

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Phone: (519)255-6211

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**City Council
Decision
Monday, March 21, 2022**

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR115/2022 DHSC 371

- I. That the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;
- II. That Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

16.10.1 PERMITTED USES

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>

9 or more dwelling units in a Combined Use Building with any of the above uses

Multiple Dwelling with 9 or more dwelling units

Residential Care Facility

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

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16.10.5 PROVISIONS

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| .1 | Lot Frontage – minimum | 18.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>building</i> containing only non-residential uses | 400.0 m ² |
| | For each <i>dwelling unit</i> | 85.0 m ² |
| .4 | Building Height – maximum | 20.0 m |
| .8 | Landscaped Open Space Yard – minimum | 30.0% of <i>lot area</i> |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses. | |
| .16 | A <i>Multiple Dwelling</i> shall be located above grade, at the rear of non-residential use. | |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. | |
| .20 | Building Setback – minimum | |
| | a) From an <i>exterior lot line</i> abutting Tecumseh Road East, for that part of the building having a <i>building height</i> of 10.0 m or less | 0.0 m |
| | b) From an <i>exterior lot line</i> abutting Tecumseh Road East, for that part of the building having a <i>building height</i> of more than 10.0 m: | 6.0 m |
| | c) From an <i>interior lot line</i> where a habitable room window faces the <i>interior lot line</i> | 6.0 m |
| | d) From an <i>interior lot line</i> where a habitable room window does not face the <i>interior lot line</i> | 3.0 m |
| .90 | <i>Parking space</i> is prohibited in the <i>front yard</i> and in any <i>side yard</i> within 6m of the <i>exterior lot line</i> . | |

- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

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**“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD
AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey *Combined Use Building* containing a maximum of 71 *dwelling units* plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m² minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

- a) Section 16.10.5.15 of by-law 8600 shall not apply;
- b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
- c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
- d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m² minimum gross floor area of non-residential use;
- e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use;
- f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
[ZDM 15; ZNG/6323]

- IV. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

- a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;

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- b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
 - c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
 - d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
 - e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
 - f) Enbridge Gas minimum separation requirements;
 - g) Adequate clearance from existing ENWIN's pole lines and power lines; and
 - h) Canada Post multi-unit policy;
 - i) SAR Snake mitigation measures as in the attached Appendix F to this report.
- Carried.

Report Number: SCM 69/2022, S 2/2022 & AI 4/2022
Clerk's File: ZB/14064 & ZO/14063 8.13

Anna Ciacelli

Deputy City Clerk
April 5, 2022

A link to the Appendices to these minutes can be found here: [click here](#)