

**NOTICE OF PASSING OF
INTERIM CONTROL BY-LAW 126-2015**

A By-law to Impose Interim Control on Public Parking Areas,
Parking Areas and Parking Garages within Olde Sandwich Towne
Business Improvement Area of the City of Windsor

TAKE NOTICE that on September 8, 2015, the Council of the Corporation of the City of Windsor, pursuant to s. 38 of the Planning Act, R. S.O. 1990 c. P. 13 as amended,

- ♦ By resolution directed that a study and review of Zoning By-law 8600 be undertaken with respect to the provisions and regulations related to all parking areas for the areas which comprise the City's nine (9) Business Improvement Areas

- ♦ passed By-law 126-2015, being an interim control by-law affecting all lands within the Olde Sandwich Towne Business Improvement Area. The By-law shall come into effect on **October 20, 2015**.

A copy of By-law 126-2015 is attached to this notice.

The Planning Act provides that "Where the Council has by by-law or resolution, directed that a review or study be undertaken in respect to land use planning policies in the municipality, or in any defined area or areas thereof, the Council may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified by the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof, for or except for, such purposes as are set out in the by-law." The Planning Act further provides that no notice or hearing is required prior to the passage of such a by-law. However, there is a right of appeal to the Ontario Municipal Board as described below.

THE PURPOSE AND EFFECT of By-law 126-2015 is to impose interim control on public parking areas, parking areas and parking garages within Olde Sandwich Towne Business Improvement Area of the City of Windsor. Only proposed parking areas are affected and current lawfully existing parking areas are therefore able to continue to operate as they exist.

It is intended that Interim Control By-law 126-2015 will remain in effect for one year, i.e. until October 20, 2016 unless repealed by by-law approved by Council before that date. In accordance with the provisions of the Planning Act, the Council of The Corporation of the City of Windsor has authority to extend the period during which this by-law shall be in effect for a further period of one (1) year.

Pursuant to s. 38(4) of the Planning Act, any person, corporation or public body may, within sixty days of the passing of an Interim Control By-law, appeal to the Ontario Municipal Board by filing with the City Clerk, by no later than **Monday, November 9th, 2015** a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, together with payment of the appeal fee of (\$125.00) required by the Ontario Municipal Board. The fee is made payable to the Minister of Finance and **must be a certified cheque or money order**. If you wish to appeal to the Ontario Municipal Board (OMB), a copy of an appeal form is available from the OMB website at www.omb.gov.on.ca.

Only individuals, corporations and public bodies may appeal an interim control by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

A key map showing the location of the affected lands (**Schedule 'A' to By-law 126-2015**) is not attached. All persons wishing to review Schedule 'A' may do so by going to the office of the City Clerk, **Monday through Friday, 8:30 a.m. to 4:30 p.m.**, Room 203, 350 City Hall Square West, Windsor, Ontario.

For further information describing more precisely the lands affected or to obtain an enlarged map showing the boundaries of lands affected, please contact:

Simona Simian, Office of the City Planner
City Hall, 400 City Hall Sq. E., Suite 404
Windsor, Ontario N9A 7K6
Telephone (519) 255-6543 x6397
Email ssimion@citywindsor.ca or website <http://www.citywindsor.ca>

DATED at the City of Windsor October 5, 2015.

1 (**Sie Clerk**
VALERIE CRITCHLEY, CITY CLERK

L WINDSOR, ONTARIO

BY -LAW NUMBER 126-2015

A BY-LAW TO IMPOSE INTERIM CONTROL ON PUBLIC PARKING AREAS,
PARKING AREAS AND PARKING GARAGES WITHIN OLDE SANDWICH
TOWNE BUSINESS IMPROVEMENT AREA OF THE CITY OF WINDSOR

Passed the 8th day of September 2015.

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that where the Council of a local municipality has by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality or in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings or structures within the municipality or within the defined area or areas thereof, for such purposes as may be set out in the by-law;

AND WHEREAS The Council of the Corporation of the City of Windsor has by resolution directed that a study be undertaken in respect of land use planning policies that should apply to parking space and parking area provisions, public parking areas, parking areas and parking garages within the Olde Sandwich Towne BIA.

AND WHEREAS the Council of the Corporation of the City of Windsor deems it expedient and in the public interest to prohibit the use on all lands, buildings and structures for, public parking areas, parking areas and parking garages within the Olde Sandwich Towne BIA other than those uses lawfully being carried out on the day the Interim Control By-law comes into effect, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

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

1. In this By-law,

"Public Parking Area" means one (1) or more of the following:

- (a) A parking area which is a main use and is not accessory to any other permitted use;
- (b) A parking area which is accessory to a permitted use, but is not located on the same lot as the use it is intended to serve;

"Parking Area" means an area used for parking spaces, bicycle parking spaces and loading spaces and includes all collector aisles and parking aisles . An outdoor storage yard is not a parking area.

"Parking Garage" means a building or part thereof occupied by a parking area which is used or capable of being used for the provision of a minimum of five (5) parking spaces.

2. Notwithstanding the permitted uses and regulations of Zoning By-law 8600 as amended, within Olde Sandwich Towne BIA, delineated by a dashed blue line in Schedule "A" attached hereto, and forming part of this by-law, no land building or structure shall be used for any parking area, public parking area or parking garage except,

- (1) A purpose which does not require a building permit under the *Building Code Act*;
- (2) The continued use of land, or building or structure lawfully existing on the day this By-law comes into effect provided such use is permitted on that land, or in that building or structure by By-law 8600 ; and
- (3) The repair of a building or structure lawfully existing on the day this By-law comes into effect in order to comply with an order issued pursuant to the City's Property Standards By-law No. 147-2011.

3. That where any conflict exists between the provisions of this By-law and any other By-law of the Corporation of the City of Windsor, this By-law shall prevail.

4. This By-law shall come into effect on October 20, 2015.

5. This By-law shall be in effect for the period of one year from the date this By-law comes into effect.

DREW DILKENS, MAYOR

VALERIE CRITCHLEY, CITY CLERK

First Reading	September 8, 2015
Second Reading	September 8, 2015
Third Reading	September 8, 2015