

Development & Heritage Standing Committee Meeting

Date: Monday, April 7, 2025

Time: 4:30 pm

Members Present:

Councillors

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

Members

Member Anthony Arbour
Member Daniel Grenier
Member Charles Pidgeon
Member John Miller
Member William Tape
Member Joseph Fratangeli

Members Regrets

Member Robert Polewski
Member Khassan Saka

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Neil Robertson, City Planner
Greg Atkinson, Deputy City Planner – Development

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Jason Campigotto, Deputy City Planner - Growth
Phong Nguy, Executive Director Operations/ Development City Engineer
John Revell, Chief Building Official
Ian Day, Senior Manager Traffic Operations/Parking
Aaron Farough, Senior Legal Council
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Patrick Winters, Manager, Development
Tea De Angelis, Supervisor, Research & Policy
Tracy Tang – Planner III, Heritage
Adam Szymczak, Planner III - Development
James Abbs, Planner III - Development
Kevin Alexander, Planner III - Special Projects
Laura Strahl, Planner III - Special Projects
Frank Gerardo, Planner III - Policy & Special Studies
Sophia Di Blasi, Planner II-Research & Policy Support
Chris Gerardi, Policy Analyst
Elara Mehriou, Transportation Planner I
Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1– Caroline Baker, Baker Planning Group
Item 7.3 – Robert Brown, Oakview Land Use Planning
Item 7.3 – John Leslie, Representative for 2408380 Ontario Inc.
Item 10.1 – Shan Xue, BDB Development Inc.
Item 11.3 – Shan Xue, BDB Development Inc.
Item 11.6 – John Naccarato, Owner

Delegations—participating in person

Item 7.1– Manni Japra, Applicant
Item 7.1 – Adam Meloche, Meloche Architectural Studio
Item 7.3 – Anthony Debly, Representative for Adjacent Property Owner
Item 7.4 – Melanie Muir, Dillon Consulting Limited
Item 10.2 – John Bortolotti, Architect for Applicant
Item 10.3 – John Bortolotti, Architect for Applicant
Item 11.5 – Melanie Muir, Dillon Consulting Limited

1. CALL TO ORDER

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

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2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

11.5. University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by the University of Windsor for 401 Sunset (Ward 2)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

THAT the report of the Planner III - Special Projects dated March 14, 2025, entitled "University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by the University of Windsor for 401 Sunset Avenue (Ward 2)" **BE DEFERRED** to a future Development & Heritage Standing Committee to allow for the applicant to update their design and resubmit the application.

Carried.

Report Number: S 37/2025

Clerk's File: SPL/14645

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held March 3, 2025

Moved by: Member William Tape

Seconded by: Member Joseph Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held March 3, 2025, **BE ADOPTED** as presented.

Carried.

Report Number: SCM 83/2025

10. HERITAGE ACT MATTERS

10.1. 420 Rosedale Avenue (Sandwich HCD) – Request for Heritage Permit for New Erection (Ward 2)

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Shan Xue, BDB Development

Shan Xue, BDB Development appears via Zoom before the Development & Heritage Standing Committee regarding the Administrative report dated March 17, 2025, entitled “420 Rosedale Avenue (Sandwich HCD) – Request for Heritage Permit for New Erection (Ward 2)” to request a permit to build a new, three-unit rental property on the vacant lot located at 420 Rosedale Avenue, within the Sandwich Heritage Conservation District.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 718**

- I. THAT the request for a Heritage Permit under Section 42 (1) 2. of the *Ontario Heritage Act* for the erection of one residential, three-unit dwelling at 420 Rosedale Avenue **BE GRANTED** as per plans in Appendix ‘A’ of this report;
- II. THAT the Heritage Permit approval **BE SUBJECT** to the following approval conditions to the satisfaction of the City Planner or designate prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Determination that the work is satisfactory to meet Building Code compliance; and
 - c. Determination by the City Planner or designate that the work adheres to the details and plans as outlined in the Heritage Permit application; and
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of one residential, three-unit dwelling.

Carried.

Report Number: S 39/2025

Clerk’s File: MBA/9191

10.2. 925 Cousineau Road, Holy Redeemer College – Request for Heritage Permit for New Addition (Ward 1)

John Bortolotti, Architect for Applicant

John Bortolotti, Architect for Applicant appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 17, 2025, entitled “925 Cousineau Road, Holy Redeemer College – Request for Heritage Permit for New Addition (Ward 1)” and indicates that the plan with Heritage called for a large portion of the area building exterior to be covered with masonry, at a cost of \$350,000 to the building owner. Mr. Bortolotti adds that the owner had suggested that the exterior of the arena building be covered by metal cladding all the way to the ground, with the two-storey portion of the addition not part of the arena being covered in masonry to

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match the heritage building. Mr. Bortolotti is requesting a compromise to help reduce costs for the applicant.

Councillor Fred Francis inquires about the seating capacity of the arena. Mr. Bortolotti responds that the seating installed will be mobile benches for students only, with space for no more than two hundred people maximum.

Councillor Francis inquires about sightlines, and where the new arena building will be visible in relation to the heritage building. Mr. Bortolotti responds that the arena building will only be visible from the park at the rear of the property and through a small gap between the rectory and the elementary school built in the 1990s and verifies it would not be seen from Cousineau Road.

Councillor Francis inquires about parking, and whether any new parking will be added. Mr. Bortolotti responds that less than 20 parking spaces will be added.

Councillor Kieran McKenzie inquires about the letter attached to the report from Vincent Michael, an architectural historian with expertise on the designs of the architect of Holy Redeemer College. Councillor McKenzie states that, while Dr. Michael approves of the design of the addition, no mention of the materials used for the addition is made. Mr. Bortolotti states that the owner of the property has required that he submit drawings and plans to Dr. Michael for advice and approval, but they did not discuss the materials to be used – only the size, and location of the addition.

Councillor Angelo Marignani expresses his concern over the impact the addition will have on the existing heritage property, specifically the scale, design, and incompatibility with the current heritage status, and inquires whether administration's recommendation of stone cladding versus metal cladding would hinder the application. Mr Bortolotti replies that he cannot say if it would stop the addition from being built, but it would delay it significantly due to cost.

Member William Tape states that he agrees with the applicant's choice of metal cladding to the ground to help delineate the new addition from the heritage building. He asks how Mr. Bortolotti intends to delineate the two-storey extension from the arena build. Mr. Bortolotti replies that while the masonry will be similar, it will not be identical. He also states that the two-storey extension will be attached to the main building by a vestibule and will not attach directly to the heritage building.

Member Tape clarifies that this will be a clear massing change between the old and new builds, so it will appear as a separate entity. John Bortolotti agrees with this.

Member John Miller requests clarification related to the masonry on the arena addition. Mr. Bortolotti replies that while split-face block was used on the previous elementary school addition, the intention here would be to use the same brick for both the two-storey addition and the arena building.

Member Miller responds that he would like to see a compromise where a shorter knee-wall could be applied to the arena exterior to provide more to tie the buildings together. Mr. Bortolotti states that he is open to this compromise, suggesting that the wall could go to the base of the windows (three feet), which would provide a significant cost savings to the owner.

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Councillor Fred Francis asks Administration if there is an avenue to collaborate with the applicant to find a compromise for both sides. Tracy Tang, Planner III – Heritage appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 17, 2025, entitled “925 Cousineau Road, Holy Redeemer College – Request for Heritage Permit for New Addition (Ward 1)” and states that yes, there is the ability to compromise on this matter. Ms. Tang indicates that she had suggested in previous email correspondence that a brick or masonry material at half-wall or skirt-wall height could be incorporated. The recommendation in the report was merely to tie the new structure in with the old structure, while understanding that there are limitations to the new addition due to its prefabricated nature, and due to the associated costs with masonry work.

Councillor Jim Morrison inquires whether the arena portion will be available to be rented to the public. Mr. Bortolotti replies that the building will be for internal use and not available for public rental.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 719**

- I. THAT the request for a Heritage Permit under Section 33 of the *Ontario Heritage Act* for the construction of an arena addition at 925 Cousineau Road, formerly Holy Redeemer College, **BE GRANTED** to the Property Owner Académie Ste-Cécile International School as outlined in Appendix ‘B’ of this report;
 - II. THAT the Heritage Permit approval **BE SUBJECT** to the following approval conditions to the satisfaction of the City Planner or designate prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Determination by the City Planner or designate that the work adheres to the details and plans as outlined in the Heritage Permit application; and,
 - III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the arena addition.
- Carried.

Report Number: S 40/2025

Clerk’s File: MBA/9829

10.3. 3975 Riverside Dr E, Frank H. Joyce House – Request for Heritage Permit for Demolition and Alteration (Ward 5)

Member William Tape inquires as to how the interface between the original building and the demolition of the addition will be managed. Mr. Bortolotti replies that the original structure and masonry still exists, and the owner’s intent is to restore the existing brick, and to use left over brick from the demolition to fill in any holes. Mr. Bortolotti states that the original windows and door

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openings are still there, and the work done in the past to place the addition caused minimal damage to the base structure.

Member Tape asks Mr. Bortolotti if he is concerned about any decay of the mortar beds. Mr. Bortolotti replies that the mortar in this area of the building is the best preserved, and that additional work will have to be done to repair mortar throughout the building. The owner intends to revert the building back into a house once the demolition of the addition is complete. He states that everything on the building will need to be re-done.

Moved by: Councillor Kieran McKenzie

Seconded by: Member William Tape

Decision Number: **DHSC 720**

- I. THAT the request for a Heritage Permit under Section 33 and Section 34 of the *Ontario Heritage Act* for the demolition of the 1952 dormitory addition and the rehabilitation of the rear portion of the original dwelling at 3975 Riverside Drive East, Frank H. Joyce House, **BE GRANTED** to the Property Owners Maria & Viorel (Mike) Mihai as outlined in Appendix 'B' of this report;
- II. THAT the Heritage Permit approval **BE SUBJECT** to the following approval conditions to the satisfaction of the City Planner or designate prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Determination by the City Planner or designate that the work adheres to the details and plans as outlined in the Heritage Permit application;
 - c. Determination that the work is satisfactory to meet Building code compliance;
 - d. Salvage and storage of historic construction materials, namely the variegated red wire cut brick, for incorporation into proposed future rehabilitation measures for the main dwelling; and,
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the demolition of the 1952 addition.

Carried.

Report Number: S 41/2025

Clerk's File: MBA/9476

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

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:02 o'clock p.m.

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4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act*) minutes of its meeting held March 3, 2025

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 3, 2025, **BE ADOPTED** as presented.

Report Number: SCM 84/2025

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

See items 7.1, 7.3, 7.4, and 7.5.

7. *PLANNING ACT* MATTERS

7.1. Rezoning – Home Discovery Group - 3161 Jefferson Blvd - Z-041/24 ZNG/7260 - Ward 8

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 713**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 221, Part Lot 222, Part Block B, Registered Plan 1153, save and except Part 2, Plan 12R-5307 (PIN 01562-0703), situated on the west side of Jefferson Boulevard, south of Queen Elizabeth Drive, (3161 Jefferson Boulevard; Roll No. 070-590-16300) from Commercial District 1.4 (CD1.4) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20(1) as follows:

527. WEST SIDE OF JEFFERSON BOULEVARD, SOUTH OF QUEEN ELIZABETH DRIVE

For the land described as Lot 221, Part Lot 222, Part Block B, Registered Plan 1153, save and except Part 2, Plan 12R-5307 (PIN 01562-0703),

1. A *Stacked Dwelling* shall be an additional permitted *main use* and shall be subject to the provisions of Section 11.5.5.7.

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2. That for a *Multiple Dwelling* with 5 or more *dwelling units*, a *Stacked Dwelling*, or a *Townhome Dwelling*, the following additional provisions shall apply:
 - a) Lot Area – per *dwelling unit* – minimum – 160.0 m²
 - b) The *minimum front yard* depth shall be 5.0 m, and the *maximum front yard* depth shall not apply.
 - c) Notwithstanding Clause .20 in Table 5.30.10 (Section 5.30.10.20), for any below *grade* entrance and steps leading thereto, including a below *grade* patio, the maximum encroachment into a *required front yard* shall be 2.75 m.
 - d) Notwithstanding Clause .76 in Table 5.30.10 (Section 5.30.10.76), the maximum total tread area within a *required yard* shall not apply.
 - e) Notwithstanding Clause .3 in Table 25.5.20.1 (Section 25.5.20.1.1), the minimum parking area separation from the southerly *interior lot line* shall be 0.5 m.
 - f) Notwithstanding Clause .6 in Table 25.5.20.1 (Section 25.5.20.1.6), the minimum parking area separation from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.20 m.

Carried.

Report Number: S 19/2025

Clerk's File: Z/14917

7.3. Official Plan Amendment and Zoning By-law Amendment Applications for 0 Wellington Avenue & 673 Wellington Avenue, Z-005/25 [ZNG-7284] & OPA 195 [OPA-7285], Ward 3

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 715**

- I. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating the lands located on the west side of Wellington Avenue between Wyandotte Street West and Elliott Street West, described as Lots 43 to 53, Plan 68, as a Special Policy Area.
- II. THAT the City of Windsor Official Plan, Volume II, Chapter 1 - Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:
 - 1.xx. **West side of Wellington Avenue between Wyandotte Street West and Elliott Street West**
 - 1.xx.1 The property described as Lots 43 to 53, Plan 68, known municipally as 0 Wellington Avenue (Roll No. 040-230-00800) and 673 Wellington Avenue, situated on the west side of Wellington Avenue between

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Wyandotte Street West and Elliott Street West, is designated on Schedule A: Planning Districts & Policy Areas in Volume I - The Primary Plan.

1.xx.2 Notwithstanding Section 6.4.3.2 of the City of Windsor Official Plan, Volume I, Chapter 6 - Land Use:

a) A retail store shall be an additional permitted ancillary use.

- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the west side of Wellington Avenue between Wyandotte Street West and Elliott Street West, described as Lots 43 to 53, Plan 68 (PIN No. 01205-0133 LT & PIN No. 01205-0134 LT), by adding a site specific provision to allow a Retail Store as an additional permitted main use, subject to the following additional regulations:

528. WEST SIDE OF WELLINGTON AVENUE BETWEEN WYANDOTTE STREET WEST AND ELLIOTT STREET WEST

(1) For the lands comprising of Lots 43 to 53, Plan 68 (PIN No. 01205-0133 LT & PIN No. 01205-0134 LT), a *Retail Store* shall be an additional permitted *main use* subject to the following additional provisions:

1. Section 18.2.5.10 shall not apply.
 2. Notwithstanding Table 24.20.5.1, a minimum of 42 parking spaces shall be provided for a *Retail Store* use occupying the ground floor of the existing building as it existed on April 7, 2025.
 3. Notwithstanding Section 24.26.5, a *parking space* and *accessible parking space* shall be permitted in a required front yard.
 4. Notwithstanding Section 25.5.10.3, a poured in place concrete curb shall not be required to bound the west limit of a *parking area* having 0.00 metres of separation from the west interior lot line.
 5. Notwithstanding Section .2 of Table 25.5.20.1, the minimum separation for a *parking area* from Wellington Avenue shall be 2.65 metres.
 6. Notwithstanding Section .3 of Table 25.5.20.1, the minimum separation for a *parking area* from the west interior lot line shall be 0.00 metres.
- [ZDM 3; ZNG/7284]

- IV. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** with an application for Site Plan Approval:
- a. Planning Justification Report, prepared by Oakview Land Use Planning, dated January 21, 2025.
 - b. Traffic Impact / Parking Study, prepared by RC Spencer Associates Inc., dated January 2025; and,
- V. THAT Administration **BE DIRECTED** to consult with the Windsor Essex County Health Unit (WECHU) for comment with respect to process in terms of oversight for the proposed use of

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the property, given the previous use of the site; and that the information **BE PROVIDED** to Council when the report moves forward for consideration.

Carried.

Report Number: S 33/2025
Clerk's File: Z/14931 & Z/14930

7.4. Official Plan & Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling - Z 030-24 [ZNG-7234] & OPA 189 [OPA-7235] Lakefront Heights Inc. 0 Wyandotte St. E - Ward 7

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 716**

- I. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E, situated on North Side of Wyandotte St. E, between Clover St. and Chateau Ave., as a Special Policy Area.
- II. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:
 - 1.# **North Side of Wyandotte St. E, between Clover St. and Chateau Ave. (0 Wyandotte St. south of Riverside Sportsmen Club)**
 - 1.#.1 The property described as Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.#.2 Notwithstanding Section 6.3.2.1 of the Official Plan, Volume I, High Profile Residential Buildings shall be permitted on the subject property.
- III. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, known municipally as 0 Wyandotte St. E, from Commercial District 1.5 (CD 1.5) to Residential District 3.3 (RD 3.3);
- IV. THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E by adding site specific regulations as follows:
 529. **North Side of Wyandotte St. E, between Clover St. and Chateau Ave. (0 Wyandotte St. south of Riverside Sportsmen Club)**

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For the lands described as Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E. the following regulations shall apply:

Main Building Height - within 24m of Wyandotte Street East right of way – Maximum – 10 m

Parking Structure Height maximum – 10 m

Main Building Height – remainder of site - Maximum - 44.0 m;

Lot Coverage - Maximum - 60%

Carried

Report Number: S 34/2025
Clerk's File: Z/14915 & Z/14914

7.5. Zoning By-law Amendments- City of Windsor – File Z-06/25 ZNG/7288- City Wide

Moved by: Councillor Mark McKenzie

Seconded by: Member Daniel Grenier

Decision Number: **DHSC 717**

- I. THAT Zoning By-law 8600 **BE AMENDED** as shown in Appendix A.
- II. THAT Zoning By-law 85-18 **BE AMENDED** as shown in Appendix B.
Carried.

Report Number: S 38/2025
Clerk's File: Z/14933

7.2. Rezoning - City of Windsor - Housekeeping Amendment 2025-1 - Z-015/24 ZNG/7205 - City Wide

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 714**

THAT Zoning By-law 8600 **BE AMENDED** as follows:

1A. Adding to Section 3.10, alphabetically, the following defined terms:

EMERGENCY POWER GENERATOR means an outdoor stationary device having a running wattage of 26kW or less that serves solely as a secondary source of electrical power whenever the primary electricity supply is disrupted or discontinued during a power outage or natural disaster that are beyond the control of the owner or operator of a facility, that operates only during an emergency, for training of personnel, or for operational testing. A device that serves

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as a back-up power source under conditions of load shedding, peak shaving, power interruptions pursuant to an interruptible power service agreement, or scheduled facility maintenance is not an *Emergency Power Generator*.

[ZNG/7205]

HVAC SYSTEM means the outdoor components of an air conditioning, cooling, heating, or ventilation system. A central air conditioning system or heat pump is an *HVAC System*. It does not include a portable air conditioning system, mini split-system air-conditioner, and window air conditioner, or similar heating and cooling equipment.

1B. Deleting clause .25 from Table 5.30.10.

1C. Adding the following clauses to Table 5.30.10:

.38	<i>Emergency Generator</i> [ZNG/7205]	<i>Power</i>	<i>Required rear yard or Required side yard</i>	<i>No Limit</i>	<i>Side lot line</i>	0.60 m
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.45	<i>HVAC System</i> [ZNG/7205]		<i>Required rear yard or Required side yard</i>	<i>No Limit</i>	<i>Side lot line</i>	0.60 m
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1D. Deleting and substituting the following defined terms in Section 3.10:

REQUIRED YARD means for the purpose of Section 5.30 any of *required front yard, required rear yard, required side yard, or required landscaped area*.

[ZNG/7205]

N/A means for the purpose of Section 5.30, that a minimum separation is not required. For the remainder of this by-law, it means not applicable.

[ZNG/7205]

2. Deleting and substituting the following defined terms in Section 3.10:

BUSINESS OFFICE means an *office* of any one or more of the following: commercial business; data centre; financial services including a bank, credit union, payday lender, savings and loan office and trust company; government; industrial business; non-profit or charitable organization; professional person. A financial office is a *Business Office*. A *medical office* or *veterinary office* is not a *business office*.

[ZNG/7205]

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GAMING FACILITY means a casino or slot machine facility established or regulated under any Provincial Act and may include sport and event betting. A *billiard hall, bingo hall, games arcade, place of entertainment or recreation, teletheatre, or building* used for the sale of lottery tickets is not a *gaming facility*.

[ZNG/7205]

3A. Deleting and substituting the following defined terms in Section 3.10:

AMENITY AREA means the total area of a balcony, *landscaped area*, and the following as an accessory activity or use to a *dwelling* or a *dwelling unit* located on the same *lot*: common, community, meeting, multi-purpose, or similar room; *community garden*; indoor athletic, exercise, or recreational facility; lounge; *scenery loft*; *swimming pool*. It does not include the following: elevator lobby, laundry facility, mailbox facility, mail room, *office*, recycling or refuse room, storage room.

[ZNG/7205]

SCENERY LOFT means an area that is located above the uppermost storey of a *main building* that occupies a fully enclosed room or group of rooms, that is fully and readily accessible to all residents of the *building*, and that is not used as a *dwelling unit*.

[ZNG/7205]

3B. Deleting the defined term “Landscaped Open Space” in Section 3.10 and substituting the following:

LANDSCAPED AREA means an area open to the sky consisting of any of the following: *deck*; *ground cover*; outdoor recreational facility accessory to a *dwelling* or *dwelling unit*; patio; pedestrian walkway; terrace; water feature. It does not include the following: *access area*, *access ramp*, *bicycle parking space*, *collector aisle*, *green roof*, *loading compound*, *loading space*, *outdoor storage yard*, *parking aisle*, *parking space*, *porch*, roof, *scenery loft*, *sports facility*, *swimming pool*, *transport storage area*, *transport terminal*.

[ZNG/7205]

GREEN ROOF means an area located on the roof of a *building*, open to the sky, and maintained with a *ground cover*.

[ZNG/7205]

GROUND COVER means any of the following: bark; compost; decorative or ornamental block, brick, edging, paver, pebble, slab, or stone; mulch; plants, including flowers, grass, shrubs, and trees; wood chips. It does not include construction grade aggregate.

[ZNG/7205]

SOFT LANDSCAPING means an area open to the sky and maintained with a *ground cover*.

[ZNG/7205]

LANDSCAPED OPEN SPACE means *landscaped area*.

[ZNG/7205]

3C. Deleting and substituting the following defined term in Section 3.10:

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LANDSCAPED OPEN SPACE YARD means *landscaped area*.

[ZNG/7205]

4. Deleting and substituting Section 5.35.1 with the following:

5.35.1 FIXTURES OR STRUCTURES – HEIGHT EXEMPTION

[ZNG/7205]

For a *building* or *use* listed in Table 5.35.1, a fixture or structure listed in Table 5.35.1 may extend above the permitted *maximum building height*, provided that such fixture or structure is erected only to such height as is necessary to accomplish its purpose.

TABLE 5.35.1	
.1 For any <i>Building</i> :	
Antenna	Safety Equipment
<i>Architectural Feature</i>	Satellite Dish
Chimney	Security Equipment
Communication Equipment	Skylight
Fire Wall	Solar Panel
Parapet	Vent Stack
Roof Vent	
.5 For a <i>Combined Use Building, Lodging House, Multiple Dwelling, Religious Residence, Residential Care Facility, Student Residence, or non-residential building</i> :	
Belfry	Roof Access Ladder
Bell Tower	Roof Hatch
Cupola	Screening Fence
Electrical Generator	Smokestack
Elevator Machine Room	Spire
<i>HVAC Equipment</i>	Stairwell Room
Hoist Room	Steeple
Mechanical Penthouse	Turret
Minaret	Water Tank
Protective Fence	Window Washing Equipment

5A. Deleting and substituting the defined term “Parking Space” with the following defined terms in Section 3.10:

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PARKING SPACE means an area used for the parking of an operable *motor vehicle*. It includes an *accessible parking space* and *visitor parking space*. A *bicycle parking space*, *loading space*, or *stacking space* is not a *parking space*.

[ZNG/7205]

ACCESSIBLE PARKING SPACE means a *parking space* for the use of a person with a disability and identified as Type A or Type B in Section 80.34 of O. Reg. 191/11: Integrated Accessibility Standards.

[ZNG/7205]

ACCESS AISLE means the space between or beside an *accessible parking space* that allows a person with a disability to get in and out of a *motor vehicle*.

[ZNG/7205]

BICYCLE PARKING SPACE means an area that is provided and maintained for the purpose of temporary parking or storage of a bicycle or motor assisted bicycle as defined in subsection 1 (1) of the Highway Traffic Act, R.S.O. 1990, c. H.8.

[ZNG/7205]

VISITOR PARKING SPACE means a *parking space* designated for the temporary parking of an operable *motor vehicle* by a visitor or guest to a *dwelling* or *dwelling unit*. A *loading space* or *stacking space* is not a *visitor parking space*.

[ZNG/7205]

5B. Deleting and substituting the following defined terms in Section 3.10:

LOADING SPACE means an area used for the temporary parking of a *motor vehicle* while goods are loaded thereon or unloaded therefrom. A *parking space*, *stacking space*, or *visitor parking space* is not a *loading space*.

[ZNG/7205]

STACKING SPACE means an area used for the temporary accommodation of a *motor vehicle* standing in a queue. A *loading space*, *parking space*, or *visitor parking space* is not a *stacking space*.

[ZNG/7205]

5C. Adding to Section 3.10, alphabetically, the following defined term:

PUBLIC WALKWAY means a multi-use trail, off-road cycling trail, recreationway, sidewalk, trail, walkway, or similar facility located within a *highway* or *public park*.

[ZNG/7205]

5D. Deleting and substituting Section 24.24.15 with the following:

24.24.15 ACCESS AISLES

.1 An *access aisle* shall be provided for all *accessible parking spaces*.

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- .2 An *access aisle* may be shared by two *accessible parking spaces* and shall have a minimum width of 1.5 m, shall extend the full length of the *accessible parking space*, and shall be marked with high tonal contrast diagonal lines.

[ZNG/7205]

5E. Deleting and substituting Section 24.30.20.3 with the following:

- .3 A *bicycle parking space* shall not hinder, impede, or obstruct the movement of a bicycle, motor assisted bicycle, person, or vehicle and shall be subject to the following provisions:
- .1 When located on a *public walkway*, a *bicycle parking space* shall be setback a minimum of 2.0 m from a building entrance or exit, an *access aisle*, or an *accessible parking space*.
- .2 Except where a *bicycle parking space* is located within a *parking garage*, a *bicycle parking space* within 6.0 m from the point of intersection of any *highways*, railway rights-of-way, or any combination thereof, is prohibited.
- .3 A *bicycle parking space* is prohibited from encroaching into the following: *access area*, *access ramp*, *accessible parking space*, *collector aisle*, *driveway*, *highway*, *loading space*, *parking aisle*, *parking space*, *public walkway*, *stacking space*, *transport storage area*, *visitor parking space*.

[ZNG/7205]

5F. Adding new Section 6 as follows:

SECTION 6 – OTHER PARKING PROVISIONS

[ZNG/7205]

6.1 APPLICATION

- 6.1.1 Unless otherwise stated, the provisions in Section 6 apply to the *use* of any *lot* in any *zoning district* in this by-law.
- 6.1.90 The provisions in Section 6.90 apply to all land identified on Schedule 'P' – Off-Street Parking Overlay to this by-law. Any reference to Section 20(4) in this by-law means Section 6.90.

6.90 TRADITIONAL COMMERCIAL STREET – OFF-STREET PARKING PROVISIONS

6.90.1 ADDITIONAL DEFINITIONS

The following defined terms apply to the provisions in Section 6.90:

NEW OR EXPANDED PARKING AREA means the creation of five or more *parking spaces*.

REAR WALL means the *building wall* furthest from the *traditional commercial street*. Where the rear wall of a *building* does not follow a straight line, the closest parallel *building wall* to the facade shall be deemed the rear wall.

TRADITIONAL COMMERCIAL STREET means the following *streets*:

Devonshire Road between Riverside Drive East and Wyandotte Street East
Drouillard Road between Trenton Street and Deming Street

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Erie Street between Mercer Street and Hall Avenue
Ottawa Street between Marentette Avenue and Windermere Road
Ouellette Avenue between Wyandotte Street and Tecumseh Road
Sandwich Street between Brock Street and Detroit Street
Tecumseh Road East between Forest Avenue and Chilver Road
Tecumseh Road East between Cadillac Street and Larkin Road
Tecumseh Road East between Westcott Road and Rossini Boulevard
University Avenue West between Randolph Avenue and Salter Avenue
Wyandotte Street East between Arthur Street and Raymo Road
Wyandotte Street East between McDougall Street to Argyle Road
Wyandotte Street East between Thompson Boulevard and Glidden Avenue
Wyandotte Street West between California Avenue and Campbell Avenue

6.90.2 ADDITIONAL PERMITTED MAIN USES

Parking Garage in a *Combined Use Building* provided a minimum *building* depth of 10.0 m of the ground floor area abutting the *traditional commercial street* is occupied by any use permitted by the *zoning district* or zoning exception in which the *lot* is located.

6.90.3 PROHIBITED USES

.1 A *Public Parking Area* is prohibited save and except for a *bicycle parking space*.

6.90.5 ADDITIONAL PROVISIONS

- .1 For any *parking area* with five or more *parking spaces*, that portion of the *parking area* not used for a *parking space*, *parking aisle*, *collector aisle*, *access area*, *loading space*, or *stacking space* shall be maintained exclusively as a *landscaped area*.
- .3 The following additional provisions apply to any *new or expanded parking area*, *parking garage*, *access area*, and *stacking space* except for the Drouillard Road area shown on Schedule P.5 Off-Street Parking Overlay and any *school drop-off / pick-up area*:
- a) A *parking space*, *collector aisle*, *parking aisle*, or a *stacking space* is prohibited between the *traditional commercial street* and:
 - 1) the *rear wall* of the *building* located on the same *lot*; or
 - 2) 10.0 m from the *exterior lot line* that abuts a *traditional commercial street*, whichever distance is greater.
 - b) Where access can be provided from a *street* not identified as a *traditional commercial street* or from an *alley*, an *access area* to or from a *traditional commercial street* is prohibited.
 - c) Where an *access area* cannot be provided from a *street* not identified as a *traditional commercial street* or from an *alley*, a maximum of one *access area* may be provided from a *traditional commercial street*.

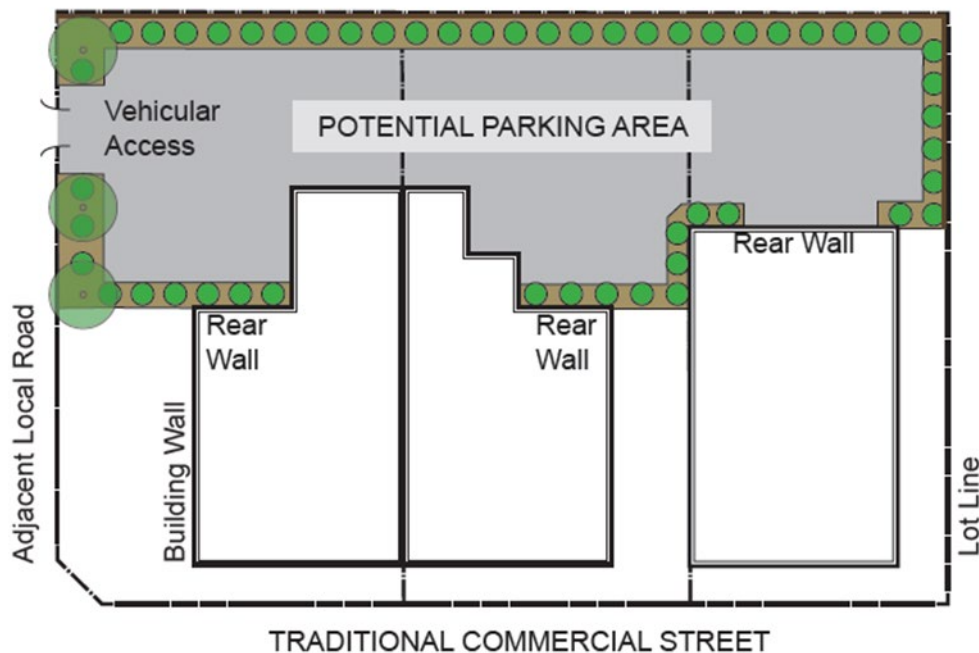
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- d) For a *parking area* with 19 or less *parking spaces*, the minimum width of the *access area* shall be 3.0 m. For any *parking area*, the maximum width of the *access area* shall be 7.0 m.
- .5 These provisions apply only to any *new or expanded parking area*, *parking garage*, *access area*, and *stacking space* in the Drouillard Road area shown on Schedule P.5 Off-Street Parking Overlay:
 - a) A *parking space*, *collector aisle*, *parking aisle*, or a *stacking space* is prohibited between the *traditional commercial street* and the building wall located closest to the *traditional commercial street*.
 - b) A maximum of one *access area* may be provided from a *traditional commercial street*.
 - c) For a *parking area* with 19 or less *parking spaces*, the minimum width of the *access area* shall be 3.0 m. For any *parking area*, the maximum width of the *access area* shall be 7.0 m.

ILLUSTRATION 6.90.1.1 – EXAMPLE OF POTENTIAL PARKING AREA



5G. Deleting Section 20(4).

6A. Adding new Section 83 as follows:

SECTION 83 – HERITAGE CONSERVATION DISTRICTS

[ZNG/7205]

(B/L 24-2009 Oct 19/2012 OMB Order PL090206)

83.0 APPLICATION

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Section 83 applies to any land that is designated a Heritage Conservation District. Any reference to Section 20(3) in this by-law shall mean Section 83.

83.1 SANDWICH HERITAGE CONSERVATION DISTRICT RESIDENTIAL OVERLAY ZONE

For the lands delineated on Schedule 'A' to this by-law and labelled with the overlay zone symbol "S.20(3)1" or "S.83(1)", despite the provisions in the applicable *zoning district* or exception, the following additional provisions shall apply:

83.1.2 PROHIBITIONS

- .1 *Building height* of more than 2 storeys is prohibited.
- .2 The construction of new *structures* or additions between the *main wall* of the existing *building* and the *front lot line* is prohibited.
- .3 A *garage* is prohibited unless it is located a minimum of 6 m to the rear of the closest wall of the existing *main building*.
- .4 A *parking space* in a *front yard* is prohibited.

83.1.3 ADDITIONAL PROVISIONS

- .1 The minimum *lot frontage*, minimum *lot area*, maximum *lot coverage*, maximum number of *dwelling units*, minimum *rear yard* depth, and minimum *side yard* width shall be as existing on October 19, 2012.
- .2 Maximum *front yard* depth – the maximum *front yard* for any *building* erected between existing *buildings* in the same block shall conform to the average of the front yards established by the nearest *building* on each side.

83.2 SANDWICH HERITAGE CONSERVATION DISTRICT COMMERCIAL OVERLAY ZONE

For the lands delineated on Schedule 'A' to this by-law and labelled with the overlay zone symbol "S.20(3)2" or "S.83(2)", despite the provisions in the applicable *zoning district* or any exception, the following additional provisions shall apply:

83.2.1 ADDITIONAL PERMITTED MAIN USES

Bake Shop
Bakery
Business Office
Child Care Centre
Commercial School
Confectionery
Farmers' Market
Food Outlet – Take-out
Funeral Establishment
Medical Office
Micro-Brewery
Outdoor Market within a *Business Improvement Area*
Personal Service Shop

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Place of Entertainment and Recreation

Place of Worship

Professional Studio

Public Hall

Restaurant

Retail Store

Tourist Home

Veterinary Office

Wholesale Store

Dwelling Units in a Combined Use Building with any one or more of the above permitted *main uses*, provided that all *dwelling units*, not including entrances thereto, are located entirely above the non-residential *use*.

83.2.2 PROHIBITIONS

- .1 *Front yard* setback on Sandwich Street is prohibited.
- .2 A *parking space* in a *front yard* is prohibited.
- .3 The lease, rental, or sale of *motor vehicles*, heavy equipment, or heavy machinery is prohibited.

83.2.3 ADDITIONAL PROVISIONS

- .1 *Building Height* – minimum of 2 storeys and maximum of 4 storeys
- .2 *Front Yard* setback on other *streets* – maximum – 2 m
- .3 *Amenity Area* – minimum – 12 m² per *dwelling unit*
- .4 *Gross Floor Area* – *Bakery* or *Confectionery* – maximum – 500 m²
- .5 Rooftop mechanical equipment shall be setback from the roof edge a distance equal to the height above the roof and shall be screened from view from the *street*.

6B. Deleting Section 20(3).

7. Adding new Section 91 as follows:

SECTION 91 – ZONING EXCEPTIONS

[ZNG/7205]

91.1 APPLICATION

Section 91 applies to any *lot* where the “x” symbol follows a *zoning district* symbol on any Schedule listed in Section 1.20.3. The terms “Site Specific Exception”, “Site-Specific Exception”, “Site Specific Provision”, “Specific Zoning Exception” mean “Zoning Exception”. Section 20(1) applies to any zoning exception with the symbol S.20(1) and a clause of Section 20(1).

91.2 PURPOSE

A zoning exception may supplement, alter, add, prohibit, or remove any by-law provision affecting any *building*, *lot*, *structure*, or *use*.

91.10 PROVISIONS

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The “x” symbol shall follow the zoning symbol and by one or more numbers in bracket.

Example: RD1.3x(1), MD1.4x(1,4)

The number refers to a specific clause in Section 91.10. The format of the clause shall be the clause number, a general location description, the current legal description of the area to which the clause applies, if available, and the zoning exception. The ZDM and ZNG numbers are Reference Information and do not form part of this by-law.

Example: **60. NORTHWEST CORNER OF CARLTON STREET AND CHURCH STREET**

For the lands comprising of Lot 24, Block 11, Plan 1967, an *Arena* is an additional permitted *main use* and for an additional permitted *main use*, no *parking spaces* are required.

[ZDM 10; ZNG/14]

(B/L 13-1967, May 2/1967)

8A. Adding new Section 97 as follows:

SECTION 97 – TEMPORARY USE PROVISIONS

[ZNG/7205]

97.1 APPLICATION

Section 97 applies to any *lot* where the “t” symbol follows a zoning symbol or a zoning exception symbol on any Schedule to this by-law.

97.2 PURPOSE

Section 39(1) in the Planning Act states that Council may pass an amending by-law that authorizes the temporary use of land, buildings, or structures for any purpose that is prohibited in this by-law.

A temporary use provision may supplement, alter, add, or remove any by-law provision affecting the *use* of the *lot*, *building*, or *structure*. The temporary use provision shall define the area to which it applies and specify the period for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the amending by-law.

At the request of the property owner, Council may, by amending by-law, grant further periods of not more than three years each authorizing the temporary use.

97.5 EXPIRY & DELETION

Upon the expiry of the period or periods of time in the temporary use provision, Section 34 (9) (a) of the Planning Act does not apply to allow the continued use of the land, buildings or structures for the purpose temporarily authorized. The temporary use provision shall be deleted from Section 97.10 and be replaced with the most recent amending by-law number and the expiry date and be deleted from any Schedule listed in Section 1.20.3.

97.10 TEMPORARY USE PROVISIONS

The “t” symbol shall follow the zoning symbol or the zoning exception symbol and by one or more numbers in brackets.

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Example: RD1.3t(1), MD1.4t(1,4), CD1.2x(1)t(7),

The number refers to a specific clause in Section 97.10. The format of the clause shall be the clause number in brackets and shall include a description of the area to which the clause applies, the temporary use provision, and the expiry date of the clause. The ZDM and ZNG numbers are Reference Information and do not form part of this by-law.

Example: (64) For the lands comprising of Lot 11, Block 12, Plan 1973, a Carnival is a permitted temporary use provided that the temporary use is located outdoors. For said temporary use, no *parking spaces* are required. This provision shall expire on July 31, 2027.

[ZNG/5475]

(B/L 1-2024, July 31, 2024)

- (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) By-law 125-2011 expired June 20, 2014.
- (8) By-law 41-2013 expired April 7, 2014.
- (9) By-law 129-2021 expired October 31, 2021. [ZNG/6465]

8B. Deleting Section 20(2).

9A. Deleting and replacing Section 1.20.30 with the following:

1.20.30 EXCEPTION

[ZNG/7205]

In addition to the *zoning district*, an area on any Schedule may be further delineated and identified by an exception as follows:

Overlay zone symbol – “S.20(3)1”, “S.83(1)”, “S.20(3)2”, or “S.83(2)”

Zoning exception symbol – “S.20(1)” and a clause of Section 20(1) or “x” and a clause of Section 91

“H” symbol and a clause of Section 95

“t” symbol and a clause of Section 97.10

Examples:

S.20(3)2 identifies the area is subject to Section 20(3)2.

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RD1.1x(20) identifies the area is subject to clause 20 of Section 91.10.

H(1,4)MD1.4 identifies the area is subject to holding clauses 1 and 4 of Section 95.20.

RD1.3t(1) identifies the area is subject to clause 1 of Section 97.10.

An area so identified shall be subject to the provisions of the *zoning district*, the identified exception, and all applicable provisions of this by-law. An additional permitted use listed in the exception shall be subject to the provisions of the *zoning district*, and, unless otherwise stated, to any additional provisions in the exception.

A *lot* may have more than one exception.

Where an additional *main use* is permitted by an exception, any *use* accessory to the permitted *main use*, excluding an *outdoor storage yard* except where permitted within the *zoning district* or exception, shall also be permitted subject to the provisions of the *zoning district*, the exception, and all applicable provisions of this by-law.

9B. Deleting and replacing Section 1.20.90 with the following:

1.20.90 **PRECEDENCE**

[ZNG/6277; ZNG/7205]

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

Section 3 – Definitions

Section 5 – General Provisions

Section 24 – Parking, Loading and Stacking Provisions

Section 25 – Parking Area Provisions

Section 6 – Other Parking Provisions

Section 7 – Additional Use Provisions

Sections 8 to 19 – Zoning Districts

Section 20(1) – Site Specific Provisions

Section 83 – Heritage Conservation Districts

Section 91 – Zoning Exceptions

Section 95 – Holding Zone Provisions

Section 97 – Temporary Use Provisions

Within Sections 20(1), 91, 95, or 97, the greater clause number shall take precedence.

- .5 Where a provision in this by-law is less than the minimum required by, is more than the maximum required by, or conflicts with an exception in, a provincial or federal act, regulation, or statute, the provincial or federal act, regulation, or statute shall take precedence.
- .10 Where a conflict between provisions cannot be resolved using the precedence of

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provisions, the City Planner shall determine the precedence.

Carried.

Report Number: S 26/2025

Clerk's File: Z14932

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:11 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:11 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See items 11.3, and 11.6.

11. ADMINISTRATIVE ITEMS

11.3. Sandwich CIP, 420 Rosedale Avenue; Owner: Wei Li; Ward 2

Shan Xue, BDB Development Inc.

Shan Xue, BDB Development Inc, appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 12, 2025, entitled "Sandwich CIP, 420 Rosedale Avenue; Owner: Wei Li; Ward 2" and is available for questions.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 723**

- I. THAT the request for incentives under the Sandwich Incentive Program made by the registered owner Wei Li of the property located at 420 Rosedale Avenue, **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 the lesser of 70% of the municipal portion of the tax increment for up to 10 years (+/- \$3,908 per year) or the eligible project costs;
- II. 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,

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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 legal form, and the City Treasurer as to financial implication;

- III. 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;
- IV. THAT grants **BE PAID** to Wei Li upon completion of the two (2) story three (3) unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- V. THAT grants approved **SHALL LAPSE** and **BE UNCOMMITTED** and returned to CIP Reserve Fund 226 if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 35/2025
Clerk's File: Z/10320

11.6. Downtown Community Improvement Plan Grant Application made by 2835039 Ontario Inc. for 557 Pelissier Street, Ward 3

John Naccarato, Owner

John Naccarato, Owner, appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 18, 2025, entitled "Downtown Community Improvement Plan Grant Application made by 2835039 Ontario Inc. for 557 Pelissier Street, Ward 3" and is available for questions.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 725**

- I. THAT the request made by 2835039 Ontario Inc. for the proposed development at 557 Pelissier Street to participate in the Retail Investment Grant Program **BE APPROVED**, for a grant up to 50% of the eligible costs of improvements to the interior to create a retail unit, to a maximum of \$7,450.
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$7,450 for grants under the Retail Investment Grant Program for 557 Pelissier Street to 2835039 Ontario Inc. upon completion of interior improvements subject to the satisfaction of the City Planner and Chief Building Official.

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III. THAT grant funds in the amount of \$7,450 under the Retail Investment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.

IV. THAT grants approved **SHALL LAPSE** and **BE UNCOMMITTED** and returned to CIP Reserve Fund 226 if the applicant has not completed the work and fulfilled the conditions within one (1) year of the approval date.

Carried.

Report Number: S 42/2025

Clerk's File: Z/12916

11.1. Amendment to CR141/2023 for Closure of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835

Councillor Kieran McKenzie requests that Administration confirm that the City of Windsor still owns the roadway in question, and if it is connected to a lease agreement with the NextStar Energy plant. Aaron Farough, Senior Legal Council appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 7, 2025, entitled Amendment to CR141/2023 for Closure of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835" and states that the roadway is currently not under lease to NextStar, but the intention is to incorporate that roadway into the lease agreement.

Councillor Kieran McKenzie expresses concern regarding the report's dismissal of the traffic and safety concerns because of this roadway being closed. He asks Administration if they perceive any public safety concerns due to having only one way in or out of the industrial park. Ian Day, Senior Manager, Transportation appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 7, 2025, entitled Amendment to CR141/2023 for Closure of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835" and indicates that a transportation consultant has been engaged to investigate potential short- and long-term solutions to enhancing access to the Twin Oaks industrial park.

Councillor Kieran McKenzie asks if the City has any leverage to have the roadway in question be made available for public use during emergency circumstances. Patrick Winters, Manager, Development Engineering appears before the Development & Heritage Standing Committee regarding the Administrative report dated March 7, 2025, entitled Amendment to CR141/2023 for Closure of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835" and replies that there are ongoing discussions with NextStar regarding this issue, although Banwell Road is in the process of undergoing fundamental changes which will result in the roadway in question eventually becoming inaccessible.

Councillor Kieran McKenzie inquires about the timeline for the Banwell Road project, and when the roadway in question may be impossible to consider as a potential means of egress. Mr. Winters replies that the timeline is being reviewed by the Dillon Consulting team and the city team responsible

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for this project. It is Mr. Winters' understanding that they are looking at the potential of the roadway in question, but that it would be difficult to maintain access.

Councillor Angelo Marignani inquires whether Administration has any concerns about the grade separation that will be going into the intersection and the proposed road closure. Mr. Winters replies that according to the Banwell Road Environmental Assessment, the roadway in question was already slated to be made into a cul-de-sac for this reason.

Councillor Marignani inquires whether the temporary berm that is currently on the north side of the roadway in question is to be used in the overpass construction or will it be extended to provide noise mitigation for the nearby neighbourhood. Mr. Winters replies that the berm was placed there by NextStar, but the final grading of the area would be dependent on what was in the approved site plan.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 721**

I. THAT CR141/2023, adopted on March 20, 2023, **BE AMENDED** as follows:

By **DELETING** Section I in its entirety, and **INSERTING** the following in its place:

- I. THAT the portion of E. C. Row Avenue East right-of-way shown on Drawing No. CC-1819 (attached hereto as Appendix "A") and described as Parts 12, 13, 15 & 26 on Reference Plan 12R-29361, and Part 1 on the Draft Reference Plan (attached hereto as Appendix "B"), and hereinafter referred to as the "Subject Lands", **BE ASSUMED** for subsequent closure;

By **DELETING** Section II in its entirety, and **INSERTING** the following in its place:

- II. THAT the Subject Lands **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements over Parts 13 & 15 on Reference Plan 12R-29361, and Part 1 on the Draft Reference Plan being granted to the following parties, subject to their being accepted in the City's standard form and in accordance with the City's standard practice:
 - i. Bell Canada to protect aerial and buried facilities running parallel to the north of the existing two-lane asphalt road; and
 - ii. ENWIN Utilities Ltd. to accommodate existing hydro pole line with 27,600-volt primary electrical power circuit.

By **DELETING** Section IV in its entirety, and **INSERTING** the following in its place:

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III. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1819, Reference Plan 12R-29361, and the Draft Reference Plan; and,

II. THAT Administration **BE DIRECTED** to report back on the potential options to address public safety challenges in the Twin Oaks Industrial Park by creating emergency access to EC Row Ave. in consultation with appropriate Emergency Service providers and other appropriate stakeholders.

Carried.

Report Number: S 31/2025

Clerk's File: SAA2025

11.2. Closure of north/south alley located between Algonquin Street and Totten Street, Ward 10, SAA-7092

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 722**

- I. THAT the 4.27-metre-wide north/south alley located between Algonquin Street and Totten Street, and shown on Drawing No. CC-1839 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada to accommodate existing aerial and buried facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240-volt hydro distribution; and
 - iii. Managed Network System Inc. (MNSi.) to accommodate existing plant on the pole line.
 - b. Ontario Land Surveyor be directed to use existing fence line for determining the boundaries of the lands to be conveyed to each abutting property owner.
- III. THAT Conveyance Cost **BE SET** as follows:

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- a. For alley conveyed to abutting lands zoned RD1.1, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1839.
 - V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
 - VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
 - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 32/2025
Clerk's File: SAA2025

11.4. Main Street CIP Application for 415 Devonshire Road, Owner: AALTEN GROUP INC. (C/O: Chris Stronks), Ward 4

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 724**

- I. THAT the request for incentives under the *Main Streets Community Improvement Plan* made by AALTEN GROUP INC. (C/O: Chris Stronks), the owner of the property located at 415 Devonshire Road **BE APPROVED IN PRINCIPLE** for the following programs:
 - i. *Building Facade Improvement Program* totaling a maximum of \$30,000;
 - ii. *Building/Property Improvement Tax Increment Grant Program* for the lesser of 100% of the municipal portion of the tax increment for up to ten (10) years of +/- \$9,048 per year or the total eligible costs;
- II. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Main Street CIP for the *Building/Property Improvement Tax Increment Grant Program* agreement in accordance with all applicable policies, requirements, and provisions contained within the *Main Streets Community Improvement Plan* to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implication;
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;

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-
- IV. THAT funds in the maximum amount of \$30,000 (*Building Facade Improvement grants*) under the *Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Main Streets CIP* Project Fund (Project #7219018) when the grant funds are ready to be paid out;
- V. THAT grants **BE PAID** to AALTEN Group INC. (C/O: Chris Stronks) upon completion of improvements to the exterior of the property located at 415 Devonshire Road from the *Building Facade Improvement Program – Main Streets CIP* Project Fund (Project #7219018) to the satisfaction of the City Planner and Chief Building Official; and
- VI. THAT grants approved **SHALL LAPSE** and **BE UNCOMMITTED** and returned to CIP Reserve Fund 226 if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 36/2025
Clerk's File: Z/13002

11.7. Response to CQ26/2023 Models of Pre-Approved Building Plans Utilized by Different Municipalities in North America – City Wide

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

Decision Number: **DHSC 726**

That the report of Supervisor, Research & Policy dated February 20, 2025, entitled “ Response to CQ26/2023 Models of Pre-Approved Building Plans Utilized by Different Municipalities in North America – City Wide” **BE RECEIVED** for information.
Carried.

Report Number: S 22/2025
Clerk's File: ACO2025 & SB2025

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

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There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:23 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on May 5, 2025.

Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services

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CITY OF WINDSOR MINUTES 04/07/2025

Development & Heritage Standing Committee Meeting (*Planning Act* Matters)

Date: Monday, April 7, 2025

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

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Daniel Grenier

Member Charles Pidgeon

Member John Miller

Member William Tape

Member Joseph Fratangeli

Members Regrets

Member Robert Polewski

Member Khassan Saka

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

Neil Robertson, City Planner

Greg Atkinson, Deputy City Planner – Development

Jason Campigotto, Deputy City Planner - Growth

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Phong Nguy, Executive Director Operations/ Development City Engineer
John Revell, Chief Building Official
Ian Day, Senior Manager Traffic Operations/Parking
Aaron Farough, Senior Legal Council
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Patrick Winters, Manager, Development
Tea De Angelis, Supervisor, Research & Policy
Tracy Tang – Planner III - Heritage
Adam Szymczak, Planner III - Development
James Abbs, Planner III - Development
Kevin Alexander, Planner III - Special Projects
Laura Strahl, Planner III - Special Projects
Frank Garardo, Planner III - Policy & Special Studies
Sophia Di Blasi, Planner II - Research & Policy Support
Chris Gerardi, Policy Analyst
Elara Mehriou, Transportation Planner I
Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1– Caroline Baker, Baker Planning Group
Item 7.3 – Robert Brown, Oakview Land Use Planning
Item 7.3 – John Leslie, Representative for 2408380 Ontario Inc.
Item 10.1 – Shan Xue, BDB Development Inc.
Item 11.3 – Shan Xue, BDB Development Inc.
Item 11.6 – John Naccarato, Owner

Delegations—participating in person

Item 7.1– Manni Japra, Applicant
Item 7.1 – Adam Meloche, Meloche Architectural Studio
Item 7.3 – Anthony Debly, Representative for Adjacent Property Owner
Item 7.4 – Melanie Muir, Dillon Consulting Limited
Item 10.2 – John Bortolotti, Architect for Applicant
Item 10.3 – John Bortolotti, Architect for Applicant
Item 11.5 – Melanie Muir, Dillon Consulting Limited

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 5:02 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

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None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

11.5. University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by the University of Windsor for 401 Sunset (Ward 2)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

THAT the report of the Planner III - Special Projects dated March 14, 2025, entitled "University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by the University of Windsor for 401 Sunset Avenue (Ward 2)" **BE DEFERRED** to a future Development & Heritage Standing Committee to allow for the applicant to update their design and resubmit the application.

Carried.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held March 3, 2025

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 3, 2025, **BE ADOPTED** as presented.

7. *PLANNING ACT* MATTERS

7.1. Rezoning – Home Discovery Group - 3161 Jefferson Blvd - Z-041/24 ZNG/7260 - Ward 8

Adam Szymczak, Senior Planner – Development, is available for questions.

Adam Meloche (architect) and Caroline Baker (agent), is available for questions.

Moved by: Councillor Mark McKenzie

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Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 713**

2. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 221, Part Lot 222, Part Block B, Registered Plan 1153, save and except Part 2, Plan 12R-5307 (PIN 01562-0703), situated on the west side of Jefferson Boulevard, south of Queen Elizabeth Drive, (3161 Jefferson Boulevard; Roll No. 070-590-16300) from Commercial District 1.4 (CD1.4) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20(1) as follows:

527. WEST SIDE OF JEFFERSON BOULEVARD, SOUTH OF QUEEN ELIZABETH DRIVE

For the land described as Lot 221, Part Lot 222, Part Block B, Registered Plan 1153, save and except Part 2, Plan 12R-5307 (PIN 01562-0703),

3. A *Stacked Dwelling* shall be an additional permitted *main use* and shall be subject to the provisions of Section 11.5.5.7.
4. That for a *Multiple Dwelling* with 5 or more *dwelling units*, a *Stacked Dwelling*, or a *Townhome Dwelling*, the following additional provisions shall apply:
 - g) Lot Area – per *dwelling unit* – minimum – 160.0 m²
 - h) The *minimum front yard* depth shall be 5.0 m, and the *maximum front yard* depth shall not apply.
 - i) Notwithstanding Clause .20 in Table 5.30.10 (Section 5.30.10.20), for any below *grade* entrance and steps leading thereto, including a below *grade* patio, the maximum encroachment into a *required front yard* shall be 2.75 m.
 - j) Notwithstanding Clause .76 in Table 5.30.10 (Section 5.30.10.76), the maximum total tread area within a *required yard* shall not apply.
 - k) Notwithstanding Clause .3 in Table 25.5.20.1 (Section 25.5.20.1.1), the minimum parking area separation from the southerly *interior lot line* shall be 0.5 m.
 - l) Notwithstanding Clause .6 in Table 25.5.20.1 (Section 25.5.20.1.6), the minimum parking area separation from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.20 m.

Carried.

Report Number: S 19/2025

Clerk's File: Z/14917

7.3. Official Plan Amendment and Zoning By-law Amendment Applications for 0 Wellington Avenue & 673 Wellington Avenue, Z-005/25 [ZNG-7284] & OPA 195 [OPA-7285], Ward 3

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

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Robert Brown, Oakview Land Use Planning (agent), is available for questions.

Anthony Debly, Debly Law (representative for Buu Quoc Tran, owner of the nearby property at 1165 Wyandotte Street West), states that we just wanted the Committee to be aware that there were other factors that may not have been considered that we wanted to bring to your attention through a couple of the neighbours that are opposing it. Mr. Debly notes that there are concerns about environmental implications with respect to potential contamination of food products from the previous manufacturing use. Mr. Debly asks that if the Committee decides to approve the application, that further inquiry is conducted through the Ministry of Health, City of Windsor, or other relevant entities to do a thorough investigation of the property to ensure that the manufacturing use to a commercial use involving food products remains healthy for all intended users and occupants of the grocery store. Mr. Debly outlines concerns with the applicant's character and the operation of his existing grocery store within the commercial building at Mr. Tran's property. Mr. Delby indicates that unsanitary conditions, contamination of food products and the ongoing improper disposal of refuse onsite have been observed by residents of the neighbourhood. Mr. Delby lastly states that there is a concern that these activities and lack of respect for regulatory by-laws are going to continue into the new place, and it was our respectful submission in summing up, that it be denied because it does not align with the public interest and they do not exhibit what I would respectfully submit is good character to merit any further benefits from the City.

John Leslie, Dickinson Wright (representative for 2408380 Ontario Inc.), states that our concerns lie specifically with respect to the reduction in the parking spaces, which is almost a 50% reduction. Mr. Leslie indicates that the parking rate for a retail store used within the Traffic Impact - Parking Study is incorrect. Mr. Leslie further notes that the Traffic Impact - Parking Study states that only 49 parking spaces are required, whereas Zoning By-law 8600 actually requires 79 parking spaces. Mr. Leslie states that parking is at a minimum within the area and surrounding parking lots will be used due to insufficient parking provided at the subject lands. Mr. Leslie suggests that Administration is requesting the parking reduction rather than the applicant, and that Administration concluded that it will have no effect on the surrounding area. Mr. Leslie concludes that his client opposes the application due to the parking reduction and its ramifications on the surrounding area.

Councillor Angelo Marignani inquires if the client he represents has a grocery store on their property. Mr. Leslie states that his client is the owner of the property and that there is a grocery store on the property.

Councillor Kieran McKenzie inquires about previous use of the lands, whether it is a brownfield site and whether soil remediation is required. Mr. Brown states that this is the first time this is coming up. Mr. Brown notes that no concerns regarding potential site contamination site were raised in consultations with the applicant or Administration. Mr. Brown concludes that this type of land use change normally does not trigger an environmental review process.

Councillor Kieran McKenzie inquires how the parking recommendation had been decided on. Mr. Brown states that the request was based on the outcome rather than the reduction. The Traffic

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Impact - Parking Study concluded that 42 parking spaces would be adequate for serving the needs of the use, and the Transportation Planning Department agreed.

Councillor Kieran McKenzie inquires about any issues with prior use of the site and if Administration had evaluated the lands previous use. Mr. Nagata states that at the Ministry level a Record of Site Condition is not required to change an industrial use to a commercial use, however as a prerequisite for obtaining a Food Store business licence is a Board of Health Inspection Certificate is required.

Councillor McKenzie inquires about how the final number of parking spaces were determined based on the Traffic Impact - Parking Study. Mr. Nagata states that the Planning Department was aware of the higher parking rate and of the associated reduction. Chris Gerardi, Policy Analyst for Transportation Planning states that the Transportation Planning Department was aware of the discrepancy between the parking rates and an argument was made that justified the reduction. Mr. Gerardi states that they did not agree with everything presented in the Traffic Impact - Parking Study and businesses can operate in a variety of ways.

Councillor Kieran McKenzie states that the Traffic Impact - Parking Study states additional spaces could be added and inquires if that is correct based on the configuration of the lots. Mr. Gerardi states that that is correct, and that expansion of the parking lot can happen if needed.

Councillor Kieran McKenzie inquires if there is a mechanism to trigger parking lot expansion. Mr. Nagata states that as part of the recommendation Administration has linked the parking requirement for the retail store use to the gross floor area of the vacant industrial building as it exists on today's date. This will necessitate a Planning Act approval for any expansion of the retail store use to address the associated parking requirement.

Member Anthony Arbor inquires if there is a way to request an Environmental Assessment of the parking lot and building prior to construction, as there may be a possibility for contamination due to prior use. Mr. Nagata states that it is not considered applicable law under the building permit process in this situation and as such there would not be a requirement to do a record of site condition. Mr. Robertson states that Ontario Regulation 153 of 2024 provides the triggers for when a record of site condition is required and deals directly with the province to require an environmental review.

Councillor Kieran McKenzie inquires if it's possible to have this information when the application is presented at Council. Mr. Nagata states yes.

Chair Jim Morrison inquire if the Health Unit can come to the next Council meeting. Councillor Kieran McKenzie inquires if the Health Unit would have the direct oversight of the approval. Councillor Francis states that the Health Unit does spot checks on variety and grocery stores. Mr. Robertson states that the Health Unit will be circulated and made known the concerns that were raised and ask for comments or attendance at the next meeting.

Councillor Marignani inquires if the site is currently being used as a grocery store. Mr. Nagata states no that it's been vacant for quite some time.

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Councillor Kieran McKenzie moves the recommendation and asks that Administration have consultation with the Health Unit.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 715**

- VI. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating the lands located on the west side of Wellington Avenue between Wyandotte Street West and Elliott Street West, described as Lots 43 to 53, Plan 68, as a Special Policy Area.
- VII. THAT the City of Windsor Official Plan, Volume II, Chapter 1 - Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:
- 1.xx. West side of Wellington Avenue between Wyandotte Street West and Elliott Street West**
- 1.xx.1 The property described as Lots 43 to 53, Plan 68, known municipally as 0 Wellington Avenue (Roll No. 040-230-00800) and 673 Wellington Avenue, situated on the west side of Wellington Avenue between Wyandotte Street West and Elliott Street West, is designated on Schedule A: Planning Districts & Policy Areas in Volume I - The Primary Plan.
- 1.xx.2 Notwithstanding Section 6.4.3.2 of the City of Windsor Official Plan, Volume I, Chapter 6 - Land Use:
- a) A retail store shall be an additional permitted ancillary use.
- VIII. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the west side of Wellington Avenue between Wyandotte Street West and Elliott Street West, described as Lots 43 to 53, Plan 68 (PIN No. 01205-0133 LT & PIN No. 01205-0134 LT), by adding a site specific provision to allow a Retail Store as an additional permitted main use, subject to the following additional regulations:

528. WEST SIDE OF WELLINGTON AVENUE BETWEEN WYANDOTTE STREET WEST AND ELLIOTT STREET WEST

(1) For the lands comprising of Lots 43 to 53, Plan 68 (PIN No. 01205-0133 LT & PIN No. 01205-0134 LT), a *Retail Store* shall be an additional permitted *main use* subject to the following additional provisions:

1. Section 18.2.5.10 shall not apply.
2. Notwithstanding Table 24.20.5.1, a minimum of 42 parking spaces shall be provided for a *Retail Store* use occupying the ground floor of the existing building as it existed on April 7, 2025.
3. Notwithstanding Section 24.26.5, a *parking space* and *accessible parking space* shall be permitted in a required front yard.

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4. Notwithstanding Section 25.5.10.3, a poured in place concrete curb shall not be required to bound the west limit of a *parking area* having 0.00 metres of separation from the west interior lot line.
5. Notwithstanding Section .2 of Table 25.5.20.1, the minimum separation for a *parking area* from Wellington Avenue shall be 2.65 metres.
6. Notwithstanding Section .3 of Table 25.5.20.1, the minimum separation for a *parking area* from the west interior lot line shall be 0.00 metres.
[ZDM 3; ZNG/7284]

- IX. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** with an application for Site Plan Approval:
- c. Planning Justification Report, prepared by Oakview Land Use Planning, dated January 21, 2025.
 - d. Traffic Impact / Parking Study, prepared by RC Spencer Associates Inc., dated January 2025; and,
- X. THAT Administration **BE DIRECTED** to consult with the Windsor Essex County Health Unit (WECHU) for comment with respect to process in terms of oversight for the proposed use of the property, given the previous use of the site; and that the information **BE PROVIDED** to Council when the report moves forward for consideration.

Carried.

Report Number: S 33/2025
Clerk's File: Z/14931 & Z/14930

7.4. Official Plan & Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling - Z 030-24 [ZNG-7234] & OPA 189 [OPA-7235] Lakefront Heights Inc. 0 Wyandotte St. E - Ward 7

Jim Abbs, Senior Planner – Development, presents application.

Melanie Muir (agent), is available for questions and is in support of the recommendation.

Councillor Marignani inquires with a development this size what traffic improvements will be made to not impede on the quality of life for area residents. Mr. Gerardi states that the applicant has submitted a Traffic Impact Study (TIS) which is currently under review, and any recommendations of the study will be implemented at the Site Plan Control stage.

Councillor Marignani inquires when the study will be completed and for the Committee to review. Mr. Gerardi states that the study has been completed and a review will be done prior to the Site Plan Control stage.

Councillor Marignani inquires whether the HVAC system can be higher than the permitted use. Jim Abbs states that mechanical structures can exceed the height of the building as currently permitted by Zoning By-law 8600.

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Councillor Marignani inquires about the sewer extension and whether Lublin Avenue will be included in the expansion. Patrick Winters states that a previous application had been required to oversize the sanitary sewer to accept flow from all of the vacant properties on Wyandotte Street yet to be constructed. Mr. Winters states that this development will rely on that sewer as its outlet and plans of subdivision have been approved with an oversized sewer to support this development.

Councillor Marignani inquires about the proximity of the Lublin Avenue sewer extension and if there is a delay in the extension would it not affect this development. Mr. Abbs states that is correct and that the development still has many steps of the Planning process to complete.

Councillor Marignani quotes the sewer report stating that the capacity planning does not adequately account for the demand of this and future development in the area and inquires if this is a concern. Mr. Winters states the report does account for the vacant lands and that additional analysis is required to prior to construction, and a downstream assessment needs to be completed to our satisfaction.

Councillor Marignani inquires if the sewer water management will be going upstream to the treatment plant. Mr. Winters states that it will be flowing downstream from Lublin into the existing sewer system into the treatment plant.

Councillor Marignani inquires if the grade of this development will be lower than the Little River Treatment Plant. Mr. Winters states that this development lies within a regulated Essex Region Conservation Area (ERCA) flood plain and any development will have to be constructed to the necessary flood proofing elevations as required by ERCA.

Councillor Marignani inquires if the sewers will be able to maintain flow due to this development and future and not cause a burden on current area residents. Mr. Winters state that adequate capacity assessments have been completed for all the approved developments in the area as part of the rezoning such as functional servicing studies have been provided and approved at time of Site Plan Control. Mr. Abbs adds that this is the same for any developments north or south of Wyandotte Street East which have been approved and no development is assessed in isolation of another to ensure minimal impact on residents.

Councillor Marignani inquires if we are building too quickly to ensure adequate infrastructure for what is being built. Mr. Winters states that when the North Neighbourhood Pond was developed, that all of the surrounding vacant land was taken into consideration and that there is adequate capacity to support this development and future developments.

Councillor Marignani inquires when the infrastructure will be installed on Lublin Avenue. Mr. Abbs states that the phases of the subdivision has been registered and can be constructed at any time, and the servicing drawings have been approved by the City as well. Mr. Winters states that the servicing drawings have been approved and can proceed when the markets deem it appropriate.

Councillor Marignani inquires if Lublin Avenue will be ready for when the development is ready for construction. Mr. Abbs states yes they will have to be ready.

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Councillor Marignani inquires if there is any concern with the scenery loft. Mr. Abbs states that the Planning Department no concerns.

Councillor Marignani inquire if Administration is confident that this development will not create any future concerns. Mr. Abbs agrees.

Councillor Marignani inquire if there is a timeline for the expansion of Little River Treatment Plant. Mr. Winters states that an Environmental Assessment is ongoing relating to the Treatment Plant expansion which will include timing for capacity upgrades as deemed needed for forecasted growth.

Councillor Marignani inquire if there will be public consultation prior to the development. Mr. Abbs states that public consultation was provided for this development as part of the Planning Consultation process. This DHSC meeting represents the Statutory meeting required under the Planning Act. One additional opportunity for Public Consultation will take place when the application and DHSC recommendation are presented to Council but there will be no additional public consultation at the Site Plan Control stage.

Councillor Marignani inquires if there will an Open House to discuss this development. Melanie Muir states that one was held an Open House a year and a half ago and plans have not changed, and took into consideration and implemented resident concerns such as sanitary/storm management and the appropriate studies were conducted.

Councillor Marignani inquires what some of the concerns of residents expressed. Ms. Muir states concerns of storm water management and flooding, increase in traffic, species at risks, and many of the residents were excited about the development as a different housing option.

Councillor Marignani states concerns with the misalignment of projects and timelines of developments. Mr. Abbs states that the majority of this development depends on the Developer of Lublin Street and that it does not mean that the construction will start for the development right away. Mr. Winters states we are awaiting the Developer to start construction as they have been asked to install a larger pipe to support the development, and the City would not initiate servicing the street without the required construction.

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 716**

- V. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E, situated on North Side of Wyandotte St. E, between Clover St. and Chateau Ave., as a Special Policy Area.
- VI. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

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1.# North Side of Wyandotte St. E, between Clover St. and Chateau Ave. (0 Wyandotte St. south of Riverside Sportsmen Club)

1.#.1 The property described as Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 6.3.2.1 of the Official Plan, Volume I, High Profile Residential Buildings shall be permitted on the subject property.

VII. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, known municipally as 0 Wyandotte St. E, from Commercial District 1.5 (CD 1.5) to Residential District 3.3 (RD 3.3);

VIII. THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E by adding site specific regulations as follows:

529. North Side of Wyandotte St. E, between Clover St. and Chateau Ave. (0 Wyandotte St. south of Riverside Sportsmen Club)

For the lands described as Part of Lot 141, Concession 1, Part 1, Plan 12R-29002, in the City of Windsor, known municipally as 0 Wyandotte St. E. the following regulations shall apply:

Main Building Height - within 24m of Wyandotte Street East right of way – Maximum – 10 m

Parking Structure Height maximum – 10 m

Main Building Height – remainder of site - Maximum - 44.0 m;

Lot Coverage - Maximum - 60%

Report Number: S 34/2025
Clerk's File: Z/14915 & Z/14914

7.5. Zoning By-law Amendments- City of Windsor – File Z-06/25 ZNG/7288- City Wide

Frank Garardo, Planner III – Policy & Special Studies, is available for questions.

Councillor Marignani inquire if an applicant still apply for a minor variance if deemed appropriate for relief from a zoning by-law amendment. Frank Garardo states yes that a variance process will still apply to any of these provisions.

Councillor Marignani inquires how the as-of-right permission for three residential units on a single lot facilitated by these zoning by-law amendments will not negatively impact the service capacity of existing municipal infrastructure such as water, sewer, storm water management and established

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neighbourhoods. Mr. Garardo states that with current framework three units are allowed on a single lot, one of the amendments ensures for semi-detached and townhome dwellings are severed prior with appropriate servicing at the time. Mr. Garardo state that it allows more time to look at the servicing during the severance process. Mr. Robertson state that this will have to be monitored and has been looked at retroactively, what is being proposed will align with the Ontario Regulations recently passed.

Councillor Kieran McKenzie inquires if we decide to go ahead with this proposal how much of it goes along with the evolution of intensification. Mr. Robertson states that the report is under current legislative requirements for as-of-right permissions. Any future regulations or provisions which are enacted would require the City to comply with it.

Councillor McKenzie inquires about the intensification policy and what extent this report does to inform the new regulatory framework and vision of the City. Mr. Robertson states that many factors are considered such as service adequacy, road conditions, transit and strategic recommendations can accommodate the intensification. Mr. Robertson states that this is a way to direct where intensification can occur.

Moved by: Councillor Mark McKenzie

Seconded by: Member Daniel Grenier

Decision Number: **DHSC 717**

- III. THAT Zoning By-law 8600 **BE AMENDED** as shown in Appendix A.
- IV. THAT Zoning By-law 85-18 **BE AMENDED** as shown in Appendix B.
Carried.

Report Number: S 38/2025

Clerk's File: Z/14933

7.2. Rezoning - City of Windsor - Housekeeping Amendment 2025-1 - Z-015/24 ZNG/7205 - City Wide

Adam Szymczak, Senior Planner – Development, is available for questions.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 714**

THAT Zoning By-law 8600 **BE AMENDED** as follows:

1A. Adding to Section 3.10, alphabetically, the following defined terms:

EMERGENCY POWER GENERATOR means an outdoor stationary device having a running wattage of 26kW or less that serves solely as a secondary source of electrical power whenever

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the primary electricity supply is disrupted or discontinued during a power outage or natural disaster that are beyond the control of the owner or operator of a facility, that operates only during an emergency, for training of personnel, or for operational testing. A device that serves as a back-up power source under conditions of load shedding, peak shaving, power interruptions pursuant to an interruptible power service agreement, or scheduled facility maintenance is not an *Emergency Power Generator*.

[ZNG/7205]

HVAC SYSTEM means the outdoor components of an air conditioning, cooling, heating, or ventilation system. A central air conditioning system or heat pump is an *HVAC System*. It does not include a portable air conditioning system, mini split-system air-conditioner, and window air conditioner, or similar heating and cooling equipment.

1B. Deleting clause .25 from Table 5.30.10.

1C. Adding the following clauses to Table 5.30.10:

.38	<i>Emergency Generator</i> [ZNG/7205]	<i>Power</i>	<i>Required rear yard or Required side yard</i>	<i>No Limit</i>	<i>Side lot line</i>	0.60 m
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.45	<i>HVAC System</i> [ZNG/7205]		<i>Required rear yard or Required side yard</i>	<i>No Limit</i>	<i>Side lot line</i>	0.60 m
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1D. Deleting and substituting the following defined terms in Section 3.10:

REQUIRED YARD means for the purpose of Section 5.30 any of *required front yard, required rear yard, required side yard, or required landscaped area*.

[ZNG/7205]

N/A means for the purpose of Section 5.30, that a minimum separation is not required. For the remainder of this by-law, it means not applicable.

[ZNG/7205]

2. Deleting and substituting the following defined terms in Section 3.10:

BUSINESS OFFICE means an *office* of any one or more of the following: commercial business; data centre; financial services including a bank, credit union, payday lender, savings and loan office and trust company; government; industrial business; non-profit or charitable organization;

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professional person. A financial office is a *Business Office*. A medical office or veterinary office is not a *business office*.

[ZNG/7205]

GAMING FACILITY means a casino or slot machine facility established or regulated under any Provincial Act and may include sport and event betting. A *billiard hall, bingo hall, games arcade, place of entertainment or recreation, teletheatre, or building* used for the sale of lottery tickets is not a *gaming facility*.

[ZNG/7205]

3A. Deleting and substituting the following defined terms in Section 3.10:

AMENITY AREA means the total area of a balcony, *landscaped area*, and the following as an accessory activity or use to a *dwelling* or a *dwelling unit* located on the same *lot*: common, community, meeting, multi-purpose, or similar room; *community garden*; indoor athletic, exercise, or recreational facility; lounge; *scenery loft; swimming pool*. It does not include the following: elevator lobby, laundry facility, mailbox facility, mail room, *office*, recycling or refuse room, storage room.

[ZNG/7205]

SCENERY LOFT means an area that is located above the uppermost storey of a *main building* that occupies a fully enclosed room or group of rooms, that is fully and readily accessible to all residents of the *building*, and that is not used as a *dwelling unit*.

[ZNG/7205]

3B. Deleting the defined term “Landscaped Open Space” in Section 3.10 and substituting the following:

LANDSCAPED AREA means an area open to the sky consisting of any of the following: *deck; ground cover; outdoor recreational facility* accessory to a *dwelling* or *dwelling unit*; patio; pedestrian walkway; terrace; water feature. It does not include the following: *access area, access ramp, bicycle parking space, collector aisle, green roof, loading compound, loading space, outdoor storage yard, parking aisle, parking space, porch, roof, scenery loft, sports facility, swimming pool, transport storage area, transport terminal*.

[ZNG/7205]

GREEN ROOF means an area located on the roof of a *building*, open to the sky, and maintained with a *ground cover*.

[ZNG/7205]

GROUND COVER means any of the following: bark; compost; decorative or ornamental block, brick, edging, paver, pebble, slab, or stone; mulch; plants, including flowers, grass, shrubs, and trees; wood chips. It does not include construction grade aggregate.

[ZNG/7205]

SOFT LANDSCAPING means an area open to the sky and maintained with a *ground cover*.

[ZNG/7205]

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LANDSCAPED OPEN SPACE means *landscaped area*.

[ZNG/7205]

3C. Deleting and substituting the following defined term in Section 3.10:

LANDSCAPED OPEN SPACE YARD means *landscaped area*.

[ZNG/7205]

4. Deleting and substituting Section 5.35.1 with the following:

5.35.1 **FIXTURES OR STRUCTURES – HEIGHT EXEMPTION**

[ZNG/7205]

For a *building* or *use* listed in Table 5.35.1, a fixture or structure listed in Table 5.35.1 may extend above the permitted *maximum building height*, provided that such fixture or structure is erected only to such height as is necessary to accomplish its purpose.

TABLE 5.35.1	
.1 For any <i>Building</i> :	
Antenna	Safety Equipment
<i>Architectural Feature</i>	Satellite Dish
Chimney	Security Equipment
Communication Equipment	Skylight
Fire Wall	Solar Panel
Parapet	Vent Stack
Roof Vent	
.5 For a <i>Combined Use Building, Lodging House, Multiple Dwelling, Religious Residence, Residential Care Facility, Student Residence, or non-residential building</i> :	
Belfry	Roof Access Ladder
Bell Tower	Roof Hatch
Cupola	Screening Fence
Electrical Generator	Smokestack
Elevator Machine Room	Spire
<i>HVAC Equipment</i>	Stairwell Room
Hoist Room	Steeple
Mechanical Penthouse	Turret
Minaret	Water Tank
Protective Fence	Window Washing Equipment

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5A. Deleting and substituting the defined term “Parking Space” with the following defined terms in Section 3.10:

PARKING SPACE means an area used for the parking of an operable *motor vehicle*. It includes an *accessible parking space* and *visitor parking space*. A *bicycle parking space*, *loading space*, or *stacking space* is not a *parking space*.

[ZNG/7205]

ACCESSIBLE PARKING SPACE means a *parking space* for the use of a person with a disability and identified as Type A or Type B in Section 80.34 of O. Reg. 191/11: Integrated Accessibility Standards.

[ZNG/7205]

ACCESS AISLE means the space between or beside an *accessible parking space* that allows a person with a disability to get in and out of a *motor vehicle*.

[ZNG/7205]

BICYCLE PARKING SPACE means an area that is provided and maintained for the purpose of temporary parking or storage of a bicycle or motor assisted bicycle as defined in subsection 1 (1) of the Highway Traffic Act, R.S.O. 1990, c. H.8.

[ZNG/7205]

VISITOR PARKING SPACE means a *parking space* designated for the temporary parking of an operable *motor vehicle* by a visitor or guest to a *dwelling* or *dwelling unit*. A *loading space* or *stacking space* is not a *visitor parking space*.

[ZNG/7205]

5B. Deleting and substituting the following defined terms in Section 3.10:

LOADING SPACE means an area used for the temporary parking of a *motor vehicle* while goods are loaded thereon or unloaded therefrom. A *parking space*, *stacking space*, or *visitor parking space* is not a *loading space*.

[ZNG/7205]

STACKING SPACE means an area used for the temporary accommodation of a *motor vehicle* standing in a queue. A *loading space*, *parking space*, or *visitor parking space* is not a *stacking space*.

[ZNG/7205]

5C. Adding to Section 3.10, alphabetically, the following defined term:

PUBLIC WALKWAY means a multi-use trail, off-road cycling trail, recreationway, sidewalk, trail, walkway, or similar facility located within a *highway* or *public park*.

[ZNG/7205]

5D. Deleting and substituting Section 24.24.15 with the following:

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24.24.15 ACCESS AISLES

- .1 An *access aisle* shall be provided for all *accessible parking spaces*.
- .2 An *access aisle* may be shared by two *accessible parking spaces* and shall have a minimum width of 1.5 m, shall extend the full length of the *accessible parking space*, and shall be marked with high tonal contrast diagonal lines.

[ZNG/7205]

5E. Deleting and substituting Section 24.30.20.3 with the following:

- .3 A *bicycle parking space* shall not hinder, impede, or obstruct the movement of a bicycle, motor assisted bicycle, person, or vehicle and shall be subject to the following provisions:
 - .1 When located on a *public walkway*, a *bicycle parking space* shall be setback a minimum of 2.0 m from a building entrance or exit, an *access aisle*, or an *accessible parking space*.
 - .2 Except where a *bicycle parking space* is located within a *parking garage*, a *bicycle parking space* within 6.0 m from the point of intersection of any *highways*, railway rights-of-way, or any combination thereof, is prohibited.
 - .3 A *bicycle parking space* is prohibited from encroaching into the following: *access area*, *access ramp*, *accessible parking space*, *collector aisle*, *driveway*, *highway*, *loading space*, *parking aisle*, *parking space*, *public walkway*, *stacking space*, *transport storage area*, *visitor parking space*.

[ZNG/7205]

5F. Adding new Section 6 as follows:

SECTION 6 – OTHER PARKING PROVISIONS

[ZNG/7205]

6.1 APPLICATION

- 6.1.1 Unless otherwise stated, the provisions in Section 6 apply to the *use* of any *lot* in any *zoning district* in this by-law.
- 6.1.90 The provisions in Section 6.90 apply to all land identified on Schedule ‘P’ – Off-Street Parking Overlay to this by-law. Any reference to Section 20(4) in this by-law means Section 6.90.

6.90 TRADITIONAL COMMERCIAL STREET – OFF-STREET PARKING PROVISIONS

6.90.1 ADDITIONAL DEFINITIONS

The following defined terms apply to the provisions in Section 6.90:

NEW OR EXPANDED PARKING AREA means the creation of five or more *parking spaces*.

REAR WALL means the *building* wall furthest from the *traditional commercial street*. Where the rear wall of a *building* does not follow a straight line, the closest parallel *building* wall to the facade shall be deemed the rear wall.

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TRADITIONAL COMMERCIAL STREET means the following *streets*:

Devonshire Road between Riverside Drive East and Wyandotte Street East
Drouillard Road between Trenton Street and Deming Street
Erie Street between Mercer Street and Hall Avenue
Ottawa Street between Marentette Avenue and Windermere Road
Ouellette Avenue between Wyandotte Street and Tecumseh Road
Sandwich Street between Brock Street and Detroit Street
Tecumseh Road East between Forest Avenue and Chilver Road
Tecumseh Road East between Cadillac Street and Larkin Road
Tecumseh Road East between Westcott Road and Rossini Boulevard
University Avenue West between Randolph Avenue and Salter Avenue
Wyandotte Street East between Arthur Street and Raymo Road
Wyandotte Street East between McDougall Street to Argyle Road
Wyandotte Street East between Thompson Boulevard and Glidden Avenue
Wyandotte Street West between California Avenue and Campbell Avenue

6.90.2 ADDITIONAL PERMITTED MAIN USES

Parking Garage in a *Combined Use Building* provided a minimum *building* depth of 10.0 m of the ground floor area abutting the *traditional commercial street* is occupied by any use permitted by the *zoning district* or zoning exception in which the *lot* is located.

6.90.3 PROHIBITED USES

.1 A *Public Parking Area* is prohibited save and except for a *bicycle parking space*.

6.90.5 ADDITIONAL PROVISIONS

- .1 For any *parking area* with five or more *parking spaces*, that portion of the *parking area* not used for a *parking space*, *parking aisle*, *collector aisle*, *access area*, *loading space*, or *stacking space* shall be maintained exclusively as a *landscaped area*.
- .3 The following additional provisions apply to any *new or expanded parking area*, *parking garage*, *access area*, and *stacking space* except for the Drouillard Road area shown on Schedule P.5 Off-Street Parking Overlay and any *school drop-off / pick-up area*:
 - b) A *parking space*, *collector aisle*, *parking aisle*, or a *stacking space* is prohibited between the *traditional commercial street* and:
 - 3) the *rear wall* of the *building* located on the same *lot*; or
 - 4) 10.0 m from the *exterior lot line* that abuts a *traditional commercial street*, whichever distance is greater.
 - e) Where access can be provided from a *street* not identified as a *traditional commercial street* or from an *alley*, an *access area* to or from a *traditional commercial street* is prohibited.

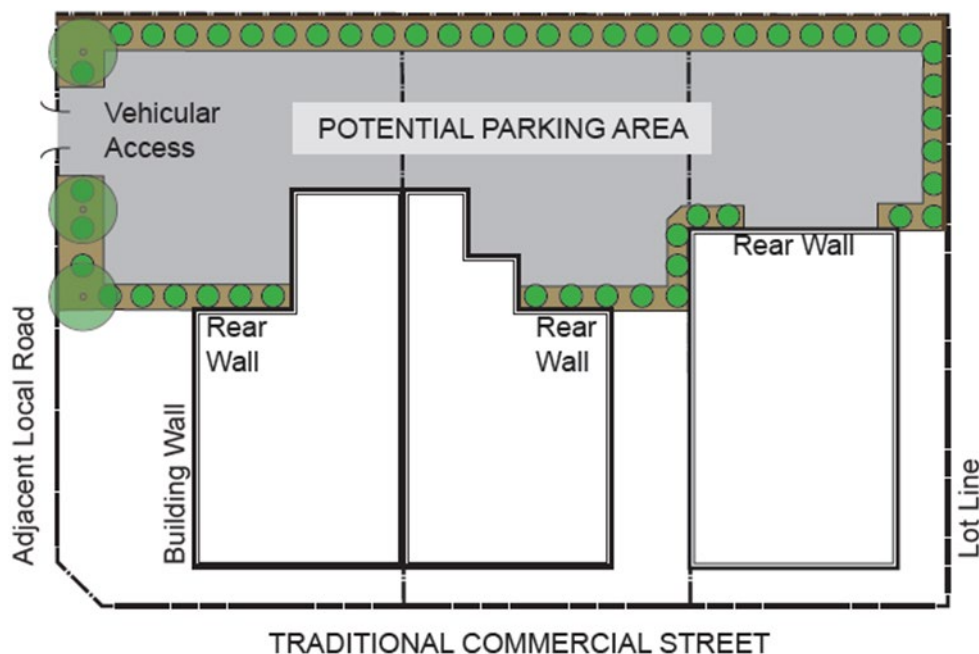
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- f) Where an *access area* cannot be provided from a *street* not identified as a *traditional commercial street* or from an *alley*, a maximum of one *access area* may be provided from a *traditional commercial street*.
 - g) For a *parking area* with 19 or less *parking spaces*, the minimum width of the *access area* shall be 3.0 m. For any *parking area*, the maximum width of the *access area* shall be 7.0 m.
- .5 These provisions apply only to any *new or expanded parking area*, *parking garage*, *access area*, and *stacking space* in the Drouillard Road area shown on Schedule P.5 Off-Street Parking Overlay:
- d) A *parking space*, *collector aisle*, *parking aisle*, or a *stacking space* is prohibited between the *traditional commercial street* and the building wall located closest to the *traditional commercial street*.
 - e) A maximum of one *access area* may be provided from a *traditional commercial street*.
 - f) For a *parking area* with 19 or less *parking spaces*, the minimum width of the *access area* shall be 3.0 m. For any *parking area*, the maximum width of the *access area* shall be 7.0 m.

ILLUSTRATION 6.90.1.1 – EXAMPLE OF POTENTIAL PARKING AREA



5G. Deleting Section 20(4).

6A. Adding new Section 83 as follows:

SECTION 83 – HERITAGE CONSERVATION DISTRICTS

[ZNG/7205]

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(B/L 24-2009 Oct 19/2012 OMB Order PL090206)

83.0 APPLICATION

Section 83 applies to any land that is designated a Heritage Conservation District. Any reference to Section 20(3) in this by-law shall mean Section 83.

83.1 SANDWICH HERITAGE CONSERVATION DISTRICT RESIDENTIAL OVERLAY ZONE

For the lands delineated on Schedule 'A' to this by-law and labelled with the overlay zone symbol "S.20(3)1" or "S.83(1)", despite the provisions in the applicable *zoning district* or exception, the following additional provisions shall apply:

83.1.2 PROHIBITIONS

- .1 *Building height* of more than 2 storeys is prohibited.
- .2 The construction of new *structures* or additions between the *main wall* of the existing *building* and the *front lot line* is prohibited.
- .3 A *garage* is prohibited unless it is located a minimum of 6 m to the rear of the closest wall of the existing *main building*.
- .4 A *parking space* in a *front yard* is prohibited.

83.1.3 ADDITIONAL PROVISIONS

- .1 The minimum *lot frontage*, minimum *lot area*, maximum *lot coverage*, maximum number of *dwelling units*, minimum *rear yard* depth, and minimum *side yard* width shall be as existing on October 19, 2012.
- .2 Maximum *front yard* depth – the maximum *front yard* for any *building* erected between existing *buildings* in the same block shall conform to the average of the front yards established by the nearest *building* on each side.

83.2 SANDWICH HERITAGE CONSERVATION DISTRICT COMMERCIAL OVERLAY ZONE

For the lands delineated on Schedule 'A' to this by-law and labelled with the overlay zone symbol "S.20(3)2" or "S.83(2)", despite the provisions in the applicable *zoning district* or any exception, the following additional provisions shall apply:

83.2.1 ADDITIONAL PERMITTED MAIN USES

Bake Shop
Bakery
Business Office
Child Care Centre
Commercial School
Confectionery
Farmers' Market
Food Outlet – Take-out
Funeral Establishment
Medical Office

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Micro-Brewery

Outdoor Market within a Business Improvement Area

Personal Service Shop

Place of Entertainment and Recreation

Place of Worship

Professional Studio

Public Hall

Restaurant

Retail Store

Tourist Home

Veterinary Office

Wholesale Store

Dwelling Units in a Combined Use Building with any one or more of the above permitted main uses, provided that all dwelling units, not including entrances thereto, are located entirely above the non-residential use.

83.2.2 PROHIBITIONS

- .1 *Front yard* setback on Sandwich Street is prohibited.
- .2 A *parking space* in a *front yard* is prohibited.
- .3 The lease, rental, or sale of *motor vehicles*, heavy equipment, or heavy machinery is prohibited.

83.2.3 ADDITIONAL PROVISIONS

- .1 *Building Height* – minimum of 2 storeys and maximum of 4 storeys
- .2 *Front Yard* setback on other *streets* – maximum – 2 m
- .3 *Amenity Area* – minimum – 12 m² per *dwelling unit*
- .4 *Gross Floor Area* – *Bakery* or *Confectionery* – maximum – 500 m²
- .5 Rooftop mechanical equipment shall be setback from the roof edge a distance equal to the height above the roof and shall be screened from view from the *street*.

6B. Deleting Section 20(3).

7. Adding new Section 91 as follows:

SECTION 91 – ZONING EXCEPTIONS

[ZNG/7205]

91.1 APPLICATION

Section 91 applies to any *lot* where the “x” symbol follows a *zoning district* symbol on any Schedule listed in Section 1.20.3. The terms “Site Specific Exception”, “Site-Specific Exception”, “Site Specific Provision”, “Specific Zoning Exception” mean “Zoning Exception”. Section 20(1) applies to any zoning exception with the symbol S.20(1) and a clause of Section 20(1).

91.2 PURPOSE

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A zoning exception may supplement, alter, add, prohibit, or remove any by-law provision affecting any *building*, *lot*, *structure*, or *use*.

91.10 PROVISIONS

The “x” symbol shall follow the zoning symbol and by one or more numbers in bracket.

Example: RD1.3x(1), MD1.4x(1,4)

The number refers to a specific clause in Section 91.10. The format of the clause shall be the clause number, a general location description, the current legal description of the area to which the clause applies, if available, and the zoning exception. The ZDM and ZNG numbers are Reference Information and do not form part of this by-law.

Example: **60. NORTHWEST CORNER OF CARLTON STREET AND CHURCH STREET**

For the lands comprising of Lot 24, Block 11, Plan 1967, an *Arena* is an additional permitted *main use* and for an additional permitted *main use*, no *parking spaces* are required.

[ZDM 10; ZNG/14]

(B/L 13-1967, May 2/1967)

8A. Adding new Section 97 as follows:

SECTION 97 – TEMPORARY USE PROVISIONS

[ZNG/7205]

97.1 APPLICATION

Section 97 applies to any *lot* where the “t” symbol follows a zoning symbol or a zoning exception symbol on any Schedule to this by-law.

97.2 PURPOSE

Section 39(1) in the Planning Act states that Council may pass an amending by-law that authorizes the temporary use of land, buildings, or structures for any purpose that is prohibited in this by-law.

A temporary use provision may supplement, alter, add, or remove any by-law provision affecting the *use* of the *lot*, *building*, or *structure*. The temporary use provision shall define the area to which it applies and specify the period for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the amending by-law.

At the request of the property owner, Council may, by amending by-law, grant further periods of not more than three years each authorizing the temporary use.

97.5 EXPIRY & DELETION

Upon the expiry of the period or periods of time in the temporary use provision, Section 34 (9) (a) of the Planning Act does not apply to allow the continued use of the land, buildings or structures for the purpose temporarily authorized. The temporary use provision shall be deleted from Section 97.10 and be replaced with the most recent amending by-law number and the expiry date and be deleted from any Schedule listed in Section 1.20.3.

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97.10 TEMPORARY USE PROVISIONS

The “t” symbol shall follow the zoning symbol or the zoning exception symbol and by one or more numbers in brackets.

Example: RD1.3t(1), MD1.4t(1,4), CD1.2x(1)t(7),

The number refers to a specific clause in Section 97.10. The format of the clause shall be the clause number in brackets and shall include a description of the area to which the clause applies, the temporary use provision, and the expiry date of the clause. The ZDM and ZNG numbers are Reference Information and do not form part of this by-law.

Example: (64) For the lands comprising of Lot 11, Block 12, Plan 1973, a Carnival is a permitted temporary use provided that the temporary use is located outdoors. For said temporary use, no *parking spaces* are required. This provision shall expire on July 31, 2027.

[ZNG/5475]

(B/L 1-2024, July 31, 2024)

- (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) By-law 125-2011 expired June 20, 2014.
- (8) By-law 41-2013 expired April 7, 2014.
- (9) By-law 129-2021 expired October 31, 2021. [ZNG/6465]

8B. Deleting Section 20(2).

9A. Deleting and replacing Section 1.20.30 with the following:

1.20.30 EXCEPTION

[ZNG/7205]

In addition to the *zoning district*, an area on any Schedule may be further delineated and identified by an exception as follows:

Overlay zone symbol – “S.20(3)1”, “S.83(1)”, “S.20(3)2”, or “S.83(2)”

Zoning exception symbol – “S.20(1)” and a clause of Section 20(1) or “x” and a clause of Section 91

“H” symbol and a clause of Section 95

“t” symbol and a clause of Section 97.10

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Examples:

S.20(3)2 identifies the area is subject to Section 20(3)2.

RD1.1x(20) identifies the area is subject to clause 20 of Section 91.10.

H(1,4)MD1.4 identifies the area is subject to holding clauses 1 and 4 of Section 95.20.

RD1.3t(1) identifies the area is subject to clause 1 of Section 97.10.

An area so identified shall be subject to the provisions of the *zoning district*, the identified exception, and all applicable provisions of this by-law. An additional permitted use listed in the exception shall be subject to the provisions of the *zoning district*, and, unless otherwise stated, to any additional provisions in the exception.

A *lot* may have more than one exception.

Where an additional *main use* is permitted by an exception, any *use* accessory to the permitted *main use*, excluding an *outdoor storage yard* except where permitted within the *zoning district* or exception, shall also be permitted subject to the provisions of the *zoning district*, the exception, and all applicable provisions of this by-law.

9B. Deleting and replacing Section 1.20.90 with the following:

1.20.90 **PRECEDENCE**

[ZNG/6277; ZNG/7205]

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

Section 3 – Definitions

Section 5 – General Provisions

Section 24 – Parking, Loading and Stacking Provisions

Section 25 – Parking Area Provisions

Section 6 – Other Parking Provisions

Section 7 – Additional Use Provisions

Sections 8 to 19 – Zoning Districts

Section 20(1) – Site Specific Provisions

Section 83 – Heritage Conservation Districts

Section 91 – Zoning Exceptions

Section 95 – Holding Zone Provisions

Section 97 – Temporary Use Provisions

Within Sections 20(1), 91, 95, or 97, the greater clause number shall take precedence.

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

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precedence.

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

Carried.

Report Number: S 26/2025

Clerk's File: Z14932

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:11 o'clock p.m.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services