

## Development & Heritage Standing Committee Meeting

**Date:** July 4, 2022

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

**Location:** Council Chambers, 1<sup>st</sup> Floor, Windsor City Hall

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

**MEMBERS:**

Ward 3 – Councillor Rino Bortolin (Chairperson)

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 7 – Councillor Jeewen Gill

Ward 10 – Councillor Jim Morrison

Lynn Baker

Andrew Foot

Joseph Fratangeli

Anthony Gyemi

John Miller

Dorian Moore

Jake Rondot

## ORDER OF BUSINESS

**Item #      Item Description**  
1.            **CALL TO ORDER**

**READING OF LAND ACKNOWLEDGEMENT**

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

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

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

4.            **COMMUNICATIONS**

5.            **ADOPTION OF THE PLANNING ACT MINUTES**

5.1.        Minutes of the Development and Heritage Standing Committee Meeting (Planning Act Matters) held June 6, 2022 (**SCM 160/2022**)

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

7.            **PLANNING ACT MATTERS**

7.1.        Rezoning - 1731952 Ontario Limited - 987 and 1003 California Avenue - Z-024/21 [ZNG/6484] - Ward 2 (**S 28/2022**)

7.2.        Rezoning – Mohammad Naserian & Sara Etemad-Rad - 940 Cousineau - Z-013/22 ZNG/6733 - Ward 1 (**S 72/2022**)

7.3.        Rezoning – City of Windsor - 542 Dougall – Z-042/21 - Ward 3 (**S 68/2022**)

7.4. Zoning By-law Amendment Application for 2601 Lauzon Parkway, S/W CNR of Lauzon Parkway and Enterprise Way; Applicant: JBM Capital Inc.; File No. Z-005/22, ZNG/6660; Ward 8 **(S 77/2022)**

8. **ADOPTION OF THE MINUTES**

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**

10. **HERITAGE ACT MATTERS**

N/A

11. **ADMINISTRATIVE ITEMS**

11.1. Alley Closure between Spring Garden Road and Yorktown Avenue, and Partial Closure of Yorktown Avenue R.O.W. from Malden Road to east limit of said alley **(S 75/2022)**

11.2. Repeal and Replace Alley Closure By-laws for part of the north/south alley between Ontario Street and 825 Ford Boulevard **(S 79/2022)**

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



**Committee Matters: SCM 160/2022**

**Subject: Minutes of the Development and Heritage Standing Committee Meeting  
(*Planning Act* Matters) held June 6, 2022**

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

Date: Monday, June 6, 2022  
Time: 4:30 pm

**MEMBERS PRESENT:**

**Councillors:**

Ward 3 - Councillor Bortolin (Chair)  
Ward 4 - Councillor Holt  
Ward 5 - Councillor Sleiman  
Ward 7 - Councillor Gill  
Ward 10 - Councillor Morrison

**Members:**

Member Gyemi  
Member Moore  
Member Rondot

**Clerk's Note:** Councillor Morrison and Members Gyemi and Rondot participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

**ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:**

Jelena Payne, Commissioner of Economic Development & Innovation  
Debbie Cercone, (Acting) Commissioner of Human & Health Services  
Kirk Whittal, Executive Director of Housing & Children Services  
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
Michael Cooke, Manager of Planning Policy / Deputy City Planner  
Neil Robertson, Manager of Urban Design / Deputy City Planner  
Barbara Rusan, Manager of Policy & Regulatory Services / Deputy Chief Building Official  
Jeff Hagan, Transportation Planning Senior Engineer  
Robert Perissinotti, Development Engineer  
Jim Abbs, Planner III – Subdivisions  
Kevin Alexander, Planner III – Special Projects  
Justina Nwaesei, Planner III – Subdivisions  
Laura Strahl, Planner III – Special Projects  
Kristina Tang, Planner III – Heritage  
Adam Szymczak, Planner III – Zoning

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Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant

### **ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:**

Thom Hunt, City Planner  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

#### **1. CALL TO ORDER**

The Chairperson calls the meeting of the Development & Heritage Standing Committee (Planning Act Matters) to order at 4:49 pm.

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

Councillor Gill discloses an interest and abstains from voting on Item 7.6 being the report of the Office of the Commissioner of Economic Development & Innovation dated May 17, 2022 entitled "Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1," as one of his employees' spouse (his brokerage) is the architect for this application.

#### **3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None

#### **4. COMMUNICATIONS**

None

#### **5. ADOPTION OF THE PLANNING ACT MINUTES**

##### **5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held May 2, 2022.**

Moved by: Councillor Sleiman  
Seconded by: Member Gyemi

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THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held May 2, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 136/2022

### **5.2. Adoption of the Development & Heritage Standing Committee minutes of its Special Meeting (*Planning Act Members only*) held May 10, 2022**

Moved by: Councillor Sleiman

Seconded by: Member Gyemi

THAT the minutes of the Development & Heritage Standing Committee of its Special Meeting (*Planning Act Members only*) held May 10, 2022 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 148/2022

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

Item 7.1	Jim Dymont, Municipal Planning Consultants
Item 7.1 & 7.5	Andi Shallvari, CPA
Item 7.2	Jacob Dickie, Agent, Urban in Mind
Item 7.3 & 7.6	Tracey Pillon-Abbs, Principal Planner
Item 7.4	Brian Chillman, Solicitor representing applicant St. Clair-Rhodes Development
Item 7.5	Beau Wansbrough, Agent for Applicant
Item 7.6	Tosin Bello, Applicant; and Chintan Virani, Architect

## **7. PLANNING ACT MATTERS**

### **7.1 Z-019/22 [ZNG/6756] & OPA 159 [OPA/6757] – City of Windsor City Wide – Rezoning & Official Plan Amendment**

Laura Strahl (author), Planner III – Special Projects

Ms Strahl gives a presentation on the changes and updates to the by-law with Jim Dymont of Municipal Planning Consultants providing additional information.

Moved by: Councillor/Member

Seconded by: Councillor/Member

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Decision Number: **DHSC 397**

### RECOMMENDATIONS

1. THAT the reports titled “MRICBL Background Study” prepared by Municipal Planning Consultants, dated April 2022, attached as Appendix A to Report S64/2022 **BE ACCEPTED**.
2. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan (“Official Plan”) **BE AMENDED** as follows:
  - 2A) Change the text of the Official Plan as follows:
    - a) “Commercial Corridor” changes to “Mixed Use Corridor”
    - b) “Commercial Centre” changes to “Mixed Use Centre”
    - c) “Mixed Use” changes to “Mixed Use Node”; and

THAT Schedule A-1: Special Policy Areas of the Official Plan **IS AMENDED** by adding the Mature Neighbourhoods designation as shown on Schedule A-1-1 attached to this report; and,

THAT Schedule D: Land Use of the Official Plan **IS AMENDED** by changing the names of the designations in the Legend as follows:

- i. “Commercial Corridor” changes to “Mixed Use Corridor”
- ii. “Commercial Centre” changes to “Mixed Use Centre”
- iii. “Mixed Use” changes to “Mixed Use Node”; and

THAT Schedule D: Land Use of the Official Plan **IS FURTHER AMENDED** by changing the existing land use designations to the Mixed Use Corridor, Mixed Use Centre, and Mixed Use Node designations as shown on Schedule D-1 attached to this report.

2B) Add the following to the Chapter 6 – Land Use:

<i>RESIDENTIAL INTENSIFICATION</i>	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available
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2C) Delete 6.3.1.3 and replace it with the following:

<i>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</i>	6.3.1.3	To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.
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2D) Delete 6.3.2.1 and replace it with the following:



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*PERMITTED USES*      6.3.2.1      Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.

High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

2E) Delete 6.3.2.3 and replace it with the following:

*TYPES OF LOW PROFILE HOUSING*      6.3.2.3      For the purposes of this Plan, Low Profile housing development is further classified as follows:

(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units.

2F) Delete 6.3.2.4 and replace it with the following:

*LOCATIONAL CRITERIA*      6.3.2.4      Residential intensification shall be directed to the Mixed Use Nodes and areas generally within 200 metres of those Nodes. Within these areas mid-profile buildings, up to 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

2G) Delete 6.3.2.5 (c) and replace it with the following:

- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

2H) Delete 6.3.2.5 (f) and replace it with the following:

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- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate. In accordance with Design Guidelines approved by Council.

2I) Delete 6.3.2.9 and replace it with the following:

NEIGHBOURHOOD  
COMMERCIAL  
EVALUATION  
CRITERIA

6.3.2.9

Neighbourhood Commercial uses shall be encouraged to locate in Mixed Use Nodes as shown on Schedule J. Ideally these uses would form part of a multi-use building with residential uses located above or behind the non-residential uses on the street front.

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  - (iii) within a site of potential or known contamination;
  - (iv) where traffic generation and distribution is a provincial or municipal concern;
  - (v) adjacent to heritage resources; and
  - (vi) where market impact is identified as a municipal concern;
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

2J) Delete 6.3.2.17 and replace it with the following:

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*HERITAGE  
CONSERVATION*

6.3.2.17

Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

2K) Delete 6.3.2.29 and replace it with the following:

*COMPATIBLE  
ADDITIONAL  
UNITS*

6.3.2.29

The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

2L) Delete 6.5 and replace it with the following:

### **6.5 Commercial**

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes.

Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

The following objectives and policies establish the framework for development decisions in all Commercial areas.

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2M) Add the 6.5.1.8 to the Chapter 6 – Land Use:

*RESIDENTIAL  
INTENSIFICATION*      6.5.1.8      To promote residential intensification with medium and high profile buildings to meet the housing needs of the City in appropriate areas where municipal services, transit and employment are in proximity.

2N) Delete 6.5.2.2 and replace it with the following:

*RESIDENTIAL  
AND ANCILLARY  
USES*      6.5.2.2      Medium and high profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be integrated within the Mixed Use Centres in a manner that creates a mixed-use community in a modern and attractive urban environment.

Institutional uses, community, cultural, recreational and entertainment facilities shall be permitted in stand-alone buildings, or in mixed-use buildings/developments. Hotels, institutional uses, community, cultural, recreational and entertainment facilities may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre.

In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Mixed Use Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that:

- (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and
- (b) the development satisfies the policies for the proposed land use.

2O) Add 6.5.2.6 (i) to 6.5.2.6:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.
- (ii)

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2P) Delete 6.5.3 and replace it with the following:

The Mixed Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed Use uses. Mixed Use Corridors take the form of Mixed Use strips along Arterial and Collector roads within Windsor. These Mixed Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.

2Q) Delete 6.5.3.1 and replace it with the following:

*PERMITTED USES*            6.5.3.1            Uses permitted in the Mixed Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.

Medium and High profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.

2R) Delete 6.5.3.3 and replace it with the following:

*STREET PRESENCE*            6.5.3.3            Council will encourage Mixed Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

- (a) no more than four storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of buildings shall generally not exceed the width of the road right-of-way abutting the development site; and

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- (b) Notwithstanding the identified maximum building height, the City may consider additional height, where the City is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific zoning By-law Amendment;

(c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.

2S) Add 6.5.3.8 (f) to 6.5.3.8:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure
- (ii)

2T) Delete 6.9 and replace it with the following:

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use Nodes areas.

2U) Delete 6.9.2.2

2V) Delete 6.9.2.3 and replace it with 6.9.2.2:

*LOCATIONAL  
CRITERIA*

6.9.2.2

Mixed Use Nodes development shall be located where:

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and

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- (d) the surrounding development pattern is compatible with Mixed Use Nodes development.

2W) Delete 6.9.2.5(b) and replace it with 6.9.2.4 (b):

- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Building should not exceed 4 storeys in height;

2X) Add 8.7.2.3 (j) to the Chapter 8 – Urban Design:

- (j) Council may adopt Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above.

2Y) Add 9.3.8 to Chapter 9 – Heritage Conservation:

*RECOGNIZE  
MATURE  
NEIGHBOURHOODS  
AS HERITAGE  
RESOURCE*

9.3.8

Schedule A-1 illustrates Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.

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

3A) Delete Section 10.1.5.4 and substitute with a new Section 10.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
3B) Add Section 10.1.5.10 as follows:	.4			
		9.0 m	9.0 m	9.0 m
	.10			
		400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

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3C) Delete Section 10.2.5.4 and substitute with a new Section 10.2.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4 Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3D) Add Section 10.2.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

3E) Delete Section 10.3.5.4 and substitute with a new Section 10.3.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4 Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3F) Add Section 10.3.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

3G) Delete Section 10.4.5.4 and substitute with a new Section 10.4.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
3H) Add Section 10.4.5.10 as follows:			
.4 Main Building Height - maximum	9.0 m	9.0 m	9.0 m

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>



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3I) Delete Section 10.5.5.4 and substitute with a new Section 10.4.5.4 as follows:

.4	Main Building Height - maximum	9.0 m
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3J) Add Section 10.5.5.10 as follows:

.10	Gross Floor Area - maximum	400 m <sup>2</sup>
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3K) Delete Section 11.1.5.4 and substitute with a new Section 11.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3L) Add Section 11.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

3M) Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

### 11.2.5 PROVISIONS

#### .1 Duplex Dwelling

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m <sup>2</sup>

#### .2 Semi-Detached Dwelling

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%

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.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m <sup>2</sup>
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m <sup>2</sup>
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.10	Gross Floor Area – maximum	400 m <sup>2</sup>
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m
.10	Gross Floor Area – maximum	400 m <sup>2</sup>

3N) Delete Section 11.3.5.4 and substitute with a new Section 11.3.5.4 as follows:

Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
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.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m
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3O) Add Section 11.3.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.10	Gross Floor Area - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

3P) Delete Section 11.4.5.4 and substitute with a new Section 11.4.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m

3Q) Add Section 11.4.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>

3R) Delete Section 5.2.20.1

4. THAT Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.
5. THAT the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.

Motion CARRIED unanimously

Report Number: S 64/2022  
Clerk's File: Z/14384 & Z/13872

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### 7.2 Z-004/22 [ZNG/6659] – Lee J Doucette 1646-1648 Drouillard Rd – Rezoning Ward 5

Kevin Alexander (author) – Planner III – Special Projects

Mr Alexander gives a presentation of the application.

Jacob Dickie – Urban in Mind Planners (agent) – agrees with the recommendations, gives a brief explanation of the application and is available for questions.

Moved by: Councillor Sleiman

Seconded by: Councillor Morrison

Decision Number: **DHSC 398**

#### RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by adding the following site specific amendment to the existing Commercial District 2.2 (CD2.2) zoning category for the property known municipally as 1646 to 1648 Drouillard Road on Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235), situated on the northeast side of Drouillard Road, by adding the following site specific provision to Section 20(1):

#### 384. **Northeast Side of Drouillard Road**

For the lands comprising Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235); a *multiple dwelling* shall be an additional permitted use; and the following provisions shall apply:

- a) Section 15.2.5.9 shall not apply.
- b) Section 15.2.5.15 shall not apply.
- c) The maximum number of *dwelling units* shall be 4.

[ZDM 7; ZNG/6659]; and,

THAT the owner of the property located at 1646 to 1648 Drouillard Road **BE REQUIRED** to provide elevation drawings as part of the Site Plan Review process to ensure that alterations will not be irreversible to the commercial storefront facing Drouillard Road and landscaping is provided when converting the existing commercial units to residential.

Motion CARRIED unanimously

Report Number: S 46/2022  
Clerk's File: Z/14314

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## 7.3 Z-028/21 [ZNG/6503] & OPA 152 [OPA/6504] – Tunio Development 0 & 3885 Sandwich St – Rezoning & Official Plan Amendment Ward 2

Kevin Alexander (author), Planner III – Special Projects

Mr Alexander gives a presentation of the application.

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) – is in support of the recommendations and is available for questions.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 399**

### RECOMMENDATIONS

THAT the City of Windsor Official Plan, Volume II, Part 1-Special Policy Areas **BE AMENDED** by deleting and replacing Specific Policy Area 1.7 as follows:

#### “1. 7 **Sandwich Street and Chappell Avenue**

1.7.1 The property comprising Part of Lot 27, Registered Plan 40S, east side of Sandwich Street and Part of Lot 28, east Side of Sandwich Street, and Lot 28 west side corner of Sandwich Street, Registered Plan 40, located at the northeast corner of Sandwich Street and Chappell Avenue;

Site Specific Policy Direction 1.7.2

Notwithstanding Section **6.4.3.1 Industrial Policies-Permitted Uses** designation of the subject lands on Schedule D: Land Use in Volume I--The Primary Plan, the uses permitted in Section 6.9.2.1 shall be additional permitted uses; and,

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 27, Registered Plan 40S, Lot 28 East Side, Registered Plan 40, and Lot 28 West Side, Registered Plan 40, situated at the northeast corner of Sandwich Street and Chappell Avenue (known municipally as 0 and 3885 Sandwich Street; Roll # 050-170-09700 and 050-170-09800) from Development Reserve District 1.1 (DRD1.1), Commercial District 2.1 (CD2.1) and Manufacturing District 1.4 (MD1.4) to Commercial District 2.1 (CD2.1) and by adding the following site specific provision:

#### 445. **NORTHEAST SIDE OF SANDWICH STREET AND CHAPPELL AVENUE**

For the lands comprising Part Lot 27, Registered Plan 40S; Lot 28 East Side on Registered Plan 40; and Lot 28 West Side, Registered Plan 40:

1. The following uses are prohibited:  
Bakery  
Food Outlet-Drive-Through

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Gas Bar  
Place of Entertainment and Recreation  
Public Hall  
Restaurant with Drive-through

2. A *Multiple Dwelling* and *Dwelling Units in a Combined Use Building* shall be additional permitted main uses and shall be subject to the following provisions:

- a) Main Building Height – maximum 37.0 m
- b) Amenity Area – Per Dwelling Unit – minimum 5.0 m<sup>2</sup>
- c) For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, are located above the non-residential uses
- d) Exposed flat concrete block walls or exposed flat concrete wall, whether painted or unpainted, are prohibited
- e) Required Number of Parking Spaces – minimum - 156  
[ZDM 4; ZNG/6503]; and,

**THAT** Part Lot 27 on Registered Plan 40S (PIN 012580193) (Roll # 050-170-09800-0000) known municipally as 0 Sandwich Street and for Lots 28 East Side; & Lot 28 West Side; Corner on Registered Plan 40 (PIN 012580190) (Roll #170-09700-0000) known municipally as 3885 Sandwich Street, situated at the northeast corner of Sandwich Street and Chappell Avenue **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning); and,

**THAT** the Site Plan Approval Officer **BE DIRECTED** to incorporate the mitigation measures including warning clauses required for a Class 4 designation pursuant to Publication NPC-300 identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021, in the site plan approval and the site plan agreement; and,

**THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to the surrounding noise sources identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021.

Motion CARRIED unanimously

Report Number: S 65/2022  
Clerk's File: Z/14317

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## 7.4 CDM-001/22 [CDM/6735] – St Clair Rhodes Development Corp 233 Watson Ave – Plan of Condominium Ward 6

Jim Abbs (author), Planner III – Subdivisions

Brian Chillman – McTague Law Firm (agent) – is available for questions

Moved by: Member Gyemi  
Seconded by: Councillor Morrison

Decision Number: **DHSC 400**

### RECOMMENDATIONS

**THAT** the application of St. Clair Rhodes Development for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units, as shown on the attached Map No. CDM-001/22-1 and CDM-001/22-2 on a parcel legally described as; Part of Lot 129, Concession 1, and Part of Closed Alley, Registered Plan 895; more particularly described as Parts 1 to 4, 12R-25008; City of Windsor; located at 233 Watson Avenue **BE APPROVED** for a period of three (3) years.

Motion CARRIED unanimously

Report Number: S 55/2022  
Clerk's File: Z/14381

## 7.5 Z-011/22 [ZNG/6703] – Andi Shallvari 716 Josephine – Rezoning Ward 2

Adam Szymczak (author), Planner III – Zoning

Andi Shallvari (applicant) and Beau Wansborough (agent) are available for questions.

Moved by: Councillor Holt  
Seconded by: Member Moore

Decision Number: **DHSC 401**

### RECOMMENDATIONS

**THAT** Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, (known municipally as 716 Josephine Avenue; Roll No. 050-300-01500) situated on the east side of Josephine Avenue, between Wyandotte Street West and Rooney Street by adding a site specific exception to Section 20(1) as follows:

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### 443. EAST SIDE OF JOSEPHINE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ROONEY STREET

For the lands comprising of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, a *semi-detached dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *semi-detached dwelling*:

- a) Lot Width – minimum 12.0 m
  - b) Lot Area – minimum 371.0 m<sup>2</sup>
  - c) Lot Coverage – maximum 48.0%
  - d) Main Building Height – maximum 10.0 m
  - e) Front Yard Depth - minimum 6.0 m
  - f) Rear Yard Depth – minimum 2.70 m
  - g) That the rear *wall* of the *main building* shall extend eastward from Josephine Avenue a maximum of 24.5 m
  - h) Side Yard Width - minimum 1.20 m
- [ZDM 3; ZNG/6703]

Motion CARRIED unanimously

Report Number: S 56/2022  
Clerk's File: Z/14346

### 7.6 SDN-001/21 [SDN/6575] – BelloCorp Inc 0, 1095 & 1185 North Talbot Rd – Plan of Subdivision Ward 1

Justina Nwaesei (author), Planner III – Subdivisions

Ms Nwaesei gives a presentation of the application and notes correction from Commissioner of Police to Chief of Police in Recommendation I.E.12.

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) – speaks on behalf of the applicant stating support for the recommendations and also provides a response to the written comment from local resident (Scott Dube).

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 402**

#### RECOMMENDATIONS

- I THAT the application of Bellocorp Inc. for Draft Plan of Subdivision approval for Part Lot 306 and Part Lot 307, Concession N Talbot Rd., Sandwich East, Windsor (PIN 01558-0962 LT,



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PIN 01558-0544 LT and PIN 01558-0964 LT), **BE APPROVED** subject to the following conditions:

- A. That the Draft Plan Approval shall lapse on \_\_\_\_\_ (3 years from the date of approval);
- B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-001/21-1, prepared by VERHAEGEN Land Surveyors for Bellocorp Inc., Reference No. 21-47-019-01, dated May 20, 2022, showing 33 Lots for single unit dwellings, 1 block for Stormwater Management Facility (SWM), 1 block for Parkland and 1 block for Reserve, plus proposed road allowances (Streets A, B & C);
- C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;
- D. That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final M plan; and
- E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
  1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix C, attached) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
  2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street A, Street B and Street C, in accordance with the approved Plan of Subdivision.
  3. The Owner(s) shall, prior to the issuance of a construction permit,
    - (i) Finalize the engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
    - (ii) install the stormwater management measures identified in the engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
    - (iii) obtain the necessary development review clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind; and

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- (iv) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner(s) and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.4 (i) & (ii) above;
4. Servicing Study - Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
    - (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the municipal sewer system, and
    - (ii) be finalized in agreement with the City Engineer.
  5. Site Servicing Plans – The Owner(s) shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.
  6. Sidewalks -The Owner(s) shall pay to the Corporation
    - (i) the sum of \$33,500.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Talbot Road frontage of the subject lands, prior to the issuance of a Building Permit; and
    - (ii) the sum of \$16,500.00, being the Owner's contribution towards the future construction of a 3.0m wide multi-use trail connection from the Southwood Lakes Multi-use Trail, in Stoneybrook Park, to the proposed cul-de-sac at the western end of the proposed Street 'A', prior to the execution of a Subdivision Agreement,.
  7. Curbs and Gutters – The Owner(s) shall also pay to the Corporation, prior to the issuance of a construction permit, the sum of \$17,750.00 being the Owner's contribution towards the construction of concrete curb and gutter on the North Talbot Road frontage of the subject lands.
  8. Corner Cut-Off - The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of North Talbot Road and Street 'B' as well as North Talbot Road and Street 'C' on Map No. SDN-001/21-1, in accordance with City of Windsor Standard Drawing AS-230.
  9. Cul-De-Sac: The Owner(s) shall, prior to the issuance of construction permit, construct a cul-de-sac with a minimum radius of 9.5m at the west and east limits of Street A.
  10. Stormwater Management Facility: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey Block 34 on Map No. SDN-001/21-1 to the Corporation of the City of Windsor for Storm Water Management (SWM) Facility SWM purposes, to the satisfaction of the City Engineer and City Solicitor

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11. Berm Requirement - Prior to the issuance of a construction permit, the Owner(s) shall install a berm along the west, south and east limits of the plan of subdivision, as proposed in Appendix A attached to the Stormwater and Functional Servicing Report dated May 14, 2021, prepared by Bill Fuerth of BAIRD AE Inc., to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
12. Fencing Requirement – Prior to the issuance of a construction permit, the Owner(s) shall install a 1.8m (6ft) chain link fence on Block 34, along the mutual boundary line with Lots 9, 10 and 11, to the satisfaction of the City Engineer, the Executive Director of Parks and the Commissioner of Police.
13. Video Inspection (Mainline) - The applicant shall, prior to the issuance of a construction permit, conduct at its entire expense a video inspection, or pay the cost of similar inspection, of ALL EXISTING sanitary/storm sewers on North Talbot Road which will be tapped to service the development, all to the satisfaction of the City Engineer.
14. MTO Corridor Management (MTO Requirement) - The Owner(s) shall, prior to the issuance of a construction permit, contact the Ministry of Transportation (MTO) Corridor Management to obtain the necessary permits, clearances and/or approvals in accordance with the Public Transportation & Highway Improvement Act.
15. Noise Control Measures for Lots 4, 5 & 6 (inclusive): The Owner(s) shall at its entire expense
  - i) install a noise barrier fence along North Talbot Road as recommended in the Acoustical Report, prepared by Shurjeel Tunio of Baird AE Inc. (Baird AE Acoustical Report) dated March 16, 2021; and
  - ii) ensure that ducting is provided for the installation of Central Air Conditioning for all the affected lots (Lots 4, 5 & 6), to the satisfaction of the Chief Building Official.
16. Noise Control Measures for all Lots on Map No. SDN-001/21-1: The Owner(s) shall at its entire expense
  - i) ensure that all windows and doors leading to sensitive living areas have a minimum sound transmission class (STC) to meet the Ministry of Environment and Climate Change (MOECC) indoor noise level criteria, as specified in the March 16, 2021 Baird AE Acoustical Report;
  - ii) engage an acoustical consultant for review of the sound transmission class (STC) for walls, windows and doors, after being installed, to ensure they conform to the recommendations outlined in the March 16, 2021 BAIRD AE Acoustical Report.
17. Warning Clause(s) for Lots 4, 5 & 6 (inclusive): The Owner(s) shall place the following warning clauses in all Offers to Purchase, and Agreements of Purchase or Sale or

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lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within Lots 4, 5 & 6 on Map No. SDN-001/21-1:

- i) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."
  - ii) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment."
18. Species at Risk/ Habitat Protection: The Owner(s) shall comply with, and implement, mitigation measures for construction adjacent to habitat for SARS Reptiles (which include awareness training, strategic vegetation clearing, wildlife exclusion and erosion control fencing, equipment inspection, proper site maintenance and management, and implementation of encounter and reporting protocols) as detailed in Appendix B attached to the report (Preliminary Screening For Species at Risk) by MTE Consultants Inc., dated April 29, 2021, for the subject development.
19. Additional Endangered Species Act measures: To reduce the potential for impacts to maternity roosting habitat for Protected Species of bats, the Owner(s) shall
- i) ensure that vegetation removal will occur between October 1 and March 31, outside of the active season for bats; and
  - ii) install replacement bat roosting habitat (two rocket boxes) under the direction of a qualified professional, prior to the issuance of a construction permit.
20. Parkland Conveyance - The Owner(s) shall, prior to the issuance of any construction permit, convey to the Corporation Block 35 on Map No. SDN-001/21-1 which represents 2.7% Parkland conveyance and the 2.3% remaining balance of the Parkland conveyance in the form of cash payment.
21. Tree Preservation –
- i) Prior to the final Subdivision Plan approval, the Owner(s) shall provide a Landscape and Tree Preservation Plan identifying the proposed locations of all existing trees removed from the development and those to be retained in Block 35, to the satisfaction of the Executive Director of Parks and the City Planner/Executive Director of Planning and Development Services.
  - ii) Prior to the issuance of the construction permit the Owner(s) shall pay to the Corporation the sum of \$130,000.00 which represents replacement tree compensation, at a rate of one (1) street tree for every 70mm caliper (dbh) of

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desirable trees removed. Costs for the replacement trees is in accordance with the Corporation's Fees and Charges By-law 392-2002.

22. Performance Security - for preservation of the existing desirable trees in Block 35:
  - i) Prior to issuance of the construction permit, the Owner(s) shall provide a Performance Security in the amount of \$25,000.00, in the form of cash or a certified cheque, to the Corporation to ensure that the nine (9) desirable trees located on Block 35 are preserved during the construction process;
  - ii) Prior to release of the Performance Security, the Owner(s) shall request inspection by the Corporation's City Forester to ensure that the proposed tree protection and appropriate method of protection has been completed to the satisfaction of the Executive Director of Parks;
  - iii) Where trees proposed to be preserved have been removed, at the time of inspection by the Corporation's City Forester, replacement tree compensation will be deducted from the Performance Security at a rate of one tree for every 70mm of tree caliper (dbh) or portion thereof missing. Costs for the replacement trees will be in accordance with the Corporation's Fees and Charges By-law 392-2002.
  
23. Climate Change Considerations:
  - i) Replacement trees will be planted at locations deemed appropriate by the Corporation's City Forester within and near the subject development, including the parkland allowance (Block 35), the Stormwater facility (Block 34), Stoneybrook Park and nearby Public Park(s), to compensate for the removal of existing trees on the subject lands.
  - ii) The Corporation's City Forester shall incorporate shade trees, among the new trees, to minimize the urban heat island impacts, and incorporate native, drought resistant plants to limit watering requirements.
  
24. Bell Canada - The Owner(s) shall, prior to the issuance of a construction permit,
  - i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;
  - ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development;
  - iii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service the subject development, and, where the required infrastructure is unavailable, the Owner(s) shall agree to pay for the connection to and/or extension of such network infrastructure.
  
25. Schools - The Owner(s) shall place the following warnings in all Offers to Purchase, Agreements of Purchase and Sale or lease between the Owner(s) and all prospective home buyers, and in the title:

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- i) "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

26. Archaeological Warning Clause(s) - The Owner(s) agrees to insert, the following warning clauses in all construction documents concerning the subject lands:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

### NOTES TO DRAFT APPROVAL (File # SDN-001/21)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.*
2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.*
3. *Required agreements with the Municipality will be prepared by the City Solicitor.*
4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

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7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*

- II THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.
- III THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner/Executive Director of Planning and Development Services shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.
- VI THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 34 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.5 for the purposes of a stormwater management facility, and Block 35 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.1 for Parkland.

Motion CARRIED

Report Number: S 59/2022  
Clerk's File: Z/14278

## 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 7:21 p.m.

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Ward 3 – Councillor Bortolin  
(Chairperson)

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Thom Hunt  
(Secretary)



**Subject: Rezoning - 1731952 Ontario Limited - 987 and 1003 California Avenue - Z-024/21 [ZNG/6484] - Ward 2**

**Reference:**

Date to Council: July 4, 2022  
Author: Greg Atkinson MCIP, RPP  
Senior Planner  
519-255-6543 ext. 6582  
Planning & Building Services  
Report Date: February 24, 2022  
Clerk's File #: Z/14277

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Plan 50, Block D, Lots 2 to 10 and Lots 11 and 12 (known municipally as 987 and 1003 California Avenue; Roll No. 020-230-12500 and 020-230-12600) situated on the west side of California Avenue between Davis Street and Giradot Street by changing the district from Residential District 1.3 (RD 1.3) to Residential District 2.2 (RD 2.2) and adding the following site specific provision to Section 20(1):

**"450 WEST SIDE OF CALIFORNIA AVENUE, BETWEEN DAVIS STREET AND GIRADOT STREET**

1. For lands comprising Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D, for a *Townhome Dwelling* the following additional provisions shall apply:
  - a) Lot Width – minimum - 19.0 m
  - b) Side Yard Width – minimum - 1.23 m
  - c) A flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, are prohibited.

[ZDM 4; ZNG/6484]"; and,

- II. THAT the owner **BE REQUIRED**, prior to the issuance of a Building Permit, to contribute the sum of \$3,800.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.



## **Executive Summary:**

N/A

## **Background:**

### **Application Information**

**Location:** West side of California Avenue between Davis Street and Giradot Street

987 and 1003 California Avenue

Roll No. 020-230-12500-0000

020-230-12600-0000

**Ward: 2      Planning District:** River West    **Zoning District Map:** 4

**Applicant:** 1731952 Ontario Limited

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

### **Proposal**

The applicant has requested an amendment to Zoning By-law 8600 to permit the redevelopment of two residential properties. The properties are designated 'Residential' in the City of Windsor Official Plan and zoned Residential District 1.3 (RD1.3) in Zoning By-law 8600. 987 California Avenue is currently vacant (former detached dwelling was demolished in 2019) and 1003 California Avenue contains a one-storey, detached dwelling that is proposed to be demolished.

The applicant proposes to adjust the lot line through a future consent application to create two properties—each with a frontage of 19.03 metres (62.43 feet) and construct two townhome dwellings with three dwelling units on each property. Parking spaces are proposed to be located in the rear yard—accessible from the alley. The rezoning application requests a site specific Residential District 2.2 (RD2.2) that would permit:

- A minimum required lot width of 19.03 metres (20 metres is required for a townhome dwelling in a RD2.2 district); and
- A minimum required side yard width of 1.23 metres (a minimum of 1.5 is required for a townhome dwelling in a RD2.2 district).

A Planning Rationale Report has been submitted as part of the complete application for a zoning amendment. As there are three units proposed on each parcel—the proposed development is not subject to site plan control.

## Site Information

Official Plan		Zoning	Current Use	Previous Use
Residential		Residential District RD1.3	Detached Dwelling / Vacant Land	Residential
	Lot Frontage	Depth	Area	Shape
987 California	22.86 m	32.92 m	0.075 ha	Rectangular
1003 California	15.24 m	32.92 m	0.05 ha	Rectangular
<i>All measurements are approximate</i>				

## Site Background

The site is comprised of two properties:

### 987 California Avenue

- .075 hectares
- Currently vacant
- Formerly contained a single detached dwelling Constructed between 1937 and 1952
- Demolished in 2019

### 1003 California Avenue

- .05 hectares
- Contains a 744 square foot, single detached dwelling
- Constructed in 1930

## Neighbourhood Characteristics

The subject site is located near the western boundary of a low profile residential neighbourhood. Surrounding land uses consist of a mix of residential, commercial, and institutional uses (Site Photos included in Appendix C).

- Immediately to the north are primarily detached dwellings with some semi-detached and townhome dwellings. Further to the north (i.e. north side of College Avenue) is a mix of commercial, residential, and institutional uses—many related to the University of Windsor.
- To the east is a low profile residential neighbourhood bound by College Avenue, McKay Avenue, and Tecumseh Road West.
- Immediately to the south are primarily detached dwellings with some semi-detached and townhome dwellings. Further to the south is a mix of uses, including institutional

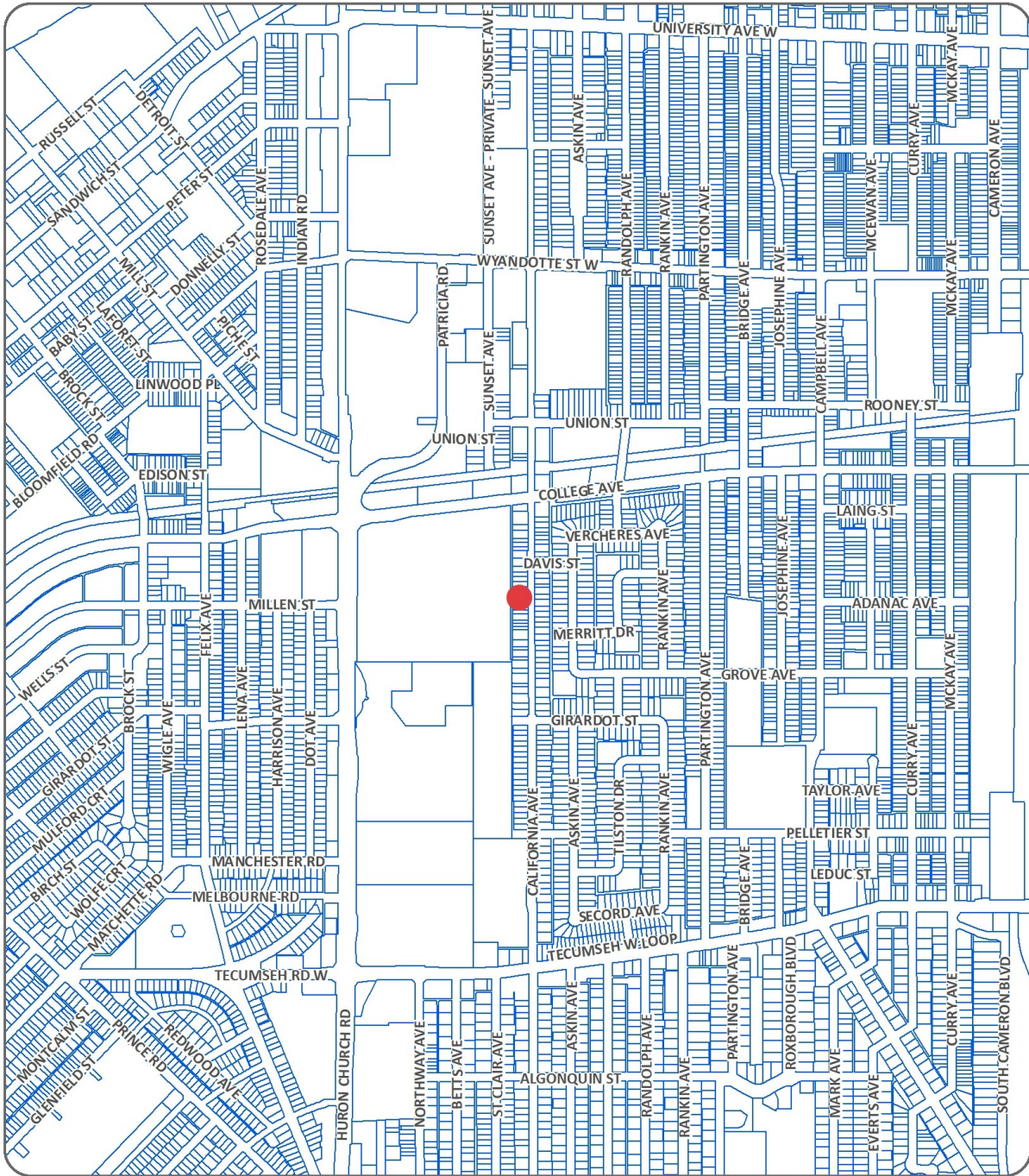
(Westview Freedom Academy Secondary School) and commercial uses along Tecumseh Road West.

- To the west is an institutional uses related to the University Windsor and Assumption High School.

Official Plan Schedule F: 'Roads & Bikeways' classifies California Avenue as a local street. There are sidewalks on both sides on street. The right of way and pavement width is narrower than a typical local street. On-street parking is permitted on one side of the street. The site has access to an unpaved alley.

The closest existing bus route to the subject site is the Crosstown 2. The closest existing bus stop to this property is located on the southeast corner of Wyandotte Street West and Sunset Avenue. This bus stop is approximately 810 metres away from the subject properties falling outside of Transit Windsor's 400 metre walking distance guideline to a bus stop. Transit Windsor advises that later in 2022 the Central 3 route will be changing to include a loop along College Avenue onto California Avenue heading northbound to Wyandotte Street West. This would have a new bus stop created at the intersection of College Avenue at California Avenue and reduce the walking distance to approximately 230 metres from the subject site.

Figure 1: Key Map



KEY MAP - Z-024/21, ZNG-6484



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

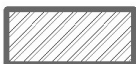


PART OF ZONING DISTRICT MAP 4

N.T.S.

## REZONING

Applicant: 1731952 Ontario Ltd.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2022  
FILE NO. : Z-024/21, ZNG/6484

Figure 3: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-024/21, ZNG/6484



SUBJECT LANDS

## **Discussion:**

### **Provincial Policy Statement 2020**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3(5) of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

Relevant PPS policies are contained within Appendix D. The following is a summary of analysis regarding consistency of the requested zoning amendment with the PPS.

#### **Intensification and Redevelopment**

Intensification and redevelopment are overarching policy directions within the PPS. This is articulated in section 1.1, which is entitled: Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. The PPS requires sufficient land be made available to accommodate growth through intensification and redevelopment (1.1.2).

This policy direction is echoed in PPS policies 1.1.3.1, 1.1.3.2 and 1.1.3.3, which directs growth within settlement areas to be accommodated by intensification and redevelopment, taking into account the existing building stock and brownfield sites. Policy 1.1.3.4 encourages development standards that facilitate intensification and redevelopment.

The proposed redevelopment is consistent with the above referenced policies as it is proposed within the settlement boundary; represents the efficient use of land and resources; and constitutes intensification under the PPS.

#### **Housing**

The PPS also directs planning authorities to provide for an appropriate range and mix of housing options and densities, which is articulated in sections 1.1 and 1.4. The proposed development would add to the range of housing options within the surrounding area.

#### **Optimizing Use of Existing Infrastructure**

The PPS encourages intensification and redevelopment within areas that have existing services and infrastructure. This direction is echoed in sections 1.6.6.1 and 1.6.6.2 which encourages the optimization of existing municipal sewage and water services. The proposed redevelopment will assist in optimizing the use of existing infrastructure and public services facilities within the surrounding area.

## **Compact, Mixed Use, Transit Supportive Development**

The PPS encourages compact, mixed-use development throughout the document (1.1.1 b, 1.1.2, 1.1.3.2, 1.1.3.4, 1.3.1 d, 1.6.7.4, and 1.8.1 a & e). The PPS builds on this policy direction by encouraging development that supports transit and active transportation (1.1.3.2 a, 1.8.1 b) and minimizes the length and number of vehicle trips (1.6.7.4).

The proposed mixed-use development is considered to be transit supportive and is consistent with the policies highlighted above.

## **Long-Term Economic Prosperity**

The PPS encourages economic prosperity to be supported by: housing options for a diverse workforce; maintaining and enhancing the vitality and viability of mainstreets; and encouraging a sense of place (1.7.1).

The proposed redevelopment would expand the housing options within the surrounding area add residential dwelling units within the vicinity of the Wyandotte Street West mixed use corridor.

## **Energy Conservation, Air Quality, and Climate Change**

Section 1.8.1 requires land use and development patterns that promote compact form, active transportation, transit, and mix of uses that minimize commuting and transportation congestion. The proposed redevelopment is well positioned to implement this policy direction, particularly with respect to minimizing commuting.

## **Official Plan**

The subject property is located within the Riverview Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan. Section 24 (1) of the *Planning Act* requires that any by-law passed by a municipal Council must conform with the Official Plan.

Relevant policies from the Official Plan are attached as Appendix E. The following is an analysis regarding conformity with the Official Plan.

## **Chapter 3: Development Strategy**

The growth concept outlined in Chapter 3 of the Official Plan echoes the PPS with respect to planning for compact and mixed-use neighbourhoods. Official Plan Policies 3.2.1.1 and 3.2.1.3 reinforce the importance of walkable neighbourhood centres and importance of retaining distinctive character within existing neighbourhoods. Policy 3.2.1.2 encourages a range of housing types to ensure



residents have an opportunity to remain in their neighbourhoods as they pass through the various stages of their lives. Policy 3.3.3 indicates that low-to-medium-density residential areas make up the greatest proportion of Windsor's neighbourhoods. The dominant types of within these areas are detached, semi-detached and townhouses at a density between 20 to 30 units per net hectare (UPH).

The proposed redevelopment of the subject site at a higher density (i.e. formerly 15 UPH—proposed increase to 45 UPH) assists in implement these policies and would expand the housing options with the neighbourhood. The redevelopment will also take advantage of existing transit, schools, parks, and active transportation facilities.

#### **Chapter 4: Healthy Community**

Chapter 4 promotes active, livable, and resilient neighbourhoods that adapt to changing resident needs. This can be achieved by planning for a mix of uses, housing types, and services that allow residents to remain in their neighbourhoods as they age. Design should encourage social interaction and reduce environmental impacts. The proposed development conforms with this policy direction as it would add to the type of dwelling units available within the surrounding area.

#### **Chapter 6: Land Use**

Chapter 6 contains objectives and polices applicable to lands within the Residential land use designation shown on Schedule D of the Official Plan. Objectives 6.3.1.1, 6.3.1.2, and 6.3.1.3 promote a complementary range of housing forms and tenures; compact neighbourhoods; and selective residential redevelopment, infill, and intensification. The proposed low profile residential use requested through the site specific Residential District RD2.2 zoning district conforms with policy 6.3.2.1, which permits a range of residential uses and dwelling types.

The requested site-specific RD2.2 zoning and proposed concept plan also conforms with the applicable Evaluation Criteria in sections 6.3.2.5.

#### **Chapter 7: Infrastructure**

Chapter 7 of the Official Plan indicates that Council shall recognize the link between land use and transportation systems (7.2.2.18). The Official Plan also encourages transit supportive development that minimizes vehicle trips and travel distances (7.2.2.20, 7.2.2.21). This is to be accomplished by planning for compact, mixed-use development that is located adjacent to transit corridors. The proposed residential development is considered to be transit supportive and will optimize the use of existing municipal services.

## Chapter 8: Urban Design

Chapter 8 provides direction with respect to fostering a sense of place (8.3.1.3), complementary design between new and existing development (8.7.1.2), recognizing the unique character of a district (8.7.1.5), and matters to consider when evaluating infill development (8.7.2.3 & 8.7.2.4). Policy 8.7.2.3 specifically indicates that Council will ensure proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;
- (b) building height;
- (c) architectural proportion;
- (d) volumes of defined space;
- (e) lot size;
- (f) position relative to the road;
- (g) building area to site area ratios;
- (h) the pattern, scale and character of existing development; and,
- (i) exterior building appearance.

The proposed concept plan and elevation drawing conforms with the applicable urban design policies noted above. The Planning Rational Report notes that *"The design of the building will be constructed with a pitched roof in order to blend with the styles of the surrounding neighbourhood."*

## Zoning By-law 8600

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

The applicant proposes to change the zoning of the subject lands from Residential District RD1.3 to Residential District RD2.2 with site specific provisions. If approved the RD2.2 zoning would permit single unit, semi-detached, duplex, double duplex, multiple unit (up to a maximum of 4 units), or townhome dwelling on the subject properties.

The concept plan shows two reconfigured lots—each with 19.03 metre frontage where 20 metres is required for a townhome dwelling in the RD2.2 district. Two townhome dwellings are proposed with three dwelling units on each lot. The dwellings show 1.23 metre side yard setbacks where a minimum of 1.5 metres is required for a townhome dwelling in the RD2.2 district. All other aspects of the conceptual site plan comply with the RD2.2 district. Site specific provisions are requested for the reduced lot width and side yard setbacks.

## **Location of Required Parking**

The applicant proposes to locate the required parking in the rear yard, which is accessible via unpaved alley. The use of the alley is not supported by Public Works and if approved the owner shall be required, prior to the issuance of a Building Permit, to contribute the sum of \$3,800.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

## **Multi-Residential Interim Control By-law Study**

On June 13, 2022 Council adopted an Official Plan Amendment, Zoning By-law Amendment, and Infill Guidelines to implement the recommendations of the Multi-Residential Interim Control By-law Study. Council's adoption is subject to a 20 day appeal period in which any person or public body may appeal the decision to the Ontario Land Tribunal.

While the study focussed on providing a framework for infill and intensification within mixed use nodes and corridors it also made recommendations relating to infill within the City's stable and mature neighbourhoods.

The zoning changes reduce the maximum building height from 10 metres to 9 metres in the RD1.1, RD1.2, RD1.3, RD1.4, RD1.5, RD2.1, RD2.2, RD2.3, and RD2.4. The Infill Design Guidelines provide further direction for the design of infill development that respect the unique character of Windsor's existing neighbourhoods.

The following is a summary of the guidelines specific to the Massing and Elevation Articulation of Townhomes:

- Generally the building foot should be no more than 35% of the lot area;
- 40% of the lot area should to be dedicated to landscaped open space;
- No more than three storeys of building height (height will depend on the height of housing in the immediate vicinity of the development);
- Articulate the elevation of the townhouse block;
- The main entrance should face the street, with the door in a prominent position and direct relationship to the street grade;
- The roofline should feature modulation of roof planes and use of dormer windows;
- Front porches are encouraged as features that increase the prominence of the front entrance; and
- The elevation of the front door should be no more than 1.5 m above grade.

Infill guidelines applicable to townhouse developments is attached as Appendix I.

## **Planning Rationale Report**

The applicant submitted a Planning Rationale Report prepared by Pillon Abbs Inc. and an excerpt of report attached as Appendix A. Staff have reviewed, and concur with the conclusions of, the Planning Rationale Report.

## **Risk Analysis:**

### **Climate Change Risks**

#### **Climate Change Mitigation**

The proposed three unit townhome dwellings implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

#### **Climate Change Adaptation**

The new building may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process.

## **Financial Matters:**

The proposed redevelopment of the subject property would result in an increase to the property value assessment and tax levy.

## **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix G. No objections to the proposed rezoning were received. Public Works objects to the location of parking in the rear yard accessible from the unpaved alley. If approved an alley contribution in the amount of \$3,800 was requested and reflected in the report recommendations.

Required notice of the statutory public meeting was advertised in the Windsor Star. A courtesy notice was mailed to property owners and tenants within 120 metres of the subject property.

The agent for the applicant held a virtual information meeting with area residents on November 23, 2021 to answer questions and explain the details of the proposal.

## **Conclusion:**

Section 3(5) of the *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, 'shall be consistent with' the Provincial Policy Statement. Section 24(1) of the *Planning Act* requires zoning by-laws passed by Council to conform with the Official Plan.

The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the City of Windsor Official Plan. Based on the information presented in this report, it is my professional opinion that the requested amendment to Zoning By-law 8600 is consistent with the Provincial Policy Statement 2020, conforms with the City of Windsor Official Plan, and represents good planning.

Staff recommend approval of the requested amendment to Zoning By-law 8600 changing the zoning of 987 and 1003 California Avenue from Residential District RD1.3 to a site-specific Residential District RD2.2 district. To ensure the townhome dwellings are constructed in a manner consistent with the elevation drawings—it is further recommended that the site specific zoning prohibit a flat roof.

## **Planning Act Matters:**

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

*Michael Cooke, MCIP, RPP*  
*Manager of Planning Policy/  
Deputy City Planner*

*Thom Hunt, MCIP, RPP*  
*City Planner*

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

JP

SAH

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Onorio Colucci	Chief Administrative Officer (A)

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Tracey Pillon-Abbs		tpillonabbs@gmail.com
1731952 Ontario Ltd		andi.shallvari@gmail.com

**Appendices:**

- 1 Appendix A - Planning Justification Report
- 2 Appendix B - Conceptual Site Plan
- 3 Appendix C - Site Photos
- 4 Appendix D - Provincial Policy Statement 2020 Excerpts
- 5 Appendix E - City of Windsor Official Plan Excerpts
- 6 Appendix F - Zoning By-law 8600 Excerpts
- 7 Appendix G - Consultations
- 8 Appendix H - Draft Amending By-law
- 9 Appendix I – Infill Guidelines (applicable to townhomes)

# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT

Proposed Missing Middle Residential Development

987 and 1003 California Ave  
City of Windsor, Ontario

June 16, 2022

Prepared by:



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# 1.0 INTRODUCTION

I have been retained by 1731952 Ontario Ltd (Green Urban Properties), the applicant and owner, to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development for property located at 987 and 1003 California Avenue (herein the “Site”) in the City of Windsor, Ontario.

The Site is made up of 2 parcels. There is presently one residential dwelling located at 1003 California Ave, and 987 California Ave is vacant.

The applicant intends to demolish the residential dwelling located at 1003 California Ave and construct two 3-unit townhome dwellings, each on their own lot with access and parking from the existing alley. Each dwelling will have access to 6 parking spaces each.

The Site will provide for a new housing option in an existing neighbourhood, which is an example of “Missing Middle” housing that the City of Windsor is in need of.

A unique building design will be applied in order to blend the proposed development with the existing style of the neighbourhood.

A Site specific Zoning By-law Amendment (ZBA) is required in support of the proposed development. Council for the City of Windsor is the approval authority.

Pre-submission was completed (City File #PS-017/21). Comments dated April 20, 2021, were received and have been incorporated into the proposed application.

An informal virtual open house was hosted by the owner/applicant with surrounding property owners on November 23, 2021, from 6:00 pm to 8:00 pm.

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

This PRR will show that the proposed development represents good planning addressing the need for the City of Windsor to provide residential infilling, which contributes to affordability and intensification.

Adding this type of gentle density in Ward 2, where there has been an increase in students and families, and subsequently, the need for good quality housing options provides accessible options that can both cater to families and/or the student population close to campus.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site is an interior lot made up of two (2) parcels located on the west side of California Avenue, north of Girardot Ave and south of College Ave (see the area in red on Figure 1a – Air Photo).

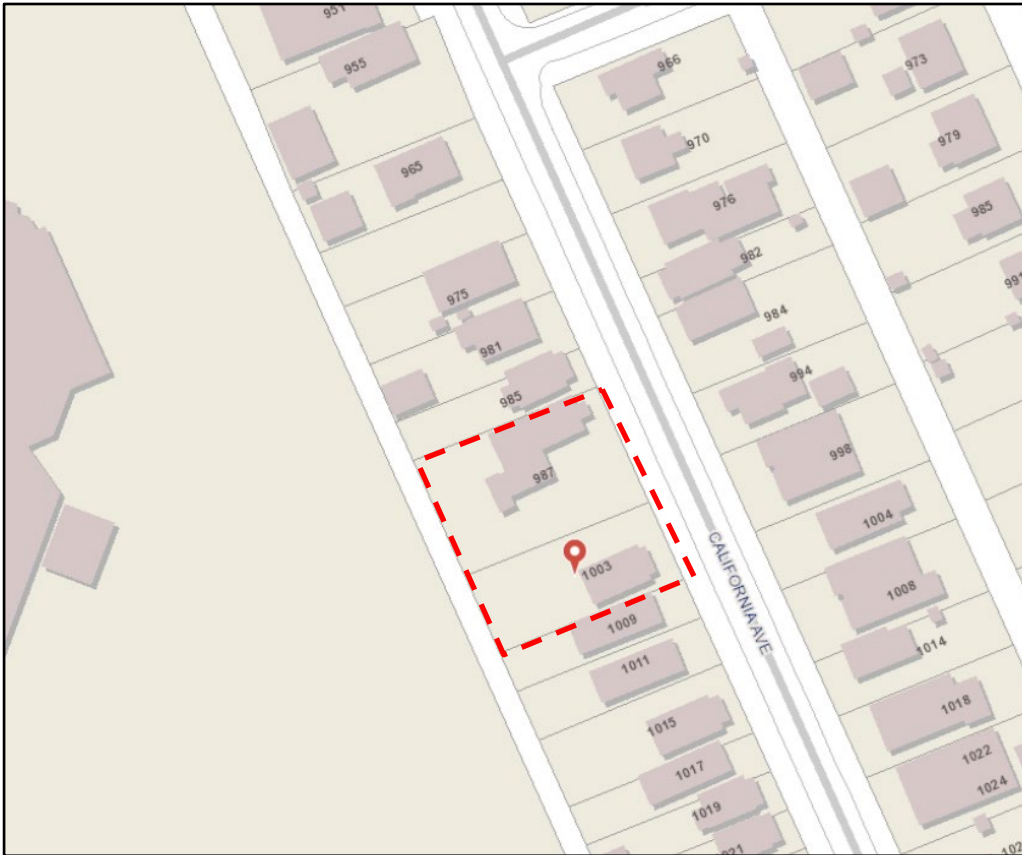


Figure 1a – Air Photo (Source: Windsor GIS)

The Site is legally described as:

Address	Legal Description	ARN
987 California Ave	Plan 50 BLK D Lots 8 to 10	050-370-12600-0000
1003 California Ave	Plan 50 BLK D Lots 11 & 12	050-370-12500-0000

There is presently one residential dwelling located at 1003 California Ave and 987 California Ave is vacant (see Figures 1b - Street View).

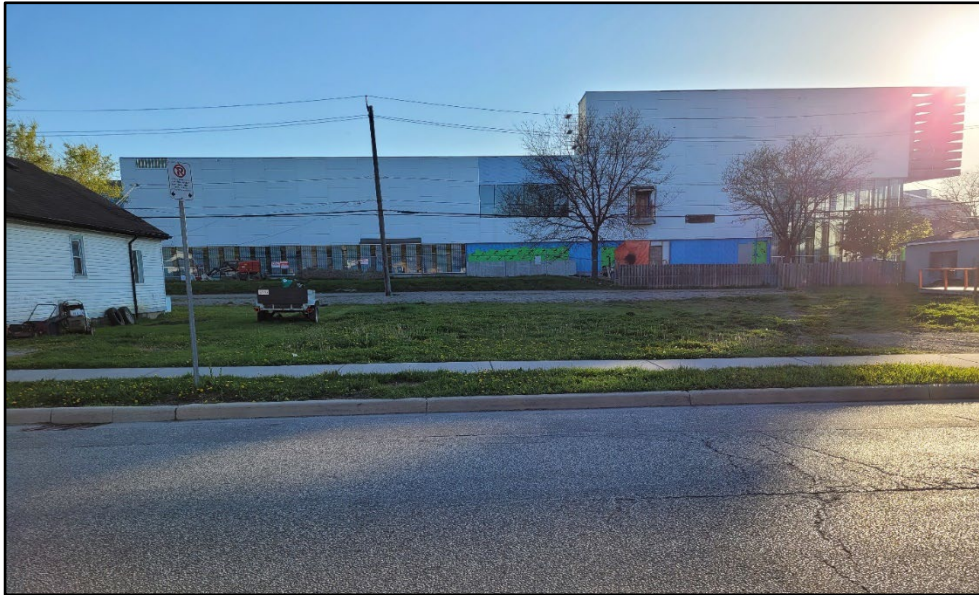


Figure 1b – Street View – Windsor Ave (Source: Pillon Abbs Inc)

## 2.2 Physical Features of the Site

### 2.2.1 Size and Site Dimension

The Site is irregular shaped and consists of a total area of approximately 1,333.8 m<sup>2</sup>. It has 38.06 m frontage and an irregular depth (35.03 m on the south side and 35.05 m on the north side).

### 2.2.2 Vegetation

There are no trees on the Site.

### 2.2.3 Topography

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

### 2.2.4 Other Physical Features

There is an alleyway at the rear of the Site. There is no fencing between abutting properties. There is an overhead hydro line along the alley.

### **2.2.5 Municipal Services**

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

California Ave is a two-way street with on street parking. There are streetlights and sidewalks along California Avenue. The nearest fire hydrant is located directly across the Site.

### **2.2.6 Nearby Amenities**

The subject property is in close proximity to major transportation corridors, including Huron Church Road.

There are several schools located nearby the Site, including the University of Windsor, Assumption College Catholic Middle School and High School, Westview Freedom Academy and West Gate Public School.

There are parks and recreation opportunities in close proximity to the Site, including St. Denis Athletic and Community Centre, Grove Park, South Merritt Park and North Merritt Park.

There are nearby commercial nodes, such as food service, personal service shops, and retail along Huron Church Road, Tecumseh Road West and Wyandotte Street West.

There are also nearby employment lands, places of worship, and local/regional amenities.

The Site has access to transit, with the nearest bus stop located along Wyandotte Street West at Sunset (Stop ID 1228), which is part of City of Windsor Bus Routes 2.

Additionally, the Site is close to Campbell, which hosts a bus route to get to St. Clair College in Ward 1.

## 2.3 Surrounding Land Uses

Overall, the Site is located within an existing low profile residential neighbourhood (Photo Source: Pillon Abbs Inc, April 20, 2021).

There is 5 unit townhome development, which would be similar in housing type to the proposed townhome design.

**North** – The lands to the north of the Site are used for residential with frontage on California Ave (see Photo 1 – North).



Photo 1 – North

**East** – The lands east of the Site are residential with frontage on California Ave (see Photo 3 - East).



Photo 3 – East

**South** – the lands to the south of the Site are used for residential with frontage on California Avenue (see Photo 3 - South).



Photo 3 – South

**West** – The lands to the west of the Site, on the other side of the alley are used for the St Denis Centre and includes a parking area (see Photo 4 – West).



Photo 4 – West



# 3.0 DEVELOPMENT PROPOSAL

## 3.1 Proposal

It is proposed to develop the Site for low profile residential (see Figure 2a – Concept Plan).

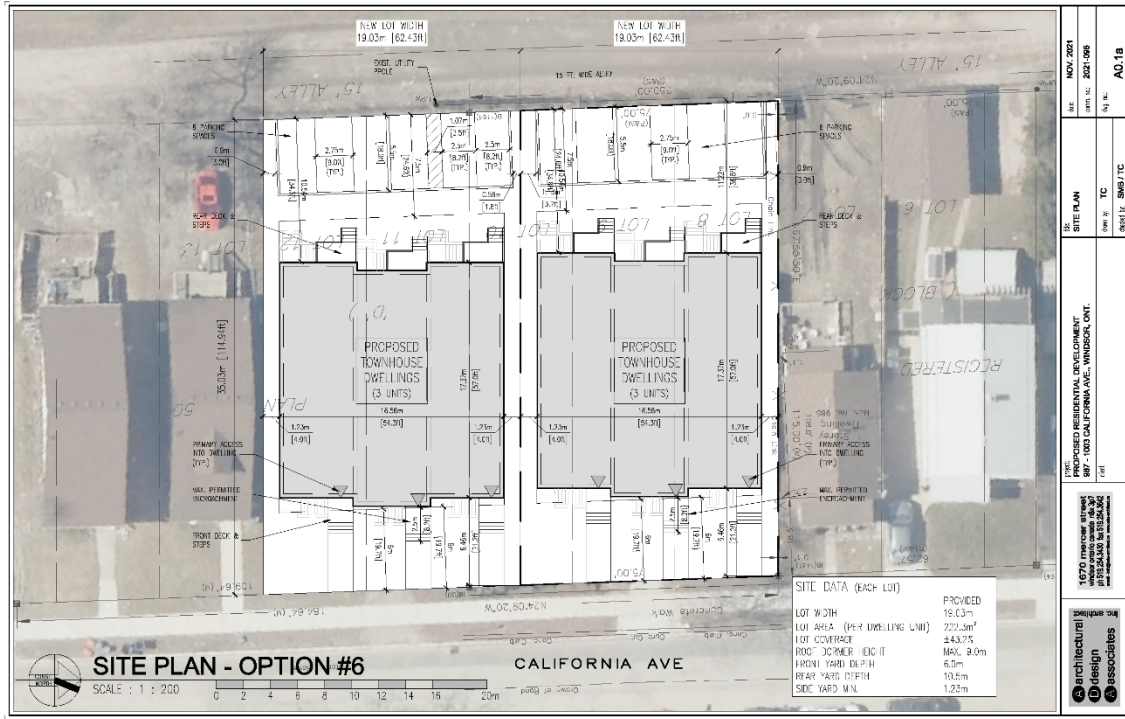


Figure 2a – Concept Plan

The applicant intends to demolish the existing residential dwelling located at 1003 California Ave.

It is proposed to construct two 3-unit townhome dwellings each on their own lot. This will result in a net density of 45.45 units per hectare for each lot.

Prior to construction and building permit application, the proposed townhome dwellings will require an application for consent to sever for a lot line adjustment.

A unique design will be applied in order to blend the proposed development with the existing style of the neighbourhood.

It is proposed that the building will be 9.0 m tall with a total number of 3 storeys for each townhome unit proposed. The midpoint of the dormer roof height is proposed to be 9.0 m. The main front/back roof would be a single slope, 5/12 pitch over the depth of the building.

Each unit will have a front yard porch, sidewalk and landscaping.

Each unit will have a parking space. A total of 6 parking spaces are proposed for each dwelling.

Parking will be located at the rear of the buildings with access from the existing alley.

Elevations have been provided (see Figure 2b – Elevations).



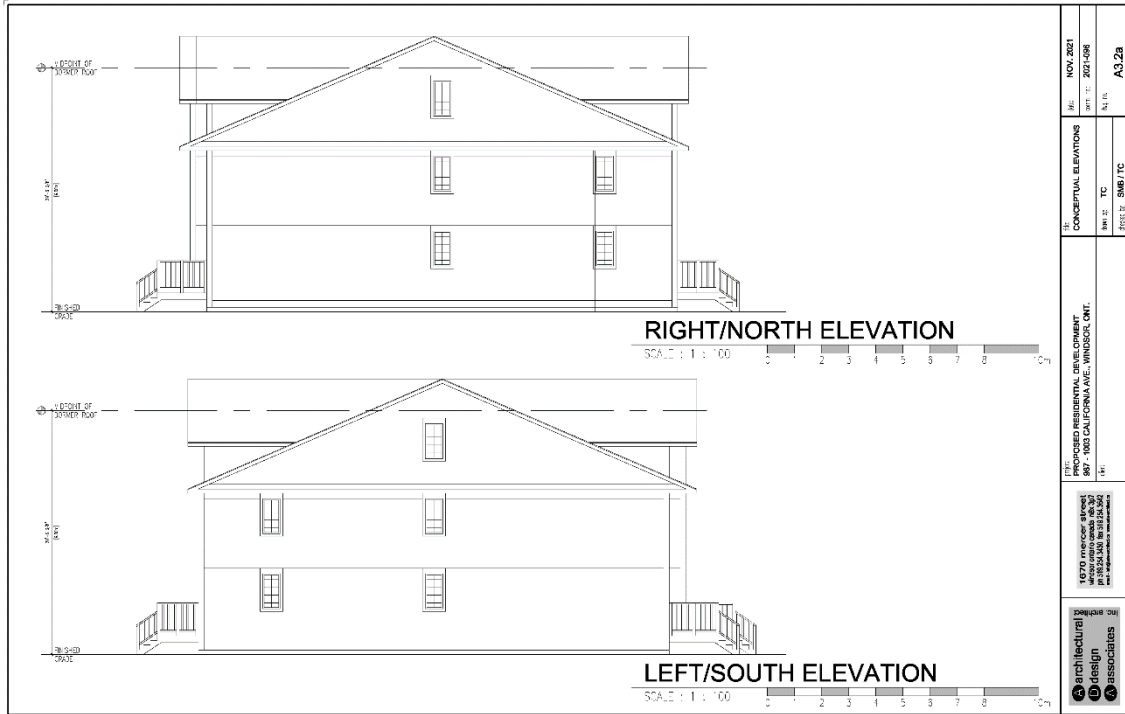
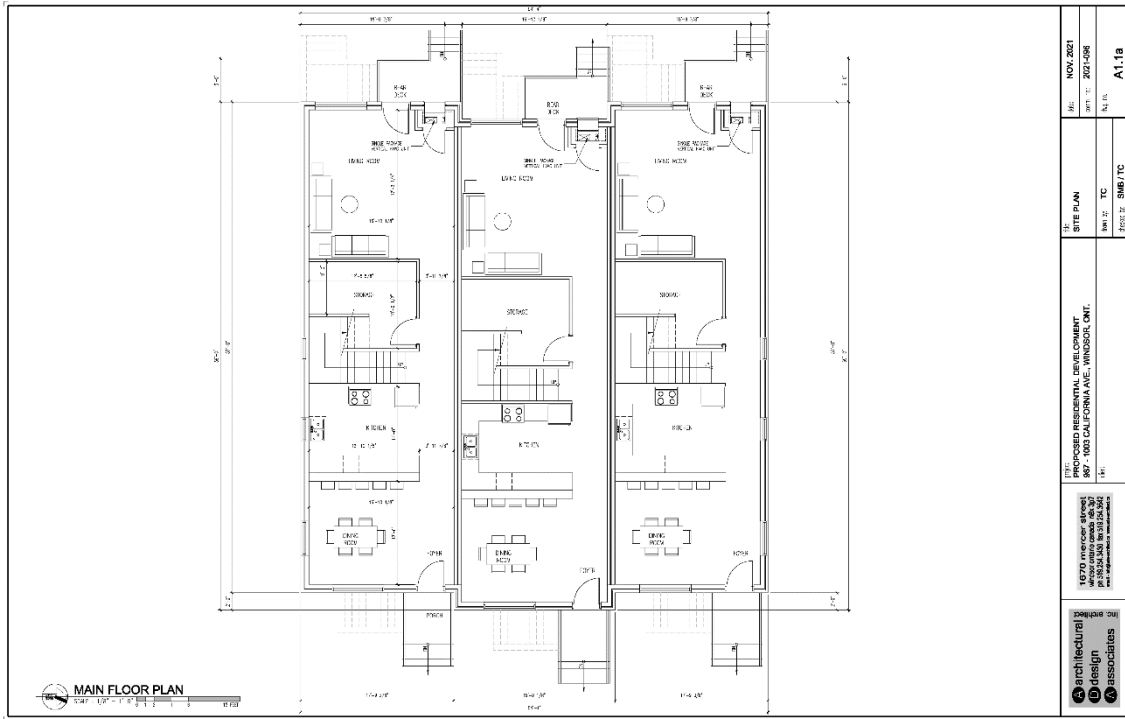


Figure 2b – Elevations

Floor Plans have been provided (see Figure 2c – Floor Plans).



987 to 1003 California Ave, Windsor, Ontario

13

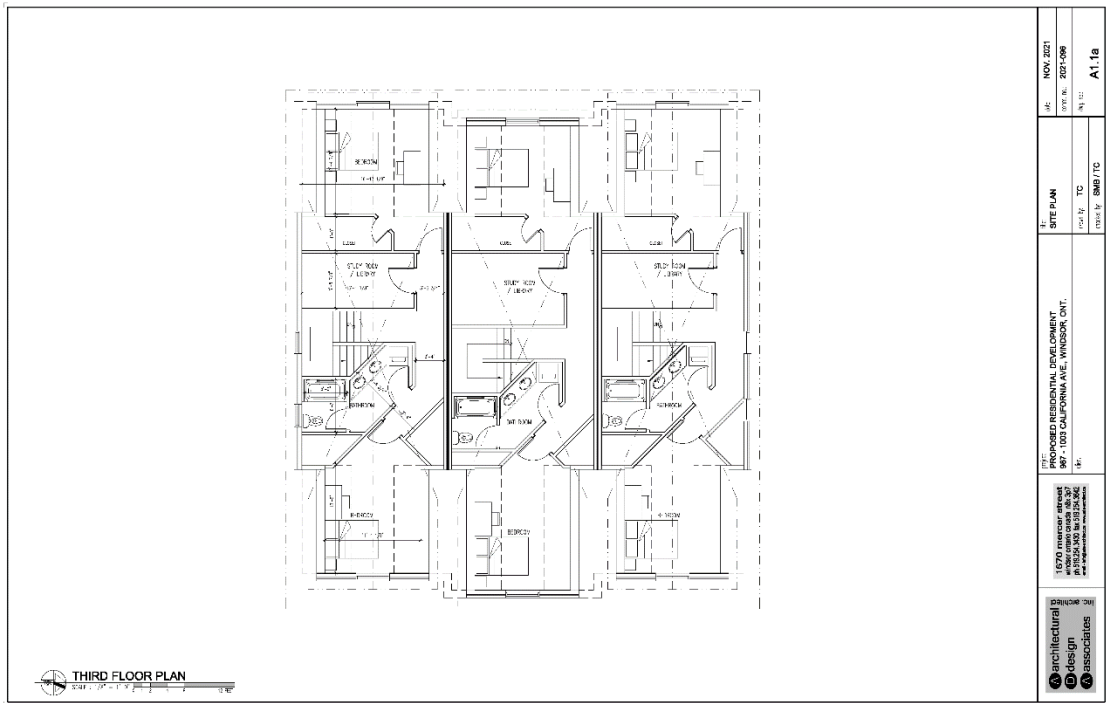
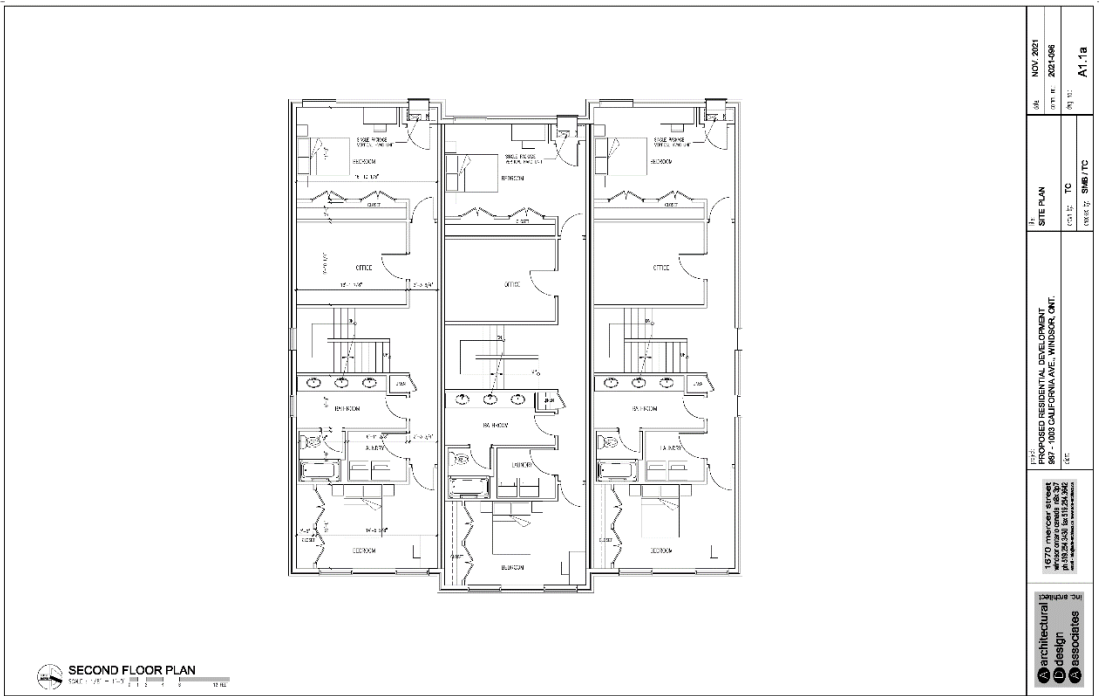


Figure 2c – Floor Plans

987 to 1003 California Ave, Windsor, Ontario

## 3.2 Support Studies

No additional support studies are required.

## 3.3 Public Consultation Strategy

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

As part of a public consultation strategy, a virtual informal public open house was hosted by 1731952 Ontario Limited, the owner/application of the proposed development at 987 – 1003 California Ave., Windsor.

The open house was held with surrounding property owners on November 23, 2021, from 6:00 pm to 8:00 pm. A total of 110 properties were provided notice, which represents 120 m radius of the Site.

In addition to City of Windsor Staff, Planning Consultants and property owner/applicant, a total of 2 people from the public attended. The open house provided members of the public with opportunities to review and comment on the proposed development.

A total of 5 proposed development options were presented, including a 10 unit back to back townhome on one lot. Overall, the proposed development options were supported; however, the townhome style was the most preferred.

The following is a summary of the comments and responses:

Topic	Comment	Response
Target	Who is the target market?	The units will be rented to students and families. They will be designed to be home.
Design	<p>Fewer doors are better.</p> <p>There are a lot of townhomes in the area already.</p> <p>No yards is a very unique option.</p> <p>The back to back options does make the building appear smaller.</p>	<p>The final design is to construct two 3-unit townhomes each on a separate lot.</p> <p>A unique design will be applied in order to blend the proposed development with the existing style of the neighbourhood.</p>

Topic	Comment	Response
Lighting and Safety	Rear yard entrances from the alley should have good lighting.  Try to prevent passages in between buildings.	Lighting will be included at the front and rear of the buildings.  Landscaping can be used to reduce passage in between buildings.
Parking	Good to have on-site parking from the alley.	Parking spaces for each townhome are proposed with access from the alley.  Additional parking spaces have been added.
Density	10 units may be too high. 5 units will be better.	It is proposed to construct two 3-unit townhomes to keep the density low.  The net density of 45.45 units per hectare for each lot is proposed.

## **4.0 PROPOSED APPLICATION**

### **4.1 Zoning By-Law Amendment (ZBA)**

A Site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed residential development.

The Site is currently zoned “Residential District 1.3 (RD1.3)” on Map 4 of the City of Windsor Zoning By-Law #8600.

It is proposed to change the zoning of the Site to a site specific “Residential District 2.2 (RD2.2 –(20)(1) (XXX)” to permit the proposed townhome dwellings in addition to the requested relief for each lot.

All other RD2.2 requirements can be complied with, including parking.

Further analysis is provided in Section 5.1.3 of this PRR.

### **4.2 Other**

Prior to construction and building permit application, the proposed townhome dwellings will require an application for consent to sever for a lot line adjustment.



## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement (PPS), 2020

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

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

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

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

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The City has directed growth where the Site is located, which will contribute positively to promoting efficient land use and development patterns.
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open</p>	<p>The proposed development is consistent with the policy to build strong, healthy and livable communities as it will provide for a new housing option in an existing neighbourhood.</p> <p>There are no environmental or public health and safety concerns as the area is well established.</p> <p>The development pattern does not require expansion of the settlement area.</p>

PPS Policy #	Policy	Response
	<p>space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>The Site has access to full municipal services and is close to nearby amenities.</p> <p>Accessibility will be addressed at the time of the building permit application.</p> <p>Public service facilities are available nearby.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City meet the full range of current and future residential needs through intensification.</p> <p>The intensification can be accommodated for the proposed development as the Site is an appropriate size.</p> <p>The Site will provide for a new housing option in an existing neighbourhood.</p>

PPS Policy #	Policy	Response
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul>	<p>The total density of the proposed development is considered appropriate as most of the existing neighborhood is made up of low profile residential.</p> <p>The Site offers an opportunity for intensification by creating a new housing option in an existing neighbourhood.</p> <p>The intensification can be accommodated for the proposed development as it is an infilling opportunity within an existing neighbourhood.</p> <p>The design and style of the residential dwelling will be constructed to a high standard. A unique design will be applied in order to blend the proposed development with the existing style of the neighbourhood.</p> <p>The proposed building will blend with the dwellings in the area and will be a similar scale and massing.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>Adequate buffering from abutting land uses can be</p>

PPS Policy #	Policy	Response
		<p>provided as part of site plan control approval.</p> <p>Residents will have immediate access to nearby amenities. Transit is available.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>The intensification can be accommodated for the proposed residential development as it is an appropriate use of the Site.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing neighbourhood.</p> <p>There will be no risks to the public, as the Site is outside of the ERCA regulated area.</p>
1.1.3.5	<p>Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located within an existing</p>

PPS Policy #	Policy	Response
		built-up area and will add a new housing option in an existing neighbourhood.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development will have a compact form.</p> <p>A unique design will be applied in order to blend the proposed development with the existing style of the neighbourhood.</p> <p>The low profile density will allow for the efficient use of land, infrastructure and public services.</p>
1.4.1	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in</p>	<p>The proposed development will provide for a new housing option in an existing neighbourhood.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing neighbourhood.</p> <p>The area is pedestrian friendly, allowing people to access nearby amenities.</p> <p>Existing municipal services are available.</p>

PPS Policy #	Policy	Response
	draft approved and registered plans.	
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.	<p>The proposed low profile density is compatible with the surrounding area and will provide intensification and infilling through the efficient use of the Site.</p> <p>The Site will provide for an affordable housing option.</p> <p>The Site is close to nearby amenities.</p> <p>There is existing infrastructure.</p>
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	<p>The development is on existing full municipal services.</p> <p>Access to public transit is available.</p>
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by existing municipal sewer, water, and storm, which is the preferred form of servicing within existing settlement areas.
1.6.6.7	Planning for stormwater management shall:	There will be no risk to health and safety.

PPS Policy #	Policy	Response
	<p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The subject property is in close proximity to major transportation corridors and has access to transit.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed development contributes to the City's requirements for development within an existing built-up area.</p>

PPS Policy #	Policy	Response
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	<p>The proposed development contributes to the City's requirement for affordable infilling within a built-up area.</p> <p>The Site is located near transit, has on-street parking and will offer parking in the driveway.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities.</p> <p>The proposed density offers an opportunity to efficiently use existing municipal infrastructure.</p>
1.8	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	<p>The proposed development supports a compact form within an existing built-up area of the City.</p> <p>The Site has access to transit and local amenities.</p>
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing services are already in place on this Site.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of	There are no natural or human-made hazards that apply to this Site.



PPS Policy #	Policy	Response
	property damage, and not create new or aggravate existing hazards.	

Therefore, the proposed development is consistent with the PPS.

**5.1.2 Official Plan (OP)**

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

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

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

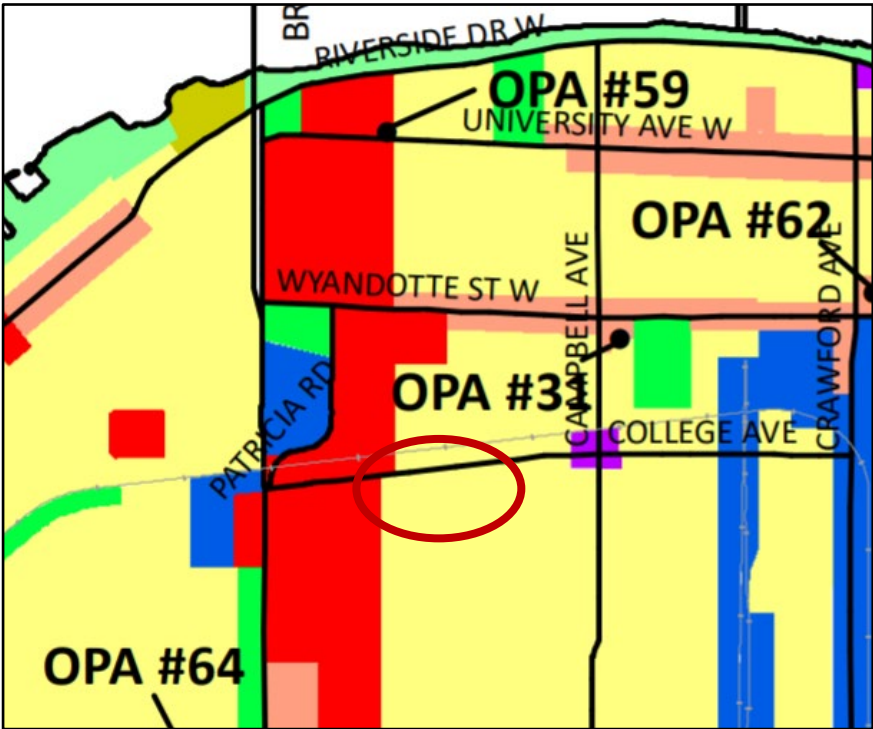


Figure 3 – City of Windsor OP

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

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed residential development supports one of the City's overall development strategies of providing for a range of housing types.
3.3.3	<p>Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes</p>	<p>The proposed residential development is located in an existing built-up area.</p> <p>The Site is sufficient in area to accommodate the proposed development.</p> <p>The Site offers appropriate infilling in the existing neighbourhood.</p> <p>The area is pedestrian friendly, allowing people to access nearby amenities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for a new housing option in an existing neighbourhood.</p> <p>A unique design will be applied in order to blend the proposed development with the existing style of the neighbourhood.</p>

OP Policy #	Policy	Response
	identified in the Urban Structure Plan.	
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby amenities and transportation corridors.</p>
5.0	A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p> <p>The Site is pedestrian friendly as there are sidewalks along both sides of the roadway, which links to the surrounding neighbourhoods and nearby amenities.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	<p>The proposed development supports the policy set out in the OP as it is suited for residential development.</p> <p>The Site will provide for a new housing option in an existing neighbourhood.</p>

OP Policy #	Policy	Response
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for housing that is suited to residential in an existing built-up area of Windsor, is pedestrian oriented, and is close to employment and schooling opportunities.</p>
6.2.1.2 – General Policies	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures</p>	<p>The current structure is considered a low profile building.</p>

OP Policy #	Policy	Response
	generally, no greater than fourteen (14) storeys in height.	
6.3.2.1 – Permitted uses, Residential	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	Residential is a permitted use.
6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows:  (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and (b) large scale forms: buildings with more than 8 units.	The proposed development is considered a low profile, low scale residential dwelling.  A total of 3 units are proposed in each townhouse dwelling.
6.3.2.4	Residential development shall be located where: (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided	The Site has access to major transportation corridors and nearby amenities.
6.3.2.5 – Evaluation Criteria	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:  (a) feasible having regard to the other provisions of	This PRR has addressed the requirements pertaining to PPS.  There are no constraint areas that impact the Site.  The Site is not adjacent to a source of nuisance.  The applicant is not aware of any contamination. The

OP Policy #	Policy	Response
	<p>this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:</p> <p>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	<p>previous use of the 2 parcels has been residential.</p> <p>No additional traffic is expected. Parking will be from the alleyway.</p> <p>There are no heritage resources identified.</p> <p>The proposed development has taken into consideration the new housing policies and regulations recently adopted by Council regarding infilling in established neighbourhoods.</p> <p>The design of the buildings will be compatible with the surrounding area in terms of height as it will be limited to 9m.</p> <p>In terms of scale and massing, the lot coverage of the proposed development is similar to the abutting properties.</p> <p>The proposed dwellings will be oriented similar to the abutting parcels and are proposed to face California Ave.</p> <p>The design of the building will be constructed with a pitched roof in order to blend with the styles of the surrounding neighbourhood.</p>

OP Policy #	Policy	Response
		<p>Access to the dwellings will be from the rear via the alleyway.</p> <p>Parking minimums are provided in addition to on-street parking.</p> <p>Setbacks can be complied with.</p> <p>The proposed buildings will be brought close to the roadway to align with abutting buildings along the street.</p> <p>Amenity area is provided, including a front porch.</p> <p>Full municipal services are available.</p> <p>There is no transition required as the proposed development will be kept profile and low scale.</p>
7.0 - Infrastructure	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	The Site is close to nearby transit, off major transportation corridors and has access to full municipal services.
8 – Urban Design	A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical	The proposed design of the dwelling units will blend with the surrounding area as it will be kept as a low profile residential use.

OP Policy #	Policy	Response
	<p>systems and built form of the City are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people</p>	<p>The land area is sufficient to accommodate the proposed development.</p> <p>The Site is flat and conducive to vehicle maneuvering.</p> <p>Adequate buffering from abutting land uses can be provided as part of site plan control approval.</p> <p>The proposed townhomes will be limited to 3 storeys in height.</p> <p>Some relief from the RD2.2 is being requested in order to accommodate the proposed development, including side yard setback and lot width, which have limited impact on the development and on adjacent properties.</p> <p>The Site is pedestrian friendly and will be a safe place for people to live, work and play.</p> <p>Parking is provided on Site for each unit and has access to on-street parking and transit.</p> <p>The Site will provide for a new housing option in an existing neighbourhood and will be made affordable.</p> <p>The Site will be constructed to be compatible with the</p>



OP Policy #	Policy	Response
		surrounding neighbourhoods.
8.7.2.3 - INFILL DEVELOPMENT	<p>Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:</p> <ul style="list-style-type: none"> <li>(a) massing;</li> <li>(b) building height;</li> <li>(c) architectural proportion;</li> <li>(d) volumes of defined space;</li> <li>(e) lot size;</li> <li>(f) position relative to the road; and</li> <li>(g) building area to site area ratios.</li> <li>(h) the pattern, scale and character of existing development;</li> <li>and,</li> <li>(i) exterior building appearance.</li> </ul>	<p>The proposed development is an infill opportunity.</p> <p>The Site will be constructed to be compatible with the surrounding neighbourhoods.</p> <p>In terms of scale and massing, the lot coverage of the proposed development is similar to the abutting properties.</p> <p>The design of the buildings will be compatible with the surrounding area in terms of height as it will be limited to 9m.</p> <p>The proposed dwellings will be oriented similar to the abutting parcels and are proposed to face California Ave.</p> <p>The architectural proportion of the proposed dwellings has been taken into account.</p> <p>The design of the building will be constructed with a pitched roof in order to blend with the styles of the surrounding neighbourhood.</p> <p>The lot size can accommodate the proposed development.</p>

OP Policy #	Policy	Response
		An elevation has been provided to illustrate the appearance.

Therefore, the proposed development conforms to the City of Windsor OP.

**5.1.3 Zoning By-law (ZBL)**

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

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

According to Map 4 attached to the ZBL the Site is currently zoned “Residential District 1.3 (RD1.3)” category (see Figures 4 – City of Windsor Zoning).

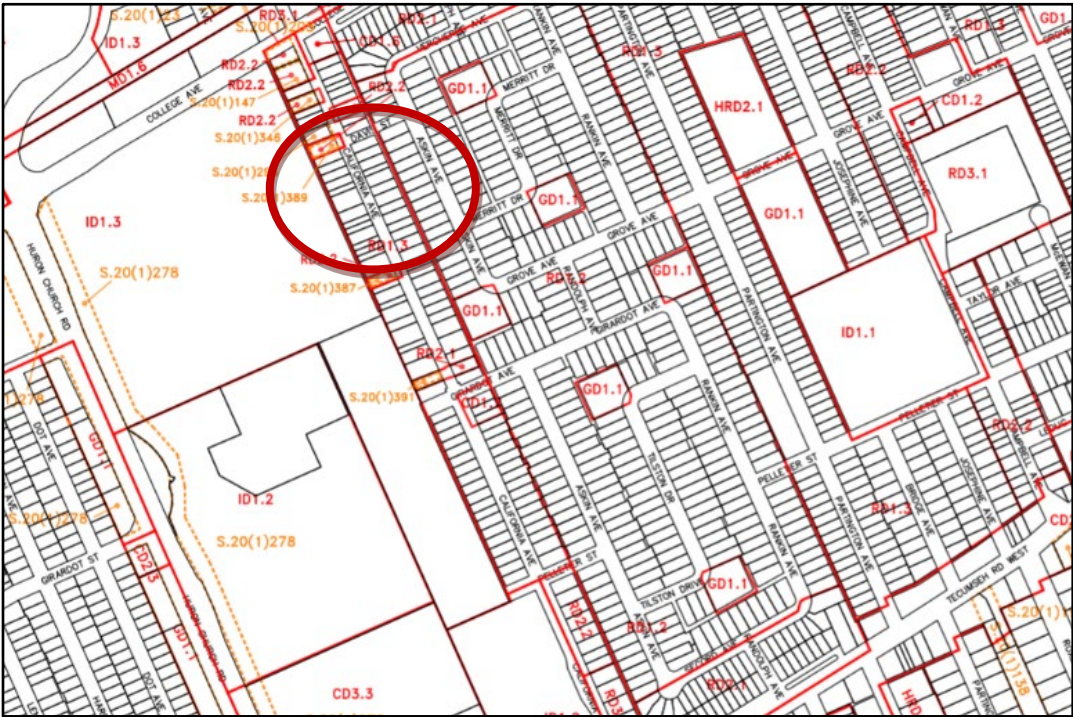


Figure 4 – City of Windsor Zoning

It is proposed to change the zoning of the Site from the existing “Residential District 1.3 (RD1.3)” zoning to a site specific “Residential District 2.2 (RD2.2 –(20)(1) (XXX)” to permit the proposed townhome dwellings.

Townhome Dwelling is defined in the City of Windsor ZBL as:

*TOWNHOME DWELLING means one dwelling vertically divided into a row of three or more dwelling units attached by common interior walls, each wall having a minimum area above grade of 10.0 sq. m., and may include, where permitted by Section 5.99.80, additional dwelling units. A semi-detached dwelling is not a townhome dwelling.*

Townhome Dwelling Unit is defined in the City of Windsor ZBL as:

*TOWNHOME DWELLING UNIT means one dwelling unit in a townhome dwelling, and may include, if permitted by Section 5.99.80, one additional dwelling unit.*

A review of the proposed RD2.2 zone provisions, as set out in Section 11.2.5.5 of the ZBL are as follows:

<b>Zone Regulations</b>	<b>Required RD2.2</b>	<b>Proposed (South Lot)</b>	<b>Proposed (North Lot)</b>	<b>Compliance and/or Relief Requested with Justification</b>
Permitted Uses	Townhome Dwelling	Townhome Dwelling	Townhome Dwelling	Complies, subject to the approval of the ZBA
Minimum Lot Width	20.0 m	19.03 m	19.03 m	Relief required.  The lot is irregular in shape.  A lot line adjustment is required to shift the lot line.  A minor relief of 0.97 m is required.
Minimum Lot Area	200.0 m <sup>2</sup> per dwelling unit  200 x 3 = 600 m <sup>2</sup>	666.9 m <sup>2</sup>	666.9 m <sup>2</sup>	Complies

Maximum Lot Coverage	45.0 %	43.2 %	43.2 %	Complies
Maximum Main Building Height	10.0 m	9.0 m	9.0 m	Complies
Minimum Front Yard Depth	6.0 m	6.0 m	6.0 m	Complies
Minimum Rear Yard Depth	7.50 m	10.50 m	10.50 m	Complies
Minimum Side Yard Width	1.50 m	1.23 m	1.23 m	Relief is required.  A minor relief of 0.27 m is required.  The lot is irregular in shape.  There are no doors proposed on the side yards.
Parking (Table 24.20.5.1)	Townhome Dwelling without an attached garage or carport  1.25 per dwelling unit  1.25 x 3 = 3.75 (3 rounded down)	6	6	Complies
Parking Area Separation 25.5.20.1.2	Any other street – 3.00 m	>3.00 m	>3.00 m	Complies

25.5.20.1.3	An interior lot line or alley – 0.90 m	0.9 m	0.9 m	Complies
25.5.20.1.5	A building wall in which is located a main pedestrian entrance facing the parking area – 2.00 m	>2.00m	>2.00m	Complies
25.5.20.1.6	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 – 4.50 m	>4.50m	>4.50m	Complies

Therefore, the proposed development will require a site specific zoning RD2.2 - S.20(1)(XXX) to permit the proposed townhome dwellings with the following requested relief for each lot:

1. *decrease the required minimum lot width from 20 m to 19.03 m, and*
2. *decrease the required minimum side yard width from 1.50 m to 1.23 m.*

All other RD2.2 requirements can be complied with, including parking.

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

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

- The land area is sufficient to accommodate the existing development with adequate existing buffering from abutting land uses,
- The Site has existing municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding neighbourhood.

#### **6.1.2 Compatibility of Design**

The Site is compatible with the surrounding area in terms of scale, massing, height and siting.

A unique design will be applied in order to blend the proposed development with the existing style of the neighbourhood.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide a new housing option in an existing neighbourhood. It is an example of “Missing Middle” housing that adds gentle density, which is healthy from an environmental and sustainability standpoint.

The additional units will contribute toward affordability and intensification requirements.

Continued residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing low profile neighbourhood.

The Site is flat, making it conducive for vehicle maneuvering for on-site parking.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.

### **6.1.5 Municipal Services Impacts**

The proposed development will be serviced by existing municipal sewer, water and storm, which is the preferred form of servicing within existing settlement areas.

### **6.1.6 Social and/or Economic Conditions**

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

Adding additional residential units in an existing residential neighbourhood contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

As this neighbourhood is an older neighbourhood with single detached dwellings, new townhomes will contribute positively to the social and economic fabric, with an increase in residents to a space that is currently vacant.

The proposed design also provides for a new housing choice which will be affordable.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

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

## **6.2 Conclusion**

The proposed development on the Site is appropriate and should be approved by the City of Windsor.

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

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

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

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the Site's previous development approval history;*

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

**Planner's Certificate:**

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

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







# APPENDIX B – Conceptual Site Plan Elevation Drawings



**FRONT/EAST ELEVATION**

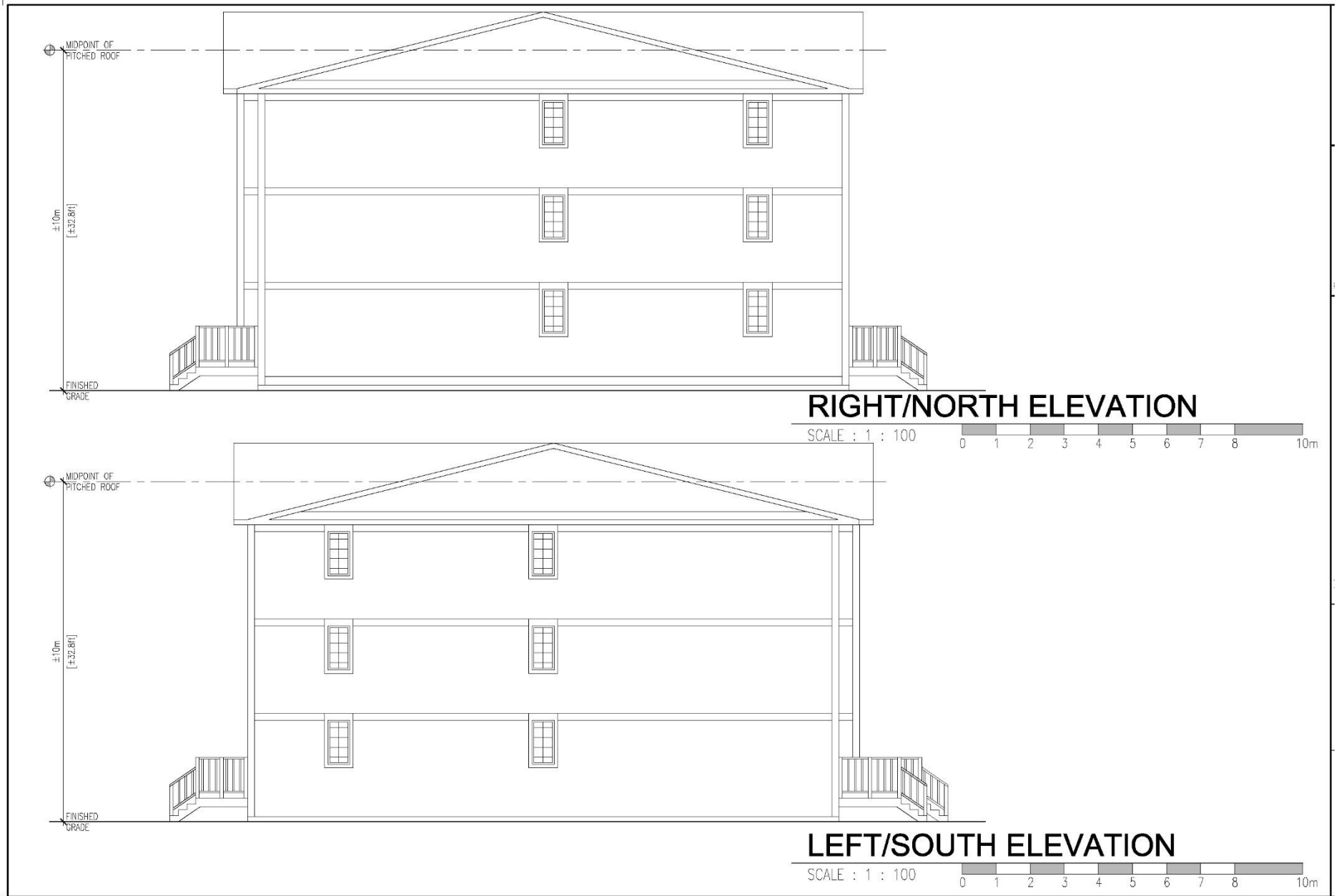
SCALE : 1 : 100 0 1 2 3 4 5 6 7 8 10m



**REAR/WEST ELEVATION**

SCALE : 1 : 100 0 1 2 3 4 5 6 7 8 10m

## APPENDIX B – Conceptual Site Plan Elevation Drawings



## APPENDIX C – Site Photos



**987 and 1003 California Ave (Subject Land) looking west from the street**



**987 and 1003 California Ave (Subject Land) looking east from the alley**

## APPENDIX C – Site Photos



**987 and 1003 California Ave (Subject Land) looking north west**



**987 and 1003 California Ave (Subject Land) looking south west**

## APPENDIX C – Site Photos



**California Ave – facing north from subject site**



**California Ave – facing south from subject site**

## APPENDIX C – Site Photos



**East side of California Ave – across from subject site**



**East side of California Ave – across from subject site**

## APPENDIX C – Site Photos



**Alley behind subject site – looking north**



**Alley behind subject site – looking south**



## APPENDIX C – Site Photos



**Existing Townhome Dwelling at 909–917 California Ave (front)**



**Existing Townhome Dwelling at 909–917 California Ave (rear)**

## Part V: Policies

### 1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

#### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are *freight-supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
  - b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.
- 1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:
- a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
  - b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
  - c) in *prime agricultural areas*:
    1. the lands do not comprise *specialty crop areas*;
    2. alternative locations have been evaluated, and

## 1.2.6 Land Use Compatibility

- 1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
- a) there is an identified need for the proposed use;
  - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
  - c) *adverse effects* to the proposed *sensitive land use* are minimized and mitigated; and
  - d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

## 1.3 Employment

- 1.3.1 Planning authorities shall promote economic development and competitiveness by:
- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
  - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
  - c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
  - d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
  - e) ensuring the necessary *infrastructure* is provided to support current and projected needs.

## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
  2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;

- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
  - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.
- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

## 1.6.6 Sewage, Water and Stormwater

- 1.6.6.1 Planning for *sewage and water services* shall:
- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
    1. *municipal sewage services* and *municipal water services*; and
    2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available or feasible;
  - b) ensure that these systems are provided in a manner that:
    1. can be sustained by the water resources upon which such services rely;
    2. prepares for the *impacts of a changing climate*;
    3. is feasible and financially viable over their lifecycle; and
    4. protects human health and safety, and the natural environment;
  - c) promote water conservation and water use efficiency;
  - d) integrate servicing and land use considerations at all stages of the planning process; and
  - e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where *municipal sewage services* and *municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.
- 1.6.6.2 *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services* and *municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

## 1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

## 1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.



## 1.6.11 Energy Supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and *renewable energy systems* and *alternative energy systems*, to accommodate current and projected needs.

## 1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, *infrastructure* and *public service facilities*;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
- f) promoting the redevelopment of *brownfield sites*;
- g) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the *agricultural system* through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the *agri-food network*;
- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.

## 1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the *impacts of a changing climate* through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, *airports, rail facilities and marine facilities*;
- e) encourage *transit-supportive* development and *intensification* to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
- g) maximize vegetation within *settlement areas*, where feasible.

## Appendix E - Official Plan Excerpts

close proximity. Mixed use developments will be encouraged with strong pedestrian orientations and to support public transit. This concept will enable Windsor to continue its growth and foster a vibrant economy, while ensuring a safe, caring and diverse community and a sustainable, healthy environment.

In order to manage growth consistent with the community vision, the following key policy directions are provided for in the other chapters of this Plan.

### 3.2.1 Safe, Caring and Diverse Community

- |  |         |  |
|--|---------|--|
| <i>NEIGHBOURHOOD CENTRES</i>               | 3.2.1.1 | Windsorites want to be a part of neighbourhoods that meet their needs as places to live, shop and play. Each neighbourhood will have a central area that provides a focus for activities and is within a convenient walking distance. Here, people will find shops, jobs, neighbourhood based services, public places that are safe and inviting, and a place to meet with neighbours and join in community life. The neighbourhood centre will provide a variety of housing types for all ages and incomes. |
| <i>NEIGHBOURHOOD HOUSING VARIETY</i>       | 3.2.1.2 | Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.   |
| <i>DISTINCTIVE NEIGHBOURHOOD CHARACTER</i> | 3.2.1.3 | Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced. Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of homes, amenities and services.           |
| <i>COMMUNITY DESIGN</i>                    | 3.2.1.4 | The design of buildings and spaces will respect and enhance the character of their surroundings, incorporating natural features and creating interesting and comfortable places. Streets, open spaces and the greenway system will serve as public amenities connecting and defining neighbourhoods and contributing to Windsor’s image. New development in Windsor will accommodate the needs of pedestrians, cyclists and other recreational activities.   |

### 3.3.2 Vibrant Economy

- |                   |         |  |
|-------------------|---------|--|
| <i>EMPLOYMENT</i> | 3.2.2.1 | Windsor’s economy will be stimulated by active employment centres that |
|-------------------|---------|--|

providing places for residents to walk such as local retail businesses and services. Local services may also include pharmacies, convenience stores and retail to serve the day to day needs of residents.

Transit service is available and multiple routes may converge within the corridor and provide a few connections to other corridors and to Regional Commercial Centres.

### **3.3.3 Neighbourhoods**

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

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

### **3.3.4 Structural Elements in Neighbouring Communities**

Several urban structural elements are included for the neighbouring communities of Detroit, Michigan, United States of America; and the towns of Tecumseh and LaSalle in Essex County, Ontario. These communities are beyond Windsor Council's jurisdiction and the structural elements are included on Official Plan Volume I – Schedule 'J' for reference purposes only.

<i>ECONOMIC OPPORTUNITY</i>	4.1.6	Economic opportunities throughout Windsor.
<i>STAY SAFE</i>	4.1.7	A safe environment throughout Windsor.
<i>BALANCED DECISION MAKING</i>	4.1.8	A decision making process that balances environmental, economic and social considerations.

## **4.2 Objectives**

### **4.2.1 Healthy and Liveable City**

<i>PLANNING &amp; DESIGN</i>	4.2.1.1	To consider community health in the planning and design of Windsor and its neighbourhoods.
<i>ACTIVE LIFESTYLE</i>	4.2.1.2	To provide for activities and facilities which will foster an active lifestyle to improve community health.
<i>MONITOR HEALTH</i>	4.2.1.3	To regularly monitor community health.
<i>CLIMATE PROTECTION</i>	4.2.1.4	To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.
<i>AGING IN PLACE</i>	4.2.1.5	To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.
<i>PEDESTRIAN SCALE</i>	4.2.1.6	To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.

### **4.2.2 Environmental Sustainability**

<i>PLANNING &amp; DESIGN</i>	4.2.2.1	To consider the environment in the planning and design of Windsor.
<i>ECOSYSTEMS</i>	4.2.2.2	To protect and restore ecosystems.
<i>SUSTAINABLE DEVELOPMENT</i>	4.2.2.3	To encourage community planning, design and development that is sustainable.
<i>COMPATIBLE DEVELOPMENT</i>	4.2.2.4	To promote development that meets human needs and is compatible with the natural environment.
<i>REDUCE ENVIRONMENTAL IMPACTS</i>	4.2.2.5	To reduce environmental impacts.

### **4.2.3 Quality of Life**

- |                                       |         |  |
|---------------------------------------|---------|--|
| <i>MIX OF USES</i>                    | 4.2.3.1 | To encourage a mix of uses.  |
| <i>PROXIMITY OF BASIC SERVICES</i>    | 4.2.3.2 | To encourage the location of basic goods and services close to where people live and work.                 |
| <i>COMMUNITY NEEDS</i>                | 4.2.3.3 | To recognize the needs of the community in terms of shelter, support services, accessibility and mobility. |
| <i>HOUSING MIX</i>                    | 4.2.3.4 | To accommodate the appropriate range and mix of housing.   |
| <i>LOCATION OF COMMUNITY SERVICES</i> | 4.2.3.5 | To encourage community services at appropriate locations throughout Windsor.                               |
| <i>FIRST NATIONS</i>                  | 4.2.3.6 | To recognize the needs of the First Nations communities for housing and support services.                  |

### **4.2.4 Sense of Community**

- |                              |         |  |
|------------------------------|---------|--|
| <i>SOCIAL INTERACTION</i>    | 4.2.4.1 | To encourage development that fosters social interaction.                                  |
| <i>COMMUNITY LIVING</i>      | 4.2.4.2 | To encourage development that fosters the integration of all residents into the community. |
| <i>ADAPTABLE DEVELOPMENT</i> | 4.2.4.3 | To encourage developments that adapt to changing resident needs.                           |
| <i>COMMUNITY FACILITIES</i>  | 4.2.4.4 | To co-locate community facilities.   |

### **4.2.5 Community Empowerment**

- |                                 |         |   |
|---------------------------------|---------|---|
| <i>EDUCATION &amp; TRAINING</i> | 4.2.5.1 | To encourage the development of education and training facilities throughout Windsor.             |
| <i>PUBLIC INVOLVEMENT</i>       | 4.2.5.2 | To encourage and facilitate public involvement in planning and development initiatives.           |
| <i>INFORMATION SYSTEM</i>       | 4.2.5.3 | To ensure effective public information and communication on planning and development initiatives. |

## 6. Land Use

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### 6.0 Preamble

A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations. As such, the Land Use chapter of this Plan promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods.

This chapter of the Official Plan provides goals, objectives and policies for the land use designations identified on Schedule D: Land Use and Schedule E: City Centre Planning District and should be read in conjunction with the other parts of the Plan.

### 6.1 Goals

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

<i>NEIGHBOURHOODS</i>	6.1.1	Safe, caring and diverse neighbourhoods.
<i>ENVIRONMENTALLY SUSTAINABLE</i>	6.1.2	Environmentally sustainable urban development.
<i>RESIDENTIAL</i>	6.1.3	Housing suited to the needs of Windsor's residents.
<i>EMPLOYMENT</i>	6.1.4	The retention and expansion of Windsor's employment base.
<i>COMMERCIAL</i>	6.1.5	Convenient and viable areas for the purchase and sale of goods and services.
<i>INSTITUTIONAL</i>	6.1.6	An integration of institutions within Windsor's neighbourhoods.
<i>OPEN SPACE</i>	6.1.7	A variety of open space areas.
<i>WATERFRONT</i>	6.1.8	An accessible Detroit River, Lake St. Clair and a healthy waterfront.
<i>NATURAL HERITAGE</i>	6.1.9	The protection and conservation of environmentally significant and sensitive natural heritage features and functions.
<i>MIXED USE</i>	6.1.10	Pedestrian oriented clusters of residential, commercial, employment and institutional uses.

<i>CITY CENTRE PLANNING DISTRICT AIRPORT</i>	6.1.11	The City Centre as the vibrant focal point and symbol of Windsor.
	6.1.12	Protection and enhancement of Windsor Airport’s role in serving passenger and cargo needs. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)
<i>FUTURE GROWTH AREAS</i>	6.1.13	The provision of sufficient land in appropriate locations to accommodate future population and employment growth in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

## 6.2 General Policies

<i>SCHEDULE D: LAND USE</i>	6.2.1.1	The following land use designations shall be identified on Schedule D: Land Use: <ul style="list-style-type: none"> <li>(a) Residential;</li> <li>(b) Industrial;</li> <li>(c) Business Park;</li> <li>(d) Commercial Centre;</li> <li>(e) Commercial Corridor;</li> <li>(f) Major Institutional;</li> <li>(g) Open Space;</li> <li>(h) Natural Heritage;</li> <li>(i) Mixed Use;</li> <li>(j) Waterfront Residential;</li> <li>(k) Waterfront Recreation; and</li> <li>(l) Waterfront Port.</li> <li>(m) Windsor Airport (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)</li> <li>(n) Future Urban Area (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)</li> </ul>
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- (o) Future Employment Area (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

*TYPES OF DEVELOPMENT PROFILE*

6.2.1.2

For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

*TYPES OF DEVELOPMENT PATTERN*

6.2.1.3

For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for:

- (a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and
- (b) an Undeveloped Area which does not have characteristic lotting or development profile.

## 6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

The following objectives and policies establish the framework for development decisions in Residential areas.

### 6.3.1 Objectives

<i>RANGE OF FORMS &amp; TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.
<i>MAINTENANCE &amp; REHABILITATION</i>	6.3.1.4	To ensure that the existing housing stock is maintained and rehabilitated.
<i>SERVICE &amp; AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
<i>HOME BASED OCCUPATIONS</i>	6.3.1.6	To accommodate home based occupations.
<i>SUFFICIENT LAND SUPPLY</i>	6.3.1.7	To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

### 6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>ANCILLARY USES</i>	6.3.2.2	In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan: <ul style="list-style-type: none"> <li>(a) <del>community services including libraries, emergency services, community centres and similar public agency uses;</del> (Deleted by OPA #82 – June 20, 2011, B/L 117-2011)</li> </ul>

- (a) ~~community services including libraries, emergency services, community centres and similar public agency uses, but does not include a Methadone Clinic;~~  
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)
- (a) community services including libraries, emergency services, community centres and similar public agency uses;  
(Amended by OPA #106 – November 6, 2015, B/L 143-2015)
- (b) home based occupations subject to the provisions of policy 6.3.2.7;
- (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;
- (d) Open Space uses subject to the provisions of section 6.7;  
and
- (e) Minor Institutional uses subject to the provisions of section 6.6.

*TYPES OF  
LOW PROFILE  
HOUSING*

6.3.2.3

For the purposes of this Plan, Low Profile housing development is further classified as follows:

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
- (b) large scale forms: buildings with more than 8 units.

*LOCATIONAL  
CRITERIA*

6.3.2.4

Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

*EVALUATION  
CRITERIA FOR A  
NEIGHBOURHOOD  
DEVELOPMENT  
PATTERN*

6.3.2.5

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  - (iii) within a site of potential or known contamination;
  - (iv) where traffic generation and distribution is a provincial or municipal concern; and
  - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

*EVALUATION  
CRITERIA FOR AN  
UNDEVELOPED  
AREA  
DEVELOPMENT  
PATTERN*

**6.3.2.6**

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Undeveloped Area development pattern is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

- (c) On street parking may be permitted on Class II Collector Roads and Local Roads provided there is sufficient paved road width.
- RESTRICT ON-STREET PARKING*      7.2.2.15      Council may restrict on-street parking in a manner that does not conflict with future and planned uses of the right of way by:
- (a) Removing on-street parking where the added roadway space is required to install left or right turn lanes;
  - (b) Removing on-street parking where the added roadway space may be required to install bicycle lanes;
  - (c) Removing on-street parking where the added roadway space is required for transit purposes;
  - (d) Removing on-street parking where there is a need to move traffic more efficiently;
  - (e) Removing on-street parking where the City has constructed off street lots to offset the loss of on-street parking.
- ON STREET PARKING – STREET SCAPING*      7.2.2.16      Council may permit on-street parking as part of a streetscaping plan designed to create a buffer between road traffic and pedestrian sidewalk areas.
- BICYCLE PARKING*      7.2.2.17      Council shall make provision for bicycle parking spaces by requiring bicycle spaces at all developments.
- LAND USE AND TRANSPORTATION*      7.2.2.18      Council shall recognize the link between land use and transportation systems by:
- (a) Focusing office development and high-density employment and high density residential in areas which have access to transit and pedestrian amenities;
  - (b) Encouraging commercial and employment uses within 400 metres to 800 metres of residential areas to promote the use of active transportation and to promote transit service.
- SUSTAINABLE SITE DESIGN*      7.2.2.19      Council shall require the use of sustainable site design during the Site Plan Control process to ensure accessibility for all pedestrians and cyclists by:
- (a) Requiring buildings and access points to buildings be placed to provide convenient access to the public right of way;

- (b) Ensuring the provision of sidewalk and cycling connections to and from the entrances of the development and cycling facilities;
- (c) Ensuring that sidewalk and cycling connections are barrier free throughout the seasons;
- (d) Ensuring that the sidewalk and cycling connections minimize the walking and cycling distance to and from the right of way and
- (e) Encouraging a more street level design and access by planning parking lots in such a way to not adversely impact such access.

*TRANSIT  
SUPPORTIVE  
DEVELOPMENT*

7.2.2.20 Council shall support transit by planning for compact mixed-use, higher density residential, commercial and employment development within concentrated nodes and corridors that are adjacent to higher order transit corridors.

*MINIMIZING  
VEHICLE TRIPS  
AND TRAVEL  
DISTANCES*

7.2.2.21 Council shall implement land use patterns that promote sustainable travel by locating land uses within reasonable walking or cycling distance by:

- (a) Encouraging development that include an appropriate mix of residential, commercial and employment lands within reasonable walking distance of each other;
- (b) Planning higher density developments in areas along major transportation corridors and nodes;
- (c) Integrating land use and transportation planning decisions by ensuring each fit the context of each other’s specific needs.

*TRAVEL  
DEMAND  
MANAGEMENT*

7.2.2.22 Council and Transit Windsor will encourage employers to manage their travel demand by:

- (a) Promoting the use of ride sharing and car-pooling to reduce parking demand and to reduce vehicles on nearby streets;
- (b) Promoting the use of bulk or special transit pass purchases by employers for employees that offer discounts over regular transit pass prices and encourage transit usage;
- (c) Encouraging companies to alternate hours of work to reduce the peak hour traffic and parking demand.

*POST  
SECONDARY  
STUDENT  
TRANSPORTATION*

7.2.2.23 Council shall encourage post secondary institutions to implement tuition-based bus pass programs to reduce travel and parking demand.

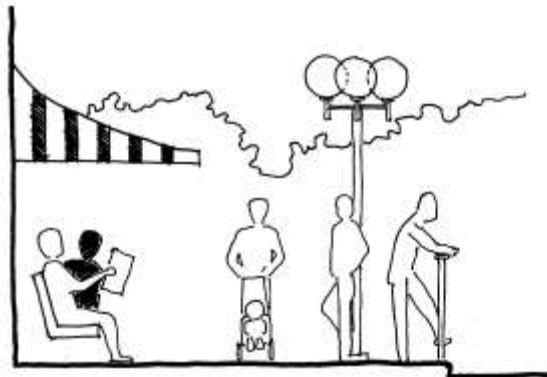
## 8.3 Design For People

### 8.3.1 Objectives

<i>COMFORT</i>	8.3.1.1	To achieve maximum user comfort in the design of new development.
<i>PEDESTRIAN SCALE</i>	8.3.1.2	To foster development that provides a pedestrian scale.
<i>SENSE OF PLACE</i>	8.3.1.3	To foster a sense of place within Windsor and its neighbourhoods.

### 8.3.2 Policies

<i>INTERPERSONAL COMMUNICATION &amp; OBSERVATION</i>	8.3.2.1	Council will encourage buildings and spaces to be designed to accommodate interpersonal communication and observation.
<i>PEDESTRIAN SCALE</i>	8.3.2.2	Council will encourage buildings and spaces that establish a pedestrian scale by promoting: <ul style="list-style-type: none"><li>(a) the placement of continuous horizontal features on the first two storeys adjacent to the road;</li><li>(b) the repetition of landscaping elements, such as trees, shrubs or paving modules; and</li><li>(c) the use of familiar sized architectural elements such as doorways and windows.</li></ul>
<i>REST AREAS</i>	8.3.2.3	Council will support the provision of furniture, stairs, walls, and benches in public spaces that provide comfortable rest areas for pedestrians.



## 8.7 Built Form

### 8.7.1 Objectives

<i>VARIED DEVELOPMENT PATTERN</i>	8.7.1.1	To achieve a varied development pattern which supports and enhances the urban experience.
<i>COMPLEMENTARY DESIGN</i>	8.7.1.2	To achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles.
<i>VISUAL INTEREST</i>	8.7.1.3	To maximize the variety and visual appeal of building architecture.
<i>ART AND LANDSCAPING</i>	8.7.1.4	To integrate art and landscaping with the built form.
<i>UNIQUE CHARACTER</i>	8.7.1.5	To enhance the unique character of a district, neighbourhood, prominent building or grouping of buildings.
<i>SIGNS</i>	8.7.1.6	To ensure that signs respect and enhance the character of the area in which they are located.
	8.7.1.7	To achieve external building designs that reflect high standards of character, appearance, design and sustainable design features. (Added by OPA #66-11/05/07-B/L209-2007)

### 8.7.2 Policies

<i>NEW DEVELOPMENT</i>	8.7.2.1	<del>Council will ensure that the design of new development:</del> (Deleted by OPA #66-11/05/07-B/L209-2007)
<i>NEW DEVELOPMENT</i>	8.7.2.1	Council will ensure that the design of new development: (Added by OPA #66-11/05/07-B/L209-2007) <ul style="list-style-type: none"> <li><del>(a) is complementary to adjacent development in terms of its overall massing, orientation and setback;</del> (Deleted by OPA #66-11/05/07-B/L209-2007)</li> <li>(a) is complementary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance; (Added by OPA #66-11/05/07-B/L209-2007)</li> <li>(b) provides links with pedestrian, cycle, public transportation and road networks; and</li> </ul>



- (c) maintains and enhances valued heritage resources and natural area features and functions.
- (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

REDEVELOPMENT  
AREAS

8.7.2.2

Council will ensure that the design of extensive areas of redevelopment achieves the following:

- (a) provides a development pattern that support a range of uses and profiles;
- (b) defines the perimeter of such an area by a distinct edge which may be formed by roads, elements of the Greenway System or other linear elements;
- (c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- (d) provides transportation links to adjacent areas; and
- (e) maintains and enhances valued historic development patterns or heritage resources.
- (f) is complementary to adjacent development in terms of overall massing, orientation, setback and exterior design, particularly character, scale and appearance.  
(Added by OPA #66-11/05/07-B/L209-2007)

INFILL  
DEVELOPMENT

8.7.2.3

Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;
- (b) building height;
- (c) architectural proportion;

- (d) volumes of defined space;
- (e) lot size;
- (f) position relative to the road; and
- (g) building area to site area ratios.
- (h) the pattern, scale and character of existing development;  
and,  
(Added by OPA #66-11/05/07-B/L209-2007)
- (i) exterior building appearance  
(Added by OPA #66-11/05/07-B/L209-2007)



- |                                       |         |   |
|---------------------------------------|---------|---|
| <i>TRANSITION IN BUILDING HEIGHTS</i> | 8.7.2.4 | Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.   |
| <i>CONTINUOUS BUILDING FACADES</i>    | 8.7.2.5 | <p>Council will require new development to support the creation of continuous building facades along Mainstreets through the street level presence of:</p> <ul style="list-style-type: none"> <li>(a) community facilities, retail shops, and other frequently visited uses; and</li> <li>(b) architectural features and elements which can be experienced by pedestrians.</li> </ul> |

## APPENDIX F – Zoning By-law 8600 Excerpts

Page 10.2

### 10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

#### 10.3.1 PERMITTED USES

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

#### 10.3.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

### 11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

#### 11.2.1 PERMITTED USES

*One Double Duplex Dwelling*  
*One Duplex Dwelling*  
*One Multiple Dwelling containing a maximum of four dwelling units*  
*One Semi-Detached Dwelling*  
*One Single Unit Dwelling*  
*Townhome Dwelling*  
Any use accessory to any of the preceding uses

#### 11.2.5 PROVISIONS

.1 Duplex Dwelling	
.1 Lot Width – minimum	12.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%
.4 Main Building Height – maximum	10.0 m
.5 Front Yard Depth – minimum	6.0 m
.6 Rear Yard Depth – minimum	7.50 m
.7 Side Yard Width – minimum	1.20 m

## APPENDIX F – Zoning By-law 8600 Excerpts

### .2 Semi-Detached Dwelling

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

### .3 Single Unit Dwelling

.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

### .4 Double Duplex Dwelling or Multiple Dwelling

.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m

### .5 Townhome Dwelling

.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

## **APPENDIX G - Consultations**

### **Anne Marie Albidone – Environmental Services**

No concerns from Environmental services.

### **Jennifer Nantais – Environmental & Sustainability Coordinator**

The Environmental Sustainability & Climate Change team has no comments to add to this application.

### **Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing bus route to this property is with the Crosstown 2. The closest existing bus stop to this property is located on Wyandotte at Sunset Southeast Corner. This bus stop is approximately 810 metres away from this property falling outside of our 400 metre walking distance guideline to a bus stop. Later this year in 2022, Transit Windsor's Central 3 route will be changing to have the westbound direction of the route do a loop that travels along College and onto California heading northbound to Wyandotte. This would have a new bus stop created with it located on College at California Southwest Corner. This would bring the walking distance down to approximately 230 metres from this property now falling within the guidelines. The Council approved Transit Master Plan would see the creation of a new express route along College that would keep the bus stop in the general vicinity of College and California leaving the walking distance virtually the same.

### **Canada Post**

Canada Post has no comments for the attached application.

### **Enwin**

Hydro Engineering: No Objection

ENWIN has an existing 27.6kV primary and 120/240V secondary hydro distribution pole line along the west limit of the property.

Proposed buildings must have adequate clearance requirements from these lines.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and also the Ontario Building Code for adequate clearance requirements for New Buildings.

Water Engineering: Water Engineering has no objections. Additional water services will be required for this development.

## **APPENDIX G - Consultations**

### **Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (Z-024/21) to rezone to a site specific Residential District 2.2 (RD2.2) on the subject, please note no objections. Please also note the following comments:

#### **Zoning Provisions for Parking Setback:**

It appears that the proposed parking area on the southern property is closer to the south property boundary than the proposed building footprint. Given the available space ensure that the parking is setback to the minimum building setback of 1.5m for RD2.2.

With the northern property, the parking appears to be in the middle of the property. It is recommended that the parking be shifted north or south to be 1.5m from the property boundary to provide more usable outdoor greenspace for the residents.

#### **Urban Design:**

The area is currently in a transition stage and the development could set the trend for future development in the area. Quality of building materials and proscribed vegetation to combat climate change are important factors in both O.P. and PPS. Though not a requirement at this time due to the size of the development, it strongly recommended that the site be subject to Site Plan Review to ensure that these elements are addressed through this development.

#### **Tree Preservation:**

**N/A**

#### **Parkland Dedication:**

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Commissioner of Parks, as per By-law 12780 and the Planning Act.

### **Barbara Rusan – Building**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

### **Sherif Barsom – Parks D&D**

Please note that Parks Development has no comments for the above mentioned liaison.

### **Simona Simion – Research & Policy Support**

## APPENDIX G - Consultations

The Consent Policies, Section 11.4.3 of the Official Plan provide evaluation criteria and conditions of approval for consent applications. The proposed consent is for lot boundary adjustment, which represents an appropriate consent per Section 11.4.3.2(c). This consent will be supported by Committee of Adjustments Planning Staff for the following reasons: the evaluation criteria in Section 11.4.3.6 for continuation of an orderly development pattern is satisfied and development of adjacent properties is not impacted.

Applicable policies:

11.4.3.2 Consents may only be granted when it is not necessary for the proper and orderly development of the city. Accordingly, consents will generally be limited to:

- (a) Creation of lots for minor infilling; and
- (b) The mortgaging or leasing of land beyond 21 years;
- (c) **Lot boundary adjustments**; and
- (d) Easements and rights-of-ways.

11.4.3.6 The Committee of Adjustment will evaluate consent applications according to the following criteria:

- (a) Provincial legislation, policies and applicable guidelines;
- (b) **The physical layout of the proposed lots having regard to the Urban Design policies of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;**
- (c) **The continuation of an orderly development pattern;**
- (d) **Impact upon the comprehensive development of adjacent properties;**
- (e) The requirements or comments of Municipal departments and public agencies or authorities; and
- (f) Previous consents granted on the land holdings on or in the area.

### **Rania Toufeili – Transportation**

- The Official Plan classifies California Avenue as a Local Road with a required right-of-way width of 20 metres. A land conveyance of 2.4 metres would be required; however, not requested at this time.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the *Accessibility for Ontarians with Disabilities Act (AODA)*.
- Parking shall comply with zoning by-law 8600.

### **Patrick Winters – Engineering & ROW**

## APPENDIX G - Consultations

The subject lands are located at 987 and 1003 California Avenue, designated Residential on Schedule D by the City of Windsor Official Plan and zoned Residential District 1.3 (RD1.3) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 to permit the redevelopment of two residential properties and change the zoning to Residential District 2.2 (RD2.2). 987 California Avenue is currently vacant (former single detached dwelling was demolished in 2019) and 1003 California Avenue contains a one-storey, single detached dwelling that is proposed to be demolished. The applicant proposes to adjust the lot line to create two properties—each with a frontage of 19.03 metres (62.43 feet) and construct two, three storey townhome dwellings with three dwelling units on each property.

The site may be serviced by a 300mm PVC sanitary sewer and a 600mm vitrified clay storm sewer within the California Avenue road and right-of-way, respectively. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit site servicing drawings.

Schedule X of the Official Plan classifies California Avenue as a Local Road, requiring a right-of-way width of 20m. The current right-of-way is 15.2m; therefore, a land conveyance for 2.4m is required, but is not being requested. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. Permits will be required from this department should any work be required in the right-of-way.

The proposed alley access and rear yard parking is not supported, as the alley is gravel and does not receive snow removal services. If approved, the owner will be required to contribute to the alley maintenance fund in the amount of \$3,800.00 as per the 2022 User Fee Schedule and the parking area would need to be graded to drain away from the alley.

In summary we have no objection to the proposed rezoning, subject to the following requirements (Requirements can be enforced during Building and Right-of-Way permitting):

**Alley Contribution** – The owner agrees, prior to the issuance of a Building Permit, to contribute the sum of \$3,800.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.



**APPENDIX H – DRAFT AMENDING BY-LAW**

B Y - L A W N U M B E R                      -2022

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

Passed the                      day of                      , 2022.

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

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

1. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	4	Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D  (Roll No. 020-230-12500 and 020-230-12600; situated on the west side of California Avenue between Davis Street and Giradot Street)	-	RD1.3	RD2.2

2. By-law Number 8600 is further amended by amending subsection 1 of Section 20 to add the following paragraph:

**“450 WEST SIDE OF CALIFORNIA AVENUE, BETWEEN DAVIS STREET AND GIRADOT STREET**

1. For lands comprising Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D, for a *Townhome Dwelling* the following additional provisions shall apply:
  - a) Lot Width – minimum - 19.0 m

**APPENDIX H – DRAFT AMENDING BY-LAW**

- b) Side Yard Width – minimum - 1.23 m
- c) A flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, are prohibited.

[ZDM 4; ZNG/6484]”;

2. The said by-law is further amended by changing the Zoning District Map identified in Column 2 so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	4	Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D  (Roll No. 020-230-12500 and 020-230-12600; situated on the west side of California Avenue between Davis Street and Giradot Street)	-	S.20(1)450

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022  
 Second Reading - , 2022  
 Third Reading - , 2022

## APPENDIX H – DRAFT AMENDING BY-LAW

### SCHEDULE 2

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

To amend the zoning of lands located on the west side of California Ave between Davis Street and Giradot Street described as Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D (Roll No. 020-230-12500 and 020-230-12600), by changing from Residential District 1.3 (RD1.3) to a site-specific Residential District 2.2 (RD2.2) zoning district that permits the development of a townhome dwelling with reduced lot width and reduced side yard setback and a prohibition on a flat roof

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

# APPENDIX H – DRAFT AMENDING BY-LAW

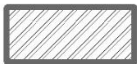


PART OF ZONING DISTRICT MAP 4

N.T.S.

## REZONING

Applicant: 1731952 Ontario Ltd.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2022  
FILE NO. : Z-024/21, ZNG/6484

5. Where possible, maintain the existing lot grading and the neighbourhood’s characteristic first floor height.
6. Avoid mixing historic architectural elements with other architectural style elements.
7. Contemporary designs may be considered provided they exhibit consistency with the massing and articulation guidelines in this section and are not located within a heritage context or adjacent to a heritage dwelling.

**2.3.2.2 Porches and Entry Features**

1. Ensure the main entrance faces the street, with the door in a prominent position. The front door should be clearly visible and approachable from the street.
2. Front porches are encouraged as features that increase the prominence of the front entrance.
3. Encourage weather protection elements at the main entrance and design to complement the overall design of the dwelling.

**2.4 Townhouse Development**

Townhouses in Windsor’s Stable and Mature Neighbourhoods are considered a popular choice for their ability to provide housing at greater densities than traditional single detached dwellings. In these neighbourhoods, the general appearance and placement of townhouses is characteristically different from the existing forms of development. Of special concern for townhouse development is the dominance of front facing garages.

The architectural character of new townhouse units has the potential to exert a greater impact on stable and mature neighbourhoods than that of single-detached or semi-detached dwelling units. Townhouse developments typically present a large unified extent of building face exposed to the street. Their massing characteristics could easily have an overwhelming effect that may be out of character with the neighbourhood.

The intent of these Guidelines is to translate the characteristics of more historic buildings found in the Stable and Matures Neighbourhoods to the townhouse form. The objectives of the Urban Design Guidelines with respect to townhouses are to:

- Ensure a form and character that is compatible with the dominant single detached housing in the neighbourhoods;
- Ensure that new developments do not impact adjacent residents due to, e.g., loss of privacy or sunlight;
- Ensure that the landscape treatment of the front yards contributes to sustaining the lush and green landscape character of the neighbourhood; and,
- Ensure that the street view is not dominated by garages.

Maximum 1.5 storeys difference between adjacent dwellings

Consistent height

Appropriate transition to lower dwellings



Illustration demonstrating the approach to height variation and transition between dwelling types.

## 2.4.1 Building Design

### 2.4.1.1 Massing & Elevation Articulation

1. Building mass should be compatible with buildings in the immediate vicinity of the development. Generally, the building foot print should not exceed 35% of the lot area. In addition, 40% of the lot area should be dedicated to landscaped open space exclusive of parking facilities and driveways.
2. Maintain the traditional range of building heights. Townhouses should not exceed three storeys. Consideration of height will depend on the height of housing in the immediate vicinity of the development.
3. Articulate the elevation of the townhouse block in a manner that provides variation between units with common characteristics that visually unites the block.
4. The main entrance should face the street, with the door in a prominent position. The front door should be clearly visible and approachable from the street.
5. For units flanking a window street, the main front door should be visible from, and oriented to, the exterior side elevation of the dwelling with access to the sidewalk. Ensure the entries are articulated through the use of entry features such as projecting porches facing the street.

6. The roofline should feature modulation of roof planes and use of dormer windows to avoid monotony.
7. Utilize variety in the design of roofs through the use of traditional gables and dormers, or more contemporary designs that include cantilevers and parapet details to break up the massing of units within a block. The main roof should appear as one roof where possible and reflect the architectural style of the unit block.

### 2.4.1.2 Porches and Entry Features

1. Front porches are encouraged as features that increase the prominence of the front entrance. The composition of wall elements should support the location and definition of the main entrance.
2. Housing in the Stable and Mature Neighbourhoods is characterized by front doors that have a direct relationship to the street grade. Avoid a finished floor elevation of the first floor and the front door at a second floor height up a full set of stairs.
3. The elevation of the front door should be no more than 1.5 m above grade.



Townhouse development in Walkerville neighbourhood.



**Subject: Rezoning – Mohammad Naserian & Sara Etemad-Rad - 940 Cousineau - Z-013/22 ZNG/6733 - Ward 1**

**Reference:**

Date to Council: July 4, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: June 3, 2022  
Clerk's File #: Z/14376

To: Mayor and Members of City Council

**Recommendation:**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478 (known municipally as 940 Cousineau Road; Roll No. 080-080-00200) situated on the north side of Cousineau Road, east of Casgrain Drive, by adding a site specific exception to Section 20(1) as follows:

**446. NORTH SIDE OF COUSINEAU ROAD, EAST OF CASGRAIN DRIVE**

For the lands comprising of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478, a *semi-detached dwelling* shall be an additional permitted use subject to the semi-detached dwelling provisions in Section 10.4.5.  
[ZDM 9; ZNG/6733]

**Executive Summary:**

N/A

**Background:****Application Information:**

**Location:** 940 Cousineau Road; Roll No. 080-080-00200  
Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478

**Ward:** 1      **Planning District:** 08 - Roseland      **Zoning District Map:** 9

**Applicant:** Mohammad Naserian & Sara Etemad-Rad

**Owner:** Mohammad Naserian & Sara Etemad-Rad

**Agent:** Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

**Proposal:**

The Applicant is proposing to demolish all existing buildings and construct three semi-detached dwellings, each with two dwelling units for a total of six dwelling units. The applicant proposes to sever the parcel into three lots, each lot having a minimum width of 15.08 m and a minimum area of 758.9 m<sup>2</sup>. The conceptual plan indicates a front yard setback of 6.10 m, a rear yard setback of 25.88 m, and a side yard setback of 1.25 m. Maximum lot coverage is 45%.

An amendment to Zoning By-law 8600 changing the zoning from Residential District 1.4 (RD1.4) to Residential District 2.1 (RD2.1) is being requested to allow the semi-detached dwelling development.

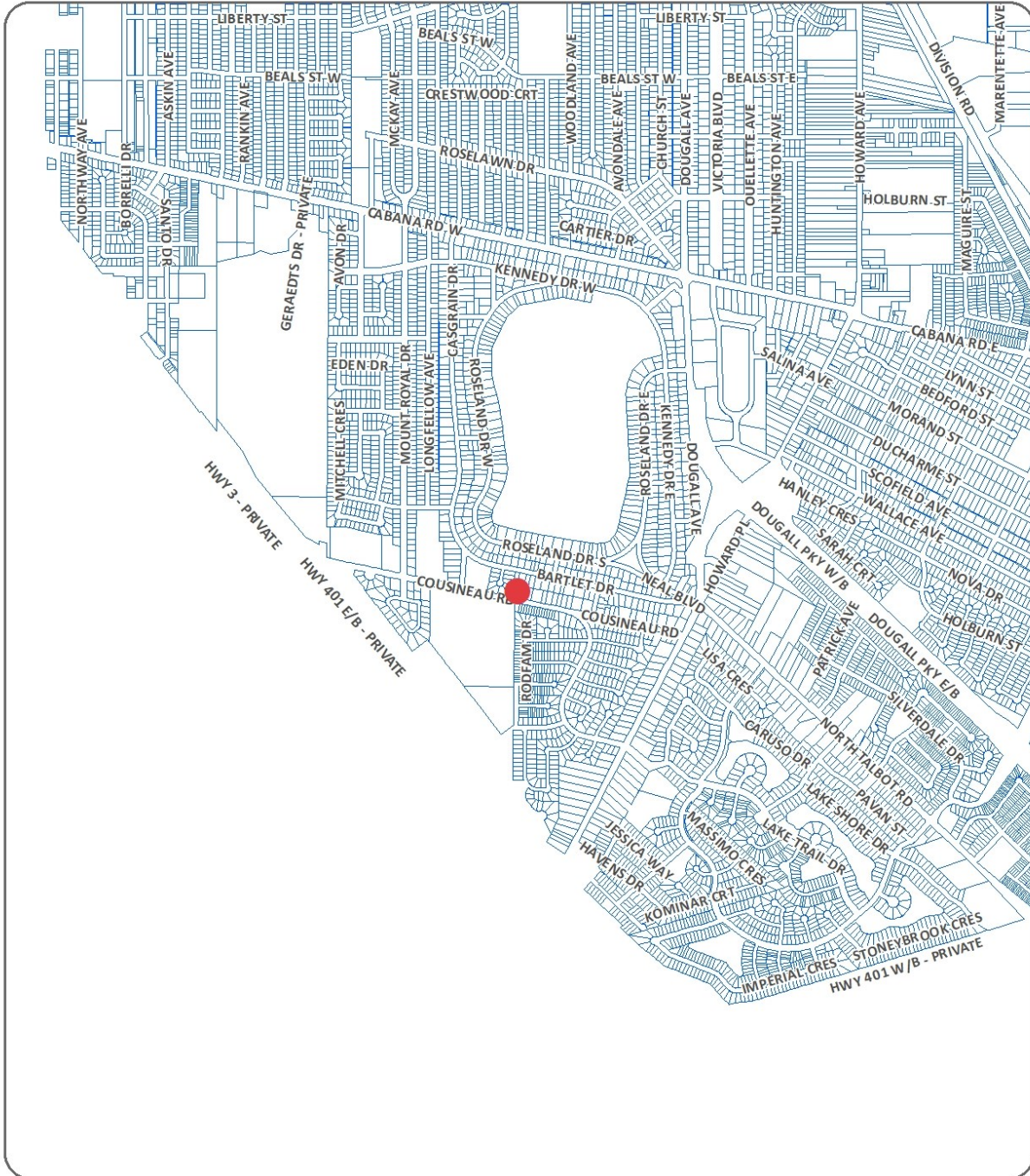
**Submissions:** Rezoning Application Form, Concept Plan, Plan of Survey, Severance Sketch, Tree Survey & Preservation Plan, Deeds

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.4 (RD1.4)	Single Unit Dwelling	N/A
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
45.26 m	50.29 m	2,276.2 sq. m	Rectangular
148.49 ft	164.99 ft	24,500.8 sq. ft.	
<i>All measurements are approximate and are for information purposes only.</i>			



Figure 1: Key Map

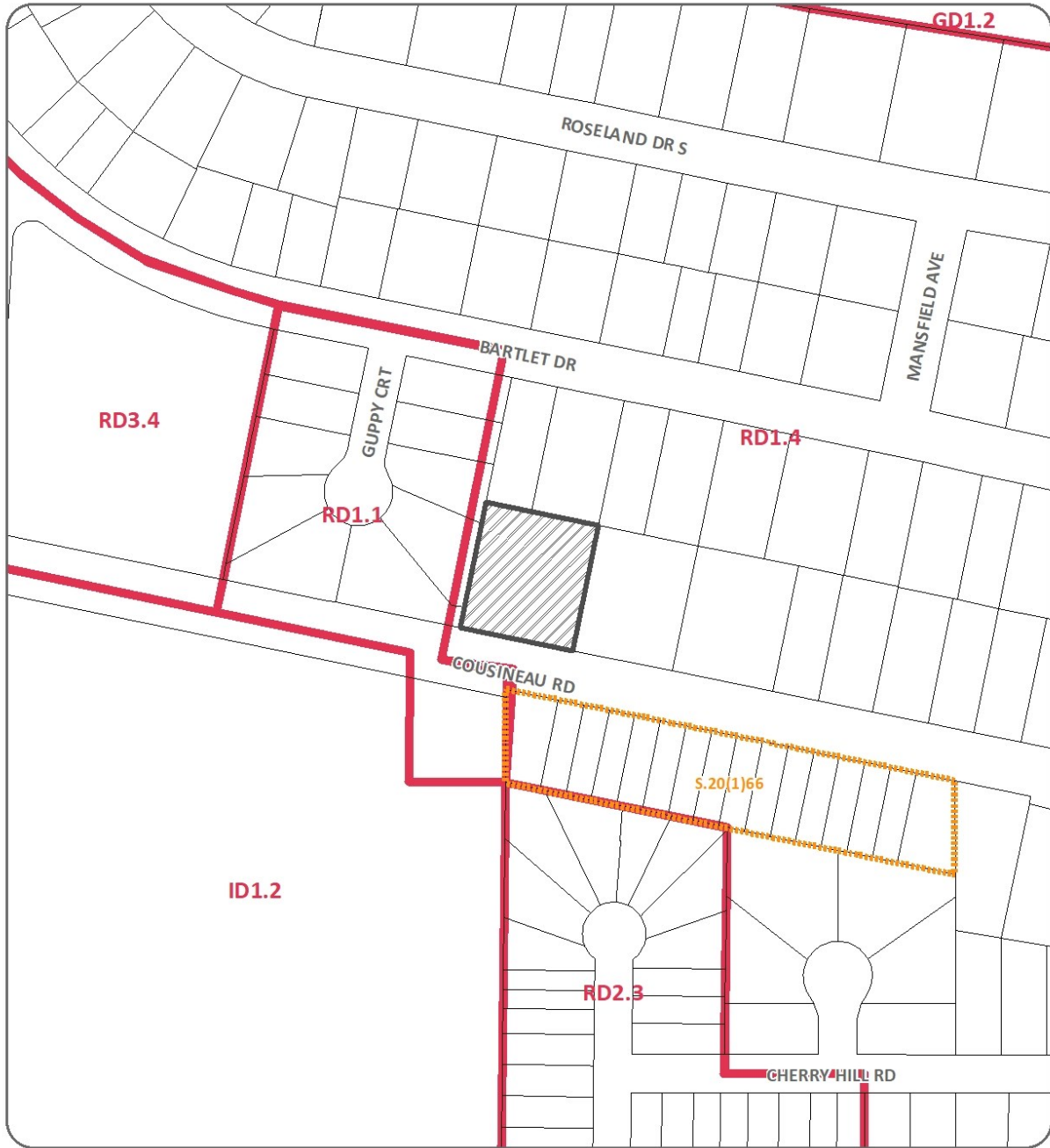


KEY MAP - Z-013/22, ZNG-6733



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

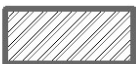


PART OF ZONING DISTRICT MAP 9

N.T.S.

## REZONING

Applicant: Mohammad Naserian & Sara Etemad-Rad



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : APRIL, 2022  
FILE NO. : Z-013/22, ZNG/6733

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-013/22, ZNG/6733



SUBJECT LANDS

## **Neighbourhood Characteristics:**

The subject parcel is located in a residential area consisting mostly of low density dwellings. See Appendix B for site images. To the north, are single unit dwellings. On the south side of Cousineau towards Country Club Drive are semi-detached dwellings. Further south, is a more recent development consisting of townhome, semi-detached and single unit dwellings. To the west, at Casgrain and Cousineau, is the former Ivor Chandler Public School site, with the school building redeveloped as a multiple dwelling and the school yard redeveloped as a small cul-de-sac (Guppy Court) consisting of 10 single-unit dwellings.

Commercial uses, including an outlet mall, restaurants, business and medical offices are located to the west at Sandwich West Parkway and Heritage Drive in the Town of Lasalle. A small neighbourhood commercial node is located at the southeast corner of Howard Avenue and Neal Blvd/North Talbot Road, about 820 m to the east.

There are several institutional uses in the area including Académie Ste-Cécile International School, a private school to the south, across from the subject lands, Our Lady of Mt Carmel Church and Our Lady of Mount Carmel Catholic Elementary School, about 540 m to the west at Mount Royal Drive and Cousineau Road, and St. Clair College is located over 1.3 km to the west at Talbot Road.

Nearby parks include Matthew Rodzik Park to the south and Veterans Memorial Park to the west. Roseland Golf and Curling Club is located to the north. The Herb Grey Parkway trail system is accessible at Herb Grey Parkway/Talbot Road and Cousineau Road.

Cousineau Road is a Class I Collector Road with two travel lanes with curbs on both sides, a large storm ditch on the north side and a sidewalk on the south side. Cousineau Road west of the subject parcel has two on-street bike lanes. The on-street bike lanes restart to the east where Cousineau curves into Country Club Drive. On-street parking on Cousineau Road is prohibited.

Transit Windsor operates the Dougall 6 bus route along Cousineau Road, which provides service between the Windsor International Transit Terminal and St. Clair College via Dougall Avenue with the nearest stops are just over 270 metres to the east and west from the subject lands. The Dominion 5 bus route is located just over 440 metres to the west at Mount Royal Drive and Cousineau, also provides service between the Transit Terminal and St. Clair College via Dominion Blvd. The Council-approved Transit Master Plan recommends maintaining similar transit service.

A sanitary sewer is available in the Cousineau Road right-of-way.

## **Discussion:**

### **Provincial Policy Statement, 2020**

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

Policy 1.1.1 of the PPS states:

*“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The semi-detached dwelling represents an efficient development that will have no adverse impact on the financial well-being of the City, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit. The zoning amendment is consistent with Policy 1.1.1.

Policy 1.1.3.1 of the PPS states:

*“Settlement areas shall be the focus of growth and development.”*

Policy 1.1.3.2 of the PPS states:

*“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The parcel is located within the settlement area. The zoning amendment promotes a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

## **Official Plan:**

The subject property is located within the Roseland Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The semi-detached dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation. The zoning amendment satisfies the objectives set out in Section 6.5.1 of the Official Plan.

The proposed semi-detached dwelling is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use in the Residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

## **Zoning By-Law:**

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

The applicant is requesting a change from Residential District 1.4 (RD1.4) to Residential District 2.1 (RD2.1) to allow the construction of a semi-detached dwelling. RD2.1 permits one semi-detached dwelling (two semi-detached dwelling units) on a lot with a minimum width of 15.0 m and a minimum area of 450.0 m<sup>2</sup>, with a minimum front yard depth of 6.0, a minimum rear yard depth of 7.50 m and a minimum side yard width of 1.80 m. The maximum building height is 10.0 m with a maximum lot coverage of 45%.

The RD1.4 zoning district has the same provisions for a semi-detached dwelling, however, it only permits an existing semi-detached dwelling. The RD2.1 zoning permits a single unit dwelling on a lot having a minimum width of 9 m and a duplex dwelling on a lot having a width of 12 m. In the surrounding area, single unit dwellings typically have a minimum lot width of 15 m or more and duplex dwellings are not common or typical. The semi-detached provisions in RD1.4 are appropriate for the development as proposed. Therefore, the Planning Department recommends that the RD1.4 zoning be maintained and that a site specific exception permitting a semi-detached dwelling as an additional permitted use.

A semi-detached dwelling is not subject to site plan control.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

In general, residential intensification minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

### **Climate Change Adaptation:**

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

### **Financial Matters:**

N/A

### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix D.

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

### **Planner's Opinion:**

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

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to rezone the subject parcel by adding a site specific exception to allow the proposed semi-detached dwelling is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan, and constitutes good planning.

### **Conclusion:**

Staff recommend that Zoning By-law 8600 be amended to permit a rezoning of the subject parcel by adding a site specific exception to permit a semi-detached dwelling as an additional permitted use.

### **Planning Act Matters:**

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

*Neil Robertson, MCIP, RPP*  
*Manager of Urban Design*

*Thom Hunt, MCIP, RPP*  
*City Planner*

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

*JP*                      *SAH*

**Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Acting Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Mohammad Naserian and Sara Etemad-Rad	6009 Silver Maple Rd., Windsor, ON N9H 1X7	mo_naserian@yahoo.com
Tracey Pillon-Abbs Pillon Abbs Inc.	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Francis		
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

- 1 Appendix A - Concept Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Extracts from Zoning By-law 8600
- 4 Appendix D - Comments
- 5 Appendix E - Tree Survey & Preservation Plan





**APPENDIX B - SITE IMAGES  
(Google Street View)**

**IMAGE 1**



**Subject Parcel – 940 Cousineau Road - Looking northwest**

**IMAGE 2**



**Looking southwest on Cousineau Road  
Academie Ste Cecile on left side  
Subject parcel (black driveway) on right side**

**IMAGE 3**



**Looking southeast from subject parcel**

**IMAGE 4**



**Looking east on Cousineau Road**

**APPENDIX C - Extracts from Zoning By-law 8600**

**SECTION 3 – DEFINITIONS**

**3.10 DEFINITIONS**

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

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

**SINGLE UNIT DWELLING** means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling, mobile home dwelling, semi-detached dwelling unit, or townhome dwelling unit*, is not a *single unit dwelling*.

**DWELLING UNIT** means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

**SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)**

**10.4 RESIDENTIAL DISTRICT 1.4 (RD1.4)**

**10.4.1 PERMITTED USES**

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

**10.4.5 PROVISIONS**

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	18.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	540.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.80 m

## SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

### 11.1 RESIDENTIAL DISTRICT 2.1 (RD2.1)

#### 11.1.1 PERMITTED USES

*One Duplex Dwelling*

*One Semi-Detached Dwelling*

*One Single Unit Dwelling*

Any use accessory to the preceding uses

#### 11.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	12.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

## COMMENTS

### **Enbridge – Ontario Lands**

Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, (formerly Union Gas Ltd.), does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the Attachment Centre at 1-866-772-1045.

### **Michael Coste – Windsor Fire**

No issues from Fire

### **Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (**Z-013/22**) to permit the demolition of the existing buildings on the subject, and permit the construction of three semi-detached dwellings, along with a rezoning to RD2.1 with separate lots, please note no objections. Please also note the following comments:

#### Zoning Provisions for Parking Setback:

The application is indicating that there are no requests for site-specific variances to the zoning bylaw for landscape areas or setbacks.

#### Climate Change and Tree Preservation:

The applicant has provided a Tree Inventory and Preservation Plan (TIPP) identifying large healthy trees as follows:

- Three in the northern half of Part 1,
  - Silver Maple with a DBH of 110cm (to be preserved)
  - Spruce with a DBH of 15cm (fair and could be removed)
  - Spruce with a DBH of 25cm (to be preserved)
- One Red Cedar in the southern half of Part 1 (multi-stemmed could be removed), and
- One Honey-locust with a DBH of 60cm in the northern half of Part 2 (to be preserved).

Aside from the one Spruce identified in Fair condition and the multi-stemmed Red Cedar, the other three trees identified as 1, 3, and 4 on the TIPP should be preserved as demonstrated in the detailed provided on the TIPP given the proposed concept plan provided by the applicant.

To ensure preservation and maintain the character of the neighbourhood with the current urban forest, it is recommended that the planner consider that the development be subject to Site Plan Control, which would require the necessary securities to retain these trees from harm before, during and after the construction of the proposed duplexes.

Preservation of the existing trees and the requirements for Site Plan Control will help to mitigate any climate change issues through landscaping requirements.

Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

**Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dougall 6. The closest existing bus stop to this property is located on Country Club at Cousineau. This bus stop is approximately 270 metres from this property falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

**Kristina Tang – Heritage Planner**

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Windsor Manager of Culture and Events:  
Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)  
Ontario Ministry of Heritage, Sport, Tourism and Culture Industries  
Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)  
Windsor Police: 911  
Ontario Ministry of Government & Consumer Services  
A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery  
Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

## **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-013-22 ZNG-6733. The Applicant is proposing to demolish all existing buildings and construct three semi-detached dwellings for a total of six dwelling units (two semi-detached dwelling units per semi-detached dwelling). The applicant proposes to sever the parcel into three lots, each lot having a minimum width of 15.08 m and a minimum area of 758.9 m<sup>2</sup>.

### DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Cahill Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The municipal drain typically has an unregistered working space, the municipality has the right to use to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

### WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance



provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management.

#### PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA advises that a stormwater management plan be completed to the satisfaction of the City of Windsor. The applicant must obtain a Section 28 Permit and/or Clearance from ERCA.

#### **Enwin**

**Hydro Engineering:** No objection provided adequate clearances are achieved and maintained. ENWIN has existing secondary conductor running along the south limit of the property and connected overhead to the property.

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

Also, we suggest referring to the Ontario Building Code for permanent required clearances for new Building Construction.

**Water Engineering:** Water Engineering has no objections to the rezoning.

#### **Shannon Deehan – Engineering & ROW**

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity

of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

"Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

MTO Corridor Management (MTO Requirement) - The owner will be required, prior to the issuance of a construction permit, to contact the Ministry of Transportation (MTO) Corridor Management Section at 1-800-265-6072 to obtain the necessary permits, clearances and/or approvals in accordance with the Public Transportation & Highway Improvement Act.

Driveway Approaches – The Owner further agrees:

1. To construct driveway approaches in such width and location as approved by the City Engineer;
2. To provide straight flare driveway approaches and to terminate the raised curbs at the property line, to the satisfaction of the City Engineer. Raised curbs shall not extend into the driveway approaches, outside the subject lands.
3. Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.

Drainage Report – The Cahill Drain is a regulated municipal drain under the Drainage Act. The construction of driveway approaches across the Drain must be completed in accordance with the process identified by the Act. Design shall be completed through a Drainage Report undertaken by a qualified Drainage Engineer retained at the applicant's expense. Both selection of the engineer and adoption of the report are subject to City Council approval.

ERCA Requirements – The owner(s) further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval by the City Engineer. If

applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

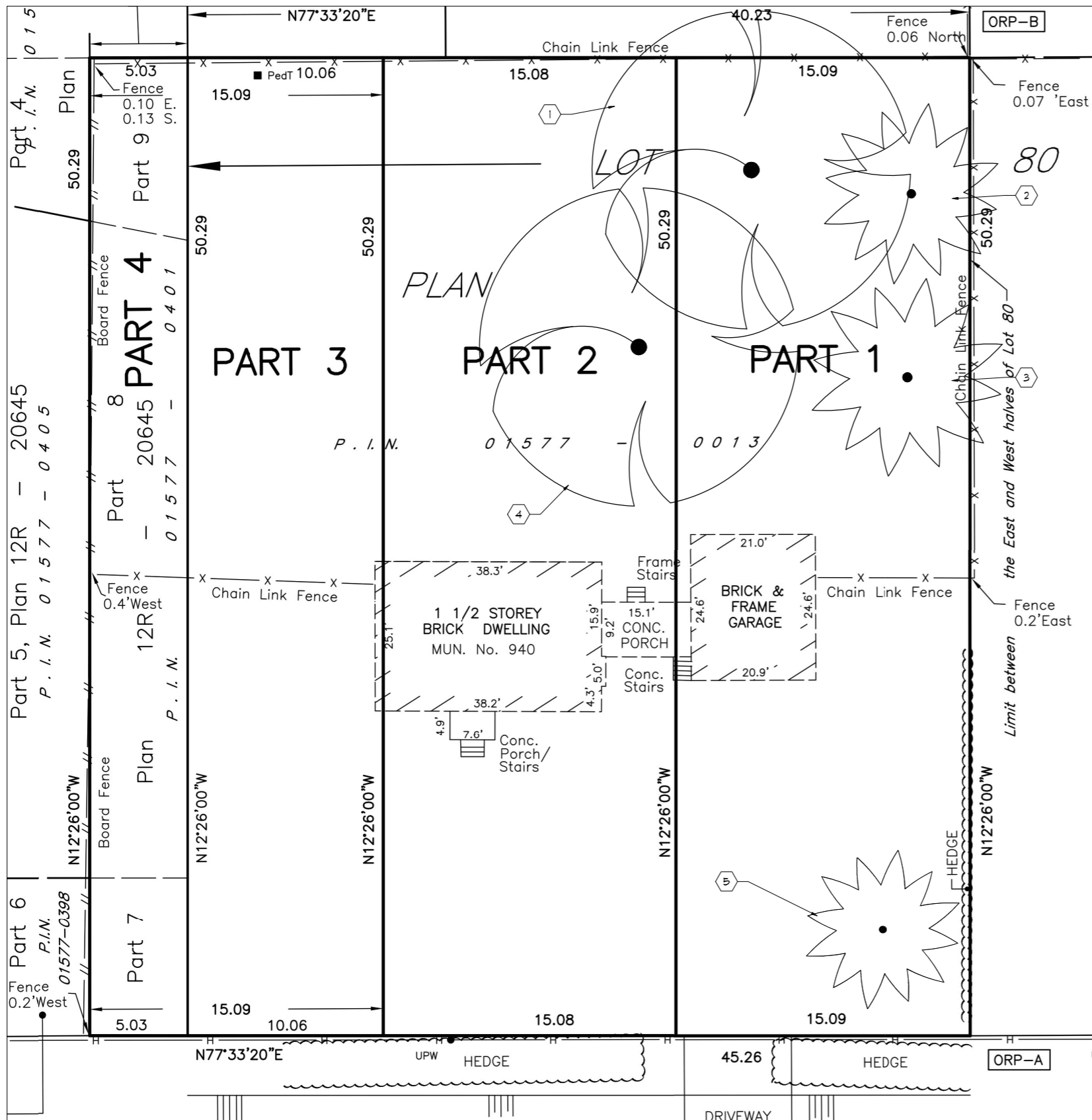
Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

1. To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
2. Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
3. Any new Connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

Site Servicing Plans – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

### **Rania Toufeili – Transportation Planning**

- Cousineau Road is classified as a Class I Collector with a required right-of-way width of 26 meters per Schedule X of the Official Plan. The existing right-of-way width is insufficient, however a conveyance is not required on the north side of the roadway were this property exists.
- Parking supply must meet Zoning By-Law 8600 requirements.
- This property is in the MTO Permit Control Area. MTO should be consulted for their requirements at this location.
- Driveways must comply with and be constructed to City Standards. Detailed drawings are required to review the proposed accesses to the dwellings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).



**EXISTING TREE INVENTORY AND PRESERVATION PLAN**

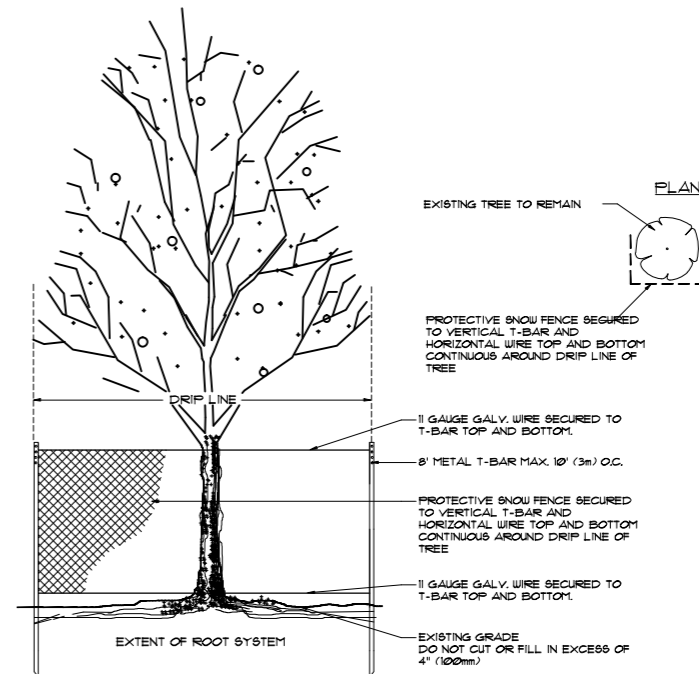
ORIGINAL SHEET SIZE: 24" x 36" SCALE 1:300



Existing Tree List and Condition					
TREE NO.	BOTANICAL NAME	COMMON NAME	SIZE (cm-dbm)	CONDITION	REMARKS
1	ACER SACCHARINUM	SILVER MAPLE	110	GOOD	
2	PICEA PUNGENS	SPRUCE	15	FAIR	
3	PICEA PUNGENS	SPRUCE	25	GOOD	
4	GLEDISIA TRIACANTHOS INERMIS	HONEY-LOCUST	60	GOOD	
5	JUNIPER VIRGINIANA	RED CEDAR	2@20, 1@7.5	GOOD	

**Notes**

- The location of the existing trees was provided by the Owner.
- 10 Coniferous trees in poor condition have been removed from the front yard and side yards.
- Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.



**Existing Tree Protection**

NT6

**BP**  
Bezaire Partners  
Planners, Landscape Architects,  
Mediation, Public Consultation,  
Project Management  
302-180 Eugenie St. West  
Windsor, ON N8X 2X6  
p: 519 966 6844  
gbezaire@bezaire.ca

SEAL:  
  
MEMBER  
03/18/22

ISSUED:

REVISIONS:

All drawings, specifications and other related documents are the copyright property of the CONSULTANT and shall be returned upon request. Reproduction of drawings and related documents, in whole or in part, is forbidden without the written permission of the CONSULTANT. The contractor shall check and verify all pertinent dimensions and report any discrepancies to the CONSULTANT before proceeding with the work.

PROJECT:  
MULTI-UNIT  
RESIDENTIAL  
940 COUSINEAU RD.  
WINDSOR, ONTARIO

DRAWING TITLE:  
EXISTING TREE  
SURVEY &  
PRESERVATION  
PLAN

SCALE:  
As Noted

DRAWN BY:  
GDB

CHECKED BY:  
FLB

APPROVED BY:

DATE: MARCH 2022

DRAWING NO:  
**LA-1**  
CAD file: 1533 TIPP



**Subject: Rezoning – City of Windsor - 542 Dougall Avenue – Z-042/21 - Ward 3**

**Reference:**

Date to Council: July 4, 2022  
Author: Frank Garardo, MCIP, RPP  
Senior Planner  
519-255-6543 x6446  
fgarardo@citywindsor.ca

Planning & Building Services  
Report Date: May 30, 2022  
Clerk's File #: Z/14280

To: Mayor and Members of City Council

**Recommendation:**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 5 Plan 82, (known municipally as 542 Dougall Avenue) Roll No. 040-070-00800;[PIN 01193-0164(LT)], situated on the east side of Dougall Avenue, (north of Wyandotte Street West) by adding a site specific exception to Section 20(1) as follows:

**XX. EAST SIDE OF DOUGALL AVENUE, NORTH OF WYANDOTTE STREET WEST**

For the lands comprising of Lot 5, Registered Plan 82, a single unit dwelling shall be an additional permitted use, and the following additional provisions shall apply

- |                              |                      |
|------------------------------|----------------------|
| a) Lot Width – minimum       | 9.0 m                |
| b) Lot Area – minimum        | 250.0 m <sup>2</sup> |
| c) Lot Coverage – maximum    | 45.0%                |
| d) Side Yard Width – minimum | 1.20 m               |

[ZDM 3; ZNG/6625]

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 542 Dougall Avenue; PLAN 82 LOT 5  
 (East side of Dougall Avenue, North of Wyandotte Street West)  
 (Roll No. 040-070-00800)

**Ward:** 3      **Planning District:** 3 – City Centre      **Zoning District Map:** 3

**Applicant:** City of Windsor

**Owner:** City of Windsor

**Agent:** N/A

**Proposal:**

The City of Windsor owns a vacant residential parcel of land located on the east side of Dougall Avenue, between 532 and 548 Dougall Avenue as shown on the aerial diagram attached as Appendix A.

The Subject Parcel is zoned RD3.1 which permits a double duplex dwelling, duplex dwelling, lodging house, multiple dwelling, religious residents, residential care facility, semi-detached dwelling, single unit dwelling (existing), and townhome dwelling. The Subject Parcel does not meet the minimum frontage and lot area requirements for any of the permitted uses set out in Zoning By-law 8600. As such the Subject Parcel is not viable, but could potentially be made viable through a site specific zoning by-law amendment.

The proposed zoning by-law amendment would maintain the existing zoning RD3.1 and add site specific provisions to permit a single unit dwelling on a lot with existing deficiencies (lot width, lot area, lot coverage). The vacant lot is slightly undersized with a lot width of 9.14m, lot depth of 27.43 m and a lot area of 250.84 square metres. The proposed site specific zoning would permit a single unit dwelling and address the minimum lot frontage, side yard setbacks, lot coverage, and lot area requirements. As per City’s records, a single unit dwelling was located on the site and demolished in 2008.

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use	Residential District 3.1 (RD3.1)	vacant	Single unit dwelling – prior to 2008
LOT WIDTH	AVERAGE LOT DEPTH	LOT AREA	LOT SHAPE
9.14 m	27.43 m	250.84 sq. m	Rectangular
29.98 ft	89.99 ft	2,700 sq. ft	
<i>Metric measurements are provided by applicant and are approximate.</i>			

Figure 1: Key Map



KEY MAP - Z-042/21, ZNG-6625



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 3

## SCHEDULE 2

Applicant: City of Windsor



**SUBJECT LANDS**

PLANNING & BUILDING DEPARTMENT

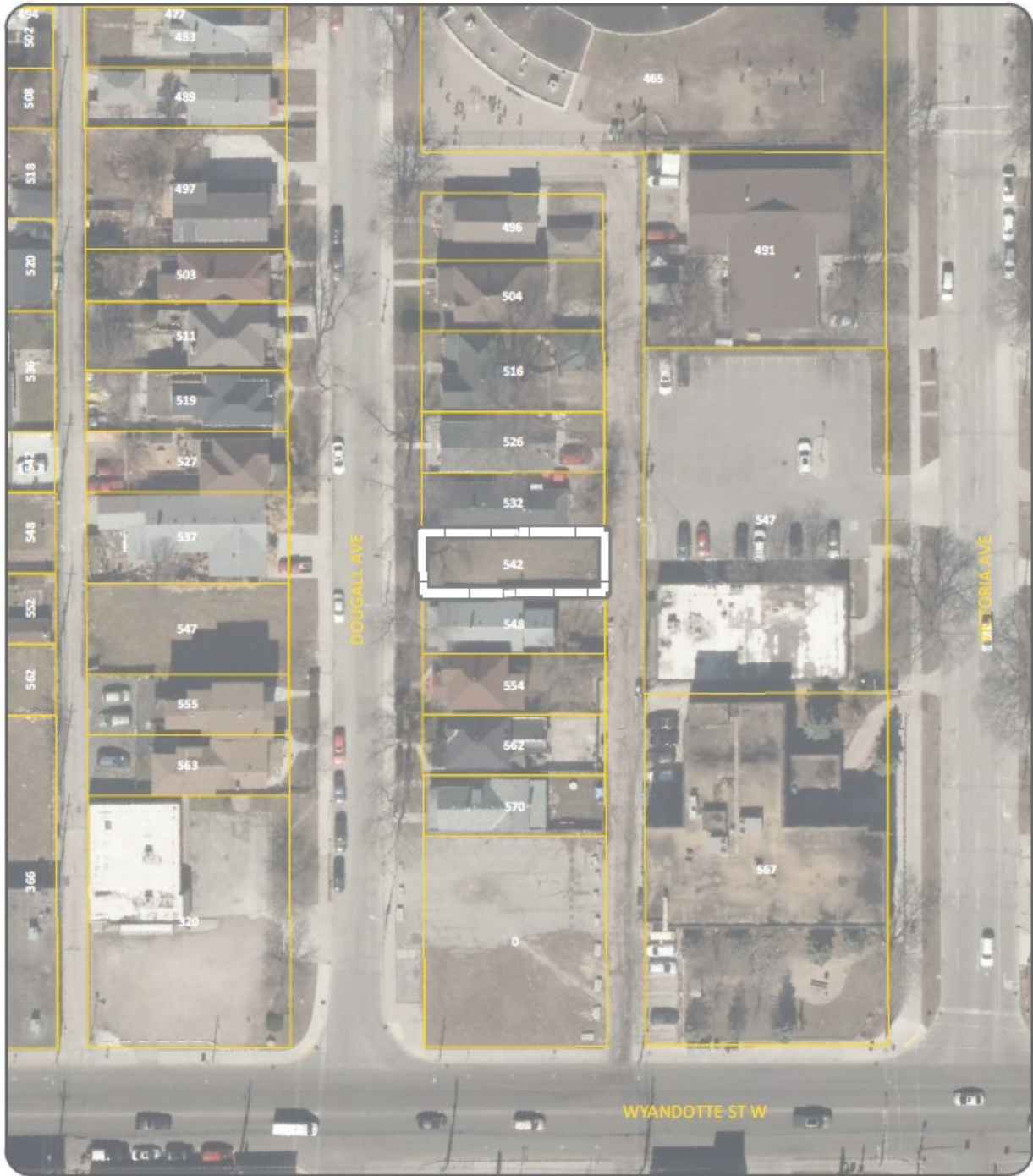
N.T.S.



DATE : MAY, 2022  
FILE NO. : Z-042/21, ZNG/6625



Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-042/21, ZNG/6625



SUBJECT LANDS

## **Neighbourhood Characteristics:**

The subject parcel is located in the City Centre planning district and within a residential area consisting of low profile dwellings. The adjacent properties consist of low profile residential dwellings on similar sized lot areas.

The subject site consisted of a single unit dwelling which was demolished in 2008. The subject property is located adjacent to other single unit dwelling properties on the Windsor Municipal Heritage Register (526, 532, 548 Dougall). The proposed zoning amendment to permit a single unit dwelling would fit with the context of the adjacent parcels. See Appendix B for site images.

Further to the South is Wyandotte Street West which provides mixed uses and access to transit. Further to the North is medium profile residential, institutional land uses (Immaculate Conception Catholic Elementary School) and mixed land uses on University Avenue West.

This segment of Dougall Avenue is classified as a local road, has sidewalks on both sides of the street. Wyandotte Street West is classified a Class II Arterial Road and a proposed Bikeway on Schedule F: Roads and Bikeways of the City of Windsor Official Plan.

The closest existing transit route is with the Crosstown 2. The closest existing bus stop to this property is located on Wyandotte at Victoria Northwest Corner. This bus stop is approximately 110 metres from this property falling within our 400 metre walking distance guidelines to a bus stop. This will be maintained with our Council approved Transit Master Plan.

Storm and sanitary sewers are in the Dougall Avenue right-of-way. No municipal infrastructure or service deficiencies have been identified.

## **Discussion:**

### **Provincial Policy Statement, 2020**

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

Policy 1.1.1 of the PPS states:

*“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The proposed zoning amendment represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, accommodates an opportunity for infill of residential uses, and optimizes investments in transit. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states:

*“Settlement areas shall be the focus of growth and development.”*

Policy 1.1.3.2 of the PPS states:

*“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

Policy 1.1.3.3 of the PPS states:

*“Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”*

The subject parcel is located within the settlement area. The proposed zoning amendment accommodates for infill development, promotes land uses that make efficient use of land and existing infrastructure. Active transportation options and transit services are located adjacent and near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1, 1.1.3.2, and 1.1.3.3.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

## **Official Plan**

Relevant excerpts from the Official Plan are attached as Appendix C. The subject property is located within the City Centre Planning District and designated mixed use area on Schedule E: Land Use of the City of Windsor Official Plan. The permitted uses in the mixed use area include residential land uses.

Section 6.11 of the Official Plan promotes The City Centre Planning District as a special position within Windsor. *“As the focus of major economic, social and cultural activities, the City Centre is the heart of Windsor. In addition, its function as an international*

*gateway contributes to the City Centre's role as a welcoming arrival point for visitors. To ensure that the City Centre prospers, Council will manage development to promote a diverse mixture of businesses, cultural venues, major government offices, **residential neighbourhoods** and entertainment venues”.*

*Objective 6.11.1.2 supports fostering a livable residential neighbourhoods close to employment, shopping and entertainment opportunities.*

Objective 6.11.4.1 supports a complementary range of retail and service commercial establishments, offices, culture, and residential uses.

Objective 6.11.4.2 seeks to promote new development which is compatible with the surrounding area in terms of scale, massing, height, siting, setbacks, parking and landscaped areas.

The proposed zoning amendment on the subject parcel would be compatible with the immediate surroundings, will continue to foster a livable residential neighbourhood, and provide an appropriate selective residential redevelopment, infill, and intensification initiative.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. Section 6.3.1.4 Maintenance and Rehabilitation recommends that the existing housing stock is maintained and rehabilitated.

Objective 7.3.3.1 Council shall encourage the development of existing serviced, underutilized or undeveloped lands within Windsor prior to the extension of municipally owned and/or operated infrastructure to vacant areas within Windsor.

The proposed zoning amendment to permit additional single unit dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of existing services, and transportation. The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

### **Zoning By-Law:**

The Zoning Bylaw 8600 designates the zoning for the subject property as ‘Residential District 3.1 (RD 3.1). Relevant excerpts from Zoning By-law 8600 are attached as Appendix D.

The applicant is requesting a change from Residential District 3.1 (RD3.1) to Residential District 3.1(RD3.1) with a site specific exception to permit a single unit dwelling with site specific provisions for lot width, lot area, lot coverage, and side yard setbacks.

RD3.1 permits only existing single unit residences, and permits other types of dwellings on a lot with a minimum width of 18 m and a minimum area of 540 square meters. Available municipal records indicate that the subject parcel has been used for a single unit dwelling prior to 2008.

Given that the existing lot is undersized and the adjacent land uses and characteristics of the street are comprised of low profile dwellings, staff prefer using a site exception by allowing a single unit dwelling on an existing lot.

The proposed site specific RD3.1 would permit a single unit dwelling on a lot with a lot width of 9.14 m and a lot area of 250.84 square meters with provisions for a side yard setback of 1.2 metres and a maximum of lot coverage of 45 % (forty-five percent). The proposed provisions would result in a building envelope that is compatible with adjacent dwellings.

The proposed zoning provisions will have no adverse impact on the proposed development or on surrounding uses, and development on the site will have to comply with all other provisions for yard setbacks and required parking. Staff recommend a minimum lot width of 9.0 m and a minimum lot area of 250 m<sup>2</sup> to avoid any rounding, measurement, or calculation issues

### **Site Plan Control**

The proposed zoning amendment to permit a single unit dwelling is not subject to site plan control.

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

In general, residential infill will minimize the impacts on the community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

#### **Climate Change Adaptation:**

The proposed construction of a single unit dwelling will provide an opportunity to increase resiliency for the development and surrounding area.

### **Financial Matters:**

N/A

### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E.

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

**Conclusion:**

**Planner’s Opinion:**

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

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to rezone the subject parcel by adding a site specific exception to permit a single unit dwelling subject to the additional provisions listed, is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan and constitutes good planning.

Staff recommend that Zoning By-law 8600 be amended to permit a rezoning of the subject parcel by adding a site specific exception to permit a single unit dwelling on the subject lands.

**Planning Act Matters:**

Frank Garardo, MCIP, RPP

Senior Planner

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

*Michael Cooke, MCIP, RPP*

*Thom Hunt, MCIP, RPP*

*Manager of Planning Policy*

*City Planner*

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

*JP SAH*

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Acting Chief Administration Officer

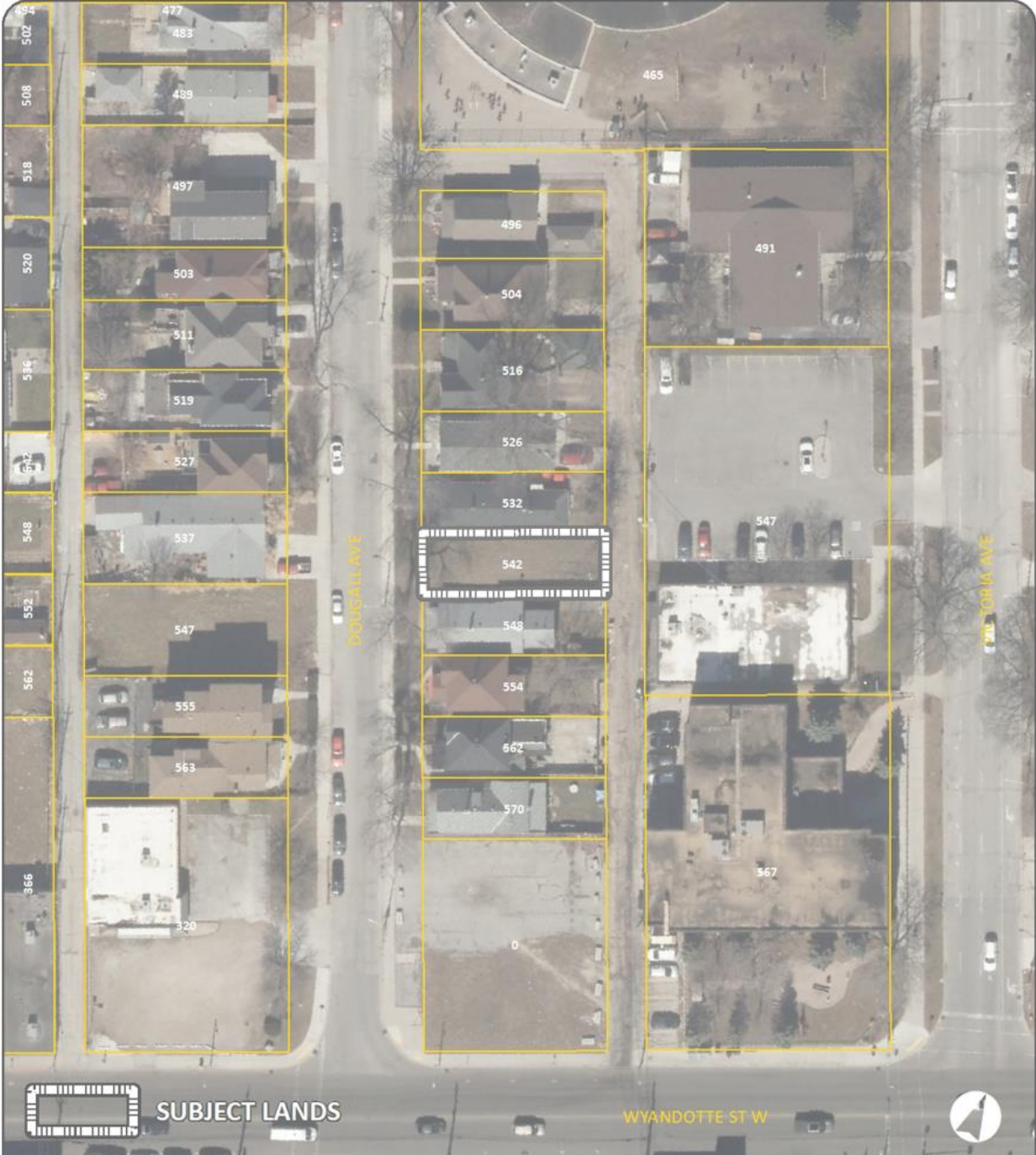
**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

- 1 Appendix A- Site Location
- 2 Appendix B- Site images
- 3 Appendix C- Extracts from Official Plan
- 4 Appendix D- Extracts from Zoning By-law 8600
- 5 Appendix E- Liason Comments
- 6 Appendix F- Amending By-law

Appendix A- Site Location





## Appendix B- Site Images

Subject Parcel – Vacant Lot- Looking East



Looking South on Dougall Avenue

- Subject Parcel is on the left side of the image



Looking North on Dougall Avenue

- Subject Parcel is on the right side



\*Google images

## APPENDIX C - Extracts from City of Windsor Official Plan

### VOLUME I – LAND USE

#### 6.11 City Centre Planning District

The City Centre Planning District has a special position within Windsor. As the focus of major economic, social and cultural activities, the City Centre is the heart of Windsor. In addition, its function as an international gateway contributes to the City Centre's role as a welcoming arrival point for visitors. To ensure that the City Centre prospers, Council will manage development to promote a diverse mixture of businesses, cultural venues, major government offices, residential neighbourhoods and entertainment venues.

This section of the Official Plan provides objectives and policies provide for the land use designations identified on Schedule E: City Centre Planning District and should be read in conjunction with the other parts of this Plan.

##### 6.11.1 Objectives

- |                                       |          |  |
|---------------------------------------|----------|--|
| <i>CONCENTRATION<br/>OF USES</i>      | 6.11.1.1 | To encourage a concentration of government institutions, entertainment and retail uses, cultural venues, residences, business headquarters and related offices in the City Centre. |
| <i>RESIDENTIAL<br/>NEIGHBOURHOODS</i> | 6.11.1.2 | To foster livable residential neighbourhoods close to employment, shopping and entertainment opportunities.  |

##### 6.11.4 Mixed Use Policies

- |                           |          |   |
|---------------------------|----------|---|
| <i>PERMITTED<br/>USES</i> | 6.11.4.1 | Uses permitted in the Mixed Use land use designation identified on Schedule E: City Centre Planning District include: <ul style="list-style-type: none"><li>(a) in the areas also designated Medium Profile Area retail and service commercial establishments, offices, culture, entertainment and open space uses, and residential uses; and</li></ul> |
|---------------------------|----------|---|

- (b) in the areas also designated High or Very High Profile Area retail and service commercial establishments, offices, cultural, entertainment and open space uses, and residential uses, exclusive of small scale Low Profile housing development as defined in policy 6.3.2.3(a).

*EVALUATION*    6.11.4.2  
*CRITERIA*

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development within the City Centre Planning District is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) within a site of potential or known contamination;
  - (iii) where traffic generation and distribution is a provincial or municipal concern; and
  - (iv) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services;
- (d) provided with adequate off street parking;
- (e) compatible with the surrounding area in terms of scale, massing, height, siting, setbacks, parking and landscaped areas; and
- (f) provided with residential uses above-grade, where appropriate.

### 7.3.3 Infrastructure Provision Policies

<i>INFILLING GIVEN PRIORITY</i>	7.3.3.1	Council shall encourage the development of existing serviced, underutilized or undeveloped lands within Windsor prior to the extension of municipally owned and/or operated infrastructure to vacant areas within Windsor.
---	---------	--

## VOLUME I – TOOLS

### 11.6.3 Zoning By-law Amendment Policies

<i>AMENDMENTS MUST CONFORM</i>	11.6.3. 1	All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.
<i>EVALUATION CRITERIA</i>	11.6.3. 3	<p>When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:</p> <ul style="list-style-type: none"><li>(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans &amp; Special Policy Areas and other relevant standards and guidelines;</li><li>(b) Relevant support studies;</li><li>(c) The comments and recommendations from municipal staff and circularized agencies;</li><li>(d) Relevant provincial legislation, policies and appropriate guidelines; and</li><li>(e) The ramifications of the decision on the use of adjacent or similar lands.</li></ul>

## APPENDIX D - Extracts from Zoning By-law 8600

### SECTION 3 – DEFINITIONS

#### 3.10 DEFINITIONS

**BUILDING** means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

**SINGLE UNIT DWELLING** means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling, mobile home dwelling, semi-detached dwelling unit, or townhome dwelling unit*, is not a *single unit dwelling*.

**DWELLING UNIT** means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

### SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

#### 12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

##### 12.1.1 PERMITTED USES

*Double Duplex Dwelling*

*Duplex Dwelling*

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

Any use accessory to the preceding uses

*Residential Care Facility*

*Semi-Detached Dwelling*

*Single Unit Dwelling (Existing)*

*Townhome Dwelling*

##### 12.1.5 PROVISIONS

.1 Lot Frontage – minimum 18.0 m

.2 Lot Area – minimum

For a corner lot having a minimum frontage of

30.0 m on each of the exterior lot lines:

a) For the first 5 dwelling units 540.0 m<sup>2</sup>

b) For each additional dwelling unit 67.0 m<sup>2</sup> per unit

- For any other lot:
- |                                      |                              |
|--------------------------------------|------------------------------|
| c) For the first 4 dwelling units    | 540.0 m <sup>2</sup>         |
| d) For each additional dwelling unit | 85.0 m <sup>2</sup> per unit |
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
- |              |        |
|--------------|--------|
| Corner Lot   | 14.0 m |
| Interior Lot | 10.0 m |
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
- |   |       |
|---|-------|
| a) Where a habitable room window of any dwelling unit faces a side lot line | 6.0 m |
| b) Any other side yard  | 3.0 m |
- .8 Landscaped Open Space Yard – minimum 35.0% of lot area
- .50 A Lodging House for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the Single Unit Dwelling provisions of Section 10.1.5 and further, the whole of the building shall be used for a Lodging House, including any accessory use. [ZNG/5630]  
(AMENDED by B/L 95-2019, Sept. 27/2019)
- .55 A Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling having a maximum of 4 dwelling units, Semi-Detached Dwelling or Townhome Dwelling, or an addition to an existing Single Unit Dwelling, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

## COMMENTS

### **Anne Marie Albidone - Environmental Services**

No concerns

### **Jose Mejalli – Assessment Management Officer**

No objection to the site specific exemption to permit a single family dwelling.

### **Michael Coste – Windsor Fire**

No issues

### **Jennifer Nantais – Environmental & Sustainability Coordinator**

The Environmental Sustainability & Climate Change team have no comments to add to this application.

### **Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route is with the Crosstown 2. The closest existing bus stop to this property is located on Wyandotte at Victoria Northwest Corner. This bus stop is approximately 110 metres from this property falling within our 400 metre walking distance guidelines to a bus stop. This will be maintained with our Council approved Transit Master Plan.

### **Sherif Barsom – Parks D&D**

Please note that Parks Development has no comments pertaining the LIAISON: Z-042/21 [ZNG/6625]

### **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-042-21 ZNG 6625. The applicant proposes a site-specific exemption to the zoning by-law, to permit a single unit dwelling on the subject land. The RD3.1 zoning permits existing single unit dwelling. The subject land is vacant rectangular parcel with a lot width of 9.14 meter, lot depth of 27.43 meter and lot area of 250.84 meter square.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT



The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

#### WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-law amendment.

#### **Barbara Rusan – Building**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

### **Stefan Fediuk**

No Objections to the proposed re-zoning from a landscape architectural or urban design perspective.

### **Rania Toufeili – Transportation**

- Dougall Avenue is classified as a local road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyances are required.
- Parking must comply with zoning by-law 8600.
- Proper accesses and driveway permits per Engineering Right-of-Way requirements must be met.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

### **Kristina Tang – Heritage Planner**

The subject property is located adjacent to properties on the Windsor Municipal Heritage Register (526, 532, 548 Dougall). New development is to be respectful as an infill to adjacent heritage properties. The proposed single unit dwelling would fit with the context of the adjacent low profile heritage buildings.

The following is recommended for the new build:

- New construction shall be designed to be compatible with the existing houses in terms of scale, massing, height, setback, colour, and quality of design.
- The goal is to preserve the existing environment on the street and ensure new development blends with and does not visually overwhelm neighbouring buildings.
- Do not design new buildings to mimic adjacent built heritage resources in older built up areas; instead, create sympathetic design treatments using a common architectural vocabulary.
- Use a height-to-width ratio for new buildings that is similar to existing buildings on blocks with built heritage resources.
- Consider compatibility of roof types in the existing neighbourhood.
- Align porch eaves, roof pitch and roof lines and other features to be similar with adjacent structures
- New windows placements should reflect common patterns and styles of other buildings in the area in terms of size, shape, proportion, numbers, placements and rhythms

- Use traditional materials and colours that represent the texture and palette of the Heritage Area/Neighbourhood. If using contemporary materials, they should be compatible with historic roof materials in quality, visual impact, texture, and relationship to architectural style.
- Use colour selection from Heritage colour palettes

The following resources are recommended:

Standards and Guidelines for Conservation of Historic Places in Canada

<https://www.historicplaces.ca/en/pages/standards-normes.aspx>

Region of Waterloo on Infill- New Construction in Heritage Neighbourhoods

<https://www.regionofwaterloo.ca/en/exploring-the-region/resources/Documents/PracticalGuideInfill-access.pdf>

National Park Services Preservation Briefs- Exterior Additions

<https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>

Well-Preserved: Visual Harmony and Good Fit

<https://www.heritagetrust.on.ca/en/index.php/pages/publications/well-preserved>

## **Enwin**

**Hydro Engineering:** No objection provided adequate clearances are achieved and maintained. ENWIN has existing primary secondary conductor running along the east limit of the property.

Be advised of communication cables hanging over the corner of the back property.

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

Also, we suggest referring to the Ontario Building Code for permanent required clearances for new Building Construction.

**Water Engineering:** Water Engineering has no objections to the rezoning.

## **Patrick Winters – Engineering & ROW**

The subject lands are located at 542 Dougall Ave, zoned Residential District 3.1 (RD3.3) by Zoning By-Law 8600. The Applicant is requesting a site specific exemption to the zoning by-law to permit a single unit dwelling on the subjected land.

The site may be serviced by a 1050mm x 1450mm brick combined sewer located within the Dougall Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. Boulevard to be restored to the satisfaction of the City Engineer.

Dougall Avenue is classified as a local road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyances are required. All accesses shall be constructed as per BP 2.2.1. If access from the existing paved alley at the rear of the property is being proposed for use alley contribution will be required.

In summary, we have no objections to the proposed site specific exemption to the rezoning by-law provided the following conditions are meant;

Street Opening Permits – The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

Alley Contribution – The owner agrees, prior to the issuance of a Building Permit, to contribute \$250 per linear meter payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

### **Windsor Mapping – Enbridge**

After reviewing the provided drawing at the proposed 542 Dougall Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.



Please Note:

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

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

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



**SCHEDULE 2**

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

To amend the zoning of Lot 5 Registered Plan 82, (known municipally as 542 Dougall Avenue; Roll No. 040070-00800; PIN 01193-0164, situated on the east side of Dougall Avenue, north of Wyandotte Street West) by adding a site specific exception to Section 20(1) to allow a single unit dwelling as an additional permitted use subject to the provisions in the site specific exception.

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

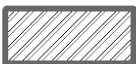


PART OF ZONING DISTRICT MAP 3

N.T.S.

**SCHEDULE 2**

Applicant: City of Windsor



**SUBJECT LANDS**

PLANNING & BUILDING DEPARTMENT

DATE : MAY, 2022  
FILE NO. : Z-042/21, ZNG/6625

**Subject: Zoning By-law Amendment Application for 2601 Lauzon Parkway, S/W CNR of Lauzon Parkway and Enterprise Way; Applicant: JBM Capital Inc.; File No. Z-005/22, ZNG/6660; Ward 8**

**Reference:**

Date to Council: July 4, 2022  
Author: Justina Nwaesei, MCIP, RPP  
Planner III - Subdivisions  
519-255-6543, ext. 6165  
jnwaesei@citywindsor.ca

Planning & Building Services  
Report Date: June 8, 2022  
Clerk's File #: Z/14313

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the east side of Enterprise Way, north of Hawthorne Drive, described as Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242, from Commercial District 3.3 (CD3.3) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provisions:

**“448. East side of Enterprise Way, north of Hawthorne Drive**

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 3 and Part 4 on Reference Plan 12R27242,

1. Section 20(1)97(i) shall not apply to a *multiple dwelling*; and
2. The following additional provision shall apply to a *multiple dwelling*:
  - a) Front Yard Depth - minimum - 6 metres[ZDM 15; ZNG/6660]”;

- II. THAT Transportation Impact Statement and Servicing Study **BE SUBMITTED** by the applicant, along with any other required support studies, at Site Plan Control; and
- III. THAT Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and site plan agreement for the proposed development on the subject land:



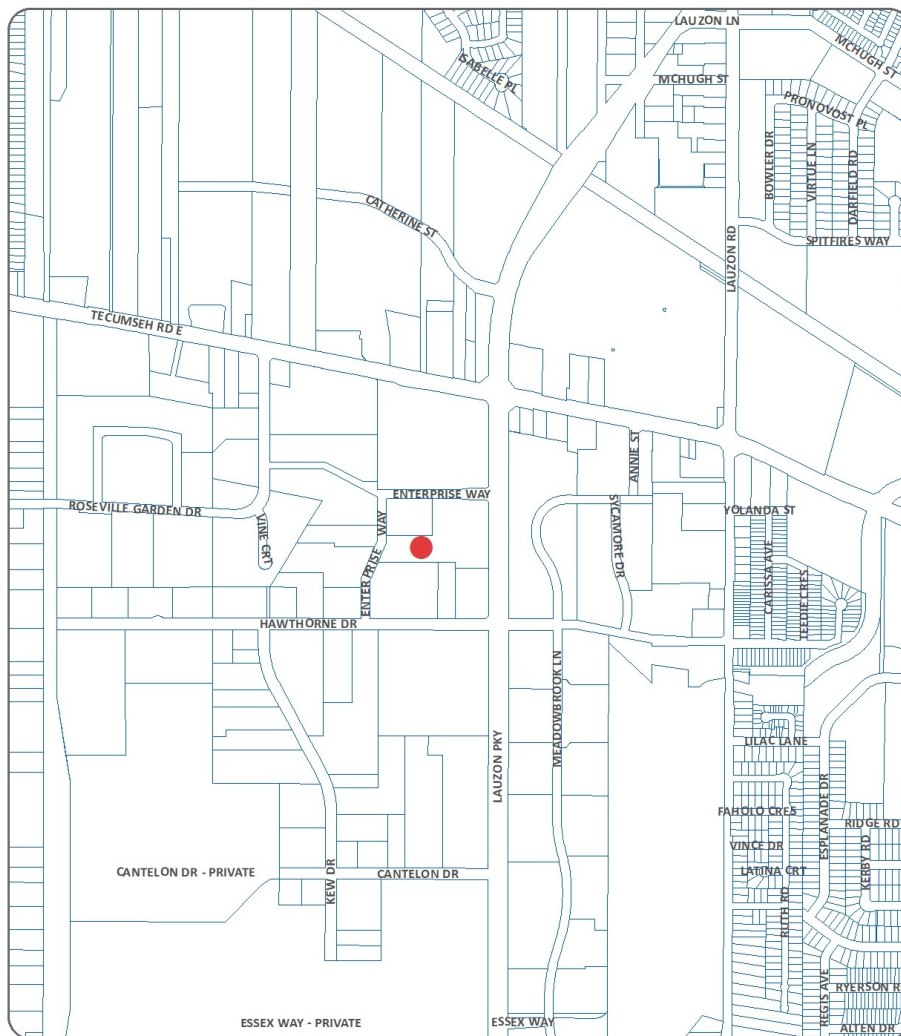
- (a) Easement requests from Utility Companies, as noted in **Appendix D** to this report;
- (b) Enbridge Gas minimum separation requirements, as noted in **Appendix D** to this report;
- (c) Reciprocal Access and Services Agreement;
- (d) Preservation of two existing mature trees along the south boundary of the site;
- (e) Parkland Conveyance requirement; and
- (f) Record of Site Condition.

**Executive Summary:**

N/A

**Background:**

1. KEY MAP



KEY MAP - Z-005/22, ZNG-6660



● SUBJECT LANDS

APPLICANT: JBM CAPITAL INC.  
 ADDRESS: 2601 LAUZON PARKWAY

## 2. APPLICATION INFORMATION

**LOCATION:** 2601 Lauzon Parkway [S/W CNR, Lauzon Pkwy & Enterprise Way intersection]

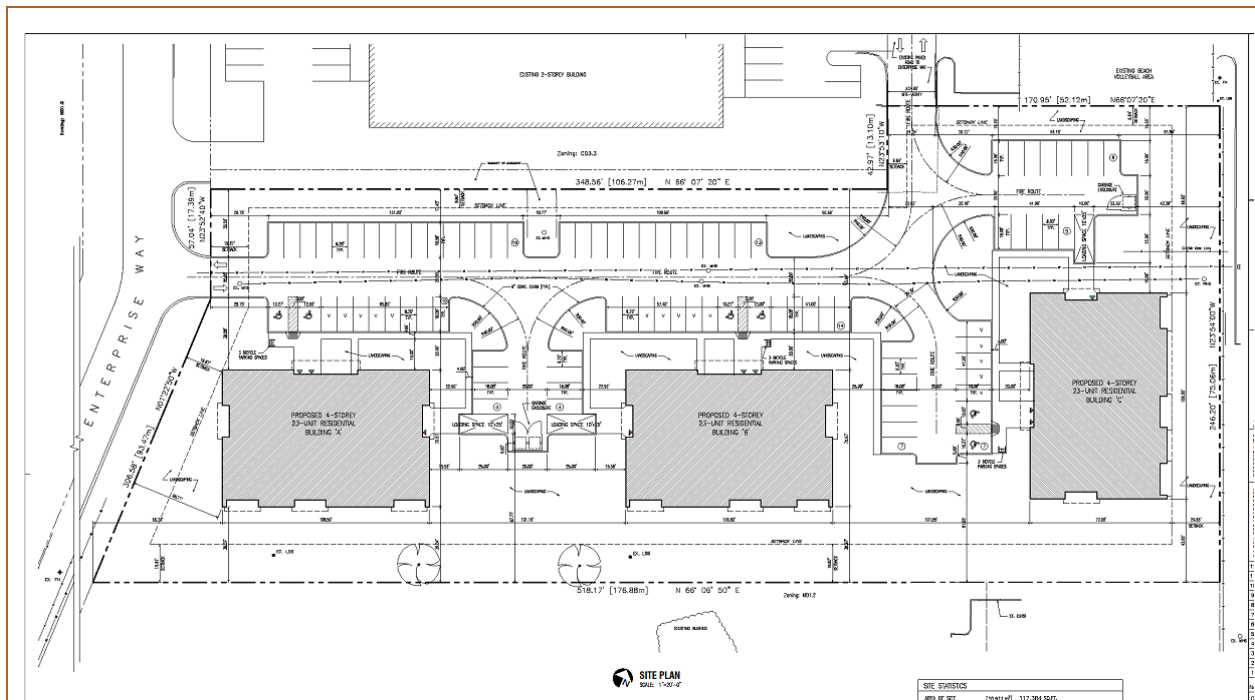
**APPLICANT:** JBM CAPITAL INC. (c/o Joe Mikhail)

**AGENT:** JABE INC. (c/o Jeff Belanger)

**REGISTERED OWNER:** SAME AS APPLICANT

**PROPOSAL:** To amend Zoning By-law 8600 by changing the zoning of Parts 3 & 4 on Reference Plan 12R-27242, so as to permit *multiple dwelling* on the westerly portion of the property municipally known as 2601 Lauzon Parkway. The subject property is designated Mixed Use on Schedule D: Land Use in the Official Plan and zoned Commercial District 3.3 (CD3.3) with site-specific provision (s.20(1)97) by Zoning By-law 8600.

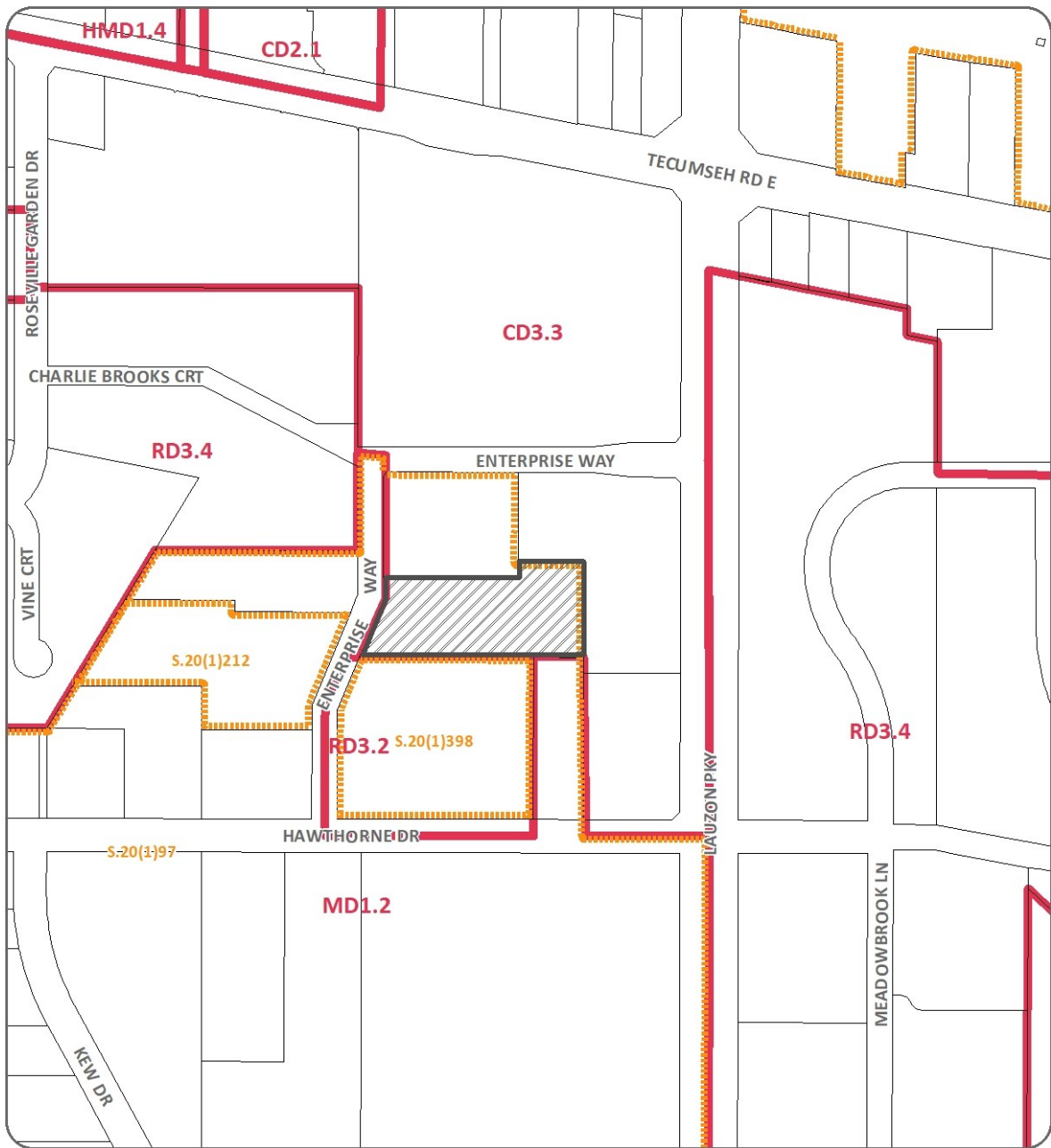
The proposed zoning change is from CD3.3 plus s.20(1)97 to RD3.2 (Residential District 3.2) plus s.20(1)97 to facilitate the construction of three 4-storey Multiple Dwellings with 23 units each (a total of 69 dwelling units) and 88 motor vehicle parking spaces on Parts 3 & 4, 12R-27242. The Applicant is also requesting for a reduction in required minimum front yard depth from 9m to 6m. A concept plan is shown below.



### 3. SITE INFORMATION

	<b>OFFICIAL PLAN</b>	<b>ZONING &amp; ZDM</b>	<b>CURRENT USE(S)</b>	<b>PREVIOUS USE(S)</b>
<b>Overall Site</b> (Parts 3, 4 & 5 on 12R 27242)	MIXED USE [Land Use]	COMMERCIAL DISTRICT 3.3 (CD3.3) plus S.20(1)97; ZDM15	Commercial Plaza	Vacant
<b>Portion Subject to this ZBA</b> (Parts 3 & 4, 12R27242)			Vacant	
	<b>FRONTAGE</b>	<b>DEPTH</b>	<b>AREA</b>	<b>SHAPE</b>
<b>Overall Site</b> (Parts 3, 4 & 5 on 12R 27242)	150.27m (Lauzon Parkway)	irregular	2.5944ha	Irregular
<b>Portion Subject to this ZBA</b> (Parts 3 & 4, 12R27242)	65.67m (Enterprise Way)	irregular	1.0913ha	
Note: Source of above dimensions – Reference Plan 12R-27242				

### 4. REZONING MAP (next page)



PART OF ZONING DISTRICT MAP 15

N.T.S.

## REZONING

APPLICANT: JBM CAPITAL INC.



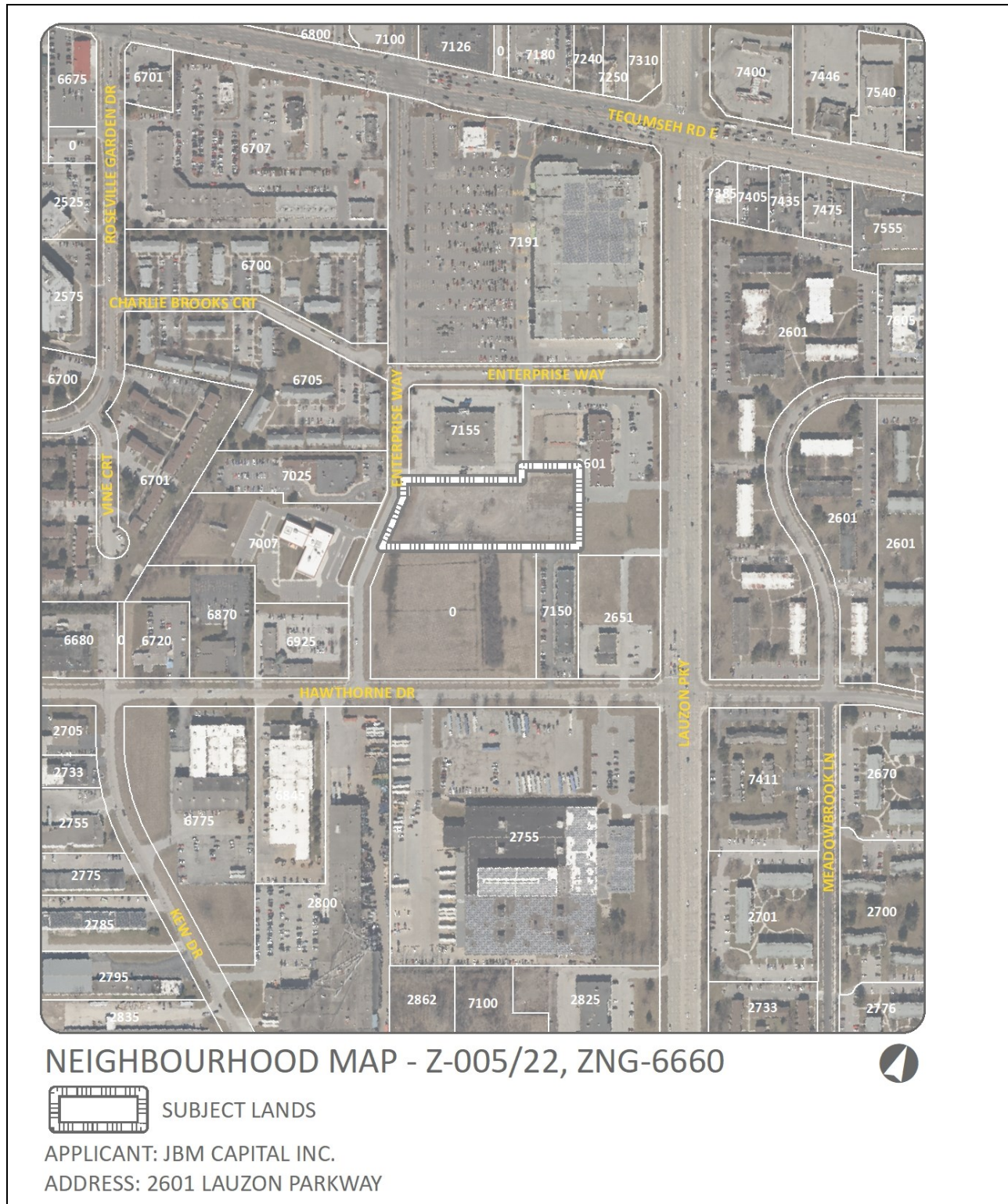
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : APRIL 2022  
FILE NO. : Z-005/22, ZNG-6660

## 5. NEIGHBOURHOOD CHARACTERISTICS



The surrounding area is characterised by a mix of commercial, institutional, industrial and residential uses nearby. **Appendix B** attached hereto contains site photos of the subject area.

## SURROUNDING LAND USE

### EAST & NORTHEAST – COMMERCIAL USES AT 2601 LAUZON PARKWAY

- Business Office (*Fairstone Financial, Desjardin Insurance*)
- Medical Offices (*Eye Care First – Optometrists, Renew Massage Clinic & Spa, and The Denture Center*);
- Restaurant (*John Max Sports & Wings*); and
- Retail Store (*Canadian Appliance Source*)

### NORTH – COMMERCIAL USES

- Health Studio (*Planet Fitness*) at 7155 Enterprise Way
- Major Commercial Center (*Zehrs, Dollar Tree, Winners, Scotiabank, e.t.c.*) at 7191/7201 Tec. Rd. E.

### NORTHWEST – RESIDENTIAL USES

- River Park Non-Profit Housing Corporation (Windsor) at 6705-7087 Charlie Brooks Court.

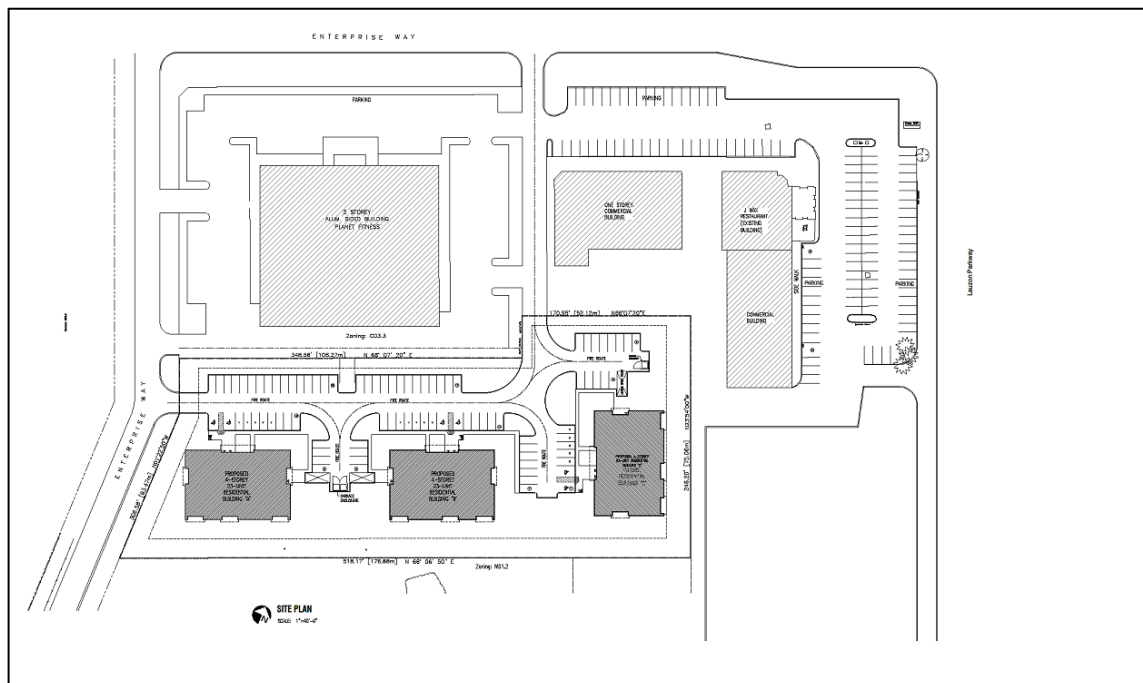
### WEST – INSTITUTIONAL & COMMERCIAL USES

- Business Office (*Community Living Windsor*) at 7025 Enterprise Way
- Place of Worship (*Hindu Temple & Cultural Center*) at 7007 Enterprise Way
- Medical Office (*Eastside Dental Office*) at 6925 Enterprise Way

### SOUTH AND SOUTHEAST – COMMERCIAL & INDUSTRIAL USES

- Vacant residential parcel at n/e corner of Hawthorne Dr. & Enterprise Way (*recently rezoned for development of 5-sty multiple dwellings*);
- Business Office (*Law Office of Theodore R Bourgard, Seguin Financial Group – SFG, Walter V. Francic – Accounting & Taxation Services*) at 7150 Hawthorne Drive;
- Medical Office (*Voth Parete Orthodontists, Synergy Day Spa, Great Lakes Chiropractic massage*) at 7150 Hawthorne Drive;
- Industrial (*Butcher Enterprises Windsor*) at 2755 Lauzon Pkwy; and
- Service Station / Repair garage (*Good Year - Beverly Tire & Auto Services*) at 2651 Lauzon Pkwy;

Below is a **composite site plan** showing the proposed development, the existing commercial uses on the same property (2601 Lauzon Parkway) and the Fitness Studio - Planet Fitness on the property (7155 Enterprise Way) abutting north.



## COMPOSITE SITE PLAN

### MUNICIPAL INFRASTRUCTURE

- The City's records show that there are municipal storm and sanitary sewers available to service the subject lands. There is a
  - 250mm diameter polyvinylchloride (PVC) sanitary sewer on Enterprise Way;
  - 300mm diameter polyvinylchloride (PVC) sanitary sewer on Enterprise Way;
  - 525mm diameter reinforced concrete pipe (RCP) storm sewer on Enterprise Way; and
  - 900mm diameter reinforced concrete pipe (RCP) storm sewer on Enterprise Way.
- Municipal watermains, fire hydrants and LED streetlights are available along Enterprise Way, Hawthorne Drive and Lauzon Parkway.
- ENWIN has overhead 27.6KV primary hydro distribution on a pole line directly through the subject development property.
- There are curbs and gutter along Enterprise Way, Hawthorne Drive and Lauzon Parkway.
- Concrete sidewalks are available on the north and west sides of Enterprise Way, the north side of Hawthorn Drive and both sides of Lauzon Parkway.
- Transit Windsor Bus services (Transway 1C, Ottawa 4 and LTW Route 518X) are available in the nearby area. The closest transit service would be the Transway 1C route with a bus stop located on Tecumseh Road East at Walmart and another at Tecumseh Road at East Park Plaza, approximately 500 metres from the subject development. There is another nearby bus stop on Hawthorne at Sycamore (an Ottawa 4 route) within 750m of the subject development.
- Enterprise Way is classified as Local Road.
- Lauzon Parkway is classified as Class I Arterial Road and can be accessed by the subject development through Enterprise Way and, alternatively, through Hawthorne Drive.
- Hawthorne Drive right-of-way (between Kew Drive and Lauzon Parkway) is a nearby Collector Road (Class II Collector Rd) that is accessible from the subject land through Enterprise Way.

### Discussion:

#### PLANNING ANALYSIS:

##### 1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement (PPS) 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. The PPS provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

The amendment promotes residential intensification and infill in an area surrounded by commercial, residential, industrial and institutional uses. Therefore, the following policies of the PPS 2020 are deemed relevant for this planning analysis:

*1.1.1 Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs; and*
- i) preparing for the regional and local impacts of a changing climate.*

With respect to 1.1.1(a) & (b) – This zoning by-law amendment facilitates infill residential development on the existing vacant portion of the subject land. The amendment promotes efficient development that will accommodate three 4-storey multiple dwellings within the vacant west portion on the subject land. The lands within the immediate area accommodate a range and mix of commercial, residential (affordable & market-based), industrial and institutional uses as noted already in this report. See “Surrounding Uses” section of this report.

With respect to 1.1.1(c) – There are no known environmental or public health & safety concerns.

With respect to 1.1.1 (d) - The subject land is surrounded by existing developments and does not prevent the efficient expansion of the settlement area.

With respect to 1.1.1(e) & (f) – The amendment would achieve a cost-effective development pattern and minimize land consumption and servicing costs. Sidewalks improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks on Enterprise Way, Lauzon Parkway and Hawthorne Drive. The Applicant’s Planning Consultant indicates, in the June 6, 2022 PRR Addendum, that “Pedestrian accesses will be proposed (as part of site plan control) which will connect the building to sidewalks.”

With respect to 1.1.1(g) – The subject land is in an area of the City that is serviced by necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities.

With respect to 1.1.1(i) – Consideration for climate change is addressed through various methods including lot-grading plans, stormwater management measures, tree planting requirements, landscaping requirements and more. Therefore, Regional and local impacts of climate change is best addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, could be discussed and incorporated in the site plan approval and site plan agreement.

The subject zoning by-law amendment will facilitate an efficient development, positively impact the financial well-being of the City of Windsor, minimize land consumption and servicing costs, accommodate a residential use that will increase the use of existing and planned public transit and active transportation services in the subject area, thereby, positively impact environmental



and public health and safety. The zoning by-law amendment is consistent with policy 1.1.1 of the PPS.

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

The subject lands are located within a settlement area (being the City of Windsor) and this amendment creates opportunity for growth and development within the settlement area. This amendment promotes a land use that will make efficient use of land, resources and existing infrastructure. There are existing and planned active transportation options (such as sidewalks) and transit services adjacent to, or near the subject land. The proposed development takes into account existing building stock and area and the existing municipal services and utilities. The subject land represents an appropriate location for intensification. The proposed amendment will result in a zoning category that will help promote intensification and compact form of development. The subject amendment is consistent with policies 1.1.3.1, 1.1.3.2, 1.1.3.3 and 1.1.3.4 of the PPS.

*1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development;*

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

- b) permitting and facilitating:*
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

This amendment promotes infill development on the underutilized west portion of the subject commercial plaza. Sixty-nine (69) new dwelling units are proposed, which is a higher density than currently exists on the subject land, and results in a net increase in residential units or accommodation. Hence, this amendment promotes intensification and will facilitate the municipality's ability to accommodate residential growth through intensification. The amendment will also provide a form of housing that is appropriate in terms of range and mix, and will meet the social, health and well being of current and future residents. Appropriate level of infrastructure, active transportation and transit services are available or will be available in the subject area. Approving the recommended amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in an agricultural setting. The proposed development is in close proximity to Transit Windsor service and municipal sidewalks in the subject area, and will, therefore, support active transportation and public transit. This amendment is consistent with policy 1.4 of the PPS.

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The subject lands are within an area that is serviced by municipal sewage services and municipal water services. The requested zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

*1.6.6.7 Planning for stormwater management shall:*  
*f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

This amendment includes requirement for completion of detailed servicing study at the time of site plan control as seen in Recommendation II of this report. This amendment is consistent with policy 1.6.6.7 (f) of the PPS.

*1.7.1 Long-term economic prosperity should be supported by:*  
*b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*  
*c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.*

This amendment encourages residential intensification by providing additional housing supply, which is an appropriate response to the market-based housing needs in the City of Windsor. The proposed development of three 4-storey multiple dwellings optimizes the availability and use of land and infrastructure by making use of a vacant portion of a commercial development for a medium profile residential development. The amendment is consistent with policy 1.7.1 of the PPS.

In summary, the above planning analysis demonstrates that the subject zoning by-law amendment is consistent with the relevant Policies of PPS 2020.

## 2. OFFICIAL PLAN (OP)

The site is designated “Mixed Use” in the Land Use Schedule D of the City of Windsor Official Plan. Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development (section 6.9.2.1). The proposed residential use on the subject land is a Medium Profile Residential development containing three 4-storey multiple dwellings with a total of 69 dwelling units.

Section 6.9.2.2 provides two forms of Mixed Use Areas and, based on the policy therein, the proposed development is considered to be in an area classified as *Mixed Use Center*.

*“Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.”*

Section 6.9.2.3 states that Mixed Use development shall be located where:

- (a) There is access to a Controlled Access Highway, Class I or II Arterial Roads or Class I Collector;
- (b) Full Municipal physical services can be provided;
- (c) Public transportation service can be provided; and
- (d) The surrounding development pattern is compatible with Mixed Use development.

The proposed Mixed Use development is located where there is access to a Class I Arterial Road (Lauzon Parkway) through Enterprise Way or Hawthorne Drive. Full municipal services are available and matters such as storm and sanitary sewer capacity will be further reviewed during site plan control process. Public transportation service is available, or planned for. The surrounding development pattern consists of a variety of uses and building types, which is compatible with Mixed Use development.

Section 6.9.2.4 lists criteria to be used in evaluating a mixed use development and requires the proponent to demonstrate, to the satisfaction of the municipality, that a proposed mixed use development satisfies the evaluation criteria. The Planning Department has reviewed the planning analysis by Pillon-Abbs Inc. in the June 6, 2022 Addendum to the Planning Rational Report with respect to s.6.9.2.4 of the OP and is satisfied with the opinion of the applicant’s planner.

Section 6.9.2.5 lists design guidelines for evaluating a proposed mixed use development. Site Plan Control is a more appropriate tool to use when considering/implementing those guidelines.

Following Council’s approval of this amendment, the next step is for the proponent to submit an application for site plan approval, which will ensure that the proposed development is in keeping with the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

Zoning Amendment Evaluation Criteria s.11.6.3.3 of the OP:

No support studies were submitted as part of this application, but a Planning Rationale Report and Addendum (prepared by Pillon Abbs Inc.) was submitted. The requirements, comments and recommendations from municipal departments and circularized agencies have been considered, as noted in the CONSULTATION section of this report. This amendment promotes opportunity for residential intensification and infill, which creates a compact form of neighbourhood and

ensures continuation of an orderly development pattern in the subject area. The subject zoning by-law amendment is consistent with the relevant policies of the PPS and conforms with the applicable objectives and policies of OP Vol. 1. The recommended zoning by-law amendment will provide additional housing options and opportunities in the area. No adverse impacts are anticipated on the nearby residential, commercial, industrial and institutional uses. This amendment meets the evaluation criteria set out in s.11.6.3.3 of the OP.

Based on the analysis provided in this report, this zoning by-law amendment maintains conformity with the Official Plan, as required in s.11.6.3.1 of the OP.

### 3. ZONING

The subject land is zoned Commercial District 3.3 (CD3.3) in the City of Windsor Zoning By-law 8600 ("By-law 8600"). Special zoning provision S.20(1)97 of By-law 8600 applies to the subject land and other lands within the immediate area.

The applicant requests an amendment from Commercial District 3.3 (CD3.3) to Residential District 3.2 (RD3.2) along with a reduction in the minimum front yard depth from 9m to 6m per s.20(1)97(i). **Appendix C** - Excerpts from By-law 8600, hereto attached, contains zoning provisions under CD3.3, RD3.2 and S.20(1)97.

Permitted uses in the RD3.2 zoning category are *Lodging House, Multiple Dwelling, Religious Residence, Residential Care Facility*; any of the following existing dwellings: *Double Duplex Dwelling, Duplex Dwelling, Semi-Detached Dwelling, Single Unit Dwelling*; and any use accessory to any of the preceding uses.

The RD3.2 regulates lot frontage, lot area, lot coverage, building height, landscape open space and density, but does not regulate any of the provisions in s.20(1)97, except building height. In my opinion, the requested yard depth reduction from 9m to 6m will promote a front yard setback that is predominantly required for residential developments fronting on local roads. It should be noted that a 6m front yard depth is adequate for the subject development and the Planning Department is in support of this request for a reduction in front yard depth. For this reason, a site specific provision is recommended in this report to eliminate s.20(1)97(i) for a multiple dwelling on the subject site and include additional provision consisting requirement for a minimum front yard depth of 6m for multiple dwellings on the subject land.

The proposed 69 residential units will require 86 parking spaces at the rate of 1.25 motor vehicle parking spaces per unit; 88 on-site parking spaces are proposed.

A draft by-law is attached as **Appendix E**.

### 4. RESIDENTIAL INTERIM CONTROL BY-LAW

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. Residential Interim Control By-law 103/2020 (RICBL) came into effect in the City of Windsor on July 13, 2020. On July 13, 2020, Council adopted CR364/2020 directing that land use study be undertaken to consider, among other things, residential density and the appropriate location for higher density residential uses in the City of Windsor. The study will review the Official Plan and Zoning By-laws 85-18 and 8600 with respect to land use policies and provisions related to higher density dwellings such as, but not limited to, Group Home, Lodging House, Residential Care Facility, Shelter, and any dwelling with five or more dwelling units within the City of Windsor.

“The main purposes of the study are to:

- 1) Review those definitions that relate to dwellings and dwelling units, or are residential in nature;
- 2) Review zones, zoning districts, and provisions to determine an appropriate range of permitted residential uses and provisions, including merging zones and zoning districts and to ensure that the zones, zoning districts and provisions are consistent with the Provincial Policy Statement 2020 (PPS), especially, but not limited to, Policy 4.4 that requires the implementation of the PPS in a “*manner that is consistent with the Ontario Human Rights Code*” – and are consistent with the policy direction of the Official Plan;
- 3) Ensure compatibility with existing development, while allowing or encouraging certain areas to evolve to a higher-density and/or higher profile residential development.”  
[excerpt from Report C141/2020]

Interim Control By-law (ICBL) 99-2021 came into effect on June 7, 2021 and extended the effective date of RICBL 103-2020 to July 13, 2022. The extension allows for the additional time required to complete the land use study commenced under the IRCBL 103-2020, and provides the necessary time to implement, if deemed appropriate, the findings of the land use study including any amendments to the Official Plan and /or Zoning By-laws.

The following criteria are hereby deemed acceptable for determining if the proposed development can be exempt from the RICBL:

- *Conformity with the Official Plan* – As noted already in this report, the subject development is in conformity with the Official Plan.
- *Distance to Nearby Services and Amenities* – Neighbourhood Parks, School, Places of worship, restaurants and retail stores are within 1.0 km of the proposed development. The proposed development is within an acceptable distance to nearby services and amenities.
- *Distance to Public Transit* - As noted already in this report, the subject development is within an acceptable distance to public transit. The closest transit service is the Transway 1C route with a bus stop located on Tecumseh Road East at Walmart and another at Tecumseh Road East at East Park Plaza, approximately 500 metres from the subject development. There is another bus stop on Hawthorne at Sycamore (an Ottawa 4 route) within 750m of the subject development.
- *Potential for impact on the Land Use Study* - The recommended Zoning By-law amendment meets the criteria analyzed above. Furthermore, the subject area is designated Mixed Use in the OP, which permits the proposed multiple dwellings as noted in this report. Therefore, conflict is not anticipated between the proposed development and the land use study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should the request for an amendment to Zoning By-law 8600 be approved, and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

## 5. SITE PLAN

The amendment will facilitate a “development” as defined in section 41(1) of the Planning Act; therefore, the applicant will be required to undergo the Site Plan Control process.

In the Pre-submission letter dated June 16, 2021, the applicant was advised that the following support studies and information would be required at the time of Site Plan Control:

1. Storm Water Retention Scheme
2. Storm Water Management Plan in accordance with section 10.2.4, OP Vol. 1

3. Traffic Impact Study
4. Natural Features, Tree inventory and Preservation Plan

Further to the June 16, 2021 letter, municipal departments and external agencies provided comments found in **Appendix D** hereto attached. The following items are to be considered or provided at the time of Site Plan Approval for the subject development:

- 1) *Utility Easements* - requested as noted in **Appendix D** hereto attached;
- 2) *Minimum Separation requirements* – per Enbridge Gas comment in **Appendix D** hereto attached.
- 3) *Site Plan Control Agreement* - The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.
- 4) *Servicing Study* – As stipulated in **Appendix D** hereto attached. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.
- 5) *Reciprocal Access & Services* – The owner shall enter into a reciprocal agreement with the abutting property to the north for access and services.
- 6) *Transportation Impact Statement* – To review and address sight lines at the proposed access.
- 7) *Tree Preservation* - The preservation of the two existing mature trees along the south boundary of the site will be considered in the tree planting requirements.
- 8) *Parkland Dedication* - Parkland dedication representing 5% of the subject lands, will be determined during the Site Plan Control process, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.
- 9) *Record of Site Condition* - A Record of Site Condition would be required for the proposed change of the use of the land from commercial to a more sensitive land use – residential, as noted in the comment from the Building Department in **Appendix D**.

### **Risk Analysis:** Climate Change Risks

#### **Mitigation:**

- Promote active transportation by providing pedestrian and cyclist connection to existing & future sidewalks, multi-use trail and bike lanes in the area and encourage use of public transit; thereby, reducing carbon footprint.
- Minimize run-off from impervious surfaces (e.g. paved parking areas).
- Minimize the heat effect on the residents by increasing vegetation (such as soft landscape areas) on the site and consider promoting green roofs in the development design.

**Adaptation:** Low-impact development practice and design should be encouraged at the site plan control and building permit stages. Landscaping, stormwater management, tree-planting and lot-grading help mitigate adverse impacts on our climate. Therefore, during the site plan control process, stormwater management measures, servicing study, landscaping requirements and much more, would be discussed in details and incorporated in the site plan approval and site plan agreement. Tree-planting and lot-grading requirements are usually implemented through the building permit process.

**Financial Matters:** N/A

## **Consultations:**

### 1. DEPARTMENT AND AGENCIES

**Appendix D**, attached to this report, contains comments from the municipal departments and external agencies. There are no objections to the proposed amendment. However, some municipal departments and external agencies have noted some requirements, which could be addressed at the time of site plan approval. Below are highlights of some of the comments received. The full information can be found in **Appendix D** attached to this report.

#### **Engineering & Geomatics Division:**

- A detailed servicing study report on the impact of the increased flow to the existing municipal sewer system.
- Reciprocal Agreement with the abutting property to the north for access and services.

**ENWIN – Hydro:** ENWIN has overhead 27.6KV primary hydro distribution on a pole line directly through the subject development property.

**Enbridge – Windsor Mapping:** Enbridge Gas has active infrastructure in the proposed area. Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of its plants that are less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required.

**Landscape Architect:** Preservation of existing mature trees along the south boundary of the subject land, and Parkland dedication requirement will be addressed at Site Plan Control.

**Transportation Planning:** Traffic Impact Statement (TIS), which reviews and speaks to sight lines at the proposed access, is required at the time of Site Plan Control.

### 2. PUBLIC NOTICE

The official notice of the statutory public meeting will be advertised in the local newspaper, the Windsor Star.

The City will also mail courtesy notice to all properties within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

## **Planner's Opinion and Conclusion:**

The applicant's request to amend zoning by-law 8600 by changing the zoning of a vacant west portion of the subject land from CD3.3 to RD3.2 in order to facilitate an infill development containing three 4-storey multiple dwellings with a total of 69 dwelling units and 88 onsite parking spaces, has been evaluated for consistency with the PPS and conformity with the OP.

After reviewing the comments received from municipal departments and external agencies, the relevant policies of the Provincial Policy Statement (PPS) 2020 and the Official Plan, it is my opinion that the recommended zoning by-law amendment is consistent with the PPS 2020 and maintains conformity with the Official Plan. This amendment is good planning.

In my opinion, a decision to approve this zoning by-law amendment, as recommended, is consistent with the PPS 2020.

The recommendation is for approval of the applicant's request as stipulated in the Recommendation section of this report.

**Planning Act Matters:**

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

**Michael Cooke, MCIP, RPP**  
 Manager, Planning Policy

**Thom Hunt, MCIP, RPP**  
 City Planner

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

**JP**, Commissioner, Economic Development & Innovation

**SAH**, Chief Administrative Officer (A)

**Approvals:**

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer (Acting)

**Notifications:**

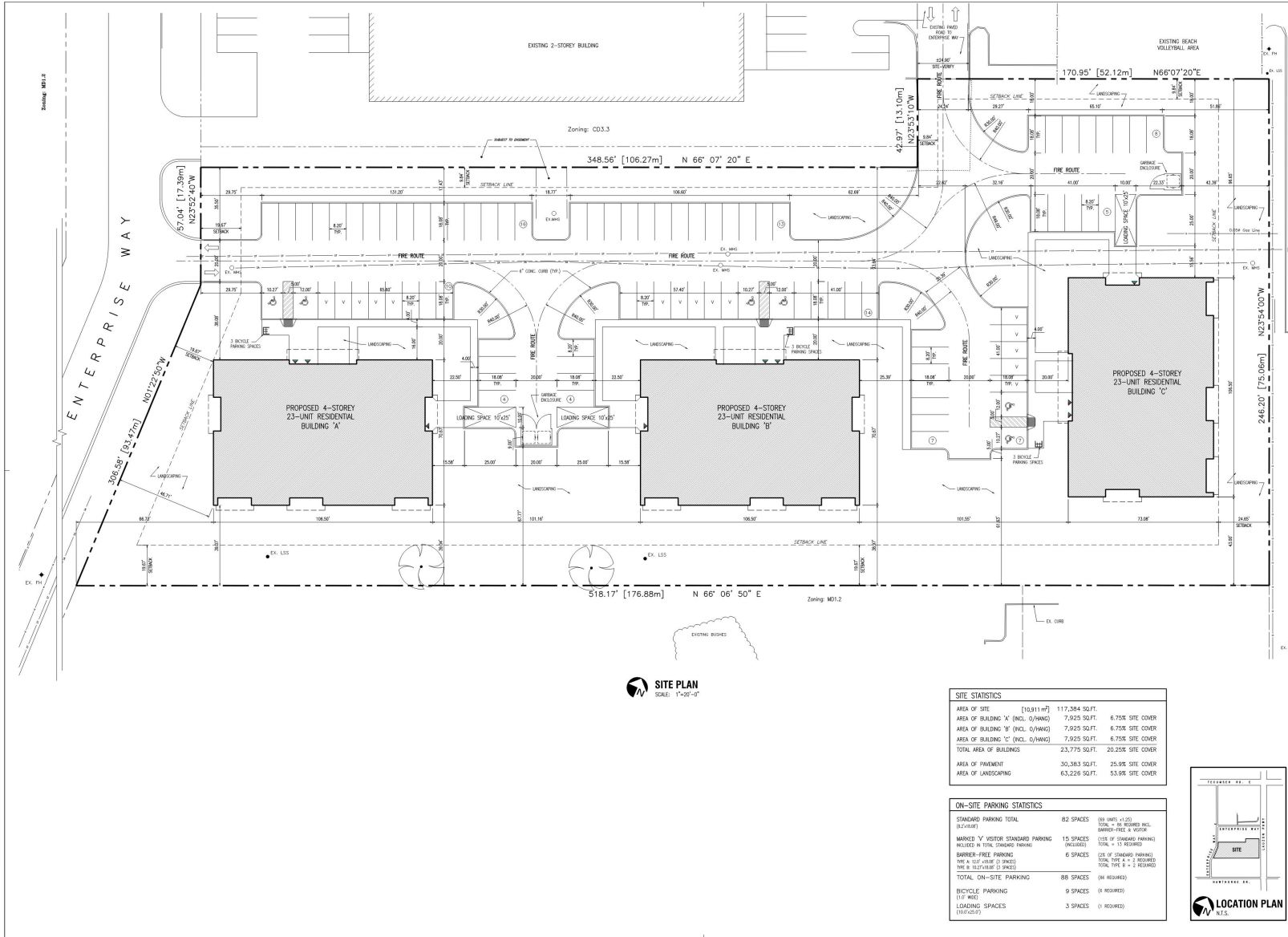
Name	Address	Email
Abutting property owners, tenants/occupants within 120 meter (400 feet) radius of the subject land		
Applicant/Registered Owner: JBM CAPITAL INC. (c/o Joe Mikhail)	100 Ouellette , Unit #700 Windsor ON N9A 6T3	jbm@mikhailholdings.com
Agent: Jabe Inc. (c/o Jeff Belanger)	897 Monmouth Rd Windsor ON N8Y 3L5	jeffbelanger@outlook.com
Councillor Gary Kaschak	350 City Hall Sq. W., Suite 220, Windsor, ON N9A 6S1	gkaschak@citywindsor.ca

**Appendices:**

- 1 Appendix A – Concept Plan - Multiple Dwelling
- 2 Appendix B - Site Photos
- 3 Appendix C - Excerpts from Zoning By-law 8600
- 4 Appendix D - Consultations Table
- 5 Appendix E - Draft By-law for Z-005-2022



Appendix A - Concept Plan - Multiple Dwelling



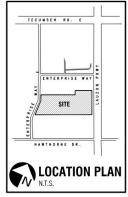
**HANNA GHOBRIAL AND ASSOCIATES LTD.**  
 3100 Temple Drive  
 Windsor, ON N9W 5L6  
 (519) 945-5173 FAX: 5656

**NOTES**  
 1. This drawing shall not be used for construction purposes if it is not accompanied by the CONSULTANT'S seal.  
 2. THE CONSULTANT'S SEAL IS REQUIRED FOR ALL CONSTRUCTION PERMITS.  
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**SITE PLAN**  
 SCALE: 1"=20'-0"

SITE STATISTICS			
AREA OF SITE	(10,911 ± ft <sup>2</sup> )	117,384 SQ.FT.	
AREA OF BUILDING 'A' (INCL. 0/HANG)	7,925 SQ.FT.	6.75% SITE COVER	
AREA OF BUILDING 'B' (INCL. 0/HANG)	7,925 SQ.FT.	6.75% SITE COVER	
AREA OF BUILDING 'C' (INCL. 0/HANG)	7,925 SQ.FT.	6.75% SITE COVER	
TOTAL AREA OF BUILDINGS	23,775 SQ.FT.	20.25% SITE COVER	
AREA OF PAVEMENT	30,383 SQ.FT.	25.9% SITE COVER	
AREA OF LANDSCAPING	63,228 SQ.FT.	53.9% SITE COVER	

ON-SITE PARKING STATISTICS			
STANDARD PARKING TOTAL (8.25x50 FT)	82 SPACES	(82 UNITS x 1.25) TOTAL = 98 REQUIRED INCL. BARRIER-FREE & VISOR	
MARKED 'V' VISITOR STANDARD PARKING (INCL. 8'x12' VISOR)	15 SPACES	(15% OF STANDARD PARKING) TOTAL = 15 REQUIRED	
BARRIER-FREE PARKING (THE A-117 AND 0.5 SPACES) (5'x8' RECTANGLE 0.5 SPACES)	6 SPACES	(2% OF STANDARD PARKING) TOTAL TYPE B = 2 REQUIRED	
TOTAL ON-SITE PARKING	88 SPACES	(88) REQUIRED	
BICYCLE PARKING (15'x6')	9 SPACES	(9) REQUIRED	
LOADING SPACES (10'x20')	3 SPACES	(3) REQUIRED	



No.	Date:	Issued For:
2	21/11/09	REZONING APPLICATION
1	21/11/01	PRELIMINARY

**NO. DATE:** Issued For:  
 Date: OCTOBER 2021  
 Drawn By: H.R.  
 Checked By: R.J.

**PROJECT TITLE:**  
 ENTERPRISE RESIDENTIAL BUILDINGS

**WINDSOR, ONTARIO**  
 Project No: 21-0431

**SITE PLAN**

Sheet No.:  
**A-100**



**VIEW OF SUBJECT LAND AND ABUTTING USES NORTH & EAST, LOOKING FROM WEST SIDE OF ENTERPRISE WAY**



**CLOSE VIEW OF SUBJECT LAND FROM WEST SIDE OF ENTERPRISE WAY**



**VIEW OF COMMUNITY LIVING WINDSOR & DWELLINGS ON THE WEST SIDE OF SUBJECT LAND**



**VIEW OF ENTERPRISE WAY LOOKING NORTH, ALONG THE BEND IN FRONT OF THE SUBJECT LAND, SHOWING BUILDING ON THE NORTH SIDE OF THE PARTS BEING REZONING**



**VIEW OF PLACE OF WORSHIP ON THE WEST SIDE OF SUBJECT LAND**



**ON THE SOUTH SIDE OF SUBJECT LAND, VIEW OF VACANT LAND RECENTLY REZONED FOR 5-STY MULTIPLE DWELLINGS**



**VIEW OF ENTERPRISE WAY LOOKING SOUTH OF THE SUBJECT LAND FROM 7025 ENTERPRISE WAY,  
ACROSS FROM SUBJECT LAND**



**STREET VIEW OF ENTERPRISE WAY COMMERCIAL PLAZA, LOOKING EAST TOWARDS LAUZON PARKWAY**



**STREET VIEW of LAUZON PKWY, LOOKING SOUTH FROM DRIVEWAY AT 2601 LAUZON PKWY**

Development & Heritage Standing Committee - July 4, 2022



**VIEW OF ENTERPRISE WAY FRONTAGE OF 2601 LAUZON PARKWAY, LOOKING EAST TOWARDS LAUZON PKWY**





**VIEW OF EXISTING COMMERCIAL PLAZA AT 2601 LAUZON PARKWAY, LOOKING FROM LAUZON PKWY**



**STREET VIEW OF LAUZON PARKWAY, LOOKING NORTH TOWARDS TECUMSE RD. E., FROM 2601 LAUZON PKWY**



**STREET VIEW OF LAUZON PARKWAY, LOOKING SOUTH TOWARDS THE EXPRESSWAY, FROM 2601 LAUZON PKWY**



**STREET VIEW OF HAWTHORNE DRIVE, LOOKING WEST TOWARDS ENTERPRISE WAY, SHOWING VACANT RESIDENTIAL LAND ON THE NORTH SIDE AND INDUSTRIAL USE ON THE SOUTH SIDE**

## APPENDIX C – EXCERPTS FROM ZONING BY-LAW 8600

### SECTION 16 - COMMERCIAL DISTRICTS 3. (CD3.)

#### 16.3 COMMERCIAL DISTRICT 3.3 (CD3.3)

##### 16.3.1 PERMITTED USES

*Ambulance Service*

*Automobile Repair Garage*

*Bakery*

*Business Office*

*Child Care Centre*

*Commercial School*

*Confectionery*

*Food Outlet - Drive-Through*

*Food Outlet - Take-Out*

*Funeral Home*

*Garden Centre*

*Gas Bar*

*Hotel*

*Medical Appliance Facility*

*Medical Office*

*Micro-Brewery*

*Parking Garage*

*Personal Service Shop*

*Place of Entertainment and Recreation*

*Place Of Worship*

*Print Shop*

*Professional Studio*

*Public Hall*

*Public Parking Area*

*Repair Shop - Light*

*Restaurant*

*Restaurant with Drive-Through*

*Retail Store*

*Service Station*

*Temporary Outdoor Vendor's Site*

*Veterinary Office*

*Warehouse*

*Wholesale Store*

*Workshop*

*Existing Automobile Collision Shop*

*Existing Industrial Use*

*Existing Motor Vehicle Dealership*

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited, save and except with the following main uses: *Ambulance Service, Garden Centre, Temporary Outdoor Vendor's Site, Existing Automobile Collision Shop, Existing Industrial Use, Existing Motor Vehicle Dealership.*

### **16.3.5 PROVISIONS**

- |     |   |                      |
|-----|---|----------------------|
| .4  | Building Height – maximum   | 20.0 m               |
| .10 | Gross Floor Area – maximum  |                      |
|     | a) <i>Bakery or Confectionary</i>   | 500.0 m <sup>2</sup> |
|     | b) <i>Workshop – Percent of the gross floor area of the Retail Store or Wholesale Store</i> | 200.0%               |
| .26 | <i>A Temporary Outdoor Vendor's Site is prohibited in a Business Improvement Area.</i>      |                      |

## **12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)**

### **12.2.1 PERMITTED USES**

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

*Residential Care Facility*

Any of the following *existing* dwellings:

*Double Duplex Dwelling*

*Duplex Dwelling*

*Semi-Detached Dwelling*

*Single Unit Dwelling*

Any use accessory to any of the preceding uses

### **12.2.5 PROVISIONS**

- |    |  |                              |
|----|--|------------------------------|
| .1 | Lot Frontage – minimum   | 30.0 m                       |
| .2 | Lot Area – minimum   |                              |
|    | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> : |                              |
|    | a) For the first 5 <i>dwelling units</i>   | 540.0 m <sup>2</sup>         |
|    | b) For the next 19 <i>dwelling units</i>   | 67.0 m <sup>2</sup> per unit |
|    | c) For each additional <i>dwelling unit</i>  | 44.0 m <sup>2</sup> per unit |

- For any other *lot*:
- d) For the first 4 *dwelling units* 540.0 m<sup>2</sup>
  - e) For the next 15 *dwelling units* 85.0 m<sup>2</sup> per unit
  - f) For each additional *dwelling unit* 55.0 m<sup>2</sup> per unit
- .3 Lot Coverage – maximum 35.0%
  - .4 Main Building Height – maximum
    - Corner Lot* 24.0 m
    - Interior Lot* 18.0 m
  - .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
  - .13 Dwelling Unit Density – *dwelling units* per hectare – maximum
    - For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines* 188 units per ha
    - For any other *lot* 150 units per ha
  - .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*. [ZNG/5630]
- (AMENDED by B/L 95-2019, Sept. 27/2019)**
- .55 A addition to an *existing Double Duplex Dwelling*, *existing Duplex Dwelling*, *existing Semi-Detached Dwelling* or an *existing Single Unit Dwelling* and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.

## SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

### **(1) SITE SPECIFIC PROVISIONS**

97. For all lands generally bounded on the north by Enterprise Way, on the south by Quality Way, on the west by the Canadian National Railway right-of-way and on the east by Lauzon Parkway, being more specifically delineated on Zoning District Maps 11 and 15, the following regulations shall apply:

- (i) Minimum front yard depth - 9 metres; a required front yard shall be maintained exclusively as a landscaped open space yard;
- (ii) Minimum side yard depth - 6 metres; provided that, a minimum set back of 9 metres shall be required for any side yard abutting a street;
- (iii) Minimum rear yard depth - 6 metres;
- (iv) Maximum building height - 14.5 metres for any building or structure within 150 metres of a residential district, otherwise no height limit shall apply;
- (v) Minimum building set back - 70 metres from Lauzon Parkway
- (vi) An access area may cross a landscaped open space yard;
- (vii) No off-street loading or truck storage area shall be permitted in any yard abutting Lauzon Parkway. (ZDM 11, 15)

## **APPENDIX D – Consultation**

### **Comments from municipal departments and External Agencies**

#### **Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (Z 005/22) to permit Residential District 3.2 (RD3.2) with Site Specific zoning on Parts 3 & 4 of the subject, please note no objections. Please also note the following comments:

#### Zoning Provisions for Parking Setback:

The landscape setbacks and areas are appropriate to the proposed type of development. Therefore there are no additional requirements at this time. The site will be subject to Site Plan Control where detailed landscape comments, including screening and resilience to climate change will be made.

#### Tree Preservation:

Applicant has identified two existing mature trees to be preserved along the south boundary of the site. The preservation of these two trees will be considered in the tree planting requirements at Site Plan Control.

#### Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act. All requirements will be determined at the time a Site Plan application is received.

#### **Ontario Lands – Enbridge**

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, (formerly Union Gas Ltd.), does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

We trust the foregoing is satisfactory.

#### **Anne Marie Albidone – Environmental Services**

No concerns from Environmental Services.

**Frank Garardo – Policy & Special Studies**

Schedule	Title	Designation
Schedule 'A'	Planning Districts & Policy Areas	Forest Glade
Schedule 'A-1'	Special Policy Areas	N/A
Schedule 'B'	Greenway System	"recreationways" within vicinity
Schedule 'C'	Development Constraint Areas	N/A
Schedule 'C-1'	Development Constraint Areas: Archaeological Potential	Low Archaeological Potential
Schedule 'D'	Land Use	<p>"Mixed Use",</p> <p><u>OP policies</u> Permitted uses</p> <p>6.9 Mixed Use The lands designated as "Mixed Use" on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.</p> <p>6.9.2.1 Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.</p> <p>6.9.2.2 For the purpose of this Plan, Mixed Use development is further classified as follows: (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and....</p>
Schedule 'E'	N/A	N/A



Schedule 'F'	Roads & Bikeways	Class 1 Arterial
Schedule 'F1'	Railways	N/A
Schedule 'G'	Civic Image	Lauzon Pky "civic way"
Schedule 'H'	Baseplan Development Phasing	N/A
Schedule 'J'	Urban Structure Plan	Neighbouring Regional Commercial Centre within vicinity

### **Enbridge – Windsor Mapping**

After reviewing the provided drawing at 2601 Lauzon Pkwy and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

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

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

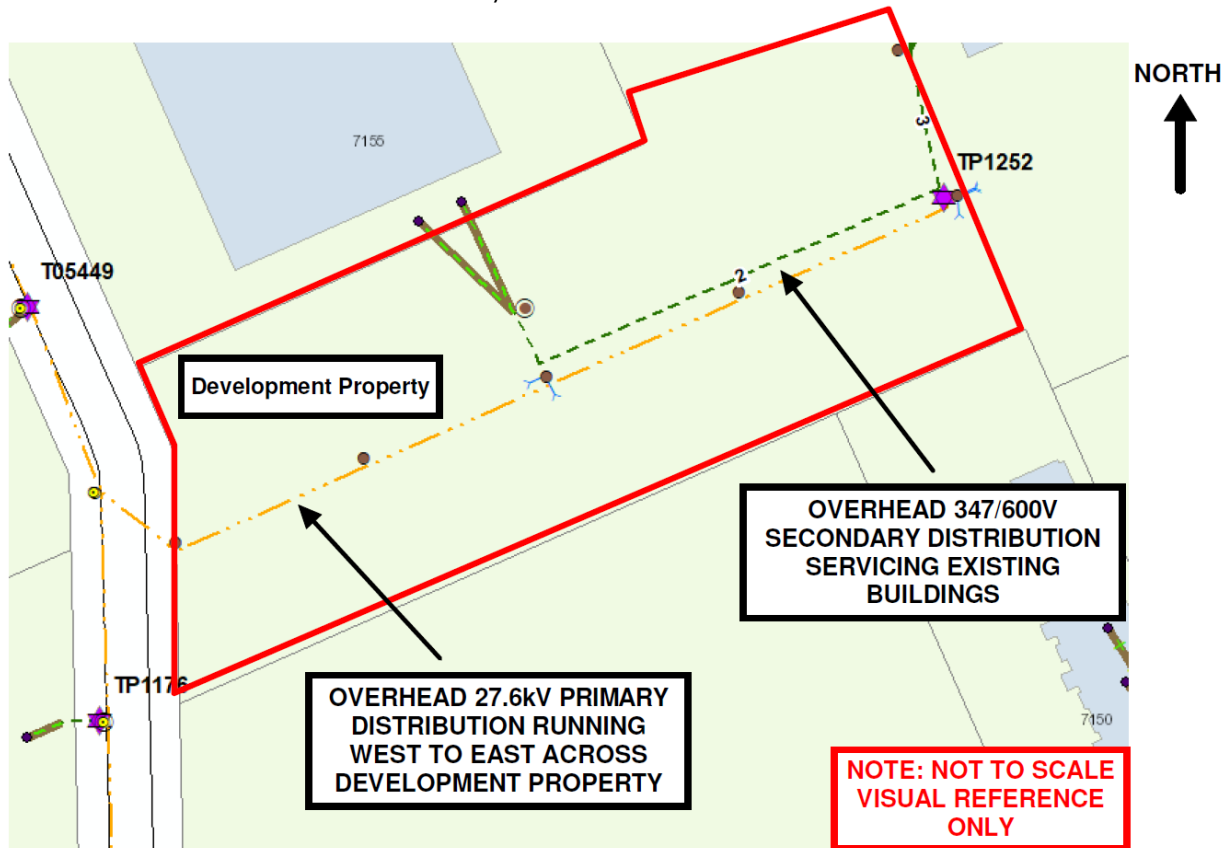
- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if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



Should the customer proceed with the development, ENWIN would need to be contacted to relocate the existing plant at a considerable cost to the customer.

Please refer to the Ontario Building Code for adequate clearance requirements. Also, we recommend referring to the Occupational Health & Safety Act for the minimum safe limits of approach during construction.

Sketch attached for reference only:



**Water Engineering:** Water Engineering has no objections.

**Tracy Tang – on behalf of Heritage Planner**

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario

Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

**Robert Perissinotti & Sandy Mio – Engineering & ROW**

The subject lands are located at 2601 Lauzon Parkway. The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning of the west portion of the subject property (legally described as Parts 3 & 4 on Reference Plan 27242) from Commercial District 3.3 (CD3.3) with Site Specific zoning [Section 20(1)97] to allow for the construction of three (3) four (4)-storey 23 unit Multiple Dwellings with a reduction in required minimum front yard depth, together with an 88 space parking area which will be interconnected with that existing on the east portion of the subject property serving the existing Major Commercial Centre.

SEWERS - The site may be serviced by a 250mm PVC sanitary sewer, 300mm PVC sanitary sewer, 525mm reinforced concrete pipe storm sewer and a 900mm reinforced concrete pipe storm sewer located in the Enterprise Way right-of-way. A sewer study is required to demonstrate that there is adequate capacity in the municipal sanitary and storm sewer networks. It must be demonstrated that no negative impacts will be realized by existing areas adjacent to the proposed development. The applicant will be required to submit site servicing drawings and site grading plans. Stormwater management will also be required for the proposed parking lot, completed in accordance with the Windsor/Essex Region Stormwater Management Standards Manual.

RIGHT-OF-WAY – The Official Plan classifies Enterprise Way as a local road, requiring a right-of-way width of 20.0m. The current right-of-way width is 20.10m, therefore a land conveyance is not required. A reciprocal access and service agreement is required.

Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.

In summary we have no objection to the proposed rezoning, subject to the following requirements (Requirements can be enforced prior to issuance of Building Permits):

Site Plan Control Agreement - The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Servicing Study - The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

Reciprocal Access & Services – The owner agrees to enter into a reciprocal agreement with the abutting property to the north for access and services.

### **Barbara Rusan – Building Department**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

In addition to the above this development would require a Record of Site Condition (i.e. proposed change to a more sensitive land use – residential from previous commercial use).

### **Rania Toufeili – Transportation Planning Services**

- As noted during the Pre-Submission Application, a Traffic Impact Statement is required for this development which reviews and speaks to sight lines at the proposed access.

- Lauzon Parkway is classified as a Class I Arterial with a required right-of-way width of 46 meters. The current right-of-way width is sufficient and this road has recently been reconstructed, therefore no conveyance is required.
- Enterprise Way is classified as a Local Road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- Vehicle and bicycle parking must comply with Zoning By-Law 8600.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

# APPENDIX E – Draft By-law Amendment

B Y - L A W N U M B E R                      -2022

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

Passed the                      day of                      , 2022.

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

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

1. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	15	Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242; (located on the east side of Enterprise Way, north of Hawthorne Dr.)	n/a	CD3.3	RD3.2

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

**“448. East side of Enterprise Way, north of Hawthorne Drive**

For the lands comprising Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242, the minimum front yard depth provision in section 20(1)97(i) of By-law 8600 shall not apply to a multiple dwelling on the subject land and, the following additional provision shall apply to a multiple dwelling:

- a) Front Yard Depth - minimum - 6 metres.  
[ZDM 15; ZNG/6660]”

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	15	Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242; (located on the east side of Enterprise Way, north of Hawthorne Dr.)	-	S.20(1)448

DREW DILKENS, MAYOR

CLERK

First Reading                      -                      , 2022  
Second Reading                      -                      , 2022  
Third Reading                      -                      , 2022

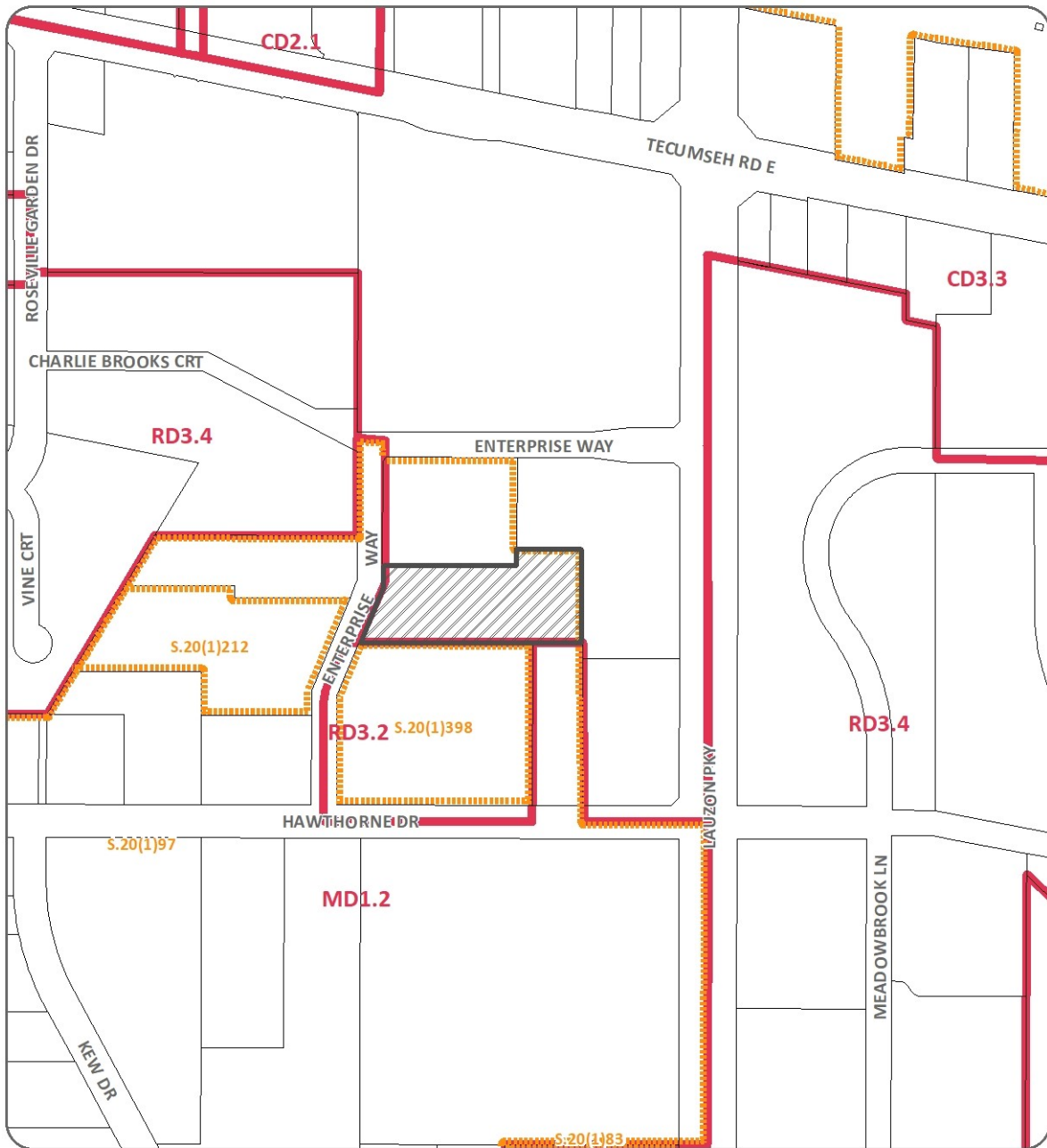
**SCHEDULE 2**

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

To amend the zoning of the land located on the east side of Enterprise Way, north of Hawthorne Drive, described as Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242, by changing the zoning from CD3.3 to RD3.2.

The zoning change will facilitate the development of three 4-storey multiple dwellings with 69 dwelling units on the subject vacant land. This amendment will result in a transit supportive development on the subject land.

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

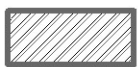


PART OF ZONING DISTRICT MAP 15

N.T.S.

**SCHEDULE 2**

APPLICANT: JBM CAPITAL INC.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : APRIL 2022  
FILE NO. : Z-005/22, ZNG-6660



**Subject: Alley Closure between Spring Garden Road and Yorktown Avenue, and Partial Closure of Yorktown Avenue R.O.W. from Malden Road to east limit of said alley-Ward 1**

**Reference:**

Date to Council: July 4, 2022  
Author: Brian Nagata  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: June 6, 2022  
Clerk's File #: SAA2022

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A", BE ASSUMED** for subsequent closure.
- II. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A", BE CLOSED**.
- III. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A", BE CONVEYED** to the abutting property owners at 1817 Spring Garden Road, 4769 Malden Road and 4787 Malden Road and as necessary, in a manner deemed appropriate by the City Planner.
- IV. THAT the 36.4 metre portion of the 20.1 metre wide east/west Yorktown Avenue right-of-way located on the east side of Malden Road, between the properties known municipally as 4787 Malden Road and 4815 Malden Road, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A", BE DENIED** for subsequent closure.
- V. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned CD1.1: \$18.00 per square foot without easements, and \$9.00 per square foot with easements.

- b. For alley conveyed to abutting lands zoned RD1.4: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1786, **attached** hereto as **Appendix “A”**.
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. 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. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

**Executive Summary:**

N/A

**Background:**

The applicant, Brenda McDonnell, owner of the property known municipally as 4787 Malden Road, applied to close the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, together with part of the 20.1 metre wide Yorktown Avenue right-of-way between Malden Road and the eastern limit of the said alley, and shown on Drawing No. CC-1786 attached hereto as Appendix “A”, and also shown on the aerial photo attached hereto as Appendix “B”.

The subject alley (the alley) is composed primarily of grass and gravel, and includes a small vegetated area. The alley is unmaintained, with no direct vehicular access to Spring Garden Road. The gravel portion of the alley is currently being used for parking and outdoor storage by the legal non-conforming Automobile Repair Garage (T & C Active Auto Service) on the abutting property to the west, known municipally as 4769 Malden Road. The grass portion of the alley is manicured and currently being used in part for outdoor storage by an unknown party. There are no Encroachment Agreements on record for the use of the alley. (See Appendix D)

The subject right-of-way (the R.O.W.) is composed primarily of manicured lawn. The ditch is heavily vegetated with plants and trees. There are no Encroachment Agreements on record for the use of the R.O.W.

The applicant wishes to close the alley and the R.O.W. to enlarge their residential property for the purpose of providing additional privacy.

**Discussion:**

The decision to recommend closure of a street or alley is derived from the City’s *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix “E”**. The document details four classifications of alleys

based on their usefulness, and provides corresponding criteria for determining suitability for closure.

### **Classification of Public Right-of-Ways**

The initial step is to determine if the alley and the R.O.W. are indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

#### **Alley:**

1. *Does the alley serve commercial properties?*
  - a. The alley does not provide pedestrian or vehicular access to the legal non-conforming Automobile Repair Garage.
  - b. The legal non-conforming Automobile Repair Garage has used the alley for parking and outdoor storage since at least 1969 (1969-2019 City of Windsor aerial photography and 2009-2021 Google Street View).
  - c. As noted previously, an Encroachment Agreement has never been executed for use of the alley.
2. *Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The alley serves the legal non-conforming Automobile Repair Garage, which fronts a Class II Arterial Road (Malden Road).
  - b. Refer to the first criteria above.
3. *Does the alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley does not contain any sewers.
4. *Does the alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley does not provide vehicular access to any of the abutting properties.
5. *Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. Windsor Fire & Rescue Services have identified no concerns with the requested alley closure.

Based on the above, the Planning Department deems the alley “dispensable”, and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the subject alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley to the abutting property owners.

### **Yorktown Right-of-Way:**

1. *Does the R.O.W serve commercial properties?*
  - a. The R.O.W. does not serve commercial properties.
2. *Does the R.O.W serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The R.O.W. does not serve properties fronting on a heavily travelled street.
3. *Does the R.O.W contain sewers, and must the alley remain accessible for servicing?*
  - a. The R.O.W. does not contain any sewers.
4. *Does the R.O.W serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The R.O.W. does not provide vehicular access to any rear parking areas or garages.
5. *Does the R.O.W contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. Windsor Fire & Rescue Services have identified no concerns with the requested R.O.W. closure.

Based on the above, the Planning Department deems the alley “dispensable”, however does **not** support the requested closure.

The closure may restrict the comprehensive development of the Registered Plans of Subdivision to the south and east, if and when they are developed.

The closure will eliminate vehicular and pedestrian access from Malden Road to the lots on the south side of the Yorktown Avenue right-of-way, between the R.O.W. and Second Street. The street within the Yorktown Avenue right-of-way, if and when constructed, will be subsequently required to include a cul-de-sac, together with the expropriation of land or the granting of easements to accommodate the necessary services. This places undue financial hardship on the owners of the said lots, if and when they develop their lands.

The closure may be more appropriate in the future, if and when the undeveloped lands within the Registered Plans of Subdivision are acquired by the provincial government and designated as a protected area. Protected areas aim to protect natural and cultural

features, maintain biodiversity and provide opportunities for compatible recreation, thus restricting development.

### **Risk Analysis:**

The recommended closure of the alley will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to the City.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned CD1.1 is assessed at \$18.00 per square foot without easements, and \$9.00 per square foot with easements.

The rate for an alley conveyed to abutting lands zoned RD1.4 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

### **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached **hereto** as **Appendix "C"**.

The City's Naturalist, via the Planning Department's Landscape Architect, has confirmed that the ditch may provide habitat for Species at risk in Ontario (SARO) and subsequently should be maintained in its current natural state. The Landscape Architect has recommended that the applicant consult with the City's Naturalist to confirm the area of the R.O.W. needed to maintain the natural aspects of the ditch. This area is recommended to be maintained by the City of Windsor in the event that the R.O.W. is closed and conveyed.

The Public Works Department has confirmed that a 6.5 metre wide corridor measured from the south limit of the R.O.W. is required to maintain the ditch in the event that the R.O.W. is closed and conveyed.

The Operations Department has confirmed that the R.O.W. is needed to maintain pedestrian and vehicular access from Malden Road to the lots on the south side of the Yorktown Avenue right-of-way between the alley and Second Street.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of

each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

**Conclusion:**

The Planning Department recommends closure of the north/south alley shown on attached Appendix “A”.

The closed alley is to be conveyed to the abutting property owners, as stated in Recommendations I, II and III of this report.

The Planning Department recommends based on information presented in this report that closure of the 36.4 metre portion of the 20.1 metre wide east/west Yorktown Avenue right-of-way located on the east side of Malden Road, shown on attached Appendix “A”, be **denied** for the reasons referenced herein.

**Planning Act Matters:**

Brian Nagata, MCIP, RPP  
Planner II - Development Review

I concur with the above comments and opinion of the Registered Professional Planner.  
*Michael Cooke, MCIP, RPP*      *Thom Hunt, MCIP, RPP*  
*Manager of Policy Planning*      *City Planner*

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

**Approvals:**

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Acting Chief Administration Officer

**Notifications:**

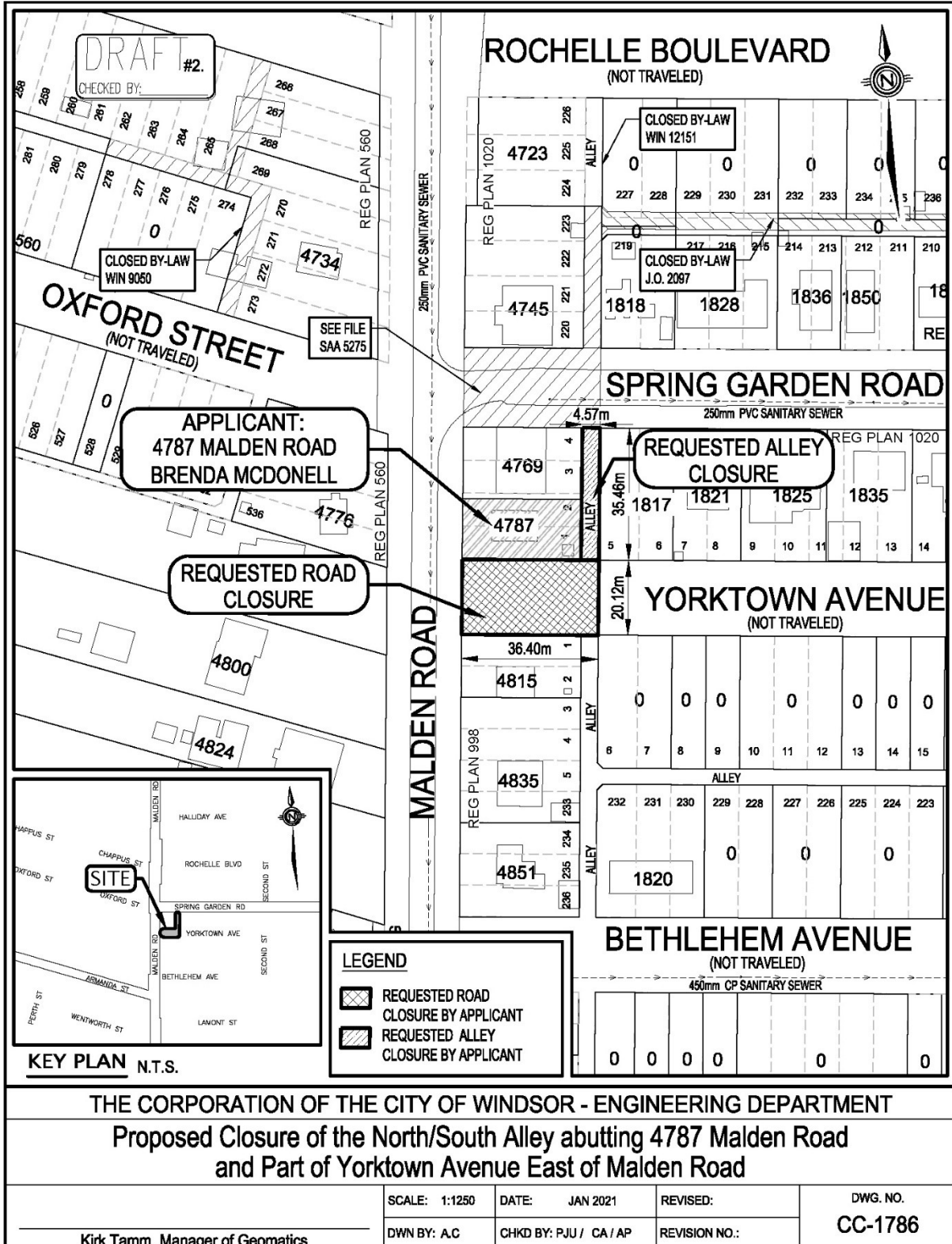
Name	Address	Email
Councillor Fred Francis	350 City Hall Square West, Suite 220  Windsor, ON	<a href="mailto:ffrancis@citywindsor.ca">ffrancis@citywindsor.ca</a>

Name	Address	Email
	N9A 6S1	
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

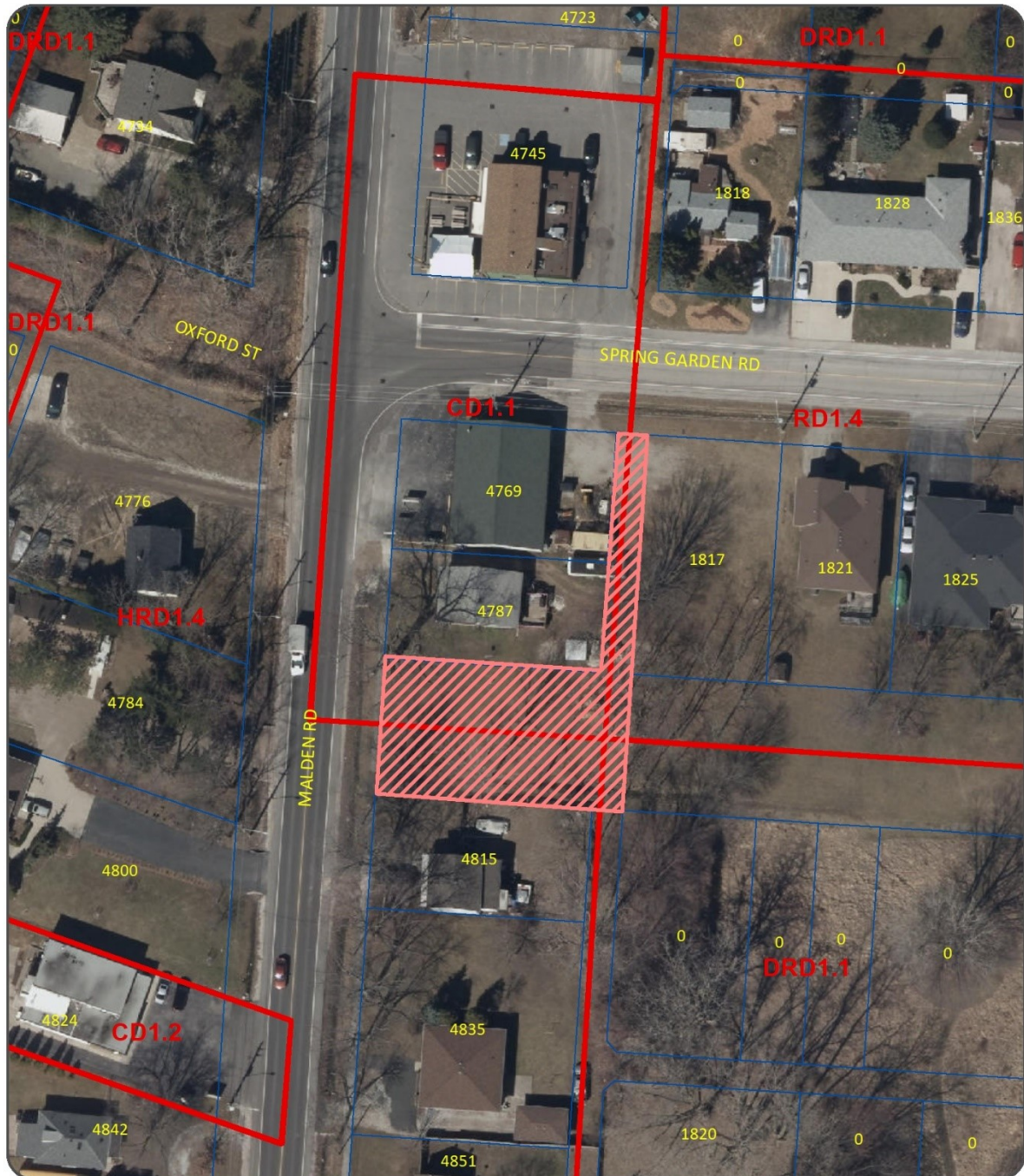
- 1 SAA-6275 - Appendix A - Drawing No. CC-1786
- 2 SAA-6275 - Appendix B - EIS Drawing - Aerial Photo
- 3 SAA-6275 - Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 SAA-6275 - Appendix D - Site Photos
- 5 SAA-6275 - Appendix E - Classification of Alleys and Suitability for Closure

**APPENDIX "A"**  
**Drawing No. CC-1786**





### APPENDIX "B" EIS Drawing - Aerial Photo



#### STREET & ALLEY CLOSING (SAS/6275)

1:750

APPLICANT : BRENDA MCDONNELL



 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JANUARY, 2021

**APPENDIX “C”****Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

Bell Canada has no concerns with the proposed closure/disposal.

**[Charleyne Hall, Bell Canada External Liaison]**

**CANADA POST**

No comments provided

**COGECO CABLE SYSTEMS INC.**

No comments provided

**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

**[Anne-Marie Albidone, Manager, Environmental Services]**

**ENWIN UTILITIES - HYDRO**

No Objection to closing the east/west alley portion abutting 4787 Malden and Yorktown street south/east of property.

Please note ENWIN has the following distribution along the north side of the alley:

1) overhead 27.6KV primary distribution and 120/240V secondary distribution along the north side of the alley to be closed.

An acceptable clearance must be maintained from our existing conductors on the north side of the proposed alley closing when working in the area. Please refer to the Ontario Building Code for adequate clearance requirements. We also recommend referring to the Occupational Health & Safety Act for the minimum safe limits of approach during work in the area.

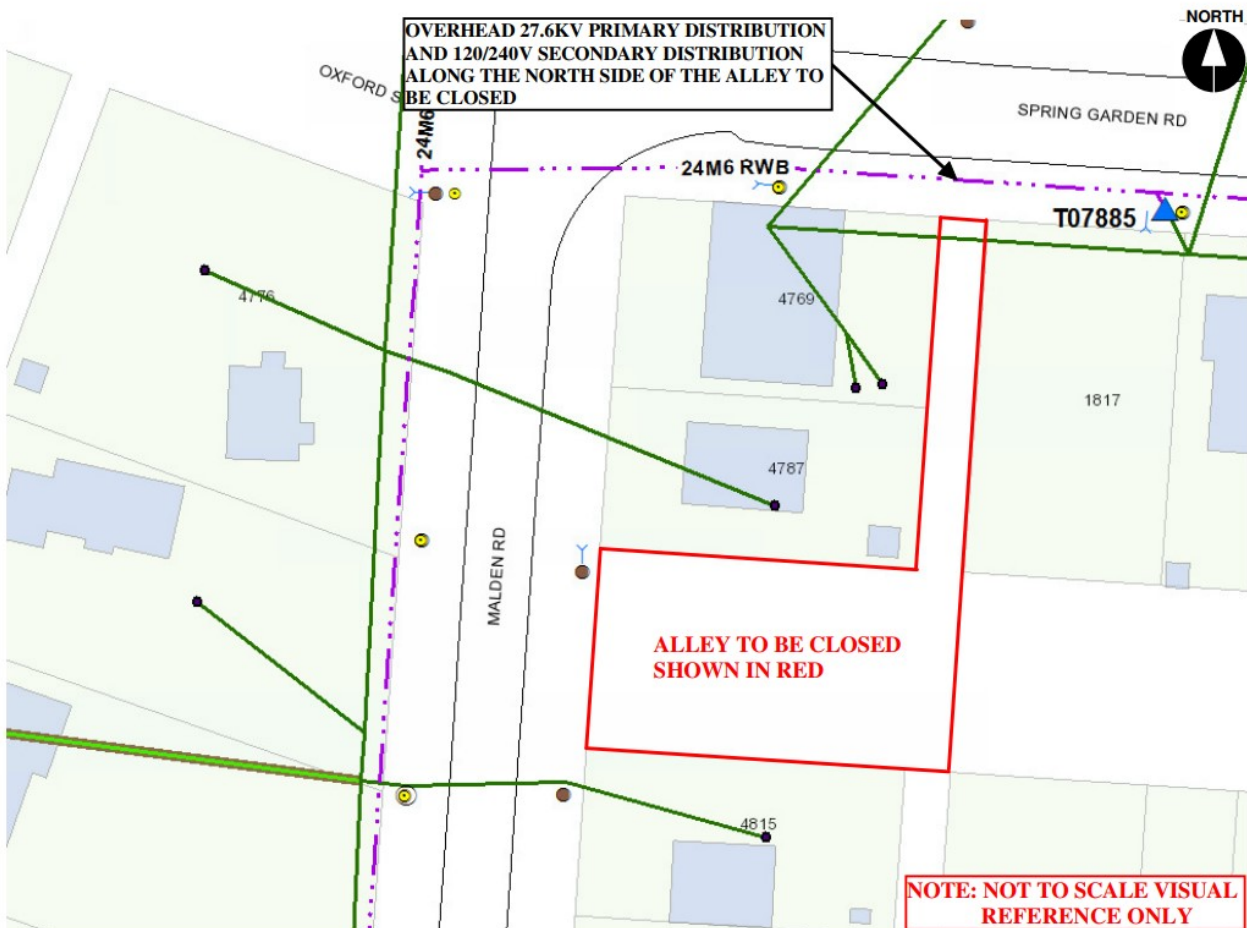
Sketch below for reference only. This attachment does not replace the need for utility locates.

**[Cecile Dalglish, Technical Services Dispatch]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**



### **LEGAL DEPARTMENT**

For lands abutting CD1.1 \$18/sq ft without easements and \$9/sq ft with easements. Lands abutting RD1.4, \$1 plus deed prep and share of survey cost.

Residential half be charged at residential building lot rates (\$4,000 per front foot without easements, \$2,000 with easement) and the commercial half charged at the square foot commercial rate used for the alley.

**[Chris Carpenter, Coordinator of Real Estate Services]**

### **MNSi**

MNSi does not require any easements on this property at this time.

**[Dave Hartleib, Outside Plant Manager]**

### **PARKS & FACILITIES**

No comments provided

### **PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

There is no objection to a parcel closure on this parcel, however the City Naturalist has provided evidence of an area on the property for concern with respect to potential SAR. Per her e-mail:

"The subject lands have been mowed but there is a small open E/W drain on the south side of the parcel (adjacent 4815 Malden Rd.) which may provide habitat for species at risk as it is connected to the natural area behind 4815 Malden Rd.

I would recommend that this open drain be retained as such."

I would recommend that the owner discuss with the City Naturalist what area of land she would like to have remain open to accommodate her concerns. The remaining area may be closed and acquired by the applicant, but the area of concern to remain in the City's inventory.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

The subject alley and right-of-way are composed of grass. There is a Municipal sanitary sewer on Spring Garden and Malden Road. A sanitary service was left in the Yorktown Avenue right-of-way for a future building lot, sewerage fees remaining outstanding. There are concerns with existing ditch running from the Yorktown right-of-way to the ditch on Malden. The drainage issue must be resolved before Public Works can support the right-of-way closure. This alley appears to have some usefulness by CR146/2005; therefore, we have no objections to the closure alley portion of this application.

**[Adam Pillon, Development Engineer]**

**PUBLIC WORKS - TRANSPORTATION/TRAFFIC**

The north/south alley is not required for vehicular or pedestrian access. The north/south alley can be closed from the Spring Garden right of way to the north limit of the Yorktown ROW (south property line of 4787 Malden only).

The Yorktown ROW will be needed to maintain vehicular and pedestrian access to properties fronting Yorktown Street. The ROW south of 4787 Malden should remain as City owned ROW until the ROW is built and the final configuration of Yorktown Street is determined.

**[Mike Spagnuolo, Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS**

TELUS has no infrastructure between Pavement Centerline & ROW line on the same side as the proposal.

Permit expires six (6) months from approval date.

If the location of your proposed design changes, it will be necessary to re-apply.

**[Derek Dukhu, CAD Technician]**

**TRANSIT WINDSOR**

Transit Windsor has no issues.

**[Steve Habrun, Manager of Operations]**

**UNION GAS**

After reviewing the provided APPLICATION: To close E/W alley portion abutting 4787 Malden and Yorktown street S/E of property and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the area. A PDF drawing has been attached for reference (see below).

Please Note:

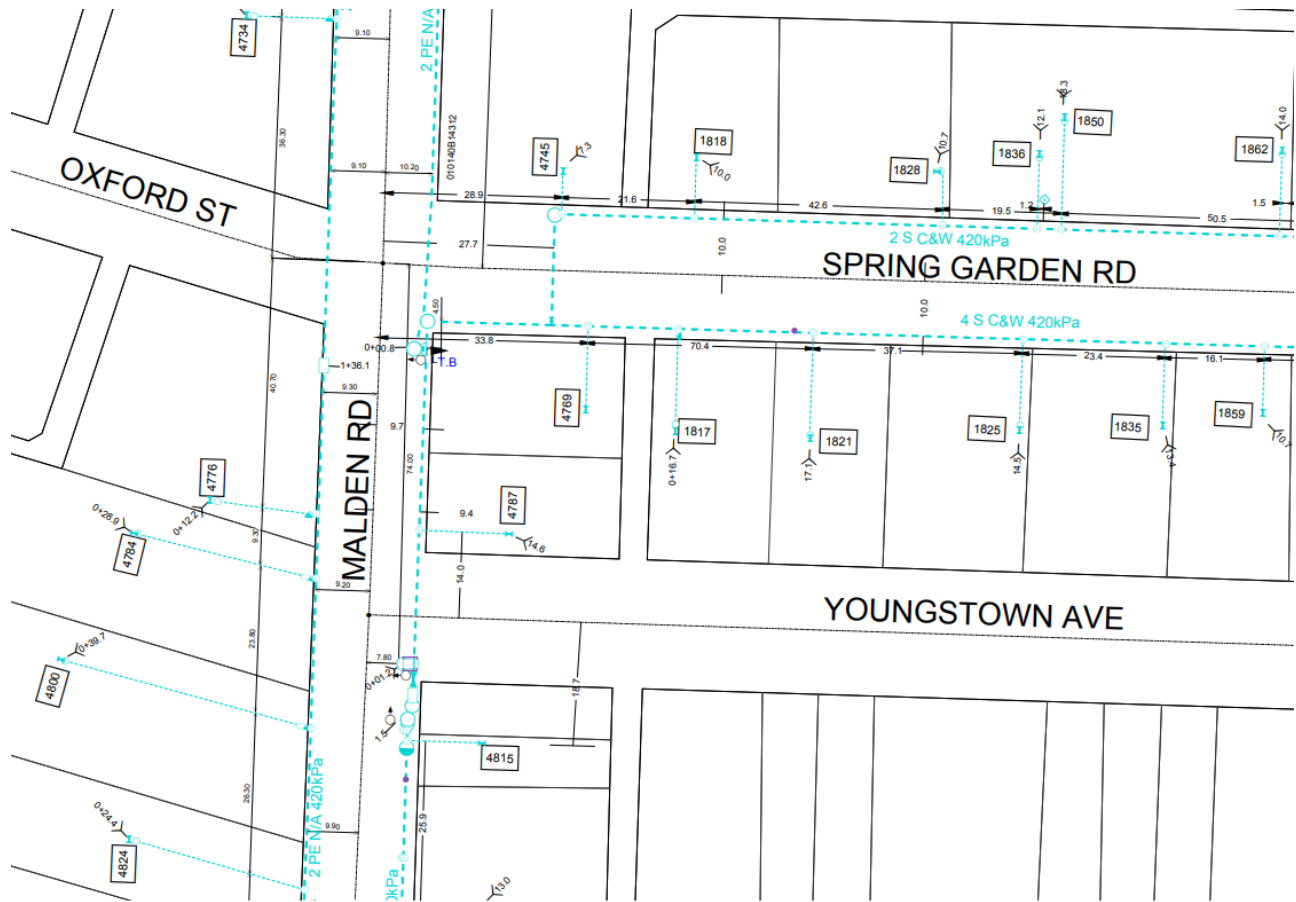
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
  - a. This drawing does not replace field locates (Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.)

Enbridge Gas requires a minimum separation of 0.3 m from all of our plant. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

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

**[Gord Joynson, Drafter Estimator]**



**WINDSOR FIRE**

No concerns from WFRS

**[John Lee, Chief Fire Prevention Officer]**

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the requested alley closure. Closure of the land areas in question will not impair police incident response or mobile patrol functioning for the subject site or surrounding properties in any way.

**[Barry Horrobin, Director of Planning & Physical Resources]**

**APPENDIX "D"**  
**Site Photos of Yorktown Avenue R.O.W. (June 2, 2022) and**  
**Google Street View of Alley (July 2021)**



*Figure 1 - Looking north towards Yorktown Avenue R.O.W. from Malden Road*



*Figure 2 - Looking northeast towards Yorktown Avenue R.O.W. from Malden Road*



*Figure 3 - Looking east towards Yorktown Avenue R.O.W. from Malden Road*



*Figure 4 - Looking southeast towards Yorktown Avenue R.O.W. from Malden Road*





Figure 5 - Looking south towards Alley from Spring Garden Road

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

Following are the criteria and suitability for closing alleys in each of the above classifications.

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.

**Subject: Repeal By-law 49-2020 and By-law 50-2020 and Close part of the north/south alley between Ontario Street and 825 Ford Boulevard**  
**Applicant/Owner: Donald and Julia Nelson File No.: SAA-5347 Ward 6**

**Reference:**

Date to Council: July 4, 2022  
Author: Brian Nagata  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: June 15, 2022  
Clerk's File #: SAA2022

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-laws to repeal By-law 49-2020 and By-law 50-2020.
- II. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix "D"**, **BE ASSUMED**.
- III. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix "D"**, **BE CLOSED**.
- IV. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix "D"**, **BE CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a) Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - Bell Canada to accommodate existing buried infrastructure;

- Cogeco Cable Systems Inc. to accommodate existing infrastructure;
- EnWin to accommodate existing 16 kV & 120/240 volt overhead hydro distribution, pole and down guys; and
- MNSi to accommodate existing aboveground infrastructure.

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

- a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1726, **attached** hereto as **Appendix "A"**.

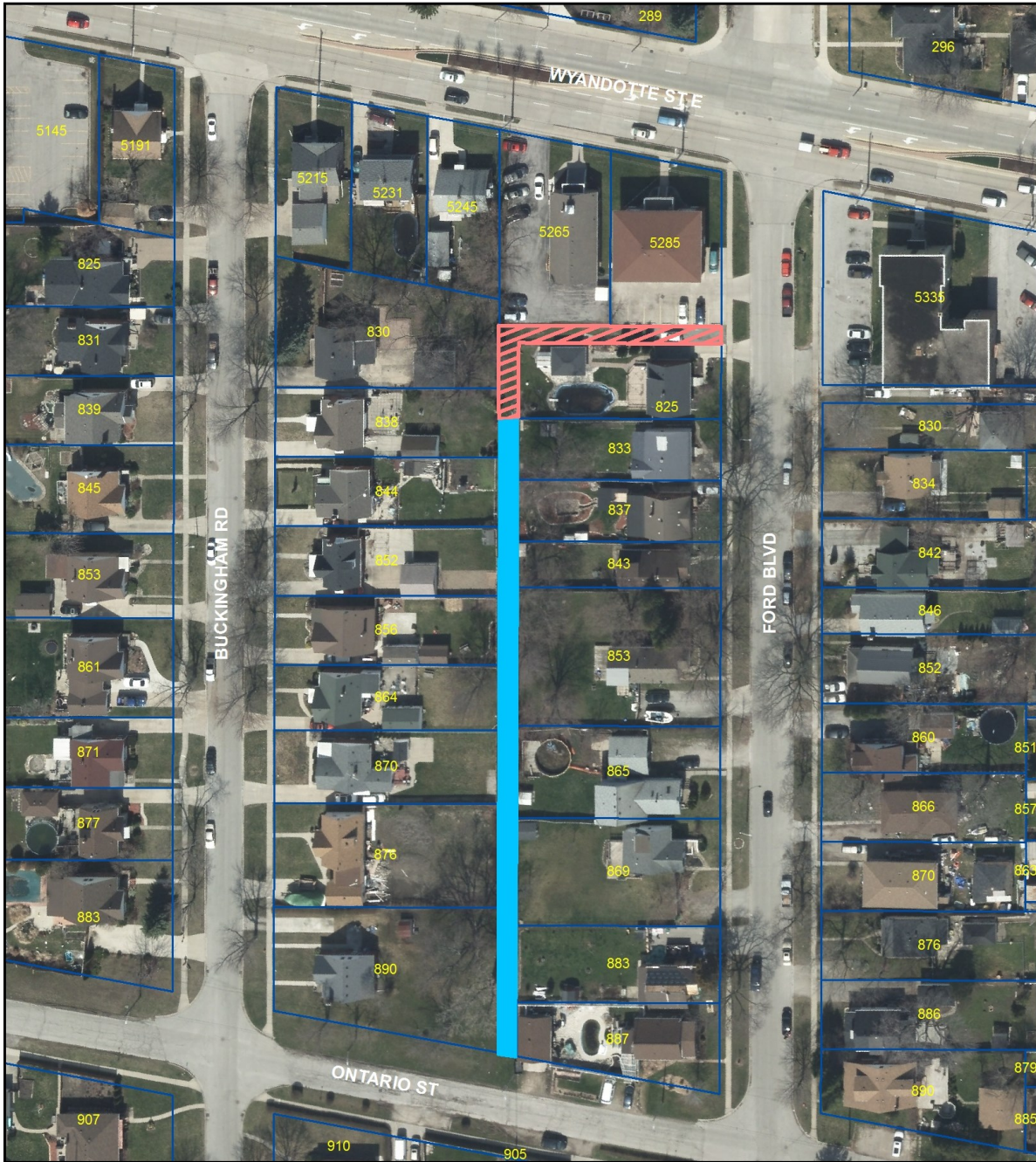
VII. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

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

**Executive Summary:**



N/A

Figure 1: Key Map




**STREET & ALLEY CLOSING (SAA/5347)**

APPENDIX 'B'  
 APPLICANT : J. Nelson.

 REQUESTED CLOSURE BY APPLICANT  
 RECOMMENDED CLOSURE BY ADMINISTRATION

PLANNING DEPARTMENT - DEVELOPMENT DIVISION  
 DATE: OCTOBER, 2018

1:1,000  


MAP NO: 2

## Background:

The applicants, Donald and Julia Nelson, owners of the property known municipally as 825 Ford Boulevard (the subject property), applied in November 2017 to close the 3.7 metre wide east/west alley located between the property known municipally as 830 Buckingham Road and Ford Boulevard, together with part of the northerly half of the 3.7 metre wide north/south alley that abuts the subject property, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

Administration assessed the entire north/south alley and east/west alley using the *Classification of Alleys and Suitability for Closure* guideline document. The assessment concluded that the alleys serve no useful purpose and should be closed if at all possible. Administration recommended the full closure and conveyance of both alleys through their October 17, 2018 report to Council, which was subsequently approved.

Alley Closing By-law 100-2019 was passed on August 26, 2019 to close and convey the aforesaid 3.7 metre wide east/west alley and part of the northerly half of the 3.7 metre wide north/south alley, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix “A”**, and also shown as Part 1 on Reference Plan 12R-27849 **attached** hereto as **Appendix “C”** to the abutting property owners. Notwithstanding By-law 100-2019, the alleys were conveyed in their entirety to the subject property.

Alley Closing By-laws 49-2020 and 50-2020 (**See Appendix “E” & Appendix “F”**) were passed on April 27, 2020 to assume, and close and convey respectively, the aforesaid east/west alley and the entire north/south alley and shown on Drawing No. CC-1726 **attached** hereto as **Appendix “A”**, and also shown as Parts 1 to 42, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix “D”** to the abutting property owners.

Administration subsequently discovered that By-laws 49-2020 and 50-2020 include and reference the lands described under By-law 100-2019 in error. This oversight prevents the assumption, closure and conveyance of the remainder of the north/south alley. A by-law to repeal the said by-laws is the only means to correct this error.

## Discussion:

Administration has determined that a by-law to repeal By-laws 49-2020 and 50-2020 is the most effective way to correct the aforesaid error. The amending of By-laws 49-2020 and 50-2020 would be a cumbersome process due to the number of changes required to fix the by-laws.

The new alley closure by-laws will provide an accurate legal description and provisions for the assumption, closure and conveyance of the remainder of the north/south alley. The revised legal description and provisions are reflected through the recommendation of this report herein.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the subject alley in the manner described in the Recommendation

section herein. Hence the recommendation is to close and convey the alley to the abutting property owners.

Delegation of Authority By-law 208-2008 does not give the Chief Administrative Officer the power to repeal or authorize an alley closing by-law.

### **Risk Analysis:**

The recommended repealing of By-law 49-2020 and By-law 50-2020 poses no known risk to the City.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.2 remains assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

### **Consultations:**

Consultation was held with the Legal, Real Estate & Risk Management Department to confirm the process for addressing the errors within By-law 49-2020 and By-law 50-2020.

### **Conclusion:**

The Planning Department recommends that By-law 49-2020 and By-law 50-2020 be repealed with new by-laws that exclude the lands described within By-law 100-2019 and include provisions that accurately reflect the alley closure.

The closed alley is to be conveyed to the abutting property owners, as in Recommendations II & III of this report.

### **Planning Act Matters:**

Brian Nagata, MCIP, RPP  
Planner II - Development Review

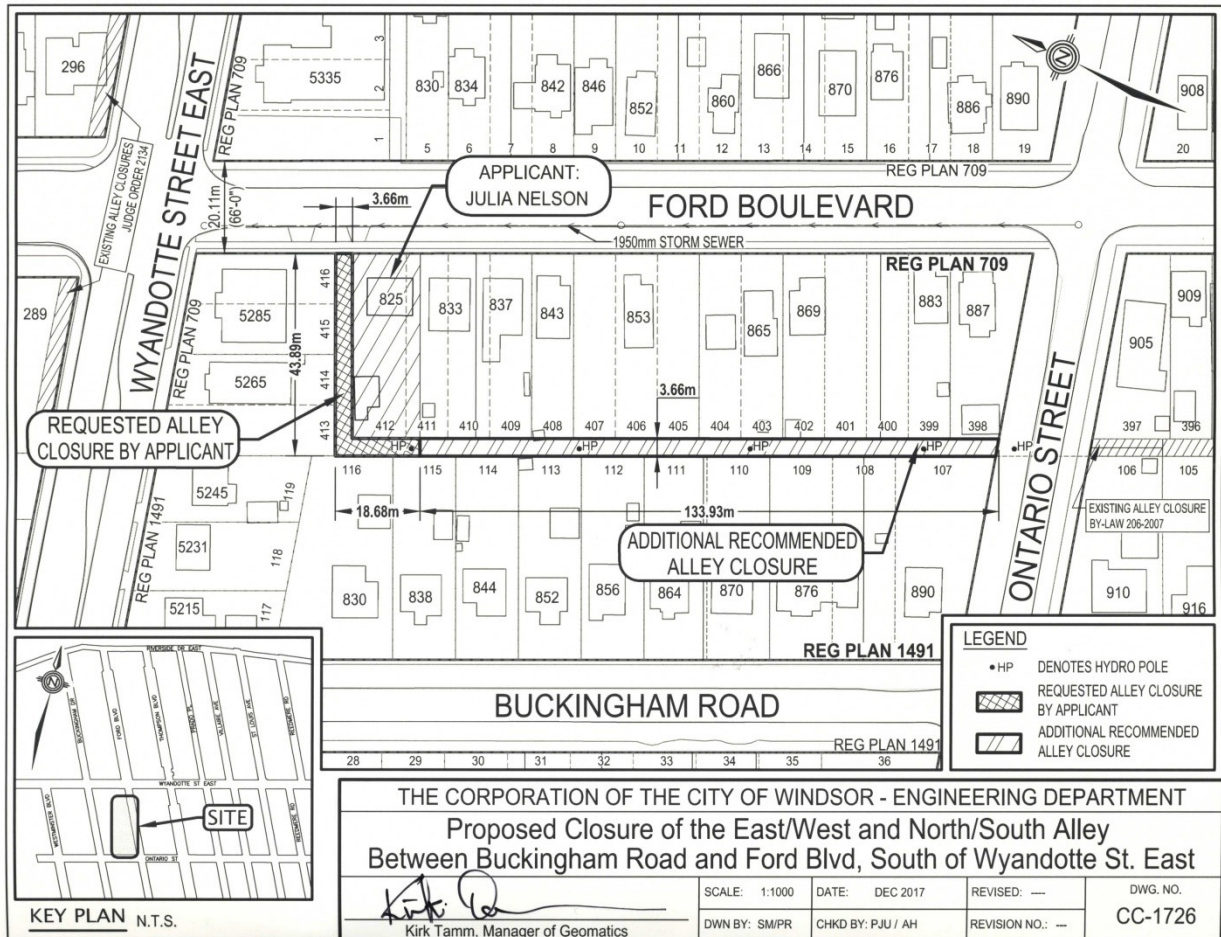
I concur with the above comments and opinion of the Registered Professional Planner.



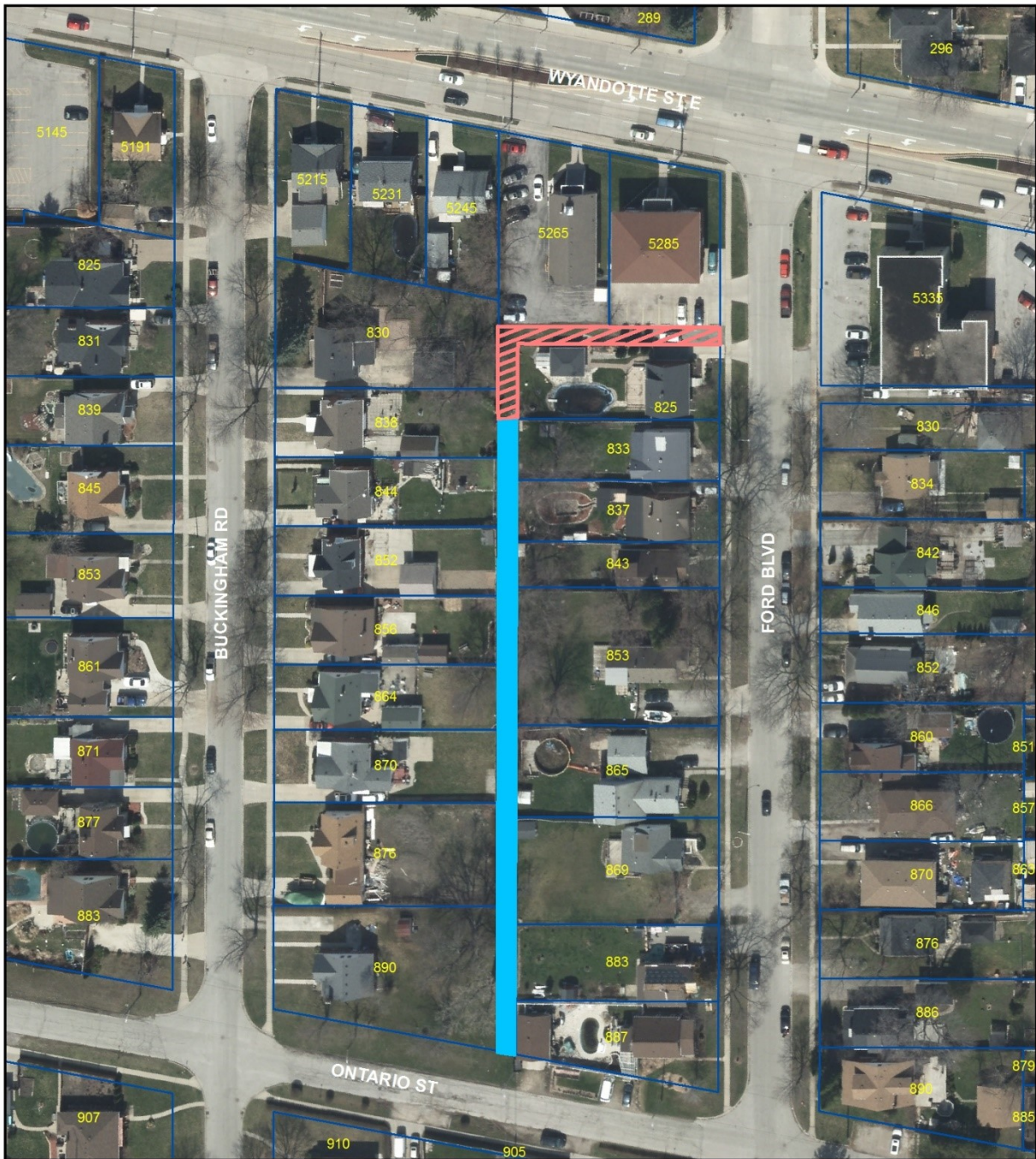


# APPENDIX "A"


## Drawing No. CC-1726




### APPENDIX "B" EIS Drawing - Aerial Photo



**STREET & ALLEY CLOSING (SAA/5347)**  
APPENDIX 'B'  
APPLICANT : J. Nelson.

 REQUESTED CLOSURE BY APPLICANT  
 RECOMMENDED CLOSURE BY ADMINISTRATION

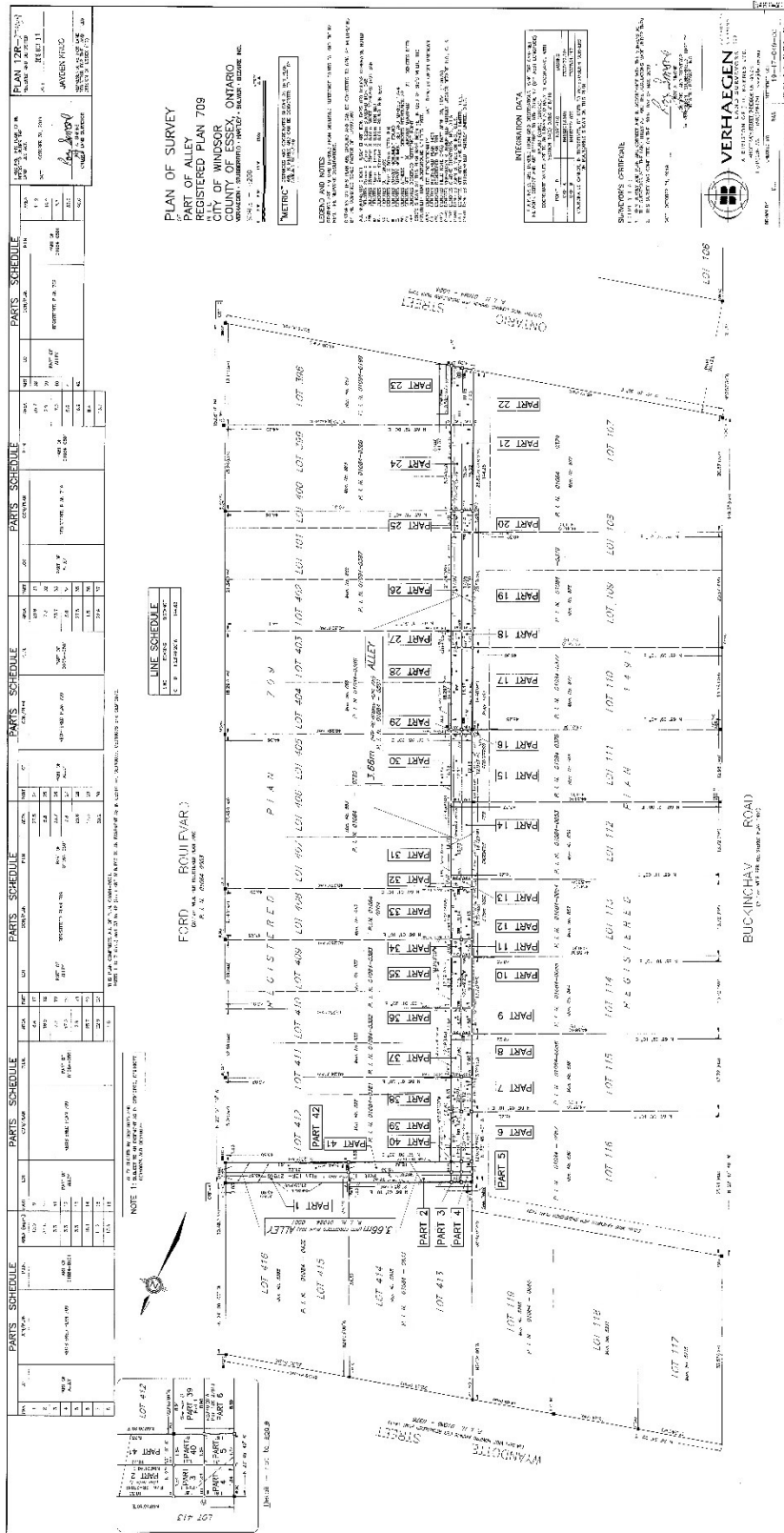
PLANNING DEPARTMENT - DEVELOPMENT DIVISION  
DATE: OCTOBER, 2018

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MAP NO: 2



# APPENDIX "D"

## Reference Plan 12R-27989



**APPENDIX "E"**  
**By-law 49-2020**

BY-LAW NUMBER 49-2020

A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 3.66 METRE  
EAST/WEST ALLEY AND THE 4.00 METRE NORTH/SOUTH ALLEY  
LOCATED SOUTH OF WYANDOTTE STREET EAST, NORTH OF ONTARIO  
STREET, EAST OF BUCKINGHAM ROAD AND WEST OF FORD  
BOULEVARD, CITY OF WINDSOR

Passed the 27th day of April, 2020.

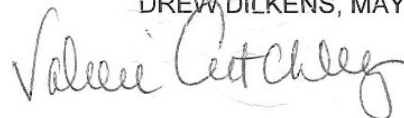
**WHEREAS** the 3.66 metre wide east/west alley and the 4.00 metre north/south alley located south of Wyandotte Street East, north of Ontario Street, east of Buckingham Road and west of Ford Boulevard, City of Windsor, more particularly described in Schedule "A" hereto annexed, is vested in The Corporation of the City of Windsor;

**AND WHEREAS** it is deemed expedient that the said lands be assumed for subsequent closure;

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

1. That the 3.66 metre wide east/west alley and the 4.00 metre north/south alley located south of Wyandotte Street East, north of Ontario Street, east of Buckingham Road and west of Ford Boulevard, City of Windsor, more particularly described in Schedule "A" hereto annexed and forming part of this by-law, be and the same is hereby assumed for public use as a public highway.
2. That this by-law shall come into force and take effect on the day of the final passing thereof.

  
DREW DILKENS, MAYOR



CITY CLERK

First Reading - April 27, 2020  
Second Reading - April 27, 2020  
Third Reading - April 27, 2020

**SCHEDULE "A"**

Alley Plan 709, designated as Parts 1 to 42, inclusive, 12R27989; Windsor

Being all of PIN 01084-0501

City of Windsor  
County of Essex

## APPENDIX "F"

### By-law 50-2020

#### BY-LAW NUMBER 50-2020

A BY-LAW TO CLOSE, STOP UP AND CONVEY CLOSURE THE 3.66 METRE EAST/WEST ALLEY AND THE 4.00 METRE NORTH/SOUTH ALLEY LOCATED SOUTH OF WYANDOTTE STREET EAST, NORTH OF ONTARIO STREET, EAST OF BUCKINGHAM ROAD AND WEST OF FORD BOULEVARD, CITY OF WINDSOR

Passed the 27th day of April, 2020.

**WHEREAS** it is deemed expedient to close, stop up and convey the 3.66 metre wide east/west alley and the 4.00 metre north/south alley located south of Wyandotte Street East, north of Ontario Street, east of Buckingham Road and west of Ford Boulevard, City of Windsor, more particularly described in Schedule "A" attached hereto;

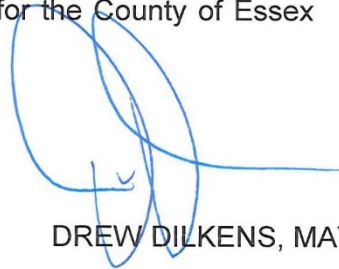
**THEREFORE** the Council of the Corporation of the City of Windsor enacts as follows:

1. That the 3.66 metre wide east/west alley and the 4.00 metre north/south alley located south of Wyandotte Street East, north of Ontario Street, east of Buckingham Road and west of Ford Boulevard, City of Windsor, more particularly described in Schedule "A" attached hereto and forming part of this by-law, be and the same is hereby closed and stopped up.
2. That the lands be conveyed to the abutting owners at the following conveyance price:
  - a) For alleys abutting lands zoned RD1.2, \$1.00 plus deed preparation and proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
  - b) For alleys abutting lands zoned ID1.1 and RD3.4, \$86.11 per square metre without easements and \$43.05 per square metre with easements plus deed preparation and proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;

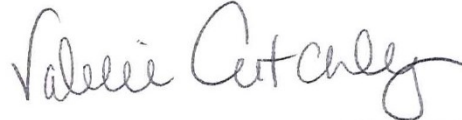
that part thereof upon which the owner's land abuts to the middle line of such closed and stopped up part; provided, however, that any such owner shall notify the Planning Department, in writing, of the owner's intention to exercise the owner's right to purchase, if such owner does not exercise its right of first refusal to purchase, the Planning Department shall be authorized to offer that part to the other abutting property owner at the same price.

3. That any required easements pursuant to Council Resolution CR668/2018 be registered prior to conveyance.
4. That the Chief Administrative Officer and City Clerk be authorized and directed to execute on behalf of The Corporation of the City of Windsor and to seal with the seal thereof, any and all documents necessary to implement the foregoing; and that the transaction be completed electronically, for property where it is available, pursuant to By-law Number 366-2003, as amended from time to time.

5. This by-law shall come into force and take effect the day upon which it is registered in the Land Registry Office for the County of Essex (No. 12).



DREW DILKENS, MAYOR



CITY CLERK

First Reading - April 27, 2020  
Second Reading - April 27, 2020  
Third Reading - April 27, 2020



**SCHEDULE "A"**

Alley Plan 709, designated as Parts 1 to 42, inclusive, 12R27989; Windsor

Being all of PIN 01084-0501

City of Windsor  
County of Essex