: means a SIGN having only one face plane.</p> <p>(b) DOUBLE SIGN FACE: means a SIGN having two sign face planes with each SIGN FACE being of equal area and identical length and width, and with two parallel opposing (back-to-back) faces.</p> <p>(c) MULTIPLE SIGN FACE: means a SIGN having more than two SIGN FACES.</p>	<p>2.58.10 SIGN FACE means that portion of the SIGN, excluding the supporting STRUCTURE, borders and frames, upon which, against, or through which COPY is DISPLAYED or is capable of being DISPLAYED. Further:</p> <p>(a) SINGLE SIGN FACE: means a SIGN having only one face plane.</p> <p>(b) DOUBLE SIGN FACE: means a SIGN having two sign face planes with each SIGN FACE being of equal area and identical length and width, and,</p> <p style="padding-left: 20px;">i. with two parallel opposing (back-to-back) faces, or</p> <p style="padding-left: 20px;">ii. creating a “V-shape” with an interior angle of less than or equal to 90 degrees.</p> <p>(c) MULTIPLE SIGN FACE: means a SIGN having more than two SIGN FACES, or a BILLBOARD SIGN with two SIGN FACES creating a “V-shape” with an interior angle greater than 90 degrees.</p>	<p>Language revised under subsections 2.58.10 (b) and (c) to include industry standards and reduce the need for Minor Variances</p>
6	<p>2.62.7 BILLBOARD SIGN means a GROUND or WALL SIGN, which has COPY fastened in such a manner so as to permit its periodic replacement, which is owned and maintained by a PERSON engaged in the rental or leasing of the SIGN FACE AREA for advertising goods, products, services or facilities that are not present or sold on the PROPERTY on which the SIGN is located.</p>	<p>2.62.7 BILLBOARD SIGN means a THIRD PARTY ADVERTISING SIGN that is either a GROUND SIGN or a WALL SIGN, which has COPY fastened in such a manner so as to permit its periodic replacement, which for greater certainty does not include a FIRST PARTY ADVERTISING SIGN .</p>	<p>Language added for clarity</p>
7		<p>2.62.13 DIGITAL SIGN means an electronically and/or computer controlled SIGN, or a part thereof, which does not contain ILLUMINATED copy whose content can be changed.</p>	<p>Definition added for clarity</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
8	<p>2.62.26 MOBILE SIGN means a SIGN designed to be readily moved from one location to another and which does not rely on a BUILDING or fixed foundation for its structural support. This definition shall include a MANUAL CHANGING COPY SIGN in which the letters or numerals conveying the message can be manually rearranged or changed. This definition includes a T-frame SIGN, but does not include an A-FRAME SIGN.</p>	<p>2.62.26 MOBILE SIGN means a SIGN designed to be readily moved from one location to another and which does not rely on a BUILDING or fixed foundation for its structural support. This definition shall include a MANUAL CHANGING COPY SIGN but shall not include an ELECTRONIC CHANGING COPY SIGN mounted to a vehicle. This shall include a T-frame SIGN, but shall not include an A-FRAME SIGN.</p>	<p>Revised definition to exclude Electronic Change Copy Signs mounted to a vehicle</p>
9		<p>2.62.31 POSTER BILLBOARD SIGN means a BILLBOARD SIGN comprised of paper panels affixed by adhesive means, that is neither a DIGITAL SIGN nor an ELECTRONIC CHANGING COPY SIGN.</p>	<p>Definition added for clarity between Billboard Sign types</p>
10		<p>2.62.42 WALL SIGN means a SIGN that is supported by, erected on or attached to an exterior wall of any BUILDING or other STRUCTURE .</p>	<p>Definition added for clarity</p>
SECTION 3.0 - GENERAL REGULATIONS			
11	<p>3.3.3 Notwithstanding section 3.3.2, BILLBOARD GROUND and BILLBOARD WALL SIGNS may have changing COPY that occurs at intervals of not less than 10 seconds.</p>	<p>3.3.3 Notwithstanding section 3.3.2, BILLBOARD GROUND and BILLBOARD WALL SIGNS may have changing COPY that occurs at intervals of not less than 8 seconds.</p>	<p>Decreased timing intervals to align with industry standards</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
SECTION 4.0 – SIGN PERMITS AND INSPECTIONS			
12		<p>4.2.6</p> <p>(e) Preapproval from the Windsor Airport Authority for any ELECTRONIC CHANGE COPY SIGN situated within 300m of the airport property lands.</p> <p>(f) Preapproval from the Ministry of Transportation of Ontario for any ELECTRONIC CHANGE COPY SIGN situated within 300m of any street or route under the Ministry’s JURISDICTION.</p>	<p>New requirements added as s. 4.2.6(e) and (f) for Billboard Sign Permit added to assist in enforcement related to health and safety concerns.</p>
13		<p>4.3.3 Where a SIGN PERMIT for a BILLBOARD SIGN has been transferred by the previous OWNER of the SIGN to a new OWNER of the SIGN, the new OWNER of the SIGN shall provide written notification of the transfer to the AUTHORITY HAVING JURISDICTION in a form and manner satisfactory to the Chief Building Official, and shall pay the fee prescribed in accordance with the City of Windsor’s current Schedule of Fees and Service Charges</p>	<p>New clarification added for the transfer of a sign permit to a new owner</p>
14		<p>4.5.4 A SIGN PERMIT to modify or restore a BILLBOARD SIGN expires in the same period of time for expiration of a SIGN PERMIT for the erection or display of the SIGN in accordance with Sections 4.5.1 – 4.5.3 herein.</p> <p>4.5.5 Where a SIGN PERMIT has expired, the OWNER of the SIGN shall immediately remove the SIGN, and in the case of a BILLBOARD SIGN, the OWNER of such SIGN shall also remove the identifier required by Section 6.3 herein.</p>	<p>New s. 4.5.4 and s. 4.5.5 added to assist in enforcement related to health and safety concerns</p>
15		<p>4.6.1 (e) The OWNER of the SIGN has submitted a written request to revoke the SIGN PERMIT.</p>	<p>New requirement added as s. 4.6.1(e) to allow owner ability</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
			to discontinue use of a Sign prior to Building Permits being revoked by the City
16		<p>4.9 Renewal Applications</p> <p>4.9.1. OPERATIONAL APPROVAL of a BILLBOARD SIGN shall expire five (5) years from the issuance of such OPERATION APPROVAL.</p> <p>4.9.2 The OPERATIONAL APPROVAL of a BILLBOARD SIGN will automatically expire upon removal of the BILLBOARD SIGN, as of the date such SIGN is removed.</p> <p>4.9.3. Prior to the expiry of an OPERATIONAL APPROVAL, provided no modifications or restorations are proposed to the SIGN, the OWNER of a BILLBOARD SIGN may submit, in a form and manner satisfactory to the Chief Building Official, a renewal application for a further five (5) year OPERATIONAL APPROVAL period.</p> <p>4.9.4 The OWNER of a BILLBOARD SIGN applying for renewal of the OPERATIONAL APPROVAL shall file with the AUTHORITY HAVING JURISDICTION all information and documents required, in a form and manner satisfactory to the Chief Building Official, and shall pay the fee prescribed in accordance with the City of Windsor's current Schedule of Fees and Service Charges.</p> <p>4.9.5 Where a modification or restoration to a BILLBOARD SIGN is proposed, a renewal of the OPERATIONAL APPROVAL cannot be granted, and the OWNER will be required to</p>	<p>New Regulation added to assist in enforcement related to health and safety concerns by providing appropriate contact and insurance information.</p> <p>These regulations will assist in reducing sign clutter and blight created by abandoned billboards as well as those in disrepair.</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
		<p>submit an application to the Chief Building Official for a new SIGN PERMIT.</p> <p>4.9.6 Notwithstanding Subsection 4.9.4, where an existing BILLBOARD SIGN with a unexpired OPERATIONAL APPROVAL no longer complies with this Bylaw due to a variance or by-law amendment being granted by the AUTHORITY HAVING JURISDICTION permitting the erection of another BILLBOARD SIGN, the OWNER of such BILLBOARD sign may submit a renewal application rather than an application for a new SIGN PERMIT.</p>	
SECTION 5.0 - SIGNS NOT REQUIRING A SIGN PERMIT			
17		<p>5.1.4 A SIGN PERMIT is not required for changes to a POSTER BILLBOARD SIGN or an ELECTRONIC CHANGING COPY SIGN, provided the existing shape and dimensions of such BILLBOARD SIGN are not altered or modified in any way.</p>	<p>New s. 5.1.4 to clarify when new sign permits are not required.</p>
SECTION 6.0 - REGULATIONS FOR PERMANENT SIGNS ON PRIVATE PROPERTY			
18	<p align="center">Table 6.3.1</p> <p>Permitted Locations for BILLBOARD GROUND and WALL SIGNS</p> <p>Unless specifically provided in this By-law, a BILLBOARD GROUND or WALL SIGN shall be permitted <u>only</u> on a LOT within a Manufacturing District or a Commercial District, provided that such LOT abuts one of the following STREETS and is not within a SPECIAL DISTRICT:</p> <ul style="list-style-type: none"> i. Central Avenue, south of Tecumseh Road; ii. Crawford Avenue, between Wyandotte Street West and Tecumseh Road West; iii. Division Road; 	<p>6.3.2 Permitted Locations</p> <p>Unless specifically provided in this By-law, a BILLBOARD GROUND or WALL SIGN shall be permitted only on a lot within a Manufacturing District or a Commercial District, provided that such lot abuts one of the following STREETS and the proposed Billboard Sign is oriented to be primarily visible from traffic on that street:</p> <ul style="list-style-type: none"> i. Central Avenue, south of Tecumseh Road; ii. Crawford Avenue, between Wyandotte Street West and Tecumseh Road West; iii. Division Road; iv. Dougall Avenue, south of the Essex Terminal Railway and north of Liberty 	<p>Moved table to body of the chart to provide clarity for applicants.</p> <p>Permitted locations changed to remove those streets where residential intensification will make it impossible to erect billboards and open new streets where possibilities are</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
	<ul style="list-style-type: none"> iv. Dougall Avenue, south of Eugenie Street West and north of West Grand Boulevard; v. Eugenie Street, between Howard Avenue and Dougall Road vi. Howard Avenue, between Tecumseh Road East and Talbot Road; vii. Huron Church Road, between Tecumseh Road West and Cabana Road; viii. Jefferson Boulevard, south of Tecumseh Road; ix. Provincial Road; x. Tecumseh Road East and West; xi. Wyandotte Street East and West. 	<ul style="list-style-type: none"> v. Street; Eugenie Street, between Howard Avenue and Dougall Road vi. Howard Avenue, between the Canadian Pacific Railway Underpass and Cabana Road East; vii. Huron Church Road, between Tecumseh Road West and E.C. Row Expressway; viii. Jefferson Boulevard, south of Tecumseh Road; ix. Provincial Road; x. Tecumseh Road East, between Lauzon Parkway and the eastern City Boundary; xi. Tecumseh Road West, between McKay Avenue and Janette Avenue; xii. Walker Road South of E.C. Row; xiii. Ojibway Parkway. 	<p>evident and were not previous allowed.</p>
<p align="center">19</p>	<p>6.3.3 SIGN Classifications ADVERTISING or INFORMATION SIGNS</p>	<p>6.3.3 SIGN Classifications THIRD PARTY ADVERTISING SIGN or INFORMATION SIGNS</p>	<p>To provide clarity that Billboards are related only to Third Party Advertising.</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
20	<p>6.3.4 Maximum Number of SIGNS One (1) BILLBOARD GROUND SIGN per LOT or One (1) BILLBOARD WALL SIGN per LOT.</p>	<p>6.3.4 Maximum Number of SIGNS One (1) BILLBOARD SIGN of any type per lot where: i) a) No FIRST PARTY ADVERTISING SIGN, including GROUND SIGNS and WALL SIGNS, currently exists, or a) If two (2) or more FIRST PARTY ADVERTISING SIGNS that are GROUND SIGNS have been authorized for the lot in accordance with this Bylaw, then one (1) of the existing FIRST PARTY ADVERTISING SIGNS may be replaced by a maximum of one (1) BILLBOARD SIGN; ii) The allowed cumulative total sign face area of all FIRST PARTY ADVERTISING SIGNS will not be exceed the Maximum Total Sign Face Area through the introduction of a BILLBOARD SIGN; and, iii) There are no variances on the property to exceed the maximum allowable number of SIGNS or the MAXIMUM SIGN FACE AREA on the property.</p>	<p>Revised language to reduce sign clutter on properties.</p>
21	<p>6.3.5 Number of SIGN FACES (for BILLBOARD GROUND SIGN) SINGLE and/or DOUBLE SIGN FACES</p>	<p>6.3.5 Number of SIGN FACES (for BILLBOARD GROUND SIGN) i) One (1) Single and/or double sign faces or ii) One (1) 'V'-shaped Sign with an interior angle of less than or equal to 90 degrees.</p>	<p>Second clause added to align with industry standards</p>
22	<p>6.3.7 MAXIMUM TOTAL SIGN FACE AREA 20.0 m² per SIGN FACE</p>	<p>6.3.7 MAXIMUM TOTAL SIGN FACE AREA 22.0 m² per SIGN FACE</p>	<p>Increased to align with industry standards.</p>
23	<p>6.3.8 MAXIMUM CHANGING COPY AREA ROTATING and ELECTRONIC CHANGING COPY permitted. (added B/L 84-2019, June 17, 2019)</p>	<p>6.3.8 MAXIMUM CHANGING COPY AREA Not Permitted on POSTER BILLBOARD SIGNS or,</p>	<p>Revised for clarity purposes between Poster and Electric</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
		100% required for ELECTRONIC CHANGING COPY SIGNS	Changing Copy Signs.
24	<p>6.3.9 SIGN FACE EXTENSIONS A maximum of five percent (5%) of the permitted TOTAL SIGN FACE AREA may extend beyond the main panel of the SIGN FACE AREA.</p>	<p>6.3.9 SIGN FACE EXTENSIONS A maximum of five percent (5%) of the permitted total SIGN FACE AREA may extend beyond the main panel of the SIGN FACE of a POSTER BILLBOARD SIGN or, Not Permitted on ELECTRONIC CHANGING COPY SIGNS</p>	Revised for clarity purposes between Poster and Electric Changing Copy Signs.
25	<p>6.3.10 ANIMATION Not Permitted</p> <p>And</p> <p>6.3.12 ROTATION Not Permitted</p>	<p>6.3.10 ANIMATION OR ROTATION Not Permitted</p>	Combined as similar issues.
26	<p>6.3.11 ILLUMINATION NON-ILLUMINATED, EXTERNAL or INTERNAL ILLUMINATION</p>	<p>6.3.11 ILLUMINATION NON-ILLUMINATED, or EXTERNAL ILLUMINATION of a POSTER BILLBOARD SIGN or, INTERNAL or DIGITAL ILLUMINATION of an ELECTRONIC CHANGING COPY SIGN</p>	Revised for clarity purposes between Poster and Electric Changing Copy Signs.
278		<p>6.3.12 OPERATIONAL APPROVAL OPERATIONAL APPROVAL is required for each BILLBOARD GROUND and WALL SIGN, and may be renewed in accordance with Section 4.9 of this By-law.</p>	

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
28	<p>6.3.14 SIGN Restrictions: No part of any BILLBOARD GROUND or WALL SIGN shall:</p> <ul style="list-style-type: none"> i. Be ERECTED within a 200.0 m radius of any BILLBOARD GROUND or WALL SIGN. ii. Be ERECTED within 6.0 m of the intersection of any PUBLIC ROAD ALLOWANCE; iii. Be ERECTED within 25.0 m of any Residential District; iv. Be ERECTED within 30.0 m of any GROUND SIGN ERECTED on the same LOT or on an abutting LOT. v. Be ERECTED within a prohibited location at a controlled intersection, pedestrian crossing or railway crossing as identified in Table 6.3.2 if the sign contains ELECTRONIC CHANGING COPY. xi. Be ERECTED within 150 meters of any Residential Zoning District if the SIGN utilizes ELECTRONIC CHANGING COPY and if the SIGN FACE will be directly visible from any point in the Residential Zoning District. 	<p>6.3.14 SIGN Restrictions: No part of any BILLBOARD GROUND or WALL SIGN shall:</p> <ul style="list-style-type: none"> i. Be ERECTED within 6.0 m of the intersection of a DRIVEWAY, ALLEY or ACCESS LANE with any PUBLIC ROAD ALLOWANCE; ii. Be ERECTED within 30.0 m of any FIRST PARTY ADVERTISING GROUND or WALL SIGN erected on the same LOT or on an abutting LOT; 	<p>Moved clauses from 6.3.14 related to billboard separation distances, residential Uses and traffic stopping distances to a new 6.3.16 & 6.3.17 Prohibitions due to health and safety concerns, as well as reduce potential for driver distraction, aligning with other municipalities' standards. Non-compliances to Prohibitions would require Sign Bylaw Amendments, whereas Non-compliances to Restrictions would be heard as minor variances.</p> <p>6.3.14 (i) & (ii) Provides better clarity for applicants,</p>
29	<p>6.3.14 SIGN Restrictions: (for BILLBOARD GROUND SIGNS) No part of any BILLBOARD GROUND SIGN shall:</p> <ul style="list-style-type: none"> iii. Be ERECTED on a LOT with a STREET FRONTAGE of less than 12.0m; iv. Be ERECTED within 4.0 m of the PUBLIC 	<p>6.3.14 SIGN Restrictions: (for BILLBOARD GROUND SIGNS) No part of any BILLBOARD GROUND SIGN shall:</p> <ul style="list-style-type: none"> iii. Be ERECTED on a LOT with a STREET FRONTAGE of less than 30.0 m; iv. Be ERECTED within 3.0 m of the PUBLIC 	<p>Distances changed to align with other municipalities' standards.</p> <p>Added restriction from daylight</p>

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
	<p>ROAD ALLOWANCE;</p> <ul style="list-style-type: none"> v. Be ERECTED within 3.0 m of a side lot line; vi. Be ERECTED within 6.0 m of a rear lot line; vii. Be ERECTED less than 2.4 m above grade. 	<p>ROAD ALLOWANCE</p> <ul style="list-style-type: none"> v. Be ERECTED within 3.0 m of a side lot line; vi. Be ERECTED within 6.0 m of a rear lot line; vii. Be ERECTED less than 2.4 m above grade; viii. Be ERECTED within a DAYLIGHT CORNER. 	<p>corners to be consistent with other Ground Signs.</p>
<p align="center">30</p>		<p>6.3.15 SPECIAL PROVISIONS (FOR BILLBOARD GROUND SIGN)</p> <ul style="list-style-type: none"> ii. Notwithstanding the provisions of Section 6.3.2, no part of any BILLBOARD SIGN shall be erected closer than 300m of any Special Districts identified in Section 9 of the Sign Bylaw. 	<p>Added new s. 6.3.15 (ii) regarding separation from Special Districts to align with other municipalities</p>
<p align="center">31</p> <p align="center">32</p>		<p>6.3.16 PROHIBITIONS: No part of any POSTER BILLBOARD GROUND or WALL SIGN shall:</p> <ul style="list-style-type: none"> i. Be ERECTED within a 200.0 m radius of any type of BILLBOARD GROUND or WALL SIGN. ii. Be ERECTED within 60.0 m of any RESIDENTIAL or SENSITIVE USE, where the SIGN STRUCTURE or the SIGN FACE will be directly visible from any point of a RESIDENTIAL or SENSITIVE USE in any Building. <p>6.3.17 PROHIBITIONS: No part of any ELECTRONIC CHANGE COPY GROUND or WALL SIGN shall:</p> <ul style="list-style-type: none"> i. Be ERECTED within a 200.0 m radius of any Poster/Paper BILLBOARD GROUND or WALL SIGN, ii. Be ERECTED within a minimum distance of 500.0 m any other ELECTRONIC CHANGE COPY SIGN OR DIGITAL SIGN, and provided that the two ELECTRONIC 	<p>Moved clauses from 6.3.14 related to billboard separation distances, residential Uses and traffic stopping distances to a new 6.3.16 & 6.3.17 Prohibitions due to health and safety concerns, as well as reduce potential for driver distraction, aligning with other municipalities' standards.</p> <p>Non-compliances to Prohibitions would require Sign Bylaw Amendments, whereas Non-compliances to</p>

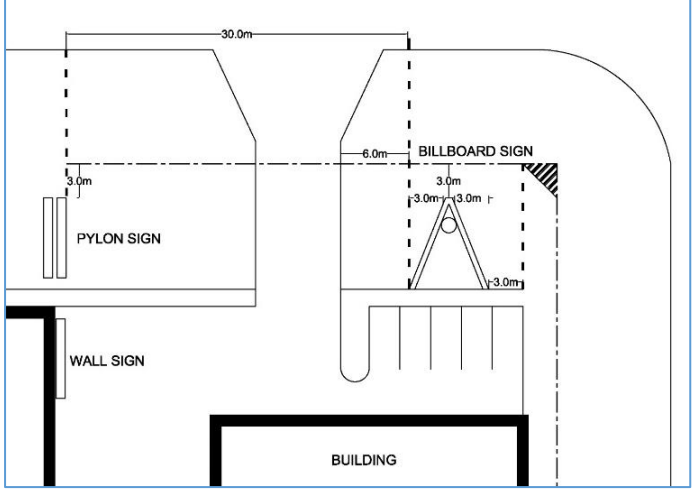
APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
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		<p>CHANGE COPY SIGN or DIGITAL SIGN cannot be seen simultaneously in the same direction of travel,</p> <p>iii. Be ERECTED within 300.0m of any residential use or SENSITIVE USE, where the SIGN STRUCTURE or the SIGN FACE will be directly visible from any point of a residential use or SENSITIVE USE in any Building, or</p> <p>iv. Be ERECTED within a prohibited location at a controlled intersection, pedestrian crossing or railway crossing as identified in Table 6.3.2 if an ELECTRONIC CHANGING COPY SIGN.</p>	Restrictions would be heard as minor variances.
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33	<p>Table 6.3.2 Prohibited location for erecting ELECTRONIC CHANGING COPY BILLBOARDS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">subsection</th> <th style="width: 15%;">(a)</th> <th style="width: 15%;">(b)</th> <th style="width: 15%;">(c)</th> <th style="width: 15%;">(d)</th> </tr> </thead> <tbody> <tr> <td>Table 6.3.2</td> <td>Posted Speed Limit (km/hour)</td> <td>Distance before Stop Line (m)</td> <td>Distance after Stop Line (m)*</td> <td>Lateral Offset Prohibited Location on both sides of street (m)**</td> </tr> <tr> <td></td> <td>50 or less</td> <td>85</td> <td>150</td> <td>21</td> </tr> <tr> <td></td> <td>60</td> <td>105</td> <td>170</td> <td>24</td> </tr> <tr> <td></td> <td>70</td> <td>160</td> <td>200</td> <td>31</td> </tr> <tr> <td></td> <td>80 or more</td> <td>185</td> <td>215</td> <td>35</td> </tr> </tbody> </table>	subsection	(a)	(b)	(c)	(d)	Table 6.3.2	Posted Speed Limit (km/hour)	Distance before Stop Line (m)	Distance after Stop Line (m)*	Lateral Offset Prohibited Location on both sides of street (m)**		50 or less	85	150	21		60	105	170	24		70	160	200	31		80 or more	185	215	35	<p>Table 6.3.1 Prohibited location for erecting ELECTRONIC CHANGING COPY BILLBOARDS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">subsection</th> <th style="width: 15%;">(a)</th> <th style="width: 15%;">(b)</th> <th style="width: 15%;">(c)</th> <th style="width: 15%;">(d)</th> </tr> </thead> <tbody> <tr> <td>Table 6.3.1</td> <td>Posted Speed Limit (km/hour)</td> <td>Distance before Stop Line (m)</td> <td>Distance after Stop Line (m)*</td> <td>Lateral Offset Prohibited Location on both sides of street (m)**</td> </tr> <tr> <td></td> <td>50 or less</td> <td>65</td> <td>90</td> <td>16</td> </tr> <tr> <td></td> <td>60</td> <td>85</td> <td>110</td> <td>20</td> </tr> <tr> <td></td> <td>70</td> <td>110</td> <td>125</td> <td>23</td> </tr> <tr> <td></td> <td>80 or more</td> <td>140</td> <td>130</td> <td>26</td> </tr> </tbody> </table>	subsection	(a)	(b)	(c)	(d)	Table 6.3.1	Posted Speed Limit (km/hour)	Distance before Stop Line (m)	Distance after Stop Line (m)*	Lateral Offset Prohibited Location on both sides of street (m)**		50 or less	65	90	16		60	85	110	20		70	110	125	23		80 or more	140	130	26	<p>Renumbering to Table 6.3.1 due to consolidation of Permitted locations with subsection 6.3.2</p> <p>Distances revised to reflect TAC guidelines.</p>
subsection	(a)	(b)	(c)	(d)																																																											
Table 6.3.2	Posted Speed Limit (km/hour)	Distance before Stop Line (m)	Distance after Stop Line (m)*	Lateral Offset Prohibited Location on both sides of street (m)**																																																											
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APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
34		<p>Figure 6.3.2: BILLBOARD SIGN OFFSETS</p>  <p>The diagram illustrates the required setbacks for different sign types. A Pylon Sign is shown with a 3.0m setback from the building. A Wall Sign is shown with a 3.0m setback from the building. A Billboard Sign is shown with a 6.0m setback from the building and a 3.0m setback from the road. A 30.0m dimension is shown between the Pylon Sign and the Billboard Sign. A 3.0m setback is also shown for the Billboard Sign from the road.</p>	Added for clarity of regulations regarding distances.
SECTION 9.0 - REGULATIONS FOR SIGNS ON PRIVATE PROPERTY WITHIN SPECIAL DISTRICTS			
35	<p>9.6.1 The designated CONTROLLED ACCESS HIGHWAY is as follows (refer to Schedule "C" for CONTROLLED ACCESS HIGHWAY map): (a) The E C Row Expressway and Ojibway Parkway PUBLIC ROAD ALLOWANCE.</p>	<p>9.6.1 The following are each a designated CONTROLLED ACCESS HIGHWAY (refer to Schedule "C" for CONTROLLED ACCESS HIGHWAY map): (b) The E. C. Row Expressway PUBLIC ROAD ALLOWANCE; (c) The Ojibway Parkway PUBLIC ROAD ALLOWANCE; and (d) The Herb Gray Parkway PUBLIC ROAD ALLOWANCE.</p>	Added routes that are Provincial highways and where parts are under MTO jurisdiction
36		<p>9.6.3 All BILLBOARD SIGNS must be ERECTED or DISPLAYED at a minimum distance of a 400 metre setback: (a) from the PUBLIC ROAD ALLOWANCE of a CONTROLLED ACCESS HIGHWAY; or (b) of any on-off ramp of a CONTROLLED ACCESS HIGHWAY.</p>	Added new s. 9.6.3 that align with Provincial highway regulations for health and safety concerns related to distracted driving. Current Regulation of 9.6.2 only addresses First Party Signs

APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
37	<p>9.7.2 No PERSON shall ERECT, cause to ERECT, DISPLAY or cause to DISPLAY any of the following SIGNS within a NATURAL HERITAGE AREA:</p> <p>(a) Any ILLUMINATED SIGN;</p> <p>(b) Any TEMPORARY SIGN;</p> <p>(c) Any BILLBOARD SIGN.</p>	<p>9.7.2 No PERSON shall ERECT, cause to ERECT, DISPLAY or cause to DISPLAY any of the following SIGNS within a NATURAL HERITAGE AREA:</p> <p>(a) Any ILLUMINATED SIGN;</p> <p>(b) Any TEMPORARY SIGN;</p> <p>(c) Any BILLBOARD SIGN; OR</p> <p>(d) Any ELECTRONIC CHANGING COPY SIGN,</p> <p>and further, no PERSON shall ERECT, cause to ERECT, DISPLAY or cause to DISPLAY any ELECTRONIC CHANGING COPY SIGN within 300 metres of a NATURAL HERITAGE AREA.</p>	<p>Amendment to include proper setback from Sensitive Use Area.</p>
38		<p>9.7.5 No PERSON shall ERECT, cause to ERECT, DISPLAY or cause to DISPLAY any ELECTRONIC CHANGING COPY SIGN within 300 metres of a HERITAGE AREA</p>	<p>Language added to include proper setback from Sensitive Use Area.</p>

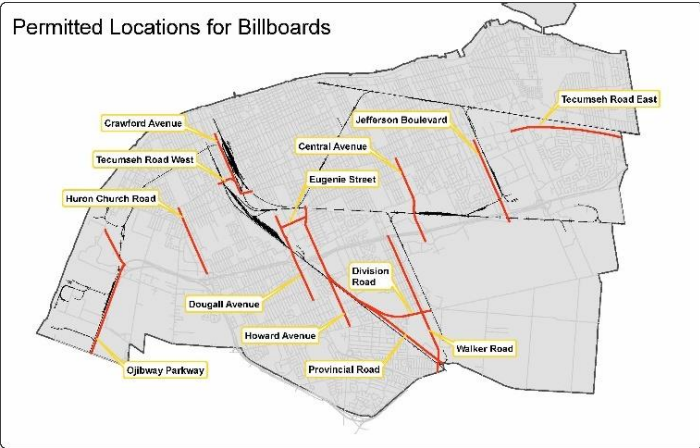
APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
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SECTION 10.0 - PROHIBITIONS AND RESTRICTIONS

39		10.1.1 (l) An ELECTRONIC CHANGING COPY SIGN mounted to a vehicle.	Subsection 10.1.1(l) added to prohibit signs within Sensitive Use Area.
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Schedule "B" PERMITTED LOCATIONS FOR BILLBOARDS

40	<p>SCHEDULE "B" FEES</p>	<p>SCHEDULE "B" PERMITTED LOCATIONS FOR BILLBOARDS</p> 	<p>Fees removed to be reviewed and updated annually, and replaced with map for clarity for applicants</p>
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APPENDIX 'A' SIGN BY-LAW AMENDMENT - BILLBOARD SIGNS TABLE

Revision Number	Existing	Proposed	Rationale
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Schedule "C" SPECIAL DISTRICTS

<p align="center">41</p>	<p align="center">SCHEDULE 'C-2' SPECIAL DISTRICTS</p>  <p>SCHEDULE C: SPECIAL DISTRICTS</p> <ul style="list-style-type: none"> ● GATEWAY DISTRICTS — THEME STREET DISTRICTS — HERITAGE AREA DISTRICTS — NATURAL HERITAGE AREA DISTRICTS 	<p align="center">SCHEDULE C: SPECIAL DISTRICTS</p>  <p>SCHEDULE C: SPECIAL DISTRICTS</p> <ul style="list-style-type: none"> ● GATEWAY DISTRICTS — THEME STREET DISTRICTS — HERITAGE AREA DISTRICTS — NATURAL HERITAGE AREA DISTRICTS 	<p>Replace to Colour version to provide clarity for applicants</p>
<p align="center">42</p>	<p align="center">SCHEDULE 'C-3' SPECIAL DISTRICTS</p>  <p>SCHEDULE C: SPECIAL DISTRICTS</p> <ul style="list-style-type: none"> ● SCENIC DRIVE — CONTROLLED ACCESS HIGHWAY — AIRPORT DISTRICT 	<p align="center">SCHEDULE C: SPECIAL DISTRICTS</p>  <p>SCHEDULE C: SPECIAL DISTRICTS</p> <ul style="list-style-type: none"> ● SCENIC DRIVE — CONTROLLED ACCESS HIGHWAY — AIRPORT DISTRICT 	<p>Replace to Colour version to provide clarity for applicants</p>

APPENDIX 'B' - CONSULTATION SUMMARY

Concentrating on Electronic Change Copy Billboard Signs (ECC), Administration conducted a comprehensive multi-staged evaluation.

Initially, Windsor's Sign Bylaw was benchmarked against those Sign Bylaws of 24 Ontario municipalities, in addition to 4 Canadian and 4 American municipalities.

The second stage included direct online consultation with 13 Ontario municipalities of comparable scale to Windsor, addressing billboard-related concerns such as permit procedures, dimensions, placements, adjacency to sensitive areas, fee structures, lighting and its impact on surrounding areas, issues of distracted driving, enforcement, and maintenance. These municipalities consistently reported the need for adjustments and variances in billboard applications, primarily due to excessive density and visual clutter.

In the third stage, feedback was sought from local industry stakeholders that had experience with Windsor's permit system following CR158/2017's adoption. This stage highlighted issues around setback requirements from sensitive areas, spacing between billboards, and the need for clearer definitions and consistency in the bylaw's language and measurement points.

The final stage saw internal review by various city departments to ensure the proposed amendments aligned with Windsor's standards, best practices, and regulatory framework, minimizing legal exposure for the city.

From these extensive consultations and reviews, four primary concerns emerged:

1. Over saturation and clutter of signs.
2. The placement of billboards and their setbacks from sensitive land uses.
3. Issues related to traffic and aviation safety.
4. The need for greater clarity within the bylaw and its permitting process.

These consolidated insights formed the basis for the proposed amendments to Windsor's Sign By-law, specifically targeting billboard signage, to address these identified issues comprehensively.

CONCERN #1 - SIGN CLUTTER & OVERSATURATION:

1a) OVERSATURATION: Currently there are over 260 Billboard Sign locations in the City of Windsor (Appendix 'X'), with many of those being quad-billboards (two billboard signs on either side of a single support structure for a total of four individual signs). As most were erected prior to the establishment of the current Windsor Sign Bylaw 250-2004, many of these existing signs would not be in compliance with the Sign Bylaw due to there multiple number of billboard signs per location, current regulated setbacks, as well as questionable structure stability.

Rationale & Consultation: Industry stakeholders were in agreement that sign clutter not only was issue from a viewers' perspective, but also from an advertising perspective, as too many messages are being presented simultaneously. Smaller

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stakeholders also expressed difficulties to compete in what they have termed a “saturated market”, unless there is a means of phasing out older, unstable billboard signs. The larger stakeholders have expressed willingness to reduce the current inventory of billboards where they are less noticeable to allow for ECC Billboards which can provide more advertisements over a shorter period of time, on a single sign face with less risk to their staff as they can be controlled and changed remotely.

Many municipalities consulted have begun to passively remove the grandfather (legacy) clauses for billboards from their bylaws by requiring compliance with their Sign Bylaws after a designated period. One common method has been to implement regular licencing of Billboard Signs to assure that the structures are maintained, as well as to ensure that insurances indemnifying the municipality are current. The consultations with industry stakeholders indicated a willingness to comply with such licences, at an appropriate term. While structures generally require replacement every 20 years, digital panels are replaced every 7-10 years due to technological advancements as opposed to bulb deterioration. Changes in land ownership may be more regular, which is why seven of the municipalities consulted now require a permit/licencing renewal on a yearly or every 5-years basis.

1b) SIGN CLUTTER: Per Subsection 6.3.14(vi), erection of a Billboard is allowed on any lot with frontages greater than 12m. Regulation 6.3.14.iv only requires a setback of 30.0m from any 1st Party Ground on the subject lands or an abutting property. As a result of oversaturation, along with these two clauses with limited enforcement, the City has experienced several applications for billboard permits on properties which are already saturated with the number of signs allowed as per other sections of Sign Bylaw.

Rationale: The Guiding Principles outlined in Schedule ‘A’ Intent of the Sign Bylaw Clause A-4 addresses sign clutter several times to ensure that the objectives of the Official Plan are realized:

- (d) The cumulative effects of signage matter and sign clutter is a civic liability.
- (e) Signage should be proportionate to the property it identifies and advertises.
- (f) Signage should supplement the land use and not dominate the landscape.

Consultations: A majority of those consulted felt that there is little difference between 1st Party Ground and Wall Signs and both should be considered when 3rd Party Billboards are being proposed on a given property. Recommendations by those consulted include; separations based on whether the 1st party ground sign is static or offers digital messaging; and whether there is more than one 1st party signs allowed on the property, then the second could be a billboard.

1c) Distances Between Billboards: One of the biggest issues is the separation between billboard signs. Subsection 6.3.14 (i) of the City of Windsor’s Sign Bylaw regulates that the distance between any two billboard signs as 200m radius regardless whether they are traditional poster paper or electronic digital display, or direction of travel. A key clause

that is missing from the current Bylaw is not more than one electronic billboard display shall be visible to an approaching driver at the same time as seen in Mississauga's and Ottawa's Billboard Sign Bylaws.

Rational & Consultations: Most other Ontario municipalities measure the distance based on the same direction of travel on the same street only. This is to reduce the ability to see two billboards at the same time. This is quite varied between municipalities ranging between 150m to 500m. However unlike Windsor, many of those municipalities have significant grade changes that assist in obscuring the visibility of two billboard signs along the same route.

The industry recognizes that ECC Billboards offer more ads per space and agree that greater distance between them is warranted provided that they are not visible simultaneously from the same direction of travel to reduce the sign clutter and reduce driver distractions. Consultation with the Industry Stakeholders, recommend distancing similar to Toronto, Winnipeg and Calgary as a fair solution which would see the distance increased from 200m to 500m between ECC Billboards. Many municipalities differentiate distances between two Electronic Billboards, Electronic and Non-Electronic Billboards, and two Non-Electronic Billboards differently.

CONCERN #2 – LOCATIONS AND SETBACKS FROM SENSITIVE USES:

2a) LOCATIONS: Subsection 6.3.2 regulates that Billboards are allowed in Commercial Districts (CD) and Manufacturing Districts (MD), as defined in the Zoning Bylaw 8600, on certain streets within a Commercial Districts (CD) and Manufacturing Districts (MD), listed in Table 6.3.1 of the Sign Bylaw (Appendix X). With the changes made in the Official Plan through the Residential Intensification Guidelines, Commercial Districts are now Multi-Use Districts.

a) **Opening up of Additional Roads:** Related to the existing saturation many industry stakeholders have requested that additional roads be opened for Billboard sign locations to compensate for the removal of existing non-compliant signs throughout the city.

Rationale & Consultation: Larger industry stakeholders have requested that both Lauzon Parkway and E.C.Row Expressway be opened up for new ECC Billboards. However as these are recognized as Provincial Highways, it would be appropriate to recommend that Ministry of Transportation of Ontario regulations, related to 400-series highways be imposed on these routes which would include 400m setback from the right-of-way. There are a host of other issues related with this options as many of the lands surrounding these routes are residential in nature. Administration does not recommend adding these provincial highways to the list of permitted locations for 3rd Party Billboards Signs, however recognizes that there is potential for new routes that are opening up with the development in the Sandwich South lands where there is potential for such advertising devices to be erected.

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Consultations with Transportation Planning consultations also identified routes where significant traffic accidents occurred over the last three years.

- Lauzon Parkway (744 over 3 years 2020-2023 current)
- Huron Church (459 over 3 years 2020-2023 current)
- Walker Road (1199 over 3 years 2020-2023 current)
- Dougall Parkway (998 over 3 years 2020-2023 current)
- EC Row (995 over 3 years 2020-2023 current)

Avoiding adding any further driver distractions along these routes such as billboards, especially ECC Billboards would help to further reduce distracted driving which has been identified as a cause of traffic incidents in the Vision Zero Policies.

2b) SETBACKS FROM SENSITIVE USES:

- b) **Residential/Mixed Use Setbacks:** The current City of Windsor Sign Bylaw allows for traditional non-Electronic Change Copy Billboard Signs to be setback 25.0m away from any Residential District (6.3.14.iii). Electronic Change Copy Billboard Signs must be setback further than 150m away from any Residential District if the sign face will be directly visible from any point in the Residential District (6.3.14.xi). due to property constraints, this is often contested by applicants and results in application for variance.

Rationale: The City of Windsor adopted a Residential Intensification Guidelines through Bylaw 100-2022 which adopted Official Plan Amendment No 159 to address the new Provincial Legislation related to increase in housing opportunities. This intensification will not only be achieved through traditional housing development, but also through designation of traditional Commercial Corridors and Commercial Centres to Mixed Use Corridors and Mixed Use Centres respectively in the Official Plan. A majority of these corridors, nodes and centres align directly with the current mapping of permitted locations for billboards (see APPENDIX 'I' - OVERLAY WITH OPA159). The Intensification Strategy adopted by Council introduces residential development into Commercial Districts where Billboards are permitted. Inadvertently, it creates conflicts between a sensitive use (residential) and digital billboards where there was none.

Consultation: The intent of the greater setback for ECCs was to ensure that the constant illumination would not impact residents negatively, especially during normal sleeping times.

Review of other municipalities' Sign Bylaws, broaden the definition of Residential from Zoning designation (RD) to the actual land use with broader definitions as to residential (incl: Retirement Homes), which in addition to traditional residential housing may include retirement homes, or anywhere a sleeping/bedroom would be habitually found. The City of Oshawa also includes hospitals and hotels in this District.

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The range of distances for Billboards in other Ontario municipalities are:

Billboard Type	Range	Average	Windsor
Paper/Poster	30m to 300m	150m	25m
Electronic Change Copy (ECC)	100m to 300m	250m	150m

Additionally, several municipalities restrict the hours of operation of ECC Billboards near residential areas to ensure they are turned off between 11pm and a designated time near Dawn.

The current regulations found in the Windsor Sign Bylaw fall well below the averages found in most municipalities. Additionally, while the average setback distance for ECCs from residential 250m, there are more municipalities increasing to 300m from residential properties.

While there is no consensus within the industry stakeholders as to what is an appropriate distance, all are in agreement that the onus is on the applicant to provide data that demonstrates no impact to residences or that they be prohibited from facing residential as the technology has changed to help address these issues. Both Ottawa and Hamilton have included a clause in their bylaw to allow for variances from residential properties if louvers, blinders, shields are used to limit max viewing angle.

- c) **Special Districts:** With exception to Residential Uses, the current sign Bylaw is silent to setbacks from other sensitive uses. Instead in Section 9 of the Sign Bylaw, it identifies that 3rd Party Billboards Sign are not to be Erected or Displayed in any Special Districts defined by the Official Plan as: BIAs, Gateways, Theme Streets, Scenic Drives, Natural Heritage and Heritage Areas.

Rationale & Consultation: It is unclear whether this is a Restriction or a Prohibition. Other Municipalities have clearly stated that Billboards are PROHIBITED from being erected in this types of Districts. Additionally, in many municipalities, prohibitions are extended to a distance from these Special Districts to ensure that the illumination from ECCs do not impact the Districts as follows:

Municipality	Special Districts	Distance
Toronto	Dundas Square, Along the Gardiner Gateway at Exhibition Place, University Avenue near parliamentary buildings, Nathan Phillips Square, BIAs, Villages	>100m
Ottawa	BIAs, Villages, airport, Pkwy, Aviation Pkwy, Colonel By DR, QEDriveway, Sir George Etienne Cartier Pkwy, Site John A Macdonald Pkwy, Stittsville Main St, Vanier Pkwy, Rural Villages	>500m (360 degree radius)
Ottawa	Institutional District	>300m

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Similarly, review of other municipalities identifies the sensitivity with billboards with respect to Heritage, Open Spaces and Natural Areas and prescribes an appropriate distance from the boundaries of these areas.

Municipality	Special Districts	Distance
Toronto & Ottawa	Green Districts	>300m
Toronto	Heritage Conservation Districts	>50m
Ottawa	Institutional Districts	>300m
Ottawa	Heritage Conservation Districts	>300m
London, Kingston, & Winnipeg	Heritage Conservation Districts	>150m

The industry requested that setbacks maintain similar distances throughout the bylaw. Currently Section 9.3 Gateways requires a setback of 300m radius identified as a buffer for any ECC Sign including Billboards Signs.

CONCERN #3 – TRAFFIC & AVIATION SAFETY ISSUES:

The interest of the City is to ensure that transportation is safe for all vehicles, cyclists and pedestrians. In addition, air safety is a concern as the Windsor airport is being slowly surrounded by the urban development and no longer within the rural areas of the city.

In addition, the Official Plan Schedule “C” Development Constraints identifies the limits of the Airport lands where development related to heights is restricted. Recent requests for billboards along Walker Rd have been denied as they would be located within that

3a) Controlled Intersection Setbacks: Applications for Billboards have contested that the current prohibitions for locating ECCs are overly restrictive.

Rationale & Consultation: Unanimously, the industry’s biggest issue is with traffic intersection area Stop Points related to Table 6.3.2 of the Sign Bylaw. Aside from not being clear to interpret, those consulted recommended closer alignment with the TAC Guidelines, Diagrams within the Sign Bylaw to reduce subjectivity, and a requirement by applicants provide independent traffic studies where the regulations in the Bylaw cannot be met.

Review of other municipalities confirm that TAC Guidelines are most frequently used. Most PROHIBIT within Visibility or Sight Triangle (Hamilton/London/Oshawa/Owen Sound). Consultation with the Transportation Planning has confirmed that a revision to reduce the distances from Controlled Intersections, Pedestrian Crossing and Railways Crossings (Table 6.3.2 as related to Section 6.3.14(v)) could be reduced to align with the TAC Guidelines from the Ottawa Sign Bylaw for Non-Rural routes.

Current Sign Bylaw Table 6.3.2 indicates distances for Billboards from controlled intersections in the table below:

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CURRENT	(a)	(b)	(c)	(d)
Table 6.3.2	Posted Speed Limit (km/hour)	Distance before Stop Line (m)	Distance after Stop Line (m)*	Minimum Lateral Offset Prohibited Area on both sides of the street (m) **
	50 or less	85	150	21
	60	105	170	24
	70	160	200	31
	80 or more	185	215	35

3b) Controlled Access Highways: Regulations for Controlled Access Highways are designated only for E.C. Row Expressway and Ojibway Parkway under Section 9.6 of the Sign Bylaw. Currently, a minimum distance of 20m from the Public Road Allowance along these routes is regulated for signs other than a Billboards, which are Prohibited.

Highway 401 a.k.a. Herb Grey Parkway is regulated under the Ministry of Transportation of Ontario (MTO) as a Federal and Provincial Highway. The legislated setbacks for billboards is 400m minimum which. Giving the high volume of traffic along these routes, they have become desirable for Billboard Manufacturers to install. Currently, our Sign Bylaw is silent on the subject.

Rationale & Consultation:

Many municipalities (Kingston, Ottawa, Hamilton, Toronto, Milton and Oshawa) have adopted the 400m setback for Controlled Access Highways, and require that an applicant acquire MTO approval prior to applying for a permit to erect a Billboard.

Many of the of the approved routes in the Sign Bylaw intersect with these three Controlled Access Highways often with On or Off ramps which have long site lines for traffic. While the 20m minimum setback found in Section 9.6.2, may be appropriate for non-digital signs, the use of Change Copy introduces additional distraction for drivers, especially with ECC Billboards. Clauses directly related to these setbacks is required to comply with this requirement for controlled access highways.

3c) Airport Operating Area: Schedule 'C' of the Official Plan identifies the central southeastern part of the City of Windsor as a development constraint area related to the safe operations of Windsor Airport. For this reason, Walker Rd had not been included as permitted route to erect billboard signs, though the Sign Bylaw Section 9.8 Regulations for SIGNS in SPECIAL DISTRICTS: AIRPORT AREA does not restrict Billboards.

Rationale & Consultation:

Of the municipalities Consulted, only Ottawa has a restriction of 500m from airport lands. Airport lands associated with Pearson International Airport in Mississauga demonstrate that large ECC billboards can be erected on airport lands.

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Consultation with stakeholders identified NAVCAN clearances as a requirement. Consultation with NAVCAN indicated that there are complexities with each application and that the municipal airport should be the first point of contact with any applicant for signage near airport lands. Consultation with the Windsor Airport Operations Staff requested pre-consultation with applicants considering erection of a Billboard Sign within 150m of the current airport lands.

CONCERN #4 – CLARITY WITH THE BYLAW AND PERMITTING PROCESS:

Several issues were discussed in consultations relating to the need for variances and amendments to the current Sign Bylaw. These included providing clarity for applicants related to what is required and what is prohibited or negotiable through variances. Additionally, since the Sign Bylaw's last Amendment (B/L 60-2018), some billboard industry standards have changed which has led to the need for unnecessary minor variances on behalf of applicants. Many of these items can be addressed in Section 6.3 Regulations Billboard GROUND AND WALL SIGNS, but others are found in other sections of the Sign Bylaw.

4a) Clarity of Measure: The structure of the City of Windsor's current Sign Bylaw has some inconsistencies in wording, language and definitions which are open to interpretation. Public Road Allowance as defined Section 2 of the Sign Bylaws as:

*2.52.1(a) **PUBLIC ROAD ALLOWANCE** means all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them and roads dedicated by the owner of the lands to public use; including the curb, shoulder, sidewalk and landscaping where applicable. A STREET is a PUBLIC ROAD ALLOWANCE for the purposes of this By-law.*

This defines the Public road allowance as the property line between the property and the road.

Rationale & Consultation:

One area requiring more consistent language is from where setbacks are measured. In most cases the Bylaw clearly states that measurement is from the property line or the PUBLIC ROAD ALLOWANCE defined in Section 2, clause 2.52.1 (a). However, in some instances, measure is indicated from the edge of road. This can be confusing for an applicant unaware of such subtleties. Edges of roads can change over time with infrastructure projects. Only under extreme situations does the property line change at the PUBLIC ROAD ALLOWANCE.

The Industry Stakeholders have requested that more consistency be adopted that takes all measurements from the same point, how the term Public Road Allowance is used.

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There are two references to the setbacks from the Public Road Allowance in the current Sign Bylaw related to Billboards.

6.3.13 Sign Restrictions states that

No part of any BILLBOARD GROUND or WALL SIGN shall:

- ii. Be ERECTED within 6.0 m of the intersection of any PUBLIC ROAD ALLOWANCE;

And,

No part of any BILLBOARD GROUND SIGN shall:

- vii. Be ERECTED within 4.0 m of the PUBLIC ROAD ALLOWANCE.

Sign Restrictions for Permanent Ground Signs identifies that no Sign can be erected in a DAYLIGHT CORNER which is defined in Section 2 DEFINITIONS:

2.20 DAYLIGHT CORNER means, on a corner LOT, the triangular space formed by the intersection of two STREET LINES and a line connecting a point located 6.0 m from the point of intersection of the STREET LINES along one STREET LINE to a point located 6.0 m from the point of intersection of the STREET LINES on the other STREET LINE.

While it has been understood that this would be applicable to Billboards, a clause relating to Daylight Corners is absent from Section 6.3 Regulation for Billboards. The term intersection of any Public Road Allowance has been accepted as the intersection point of a driveway or access road with the Public Road allowance. This inconsistency makes it confusing at best for an applicant to navigate through the regulations of the bylaw.

4b) Clarity of Permitted Locations: Permitted locations for Billboard signs found in Table 6.3.1 of the Sign Bylaw can be interpreted in different ways as it reads that billboard signs are permitted where the lot *'abuts'* one of the streets listed. The intent was that the billboard sign would be located along the frontage of the streets listed, however, many properties straddle parallel streets or have a flanking street. It can, and has been interpreted that the billboard could be located facing any street where the lot has frontage on a permitted street.

4c) Clarity of Sign Types: In addition, the definition in section 2.0 of the Sign Bylaw will need to be Amended to reflect that Billboard signs are by third party individuals or corporations other than the property owner.

4d) Industry Billboard Sign Standards: There are two issues that have routinely required minor variances due to the current Sign Bylaw's inconsistency with industry standards. Often these are the only variances which add cost to the applicant, and delays in issuing permits due to the need to be heard at Committee of Adjustment.

- I. **'V'-shaped** mounted billboards signs are an industry standard are often used to direct images away from sensitive areas such as residences.

Rationale and Consultations:

The current definition for a double-sided billboard sign is very specific and identifies that a double faced sign must be parallel or back-to-back faces.

2.58.10 SIGN FACE means that portion of the SIGN, excluding the supporting STRUCTURE, borders and frames, upon which, against, or through which COPY is DISPLAYED or is capable of being DISPLAYED. Further:

- (a) **SINGLE SIGN FACE:** means a SIGN having only one face plane.
- (b) **DOUBLE SIGN FACE:** means a SIGN having two sign face planes with each SIGN FACE being of equal area and identical length and width, and with two parallel opposing (back-to-back) faces.
- (c) **MULTIPLE SIGN FACE:** means a SIGN having more than two SIGN FACES.

Three municipalities (Milton, Niagara, and Hamilton) have clearly defined 'V'-shaped billboard arrangements.

“For the purpose of applying a minimum setback from the street line, a “V” shaped Sign having two (2) faces shall be considered as having one (1) face should the interior angle of the “V” exceed 90 degrees. Should the interior angle exceed 90 degrees, the setback will be determined by using the total Sign area of both faces of the Sign”.

- II. **Sizes:** The billboard sign industry is relatively universal in its sizes. Currently the city allows for a horizontal billboard sign with a 20.0m² maximum sign face which aligns with the standard billboards of most industry providers.

Rationale and Consultations:

Outfront Media is one of the largest providers and have requested an increase to 22m² to allow for their standard sign. In review of the Sign Bylaws in many other municipalities, this has been taken into consideration.

4e) Timing/Transition: Currently, the City of Windsor Sign Bylaw allows an 10 second advertising spots with instant transition (Subsection 3.3.3) for ECC Billboards. The industry standard is between 6 seconds or 10 seconds to create a 1 to 2 minute loop.

Rationale and Consultations:

The industry is open to transitions however the advertisers request instant change to provide dramatic attention. Instant changes from a dark background ECC billboard ad to a brighter (white) background ECC billboard advertising can be distracting for drivers. City staff have monitored transition times in several municipalities throughout Ontario and North America, and found that 8 second transitions are very common.

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Related to this is when ECC Billboard Signs are operating, especially in residential and sensitive natural heritage areas. Though it does create more wear to power up each day, a majority of the industry stakeholders were open to the addition of a regulation from other municipalities to turn off ECC Billboard Signs between 11pm to sometime between mid-morning and dawn.

4f) Permitting Processes: As experienced in Windsor, most applications for Billboard Signs received in other municipalities in Ontario require variances or amendments.

Rationale & Consultation:

A majority of the stakeholders felt that the process and regulations found in the Toronto Sign Bylaw were the most reasonable, yet it was also shared that variances were always needed with every application.

Many municipalities consulted have implemented some level of Delegation of Authority (DOA) for Sign Bylaw variances with much success. Such processes are favoured by the industry as well. However, as this report focuses on Billboards only, to implement such a process only for billboards permit applications would create multiple tiers for approval processes. Should Council wish to consider such a process, a full review of the entire Sign Bylaw would be necessary.

4g) Permit Fees: Sign Bylaw Clause 6.3.13 regulates that all Billboard Signs require a Sign Permit. Schedule 'B' Table B.1 states that the fee for a Billboard Sign is \$4 per square metre (sm) of total sign area, but not less than \$75. The standard allowable Billboard sign has a Sign Face of 20sm for a total Permit Fee of \$80. Consultation with other municipalities identified that the City of Windsor Sign Permits are well below standard and, do not cover the amount of time required by staff to review a basic application.

Rationale & Consultation:

In its review with other municipalities, Administration identified the following:

Municipality	Minimum Base Permit Fee Per Billboard Sign	Additional fees Per Sign Face	Renewal Fees
City of Windsor	\$75	+\$4/sm	
Burlington	\$965		
Hamilton	\$2081		Annually
Kingston	\$50	+ \$20/sm	Every 5 Years
London	\$600 + \$110 for Admin review		\$150 Annually
Ottawa	\$2280 (Static Poster) \$3023 (EEC)		Every 5 Years
Mississauga	\$292 (first 2 sign faces)	+\$36/sm over	Annually \$110
Niagara Falls	\$300		
Niagara Region	\$620 + \$85 Inspection fee		
Peterborough	\$470 (any ECC)		
Toronto	\$309.30 +Annual Increase + 65.34 Building Permit	+\$34.87/sm	Every 5 Years
Ontario Highways Corridor	\$770		Every 5 Years

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As noted in the chart above, several municipalities require a Permit Renewal Fee annually or every 5 years. London, Hamilton and Mississauga apply an annual licensing fee, primarily to confirm ownership and that appropriate insurance are in place as these two items change regularly. Though the annual fees prescribed are lower, when calculated out over a 5-year period the total cost would be similar to that of the Renewal Fees administered by other municipalities and the Province to a 5-year Permit Renewal at the same rate as a new Billboard Permit.

A Sign Bylaw Minor Variance has less complexities and based on minor non-compliances with the Sign Bylaw such as heights, sizes of face and internal property distance. Minor Variance are heard at COA which has a fixed schedule of 30 days for processing and is the only hearing where the application is considered.

Municipality	Variance Application Fee	Amendment Application Fee	Comments
Windsor	\$2,395 (COA)	\$1,302 (DHSC & Council)	
Burlington	\$2,355 (Committee)		\$1,315 (w DOA)
Hamilton	\$3,735 w permit \$4,660 w/o permit		\$675 with DOA
London	\$1,000 (Committee)	\$1500	\$700 (w DOA)
Ottawa	\$3023 (ECC) \$2126 (Static)		DOA (except Residential Districts)
Oshawa	\$1281	\$1281(+3% ROI)	3% Annual increase
Mississauga	\$1226 w permit \$1500 w/o permit		
Niagara Falls	\$2300	\$6800	
Peterborough	\$1200	\$1200	
Greater Sudbury	\$900	\$3930 (Peer Review)	
Toronto	\$1782 (DOA or COA)	\$2970	ROI Annual Increase

Administration is currently reviewing the Schedule of Fees for Development and Planning applications and will consider these Fees in that future report.

**Subject: Brownfield Redevelopment Community Improvement Plan
(CIP) application submitted by 1000506202 Ontario Inc. for 1567
Ouellette Avenue (Ward 3)**

Reference:

Date to Council: April 2, 2024
Author: Tracy Tang, MCIP, RPP
Planner II - Revitalization & Policy Initiatives
ttang@citywindsor.ca
519-255-6543 x 6449

Greg Atkinson, Manager of Development
gatkinson@citywindsor.ca
519-255-6543 x 6582
Planning & Building Services
Report Date: March 12, 2024
Clerk's File #: SPL2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by 1000506202 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Delineation for the property located at 1567 Ouellette Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$25,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study and Delineation completed in a form acceptable to the City Planner and City Solicitor.
- III. THAT the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner.
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and Delineation not be completed within two (2) years of Council approval, the approval **BE**

RESCINDED and the funds be uncommitted and made available for other applications.

Executive Summary: N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP was adopted in 2010 and provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Site Background

The subject site consists of one property parcel located on the west side of Ouellette Avenue in the block between Shepherd Street and Hanna Street. The property is 0.16 hectares (or 0.41 acres) in size and rectangular shaped. It is currently vacant with remnants of a front yard access driveway, walkway, and rear yard parking area. The site is designated 'Mixed Use Corridor' on Official Plan Schedule D: Land Use, and is zoned Commercial District CD3.5, which permits a range of commercial, office, and residential uses.

Originally, the property was the site of the Ernest Wilby House, which was listed on the Windsor Municipal Heritage Register and used as a single residential dwelling from its

construction in 1930 until 1964. Between 1964 and 1994, it operated as a funeral home known first as the James H. Sutton Funeral Home, and then the Trillium Funeral Service. In 1994, it was converted from a funeral home to a restaurant. It was also used as a call centre before being vacant for a number of years and subsequently demolished in 2011. The subject property has remained vacant since. Some Potentially Contaminating Activities (PCAs) identified on the subject site include fill material of unknown quality following demolition, a fuel oil tank, and the historic use of the property as a funeral home.

The principal owner of 1000506202 Ontario Inc. is Jonathan Seguin. 1000506202 Ontario Inc. intends to redevelop the property for combined residential / commercial use, thus a Record of Site Condition (RSC) is required under Ontario Regulation 153/04. In 2023, 1000506202 Ontario Inc. submitted a pre-consultation application for Site Plan Control, through which the requirement for an RSC was noted. The owner has now submitted the grant application and will be incurring the eligible Phase II ESA plus Delineation costs and, should the application be approved, would receive the grant payment.

Discussion:

Environmental Site Assessment Grant Program

The ESA Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The applicant proposes to redevelop 1567 Ouellette Avenue for combined residential / commercial use, and requires a Phase II ESA study as part of their application for a RSC. The applicant has completed a Phase I ESA, which identifies areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site, plus delineation to determine the extent of any contamination (if required). Upon completion, the City would retain a copy of the final Phase II ESA study report including delineation data (if required).

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of

brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;

- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the potential presence of contamination. The proposed Phase II ESA study and Delineation will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost for remediation and establish next steps in the remediation process, if required.

Climate Change Risks

Climate Change Mitigation:

The proposed combined residential / commercial redevelopment is supported by the Environmental Master Plan action item, which encourages use of the Brownfields Redevelopment Strategy.

Climate Change Adaptation:

The redevelopment of the existing vacant commercial property may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would

be required to meet the current provisions of the Building Code, which would be implemented through the building permit process.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$47,700. 50% of the cost of the ESA study exceeds the \$15,000 maximum for the first study. The cost estimate (excluding HST) for the Delineation (if required) is \$33,900. 50% of the cost of the Delineation exceeds the \$10,000 maximum for the second study. If approved, the maximum grant would total \$25,000. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$383,556.58, however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant’s agent from Dillon Consulting prior to accepting the application for the Environmental Study Grant program. Josie Gualtieri, Financial Planning Administrator, Finance Department; and Kate Tracey, Senior Legal Counsel, Legal Department were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from 1000506202 Ontario Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters: N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator

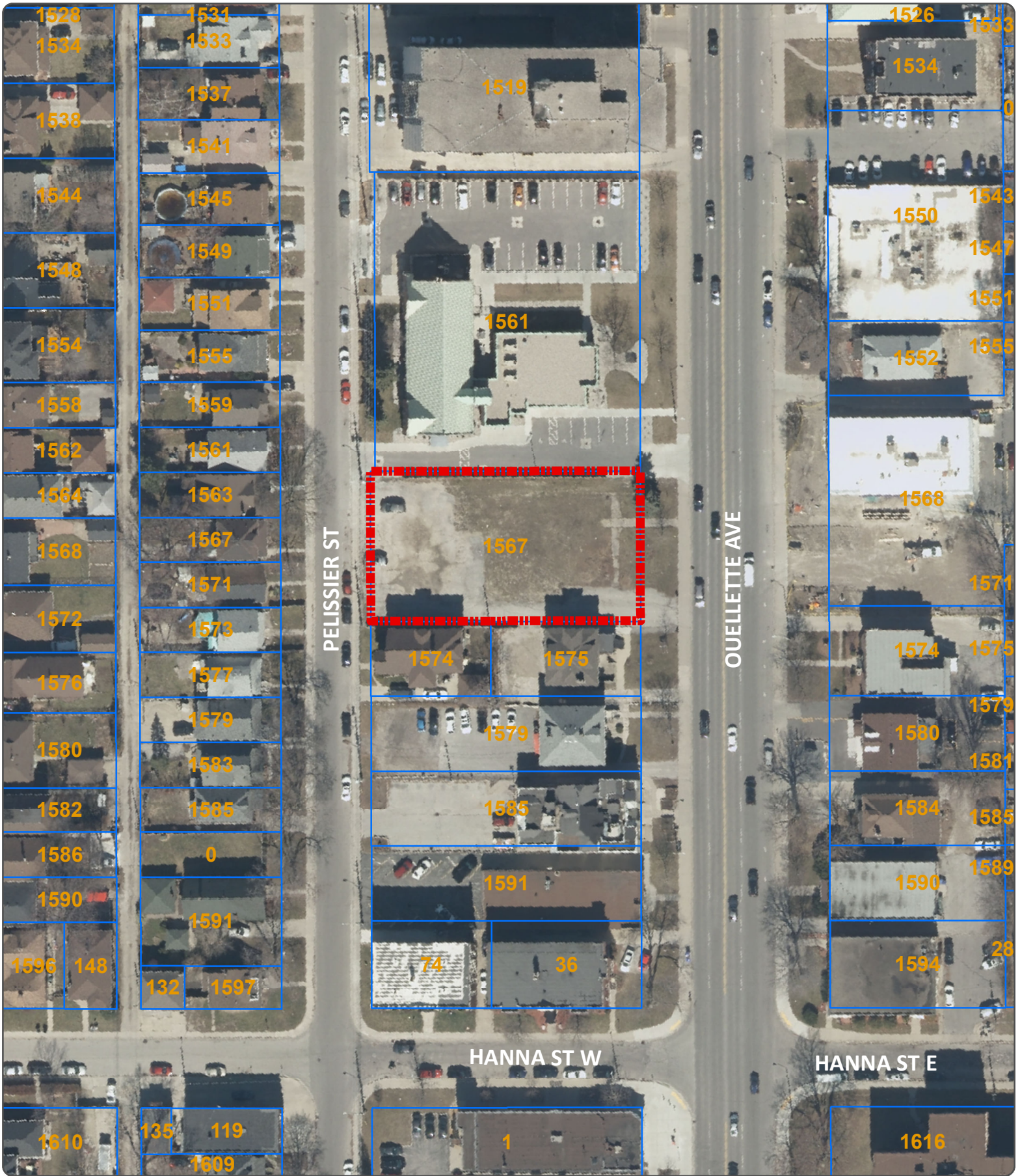
Name	Title
Jason Campigotto	Acting Deputy City Planner - Growth
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Counsel, Legal Services & Real Estate
Janice Guthrie	Commissioner, Finance/City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
1000506202 Ontario Inc.		Jonathan.seguin@ps Holdings.ca
Taryn Azzopardi		tazzopardi@dillon.ca

Appendices:

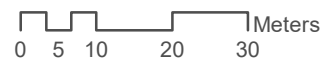
- 1 Appendix A - Location Map



LOCATION MAP: 1567 OUELLETTE AVENUE



SUBJECT PROPERTY



Subject: Sandwich Town CIP Application, 3573 Peter Street; Owner: Sarin Ty and Soknao Tieng (Ward 2)

Reference:

Date to Council: April 2, 2024
Author: Kevin Alexander, MCIP RPP
Senior Planner - Special Projects
(519) 255-6543 x. 6732
kalexander@citywindsor.ca

Ananya Patel
Planning Assistant
(519) 255-6543 x. 6438
anpatel@citywindsor.ca

Planning & Building Services
Report Date: March 11, 2024
Clerk's File #: SPL2024

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the Chief Building Official **BE AUTHORIZED** to issue a Demolition Permit to Sarin Ty and Soknao Tieng (the "Owners"), the registered owners of 3573 Peter Street (the "Property"), to demolish a Semi-Detached Dwelling located at the Property (see Appendix 'A'), to construct a Multiple Dwelling with (4) units (See Appendix 'B').
- II. **THAT** any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit.
- III. **THAT** the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - i. The redevelopment of the Property identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;

- ii. If the redevelopment of the Property, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition, the Clerk will enter the sum of Forty Thousand Dollars (\$40,000) on the collectors roll of the Property and prepare a certificate for registration.
- IV. **THAT** the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the Property.
- V. **THAT** the request for incentives under the Sandwich Incentive Program made by the Owners **BE APPROVED** for the following programs:
 - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of \$20,000;
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (estimated at \$3,527 per year).
- VI. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to form, and the City Treasurer as to financial matters.
- VII. **THAT** funds to a maximum amount of \$20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed.
- VIII. **THAT** grants **BE PAID** to the Owners upon completion of the Multiple Dwelling with (4) units at the Property from the *Sandwich Community Development Plan Fund* to the satisfaction of the City Planner and Chief Building Official.
- IX. **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 may be granted at the discretion of the City Planner.

Executive Summary:

N/A

Background:

On January 26, 2009, City Council passed by-laws to establish the Sandwich Heritage Conservation District Plan (By-law 22-2009), Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18,

2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program:

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation Grant Program.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the Sandwich HCD Area) (M264-2013).

Discussion:

On *December 5, 2023*, a Sandwich CIP grant application with Site Plan and Elevation Drawings were submitted for the purpose of constructing a two (2) storey semi-detached dwelling with two (2) ADUs in the basement (totaling four (4) units) located at 3573 Peter St (See Appendix 'A' for location map).

The property is located within the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area (outside of the Sandwich Heritage Conservation District), and for the purpose of financial incentives, located within Target Area 3.

One of the general requirements of Section 10.3 q) of the Sandwich CIP requires that approval of any application for the financial incentive program is based on the compatibility of the proposed use with the vision and goals of the CIP, the Sandwich Community Planning Study (CPS), and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) and any other guidelines applicable to the CIP area. The following identifies how this particular development addresses section 10.3 (q) of the CIP.

Sandwich Vision and Design Guidelines

The Sandwich CIP and CPS

The construction of the proposed building located at 3573 Peter Street is consistent with the Vision and Goals for Sandwich Town.

Sandwich CIP Urban Design Guidelines

The proposed development is in keeping with the Sandwich Urban Design Guidelines, in terms of siting and scale, use of materials, proportion, height and built form, profile

and selection of materials. The application requires variances through the Committee of Adjustment (COA) for relief from the required side yard and a reduction in the required number of parking spaces.

Exemption to Demolition Control By-law 20-2007

The existing two (2) unit dwelling located at 3573 Peter Street is currently used as a residential rental. The owner intends to demolish the dwelling and redevelop the site.

Section 3 of the Demolition Control By-law states that *“...no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council...”* The decision to issue (or not issue) a demolition permit is at City Council’s sole discretion.

Section 5 of the Demolition Control By-law states that *“Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property to be demolished”* Section 6 states that a demolition permit may be issued on the following conditions:

- (a) That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;*
- (b) that, on failure to complete the new building within the time specified in the permit issued under Section 5, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.*

The applicant has indicated in their application that they intend to demolish the existing two (2) unit dwelling and construct a new Multiple Dwelling with (4) units which meets the intent of the Sandwich CIP Urban Design Guidelines. Section 6(b) of the Demolition Control By-law entitles the Clerk to enter on the collectors roll a maximum of \$20,000 per residential unit (to be collected in like manner as municipal taxes) if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

Given that the applicant proposes to demolish the existing two (2) unit dwelling, Recommendation III (ii). of this Report specifies the maximum amount of \$40,000 will be entered on the tax roll if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

The plan to demolish the existing two (2) unit dwelling and to replace it by constructing a Multiple Dwelling with (4) units is consistent with the recommendations of the Sandwich CIP regarding continuing to process Demolition Control By-law exemption requests. This plan is also in keeping with Section 1.27.12, Vol. II of the City's Official Plan regarding Demolition within the Olde Sandwich Towne Community Improvement Plan (CIP) area. The applicant will be required to submit the following prior to obtaining a Building Permit to demolish:

- (a) a plan for redevelopment in conformity with the Official Plan and Zoning By-law requirements (all plans will be reviewed to ensure compliance the Official Plan and Zoning By-law),
- (b) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill the conditions of the Site Plan Control Agreement

Demolishing the existing two (2) unit dwelling to construct a larger Multiple Dwelling with (4) units with improved living spaces for residents is consistent with the intent of the Demolition Control By-law.

Sandwich Incentive Program

The proposal is located within Target Area 3 of the Sandwich CIP Area and eligible for the following Incentive programs. The eligible costs for each incentive program are based on the costs estimates provided by the applicant, as the project is implemented these costs could fluctuate slightly which could have a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, and with the following program specific requirements:

Development and Building fees Grant Program

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The Building Permit drawings have not been submitted and fees will need to be determined in the future. Recommendation V. i. of the report will include a maximum amount of \$20,000 to ensure that all fees are captured. Based on the information we have at the time of this report the following fees are required:

- Building Permit Fee—to be determined
- Demolition Permit Fee—to be determined
- Public Works Permit Fees—to be determined
- Parkland Dedication Fee—to be determined

TOTAL: To Be Determined up to a maximum of \$20,000

Revitalization Grant Program

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped, or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in municipal property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The confirmed current value assessment of the subject property located at 3573 Peter Street is \$118,000. The owner currently pays annual total property taxes of \$2,288.80 (based upon 2023 tax levies). The municipal portion, to which the grant would apply, is \$2,108.26 The Applicant's Estimated Post-Project Value of Land and Buildings based on the cost of construction is \$1,200,000. However, some of the proposed costs which will be incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value assessment, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$400,000. The grant will however be based upon the actual tax increment once the assessment has been determined by MPAC.

For illustrative purposes, the table below identifies the annual grant equal to 70% of the increase in City property taxes for 10 years after project completion, based on the Current Value Assessment and the (projected) Estimated Post Project Assessment Value. The taxes retained by the City over the duration of the grant program is equal to a 30% increase of the tax increment. After completion of the grant program (10 years), the City will collect the full value of municipal tax increase (\$7,146.64 annually).

Estimated Revitalization Tax Increment Grant for 3573 Peter		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Annual Estimate Value of Grant (70% of the municipal increase)
\$2,108	\$5,038	\$3,527

Assumptions

Current Property Value Assessment (2023 – Residential)	\$118,000
Estimate Total Post Development Assessment (2023 – Residential)	\$400,000

Risk Analysis:

The Building Department has not received or conducted a review of the building plans to confirm compliance with the Ontario Building Code and applicable law (e.g. zoning by-law). A review of the drawings will be conducted to ensure that the City's incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s) "toolkit". As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the total amount of all of the grants does not exceed the total cost of the project.

The *Development and Building Fees Grant Program* will not be disbursed until all work is completed and inspected by Administration as per the Site Plan and Elevation Drawings, and Building Permit. The *Revitalization Grant Program* will not be dispersed until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and the property taxes for the applicable year paid.

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

Climate Change Risks

Climate Change Mitigation:

The demolition of the existing dwelling affects climate change, because the existing structure will not be re-used and may likely end up in a land fill. However, the rehabilitation of the site contributes to the revitalization of the Sandwich Town Neighbourhood limiting vehicular travel and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing site in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property does not appear to be located within a Heat Vulnerability area. However, the rehabilitation of the existing site and construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted

balance of the CIP reserve fund is \$383,556.58 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the maximum amount of \$20,000 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

Eligible Incentive Programs	Grant
<p><i>Development and Building Fees Grant</i></p> <p><i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i></p>	\$20,000
<p><i>Revitalization Grant</i></p> <p><i>*\$3,527 per year between years 1 to 10</i></p>	\$35,270
Total	\$55,270

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176). The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

Consultations:

The owner of the property located at 3573 Peter Street have been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects and Josie Gualtieri, Financial Planning Administrator were consulted with respect to the *Sandwich CIP Revitalization Grant Program*. Planning & Building Department staff were consulted regarding Fees with respect to the *Building & Development Fees Program*

Conclusion:

The demolition of the existing residential dwelling located at 3573 Peter Street will provide sufficient lot area to allow the owner Sarin Ty and Soknao Tieng to construct Multiple Dwelling with (4) units, thereby meeting the intent while also providing an

opportunity to attract new residents to the neighbourhood and increasing the housing stock of the area through the redevelopment of a derelict property. The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report and is compatible with the Sandwich Urban Design Guidelines.

There are sufficient funds in the CIP Reserve Fund 226 to provide funds for the *Development & Building Fees* grant amount, which has been applied for by the applicant for this project with the *Revitalization Grant* portion funded through the municipal portion of the annual tax levy. Therefore, Administration recommends that the application request by the owner of 3573 Peter Street for incentives under the Sandwich Incentive Program be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Kevin Alexander	Senior Planner – Special Projects
Josie Gualtieri	Financial Planning Administrator
Jason Campigotto	Deputy City Planner – Growth (A)
John Revell	Chief Building Official
Thom Hunt	City Planner
Kate Tracey	Senior Legal Council
Lorie Gregg	Deputy Treasurer, Taxation, Treasury & Financial Projects
Janice Guthrie	Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Sarin Ty		
Paul Peterson		

Appendices:

- 1 Appendix A - Location Map and Existing Condition
- 2 Appendix B - Proposed Development

Appendix 'A' – Location Map



LOCATION MAP: 3573 PETER STREET



SUBJECT



Appendix 'A' – Existing Condition (*Google Earth*)





Appendix 'B' – Proposed Development



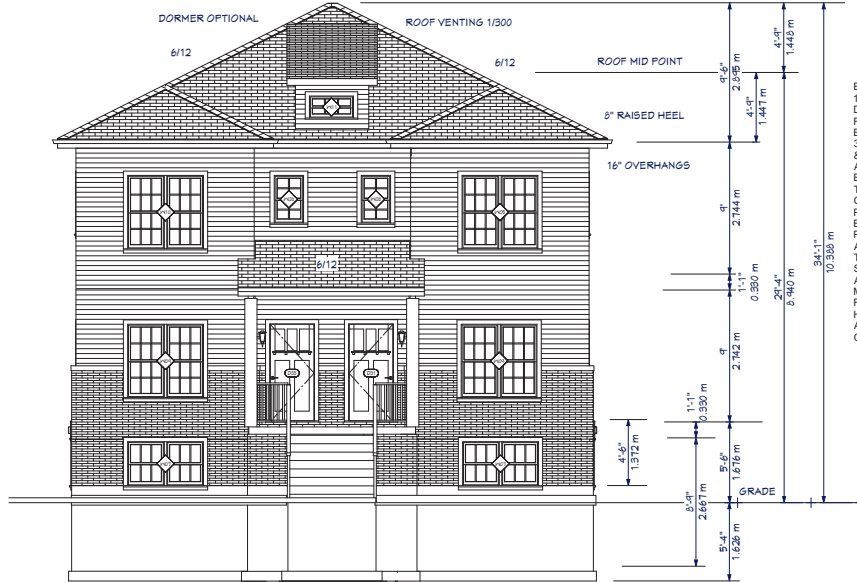
FRONT ELEVATION - 3D RENDERING



LEFT SIDE/FRONT ELEVATION - 3D RENDERING



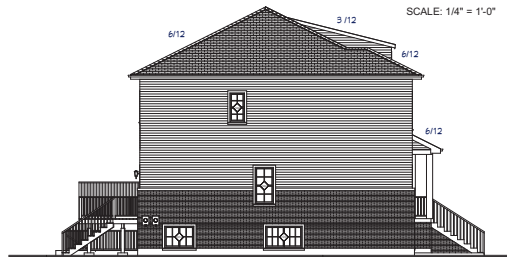
LEFT SIDE/REAR ELEVATION - 3D RENDERING



ENGINEERED ROOF TRUSSES
 11 7/8" TJI FLOOR SYSTEM
 DESIGN BY TRUSS MFG.
 FIBERGLASS/ ASPHALT SHINGLES
 BOXED EAVES, VINYL WINDOWS, BLACK SASH
 3" BRICK VENEER WITH 4"x4" CONCRETE CAPS
 & LAP WOOD-COMPOSITE BOARD SIDING,
 ALUMINUM SOFFITS, FASCIA, GUTTERS,
 EXTEND KICK-OUTS TO 3' AWAY FROM WALLS
 TO OVER PLASTIC SPLASH TRAYS TO SOIL,
 CONCRETE FRONT PORCH & STEPS,
 P.T. REAR DECKS & STEPS,
 BASEMENT WALKOUT,
 POURED CONCRETE FOUNDATION,
 ALL EXPOSED WOOD NOT P.T.
 TO BE COVERED OR PAINTED OR STAINED,
 STEEL PANEL INSULATED ENTRY DOORS BLACK,
 APPROPRIATE LIGHTING,
 METAL FLASHING, CAULKING,
 FOG FURNACE HEATING FOR MAIN & 2ND FLOORS,
 HOT WATER RADIANT HEATED SLAB FOR BASEMENT,
 AIR CONDITIONING HEAT PUMP WALL UNIT DIFFUSERS,
 COLOURS & TEXTURES TO BE AS PER 3D RENDERINGS.

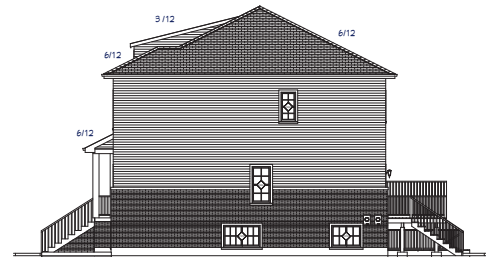
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



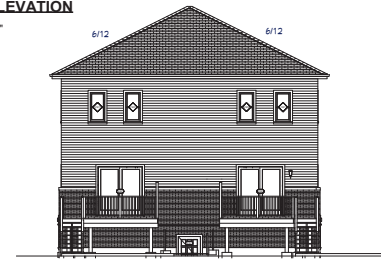
E-2 LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



E-4 RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



E-3 REAR ELEVATION

SCALE: 1/8" = 1'-0"

PAUL PETERSON BCIN DESIGNER
 3777 Riverside Drive E., Windsor, Ontario N9B 6W8
 (226) 344-5772 www.BCINdesigner.com
 HOUSES, HOMES, GARAGES, ADDITIONS,
 ADUS, CUSTOM ARCHITECTURAL DESIGN
 over 20 years experience!

13	D	PROPERTY ZONING DESIGNATION & DESCRIPTION CHANGED TO MULTIPLE DWELLING HOUSE WITH 4 UNITS	23/11/17
13	D	DRIVEWAY ADDED TO SIDE YARD	
12		STONE CHANGED TO BROWN BRICK	
11		HEIGHT OF BRICK CHANGED TO WHITE	
10	D	COLOR OF BRICK CHANGED TO WHITE SIDING TO BE WOOD-COMPOSITE	23/11/03
10	D	2ND FLOOR BATHROOM WINDOWS CHANGED	
09		BUILDING HEIGHT TO MID POINT OF ROOF REDUCED TO 3M	
08		FALSE CORNER ADDED FOR AESTHETICS ONLY	
07		BRICK CHANGED TO WOOD SIDING WITH STONE VENEER SKIRT	23/09/21
06	C	WINDOWS RETURNED TO 2ND BATHROOMS	
05		BRICK COLOUR CHANGED	
04	B	2ND FLOOR BATH WINDOW REMOVED	23/09/15
03	B	2ND FLOOR BATH WINDOW REMOVED	
02		2ND FLOOR BATH WINDOW REMOVED	
01	A	PERMIT APPLICATION FILE	23/10/01
NO.	LETTER	ISSUED FOR	DATE YMD

PROPERTY OWNER:
 SARIN TY
 63 LEWIS AVE.,
 BRANTFORD, ONTARIO L5Z 0X2
 TELEPHONE: 905-960-7278
 sarinty@hotmail.com

OWNER: SARIN TY
GENERAL CONTRACTOR: SARIN TY

PROJECT DESCRIPTION:
 MULTIPLE DWELLING WITH 4 UNITS
BUILDING SITE:
 3573 PETER ST.,
 WINDSOR, ONTARIO
 N9C 1J6

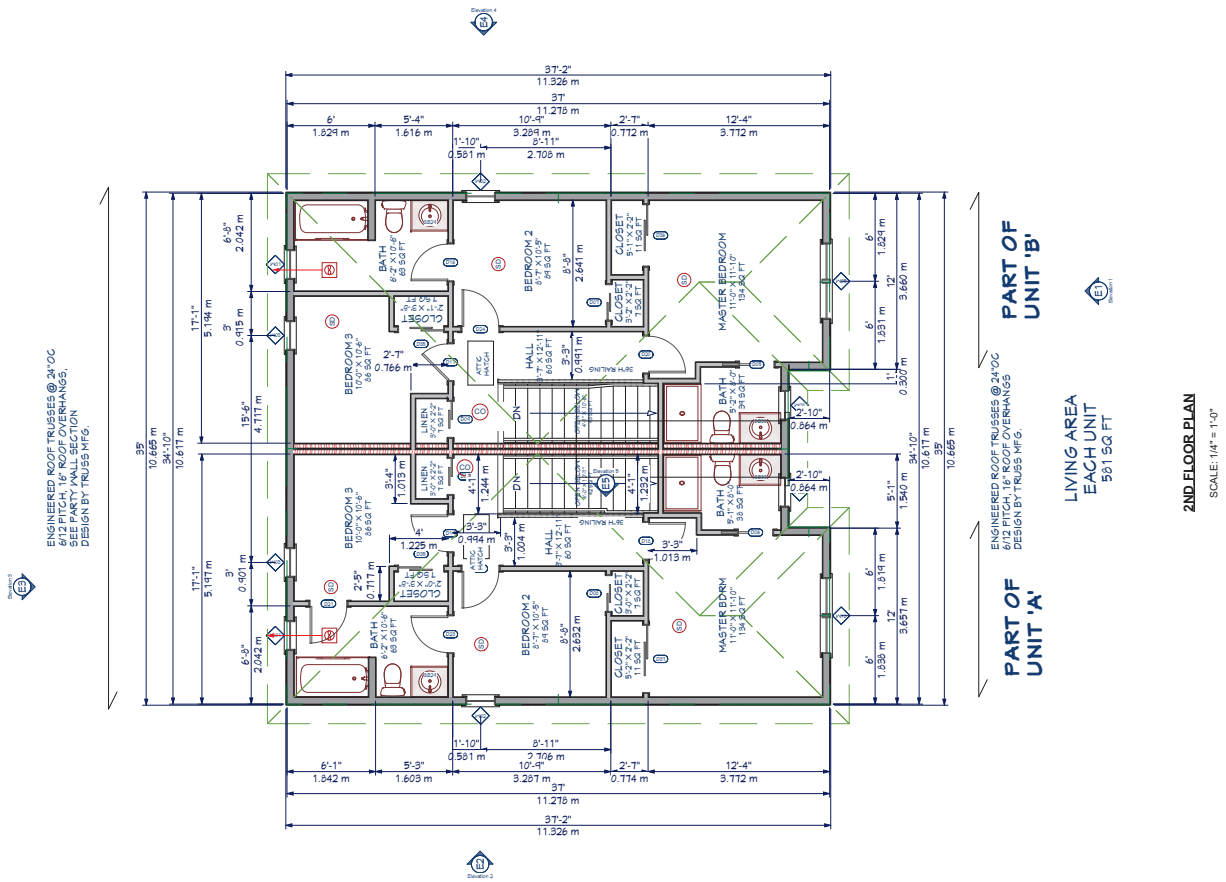
DRAWING TITLE:

ELEVATIONS

NOTE:
 AS NOT BECAUSE OTHERWISE, IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT FROM ALL JURISDICTIONS AND TO OBTAIN A CONSTRUCTION PERMIT FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, INCLUDING BUT NOT LIMITED TO: ELECTRICAL, PLUMBING, MECHANICAL, AND OTHER LOCAL PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, INCLUDING BUT NOT LIMITED TO: ELECTRICAL, PLUMBING, MECHANICAL, AND OTHER LOCAL PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, INCLUDING BUT NOT LIMITED TO: ELECTRICAL, PLUMBING, MECHANICAL, AND OTHER LOCAL PERMITS.

DATE YMD: 23/11/17
 BUILDER: SARIN TY HOME OWNER
 TARIFF #:
 DESIGNER: PAUL PETERSON BCIN DESIGNER
 FIRM: PAUL PETERSON BCIN DESIGNER
 JOB NUMBER: 329
 SCALE AS SHOWN ON SHEET: 2
 SHEET # 8
 REVISION: E

Appendix 'B' – Proposed Development



ENGINEERED ROOF TRUSSES @ 24"OC
SEE PARTY WALL SECTION
DESIGN BY TRU85 MFG.

ENGINEERED ROOF TRUSSES @ 24"OC
SEE PARTY WALL SECTION
DESIGN BY TRU85 MFG.

PART OF UNIT 'B'

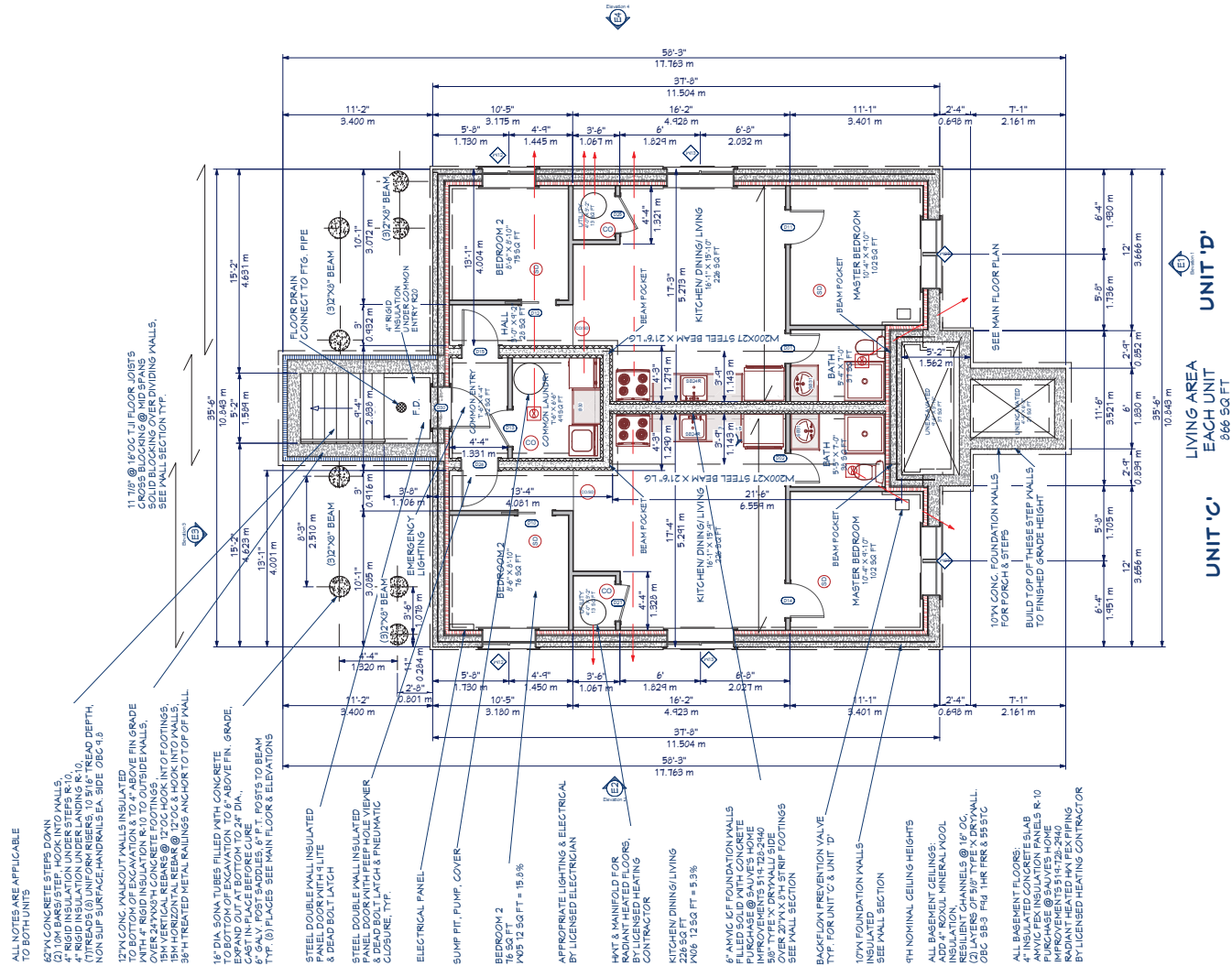
PART OF UNIT 'A'

LIVING AREA
EACH UNIT
551 SQ FT

2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"

<p>PAUL PETERSON BCIN DESIGNER 3777 Riverside Drive E., Windsor, Ontario N9Y 6W8 (226) 344-5772 www.BCINdesigner.com</p> <p>HOUSES, HOMES, GARAGES, ADDITIONS, ADU'S, CUSTOM ARCHITECTURAL DESIGN over 20 years experience!</p>																																																																											
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Appendix 'B' – Proposed Development



UNIT 'D'
LIVING AREA
EACH UNIT
866 SQ FT



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3777 Riverdale Drive E., Windsor, Ontario N9Y 4W8
(226) 344-5772 www.BCINdesigner.com
HOUSES, HOMES, GARAGES, ADDITIONS,
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over 20 years experience!

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13	D	* DRIVEWAY ADDED TO SIDE YARD	
12	D	* STONE CHANGED TO BROWN BRICK	
11	D	* ROOF OF BRICK CHANGED TO WHITE	
10	D	* COLOR OF BRICK CHANGED TO WHITE	23/11/03
09	D	* SECOND FLOOR BATHROOM WINDOWS CHANGED	
08	D	* BUILDING HEIGHT TO MID POINT OF ROOF REDUCED TO 30M	
07	D	* FALSE CORNER ADDED FOR AESTHETICS ONLY	
06	C	* BRICK CHANGED TO WOOD SIDING	23/09/21
05	C	WITH STONE VENER SKIRT	
04	C	* WINDOWS RETURNED TO 2ND BATHROOMS	
04	C	* BRICK COLOR CHANGED	
03	C	* 2ND FLOOR BATH WINDOW REMOVED	23/09/15
02	C	* 2ND FLOOR BATH WINDOW REMOVED	
01	A	* SITE PLAN SHOWING NEIGHBORHOOD	23/10/01
01	A	* PERMIT APPLICATION FILE	

PROPERTY OWNER:
SARIN TY
63 LEWIS AVE.
BRANTFORD, ONTARIO L2S 0X2
TELEPHONE: 905-860-7278
sarin.ty@hotmail.com

OWNER: SARIN TY
GENERAL CONTRACTOR: SARIN TY

PROJECT DESCRIPTION:
MULTIPLE DWELLING WITH 4 UNITS

BUILDING SITE:
3573 PETER ST.,
WINDSOR, ONTARIO
N9C 1J6

DRAWING TITLE:
BASEMENT & FOUNDATION PLAN

NOTE:
THE CLIENT (OWNER) IS THE DESIGN CONTRACTOR RESPONSIBLE TO OBTAIN A PERMIT FROM THE LOCAL JURISDICTION. THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT IS LIMITED TO THE DESIGN CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT FROM THE LOCAL JURISDICTION. THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT IS LIMITED TO THE DESIGN CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT FROM THE LOCAL JURISDICTION. THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT IS LIMITED TO THE DESIGN CONTRACTOR'S RESPONSIBILITY TO OBTAIN A PERMIT FROM THE LOCAL JURISDICTION.

DATE YMD	23/11/17	
BUILDER	SARIN TY HOME OWNER	
DESIGNER	PAUL PETERSON BCIN DESIGNER	A. DETAIL NO.
FORM	PAUL PETERSON BCIN DESIGNER	B. LOCATION SHEET
JOB NUMBER	329	C. DETAILED ON
		5
		E
		SHEET #
		REVISION



Committee Matters: SCM 57/2024

**Subject: Minutes of the Property Standards Committee of its meeting held
February 12, 2024**

Property Standards Committee

Meeting held February 13, 2024

A meeting of the Property Standards Committee is held this day commencing at 10:00 o'clock a.m. in Room 407, 400 City Hall Square East, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Fabio Costante (via conference phone)
Councillor Mark McKenzie
Michael George
Dan Lunardi

Appellants in attendance:

Rashpal Singh Suri and Vivek Suri, regarding ***Item 5.1***

Also, present are the following City of Windsor resource personnel:

Rob Vani, Deputy Chief Building Official - Inspections
Michael Forte, Building By-law Enforcement Officer
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 10:00 o'clock a.m. and the Property Standards Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Disclosure of Interest

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Mark McKenzie, seconded by Dan Lunardi,
That the minutes of the Property Standards Committee of its meeting held August 1, 2023, **BE ADOPTED** as presented.
Carried.

4. Request for Deferral, Referral or Withdrawal

None.

5. Appeals

Rashpal Singh Suri and Vivek Suri appear before the Property Standards Committee against an Order to Repair VY 23 49015 issued December 1, 2023, regarding property at 3141 Donnelly Street, Plan 42 N Pt Lot 37. The Notice of Appeal dated December 27, 2023, was received within the 14-day time frame.

Michael Forte, Building By-law Enforcement Officer provides a Presentation entitled "3140-03143 Donnelly Street Order to Repair 23-49015", **attached** as Appendix "A". He indicates that because of a compliant, a site inspection was conducted on November 17, 2023. The Inspection revealed nine (9) violations of the City's Property Standards By-law for a legal two (2) Unit Semi-Detached Dwelling. A follow-up inspection conducted February 6, 2024, found that of the nine (9) defects, only two (2) defects were in compliance – the front window and the smoke alarms were addressed for compliance. Officer Forte adds that three tenants still reside at this property.

Appellant Mr. Rashpal Singh Suri expresses concern that the city entered his property without consulting or obtaining consent from him (property owner). Further indicates they are not tenants as they have not paid rent for some time, but confirms they still reside in the building.

Committee member Dan Lunardi asks Building Administration to explain the process of entering an occupied dwelling/space legally. Rob Vani explains that for rightful entry into an occupied dwelling/space under the Building Code Act and the Municipal Act, it is the occupant of the dwelling unit/space that has the right to refuse access or to allow informed and voluntary consent for an Officer to enter. An Officer does not need consent of the property owner to lawfully enter the owner's property if they are not an occupant. Mr. Vani advises the committee that Officers inform all residential occupants of their right to refuse access.

In response to a question asked by Councillor Mark McKenzie to the appellant regarding if he has filed eviction requests with the Landlord Tenant Board, Mr. Rashpal Singh Suri responds affirmatively.

Rob Vani states that the City of Windsor's position is that the Order was issued lawfully and asks that the Property Standards Committee confirm the Order as issued with an appropriate compliance date at the discretion of the Committee.

Moved by Councillor Mark McKenzie, seconded by Councillor Fabio Costante,
That the Order to Repair VY 23 49015 regarding property at 3141 Donnelly Street,
Windsor Ontario **BE CONFIRMED** with a deadline of 30 days from the date of this
decision – **MARCH 15, 2024**.

Carried.

6. Adjournment

There being no further business, the meeting is adjourned at 10:18 o'clock a.m.



3141-3143 DONNELLY ST
ORDER TO REPAIR 23- 49015

Building By-law Officer: Michael Forte

Date of Inspection: NOVEMBER 17, 2023

Date OTR Issued: DECEMBER 1, 2023

SUMMARY OF EVENTS

- **NOVEMBER 17, 2023** - Attended property to investigate substandard building conditions in response to a 311 complaint. Access granted by tenant. Completed walkthrough to review tenant's concerns. Inspected the exterior of the property and interior of UNIT 3141. Main building is used as a two unit dwelling. The investigation revealed nine (9) violations of the City's Property Standards By-Law for legal Two (2) Unit Semi-Detached Dwelling.
- **DECEMBER 1, 2023** – Order to Repair issued to the registered owners – **Rashphal Singh Suri & Rachna Suri**.
- **JANUARY 2, 2024** – Compliance date.

THE DEFECTS INCLUDE:

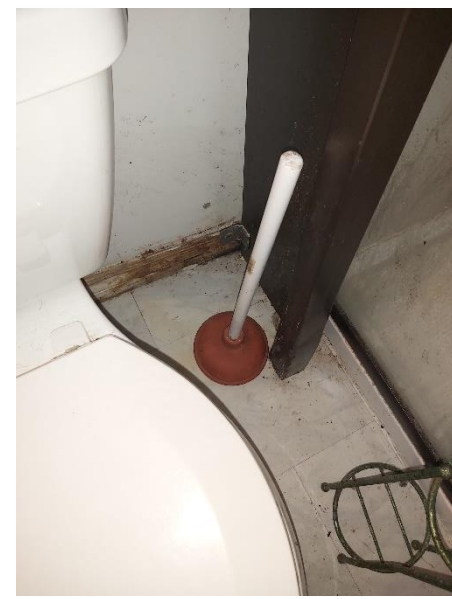


1. DAMAGED WINDOW FRAME AT FRONT WALL

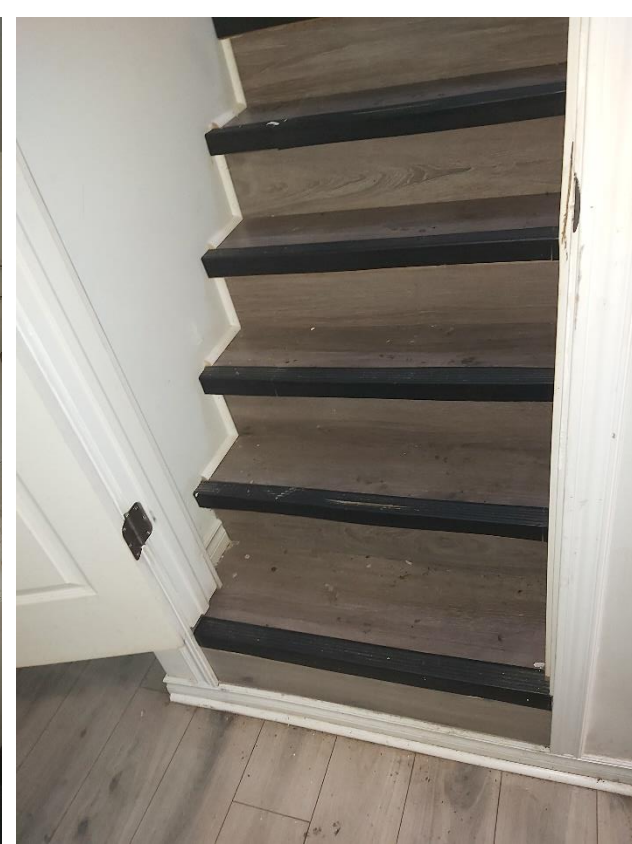
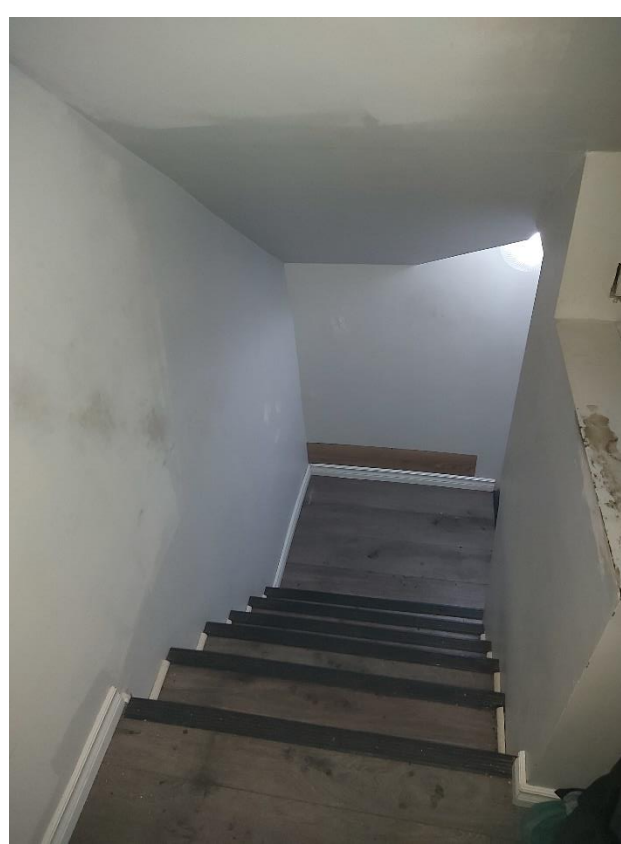
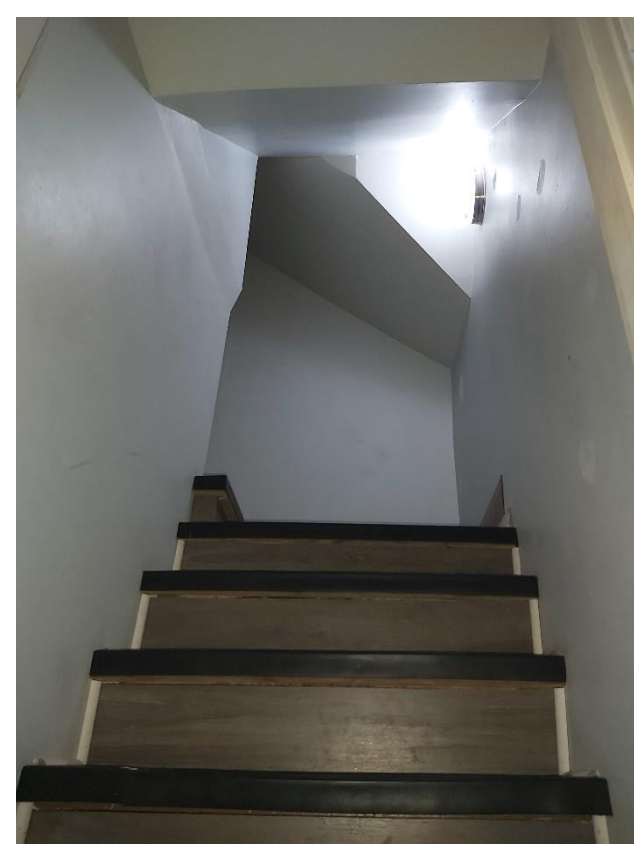
2. DETERIORATED DOOR FRAME AT FRONT ENTRANCE OF UNIT 3141.

- LIGHT VISIBLE THROUGH SIDES OF FRAME
- WATER PENETRATION DURING RAINFALL





3. DETERIORATED BASEBOARDS IN FIRST FLOOR BATHROOM.
- VISIBLE MOULD
 - ROTTED WOOD



4. UPPER FLOOR STAIRWAY HEIGHT DOES NOT MEET EGRESS REQUIREMENTS.
- APPROX 5' CLEARANCE HEIGHT ABOVE STAIRS AND LANDING – 6'-5" REQUIRED.

5. HANDRAIL REQUIRED ON AT LEAST ONE SIDE

6. STAIR RISERS ARE NOT UNIFORM. TREAD AND RISER DIMENSIONS DO NOT MEET BYLAW REQUIREMENTS.



7. MISSING SMOKE ALARMS

8. EXPOSED WIRES AT MULTIPLE ELECTRICAL CEILING FIXTURES

9. LOWER LEVEL BEDROOM FOUND IN EXISTING UNFINISHED BASEMENT. DOES NOT MEET MINIMUM CEILING HEIGHT REQUIREMENT (MIN. 6'-5" – EXISTING IS 6'-0"), NOR EGRESS, OR WINDOW SIZE REQUIREMENTS FOR HABITABLE LIVING.

Current Status: Order Not In Compliance

Follow up inspection conducted on Tuesday
February 6, 2024

Updated list of defects:

1. **Front window – in compliance**
2. Front door frame – outstanding
3. Baseboards – outstanding.
4. Upper floor stairway height - outstanding
5. Handrail – outstanding (installed at improper height, and upside down. see photo)
6. Upper floor stairs – outstanding
7. **Smoke alarms – in compliance**
8. Exposed wiring – outstanding
9. Lower level bedroom – outstanding
(tenant remains)

