

AA/
Windsor, Ontario, January 14, 2013

A meeting of the **Planning and Economic Development Standing Committee** is held this day commencing at 4:30 o'clock p.m. in Council Chambers there being present the following members:

Councillor Marra (Chair)
Councillor Dilkens
Councillor Hatfield
Councillor Sleiman
Councillor Payne

Citizens

Merrill Baker
Cheryl Cross-Leal
Barb Bjarneson

Delegations

Karl Tanner, Dillon Consulting, Agent (Item 3)
Christos Kourtsidis, citizen (Item 3)

Also present are the following from Administration:

Thom Hunt, City Planner and Executive Director
Don Wilson, Manager of Development Applications
Adam Szymczmak, Senior Planner
Wira Vendrasco, Deputy City Solicitor
Jim Abbs, Planner III—Subdivisions
Justina Nwaesei, Planner II
Helga Reidel, Chief Administrative Officer
Marianne Sladic, Steno Clerk Senior (A)
Agatha Armstrong, Deputy City Clerk

1. **CALL TO ORDER**

The Chair calls the meeting to order at 4:30 o'clock p.m.

2. **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None.

3. **ADOPTION OF MINUTES**

Moved by Councillor Sleiman, seconded by Councillor Payne,
THAT the minutes of the meeting of the Planning Standing Committee
(Planning Act Matters) held October 9, 2012 **BE ADOPTED** as presented.
Carried.

Moved by Councillor Sleiman, seconded by Barbara Bjarneson,
THAT the minutes of the meeting of the Planning Standing Committee
(Planning Act Matters) held October 25, 2012 **BE ADOPTED** as presented.
Carried.

Moved by Councillor Sleiman, seconded by Barbara Bjarneson,
THAT the minutes of the meeting of the Planning Standing Committee held
December 10, 2012 **BE ADOPTED** as presented.
Carried.

4. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None requested.

5. **COMMUNICATIONS**

None.

6. **PRESENTATIONS AND DELEGATIONS**

Item 3 Greek Orthodox Community of Windsor, 3030, 3050, 3052 & 3070 Walker Road

Karl Tanner (Dillon Consulting), Agent

See minutes of the Planning Act Matter *attached* as Appendix "A".

Christos Kourtsidis, citizen

See minutes of the Planning Act Matter *attached* as Appendix "A".

Moved by B. Bjarneson, seconded by Councillor Sleiman

1. That an amendment to the City of Windsor Official Plan **BE ADOPTED** changing the Official plan designation of Lots 10, 11, 12 and Part of Lot 13, Registered Plan 1456, known municipally as 3030, 3050, 3052 & 3070 Walker Road, from Industrial to Minor Institutional and Natural Heritage, as shown in the map attached in Appendix B to the memo of the Planning Department dated January 11, 2013

2. That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 10, 11, 12 and Part of Lot 13, Registered Plan 1456, known municipally as 3030, 3050, 3052 & 3070 Walker Road from Manufacturing District (MD) 1.2 to a new Institutional District that will permit a church; a church hall; a club, a health studio, a private park, a public hall, a business office and other facilities of a non-profit or charitable organization, and any use accessory to the foregoing use, excluding a pastoral residence, and to Green District (GD) 1.4, as shown in the map attached in Appendix B to the memo of the Planning Department dated January 11, 2013.

3. The Site Plan Control Approval Officer **BE DIRECTED** to take

into consideration the following in the review of Site Plan Control

- a. Parking lots facing Walker Road, paying more attention to beautification through landscaping etc.
- b. ERCA's detailed comments pertaining to the woodlot .be reviewed at Site Plan Control
- c. The preferred access from North Service Road versus entrance/exit from Walker Road.

Carried.

7. **PLANNING ACT MATTERS**

Minutes for the Planning Act Matters are *attached* as Appendix "A".

Item2 Zoning By-law 8600, Housekeeping Amendment 2012-3

Moved by Councillor Sleiman, seconded by Councillor Hatfield
That Zoning By-law 8600 **BE AMENDED** on the following basis:

That Sections 1, 2, 3, 4, 5 and 6 be deleted and replaced with the following:

"SECTION 1 - ADMINISTRATION

1.1 TITLE

This by-law may be cited as "The City of Windsor Zoning By-law" or "Zoning By-law 8600".

1.5 Purpose and Intent

This By-law regulates the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking, loading and other associated matters in the City of Windsor.

1.10 ADMINISTRATION

This by-law shall be administered by the City Planner or their designate.

1.20 interpretation

SEQUENCE - The chapters, sections, regulations and provisions in this By-law intentionally do not follow in consecutive numerical sequence in order to reserve space for the placement of future enactments. Reference should be made to the Table of Contents to determine the intended numerical sequence of the provisions of this By-law.

SCHEDULES - The following schedules together with all notations,

references and other information shown thereon form part of this by-law:

1 Schedule 'A' – Zoning District Maps

METRIC - All regulations are interpreted solely on the basis of metric figures.

ZONING CLASSIFICATION - Any reference made to a zoning classification may be identified by the zoning symbol consisting of letters and a number as listed below:

Zoning Classification	Zoning Symbol	Section
Development Reserve Districts	DRD1.	8
Green Districts 1.	GD1.	9
Residential Districts 1.	RD1.	10
Residential Districts 2.	RD2.	11
Residential Districts 3.	RD3.	12
Institutional Districts 1.	ID1.	13
Commercial Districts 1.	CD1.	14
Commercial Districts 2.	CD2.	15
Commercial Districts 3.	CD3.	16
Commercial Districts 4.	CD4.	17
Manufacturing Districts 1.	MD1.	18
Manufacturing Districts 2.	MD2.	19

ZONING DISTRICT - A zoning classification may be subdivided into one or more zoning districts. The zoning district shall be designated by the zoning symbol of the zoning classification together with a number. For example RD1.1.

LOT DIVIDED INTO MORE THAN ONE ZONING DISTRICT - If a lot is divided into more than one zoning district, the regulations for each zoning district apply only to the portion of the lot within that zoning district.

ZONING DISTRICT MAP - The extent and boundaries of the zoning districts are shown on zoning district maps attached as Schedule 'A'.

ZONING DISTRICT BOUNDARY - In determining the location of the boundary of a zoning district the following apply:

Where a zoning district boundary follows a highway, such boundary is deemed to follow the centre line of the highway.

Where a zoning district boundary follows a railway right-of-way, such boundary is deemed to follow the centre line of the railway right-of-way, unless specifically otherwise indicated on the zoning district map.

Where a zoning district boundary follows a closed alley and the closed

alley has been acquired by an abutting property owner, such boundary is deemed to follow the lot line of the parcel acquired by the abutting property owner.

Where a zoning district boundary follows the shoreline of the Detroit River, such boundary is deemed to follow the boundary of the Province of Ontario on the Detroit River.

Where a zoning district boundary is shown as approximately following a lot line, such boundary is deemed to follow the lot line.

Where a zoning district boundary is without dimensions and does not follow the boundary of a lot, such boundary is determined by use of the scale indicated on the zoning district map.

SPECIFIC ZONING EXCEPTION - In addition to the zoning district, an area on the zoning district maps may be delineated by a broken line and identified by a specific zoning exception symbol - S.20, a subsection – (1), (2) or (3), and a paragraph of subsection (1), (2) or (3) of Section 20. For example S.20(1)275 identifies that the area is subject to the provisions of paragraph 275 of subsection (1) of Section 20.

An area so identified shall be subject to the provisions of the zoning district, the specific zoning exception as identified by the paragraph of subsection (1), (2) or (3) of Section 20 and all other applicable provisions of this by-law.

Where an additional use is permitted under Sections 20(1), 20(2) or 20(3), any use accessory, excluding an outdoor storage yard except where permitted within the zoning district or specific zoning exception, shall also be permitted subject to the provisions of the zoning district, specific zoning exceptions and any other provisions of this by-law applicable to such accessory use.

1.30 OFFENCES

No person shall, within the limits of The Corporation of the City of Windsor, as shown on Schedule 'A', use any land or erect, locate or use any building or other structure except for such purposes or uses as are set out in this by-law and in accordance with the regulations of this by-law.

1.40 PENALTIES

Every person who contravenes any provision of this by-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable, on a first conviction to a fine of not more than \$25,000.00; and,

on a subsequent conviction, to a fine of not more than \$10,000.00 for each day, or part thereof, upon which the contravention has continued after the day on

which the person was first convicted.

Where a corporation is convicted under this Section, the maximum penalty that may be imposed is,

on a first conviction a fine of not more than \$50,000; and,

on a subsequent conviction, a fine of not more than \$25,000 for each day, or part thereof, upon which the contravention has continued after the day on which the corporation was first convicted.

and not as provided in Section 1.40.1.”

That Section 12(6) be amended by deleting “‘H’ Residential District 3.6 (‘H’RD3.6)” and replacing it with “Residential District 3.6 (RD3.6)”.

That Section 12(7) be amended by deleting “‘H’-Residential District 3.7 (‘H’-RD3.7)” and replacing it with “Residential District 3.7 (RD3.7)”.

That the H symbol be deleted from the text of the following site specific provisions in Section 20:

2	2	2	2
0(1)126	0(1)181	0(1)222	0(1)246
2	2	2	2
0(1)138	0(1)197	0(1)240	0(1)260
2	2	2	2
0(1)164	0(1)202	0(1)241	0(1)268

That Section 20(2) be deleted and replaced with the following:

“(2) TEMPORARY USE PROVISIONS

Certain parcels on the zoning district maps are delineated by a broken line and identified by a zoning district symbol - S.20(2) - and a paragraph of this subsection. In the event of a conflict between the provisions of this section, any site specific provisions in Section 20(1) and the provisions of the zoning district, the provisions of this section shall prevail.

A temporary use provision shall be deleted from this Zoning By-law the day after the temporary use expires and replaced with the expiry date.

- Expired September 14, 2003.
- Expired September 14, 2003.
- Expired December 1, 2003.
- Expired January 1, 2004.
- Expired December 1, 2004.

By-law 209-2001 expired June 30, 2004.

For the lands comprising Part of Lots 1 to 3, Part of Lot 5 and the west part of Lot 4, Block 4, Registered Plan 256, known municipally as 801-819 Ouellette Avenue, delineated by a heavy black line in Schedule 'A' to By-law 125-2011, a public parking area shall be an additional permitted use until June 20, 2014, subject to the following additional regulations:

A 30m x 30m landscaped open space yard be provided at the intersection of Ouellette Avenue and Elliott Street right of ways;

Minimum landscaped open space yard from Ouellette Avenue right of way - 10m;

Only one access to Ouellette Avenue is permitted.

That Section 7(66) be deleted and replaced with the following:

“(66) “Group Home” means a dwelling that is:

For the accommodation of six to ten persons, exclusive of staff;

For persons living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being; and

Licensed or funded by the Federal, Provincial or Municipal government.

A lodging house or a residential care facility is not a group home.
[ZNG/3590]”

That Section 7(125) be deleted and replaced with the following”

“(125) “Residential Care Facility” means a dwelling that is:

For the accommodation of eleven or more persons, exclusive of staff;

For persons requiring supervised or assisted living arrangements; and

Licensed or funded by the Federal, Provincial or Municipal government.

A group home or a lodging house is not a residential care facility.
[ZNG/3590]”

That Section 7(98) be deleted and replaced with the following:

“(98) “Motor Vehicle” means an automobile and any other vehicle propelled, driven or pulled by other than muscular power. It does not include a

power-assisted vehicle as defined in the Highway Traffic Act or a train. [ZNG/3590]”

That Section 14(1)(b)(ii) be deleted and replaced with the following:

“(ii) The maximum gross floor area for each retail store, personal service shop, business, financial or medical office, professional studio, light repair shop, restaurant or take-out restaurant shall be 250 square metres. [ZNG/3590]”

That Section 14(2)(b)(iii) be deleted and replaced with the following:

“(iii) The maximum gross floor area for each retail store, personal service shop, business, financial or medical office, professional studio, light repair shop, restaurant or take-out restaurant shall be 250 square metres. [ZNG/3590]”

That Section 14(3)(b)(ii) be deleted and replaced with the following:

“(ii) The maximum gross floor area for each retail store, personal service shop, business, financial or medical office, professional studio, light repair shop, restaurant or take-out restaurant shall be 250 square metres. [ZNG/3590]”

That Sections 14(8)(b)(iii) and (iv) be deleted and replaced with the following:

“(iii) Minimum gross floor area - 3,000 square metres for a grocery store

(iv) Maximum gross floor area

Office, shop, studio or other store - 250 square metres

Restaurant - 450 square metres

Provided that combined gross floor area of all offices, shops, studios, other stores or restaurants shall not exceed 25 percent of the gross floor area of the grocery store. [ZNG/3590]”

That Section 16(2)(a)(vii) be deleted and replaced with the following:

“(vii) Any of the following uses, provided that the total gross floor area of one or more uses does not exceed 250 square metres within the same building: a retail store; a personal service shop; a light repair shop; [ZNG/3590]”

That Section 16(3)(b)(ii) be deleted and replaced with the following:

“(ii) The maximum gross floor area of a workshop shall be equal to 200% of the gross floor area of the retail store or wholesale store. [ZNG/3590]”

That Section 16(5)(a)(vii) be deleted and replaced with the following:

“(vii) Any of the following uses, provided that the total gross floor area of one or more uses does not exceed 250 square metres within the same building: a retail store; a personal service shop; a light repair shop; [ZNG/3590]”

That Section 16(6)(b)(ii) be deleted and replaced with the following:

“(ii) The maximum gross floor area of a workshop shall be equal to 200% of the gross floor area of the retail store or wholesale store. [ZNG/3590]”

That Section 17(1)(b)(ii) be deleted and replaced with the following:

“(ii) The maximum gross floor area for a workshop shall be 1,100 square metres. [ZNG/3590]”

That Section 17(4)(b)(ii) be deleted and replaced with the following:

“(iii) Maximum gross floor area of - 2,500 square metres”
all retail stores in this district

That Section 18(2)(a)(xi) be deleted and replaced with the following:

“(xi) Any use accessory to the foregoing uses, which may include the following: a retail store in combination with and accessory to any industrial use permitted in subparagraph (ii), of this paragraph, provided that the gross floor area of the retail store does not exceed the greater of 25% of the gross floor area of the main building or 15% of the lot area; a caretaker's residence; an outdoor storage yard, provided that there is no outdoor storage of sand or other aggregates; incidental millwork related to the retail sale of lumber. [ZNG/3590]”

That Section 19(4)(a)(ix) be deleted and replaced with the following:

“(ix) Any use accessory to the foregoing uses, which may also include the following uses in combination with any industrial use permitted in sub-clauses (i) to (v), both inclusive, of this clause:

- a day nursery;
- a retail store, provided that the gross floor area of the retail store does not exceed 20% of the gross floor area of the main building or 15% of the lot area;
- caretaker's residence. [ZNG/3590]”

That Sections 20(1)172(i) and (ii) be deleted and replaced with the following:

“(i) Retail stores in combination with restaurant provided that each

store does not exceed 250 square metres in gross floor area; [ZNG/3590]

(ii) A brewery in combination with a restaurant provided that a brewery does not exceed 250 square metres in gross floor area. [ZNG/3590]"

Carried.

8. **COMMITTEE MATTERS**

Minutes of the International Relations Committee meeting held August 30, 2012

Moved by Councillor Hatfield, seconded by Councillor Sleiman

THAT the minutes of the International Relations Committee meeting held November 13, 2012 **BE RECEIVED** for information as corrected to change name from Dr. Dina Chow to Dr. Diana Koa.

Carried.

9. **ADMINISTRATIVE ITEMS**

Item 1 Request to close part of the north/south alley east of Lena Avenue from College Avenue to the southerly property limit of 3115 College Avenue

Moved by Councillor Hatfield, seconded by Councillor Dilkens

I. That the 3.65 metre (12 feet) wide north/south alley east of Lena Avenue from College Avenue to the southerly property limit of 3115 College Avenue shown on Drawing No. CC-1633 ***attached*** hereto as Appendix "A" **BE ASSUMED** for subsequent closure and to be consolidated into the City's own land municipally known as 3115 College Avenue for eventual sale;

II. That the 3.65 metre (12 feet) wide north/south alley east of Lena Avenue from College Avenue to the southerly property limit of 3115 College Avenue shown on Drawing No. CC-1633 ***attached*** hereto as Appendix "A" **BE CLOSED AND RETAINED** by the Corporation of the City of Windsor for lot consolidation purposes subject to the following:

- i. Easements are required in favour of:
 - EnWin Utilities Ltd.
 - Bell Canada
 - Cogeco Cable Systems

ii. A permanent sewer easement across the entire width of the 12-foot alley be reserved in favour of the City of Windsor (purposes allowing existing fences to remain (provision of new gates), but prohibition of any structures (sheds, pools, etc.), and landscaping (berm, hedges, gardens, etc) which would encumber unrestricted access to the full width of the easement.

iii. The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1633, ***attached*** hereto as Appendix "A"

iv. The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice,

v. The City Solicitor **BE REQUESTED** to prepare the by-law to close the subject alley,

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

vii. The transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

viii. A further six (6') permanent sewer easement **BE RESERVED** over the entire 6 feet wide strip of land measured from the west limit of the subject alley from the south limit of College Avenue to the southerly property limit of the property known municipally as 3115 College Avenue allowing existing fences to remain (provision of new gates), but prohibition of any structures (sheds, pools, etc.), and landscaping (berm, hedges, gardens, etc) which would encumber unrestricted access to the full width of the easement.

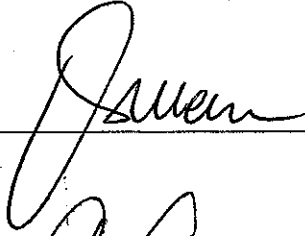
Carried.

10. **DATE OF NEXT MEETING**


The next meeting of the Planning and Economic Development Standing Committee will be held on Monday February 11, 2013 at 4:30 o'clock p.m. in Council Chambers.

11. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 5:15 o'clock p.m.



CHAIR



DEPUTY CITY CLERK

**MINUTES OF THE CITY OF WINDSOR PLANNING & ECONOMIC DEVELOPMENT
STANDING COMMITTEE
(Planning Act Matters)**

January 14, 2013

A meeting of the Windsor Planning & Economic Development Standing Committee was held this day at 4:30 p.m. in the Council Chambers, Third Floor, City Hall, there being present:

Councillor B. Marra – Chair, Councillor E. Sleiman, Ms. C. Cross-Leal, Councillor H. Payne, Councillor P. Hatfield, Mr. M. Baker, Ms. B. Bjarneson and Councillor D. Dilkins.

Regrets: N/A

Also present are:

Mr. Thom Hunt – City Planner, Mr. Don Wilson – Manager of Development Applications, Mr. Adam Szymczak – Senior Planner, Mr. Jim Abbs – Senior Planner, Ms. Justina Nwaesei – Planner II, Ms. Marianne Sladic – Senior Clerk and Ms. Kathy Ye – Co-Op Student, Planning Department; Ms. Agatha Armstrong – Supervisor of Council Services/Deputy City Clerk; Ms. Stacy Shyshak – Engineering & Corporate Projects Department; Ms. Wira Vendrasco – Senior Legal Counsel, Legal Department; and Ms. Helga Reidel – CAO.

GENERAL BUSINESS:

The Chair explains the rules of procedure of the Planning & Economic Development Standing Committee and that this is the required public meeting in accordance with the Planning Act. He asks if there are any disclosures of pecuniary interest. Hearing none, he asks members and the public present if there are any requests for deferral, referral or withdrawal. Hearing none, he proceeds with the meeting. The Chair indicates those interested in making submissions to Council must list to speak as a delegation with Council Services.

ADOPTION OF THE MINUTES

Ms. Bjarneson abstains from the October 9th Planning Act Matters.

Moved by B. Bjarneson, seconded by Councillor Sleiman.

That the minutes of the Planning & Economic Development Standing Committee (Planning Act Matters) meetings of October 9 & 25, 2012 **BE ADOPTED.**

Motion **CARRIED UNANIMOUSLY.**

The Chair introduces the first item on the agenda.

Item 3 – GREEK ORTHODOX COMMUNITY OF WINDSOR – 3030, 3050, 3052 & 3070 Walker Rd.

As a result of the construction of the Windsor-Essex Parkway, the Greek Orthodox Community Limited needed to replace the facility it operated on Highway 3 in the Town of Tecumseh. The Greek Orthodox Community purchased the lands at 3030, 3050, 3052 & 3070 Walker Road to construct a new facility. The site is currently designated Industrial in the City of Windsor Official Plan and is Zoned Manufacturing District (MD) 1.2. The applicant is requesting that the Official Plan designation be changed from Industrial to Minor Institutional and that the Zoning By-law be changed from MD 1.2 to an Institutional category that would permit the range of uses proposed.

Development on this site will be subject to Site Plan Control. A Planning Justification Report has been provided by the applicant, and can be provided upon request. [Jim Abbs – Planner III]

Recommendation is for approval.

Mr. Karl Tanner (Dillon Consulting) – agent – 3200 Deziel Dr., Suite 608., Windsor, ON N8W 5K8 – advises he and the Applicant are in favour of the recommendations and provides a brief summary of the intended development and timeframes.

The Chair inquires whether there is any member of the audience with questions/comments.

Mr. Christos Kourtsidis – 1314 Dufferin, Windsor, ON N8X 3K1 - approached the podium. The Chair requested the individual to speak on only concerns related to the re-zoning/OPA application. The individual's concerns pertained to matters concerning sale of the property and the Greek Community member's concerns over health issues, etc. Mr. Kourtsidis confirms he has no objection to the proposal.

No other members of the audience came forth with comments therefore the Chair proceeds with questions from Committee Members.

Councillor Sleiman notes the property in question is in Ward 5 and not Ward 7 as listed in the report. To Mr. Tanner, Councillor Sleiman asks if a Traffic Impact and Noise Evaluation Study has been submitted? Mr. Tanner advises a Noise Study wasn't required. They have been in touch with CN and were advised there were no concerns or issues. A security fence will be required only. Traffic Impact will be addressed during the Site Plan process once drawings and plans have been submitted.

Councillor Payne inquires what will happen to the wood lot? Mr. Abbs advises the 1.8 acres would remain property of the Greek Orthodox Community but would be rezoned to a district that permitted only natural heritage uses. What type of uses the Greek Orthodox Community

intend to do with the area will be determined during the Site Plan Approval process where ERCA also gets involved and places their own restrictions and/or requirements. It is understood that the intention is to clean up the site and use as a natural area.

Councillor Payne asks whether there's an agreement in place for that to take place? Mr. Abbs advises that during the OPA and/or re-zoning application, those requirements cannot be instituted. Through the Site Plan Control process, the Conservation Authority provides their comments and requirements.

Councillor Payne asks if the re-zoning from Industrial/Manufacturing to Institutional is a common occurrence in the City? Is this a new trend? Mr. Abbs advises there are buyers looking for less expensive lands for their uses and the vacant parcels available happen to be Industrial parcels. However, Mr. Abbs advises no specific trend can be identified.

Councillor Payne questions whether there are concerns over traffic issues at this time? Mr. Abbs advises there is not. That is a matter that will be addressed through the Site Plan Control process, along with access location, number of access points and parking, amongst other things.

Councillor Payne asks whether the site will front the acceleration lane? Mr. Abbs advises it possibly may, however, an extended look will be taken during the Site Plan Approval process. Councillor Payne asks where the entrances are expected to be? Mr. Abbs advises that will all be determined through Site Plan Control.

Ms. Bjarneson inquires about the existing buildings. Will they be torn down or retro-fitted? Mr. Tanner advises it may be a combination of all the above; demolishing some, keeping another, building onto part of one and a complete new build at other points. At this time the answer is undetermined.

Ms. Bjarneson commends the Greek Community for remaining in Windsor rather than moving to neighbouring communities. Also pleased at the agreement to preserve the wooded lot.

Ms. Bjarneson notes concern over existing buildings and the site plan concerning parking lots facing a main road. The goal in beautifying Walker Road, perhaps consideration can be made in locating parking away from the main view or having landscaping done properly in order to improve the view.

Mr. Bjarneson inquires about the North Service Road and noticed large, concrete blocks. Mr. Abbs advises it is a full functioning road. Mr. Abbs is unsure whether it will be extended and linked to Temple Drive on the other side of the tracks. There may be some improvements required. That information he is not aware of. Mr. Tanner adds the road is in excellent condition and can be utilized, with access to a signalized intersection, allowing for the possibility for two (2) access points onto the property.

Mr. Bjarneson makes note for Site Plan Control to pay extra attention to the frontage and beautifying that portion of Walker Road.

Mr. Baker to Administration, how healthy is the stock of industrial land, OPA lands, etc. and whether there's any reflection on changing from industrial to institutional? Mr. Abbs advises there is a lot of empty industrial land in the city. Mr. Abbs is unable to provide an exact number. Empirical evidence suggests it. When this particular site was reviewed, because of the roadway between Walker Road and the tracks, the site has limitations. Also, to the west of the site is a residential area. The change to institutional would offer a buffer between residential and industrial area to the east. Mr. Hunt provides a little history advises the city, in the late 1990's, was at times searching for serviceable industrial sites which was the impetus for the annexed lands from the Town of Tecumseh in 2003 which added approximately 23 hectares of land in addition to the airport land. This site was seen as somewhat isolated, therefore, well suited to accommodate this land use for the proposed development.

Councillor Sleiman advises the North Service Road will eventually be connected to the other road once the railroad is convinced to proceed forward and funding is available.

Councillor Payne inquires whether there were any comments from the railway company? Mr. Abbs advises although a request was circulated, there was no comment received from the railway company. However, the applicant has had contact with the railway company as part of their noise study.

Moved by B. Bjarneson as revised and amended, seconded by Councillor Sleiman.

1. That an amendment to the City of Windsor Official Plan BE APPROVED changing the Official Plan designation of Lots 10, 11, 12 and Part of Lot 13, Registered Plan 1456, known municipally as 3030, 3050, 3052 & 3070 Walker Road, from Industrial to Minor Institutional and **Natural Heritage, as shown in the map attached in Appendix B to the memo of the Planning Department dated January 11, 2013.**
2. That an amendment to Zoning By-law 8600 BE APPROVED changing the zoning of Lots 10, 11, 12 and Part of Lot 13, Registered Plan 1456, known municipally as 3030, 3050, 3052 & 3070 Walker Road from Manufacturing District (MD) 1.2 to a new Institutional District that will permit a church; a church hall; a club, a health studio, a private park, a public hall, a business office and other facilities of a non-profit or charitable organization, and any use accessory to the foregoing use, excluding a pastoral residence, and to **Green District (GD) 1.4, as shown in the map attached in Appendix B to the memo of the Planning Department dated January 11, 2013.**

Also adding the following:

3. The Site Plan Control Approval Officer BE DIRECTED to take into consideration the following in the review of Site Plan Control
 - a. Parking lots facing Walker Road, paying more attention to beautification through landscaping etc.

- b. ERCA's detailed comments pertaining to the woodlot .be reviewed at Site Plan Control
- c. The preferred access from North Service Road versus entrance/exit from Walker Road.

Motion **CARRIED, UNANIMOUSLY AS AMENDED.**

Item 2 – HOUSEKEEPING AMENDMENTS 2012-3 – City Wide

The purpose of this housekeeping amendment is to merge sections and update the text of Zoning By-law 8600 in order to streamline the application of regulations to parcels in the City of Windsor.

Recommendation 1 merges and expands various administrative sections of the Zoning By-law into a single cohesive chapter that improves the readability and usability of Zoning By-law 8600.

Recommendations 2 through 5 delete holding symbols and temporary use provisions that do not belong in the body of the text, eliminating potential delays in development and potential confusion in interpreting zoning provisions.

Recommendations 6 and 7 revise the definition of Group Home and Residential Care Facility by including all three levels of government – federal, provincial and municipal – in terms of licensing or funding and by updating the text for consistency purposes.

Recommendation 8 clarifies which zoning districts and provisions apply to E-bikes, minimizing confusion as to where E-bikes can be sold, leased or serviced.

Recommendations 9 - 21 improves the operation and consistency of the Zoning By-law by replacing "Net Floor Area" with "Gross Floor Area". Certain floor area values have been increased to offset that area that was not typically included in floor area calculations. [Adam Szymczak – Planner III]

Recommendation is for approval.

The Chair inquires whether there is any member of the audience with questions/comments. Having received no comment from the audience, the Chair then directs questions/comments from Committee Members.

Councillor Payne inquires whether there is any substantial planning changes or if this is merely continued tweaking? Mr. Szymczak advises they are all housekeeping in nature. There are a few changes to the comprehensive zoning by-law review, but most is just housekeeping, updating the zoning by-law to today's standards. No major changes that affect anyone's zoning.

Councillor Hatfield requests clarification on Appendix B pertaining to 'power-assisted bicycles'. Does this include the E-Bike or is that a separate designation? Mr. Szymczak advises an E-Bike is a power-assisted bicycle. Councillor Hatfield questions the scooter-like vehicles. Mr. Szymczak refers to the lower portion of Page 9, Recommendation 8 pertaining to Motor Vehicle definitions. Mr. Szymczak advises he is not changing the definition in terms of adding a definition of E-Bikes because he is referring back to the Highway Traffic Act, which refers to the Federal legislation. He is only adding power-assisted bicycles as an exclusion from the Motor Vehicle definition in our zoning by-law. It does not include mopeds, limited speed motorcycles or scooters.

Ms. Bjarneson comments on page 4 of 12 under Temporary Use Provisions, wishing Mr. Tanner had remained. Ms. Bjarneson references a previous re-zoning application pertaining to a parking lot facing Ouellette Avenue where particular attention was requested to landscaping in order to enhance the location visually which has yet to be done.

Mr. Baker requests clarification on the removal of the Holding symbol in the by-law and not on the map. Mr. Szymczak explains at some time in the past, the H symbol was placed in the text of the by-law, which is either on a zoning district or a site specific provision as a Section 20 provision, and on the maps. Typical practice is to just put it on the maps because it's a symbol. When someone comes in and satisfies the requirements for removal, we've only been removing the symbol from the maps and not from the text. In order to avoid that happening in the future, the H symbol is being removed from all text. In future, H Removal will only be required on the maps. It shouldn't be in the text. Mr. Baker confirms then that when looking online, an individual will not see reference to a Holding symbol in the text. Mr. Szymczak advises the H Symbol will only be visible on the maps, at which time the individual would see a planner to be advised the conditions of removal.

Moved by Councillor Sleiman, seconded by Councillor Hatfield.

1. RECOMMENDATION

That Zoning By-law 8600 **BE AMENDED** on the following basis:

1. That Sections 1, 2, 3, 4, 5 and 6 be deleted and replaced with the following:

"SECTION 1 - ADMINISTRATION

1.1 TITLE

- .1 This by-law may be cited as "The City of Windsor Zoning By-law" or "Zoning By-law 8600".

1.5 PURPOSE AND INTENT

- .1 This By-law regulates the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking, loading and other associated matters in the City of Windsor.

1.10 ADMINISTRATION

- .1 This by-law shall be administered by the City Planner or their designate.

1.20 INTERPRETATION

- .1 **SEQUENCE** - The chapters, sections, regulations and provisions in this By-law intentionally do not follow in consecutive numerical sequence in order to reserve space for the placement of future enactments. Reference should be made to the Table of Contents to determine the intended numerical sequence of the provisions of this By-law.
- .3 **SCHEDULES** - The following schedules together with all notations, references and other information shown thereon form part of this by-law:
 .1 Schedule 'A' – Zoning District Maps
- .5 **METRIC** - All regulations are interpreted solely on the basis of metric figures.
- .10 **ZONING CLASSIFICATION** - Any reference made to a zoning classification may be identified by the zoning symbol consisting of letters and a number as listed below:

Zoning Classification	Zoning Symbol	Section
Development Reserve Districts	DRD1.	8
Green Districts 1.	GD1.	9
Residential Districts 1.	RD1.	10
Residential Districts 2.	RD2.	11
Residential Districts 3.	RD3.	12
Institutional Districts 1.	ID1.	13
Commercial Districts 1.	CD1.	14
Commercial Districts 2.	CD2.	15
Commercial Districts 3.	CD3.	16
Commercial Districts 4.	CD4.	17
Manufacturing Districts 1.	MD1.	18
Manufacturing Districts 2.	MD2.	19

- .15 **ZONING DISTRICT** - A zoning classification may be subdivided into one or more zoning districts. The zoning district shall be designated by the zoning symbol of the zoning classification together with a number. For example RD1.1.
- .20 **LOT DIVIDED INTO MORE THAN ONE ZONING DISTRICT** - If a lot is divided into more than one zoning district, the regulations for each zoning district apply only to the portion of the lot within that zoning district.
- .25 **ZONING DISTRICT MAP** - The extent and boundaries of the zoning districts are shown on zoning district maps attached as Schedule 'A'.
- .30 **ZONING DISTRICT BOUNDARY** - In determining the location of the boundary of a zoning district the following apply:

- .1 Where a zoning district boundary follows a highway, such boundary is deemed to follow the centre line of the highway.
 - .2 Where a zoning district boundary follows a railway right-of-way, such boundary is deemed to follow the centre line of the railway right-of-way, unless specifically otherwise indicated on the zoning district map.
 - .3 Where a zoning district boundary follows a closed alley and the closed alley has been acquired by an abutting property owner, such boundary is deemed to follow the lot line of the parcel acquired by the abutting property owner.
 - .4 Where a zoning district boundary follows the shoreline of the Detroit River, such boundary is deemed to follow the boundary of the Province of Ontario on the Detroit River.
 - .5 Where a zoning district boundary is shown as approximately following a lot line, such boundary is deemed to follow the lot line.
 - .6 Where a zoning district boundary is without dimensions and does not follow the boundary of a lot, such boundary is determined by use of the scale indicated on the zoning district map.
- .35 **SPECIFIC ZONING EXCEPTION** - In addition to the zoning district, an area on the zoning district maps may be delineated by a broken line and identified by a specific zoning exception symbol - S.20, a subsection - (1), (2) or (3), and a paragraph of subsection (1), (2) or (3) of Section 20. For example S.20(1)275 identifies that the area is subject to the provisions of paragraph 275 of subsection (1) of Section 20.

An area so identified shall be subject to the provisions of the zoning district, the specific zoning exception as identified by the paragraph of subsection (1), (2) or (3) of Section 20 and all other applicable provisions of this by-law.

Where an additional use is permitted under Sections 20(1), 20(2) or 20(3), any use accessory, excluding an outdoor storage yard except where permitted within the zoning district or specific zoning exception, shall also be permitted subject to the provisions of the zoning district, specific zoning exceptions and any other provisions of this by-law applicable to such accessory use.

1.30 OFFENCES

- .1 No person shall, within the limits of The Corporation of the City of Windsor, as shown on Schedule 'A', use any land or erect, locate or use any building or other structure except for such purposes or uses as are set out in this by-law and in accordance with the regulations of this by-law.

1.40 PENALTIES

- .1 Every person who contravenes any provision of this by-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
 - .1 on a first conviction to a fine of not more than \$25,000.00; and,
 - .2 on a subsequent conviction, to a fine of not more than \$10,000.00 for each day, or part thereof, upon which the contravention has continued after the day on which the person was first convicted.

- .2 Where a corporation is convicted under this Section, the maximum penalty that may be imposed is,
 - .1 on a first conviction a fine of not more than \$50,000; and,
 - .2 on a subsequent conviction, a fine of not more than \$25,000 for each day, or part thereof, upon which the contravention has continued after the day on which the corporation was first convicted.

and not as provided in Section 1.40.1."

- 2. That Section 12(6) be amended by deleting "'H' Residential District 3.6 ('H'RD3.6)" and replacing it with "Residential District 3.6 (RD3.6)".
- 3. That Section 12(7) be amended by deleting "'H'-Residential District 3.7 ('H'-RD3.7)" and replacing it with "Residential District 3.7 (RD3.7)".
- 4. That the H symbol be deleted from the text of the following site specific provisions in Section 20:

20(1)126	20(1)181	20(1)222	20(1)246
20(1)138	20(1)197	20(1)240	20(1)260
20(1)164	20(1)202	20(1)241	20(1)268

- 5. That Section 20(2) be deleted and replaced with the following:

"(2) TEMPORARY USE PROVISIONS

Certain parcels on the zoning district maps are delineated by a broken line and identified by a zoning district symbol - S.20(2) - and a paragraph of this subsection. In the event of a conflict between the provisions of this section, any site specific provisions in Section 20(1) and the provisions of the zoning district, the provisions of this section shall prevail.

A temporary use provision shall be deleted from this Zoning By-law the day after the temporary use expires and replaced with the expiry date.

- 1. Expired September 14, 2003.
- 2. Expired September 14, 2003.

3. Expired December 1, 2003.
 4. Expired January 1, 2004.
 5. Expired December 1, 2004.
 6. By-law 209-2001 expired June 30, 2004.
-
7. For the lands comprising Part of Lots 1 to 3, Part of Lot 5 and the west part of Lot 4, Block 4, Registered Plan 256, known municipally as 801-819 Ouellette Avenue, delineated by a heavy black line in Schedule 'A' to By-law 125-2011, a public parking area shall be an additional permitted use until June 20, 2014, subject to the following additional regulations:
 - (i) A 30m x 30m landscaped open space yard be provided at the intersection of Ouellette Avenue and Elliott Street right of ways;
 - (ii) Minimum landscaped open space yard from Ouellette Avenue right of way - 10m;
 - (iii) Only one access to Ouellette Avenue is permitted.
-
6. That Section 7(66) be deleted and replaced with the following:

“(66) **“Group Home”** means a dwelling that is:

 1. For the accommodation of six to ten persons, exclusive of staff;
 2. For persons living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being; and
 3. Licensed or funded by the Federal, Provincial or Municipal government.

A lodging house or a residential care facility is not a group home. [ZNG/3590]”
-
7. That Section 7(125) be deleted and replaced with the following”

“(125) **“Residential Care Facility”** means a dwelling that is:

 1. For the accommodation of eleven or more persons, exclusive of staff;
 2. For persons requiring supervised or assisted living arrangements; and
 3. Licensed or funded by the Federal, Provincial or Municipal government.

A group home or a lodging house is not a residential care facility. [ZNG/3590]”
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8. That Section 7(98) be deleted and replaced with the following:

“(98) **“Motor Vehicle”** means an automobile and any other vehicle propelled, driven or pulled by other than muscular power. It does not include a power-assisted vehicle as defined in the Highway Traffic Act or a train. [ZNG/3590]”

9. That Section 14(1)(b)(ii) be deleted and replaced with the following:

"(ii) The maximum gross floor area for each retail store, personal service shop, business, financial or medical office, professional studio, light repair shop, restaurant or take-out restaurant shall be 250 square metres. [ZNG/3590]"

10. That Section 14(2)(b)(iii) be deleted and replaced with the following:

"(iii) The maximum gross floor area for each retail store, personal service shop, business, financial or medical office, professional studio, light repair shop, restaurant or take-out restaurant shall be 250 square metres. [ZNG/3590]"

11. That Section 14(3)(b)(ii) be deleted and replaced with the following:

"(ii) The maximum gross floor area for each retail store, personal service shop, business, financial or medical office, professional studio, light repair shop, restaurant or take-out restaurant shall be 250 square metres. [ZNG/3590]"

12. That Sections 14(8)(b)(iii) and (iv) be deleted and replaced with the following:

"(iii) Minimum gross floor area - 3,000 square metres for a grocery store

(iv) Maximum gross floor area

Office, shop, studio or other store - 250 square metres

Restaurant - 450 square metres

Provided that combined gross floor area of all offices, shops, studios, other stores or restaurants shall not exceed 25 percent of the gross floor area of the grocery store. [ZNG/3590]"

13. That Section 16(2)(a)(vii) be deleted and replaced with the following:

"(vii) Any of the following uses, provided that the total gross floor area of one or more uses does not exceed 250 square metres within the same building: a retail store; a personal service shop; a light repair shop; [ZNG/3590]"

14. That Section 16(3)(b)(ii) be deleted and replaced with the following:

"(ii) The maximum gross floor area of a workshop shall be equal to 200% of the gross floor area of the retail store or wholesale store. [ZNG/3590]"

15. That Section 16(5)(a)(vii) be deleted and replaced with the following:

"(vii) Any of the following uses, provided that the total gross floor area of one or more uses does not exceed 250 square metres within the same building: a retail store; a personal service shop; a light repair shop; [ZNG/3590]"

16. That Section 16(6)(b)(ii) be deleted and replaced with the following:

"(ii) The maximum gross floor area of a workshop shall be equal to 200% of the gross floor area of the retail store or wholesale store. [ZNG/3590]"

17. That Section 17(1)(b)(ii) be deleted and replaced with the following:

"(ii) The maximum gross floor area for a workshop shall be 1,100 square metres. [ZNG/3590]"

18. That Section 17(4)(b)(ii) be deleted and replaced with the following:

"(iii) Maximum gross floor area of - 2,500 square metres"
all retail stores in this district

19. That Section 18(2)(a)(xi) be deleted and replaced with the following:

"(xi) Any use accessory to the foregoing uses, which may include the following: a retail store in combination with and accessory to any industrial use permitted in subparagraph (ii), of this paragraph, provided that the gross floor area of the retail store does not exceed the greater of 25% of the gross floor area of the main building or 15% of the lot area; a caretaker's residence; an outdoor storage yard, provided that there is no outdoor storage of sand or other aggregates; incidental millwork related to the retail sale of lumber. [ZNG/3590]"

20. That Section 19(4)(a)(ix) be deleted and replaced with the following:

"(ix) Any use accessory to the foregoing uses, which may also include the following uses in combination with any industrial use permitted in sub-clauses (i) to (v), both inclusive, of this clause:

- a day nursery;
- a retail store, provided that the gross floor area of the retail store does not exceed 20% of the gross floor area of the main building or 15% of the lot area;
- caretaker's residence. [ZNG/3590]"

21. That Sections 20(1)172(i) and (ii) be deleted and replaced with the following:

"(i) Retail stores in combination with restaurant provided that each store does not exceed 250 square metres in gross floor area; [ZNG/3590]"

(ii) A brewery in combination with a restaurant provided that a brewery does not exceed 250 square metres in gross floor area. [ZNG/3590]"

Motion **CARRIED, UNANIMOUSLY.**

Meeting adjourned: 5:08 pm

Councillor Bill Marra, Chair

Mr. Don Wilson, Secretary

/ms