



MGV DEVELOPMENTS (MCGREGOR) INC.

Planning Justification Report

Woodland Trails – Woodlot & Natural Areas
Official Plan and Zoning By-law Amendments

Table of Contents

1.0	Introduction	1
1.1	Purpose	1
1.2	Background	1
1.3	Proposed Amendment	4
2.0	Existing Land Use	6
2.1	Subject Site	6
2.2	Surrounding Land Use	6
3.0	Planning Evaluation	7
3.1	Provincial Policy Statement	7
3.2	County of Essex Official Plan	8
3.3	Town of Amherstburg Official Plan	8
3.4	3.4 Town of Amherstburg Zoning By-law 1999-52	8
3.5	Provincial Policy Statement Analysis	9
3.6	County of Essex Official Plan Analysis	11
3.7	Town of Amherstburg Official Plan Analysis	14
3.8	Overview of Analysis	17
4.0	Conclusion	19
	Tables	
	Table 1: EIA Recommended Habitat Compensation and Land Transfer	3
	Table 2: Current Zoning and Official Plan Designations of the Subject Site	4
	Table 3: Proposed Zoning and Official Plan Designations of the Subject Site	4
	Figures (Report)	
	Figure 1.2.1: Draft Plan of Subdivision - Detail	3
	Figure 1.2.2: Conceptual Development Plan - Detail	3

Figures

Appendices

- A Notice of Decision
- B Environmental Impact Assessment
- C Provincial Policy Statement 2020
- D County of Essex Official Plan
- E Town of Amherstburg Official Plan
- F Town of Amherstburg Zoning By-law 1999-52

1.0

Introduction

1.1

Purpose

Dillon Consulting Limited (Dillon) has been retained by MGV Developments (McGregor) Inc., herein referred to as the 'Applicant', to obtain the necessary planning approvals associated with the conservation of the woodlots located north of Cypher Systems Group Greenway and west of Walker Road, herein referred to as the "Subject Site." It is adjacent to a development known as Woodland Trails Subdivision (refer to **Figure 1.0 – Location Map**).

As part of the Draft Plan of Subdivision Approval for the Woodland Trails Subdivision, the wooded areas on the property are required to be redesignated and rezoned to an appropriate Official Plan designation and Zoning category.

The wooded areas consist of two (2) woodlots, both of which primarily front onto the Cypher Systems Group Greenway. The larger woodlot (known as Block 84) is 3.85 ha (9.53 ac) in size. The smaller woodlot (known as Blocks 81, 82, and 83) is 0.70 ha (1.74 ac) in size. The following report has been prepared to support a joint application for an Official Plan Amendment and a Zoning By-law Amendment.

The following are the current designations pertaining to the wooded areas in the County of Essex Official Plan, the Town of Amherstburg Official Plan, and the Town of Amherstburg Zoning By-law 1999-52.

County of Essex Official Plan - Schedule A1: Land Use Plan

- Settlement Area

Town of Amherstburg Official Plan - Schedule A: Land Use Plan

- Woodlots (Block 84) and Low Density Residential (Blocks 81, 82, 83)

Town of Amherstburg Zoning By-law 1999-52

- Residential First Density (R1) and Commercial General (CG)

1.2

Background

The Woodland Trails Subdivision located in McGregor, Ontario has been planned for over two decades. The original Draft Plan of Subdivision expired a number of years ago but the entire property was rezoned at that time to permit single detached dwellings, including the woodlots/thicket (wooded areas) lands found on the property. With the expiry of the Plan of Subdivision approval, the property remained vacant and under agricultural production.

In 2019, MGV Developments (McGregor) Inc., (MGV), our client, acquired the land and initiated a new Plan of Subdivision on the property. MGV maintained conformity to the Town of Amherstburg (Town)

existing zoning regulations and proposed a total of 150 single detached dwellings, a stormwater management facility, sanitary pumping station and preservation of the wooded areas (refer to **Figure 2.0 – Conceptual Development Plan**). However, due to sanitary constraints with the existing lagoons, the subdivision was split into two (2) phases. Phase 1 with a total of 74 single detached lots includes the construction of the stormwater management facility, sanitary pump station, and the protection of the wooded areas. Approvals for Phase 2 will be coordinated under a separate application in the future when sanitary capacity is available.

MGV received Draft Plan of Subdivision approval for Phase 1 from the County of Essex on March 19, 2023.

There are Conditions associated with each and every Draft Plan of Subdivision approval. Woodland Trails is no different, Condition 17 requires the redesignation and rezoning of the existing wooded areas on the property to an appropriate Official Plan designation and Zoning category (refer to **Appendix A – Notice of Decision**). These wooded areas are known as:

- Block 81, 82, 83 and 84 on the Draft Plan (refer to **Figure 3.0 – Draft Plan of Subdivision**).

Presently, the wooded areas are:

- Designated as “Woodlot” and “Residential” in the Town’s Official Plan (OP); and
- Zoned as “Residential First Density (R1)” and “Commercial General (CG)” in the Town’s Zoning By-law (ZBL).

This Planning Justification Report (PJR) provides the rationale for the change in land use designation and zoning category to the appropriate designation for the protection of the natural heritage features.

Conditions of approval must be met before registration of the Plan of Subdivision (12M Plan). This PJR has been prepared in support of the fulfillment of Condition 17, relating File No. 37-T-22006, to ensure the protection of the wooded areas. The PJR provides the rationale for the change in land use designation and zoning category to the appropriate designation for the protection of the natural heritage features. To facilitate the registration of the Plan of Subdivision, the Official Plan and Zoning By-law Amendments are required to be approved prior to the transfer of lands. The wooded areas were studied as part of the Plan of Subdivision approval and recommendations have been made and agreed to by the County of Essex (County) and ERCA (refer to **Appendix B – Environmental Impact Assessment**).

The Environmental Impact Assessment (EIA) recommended the relocation of the eastern thicket (wooded) area with habitat compensation proposed. The EIA identified that the buffer area, retained forest community, and retained thicket community should be rezoned to the Environmental Protection (EP) zone. Should the thicket (wooded) area be relocated in the future as habitat compensation, additional planning approvals will be required. The proposed changes recommended by the EIA are provided below.

Table 1: EIA Recommended Habitat Compensation and Land Transfer

Block Number on Draft Plan of Subdivision	Block Number on Conceptual Development Plan	Proposed Land Ownership	Current Use	Proposed Future Use
Block 77	Block 4	Private Ownership	Future Residential	Habitat Compensation (Woodlot)
Block 81	Block 5	ERCA	Woodlot	Woodlot
Block 82	Block 6	Private Ownership	Woodlot	Woodlot
Block 83	Block 7	Private Ownership	Woodlot	Future Commercial
Block 84	Block 8	ERCA	Woodlot	Woodlot

Figure 1.2.1: Draft Plan of Subdivision - Detail



Figure 1.2.2: Conceptual Development Plan - Detail



In summary, Block 83 is presently a thicket, adjacent to a future commercial and residential property with MGV and Chris Maninna agreeing to redesignate and rezone the lands to appropriate categories with the thought of revisiting the final use of the lands in the future. The EIA recommends that Block 83 be relocated with Block 77 proposed as habitat compensation. This approach is supported by the County, ERCA and the findings of the Environmental Impact Assessment (EIA).

Following the redesignation and rezoning of the existing wooded areas on the property to an appropriate Official Plan designation and Zoning category, and upon registration of the 12M Plan, the lands will be transferred to:

- Block 81 and Block 84 will be transferred to the Essex Region Conservation Authority (ERCA) providing connectivity to the Cypher Systems Trail; and
- Block 82 and Block 83 will be transferred to the previous land owner, Chris Mannina, as per condition of the existing agreement of purchase and sale, along with the future commercial blocks.

Refer to **Figure 4.0 – Proposed Land Ownership**.

1.3 Proposed Amendment

The Subject Site presently has two designations in the Amherstburg Official Plan. The large lot, Block 84, is designated as a “Woodlot”. The smaller woodlot, Blocks 81 to 83, is currently designated as “Residential”. The proposed Official Plan Amendment will follow the designation of the first lot and identify both wooded areas as “Woodlot”. The Amherstburg By-law 1999-52 zones the large woodlot (Block 84) as Residential (R1). The smaller woodlot is split-zoned Residential First Density (R1) (Blocks 81 and 82) and Commercial General (CG) (Block 83). The Zoning By-law Amendment proposes to rezone the lots under the Environmental Protection (EP) zone. The proposed changes are shown below.

Table 2: Current Zoning and Official Plan Designations of the Subject Site

Town of Amherstburg	Block 84	Blocks 81 to 82	Block 83
Official Plan	Woodlots	Low Density Residential	Low Density Residential
Zoning By-law	Residential First Density (R1)	Residential First Density (R1)	Commercial General (CG)

Table 3: Proposed Zoning and Official Plan Designations of the Subject Site

Town of Amherstburg	Block 84	Blocks 81 to 82	Block 83
Official Plan	Woodlots	Woodlots	Woodlots
Zoning By-law	Environmental Protection (EP)	Environmental Protection (EP)	Environmental Protection (EP)

*Note: The **bolded** words indicate a proposed change.*

The proposed changes will meet Condition 17 of approval for the Woodland Trails Plan of Subdivision. This will permit the registration of the 12M Plan and allow for the transfer of lands while protecting the natural features found on the property.

Prior to the Council's approval, a full analysis of planning policy must be completed. This review has been conducted by a professional planner to provide Council with the necessary information to make an informed decision. Council's decisions will materially influence the conditions of approval and initiate the development of the Woodland Trails Subdivision (Phase 1).

2.0 Existing Land Use

2.1 Subject Site

The physical attributes of the site areas are as follows:

- A total site area of 4.37 hectares (10.82 acres)
 - Block 84 (3.85 ha / 9.53 ac);
 - Block 82 (0.30 ha / 0.74 ac); and,
 - Block 83 (0.22 ha / 0.55 ac).
- Irregular shapes that are located north of Cypher Systems Group Greenway and west of Walker Road;
- Adjacent to a development known as Woodland Trails Subdivision; and
- No significant environmental hazards.

2.2 Surrounding Land Use

The surrounding land uses are described as follows:

North

- **Existing Uses:** Agricultural, Commercial, and Single-detached dwellings;
- **Official Plan Designation(s):** Settlement Area, General Commercial, and Low Density Residential;
- **Zone(s):** Agricultural (A), Commercial General (CG), Residential First Density (R1), and Residential Type 1A (R1A).

East

- **Existing Uses:** Single-detached dwellings, and Sainte-Ursule Elementary School;
- **Official Plan Designation(s):** Settlement Area;
- **Zone(s):** boundary with the Town of Essex.

South

- **Existing Uses:** Cypher Systems Group Greenway, Single-detached dwellings, and Commercial;
- **Official Plan Designation(s):** Settlement Area, Low Density Residential, and General Commercial;
- **Zone(s):** Agricultural (A-31), Residential First Density (R1), and Commercial Neighbourhood (CN).

West

- **Existing Uses:** Agricultural and Single-detached dwellings;
- **Official Plan Designation(s):** Settlement Area, Agricultural, and Low Density Residential;
- **Zone(s):** Agricultural (A), Residential First Density (R1), and Residential Second Density (R2).

3.0

Planning Evaluation

To determine the best practice for the proposed development, a comprehensive review of planning issues and impacts has been undertaken. The scope and level of detail of the planning evaluation has been based on:

- Provincial Policy Statement 2020;
- County of Essex Official Plan policies and criteria;
- Town of Amherstburg Official Plan policies and criteria;
- Town of Amherstburg Zoning By-law 1999-52 regulations;
- Visual inspections of the site and surrounding land; and
- Review of the background studies and previous Planning Justification Report for the Woodland Trails Subdivision.

3.1

Provincial Policy Statement

The Provincial Policy Statement (PPS) promotes the development of ‘Strong, Healthy Communities’ through the redevelopment of lands for an appropriate mix of uses, which includes the preservation of natural heritage resources. Proposals must be “consistent with” the Provincial Policy Statement and as a broad and general document, the Applicant must, through analysis of the policies, determine how the proposal is appropriate and advances the Province’s interests. There are a number of sections of the Provincial Policy Statement that apply to the conservation of natural heritage resources.

Our analysis suggests that the following policies of the Provincial Policy Statement (refer to **Appendix C – Provincial Policy Statement 2020**) are supportive of the Zoning By-law Amendment applications:

Policy 1.1.1, relating to sustaining healthy, liveable and safe communities;

Policy 1.1.3.2, relating to land use patterns;

Policy 1.5.1, relating to public spaces, recreation, parks, trails and open space;

Policy 1.7.1, relating to minimizing negative impacts from a changing climate;

Policy 1.8.1, relating to conservation;

Policy 2.1.1, relating to the protection of natural heritage features;

Policy 2.1.2, relating to maintaining natural heritage features; and

Policy 2.1.8, relating to development of adjacent lands.

Section 4.2 of the PPS states, “*This Provincial Policy Statement shall be read in its entirety and all relevant policies*” with Part III are to be applied to each situation. These policies are included in

Appendix C and will be referenced throughout the remainder of this report. Our analysis concludes that the proposed development is consistent with the above policies of the Provincial Policy Statement.

3.2 County of Essex Official Plan

The County of Essex Official Plan sets general directions for the future pattern of land development envisioned for the county during the planning period. The Official Plan includes natural environment policies through Section 3.4. Though the County of Essex is in the process of undertaking an Official Plan Review, the proposal will consider policies outlined by the current Official Plan for the proposed Official Plan and Zoning By-law Amendments. Our analysis suggests that the following policies of the County of Essex Official Plan (refer to **Appendix D – County of Essex Official Plan**) support our application:

- Section 3.4.2, relating to the goals of a natural heritage system;
- Section 3.4.4, relating to natural environment overlay policies; and
- Section 3.4.6, general policies for natural heritage systems.

3.3 Town of Amherstburg Official Plan

The Town of Amherstburg Official Plan sets general directions for the future pattern of land development envisioned for the municipality during the planning period. The Official Plan includes policies for Woodlot conservation through Section 3.5.3. Though the Town of Amherstburg is in the process of undertaking an Official Plan Review, the proposal will consider policies outlined by the current Official Plan for the proposed Official Plan and Zoning By-law Amendments. Our analysis suggests that the following policies of the Town of Amherstburg Official Plan (refer to **Appendix E – Town of Amherstburg Official Plan**) support our application:

- Section 2.26, relating to woodlots;
- Section 3.4.1, relating to natural environment goals;
- Section 3.4.2, relating to natural environment policies;
- Section 3.5.2, relating to goals for woodlot areas; and
- Section 3.5.3, relating to policies for woodlots.

3.4 3.4 Town of Amherstburg Zoning By-law 1999-52

The Town of Amherstburg Zoning By-law 1999-52 provides the standards and regulations for all developments within the Town.

Though there is no proposed development for the Subject Site, the Applicant is seeking a Zoning By-law Amendment to protect the identified areas through the appropriate zoning provisions. The Zoning By-

law Amendment proposes to rezone the Subject Site from Residential First Density (R1) to an Environmental Protection (EP) zone.

Refer to **Appendix F – Town of Amherstburg Zoning By-law 1999-52**.

3.5 Provincial Policy Statement Analysis

The following section outlines how the proposed environmental protection area is supported by the policies outlined in the Provincial Policy Statement (2020).

Policy 1.1.1(c)(h)(i)

Healthy, liveable and safe communities are sustained by:

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

The preservation of the wooded areas through the proposed Official Plan and Zoning By-law Amendments represents an opportunity for land use planning that maintains the ecological function of the woodlots and will contribute to the overall health and resilience of the ecosystem. Preserving the woodlots will contribute to biodiversity conservation, air quality improvement, soil erosion prevention, and additional recreational and aesthetic benefits which will promote an overall healthier environment for the community.

Policy 1.1.3.2(a)(b)(c)(d)

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.*

Maintaining the woodlots through the proposed Official Plan and Zoning By-law Amendments will allow for the efficient use of land and resources in the Town of Amherstburg and represents a sustainable development practice. By preserving the wooded areas, encroachment on these natural habitats will be minimized which will contribute to the overall health and well-being of the ecosystem and the community. The significant woodlots have ecological value and through the proposed Official Plan and Zoning By-law Amendments will provide opportunities for biodiversity, conservation, and air quality

improvement. The preservation of the woodlots will contribute to climate regulation efforts and promote an overall healthier environment.

Policy 1.5.1(d)

Healthy, active communities should be promoted by:

- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

Recognizing that the woodlots provide valuable natural areas, there is an opportunity to achieve balance between development and environmental stewardship by maintaining these areas and their ecological function. The presence of natural features within a community has been shown to enhance mental well-being and improve quality of life, which in turn promotes the creation of a sustainable and resilient community.

Policy 1.7.1(k)

Long-term economic prosperity should be supported by:

- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature.*

Maintaining the woodlots through the proposed Official Plan and Zoning By-law Amendments provides numerous environmental benefits that contribute to the overall health and well-being of ecosystems and communities. Some ecological and social benefits provided by the natural resource include climate regulation, air quality improvement, water regulation and quality, wildlife habitat integrity, noise and visual pollution reduction, and recreational opportunities. Long-term economic prosperity is supported by recognizing and preserving the wooded areas and their ecological benefits.

Policy 1.8.1(f)(g)

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:

- 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.*

As previously noted, the woodlots provide a variety of ecological benefits which promote energy conservation and efficiency. In addition to the ecological mitigating effects, the preservation of the wooded areas contributes to the vegetation found within settlement areas.

Policy 2.1.1

Natural features and areas shall be protected for the long term.

The intent of the proposed Official Plan and Zoning By-law Amendments is to preserve the woodlots until such time that they are no longer required. The previous property owner, to whom the lands will

be transferred, has agreed to redesignate and rezone the lands to the appropriate categories with the thought of revisiting the final use of the lands in the future. This approach is supported by the County, ERCA and the findings of the Environmental Evaluation Report.

Policy 2.1.2

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The integrity of the woodlots will be maintained through the approval of the Official Plan and Zoning By-law Amendments. Although the wooded areas are mostly isolated, they are located along the Cypher Systems Group Greenway. The location of the wooded areas along the adjacent trail system may provide linkages for both wildlife and pedestrians among other natural heritage features.

Policy 2.1.8

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The adjacent land uses to the wooded areas are not intended to have any negative impacts on the existing ecosystem connectivity or habitat preservation. The Environmental Impact Assessment (April 2023), prepared by Dillon Consulting Limited, has been included under separate cover and includes recommended mitigation measures and compensatory measures to be followed. In following the recommendations in the Environmental Impact Assessment, the proposed adjacent land uses should result in no negative impacts to the natural features or their ecological function.

3.6 County of Essex Official Plan Analysis

The following section outlines how the proposed environmental protection area is supported by the policies outlined in the County of Essex Official Plan.

Section 3.4.2 (a)(d)(e)(f)

The following goals apply to the County's natural heritage system:

- a) *To facilitate and support the preservation, protection and enhancement of existing natural heritage features.*
- d) *To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked natural heritage system connecting wildlife habitat areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.*

- e) *Support partnerships with local Conservation Authorities, local municipalities, and other partners, that result in plans to appropriately manage ecologically sensitive lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.*
- f) *The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the natural heritage system.*

The woodlots are identified as Natural Environment Overlay in the County of Essex Official Plan - Schedule B2. The redesignation and rezoning of the wooded areas will facilitate the preservation and protection of the existing natural heritage features. The wooded areas are located along the Cypher Systems Group Greenway and provide an opportunity for connections with other naturalized areas for both wildlife and pedestrians. This approach is a coordinated effort between the land owners, Town of Amherstburg, Essex Region Conservation Authority, and County of Essex to maintain the integrity of the naturalized areas.

Section 3.4.4 (b)(c)

The following policies apply to those lands identified as “Natural Environment Overlay” on Schedule “B2” of this Plan.

- b) *Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.*
- c) *The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.*

The intent of the Official Plan Amendment is to redesignate the identified wooded areas as “Woodlots”. The lands will be maintained as treed areas that provide environmental and economic benefit to the community and will conform to the policies as set out by the Town of Amherstburg Official Plan - Section 3.5 Woodlots.

Section 3.4.6 (a.v)

- a) *Environmental Impact Assessments*
 - vii) *Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no negative impacts on the natural features or their ecological functions.*

An Environmental Impact Assessment, dated April 2023, has been completed by Dillon Consulting Limited and is included as a supporting document to the Planning Justification Report. The Environmental Impact Assessment (EIA) concludes that should the recommended mitigation measures, best management practices, and compensatory measures outlined in the EIA be followed, as well as

advice from MECP, there should be no negative impacts to the natural features or their ecological function.

Section 3.4.6 (a.vii)

a) Environmental Impact Assessments

- vii) If a site is identified as having a higher or lower classification by the Province or relevant Conservation Authority, or by a local municipality through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as “Natural Environment” on Schedule “A1” of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with natural heritage features and/or functions.*

The Essex Region Conservation Authority (ERCA) has identified the wooded areas as “Forest” and “Other” in the Essex Region Natural Heritage System Strategy (ERNHSS, 2013). The Environmental Impact Assessment (Dillon, 2023) has identified the wooded areas as “MNRF Woodland” and “Special Concern and Rare Wildlife Species”. The rezoning and redesignation of these lands will facilitate the preservation and protection of these natural heritage areas and their ecological functions.

Section 3.4.6 (a.x)

a) Environmental Impact Assessments

- i) The extent and diversity of natural heritage features in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. Local municipalities are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.*

The intent of the Official Plan and Zoning By-law Amendments is to preserve the extent and function of the natural heritage areas. The Environmental Impact Assessment (Dillon, 2023) recommends a number of mitigation measures and opportunities for enhancement and/or compensation to protect the natural

environment. Natural connections among the wooded areas exist along the Cypher Systems Group Greenway providing linkages to other naturalized areas for both wildlife and pedestrians.

Section 3.4.6 (b)

- b) In addition to the above policies, local municipalities are also encouraged to undertake the following in consultation with the relevant Conservation Authority:*
- i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.*
 - ii) Establish goals and strategies to increase the amount of natural heritage area. One way to achieve this is to have a “State of the Environment Report” prepared and presented to Council on a regular basis.*
 - iii) Require that when considering development proposals, the approval authority may require the land owner to enter into an agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a development approval, the use of a variety of indigenous species of vegetation is encouraged.*

The proposed Official Plan and Zoning By-law Amendments represent a coordinated effort between the County of Essex, Town of Amherstburg, Essex Region Conservation Authority, and the land owners to properly identify and protect the natural heritage features which are located along the Cypher Systems Group Greenway. The Cypher Systems Group Greenway provides for inter-municipal connections for both wildlife and pedestrians with the protection of the wooded areas contributing to the overall quality of the multi-propose trail. The preservation of the wooded areas will maintain the existing trees and vegetation, providing a variety of ecological benefits.

3.7 Town of Amherstburg Official Plan Analysis

The following section outlines how the proposed environmental protection area is supported by the policies outlined in the Town of Amherstburg Official Plan.

Section 2.26

The Plan recognizes the importance of trees to the long-term viability of agricultural lands due to their moderating effects on temperatures and their controlling influence on soil erosion. To encourage tree protection, in addition to the designation of wooded areas over 2 hectares in size as Woodlots in this Official Plan the municipality may consider implementing relevant sections of the Municipal Act and any other relevant legislation to prevent any unnecessary tree removal or encourage tree planting.

Recognizing the importance of maintaining the woodlot to preserve its positive effects on soil erosion and temperature, the Official Plan Amendment and the Zoning By-law Amendments will maintain the

natural properties of the Subject Area.

Section 3.4.1

The following goals are established for the Natural Environment area:

- (1) To identify and protect environmentally significant areas including valley lands, habitat of endangered and threatened species, fish habitat, wooded areas, wildlife habitat and areas of natural and scientific interest;*
- (2) To prevent the deterioration of the natural environment;*
- (3) To provide a habitat for wildlife and a variety of vegetation and to provide corridors for the linkage of wildlife habitat areas and recreational activities.*
- (4) To prevent incompatible development within all environmental features of the Municipality,*
- (5) To limit and control the impact of permitted compatible development on environmental features and functions.*
- (6) To recognize that specific natural heritage and environmental features relate to one another and are best protected as components of larger landscape features or systems such as subwatersheds and valley lands, or as associated units acting together as a complex interconnected by natural corridors.*
- (7) To encourage partnerships among private and public landowners, public groups, the Conservation Authorities, stewardship councils and the governments of Ontario and Canada for the continued stewardship and enhancement of the Municipality's natural environment system.*

Supporting the intent of the Official Plan for the Natural Environment Area, the proposal was created to protect environmentally significant areas, maintain the preservation of the environment, provide vegetation and habitats to improve the biodiversity of the surrounding area and limit development on environmental features through a partnership between the applicant and the municipality.

Section 3.4.2 (3)(6)

The following policies shall apply to those lands designated "Natural Environment" on Schedules "A" and "B" of this Plan:

- (3) Lands designated "Natural Environment" shall be retained in their natural state and for conservation or wildlife habitat enhancement. Site alteration and/or development of these areas shall not be permitted unless it has been demonstrated to the satisfaction of Council and E.R.C.A. that there will be no negative impacts on the natural features and or their ecological functions. However, no development and or site alteration shall be allowed in the habitat of endangered and threatened species.*
- (6) For the determination of whether or not negative impacts will occur, an Environmental Impact Assessment shall be undertaken in accordance with the County of Essex Official Plan Guidelines for Environmental Impact Assessments,*

as amended from time to time, contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

An Environmental Impact Assessment, dated April 2023, completed by Dillon Consulting Limited, was conducted on the Subject Site to document existing conditions of the natural environment, determine the potential limits of development, and evaluate the potential for environmental impacts associated with the proposed development activities. In addition, the Environmental Impact Assessment provides recommendations for mitigation, restoration, enhancement measures, and/or compensation measures, where necessary, to avoid impacts to the natural environment as a result of the proposed development. The Environmental Impact Assessment, dated April 2023, completed by Dillon Consulting Limited, is provided in *Appendix B* of this Report.

Section 3.5.2 (1)(2)(3)(4)

As part of the overall goal of this Plan to achieve an improvement in the extent, condition and diversity of Amherstburg's natural environment the following goals are established for the Woodlot designation:

- (1) To identify and protect significant woodlots within the Town of Amherstburg that are 2 hectares or greater (Modification #16) in area or meet the requirements for significance based on Provincial Natural Heritage guidelines;*
- (2) To recognize the special environmental features that relate to one another and protect areas as component parts of a larger landscape feature or system;*
- (3) To prevent incompatible development within and adjacent to this environmental feature;*
- (4) To encourage private landowners to seek the advice and cooperation of the Essex Region Conservation Authority or a registered professional forester in the management of woodlots.*

The proposed designation of the subject areas as "Woodlots" is intended to protect these identified significant woodlots within the Town of Amherstburg. Through cooperation with the Essex Region Conservation Authority, the Official Plan and Zoning By-law Amendments are proposed to protect the significant woodlots and prevent incompatible development within and adjacent to this environmental feature. The proposed redesignation and rezoning will contribute to Amherstburg's goals for the "Woodlots" designation through the recognition and protection of these areas that are parts of a larger landscape feature.

Section 3.5.3 (3)(4)(6)

The following policies shall apply to lands designated "Woodlots" on Schedules A and B of this Plan:

- (3) Lands designated as "Woodlots" shall be retained in their natural state and for conservation or wildlife habitat enhancement. Site alteration and/or development of these areas shall not be permitted unless it has been demonstrated to the satisfaction of*

Council and the E.R.C.A. that there will be no negative impacts on the features or their ecological functions;

- (4) Site alterations and/or development on lands within 50 meters of the “Woodlots” with a “Natural Environment” underlying designation may only be permitted if it can be demonstrated that there will be no negative impacts on the adjacent natural environment features or their associated ecological functions;*
- (6) For the determination of whether or not negative impacts will occur, an Environmental Impact Assessment shall be undertaken in accordance with the County of Essex Official Plan Guidelines for Environmental Impact Assessments, as amended from time to time, contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.*

The lands proposed to be designated as “Woodlots” will retain their natural state for purposes of conservation. Development and site alteration is not contemplated for the subject areas. The lands will be maintained as treed areas that provide environmental and economic benefit to the community and will conform to the policies as set out by the Town of Amherstburg Official Plan - Section 3.5 Woodlots. An Environmental Impact Assessment, dated April 2023, has been prepared by Dillon Consulting Limited and is included as a supporting document to the Planning Justification Report. The Environmental Impact Assessment (EIA) concludes that through adherence with the recommended mitigation measures, best management practices, and compensatory measures outlined in the EIA, as well as advice from MECP, there will be no negative impacts to the natural features or their ecological function.

3.8 Overview of Analysis

Woodlots are essential for the longevity of our communities. Through the ecosystem services they provide and the habitats they create, it is important for municipalities to preserve these lands within and outside of Settlement Areas. The Amherstburg Official Plan recognizes the importance of Woodlots and their ecological benefits on soil erosion and temperature moderation (Amherstburg OP, 2.26). With the added importance of Woodlots indicated by County and Provincial Policies, Woodlots are essential in creating healthy, liveable and safe communities (PPS, 1.1.1)

Additionally, the County Official Plan and the Town of Amherstburg Official Plan recognize the importance of collaborating between public and private sectors to protect significant natural heritage features (Amherstburg OP, 3.4.1, Essex OP, 3.4.2). The Applicant seeks to work with the municipality to recognize areas in need of preservation, and incubate a symbiotic relationship between our community heritage and the natural environment.

Though both Official Plans are currently under review, both speak to the importance of maintaining Woodlots. Since the launch of the current Amherstburg Official Plan, the Provincial Policy Statement has been updated with a greater focus on the environment. This includes language to consider the impacts

of a changing climate. Through preserving the Subject Site as a Woodlot, the Town of Amherstburg has the opportunity to introduce surrounding and future residents to the benefits of biodiversity and aid in regulating our day-to-day impact.

In addition, the cooperation of the Essex Region Conservation Authority (ERCA) and the County of Essex allows for the potentially better use of the future commercial parcel through the relocation of valuable habitat and enhancement of the existing woodlot for future generations. The flexibility and cooperation shown by ERCA and the County of Essex, based on the evaluation and analysis completed, will allow the future owner the opportunity to revisit the proposed enhancements in the future.

4.0

Conclusion

Based on my review of the Provincial Policy Statement (2020), the County of Essex Official Plan, Town of Amherstburg Official Plan, and the updated Environmental Impact Assessment (EIA), it is my professional opinion that the proposed redesignation and rezoning is appropriate to preserve Blocks 81 to 84 as a Woodlot. With long-term benefits for the environment and the surrounding community, these amendments will sustain good planning practice.

Should you have any further questions or concerns, do not hesitate to contact the undersigned.

Sincerely,

DILLON CONSULTING LIMITED



Karl Tanner, MCIP RPP
Partner

Figures



WOODLAND TRAILS
MIDDLE SIDE ROAD AND WALKER ROAD
PLANNING JUSTIFICATION REPORT

LOCATION MAP
Figure 1.0

- WOODLAND TRAILS SUBDIVISION
- SUBJECT SITE (WOODLOTS)

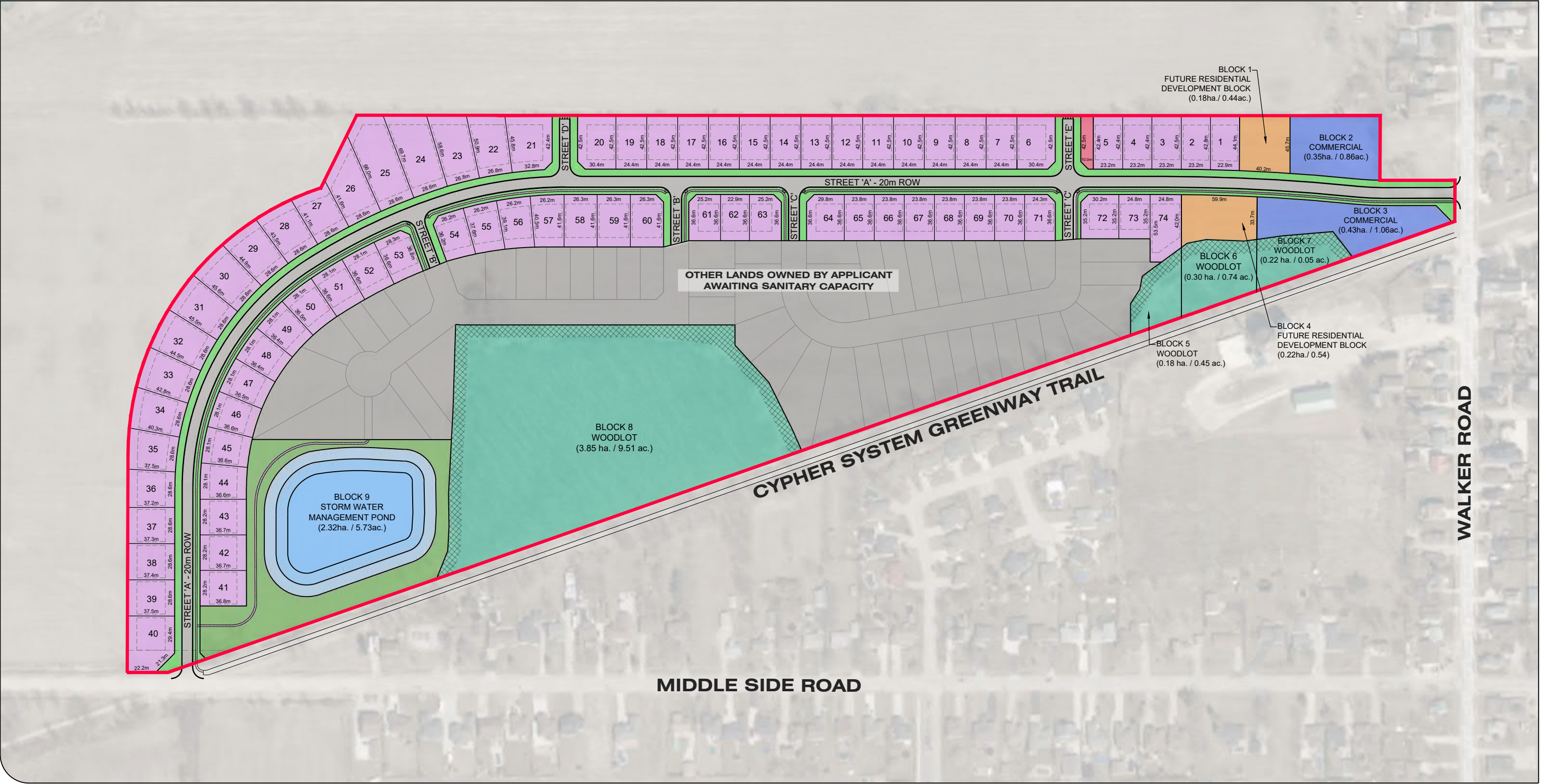
File Location:
c:\pw working directory\projects 2020\32esb\dms21799\202669 - concept plan -
current.dwg
July, 19, 2022 10:23 AM
SOURCE: COUNTY OF ESSEX AERIAL (2019)

MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: ESB
CHECKED BY: KDT
DESIGNED BY: ESB

SCALE : 1:3000



PROJECT: 20-2669
STATUS: FINAL
DATE: 05/25/2022



WOODLAND TRAILS
MIDDLE SIDE ROAD AND WALKER ROAD
PLANNING JUSTIFICATION REPORT

CONCEPTUAL DEVELOPMENT PLAN
Figure 2.0

	SUBJECT AREA (± 26.29ha / 64.96ac)		PROPOSED 60' LOTS (29 LOTS)		PROPOSED 64' LOTS (6 LOTS)		PROPOSED +75' LOTS (90 LOTS)		PROPOSED COMMERCIAL		EXISTING WOODLOT		FUTURE RESIDENTIAL
	OTHER LANDS OWNED BY APPLICANT AWAITING SANITARY CAPACITY		PROPOSED SWM POND		PROPOSED ROW		PROPOSED SIDEWALK/ MULTI USE TRAIL		GREEN SPACE		10m WOODLOT BUFFER		PUMPING STATION

File Location:
c:\pw working directory\projects 2020\32esb\dms21799\202669 - concept plan -
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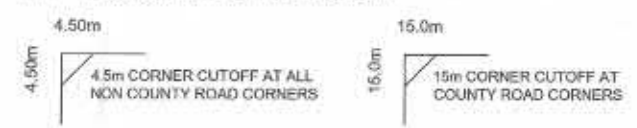


LEGEND AND NOTES
BEARINGS ARE UTM GRID, DERIVED FROM THE OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS. NAD83 UTM ZONE 17, (CSRS), (2010), BEARING OF N86°10'05"W
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999999968

POINT ID	NORTHING	EASTING
CRP-A	4667649.46	336346.05
CRP-B	4667591.36	337213.52
CRP-C	4667219.37	336167.36

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- DENOTES FOUND
- DENOTES SET
- IB DENOTES IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- PB DENOTES PLASTIC BAR
- SIB DENOTES STANDARD IRON BAR
- M DENOTES MEASURED
- Inst DENOTES INSTRUMENT
- CP DENOTES SET
- RCP DENOTES REGISTRAR'S COMPILED PLAN
- RP DENOTES REGISTERED PLAN
- WIT DENOTES WITNESS
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- 1815 DENOTES S.D. HOOK, O.L.S.
- 1007 DENOTES C.S. HOOK, O.L.S.
- 653 DENOTES E.C. BRISCO, O.L.S.
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES BOARD FENCE
- P DENOTES PLAN 24R-1633
- P2 DENOTES REGISTERED PLAN 448
- P3 DENOTES REGISTERED PLAN 529
- D1 DENOTES INST No RA9213
- D2 DENOTES INST No 256218
- ORP DENOTES OBSERVED REFERENCE POINT



"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**PLANNING JUSTIFICATION REPORT
FIGURE 3.0
DRAFT PLAN OF SUBDIVISION**



JUNE 07, 2022
Project No. 20-2669

**Draft Plan of Subdivision
PART OF LOT 7, CONCESSION 8
TOWN OF AMHERSTBURG
COUNTY OF ESSEX, ONTARIO**

Scale: 1:4000 (11x17)

This draft plan of subdivision is approved under section 51(1) of the Planning Act, 1997, by the County of Essex Planning Committee on June 7, 2022.

OWNER'S CERTIFICATE
I CERTIFY THAT:
I HEREBY CONSENT TO THE FILING OF THIS PLAN FOR DRAFT APPROVAL.

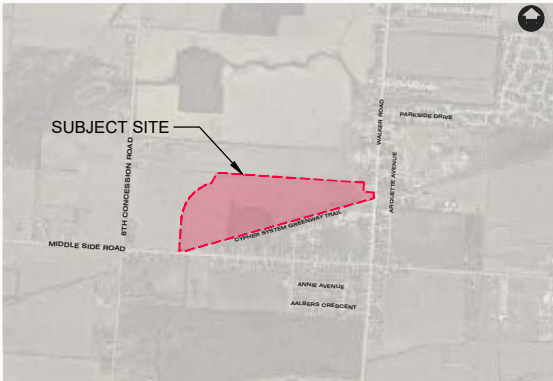
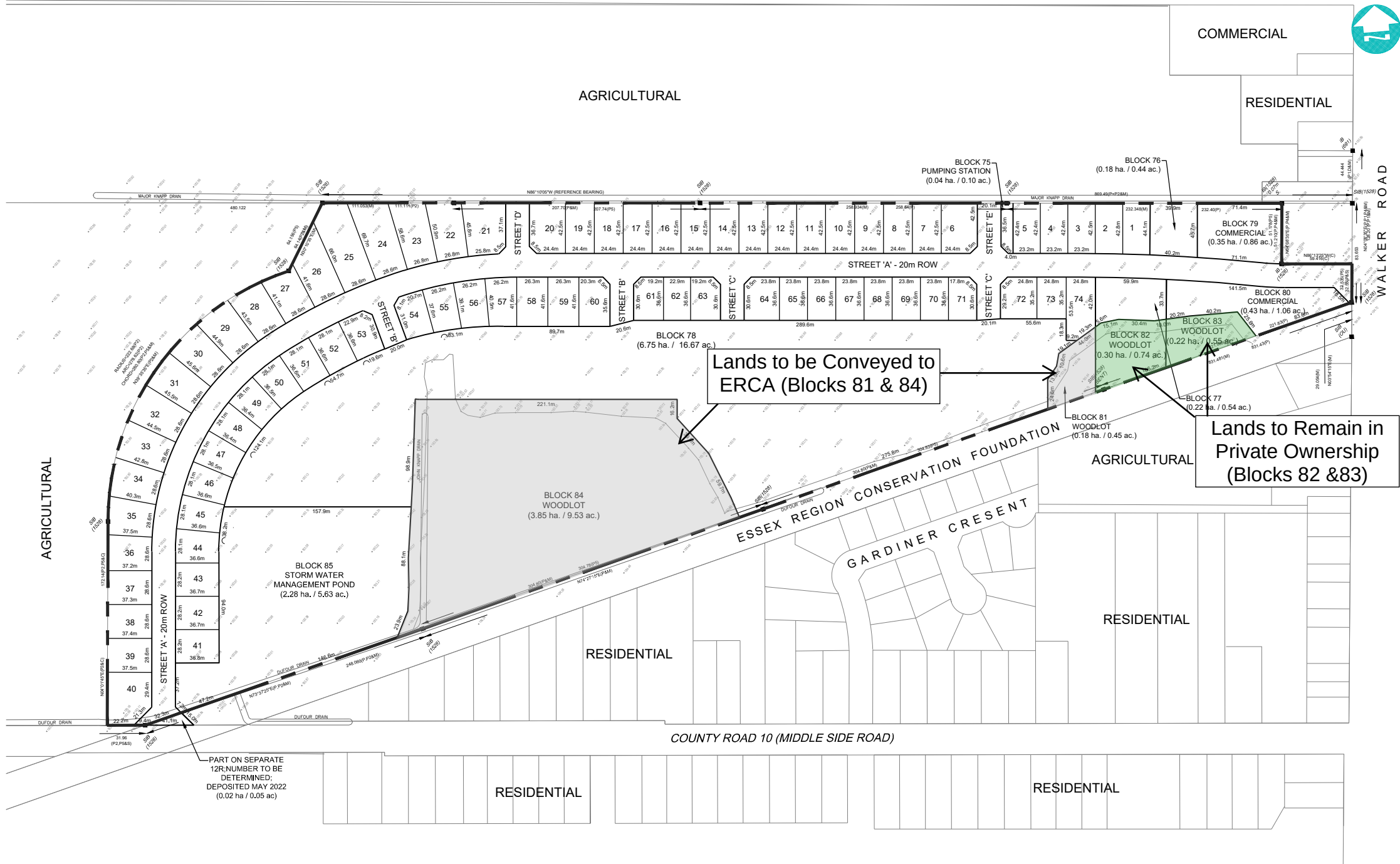
DATE: JUNE 07, 2022 SIGNED: [Signature]
[Signature] DEVELOPER

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE: JUNE 07, 2022 SIGNED: [Signature]
[Signature] BLOOMSBURY LAND SURVEYOR

ADDITIONAL INFORMATION REQUIRED UNDER S. 51(17) OF THE PLANNING ACT
(a) SHOWN ON PLAN
(b) SHOWN ON PLAN
(c) SHOWN ON PLAN
(d) RESIDENTIAL
(e) SHOWN ON PLAN
(f) SHOWN ON PLAN
(g) SHOWN ON PLAN
(h) PIPED WATER TO BE INSTALLED BY DEVELOPER
(i) BROOKSTON CLAY
(j) SHOWN ON PLAN
(k) SANITARY & STORM SEWERS TO BE INSTALLED BY DEVELOPER
(l) SHOWN ON PLAN

STATISTICS		
DETACHED RESIDENTIAL	= LOTS 1 TO 74 (INCL.)	
PUMPING STATION	= BLOCK 75	
BLOCK 76, 77 & 78	= BLOCK 76 TO 78	
COMMERCIAL	= BLOCK 79 & 80	
WOODLOT	= BLOCK 81 TO 84	
STORMWATER MANAGEMENT POND	= BLOCK 85	
AREAS		
DETACHED RESIDENTIAL	= 8.17 ha (20.19 acres)	= 31.40%
PUMPING STATION	= 0.04 ha (0.10 acres)	= 0.16%
COMMERCIAL	= 0.77 ha (1.92 acres)	= 2.98%
BLOCK 76, 77 & 78	= 7.14 ha (17.65 acres)	= 27.44%
WOODLOT	= 4.56 ha (11.26 acres)	= 17.52%
STORMWATER MANAGEMENT POND	= 2.28 ha (5.64 acres)	= 8.76%
RIGHT-OF-WAY	= 3.06 ha (7.55 acres)	= 11.76%
TOTAL AREA	= 28.02 ha (69.31 acres)	



KEY PLAN
N.T.S.

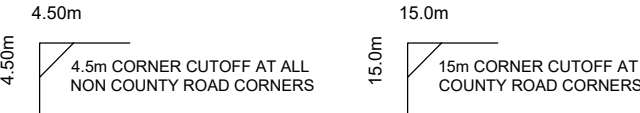
SOURCE: COUNTY OF ESSEX INTERACTIVE MAPPING (2019)

LEGEND AND NOTES
BEARINGS ARE UTM GRID, DERIVED FROM THE OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, NAD83 UTM ZONE 17, (CSRS), (2010), BEARING OF N86°10'05"W
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COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

■	DENOTES	FOUND
□	DENOTES	SET
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SSIB	DENOTES	SHORT STANDARD IRON BAR
PB	DENOTES	PLASTIC BAR
SIB	DENOTES	STANDARD IRON BAR
M	DENOTES	MEASURED
Inst	DENOTES	INSTRUMENT
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CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
P	DENOTES	PLAN 24R-1633
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D1	DENOTES	INST No RA9213
D2	DENOTES	INST No 256218
ORP	DENOTES	OBSERVED REFERENCE POINT



"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLANNING JUSTIFICATION REPORT
FIGURE 4.0
PROPOSED LAND OWNERSHIP



JUNE 07, 2022
Project No. 20-2669

Draft Plan of Subdivision
PART OF LOT 7, CONCESSION 8
TOWN OF AMHERSTBURG
COUNTY OF ESSEX, ONTARIO

Scale: 1:4000 (11x17)

OWNER'S CERTIFICATE
I CERTIFY THAT:
I HEREBY CONSENT TO THE FILING OF THIS PLAN FOR DRAFT APPROVAL.

DATE: JUNE 07, 2022 SIGNED

MGV Developments INC.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE: JUNE 07, 2022 SIGNED

BLOSS J. SUTHERLAND
ONTARIO LAND SURVEYOR

ADDITIONAL INFORMATION REQUIRED UNDER
S. 51(17) OF THE PLANNING ACT
(a) SHOWN ON PLAN
(b) SHOWN ON PLAN
(c) SHOWN ON PLAN
(d) RESIDENTIAL
(e) SHOWN ON PLAN
(f) SHOWN ON PLAN
(g) SHOWN ON PLAN
(h) PIPED WATER TO BE INSTALLED BY DEVELOPER
(i) BROOKSTON CLAY
(j) SHOWN ON PLAN
(k) SANITARY & STORM SEWERS TO BE INSTALLED BY DEVELOPER
(l) SHOWN ON PLAN

STATISTICS			
DETACHED RESIDENTIAL	= LOTS	1 TO 74 (INCL.)	
PUMPING STATION	= BLOCK	75	
BLOCK 76, 77 & 78	= BLOCK	76 TO 78	
COMMERCIAL	= BLOCK	79 & 80	
WOODLOT	= BLOCK	81 TO 84	
STORMWATER MANAGEMENT POND	= BLOCK	85	
AREAS			
DETACHED RESIDENTIAL	= 8.17 ha (20.19 acres)	= 31.40%	
PUMPING STATION	= 0.04 ha (0.10 acres)	= 0.16%	
COMMERCIAL	= 0.77 ha (1.92 acres)	= 2.96%	
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RIGHT-OF-WAY	= 3.06 ha (7.55 acres)	= 11.76%	
TOTAL AREA	= 26.02 ha (64.31 acres)		

Appendix A

Notice of Decision

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. All submissions were considered as part of the decision-making process. Refinements to the conditions of draft approval reflect the public input and submissions. A copy of the decision is attached.

When and How to File an Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT) formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) include the reasons for the appeal, and a completed **Appellant Form (A1) Planning Act** available from the OLT website <https://olt.gov.on.ca/> and
- (2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Essex to the Local Planning Appeal Tribunal. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal to the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the County, made oral submission at a public meeting or written submissions to the Council or, in the Tribunal's opinion, there is reasonable grounds to add the person or public body as a party.

Right of Applicant or Public Body to Appeal Conditions

The applicant, the Minister, the Municipality, or any public body that, before the County made its decision,

made oral submissions at a public meeting or written submissions to the County, may at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County to the Tribunal by filing with the County a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal of the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, or made a written request to be notified of the changes to the conditions or, in the Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

Mailing Address for Filing a Notice of Appeal:

County of Essex
Attention: Rebecca Belanger, Manager, Planning Services
360 Fairview Avenue West
Essex, ON N8M 1Y6
Tel: (519) 776-6441, Ext. 1325 Fax: (519) 776-4455

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

The County of Essex conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

No.	Conditions

1. That this approval applies to the draft plan of subdivision prepared by Dillon Consulting and certified by Bloss Sutherland, O.L.S., dated June 7, 2022, that shows:
 - Seventy-four (74) lots for single detached residential units;
 - One (1) block (Block 75) for a pumping station;
 - Three (3) blocks (Blocks 76 to 78) for future residential development;
 - Two (2) blocks (Blocks 79 and 80) for commercial uses;
 - Four (4) blocks (Blocks 81 to 84) for natural heritage protection; and
 - One (1) block (Block 85) for a stormwater management facility;

The lands comprising the draft plan of subdivision are legally described as Part of Lot 7, Concession 8 (Geographic Township of Anderdon), Town of Amherstburg, County of Essex.

2. That the Owner enters into a subdivision agreement with the Municipality wherein the Owner agrees to satisfy all the requirements, financial (including all required letters of credit, cash securities, insurances, and otherwise), of the Municipality and concerning the payment of development charges, provisions of roads, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.
3. That the subdivision agreement between the Owner and the Municipality contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the Development Charges Act, 1997, and the Education Act.
4. That the subdivision agreement between the Owner and the Municipality, where required, contain a provision prepared to the satisfaction of the Municipality, regarding the phasing and timing of the development.

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
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5. That the subdivision agreement between the Owner and the Municipality be registered against the lands to which it applies prior to the registration of the plan of subdivision.
6. That the road allowances included in this draft plan shall be shown and dedicated as public highways and conveyed to the Municipality on the final 12M Plan.
7. That the streets shall be named to the satisfaction of the Municipality.
8. That all terminating streets shall contain a 0.3 metre reserve, to be illustrated on the final plan and be conveyed to the Municipality.
9. That the Owner convey to the Municipality for park or other recreational purposes up to 5% of the land included in the plan. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance.
10. That prior to final approval by the County of Essex, the County is to be advised by the Municipality that the proposed subdivision conforms to the Zoning By-law in effect. The Owner shall provide to the Municipality a table of lot areas and lot frontages certified by an Ontario Land Surveyor confirming compliance with the Zoning By-law.
11. That the Owner shall gratuitously provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the County of Essex, Municipality or utility, and where required by the Municipality, daylight corners and road dedications/ reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality. Further that the Owner shall gratuitously provide an easement specifically for the proposed storm sewer through the Phase 2 lands to the Town of Amherstburg for maintenance purposes.
12. That the subdivision agreement between the Owner and the Municipality shall contain provisions stipulating that Street "A" access standards must be in accordance with those outlined in the Geometric Design Guide for Canadian Roads, most recent edition, for the County's review and approval. Further that active transportation facilities must be incorporated into the design/analysis.
13. That prior to final approval by the County of Essex, the Municipality shall confirm that sewage treatment conveyance capacity and water supply capacity is available for all lots in the proposed development, or phase of development.

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
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Lapsing Date: March 19, 2026

14. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality, that prior to site alteration of any kind, and final approval by the County of Essex, the Owner shall finalize/update the EIA titled, "*2439478 ONTARIO INC. Environmental Impact Assessment, 9538 County Road 11, Town of Amherstburg, Ontario, dated October 2020, prepared by Dillon Consulting*" to the satisfaction of the Planning Authority, and implement the recommendations contained therein, along with any other letters/authorizations/directions from the MECP, and confirm that any site alteration will be completed in accordance with the *Endangered Species Act, 2007*.
15. That the subdivision agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulates, that prior to obtaining final approval, for any phase of the development, that the Owner, will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation with the applicable authority.
16. That the subdivision agreement between the Owner and the Municipality contain provisions that requires that the Owner installs the stormwater management measures for any phase of the development identified in the final engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
17. That the subdivision agreement between the Owner and the Municipality contain provisions that requires the Owner to gratuitously dedicate the lands identified as Woodlot (Blocks 81 to 84) to the Essex Region Conservation Authority, as appropriate and said conveyances to be in fee simple and free of encumbrances, at no cost to the Essex Region Conservation Authority and be at the Owner's expense. Alternatively, Blocks 82 and 83 may remain in private ownership only if the Owner obtains approval for an Official Plan Amendment and Zoning By-law Amendment to prohibit development and protect the natural heritage features in perpetuity within Blocks 82 and 83, prior to final approval of the plan of subdivision.
18. That prior to final approval, the conveyance of a small portion of the Cypher Systems Group Greenway, for Street 'A', be complete and transferred to the Municipality for

Applicant: MGV Developments Inc.
File No.: 37-T-22006
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public road purposes, at no cost to the Essex Region Conservation Authority and be at the Owner's expense.

19. That the subdivision agreement between the Owner and the Municipality contain provisions that require the Owner to install, at its own expense, curb cuts, new gates, signs and new trail entrances at the intersection of the Cypher Systems Group Greenway, Street "A", and County Road 10, to the satisfaction of the Municipality, the Essex Region Conservation Authority, and the County of Essex.
20. All required modifications to the Dufour Drain are to be completed prior to final approval by the County of Essex in accordance with the plans designed by the Owner's consultant and approved by the Essex Region Conservation Authority.
21. That prior to final approval, the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above.
22. That prior to undertaking construction or site alteration activities, any necessary permits or approvals, be received from the Essex Region Conservation Authority.
23. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board, the Windsor Essex Catholic District School Board, and the Municipality, requiring a sidewalk be provided along the internal streets within the proposed plan pursuant to standard municipal requirements to facilitate pedestrian movement, bus routing and stops, and safety of school children.
24. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School, the Windsor Essex Catholic District School Board, and the Municipality, requiring notice in every agreement of purchase and sale advising purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.
25. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Canada Post Corporation and the Municipality, requiring notice in every agreement of purchase and sale advising purchasers of lots

Applicant: MGV Developments Inc.
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Date of Decision: March 19, 2023
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Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

to be aware of the locations of any community mailboxes within or serving the plan and that mail delivery will be provided via community mailboxes.

26. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Canada Post Corporation and the Municipality, requiring that the Owner provide the following for each community mail box site and to include these requirements on the appropriate servicing plans: any required walkway across the boulevard, per municipal standards; any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications) and a community mail box concrete base pad per Canada Post specifications.
27. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Bell Canada and the Municipality, which states that the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
28. That Block 85 be dedicated to the Municipality for stormwater management purposes.
29. That Block 75 be conveyed to the Municipality for drainage purposes.
30. That the subdivision agreement between the Owner and the Municipality identifies that there are several blocks (Blocks 76, 77, 78) that although designated as residential in the Town's Official Plan have no sanitary servicing capacity based on the McGregor Sewage Lagoons. Until such a time as the municipality can provide a solution providing for additional sanitary treatment capacity, no additional phases beyond the total allocated 74 lots in this draft plan will be advanced.
31. That prior to final approval, the Municipality will place a holding symbol on Blocks 76, 77 and 78 to control the timing of the future development on these lands subject to the availability of sanitary servicing capacity.
32. That the subdivision agreement between the Owner and the Municipality states that a potable water distribution system serviceability assessment was completed for the proposed subdivision. Once site plans for the commercial blocks are available, fire flow requirements should be evaluated against the available fire flow. Should the requirements exceed available fire flow, alternative appropriate mitigation measures will need to be considered as part of the site plan design to support fire flows provided by the distribution system.

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

33. That the subdivision agreement between the Owner and the Municipality states that based on the potable water distribution system serviceability assessment modelling results, the Municipality's existing water distribution system has sufficient capacity to provide sufficient fire flow to meet the required FUS fire flows for the site's residential buildings, provided the buildings are equipped with sprinklers. The Owner agrees to include this notice in every agreement of purchase and sale advising purchasers of lots that the home must be equipped with sprinklers.
34. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final 12M plan.
35. That prior to final approval by the County of Essex, the County is advised in writing by the Municipality how Conditions 1 to 20, inclusive, and 23 to 34, inclusive, have been satisfied.
36. That prior to final approval by the County of Essex, the County is advised in writing by the County Infrastructure Services Division, how Conditions 11, 12 and 19 have been satisfied.
37. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how conditions 15 to 22, inclusive, have been satisfied.
38. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board and the Windsor-Essex Catholic District School Board how Conditions 23 and 24 have been satisfied.
39. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Conditions 25 and 26 have been satisfied.
40. That prior to final approval by the County of Essex, the County is advised in writing by Bell Canada how Condition 27 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "**37-T-22006**".

Applicant: MGV Developments Inc.
File No.: 37-T-22006
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Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

2. It is suggested that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.
3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of the Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding any further with this plan of subdivision, a consultant(s) should be engaged to conduct the necessary investigations.
5. The Ministry of the Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One Networks Inc. (HONI) facilities or any other local electrical utility that are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One Networks Inc. (HONI) or any other local electrical utility are to be respected.
8. The developer should contact the local Hydro One Networks Inc. Services office or any other local electrical utility to verify if any low voltage distribution lines may be affected by this proposal.
9. The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
Location: Part of Lot 7, Concession 8 (Anderdon)

Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.

10. It is suggested that the Municipality register the subdivision agreement as provided by subsection 51(26) of the Planning Act, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.

11. Clearances are required from the following agencies:

Dr. Chris Aspila
Town of Amherstburg
3295 Meloche Rd.
Amherstburg, ON N9V 2Y8
caspila@amherstburg.ca

Planning Services
Essex Region Conservation Authority
360 Fairview Avenue West
Essex, ON N8M 1Y6
planning@erca.org

Senior Manager
Windsor-Essex Catholic District School Board
1325 California Avenue
Windsor, ON N9B 3Y6
seniormanagerfs@wecdsb.on.ca

Ms. Giuliana Hinchcliffe
Greater Essex County District School Board
451 Park Street West
P. O. Box 210
Windsor, ON N9A 6K1
Giuliana.Hinchliffe@publicboard.ca

Mr. Bruno DeSando
Canada Post Corporation
955 Highbury Avenue North

Applicant: MGV Developments Inc.
File No.: 37-T-22006
Municipality: Town of Amherstburg
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Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023
Lapsing Date: March 19, 2026

London, ON N5Y 1A3

Manager- Planning and Development
Bell Canada
planninganddevelopment@bell.ca

Mr. Kristoffer Balallo
County of Essex Infrastructure Services Division
KBalallo@countyofessex.ca

If the agency's clearance concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. Some agencies may charge a fee to obtain a clearance letter.

12. All measurements in subdivision and condominium final plans must be presented in metric units.
13. The approval of the draft plan will lapse on **March 19, 2026**. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Town of Amherstburg.

Appendix B

Environmental Impact Assessment



MGV DEVELOPMENTS (MCGREGOR) INC.

Environmental Impact Assessment

9538 County Road 11, Town of Amherstburg, Ontario

Table of Contents

1.0	Introduction	1
2.0	Background and Policy Context	2
	2.1 Information Sources.....	2
	2.1.1 Provincial Policy Statement	3
	2.1.2 Endangered Species Act	5
	2.1.3 County of Essex Official Plan	5
	2.1.4 Town of Amherstburg Official Plan	5
	2.1.5 Essex Region Conservation Authority (Ontario Regulation 158/06).....	6
3.0	Results of Background Review	7
	3.1 Aquatic Environment	7
	3.2 Terrestrial Environment	7
	3.2.1 Landforms, Soils, and Geology.....	7
	3.2.2 Woodlands	8
	3.2.3 Wetlands	8
	3.2.4 Valleylands	8
	3.2.5 Areas of Natural and Scientific Interests (ANSI)	8
	3.2.6 Significant Wildlife Habitat (SWH)	8
	3.2.7 Species at Risk.....	10
4.0	Methodology of Biophysical Inventory	12
	4.1 Aquatic Environment	12
	4.2 Terrestrial Environment	13
	4.2.1 Breeding Bird Surveys	13
	4.2.2 Vegetation Surveys	13
	4.2.3 Ecological Land Classification.....	13
5.0	Results of Biophysical Inventory	15
	5.1 Aquatic Environment	15

5.2	Terrestrial Environment	15
5.2.1	Breeding Bird Surveys	15
5.2.2	Vegetation Surveys	17
5.2.3	Ecological Land Classification.....	17
5.2.4	Woodlands	18
5.2.5	Wetlands	19
5.2.6	Significant Wildlife Habitat	19
5.2.7	Species at Risk	19
5.2.8	Incidental Wildlife	20
6.0	Ecological Function	21
7.0	Description of the Proposed Development	22
8.0	Potential Impact Identification and Analysis	23
8.1	Potential Direct Impacts	23
8.1.1	Loss of/Disturbance to Wildlife and Wildlife Habitat	23
8.1.2	Tree and Vegetation Removal	23
8.1.3	Diversion of Surface Water Flows and Stormwater Management.....	24
8.1.4	Erosion and Sedimentation into Natural Features	24
8.2	Potential Indirect Impacts.....	25
8.2.1	Anthropogenic Disturbance	25
8.2.2	Colonization of Non-native and/or Invasive Species	25
9.0	Mitigation Measures and Opportunities for Enhancement/Compensation	26
9.1	Stormwater Management Plan.....	26
9.2	Erosion and Sediment Control Plan	26
9.3	Wildlife Impact Mitigation Plan	27
9.3.1	Recommendations Required by the MECP	28
9.4	Natural Feature Buffer	28
9.5	Plant Transplantation and Compensation Habitat	28
9.6	Environmental Monitoring Plan.....	29

10.0**Summary****31****Figures**

Figure 1: Project Location

Figure 2: ERCA's Regulated Area

Figure 3: Survey Locations and Ecological Land Classification

Figure 4: Significant Wildlife Habitat

Figure 5: Proposed Development Plan

Figure 6: Potential Impacts

Tables

Table 1: Policies, Legislation, and Background Resources Searched 2

Table 2: Species of Conservation Concern with the potential to occur within the vicinity of the
Study Area 9

Table 3: Species at Risk with the potential to occur within the vicinity of the Study Area..... 11

Table 4: 2020 Survey Dates and Weather Conditions 12

Table 5: Drain Measurements 15

Table 6: Breeding Bird Survey Results 16

Table 7: Ecological Land Classification Communities with the Project Location 18

Table 8: Incidental Wildlife Observations 20

Table 9: Species List for Compensation Habitat 29

Appendices

A Terms of Reference

B Background Mapping

C Vegetation List

D Floristics Data

E Site Photographs

F SAR Observation Reporting Form

G MECP Letter of Advice

References

MGV DEVELOPMENTS (MCGREGOR) INC.

Environmental Impact Assessment - 9538 County Road 11, Town of

Amherstburg, Ontario

June 2023 – 20-2669



1.0

Introduction

Dillon Consulting Limited (Dillon) was retained by 2439478 Ontario Inc. (“the client”) to conduct natural environment studies and prepare an Environmental Impact Assessment (EIA) for the proposed residential subdivision development located northwest of the intersection of Middle Side Road and County Road 11 (the “Project Location”) within the Town of Amherstburg, County of Essex (**Figure 1**). For the purposes of the background review, an area extending 120 m beyond the Project Location was used (the “Study Area”). The EIA will form part of an application package for submission to the Town of Amherstburg.

The Project Location is 26.02 ha in size and consists predominately of agriculture, with areas of deciduous forest, deciduous thicket, and fencerow. The purpose of the EIA is to document existing conditions of the natural environment; determine the potential limits of development; evaluate the potential for environmental impacts associated with the proposed development activities; and recommend mitigation, restoration, enhancement measures, and/or compensation measures, where necessary, to avoid impacts to the natural environment as a result of the proposed development.

The Terms of Reference (**Appendix A**) for this EIA was sent to the Town of Amherstburg on October 16, 2020, and is in keeping with the general policies of the Town of Amherstburg Official Plan (2009), the County of Essex Official Plan (2014), and the Essex Region Conservation Authority Environmental Impact Assessment Guidelines (2019).

2.0

Background and Policy Context

The following section has been prepared to identify the applicable land use planning policies related to the natural environment. Various regulatory agencies and legislative authorities have established policies with the purpose of protecting the ecological features and functions within the province of Ontario and within the County of Essex specifically. This section is not intended to constitute a complete land use planning assessment as it focuses on the relevant environmental policies and regulations. The documents referenced below can be read in their entirety for a more detailed understanding of the land use policy framework applicable to the Study Area (**Figure 1**).

2.1

Information Sources

Secondary source information was used to identify known environmental constraint areas and to map the significant natural heritage features such as watercourses, woodlands, and potential wildlife occurrences. **Table 1** lists the relevant policies and legislation applicable to the protection of natural heritage features within the Town of Amherstburg, and more specifically, the Study Area; as well as supporting guidance documents and resources consulted respective to each policy. This table also includes additional background information sources used to help identify and define natural heritage features within the province of Ontario, and Eco-region 7E specifically. Prior to formal surveys, Goodban Ecological Consulting Inc. (GEC) visited the Project Location on March 12, 2019 to document existing conditions. Information was also obtained through GEC correspondence with the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Environment, Conservation and Parks (MECP).

Table 1: Policies, Legislation, and Background Resources Searched

Source	Record Reviewed/Requested
Government of Canada	
Environment Canada	Species at Risk Registry: Accessed to determine the at-risk status of wildlife species under Schedule 1 of the Species at Risk Act (SARA; 2002)
Fisheries and Oceans Canada	Aquatic Species at Risk Map: Accessed to determine aquatic at-risk occurrences
Government of Ontario	
Provincial Policy Statement (2020)	- Policies within Section 2.1 related to natural heritage features - Policies within Section 2.2 related to water
Ministry of Environment, Conservation and Parks (MECP)	- Endangered Species Act (ESA; 2007) - Species at Risk in Ontario (SARO) List (O. Reg. 230/08) - Client's Guide to Preliminary Screening for Species at Risk (2019)
Ministry of Natural Resources and Forestry (MNRF)	- Natural Heritage Information Centre (NHIC) database (Squares: 17LG3667 and 17LG3767; MNRF, 2020) - MNRF Make a Map: Natural Heritage Areas (MNRF, 2020)

Source	Record Reviewed/Requested
	- Natural Heritage Reference Manual, Second Edition (NHRM; MNRF, 2010) - MNRF Significant Wildlife Habitat Technical Guide (MNRF, 2000) - Significant Wildlife Habitat Eco-region 7E Criterion Schedules (MNRF, 2015) - Technical Memo: Aylmer District MNRF Guidance on Identifying Activities/Areas not Likely to Contravene the Endangered Species Act, 2007 in the County of Essex & City of Windsor (2016)
Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)	Agricultural Information Atlas (OMAFRA, 2020); reviewed area drains
Municipal Government(s)	
County of Essex	Official Plan (2014)
Town of Amherstburg	Official Plan (2009)
Wildlife Atlases & Distribution Data	
Ontario Breeding Bird Atlas (OBBA; Cadman <i>et al.</i> , 2008)	Second Atlas (2001-2005) – data for square 17LG36 – grid based on 10 km² system
Christmas Bird Count (CBC; Birds Canada)	Count circle Holiday Beach (ONHB) – Historical Records from 2005 – 2018
Rare Vascular Plants of Ontario (Fourth Edition; Oldham and Brinker, 2009)	Distribution data for rare vascular plants
Ontario Reptile and Amphibian Atlas (Ontario Nature)	List of reptile and amphibian species occurrences for square 17LG36
Ontario Butterfly Atlas (Toronto Entomologists Association)	List of butterfly species occurrences for square 17LG36
Atlas of the Mammals of Ontario (Dobbyn, 1994)	Distribution data for mammals
Bumble Bees of North America (Williams <i>et al.</i> , 2014)	Distribution data for bumble bees
Additional Sources	
Essex Region Conservation Authority	- Environmentally Significant Areas of the Essex Region (Oldham, 1983) - Essex Region Natural Heritage System Strategy (2013) - Environmental Impact Assessment Guidelines (2019)
Bedrock Geology of Ontario, Southern Sheet	Reviewed bedrock geology of Ontario (Ontario Geological Survey, 1991)
Physiography of Southern Ontario	Reviewed the physiography of Ontario (Chapman and Putnam, 1984)
Soil Survey of Essex County	Reviewed the soil classification of Essex County (Richards <i>et al.</i>, 1949)
Goodban Ecological Consulting Inc.	Email correspondence (2019)

2.1.1 Provincial Policy Statement

The Provincial Policy Statement (PPS; 2020), provides overall policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets forth a vision for Ontario's

land use planning system by managing and directing land use to achieve efficient development and land use patterns, wise use and management of resources, and protecting public health and safety. This report deals specifically with Policy 2.1, Natural Heritage, and Policy 2.2, Water, which provides for the protection and management of natural heritage and water resources, which include the following:

- significant wetlands;
- significant coastal wetlands;
- significant woodlands;
- significant valleylands;
- significant wildlife habitat;
- significant areas of natural and scientific interest (ANSIs);
- coastal wetlands;
- fish habitat;
- habitat of endangered species and threatened species;
- sensitive surface water features; and
- sensitive ground water features.

The PPS defines “significant” to mean:

- in regard to wetlands, coastal wetlands, and areas of natural and scientific interest, an area identified as provincially significant by the MNR using evaluation procedures established by the province, as amended from time to time;
- in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry; and
- in regard to other features and areas in policy in 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

In regard to surface and ground water features, the PPS defines “sensitive” to mean:

- areas that are particularly susceptible to impacts from activities or events, including, but not limited to, water withdrawals and additions of pollutants.

2.1.2 Endangered Species Act

In June 2008, the Endangered Species Act (ESA; 2007) came into effect in Ontario. The purpose of the ESA is to identify SAR based on the best available scientific information; to protect SAR and their habitats, to promote the recovery of SAR; and to promote stewardship activities to assist in the protection and recovery of SAR in Ontario. There are several applicable regulations under the ESA. These regulations serve to identify which species and habitat receive protection and provide direction on the current implementation of the ESA by the MECP.

In addition, preliminary screening for SAR was carried out using select sources from **Table 1**. After considering suitable habitat preferences and species ranges, our preliminary screening results show the potential for several SAR in the general area. For more information about the preliminary screening results for SAR, refer to **Section 3.2.6**.

2.1.3 County of Essex Official Plan

The purpose of the Essex County Official Plan (OP) is to establish a policy framework for managing growth, protecting resources, and providing direction on land use decisions during the planning period to 2031. This is the second generation of the OP, the first being adopted in 2002 and approved on July 19, 2005. The new OP has been developed to implement the PPS at the County level, provide a policy framework that will provide guidance and direction to local municipalities, establish a policy framework for coordination and cooperation between municipalities, both internal and external to the County, on planning, development, resources, and inter-municipal servicing issues that cross municipal boundaries (County of Essex, 2014).

The County's OP designates the Project Location as Settlement Areas (Schedule A1; **Appendix B**). Within the Project Location, Natural Environment Overlay designation exists (Schedule B2; **Appendix B**).

2.1.4 Town of Amherstburg Official Plan

The Town's OP provides guidance for the physical development of the municipality over a 20-year period while taking into consideration important social, economic, and environmental matters and goals. As such, the Town's OP provides the policy framework that will guide where new development can be located; how existing and future neighbourhoods will be strengthened; how the environment will be enhanced; what municipal services, such as roads, water mains, sewer and parks, will be provided; and how the Town will grow (Town of Amherstburg, 2009).

The Town's OP designates the Project Location as Low Density Residential, Woodlots, and General Commercial (Schedule B-5; **Appendix B**). Woodlots exist within the Project Location (Schedule C; **Appendix B**).

2.1.5 Essex Region Conservation Authority (Ontario Regulation 158/06)

In accordance with Section 28 of the *Conservation Authorities Act* (1990), ERCA is authorized to implement and enforce the Regulation of Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses (*O. Reg. 158/06*). Section 2(1) of this Regulation lists areas within ERCA's jurisdiction where development is prohibited without proper permissions from ERCA. Such areas include, but are not limited to, those adjacent or close to the shoreline of inland lakes, river or stream valleys, hazardous lands, and wetlands.

Narrow, linear portions of the Project Location, associated with area drains are within ERCA's Regulated Area (**Figure 2**).

3.0

Results of Background Review

The Project Location is located northwest of the intersection of Middle Side Road and County Road 11. The Project Location consists predominately of agriculture with areas of deciduous forest, deciduous thicket, and fencerow; with Major Knapp Drain (eastward flow) located along the northern boundary of the Project Location, John Knapp D&W Drain (southward flow) located in the western portion of the Project Location, and finally, Dufour Drain (southwestward flow) located along the southwestern boundary of the Project Location. The surrounding land uses are varied and are described as follows:

- North: agriculture;
- East: residential;
- South: residential; and
- West: agriculture.

The following sections provide a brief summary of the existing environmental conditions within the Study Area as identified through the background review. This information provides the basis upon which the biophysical inventory and overall EIA is based.

3.1

Aquatic Environment

The Study Area lies within the Detroit River watershed and the Canard River sub-watershed (Hayman *et al.*, 2005) and currently drains via overland flow pathways to Major Knapp Drain, John Knapp D&W Drain, and Dufour Drain. Large variations in annual flow within the streams and drains of this area have been recorded, dependent on rainfall, resulting in intermittent flows and dry periods during the summer months. Storm pulses in the area, have destructive powers following rain events and cause significant erosion which negatively impact fish habitat (Hayman *et al.*, 2005). According to Hayman *et al.* (2005) the water quality within the sub-watershed is generally poor.

The potential for aquatic environments to be present within the Study Area is discussed further in **Section 5.1**.

3.2

Terrestrial Environment

3.2.1

Landforms, Soils, and Geology

The Study Area lies over Middle Devonian, consisting of limestone, dolostone, and shale (Ontario Geological Survey, 1991). The physiography of the area is described as Bevelled Till Plain (Chapman and Putnam, 1984). A review of the Soil Survey of Essex County (Richards *et al.*, 1949) indicates that the topography in the Study Area is almost level with poor natural drainage. The Project Location itself has an even topography, with no distinguishable features.

The soils within the Study Area have been described as Brookston Clay which is poorly drained (Richards *et al.*, 1949). Agricultural tile drainage is located within the western portion of the Project Location (OMAFRA, 2020).

3.2.2 Woodlands

A review of background mapping and resources did identify treed areas designated as Natural Environment Overlay and Woodlots within the Project Location, as well as larger woodland areas to the south and southwest of the Project Location.

The potential for woodlands to be present within the Study Area is discussed further in **Section 5.2.4**.

3.2.3 Wetlands

A review of background mapping and resources did not identify wetlands within the Study Area, however, there are mapped Provincially Significant Wetlands (PSW) over 300 m away to the south of the Project Location, associated with the Kentucky Coffee Tree Woods Wetland Complex (ER 35).

The potential for wetlands to be present within the Study Area is discussed further in **Section 5.2.5**.

3.2.4 Valleylands

A review of background mapping and resources did not identify valleylands within the Study Area, however, there are mapped valleylands over 300 m away to the north and south of the Project Location.

3.2.5 Areas of Natural and Scientific Interests (ANSI)

A review of background mapping and resources did not identify ANSI's within the Study Area.

3.2.6 Significant Wildlife Habitat (SWH)

Wildlife habitat is defined as an area where plants, animals and other organisms live, including areas where species concentrate at a vulnerable point in their life cycle, and areas that are important to migratory and non-migratory species (OMNR, 2000). To assist planning authorities, the MNRF developed the Significant Wildlife Habitat (SWH) Technical Guide (OMNR, 2000) that provides information on the identification, description, and prioritization of SWH in Ontario. To account for the ecological diversity across the province, MNRF developed the SWH Ecoregional Criteria Schedules to support the SWH Technical Guide. These schedules are specific to each geographic area of each eco-region. The Study Area is located in Ecoregion 7E (Lake Erie-Lake Ontario); under the Criteria Schedule for Ecoregion 7E (OMNRF, 2015), SWH has been divided into four broad categories consisting of:

Seasonal Concentration Areas of Animals

This category identifies habitat where wildlife species gather annually, at certain times of the year. This SWH category requires the presence of a given species, or several species, in specific densities based on approved survey protocol in order to meet the criteria for significance.

Rare Vegetation Communities or Specialized Habitat for Wildlife

The criterion for rare vegetation communities considers the provincial Sub-national rank (SRank) of a species or community type, and includes SRanks of S1 (extremely rare), S2 (very rare), and S3 (rare to uncommon). The criteria for specialized habitat for wildlife captures sizeable habitat requirements for listed species to carry out key life processes.

Habitat for Species of Conservation Concern

The Significant Wildlife Habitat Technical Guide (OMNR, 2000) defines Species of Conservation Concern (SCC) as species that are globally, nationally, provincially, regionally, or locally rare (SRank of S1 to S3), species that are listed as SC under the ESA, and species listed as Endangered or Threatened federally, but do not include SAR listed as Endangered or Threatened under the ESA. This category identifies habitat for wildlife species that are listed as SC, rare (SRank of S1-S3), and/or declining.

Animal Movement Corridors

Animal movement corridors identify areas that wildlife move between habitats in order to carry out their life processes. Confirmed or candidate SWH are identified by the MNRF or the planning authority.

Through background review, several SCC listed in **Table 2** have been identified with the potential to occur within the vicinity of the Study Area, and will help to determine the potential for SWH.

Table 2: Species of Conservation Concern with the potential to occur within the vicinity of the Study Area

Scientific Name	Common Name	SARA ¹	ESA ²	SRank ³	Info Source ⁴
Birds					
<i>Haliaeetus leucocephalus</i>	Bald Eagle	---	SC	S2N,S4B	CBC
<i>Hylocichla mustelina</i>	Wood Thrush	END	SC	S4B	OBBA
<i>Contopus virens</i>	Eastern Wood-pewee	SC	SC	S4B	OBBA
Lepidoptera					
<i>Danaus plexippus</i>	Monarch	SC	SC	S2N,S4B	OBA
Reptiles					
<i>Chelydra serpentina</i>	Snapping Turtle	SC	SC	S3	ORAA
Plants					
<i>Erigenia bulbosa</i>	Harbinger-of-spring	---	---	S3?	NHIC
<i>Arisaema dracontium</i>	Green Dragon	---	SC	S3	NHIC
<i>Vernonia gigantea</i>	Giant Ironweed	---	---	S1?	NHIC

Scientific Name	Common Name	SARA ¹	ESA ²	SRank ³	Info Source ⁴
<i>Campsis radicans</i>	Trumpet Creeper	---	---	S2?	NHIC
<i>Euonymus atropurpureus</i>	Eastern Burning Bush	---	---	S3	NHIC
<i>Carex annectens</i>	Yellow-fruited Sedge	---	---	S2	NHIC
<i>Carex davisii</i>	Davis' Sedge	---	---	S2	NHIC
<i>Carex glaucoidea</i>	Blue Sedge	---	---	S1	NHIC
<i>Carex hirsutella</i>	Hairy Green Sedge	---	---	S3	NHIC
<i>Carex muskingumensis</i>	Muskingum Sedge	---	---	S3	NHIC
<i>Carex squarrosa</i>	Squarrose Sedge	---	---	S2	NHIC
<i>Carya laciniosa</i>	Shellbark Hickory	---	---	S3	NHIC
<i>Scutellaria nervosa</i>	Veined Skullcap	---	---	S1	NHIC
<i>Fraxinus profunda</i>	Pumpkin Ash	---	---	S2?	NHIC
<i>Ludwigia polycarpa</i>	Many-fruit Seedbox	---	---	S2S3	NHIC
<i>Rosa setigera</i>	Climbing Prairie Rose	SC	SC	S3	NHIC
<i>Smilax ecirrata</i>	Upright Carrionflower	---	---	S3?	NHIC
<i>Viola striata</i>	Striped Cream Violet	---	---	S3	NHIC

¹Federal Species at Risk Act (END = Endangered, SC = Special Concern); ²Ontario Endangered Species Act (SC = Special Concern); ³SRank is an indicator of commonness in the Province of Ontario. A scale between 1 and 5: S4 = common and apparently secure; S3 = rare to uncommon and vulnerable; S2 = very rare and imperiled; S1 = extremely rare and critically imperiled; SU or ? = uncertain due to insufficient information; B = breeding; N = non-breeding; ⁴Information sources include: NHIC = MNRF Natural Heritage Information Centre, OBBA = Ontario Breeding Bird Atlas, ORAA = Ontario Reptile and Amphibian Atlas, OBA = Ontario Butterfly Atlas; CBC = Christmas Bird Count; --- denotes no information or not applicable.

A review of background data suggests that several SWH types, as described in the Eco-Region 7E Criterion Schedules (MNRF, 2015) may occur in association with the treed communities within the Study Area, including, but not limited to, the following:

- Bat Maternity Colonies;
- Reptile Hibernaculum;
- Amphibian Breeding Habitat (Woodland);
- Terrestrial Crayfish; and
- Special Concern and Rare Wildlife Species.

The potential for SWH to be present within the Study Area is discussed further in [Section 5.2.6](#).

3.2.7 Species at Risk

A number of SAR listed as Endangered and Threatened under the ESA have been identified with potential to occur within the vicinity of the Study Area ([Table 3](#)).

Table 3: Species at Risk with the potential to occur within the vicinity of the Study Area

Scientific Name	Common Name	SARA ¹	ESA ²	SRank ³	Info Source ⁴
Birds					
<i>Melanerpes erythrocephalus</i>	Red-headed Woodpecker	END	END	S4B	CBC, OBBA
Reptiles					
<i>Pantherophis gloydi pop. 2</i>	Eastern Foxsnake (Carolinian population)	END	END	S2	ORAA, MECP Reg. Habitat
Mammals					
<i>Myotis leibii</i>	Eastern Small-footed Myotis	---	END	S2S3	MWH
<i>Myotis lucifugus</i>	Little Brown Myotis	END	END	S4	MWH
<i>Myotis septentrionalis</i>	Northern Myotis	END	END	S3	MWH
<i>Pipistrellus subflavus</i>	Tri-colored Bat	END	END	S3?	MWH
Plants					
<i>Juglans cinerea</i>	Butternut	END	END	S3?	NHIC
<i>Cornus florida</i>	Eastern Flowering Dogwood	END	END	S2?	MECP Reg. Habitat, NHIC
<i>Gymnocladus dioicus</i>	Kentucky Coffee-tree	THR	THR	S2	NHIC
<i>Platanthera leucophaea</i>	Eastern Prairie Fringed-orchid	END	END	S2	MECP Reg. Habitat
<i>Plantago cordata</i>	Heart-leaved Plantain	END	END	S1	NHIC

¹Federal Species at Risk Act (END = Endangered, THR = Threatened); ²Ontario Endangered Species Act (END = Endangered, THR = Threatened);

³SRank is an indicator of commonness in the Province of Ontario. A scale between 1 and 5: S4 = common and apparently secure; S3 = rare to uncommon and vulnerable; S2 = very rare and imperiled; S1 = extremely rare and critically imperiled; SU or ? = uncertain due to insufficient information; B = breeding; N = non-breeding; ⁴Information sources include: NHIC = MNRF Natural Heritage Information Centre, MECP Reg. Habitat = MECP Regulated Habitat (O. Reg. 242/08), OBBA = Ontario Breeding Bird Atlas, MWH = Digital Distribution Maps of the Mammals of the Western Hemisphere, version 3.0, ORAA = Ontario Reptile and Amphibian Atlas, CBC = Christmas Bird Count; --- denotes no information or not applicable.

The potential for SAR to be present within the Study Area is discussed further in **Section 5.2.7**.

4.0

Methodology of Biophysical Inventory

Prior to Dillon's involvement with the project, GEC visited the Project Location on March 12, 2019 to document existing conditions. Field work conducted by Dillon for the EIA occurred in 2020, when weather conditions and timing were deemed suitable based on the survey protocols being implemented (**Table 4**). Fieldwork consisted of breeding bird surveys, vegetation surveys, Ecological Land Classification (ELC), and aquatic assessment. Incidental wildlife observations made during the surveys were also documented. The following sub-sections outline the survey methodologies used in the field.

Table 4: 2020 Survey Dates and Weather Conditions

Survey Date	Weather Conditions
Breeding Bird Surveys	
June 4, 2020	20°C, no precipitation, 50% cloud cover
July 3, 2020	20°C, no precipitation, 10% cloud cover
Vegetation Surveys	
June 4, 2020	18°C, no precipitation, 0% cloud cover
October 9, 2020	20°C, no precipitation, 0% cloud cover
Ecological Land Classification	
June 4, 2020	20°C, no precipitation, 50% cloud cover
Aquatic Assessment	
June 18, 2020	27°C, no precipitation, 40% cloud cover
October 9, 2020	20°C, no precipitation, 0% cloud cover

4.1

Aquatic Environment

An aquatic assessment was conducted at three locations; one along Major Knapp Drain, one along John Knapp D&W Drain, and one along Dufour Drain.

Information collected during the assessment included (where applicable): channel form, presence/absence of flow, substrate type, channel dimensions (e.g. width and depth), and riparian vegetation. This data was used, in part, to determine the overall health and sensitivity of the river. The location of the aquatic assessments are shown on **Figure 3**.

Results of the aquatic assessment is discussed in **Section 5.1**.

4.2 Terrestrial Environment

4.2.1 Breeding Bird Surveys

Diurnal breeding bird surveys conducted within the Project Location followed the methods outlined in the Ontario Breeding Bird Atlas Guide for Participants (Ontario Breeding Bird Atlas, 2001), and were completed in June and July 2020 (two surveys). Specifically, surveys consisted of point counts generally conducted between dawn and five hours after sunrise, that were used to establish quantitative estimates of bird abundance in suitable habitat types within the Project Location. During the surveys, evidence of breeding behaviour was recorded, which generally includes, but is not limited to, singing males, nest building, egg incubation, territorial defence, carrying food/fecal sacs, and feeding young. Breeding evidence for each bird species was documented using Breeding Bird Atlas Evidence Codes.

To supplement the surveys, area searches of the habitats were completed using binoculars to observe species presence and breeding activity. Area searches involved noting all individual bird species and their corresponding breeding evidence while traversing the habitat on foot. Point count locations are displayed on **Figure 3**.

Results of the breeding bird surveys are discussed in **Section 5.2.1**.

4.2.2 Vegetation Surveys

A two-season vegetation assessment was conducted; one during the spring and one during the fall. Vegetation surveys were conducted using wandering transects to determine species presence, richness, and abundance of floral species within the Project Location. Search effort was concentrated throughout the entirety of the Project Location, but due to current land uses, effort was mostly concentrated away from agriculture. Species nomenclature is based on the species lists for Ontario maintained by the NHIC which uses international standards for taxonomy and nomenclature.

Results of the vegetation surveys are discussed in **Section 5.2.2**.

4.2.3 Ecological Land Classification

During the spring vegetation survey, vegetation was characterized using the ELC System for Southern Ontario protocol (Lee *et al.*, 1998) with 2008 updates (Lee, 2008) in order to classify and map ecological communities to the vegetation type level, where appropriate. The ecological community boundaries were determined through the review of aerial photography and then further refined through on-site vegetation surveys. Vegetation studies involved identifying the dominant species in each vegetation community type, based on visual estimates of species abundance and biomass. Species nomenclature is based on the species lists for Ontario maintained by the NHIC which uses international standards for taxonomy and nomenclature.

The ELC protocol recommends that a vegetation community be a minimum of 0.5 ha in size before it is defined. Based on the composition of vegetation communities within the Study Area, patches of vegetation less than 0.5 ha or disturbed/planted vegetation were described, provided they clearly fit within an ELC vegetation type.

Results of the ELC survey is discussed in **Section 5.2.3**.

5.0

Results of Biophysical Inventory

A biophysical inventory of natural features within the Study Area was completed in accordance with the methods detailed in **Section 4.0**. The analysis of data collected from secondary source information and during the field studies was used to evaluate the significance of natural heritage features within the Study Area.

5.1

Aquatic Environment

Major Knapp Drain is located along the northern boundary of the Project Location, John Knapp D&W Drain is located in the western portion of the Project Location, and finally, Dufour Drain is located along the southwestern boundary of the Project Location (**Figure 1**). Fisheries and Oceans Canada (DFO) classified Major Knapp and John Knapp D&W Drain as Class F drains (OMAFRA, 2020) indicating that the drains have intermittent or ephemeral flow, while Dufour Drain has not been rated.

At the aquatic assessment locations (**Figure 3**), field observations confirmed that the drains have intermittent/ephemeral flow (**Table 5**). The drains are predominately surrounded by agriculture.

Table 5: Drain Measurements

Date	Mean Width Wetted (m)	Mean Depth Wetted (m)	Mean Bankfull Width (m)	Mean Bankfull Depth (m)
Major Knapp Drain				
July 18, 2020	N/A	N/A	3	0.5
John Knapp D&W Drain				
October 9, 2020	N/A	N/A	0.75	0.3
Dufour Drain				
July 18, 2020	N/A	N/A	~8	~2.5

5.2

Terrestrial Environment

5.2.1

Breeding Bird Surveys

A total of 24 bird species were observed during the breeding bird surveys in 2020 (**Table 6**). Each of the observed birds is considered common and apparently secure (S4) or widespread and secure (S5) in the province of Ontario based on the provincial conservation rankings assigned by the NHIC.

Of the 24 species observed, none are listed as Endangered or Threatened under the ESA.

Table 6: Breeding Bird Survey Results

Scientific Name	Common Name	SARA ¹	ESA ²	SRank ³	Breeding Evidence ⁴
<i>Charadrius vociferus</i>	Killdeer	---	---	S5B,S5N	X
<i>Larus delawarensis</i>	Ring-billed Gull	---	---	S5B,S4N	flyover
<i>Zenaidura macroura</i>	Mourning Dove	---	---	S5	S
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo	---	---	S4B	S
<i>Colaptes auratus</i>	Northern Flicker	---	---	S4B	S
<i>Picoides pubescens</i>	Downy Woodpecker	---	---	S5	X
<i>Vireo gilvus</i>	Warbling Vireo	---	---	S5B	S
<i>Cyanocitta cristata</i>	Blue Jay	---	---	S5	S
<i>Eremophila alpestris</i>	Horned Lark	---	---	S5B	X
<i>Tachycineta bicolor</i>	Tree Swallow	---	---	S4B	flyover
<i>Poecile atricapillus</i>	Black-capped Chickadee	---	---	S5	S
<i>Troglodytes aedon</i>	House Wren	---	---	S5B	S
<i>Turdus migratorius</i>	American Robin	---	---	S5B	S
<i>Sturnus vulgaris</i>	European Starling	---	---	SNA	flyover
<i>Setophaga petechia</i>	Yellow Warbler	---	---	S5B	S
<i>Melospiza melodia</i>	Song Sparrow	---	---	S5B	S
<i>Passerculus sandwichensis</i>	Savannah Sparrow	---	---	S4B	S
<i>Spizella passerina</i>	Chipping Sparrow	---	---	S5B	S
<i>Cardinalis cardinalis</i>	Northern Cardinal	---	---	S5	S
<i>Agelaius phoeniceus</i>	Red-winged Blackbird	---	---	S4	S
<i>Icterus galbula</i>	Baltimore Oriole	---	---	S4B	S
<i>Molothrus ater</i>	Brown-headed Cowbird	---	---	S4B	X
<i>Quiscalus quiscula</i>	Common Grackle	---	---	S5B	flyover
<i>Passer domesticus</i>	House Sparrow	---	---	SNA	X

¹Federal Species at Risk Act (Source: SARA Public Registry 2007); ²Provincial Endangered Species Act (Source: OMNR website 2007); ³SRank is an indicator of commonness in the Province of Ontario. A scale between 1 and 5: S5 = widespread and secure; S4 = common and apparently secure; SNA = not applicable; B = breeding; N = non-breeding; ⁴Breeding Bird Codes from Breeding Bird Atlas of Ontario (Ontario Breeding Bird Atlas 2001); --- denotes no information or not applicable.

Observed

X Species observed in its breeding season (no breeding evidence)

Possible

H Species observed in its breeding season in suitable nesting habitat

S Singing male(s) present, or breeding calls heard, in suitable nesting habitat in breeding season

Probable

P Pair observed in suitable nesting habitat in nesting season

T Permanent territory presumed through registration of territorial song, or the occurrence of an adult bird, at the same place, in breeding habitat, on at least two days a week or more apart, during its breeding season.

D Courtship or display, including interaction between a male and a female or two males, including courtship feeding or copulation

V Visiting probable nest site

A Agitated behaviour or anxiety calls of an adult

B Brood Patch on adult female or cloacal protuberance on adult male

N Nest-building or excavation of nest hole, except by a wren or a woodpecker

Confirmed

NB Nest-building or excavation of nest hole by a species other than a wren or a woodpecker

DD Distraction display or injury feigning

NU Used nest or egg shells found (occupied or laid within the period of the survey)

FY Recently fledged young (nidicolous species) or downy young (nidifugous species), including incapable of sustained flight

AE Adult leaving or entering nest sites in circumstances indicating occupied nest

FS Adult carrying fecal sac

CF Adult carrying food for young

NE Nest containing eggs

NY Nest with young seen or heard

5.2.2 Vegetation Surveys

A total of 71 flora species were documented during the 2020 field studies. Of these 71 species, approximately 79% are listed as native species and 21% are listed as non-native species, therefore a status ranking is not applicable as the species is not a suitable target for conservation activities (SE or SNA rank).

Two species; Giant Ironweed (*Vernonia gigantea*; S1?) and Climbing Prairie Rose (*Rosa setigera*; S3) were observed within the Project Location. Climbing Prairie Rose was observed along the northern boundary of the forest community (8 stems) and also along the northern boundary of the thicket community (1 stem). Giant Ironweed was observed in two separate areas (one population of 20 stems and another population of 13 stems) along the northern boundary of the thicket community. Being a SCC, and their habitats would be considered as SWH, these species are discussed further in [Section 5.2.6](#).

A list of flora species observed is provided in [Appendix C](#). Floristics data including native vs. non-native species, mean coefficient of conservatism, floristic quality index, and mean coefficient of wetness, as provided in Oldham *et al.* (1995), are provided in [Appendix D](#). Photographs taken during the site visits are provided in [Appendix E](#). Potential impacts related to vegetation within the Project Location is included in [Section 8.1.2](#) and [8.2.2](#).

5.2.3 Ecological Land Classification

Four ELC communities were identified within the Project Location ([Table 7](#)). The location, type, and boundaries of these communities are delineated on [Figure 3](#). Reference photos for the plant communities observed can be found in [Appendix E](#).

The Project Location consists of Annual Row Crops (OAGM1), Fencerow (TAGM5), Gray Dogwood Deciduous Thicket Type (THDM5-1), and Fresh-Moist Shagbark Hickory Deciduous Forest Type (FODM9-4). Communities within the Project Location are further described in **Table 7** and a full plant list is presented in **Appendix C**. Other communities (cultural) exist outside of the Project Location (**Figure 3**). None of the documented vegetation communities are considered rare in Ontario.

Table 7: Ecological Land Classification Communities with the Project Location

ELC Community	Description and Dominant Species
OAGM1 – Annual Row Crops (21.63 ha within the Project Location)	Located in the western, central, and eastern portions of the Project Location. The last observed crop was Soy Bean (<i>Glycine max</i>) in 2020.
TAGM5 – Fencerow (0.28 ha within the Project Location)	Located along the southern boundary of the Project Location. Dominant species include: Gray Dogwood (<i>Cornus racemosa</i>), Common Buckthorn (<i>Rhamnus cathartica</i>), European Common Reed (<i>Phragmites australis ssp. australis</i>), Manitoba Maple (<i>Acer negundo</i>), and Virginia Creeper (<i>Parthenocissus quinquefolia</i>).
THDM5-1 – Gray Dogwood Deciduous Thicket Type (0.49 ha within the Project Location)	Located in the southeast portion of the Project Location. Dominant species include: Gray Dogwood, Shore-line Sedge (<i>Carex hyalinolepis</i>), and Eastern Cottonwood (<i>Populus deltoides ssp. deltoides</i>).
FODM9-4 – Fresh-Moist Shagbark Hickory Deciduous Forest Type (3.64 ha within the Project Location)	Located in the southwest portion of the Project Location. Dominant species include: Shagbark Hickory (<i>Carya ovata</i>), American Elm (<i>Ulmus americana</i>), Gray Dogwood, and Broad-leaved Enchanter's Nightshade (<i>Circaea canadensis</i>).

5.2.4 Woodlands

The biophysical inventory results are generally consistent with the background review. The forest community is 3.64 ha in size and therefore meets significance criteria on size where all woodlands 2 ha in size or larger are present (OMNR, 2010). The thicket community (0.49 ha in size) and the fencerow community (0.28 ha in size) do not meet significance criteria on size. However, as SCC were present, these communities also meet significance criteria with the presence of SWH.

The fencerow community is approx. 10 m wide and approx. 300 m long. As such, the fencerow does not meet the suggested width criteria to be considered a linkage/corridor, which is defined as 50 m (OMNR, 2010). However, the fencerow community is contiguous with the forest and thicket communities, and has been classified appropriately. The fencerow does differ from the forest and thicket in terms of structure and composition. The fencerow community does not have the appropriate structure to be considered woodland. Furthermore, the species composition is also different. The fencerow is composed of mainly taller trees adjacent to the Cypher Systems Group Greenway that is shaded along the northern boundary, while the thicket is composed mainly of short Gray Dogwood with only a few, scattered canopy trees (mainly Eastern Cottonwood). Giant Ironweed was not observed along the fencerow and that partially speaks to the difference in both structural and compositional differences between the communities. As the fencerow is more shaded than the thicket, and therefore is not suitable for Giant Ironweed.

Potential impacts related to other vegetation communities within the Study Area are included in **Section 8.1.2** and **8.2.2**.

5.2.5 Wetlands

The biophysical inventory results are consistent with the background review. There are no wetlands within the Project Location.

5.2.6 Significant Wildlife Habitat

Based on the observations made during the site investigations, as well as the results of the ELC (**Figure 3**), the following candidate and confirmed SWH were observed within the Study Area (**Figure 4**).

Candidate Significant Wildlife Habitat

- Bat Maternity Colonies.

Confirmed Significant Wildlife Habitat

- Special Concern and Rare Wildlife Species (two SCC detailed below).

During the site investigations, the following two SCC were observed:

- Giant Ironweed (S1?; THDM5-1) and
- Climbing Prairie Rose (S3; THDM5-1 and FODM9-4).

As a result, there is confirmed SWH for Special Concern and Rare Wildlife Species for the species listed above (**Figure 4**).

The Ontario Species at Risk Observation Reporting Form (**Appendix F**) has been populated with SCC observations that occurred within the Study Area and has been submitted to the NHIC on October 16, 2020. Potential impacts to SWH are addressed in **Section 8.1.1** and **8.1.2**.

5.2.7 Species at Risk

No SAR were observed within the Project Location during the site investigations. Following the preliminary screening for SAR and knowing that SAR habitat may be present within 1 km of the Project Location, MECP was engaged to determine potential SAR habitat and usage within the area. On September 16, 2019, confirmation was received from MECP that the project is within regulated habitat for Eastern Foxsnake, but that the activities proposed will likely not contravene the ESA, provided their recommendations are implemented (**Appendix G**).

5.2.8 Incidental Wildlife

Incidental wildlife species observed within the Project Location are listed in **Table 8**. Each of the species observed are considered either, secure and common (SRank of S5), apparently secure, uncommon, but not rare (SRank of S4), or is not a suitable target for conservation activities (SRank of SNA in the province of Ontario).

Table 8: Incidental Wildlife Observations

Scientific Name	Common Name	SARA ¹	ESA ²	SRank ³	Evidence
Birds					
<i>Anas platyrhynchos</i>	Mallard	---	---	S5	Observed
<i>Ardea herodias</i>	Great Blue Heron	---	---	S4	Observed
<i>Melanerpes carolinus</i>	Red-bellied Woodpecker	---	---	S4	Observed
<i>Picoides pubescens</i>	Downy Woodpecker	---	---	S5	Nest with begging young
<i>Contopus virens</i>	Eastern Wood-pewee	SC	SC	S4B	Observed
<i>Sitta carolinensis</i>	White-breasted Nuthatch	---	---	S5	Observed
<i>Thryothorus ludovicianus</i>	Carolina Wren	---	---	S4	Observed
<i>Dumetella carolinensis</i>	Gray Catbird	---	---	S4B	Observed
Mammals					
<i>Sylvilagus floridanus</i>	Eastern Cottontail	---	---	S5	Observed
<i>Sciurus carolinensis</i>	Eastern Gray Squirrel	---	---	S5	Observed
Amphibians					
<i>Anaxyrus americanus</i>	American Toad	---	---	S5	Observed
Lepidoptera					
<i>Papilio cresphontes</i>	Giant Swallowtail	---	---	S4	Observed

¹Federal Species at Risk Act (Source: SARA Public Registry 2007). Note: SC = Special Concern; ²Provincial Endangered Species Act (Source: OMNR website 2007). Note: SC = Special Concern; ³SRank is an indicator of commonness in the Province of Ontario. A scale between 1 and 5: S5 = widespread and secure; S4 = common and apparently secure; B = breeding; --- denotes no information or not applicable.

Potential impacts related to wildlife within the Study Area are included in **Section 8.1.1** and **8.1.2**.

Refer to **Section 9.0** for recommended mitigation measures to prevent impacts to SCC, SAR, and/or their habitats.

6.0

Ecological Function

The Project Location was assessed based on existing characteristics (if any) to determine the presence of potential natural heritage features, SWH, SAR habitat, etc. As most of the Project Location is comprised of agriculture, ecological function is predominately restricted to the natural communities within the Project Location. Ecological function of the natural communities within the Project Location include providing habitat for SCC, regulated habitat for Eastern Foxsnake, providing ecological linkage via the area drains and Cypher Systems Group Greenway to off-site natural areas, prevention of erosion and runoff, facilitating hydrological and nutrient cycling, water retention, improving localized soil, and water and air quality.

Along the southern boundary of the Project Location, a 3.64 ha forest community, a 0.49 ha thicket community, and a 0.28 fencerow community exists. Within the forest community, one SCC (8 stems of Climbing Prairie Rose) was observed along the northern boundary. Within the thicket community, two SCC (1 Climbing Prairie Rose and 33 Giant Ironweed) were observed along the northern boundary. The western part of the thicket community will be retained and the forest community will be predominately retained, except for a 0.12 ha area that is proposed for removal. The eastern part of the thicket community is proposed to be removed (0.14 ha) and compensated for in current agricultural lands north of and contiguous with the thicket. The fencerow community will be largely retained as this community is mostly located outside of the Project Location (south of the southern boundary), and future landowners will benefit from having retained trees to provide shade and to provide a buffering effect from the adjacent Cypher Systems Group Greenway. Despite several human-made structures and numerous signs of human disturbance within the forest, the community represents a fine and sizeable, Shagbark Hickory-dominant stand, with American Elm and Northern Red Oak representing lesser associates.

After preliminary screening for SAR, MECP has been engaged to determine potential SAR habitat and usage within the area. On September 16, 2019, confirmation was received from MECP that the project is within regulated habitat for Eastern Foxsnake, but that the activities proposed will likely not contravene the ESA, provided their recommendations are implemented. Based on recent correspondence with MECP (Aylmer District), MECP is no longer extending expiry dates on Letter to Proponents, provided the proposed activities and footprints remain the same, their guidance and advice will remain valid.

In conclusion, the natural communities within the Project Location are found to be SWH with the presence of SCC individuals. Potential impacts and recommended mitigation measures to prevent impacts to SCC, SAR, their habitats, as well as significant natural features are discussed in **Section 8.0** and **Section 9.0**.

7.0

Description of the Proposed Development

The overall proposed development will generally include:

- Residential subdivision including single-detached homes with associated driveways;
- Future commercial blocks;
- Stormwater management pond;
- Parkland;
- A habitat compensation area (0.22 ha); and
- A 10 m buffer between the proposed development footprint and the retained forest and partially-retained thicket communities (**Figure 5**).

The proposed main access points to this development will be heading north from Middle Side Road and heading west from County Road 11 (**Figure 5**). Construction of the proposed development would include the removal of approximately 0.12 ha of forest, 0.14 ha of thicket, and 0.24 ha of fencerow (**Figure 6**). Landscaping may include, but is not limited to, fencing, sod, and tree plantings. The associated impacts of the development and recommended mitigation measures will be discussed in **Section 8.0** and **Section 9.0**.

8.0 Potential Impact Identification and Analysis

8.1 Potential Direct Impacts

Potential direct impacts are those that are immediately evident as a result of the development. Typically, the adverse effects of direct impacts are most evident during the site preparation and construction phase of a development. The potential direct impacts of the proposed development include the following:

- Loss of/disturbance to wildlife and wildlife habitat;
- Tree and vegetation removal;
- Diversion of surface water flows and stormwater management; and
- Erosion and sedimentation into natural features.

Each of these potential impacts are discussed in subsequent sections.

8.1.1 Loss of/Disturbance to Wildlife and Wildlife Habitat

In general, wildlife, including SWH, may be impacted due to vegetation clearing within the proposed development area (i.e. within the forest community, thicket community, and select vegetation along the margins of the agriculture). Habitat for fauna may be impacted by construction in the following ways:

- Displacement, injury, or death resulting from contact with heavy equipment during clearing and grading activities; and
- Disturbance to wildlife as a result of noise associated with construction activities, particularly during breeding periods.

More specifically, SCC (Giant Ironweed and Climbing Prairie Rose) were identified in three areas within the Project Location. Two populations of Giant Ironweed (a total of 33 stems) and two populations of Climbing Prairie Rose (a total of 9 stems; **Figure 6**).

Mitigation measures to avoid impacts to wildlife are discussed in **Section 9.3**.

8.1.2 Tree and Vegetation Removal

The proposed development plan indicates tree and ground vegetation removal limited to vegetation within the forest (0.12 ha), the thicket (0.14 ha), and the fencerow (0.24 ha; **Figure 6**), to facilitate grading and construction of the development. Tree removal will result in a reduction of tree cover, wildlife habitat loss (SWH and SAR habitat), and alteration of soil conditions. On a site level, the impacts of tree and vegetation removal may include:

- Direct loss of trees;
- Decreased floral species richness and abundance;
- Altered soil conditions and water availability;
- Alteration of microclimate;
- Loss of native seed banks; and
- Physical injury, root damage, and compaction of trees not intended for removal that may result from construction operations.

Refer to **Section 9.4** and **Section 9.5** for mitigation and enhancement opportunities.

8.1.3 Diversion of Surface Water Flows and Stormwater Management

The potential impacts of changes to land use and land cover on the health of a watershed have been well documented and can include changes to groundwater infiltration, run off, stream flow regime, water quality, stream channel erosion, and wildlife habitat. More specifically, changes may include:

- Direct “footprint” effects such as the loss of natural land cover;
- Indirect “flow related” effects such as increased frequency of high stream flows, accelerated stream channel erosion, and deterioration of water quality; and
- Cumulative effects such as changes in aquatic community composition may arise from a combination of changes affecting upstream areas.

The proposed development will increase the amount of impervious land on the property leading to increased surface runoff. Stormwater is proposed to be directed into one SWM pond (**Figure 5**) and will discharge into Dufour Drain. The proposed SWM pond provides a total active storage surface of 1.36 ha and a total active storage depth of 3.7 m at 5:1 side slopes and permanent pool depth of 1 m with 3:1 side slopes. The total depth of the pond is 4.7 m. The proposed SWM for the development will use best management practices to mitigate potential negative effects of increased discharge into receiving waters and is further discussed in **Section 9.1**. Provided these mitigation measures are followed, the potential ecological impact of stormwater discharge into Dufour Drain is expected to be minimal.

Refer to **Section 9.2** for mitigation measures related to surface flows.

8.1.4 Erosion and Sedimentation into Natural Features

Construction activity, especially operations involving the handling of earthen material, increases the availability of sediment for erosion and transport via surface drainage. Due to the anticipated reduction in infiltration rates post-development, there is the potential for natural features within the area to be impacted as a result of the development if construction best management practices are not implemented.

Potential impacts to these features may include, but are not limited to:

- Reduced water quality and degradation of nearby drains/wetlands; and
- Disturbance to or loss of additional vegetation due to the deposition of dust and/or overland mobilization of soil.

Due to the potential impacts, control measures must be selected that are appropriate for the erosion potential of the site and it is important that they be implemented and modified on a staged basis to reflect the site activities. Furthermore, their effectiveness decreases with sediment loading and therefore inspection and maintenance is required.

Refer to **Section 9.2** for mitigation measures related to erosion and sedimentation.

8.2 Potential Indirect Impacts

Potential indirect impacts are those that do not always manifest in the core development area, but in the lands adjacent to the development. Indirect impacts can begin in the construction phase; however, they can continue post-construction. Typical indirect impacts from the proposed development include increased anthropogenic disturbance and colonization of non-native and/or invasive species.

8.2.1 Anthropogenic Disturbance

Disturbance to local wildlife communities due to indirect impacts on the lands adjacent to the proposed development could result if left unmitigated. Noise, light, vibration, and human presence are potential indirect impacts that can adversely influence the population size and breeding success of local wildlife. These effects are more pronounced when new development is introduced in non-urban areas. Although lands within the Study Area are already disturbed by anthropogenic land uses, mitigation measures that further address anthropogenic disturbance have been included in **Section 9.2** and **Section 9.3**.

8.2.2 Colonization of Non-native and/or Invasive Species

Physical site disturbance may increase the likelihood that non-native and/or invasive flora species will be introduced to the surrounding vegetation communities. Non-native and invasive flora can establish in disturbed sites more efficiently than native flora and can then encroach into adjacent undisturbed areas. This type of colonization is currently occurring within the Project Location. Species including European Common Reed (*Phragmites australis* ssp. *australis*), Common Buckthorn (*Rhamnus cathartica*), and Russian Olive (*Elaeagnus angustifolia*) were identified within the Project Location. In order to maximize ecological function on adjacent lands, removal of invasive species paired with planting of native tree and shrub species is recommended.

9.0

Mitigation Measures and Opportunities for Enhancement/Compensation

Mitigation involves the avoidance or minimization of development impacts through good design, construction practices, or restoration and enhancement activities. The feasibility of mitigation options have been evaluated based on the natural features within and adjacent to the Project Location. The impact assessment highlighted four potential direct impacts, which include; loss of/disturbance to wildlife and wildlife habitat, tree and vegetation removal, diversion of surface water flows and stormwater management, and erosion and sedimentation into natural features.

A variety of mitigation techniques can be used to minimize or eliminate the potential impacts noted above. These measures may include, but are not limited to, Stormwater Management Plan, Erosion and Sediment Control (ESC) Plan, Wildlife Impact Mitigation Plan, Natural Feature Buffer, Plant Transplantation and Compensation Habitat, and Environmental Monitoring Plan. Each mitigation measure recommended for the proposed development is introduced below.

9.1

Stormwater Management Plan

The SWM pond will be located within the southwest part of the Project Location. The proposed SWM pond was designed to control post-development flows up to and including the 1:100 year event with a minimum of 300 mm of freeboard during the 1:100 year storm. To assess the resiliency of the proposed SWM pond, an additional modelling scenario was performed using the Urban Stress Test design storm event provided in the Windsor/Essex Region Stormwater Management Standards Manual.

9.2

Erosion and Sediment Control Plan

In order to mitigate the adverse environmental impacts caused by the release of sediment-laden runoff, measures for ESC are recommended for the construction site. Mitigation measures include the installation of geotextile silt fences, rock check dams, ditch checks, temporary sediment ponds, designated topsoil stockpile areas, and cut-off swales and ditches to divert surface flows to the appropriate sediment control area. Additional mitigation measures include:

- Standard duty silt fencing (OPSD 219.110) and/or other equivalent erosion and sediment controls should be installed around the perimeter of the work area to clearly demarcate the development area and prevent erosion and sedimentation into adjacent habitats. Erosion and sediment control measures should be monitored regularly to ensure they are functioning properly and if issues are identified, should be dealt with promptly;

- Stockpiling of excavated material should not occur outside the delineated work area. If stockpiling is to occur outside of this area, silt fencing should be used to contain any spoil piles to prevent sedimentation into adjacent areas. Further, stockpiling of excavated materials will not occur within 30 m of watercourses;
- A spill response plan should be developed and implemented as required;
- The use of silt socks, dewatering ponds, etc. should be implemented to avoid sedimentation and erosion into adjacent areas as required. If dewatering requires more than 50,000 L of water to be pumped per day, appropriate permits must be obtained from the MECP prior to the dewatering; and
- Use of mud mats at the construction entrance prior to commencing earthworks to minimize the tracking of mud onto municipal roads.

9.3 Wildlife Impact Mitigation Plan

Strategies to mitigate impacts to general wildlife prior to and during construction are recommended:

- Tree/vegetation removal should be conducted outside of the breeding bird season (no removal between April 1 to August 31). Should removals be required during this season, appropriate nest searches should be conducted by a qualified biologist. Bird nest searches are recommended to be completed 48 hours prior to clearing activities. If active nests are found, work within a species-specific setback from the nest should be established by a qualified biologist, until the nest fate is either successful (i.e. young have fledged and can leave the area on their own accord) or unsuccessful (i.e. the nest is no longer active). Confirmation of nest inactivity should be confirmed by a qualified biologist prior to encroachment into the buffer. If no nests are present, clearing may occur. This is in accordance with the federal *Migratory Birds Convention Act* (1994);
- Tree removal should be conducted outside of the active bat active season (no removal between April 1 to September 30). Should removals be required during this season, appropriate bat exit surveys should be conducted by a qualified biologist. Ideally, bat exit surveys should be conducted during June. Each candidate roost should be monitored on two separate evenings under appropriate weather conditions (i.e. temperature above 10 degrees Celsius, no rain, and low wind). Monitoring should take place from 30 minutes before sunset until 60 minutes after sunset;
- Visual monitoring for wildlife species and avoidance, where encountered, if possible;
- If necessary, have a qualified biologist monitor construction in the areas of potential wildlife habitat. If wildlife are found within the construction area, they should be relocated by a qualified biologist (someone who is both trained in proper snake handling and maintains a Wildlife Scientific Collector's Authorization) to an area outside of the development into an area of appropriate habitat, as necessary;
- If an injured or deceased SAR is found, the individual must be placed in a non-airtight container that is maintained at an appropriate temperature and an Authorized Wildlife Custodian

(authorized under the Fish and Wildlife Conservation Act) in the area should be contacted and the MECP notified as soon as reasonably possible; and

- General awareness training for staff prior to commencement of construction regarding typical SAR species that could potentially enter the construction site.

9.3.1 Recommendations Required by the MECP

Aside from general mitigation measures detailed above, the MECP has also indicated specific recommendations for the proposed development (**Appendix G**).

9.4 Natural Feature Buffer

The role of a buffer is to protect important natural features from the adverse effects of nearby development. A 10 m buffer is proposed between the proposed development and the retained forest and western part of the thicket communities (**Figure 5**). A permanent wildlife exclusion fence is recommended between the proposed development footprint and the forest buffer and the retained western part of the thicket community (**Figure 5**). In addition, a six-foot-tall fence is recommended at the back of the lots adjacent to the fencerow and thicket communities. The buffer, the retained forest community, the retained thicket community, and the habitat compensation will be rezoned as Environmental Protection during the approval process with the Town of Amherstburg. The forest and the buffer around the forest (Block 8) will be owned by the ERCA. The western part of the thicket and the buffer around that part of the thicket (Block 5) will be owned by the ERCA. The central part of the thicket and the buffer around that part of the thicket (Block 6), and the habitat compensation area (Block 4) will remain as private land ownership.

9.5 Plant Transplantation and Compensation Habitat

One SCC (13 stems of Giant Ironweed) is located within the footprint of the proposed development (the eastern part of the thicket community). As such, we recommend that these stems be transplanted to an appropriate location within the retained part of the thicket community.

We are proposing total habitat compensation of 0.97 ha (0.75 ha buffer and 0.22 ha thicket habitat compensation) that is greater than the 0.5 ha total of ELC units being removed (0.12 ha forest, 0.14 ha thicket, and 0.24 ha fencerow). To demonstrate no negative impact to the natural environment, we propose an increase in species diversity within the buffer and compensation areas. This will not only show an increase in floristic diversity, but will also provide a suitable habitat for the nearby SWH. We propose the following enhancement plantings:

- The buffer will be planted with seeds of locally-sourced, all-native, open-habitat grasses and forb mix from an approved supplier with a reliable local supply.

- Seeds will be planted using techniques prescribed in Planting The Seed: A Guide To Establishing Prairie And Meadow Communities In Southern Ontario (Delaney *et al.*, 2000).

We recommend an appropriate seed mix (Native Prairie Meadow Seed Mixture 8135) from Ontario Seed Company Inc. The following species are included within this diverse mix of flowering plants and grasses:

Table 9: Species List for Compensation Habitat

Scientific Name	Common Name	SARA ¹	ESA ²	SRank ³
<i>Panicum virgatum</i>	Old Switch Panicgrass	---	---	S4
<i>Poa palustris</i>	Fowl Bluegrass	---	---	S5
<i>Schizachyrium scoparium ssp. scoparium</i>	Little Bluestem	---	---	S4
<i>Sorghastrum nutans</i>	Yellow Indian-grass	---	---	S4
<i>Rudbeckia hirta var. hirta</i>	Black-eyed Susan	---	---	SU
<i>Solidago juncea</i>	Early Goldenrod	---	---	S5
<i>Symphyotrichum novae-angliae</i>	New England Aster	---	---	S5
<i>Desmodium canadense</i>	Showy Tick-trefoil	---	---	S4
<i>Monarda fistulosa var. fistulosa</i>	Wild Bergamot	---	---	S5
<i>Verbena urticifolia</i>	White Vervain	---	---	S5
<i>Penstemon digitalis</i>	Foxglove Beardtongue	---	---	S4S5

¹Federal Species at Risk Act (Source: SARA Public Registry 2007); ²Provincial Endangered Species Act (Source: OMNR website 2007); ³SRank is an indicator of commonness in the Province of Ontario. A scale between 1 and 5: S5 = widespread and secure; S4 = common and apparently secure; SU or ? = uncertain due to insufficient information; --- denotes no information or not applicable.

9.6 Environmental Monitoring Plan

The Environmental Monitoring Plan (EMP) should be carried out through the duration of construction activities on-site to ensure that the erosion and sediment control measures operate effectively and to monitor the potential impacts, if any, upon the natural environment. The duration of construction is defined as the period of time from the beginning of earthworks until the site is stabilized. Site stabilization is defined as the point in time when the roads have been paved, buildings have been built, lawns have been sodded, identified plants have been transplanted, and the compensation habitat has been planted.

The EMP would consist of monitoring the erosion and sediment measures, the transplanted plants, and the enhancement/compensation plantings. Erosion and sediment control measures would be regularly monitored and they will require periodic cleaning (e.g. removal of accumulated silt), maintenance and/or re-construction. Inspections of all of the erosion and sediment controls on the construction site should be undertaken by a monitor who is a Canadian Certified Inspector of Sediment and Erosion Control (CAN-CISEC). If control measures are found to be compromised/impaired, they should be repaired and/or replaced as soon as reasonably possible.

The EMP will be implemented during active construction periods in the development area with the following frequency:

- On a bi-weekly basis; and/or
- After every 10 mm or greater rainfall event.

Enhancement/compensation planting and protected vegetation areas will require periodic monitoring to ensure that they are not impacted by adjacent development. Should any negative impacts be observed, necessary steps will be taken to ensure that the impacted vegetation is either restored or replaced.

The following details are recommended for a two-year maintenance and care program within the buffer area and compensation habitat area:

Year One

- Establishment of a farming limit for machinery and any pesticide/herbicide application;
- Removal of non-native vegetation (i.e. European Common Reed, Common Buckthorn, and Russian Olive), where applicable; and
- Watering and weeding of newly-planted areas, as required, for proper establishment of plantings.

Year Two

- Removal of invasive species regeneration;
- Replacement of dead material from plantings;
- Replenishment of mulch within planted areas, where required; and
- Regular watering and weeding of the planted areas throughout the growing season.

10.0

Summary

This EIA was prepared for the proposed residential development located northwest of the intersection of Middle Side Road and County Road 11, within the Town of Amherstburg. This EIA has been prepared due to the presence of natural heritage features and within the Study Area. The EIA will form part of an application package for submission to the Town of Amherstburg.

A review of background resources, including Land Information Ontario, the Town of Amherstburg Official Plan, and the County of Essex Official Plan, indicated that the land is designated as Low Density Residential and Settlement Areas respectively, with Woodlots and Natural Environment Overlay designations located within the southern part of the Project Location.

The most recent detailed field studies were conducted in 2020 to confirm the presence/absence of significant wildlife habitat, SCC, and/or SAR within the Project Location. The field study results were used to determine the potential ecological function of any natural features within the Study Area and also to determine potential impacts on any natural features as a result of the proposed development. The biophysical inventory confirmed the presence of one candidate SWH, one confirmed SWH, and two SCC. In addition, the MECP has confirmed regulated habitat for Eastern Foxsnake within the Project Location.

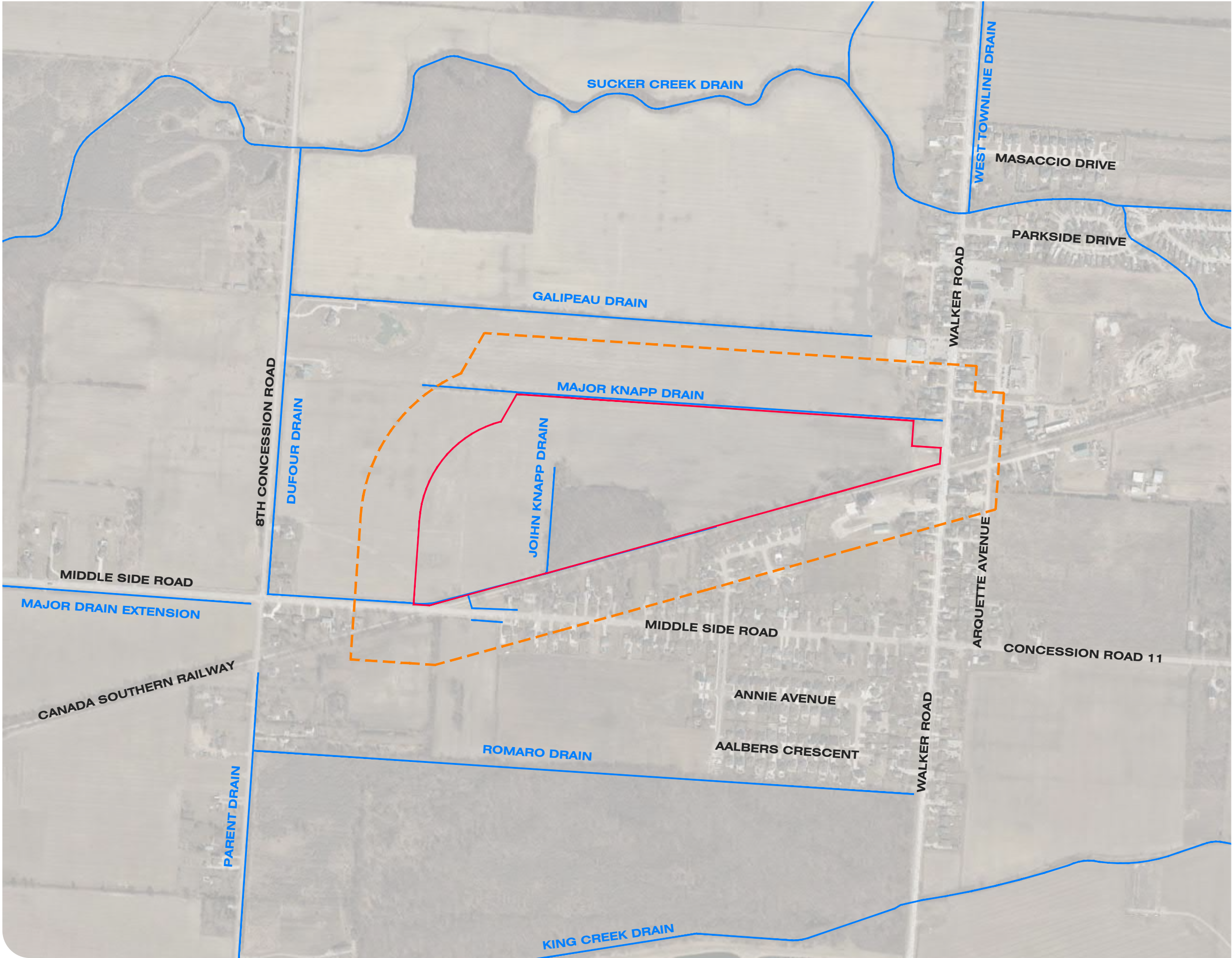
The Project Location is predominately comprised of agriculture and limited vegetated areas are proposed for removal (0.5 ha). To show no negative impact to the natural environment, a greater area of habitat compensation is proposed (0.97 ha). In addition, we propose an increase in species diversity within the buffer and compensation areas.

Furthermore, and at the recommendation of the MECP, a permanent wildlife exclusion fence is proposed between the development footprint and the buffer/habitat compensation area. A six-foot-tall fence at the back of the lots adjacent to the forest, fencerow, and thicket communities is also proposed. These measures show that the development is anticipated to have no negative impacts on natural features.

Two SCC (33 stems of Giant Ironweed and 9 stems of Climbing Prairie Rose) were observed during the site investigations. One SCC (13 stems of Giant Ironweed) is located within the proposed development footprint and are recommended to be transplanted to an appropriate, nearby area within the buffer area. The protected buffer and compensation habitat area will provide areas for a diverse array of compensation plantings.

Provided the mitigation measures, best management practices, and compensatory measures outlined in this EIA are followed, as well as advice from the MECP, the proposed development should result in no negative impacts on the natural features or their ecological function.

Figures



PROJECT LOCATION
FIGURE 1.0

-  PROJECT LOCATION
(±26.02 ha)
-  STUDY AREA (120m BUFFER)
-  DRAIN

MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.

SCALE : N.T.S.

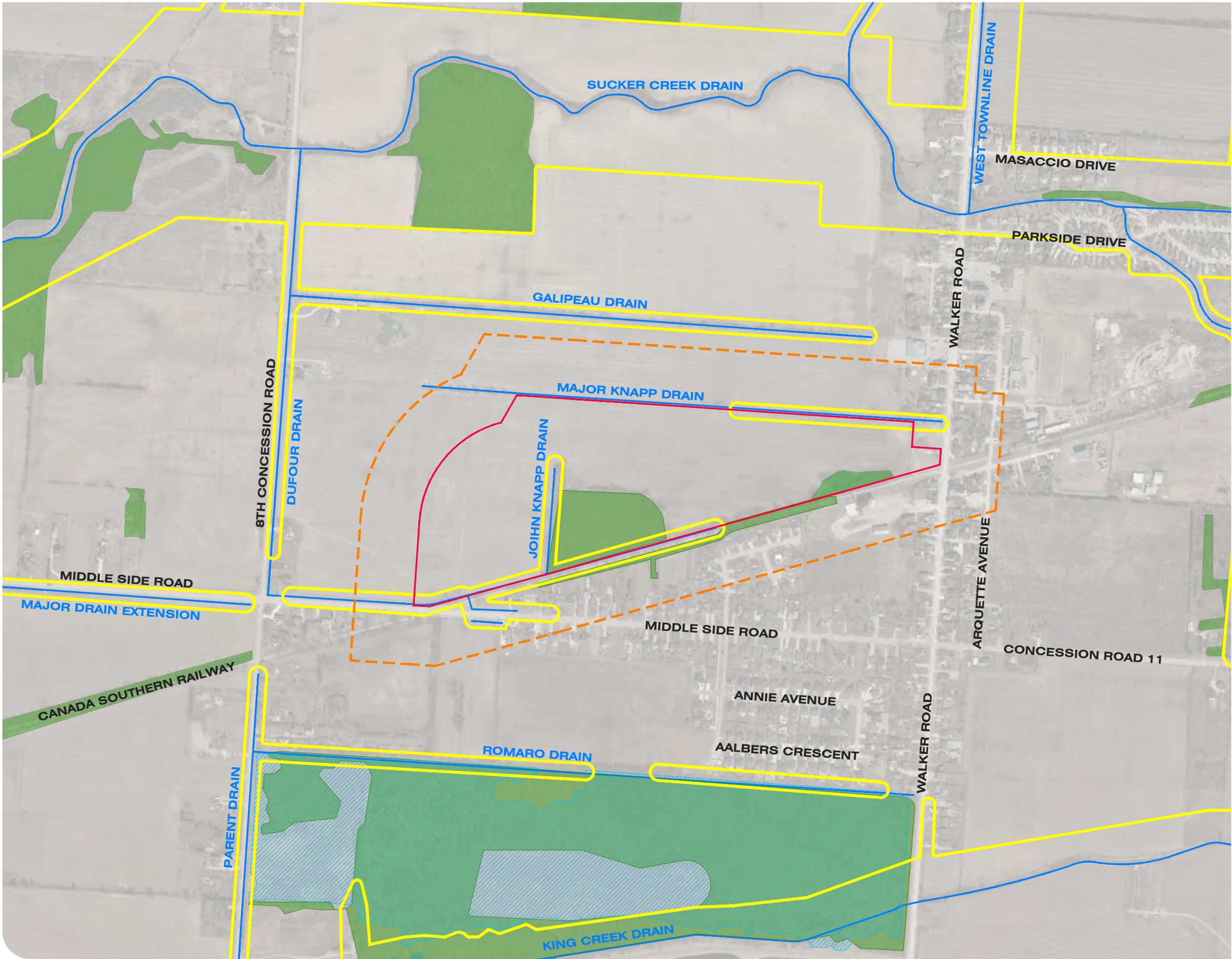


SOURCE: COUNTY OF ESSEX
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DATE: 05/05/2023



2439478 ONTARIO INC.
MIDDLE SIDE ROAD AND WALKER ROAD
ENVIRONMENTAL IMPACT ASSESSMENT

ERCA'S REGULATED AREA
FIGURE 2.0

-  PROJECT LOCATION
(± 26.02 ha)
-  STUDY AREA (120m BUFFER)
-  DRAIN
-  ERCA LIMIT OF REGULATED AREA
-  MNRF WOODLAND
-  MNRF WETLAND

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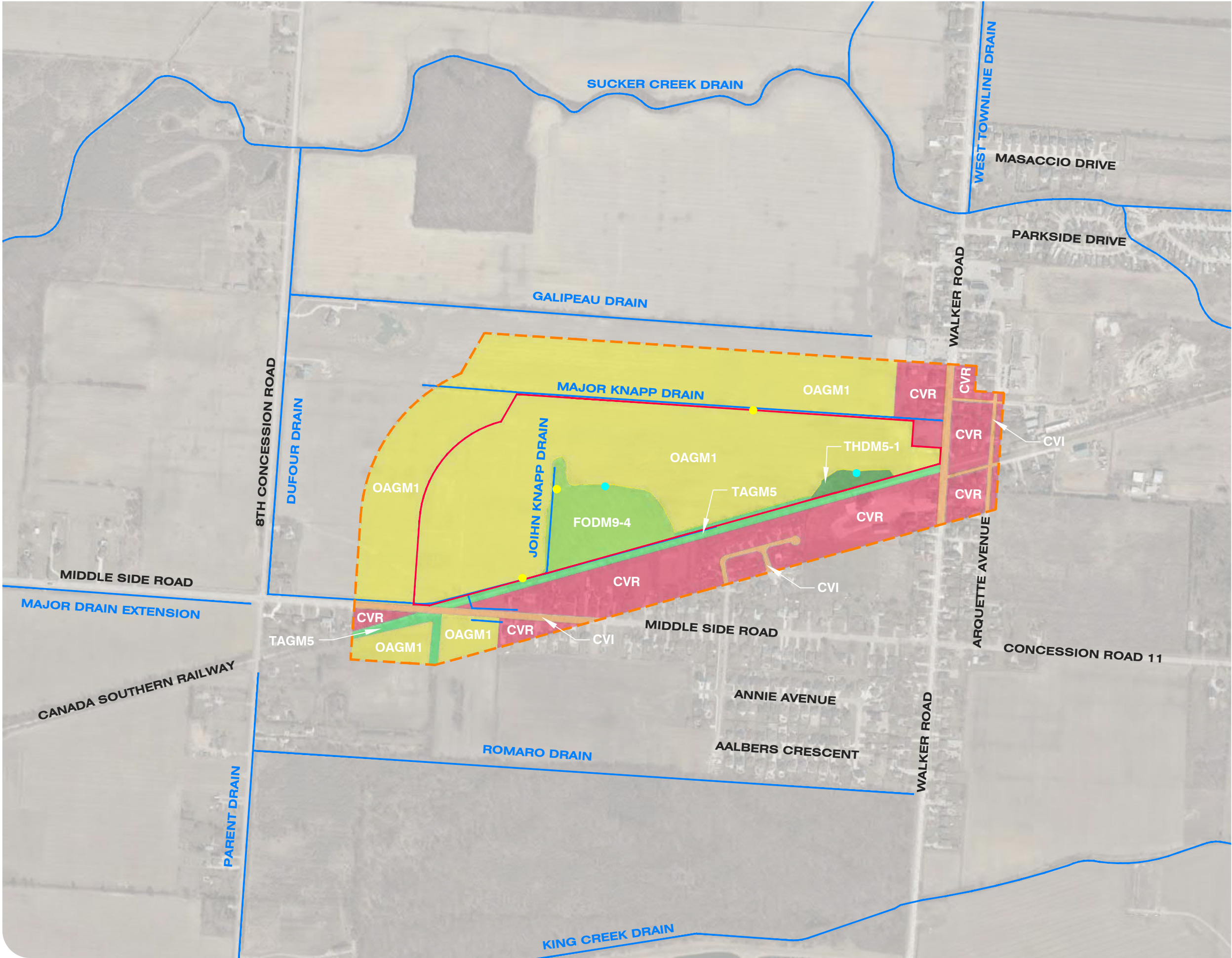
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**SURVEY LOCATIONS AND ECOLOGICAL
LAND CLASSIFICATION**
FIGURE 3.0

- PROJECT LOCATION
(±26.02 ha)
- STUDY AREA (120m BUFFER)
- DRAIN
- Survey Locations**
 - Breeding Bird
 - Aquatic Assessment
- Ecological Land Classification (ELC)**
 - FODM9-4: Fresh-Moist Shagbark Hickory
Deciduous Forest Type
(3.64 ha Within Project Location)
 - TAGM5: Fence Row
(0.28 ha Within Project Location)
 - THDM5-1: Gray Dogwood Deciduous
Thicket Type
(0.49 ha Within Project Location)
 - OAGM1: Annual Row Crops
(21.63 ha Within Project Location)
 - CVR: Residential
(0.00 ha Within Project Location)
 - CVI: Transportation
(0.00 ha Within Project Location)

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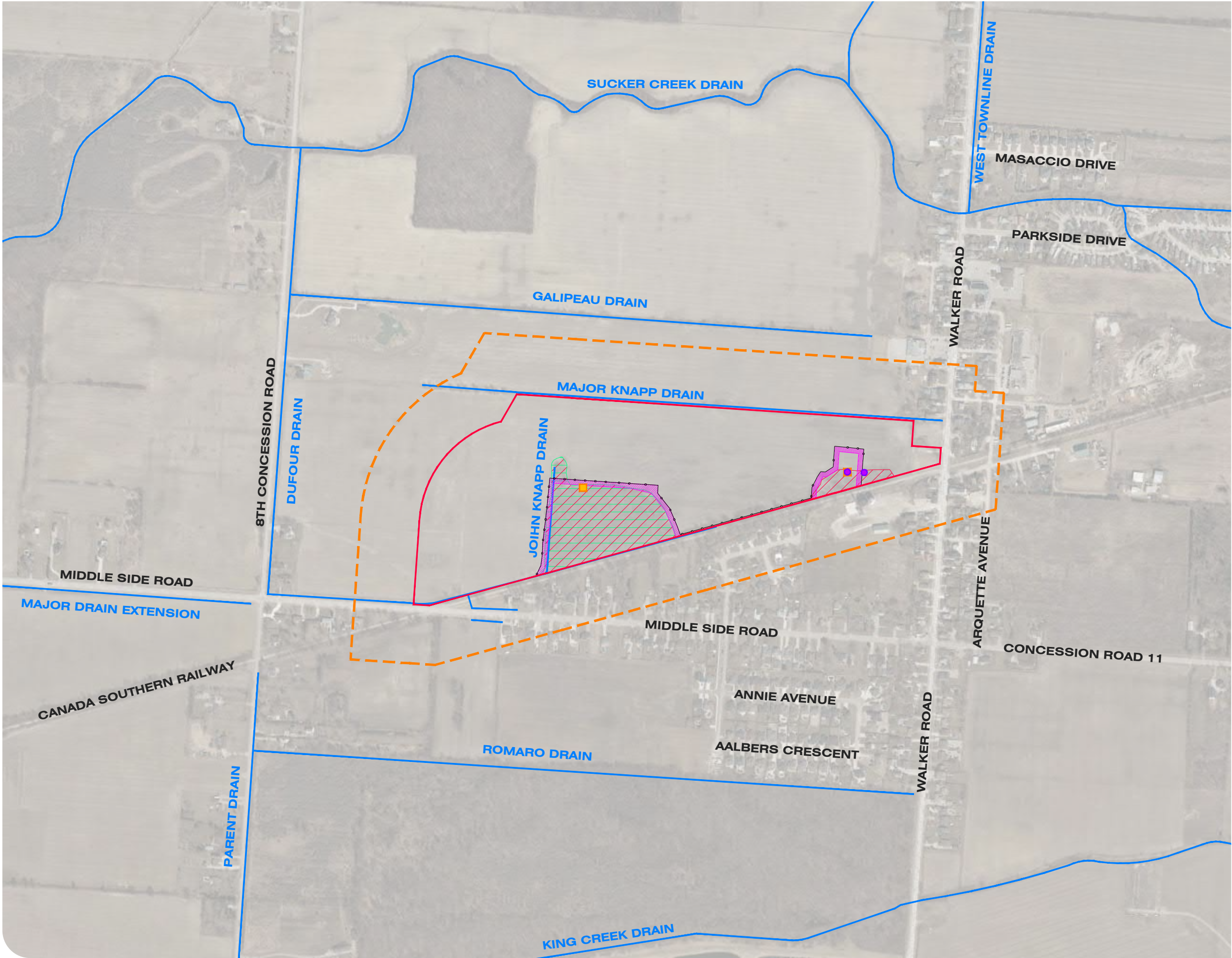
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SIGNIFICANT WILDLIFE HABITAT
FIGURE 4.0

- PROJECT LOCATION (±26.02 ha)
- STUDY AREA (120m BUFFER)
- DRAIN
- 10m WOODLOT BUFFER (±0.75ha)
- PERMANENT WILDLIFE EXCLUSION FENCE

CANDIDATE SIGNIFICANT WILDLIFE HABITAT

- Bat Maternity Colonies

CONFIRMED SIGNIFICANT WILDLIFE HABITAT

- Special Concern and Rare Wildlife Species

SPECIES OF CONSERVATION CONCERN

- Giant Ironweed
- Climbing Prairie Rose

MAP/DRAWING INFORMATION
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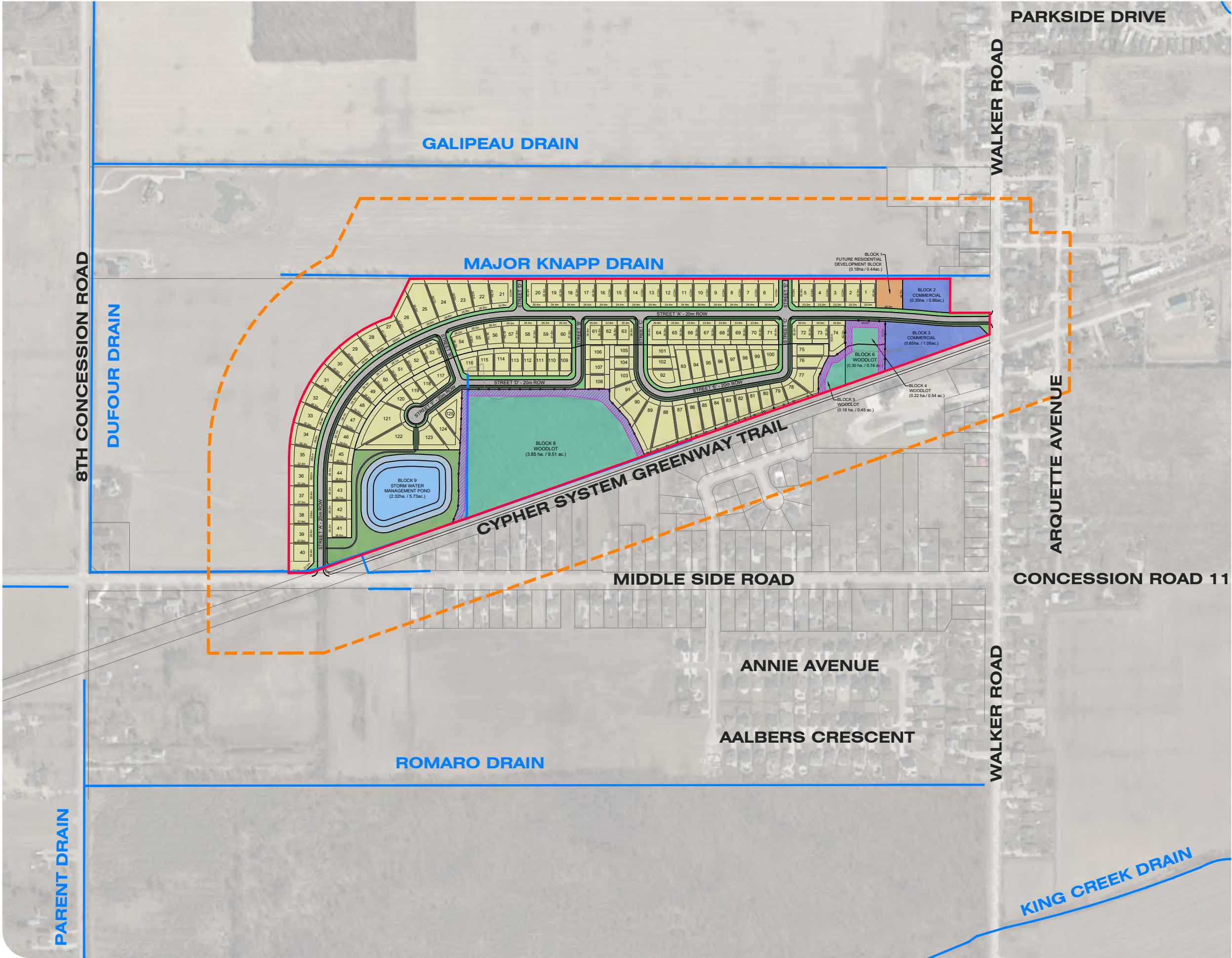
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DATE: 05/05/2023



2439478 ONTARIO INC.
MIDDLE SIDE ROAD AND WALKER ROAD
ENVIRONMENTAL IMPACT ASSESSMENT

PROPOSED DEVELOPMENT PLAN
FIGURE 5.0

- PROJECT LOCATION (±26.02 ha)
- STUDY AREA (120m BUFFER)
- DRAIN
- 10m WOODLOT BUFFER
- PERMANENT WILDLIFE EXCLUSION FENCE
- PROPOSED LOTS
- PROPOSED COMMERCIAL
- PROPOSED SIDEWALK/MULTI USE TRAIL
- PROPOSED ROW
- PROPOSED SWM POND
- EXISTING WOODLOT
- PROPOSED PARKLAND
- PROPOSED FUTURE RESIDENTIAL

MAP/DRAWING INFORMATION
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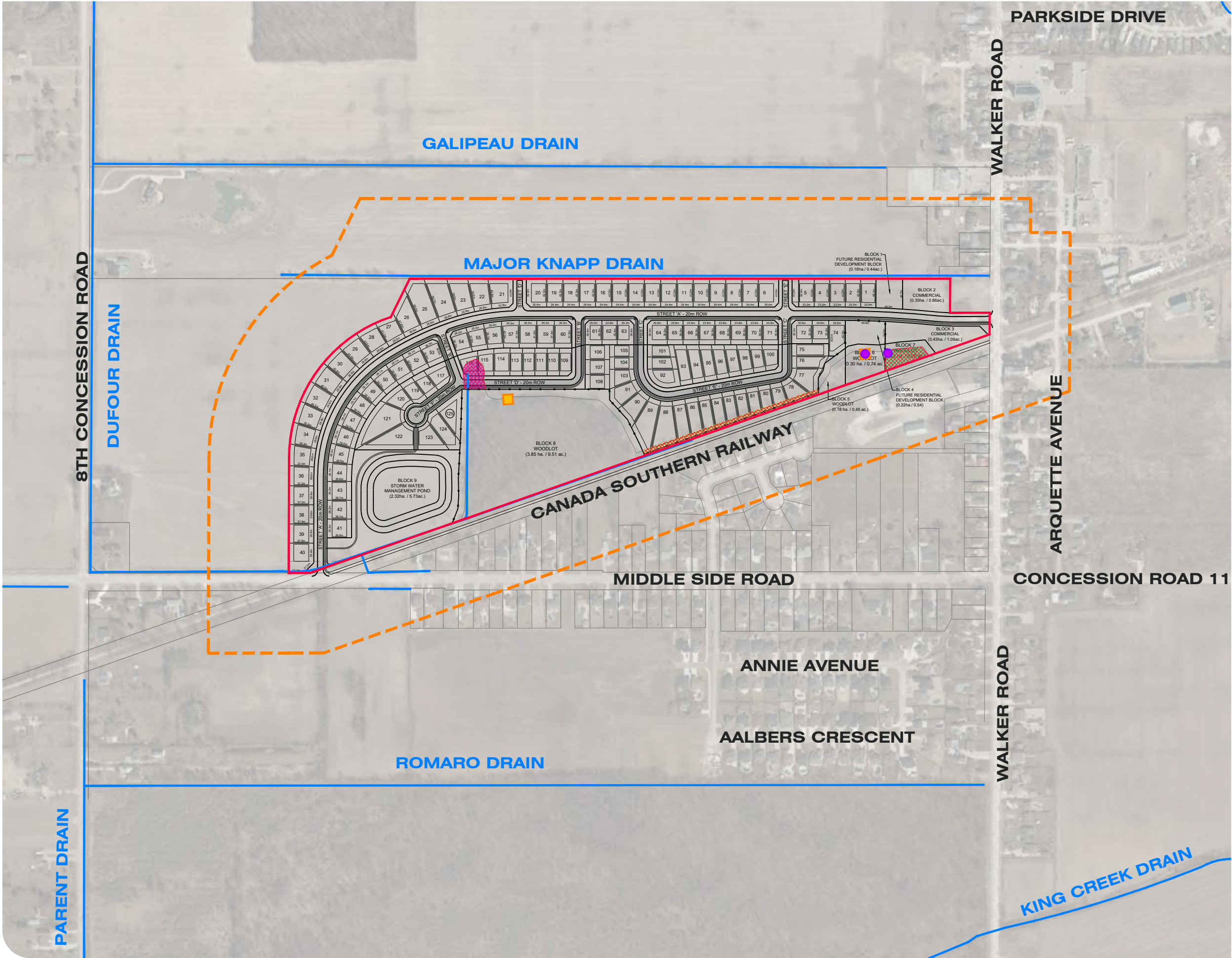
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DATE: 05/05/2023



2439478 ONTARIO INC.
MIDDLE SIDE ROAD AND WALKER ROAD
ENVIRONMENTAL IMPACT ASSESSMENT

POTENTIAL IMPACTS
FIGURE 6.0

-  PROJECT LOCATION (±26.02 ha)
-  STUDY AREA (120m BUFFER)
-  DRAIN
-  SIGNIFICANT WILDLIFE HABITAT AND ELC UNITS TO BE REMOVED
- ELC UNITS REMOVED**
 -  FODM9-4: Fresh-Moist Shagbark Hickory Deciduous Forest Type (0.12 ha)
 -  TAGM5: FENCE ROW (0.24 ha)
 -  THDM5-1: GRAY DOGWOOD DECIDUOUS THICKET TYPE (0.14 ha)
- SPECIES OF CONSERVATION CONCERN**
 -  Giant Ironweed
 -  Climbing Prairie Rose

MAP/DRAWING INFORMATION
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STATUS: FINAL
DATE: 05/05/2023

Appendix A

Terms of Reference



MEMO

TO: Frank Garardo, Manager of Planning Services, Town of Amherstburg
FROM: Brad McLeod, Biologist, Dillon Consulting Limited
CC: Josh Hurley-Burns, Planner, Dillon Consulting Limited
DATE: October 16, 2020
SUBJECT: Environmental Impact Assessment Terms of Reference for the 9538 County Road 11
Property in the Town of Amherstburg, Ontario

Background

Dillon Consulting Limited (Dillon) has been retained by 2551424 Ontario Limited (the “client”) to undertake environmental services for the proposed 9538 County Road 11 development, in the Town of Amherstburg. Figure 1, attached, shows the Project Location and Study Area which extends 120 metres beyond the property limits. It is important to note that surveys will be conducted within the Study Area where property access is permitted only. Dillon staff do not intend to purposefully trespass on property that does not belong to the client or where landowner approval has not been granted. In accordance with the Town’s Official Plan (OP), the Project Location falls within lands designated as Low Density Residential, Woodlots, and General Commercial on Schedule B-5 (Land Use Plan) and Woodlots on Schedule C (Natural Features).

The client and Dillon are taking a proactive approach to environmental planning, by undertaking the appropriate environmental studies required to complete the Environmental Impact Assessment (EIA), and utilizing the results in the proposed development of the property. The EIA is being completed due to the land use designation of Woodlots within the Project Location, our understanding of the proposed development, and will be completed in accordance with Section 6.9 of the Town’s OP (2009), Appendix 3 of the County’s OP (2014), and the Essex Region Conservation Authority Environmental Impact Assessment Guidelines (ERCA; 2019).

In order to address the policies of both the Town’s OP and the County’s OP; as well as ERCA’s EIA Guidelines; we have prepared the following Terms of Reference (ToR) for your approval. Below, we present the ToR in a check-list format to document that the required work and/or studies are known and agreed upon prior to the commencement of work, to facilitate a stream-lined and timely review process on a case-by-case basis.



MEMO

Terms of Reference

Introduction/Approach

- ☒ The EIA must be undertaken by a qualified professional in environmental or related sciences to the satisfaction of the Town.
- ☒ The EIA should describe and illustrate the boundaries of the Project Location and Study Area along with existing land use and details regarding the proposed development.

Note: A figure outlining the Study Area for the purposes of completing the EIA is attached to this ToR for efficiency and review.

- ☒ The EIA will include the zoning and all designations of OP's pertaining to the Project Location and Study Area. This includes land use designations from other municipal planning and/or policy documents, such as Secondary Plans.
- ☒ Land use designations from other applicable planning documents (i.e. Town of Amherstburg and County of Essex) will be clearly described and the limits identified in the report mapping.

Biophysical Inventory

- ☒ The existing conditions, such as natural features and functions located within the Study Area must be clearly described and clearly mapped on the most up-to-date aerial imagery.
- ☒ All designated environmental features (i.e. natural hazard features or other natural heritage features identified in the OP's) must be identified in the mapping and described in the report. These features include provincial or regional Areas of Natural and Scientific Interest (ANSI's), Provincially and Locally Significant Wetlands (PSW's and LSW's), Environmentally Significant Areas (ESA's), Significant Wildlife Habitat, Significant Woodlands, Significant Valleylands, unevaluated wetlands, etc.

- ☒ The EIA should identify the extent of natural heritage/hazard features (should they be located within the Study Area, pending access). Boundaries of natural heritage features should be confirmed in the field and mapped on a figure in the report.
- ☒ A description of the soils, landforms, and surficial geology based on a review of readily-available mapping and literature must be described in the report. Available topographical information will be provided on constraints mapping and will include any staking done to date as well as the calculated hazard limits, if applicable.
- ☒ Hydrological and hydrogeological resources and issues, including wellhead protection areas, surface water features, recharge/discharge zones, meander belts, groundwater quality and quantity, groundwater elevations and flow directions, and connections between groundwater and surface water features will be identified in the report based on data from the consulting team, if it is available.
- ☒ The vegetation communities must be identified using the Ecological Land Classification (ELC) protocol to vegetation type, where possible. The communities will be identified on report mapping using the appropriate ELC codes, as well as described in the text. As a component of the ELC, a plant list, organized by vegetation community must be included. The list will indicate provincially-, regionally-, and/or locally-rare, Threatened or Endangered species. This should include information from the Natural Heritage Information Centre (NHIC).
- ☒ A three-season vegetation survey (spring, summer, and fall) is required. A list of vegetation species observed, will be compiled using the Southern Ontario Floral Inventory Analysis, must include plant communities based on ELC, and will indicate each species rarity and/or designations under the Endangered Species Act (ESA; 2007), where applicable. This should include information from the NHIC.

Note: A spring vegetation survey has already been conducted by Goodban Ecological Consulting Inc. and will be included within the EIA.

- ☒ The EIA requires a breeding bird survey. The survey must be conducted during the breeding bird season at an appropriate time of day, in appropriate weather conditions, and by a qualified professional. A minimum of two surveys are required and they must follow generally-accepted scientific protocols. A list of the breeding birds must be included. The list will indicate any provincially-, regionally-, and/or locally-rare, Threatened or Endangered species.

- ☐ The EIA requires a snake survey (visual encounter surveys [VES]). The survey will be completed based on our experience with requirements related to Species at Risk (SAR) in the area, where applicable, and conducted in accordance with generally-accepted protocols described within Survey Protocol for Ontario's Species at Risk Snakes (MNRF 2016).

Note: Through consultation with the Ministry of Environment, Conservation and Parks (MECP), approval under the ESA has already been granted specifically regarding Eastern Foxsnake (*Pantherophis gloydi*). As such, snake surveys are not required.

- ☐ The EIA requires an amphibian breeding survey. The survey must be conducted during the amphibian breeding season and by a qualified professional. Surveys will be conducted in accordance with generally-accepted protocols (i.e. Marsh Monitoring Protocol). If present, the list will indicate any provincially-, regionally-, and/or locally-rare, Threatened or Endangered species.

Note: A review of background information has suggested that no amphibian habitat is present within the Study Area.

- ☐ The EIA requires a turtle visual encounter, or basking survey. Surveys must be conducted during the active turtle season (i.e. ice-off to late October) and in accordance with generally-accepted protocols distributed by the MNRF such as the Survey Protocol for Blanding's Turtle in Ontario (2015).

Note: A review of background information has suggested that no turtle habitat is present within the Study Area.

- ☐ A fisheries assessment should be provided due to the presence of suitable fish habitat as identified in background documents and confirmed on-site. Existing data regarding fish species should be obtained from ERCA and/or the MNRF and used for the fisheries assessment. The assessment should include a description of watercourses or other fish habitat on and/or adjacent to the Project Location (where site access is permitted).

Note: A review of background information has suggested that no fish habitat is present within the Study Area.

- ☐ The fisheries assessment will include community sampling through electrofishing and/or netting during the appropriate season, under a collection permit.

Note: A review of background information has suggested that no fish habitat is present within the Study Area.

- ☒ All incidental wildlife observed should be reported on and included in the EIA. The list must include an analysis for the presence of federally-, or provincially-rare, Threatened, or Endangered species.
- ☒ All records of federally-, or provincially-rare, Threatened, or Endangered species observed during formal surveys or incidentally, will be submitted to the Natural Heritage Information Centre using the most up to date version of the Ontario Species at Risk Observation Reporting Form.

Biophysical Analysis

- ☒ The biophysical analysis will address current policy, technical documents, and legislation including, but not limited to, the Provincial Policy Statement (PPS; 2014), Natural Heritage Reference Manual (2010), Significant Wildlife Habitat Technical Guide (2000), Significant Wildlife Habitat Ecoregion 7E Criteria Schedules (2015), etc.
- ☒ The staking of significant natural features (e.g. woodlots, PSW's, etc.) may be required. Staking will generally occur between the end of May and the end of October. Any staking that occurs outside of this time may require a confirmatory visit between May and October.

Note: With the presence of MNRF-mapped Woodland to be retained within the Project Location, we anticipate that staking of the woodland will be required.

- ☒ The EIA will include a biophysical analysis that identifies the significance of natural features and functions.
- ☒ A functional assessment of the Study Area describing the ecology of the natural heritage features and functions within the Study Area should be provided. The functional assessment may include ecological function, wetland function, natural heritage features and landscapes, benefits of importance to humans, and corridors and linkages, as required.

Development Proposal Description

- ☒ The EIA will, at a minimum, include a preliminary site plan showing the type(s) and location(s) of the proposed development overlaid on a recent orthophoto. The site plan will clearly show

setbacks and/or buffers, including distance from proposed development areas and proposed structures to lot lines and/or to environmental features and functions designated for protection, where applicable.

- ☒ The EIA will describe other relevant issues (e.g. servicing, stormwater management, municipal drainage, open space dedication, hazards, etc.) from an ecological perspective, pending receipt of relevant reports from other disciplines, should they have the potential to impact the identified natural hazard/heritage features. These can be highlighted within the proposed development description, or, where applicable, under the potential impact assessment.

Potential Impact Assessment

- ☒ Mapping (at a minimum) shall consist of the following:
 - a) All mapping must have a title, figure number, north arrow, legend, and scale or scale bar.
 - b) A site location map that provides the regional or watershed context of the Study Area.
 - c) The extent of the natural heritage system and its components must be clearly demarcated on an air photo base, if applicable.
 - d) The locations of all watercourses and waterbodies.
 - e) Vegetation communities must be delineated and identified using ELC.
 - f) The location of any rare, Threatened, or Endangered species and/or populations may be referenced in the EIA, where appropriate.
 - g) The location of any important wildlife features (e.g. hibernacula, den, stick nest, etc.) may be identified pending sensitivity to public information.
- ☒ The potential impacts to the features and functions of natural areas should be identified and discussed.
- ☒ An assessment of the potential impact on significant wildlife habitat at a local, watershed, and provincial (if applicable) level should be provided using the Ecoregion 7E criteria schedules.
- ☒ In the case of significant natural heritage features and other significant natural features (as confirmed through field studies), the EIA must demonstrate that there is no development or site alteration within the feature with the exception of uses as specified in the OP and/or prior approvals. The EIA must determine appropriate buffers from significant natural features.

- ☒ The EIA should include one or more figures which overlays the proposed development on the ecological constraints of the site. The analysis should determine the area(s) and type(s) of natural features and function that may be directly and/or indirectly impacted by the proposed development. Proposed buffers which will protect natural features and functions should be clearly shown on figures. Rationale for proposed buffers will also be provided.

Mitigation Strategies

- ☒ Avoidance of any natural heritage feature is the preferred approach to mitigation unless otherwise specified in the OP and/or prior approvals.
- ☒ Determine adequate buffers through the identification of the critical function and protection zones of any identified natural areas.
- ☒ Where avoidance of a feature is not feasible or possible, all feasible mitigation measures/approaches should be explored and described in the report. These may include edge management plans, buffer plantings, fencing, low impact designs (LID), etc.
- ☒ The EIA should provide a detailed outline of mitigation measures intended to eliminate or reduce potential construction-related impacts to areas designated for protection. Recommendations for Best Management Practices during construction should be provided. This may include silt fencing, tree protection, fencing, identification of timing or seasonal constraints to construction or restoration, etc.
- ☒ Mitigation for negative impacts on the natural features or their ecological functions (or to achieve no net negative impact) may include, at the discretion of the planning authority, approaches to replace lost areas or functions. If acceptable, replacement shall, to the extent possible, occur within the same watershed as the proposed development or site alteration. The appropriate amount of replacement will be determined through discussions with the Town and will be agreed to by all parties in writing.
- ☒ If monitoring is required, the details of a monitoring program must be agreed to in writing by the pertinent planning authorities, and other parties (if required).

Conclusions

- ☒ The EIA will summarize the key finding of the report including the biophysical inventory and analysis, assessment of potential impacts, impact avoidance measures, mitigation measures, and opportunities for environmental enhancement. The conclusion will include a final recommendation to approve/not approve the development proposal based on the results of the study, and identify conditions of approval required to achieve no negative impact.

Species at Risk

Dillon is very familiar with SAR and the potential for SAR habitat within the Town of Amherstburg. A preliminary screening for SAR has already been completed within 1 km of the Project Location and the information will, in part, be used to guide the appropriate field studies.

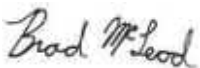
SAR requirements, as outlined in the ESA, will be addressed under separate cover with MECP. The Town and/or ERCA will be informed of MECP approvals that are required, as necessary.

We thank you for your time in establishing these Terms of Reference with us and look forward to working together with you on this and other projects as we move forward.

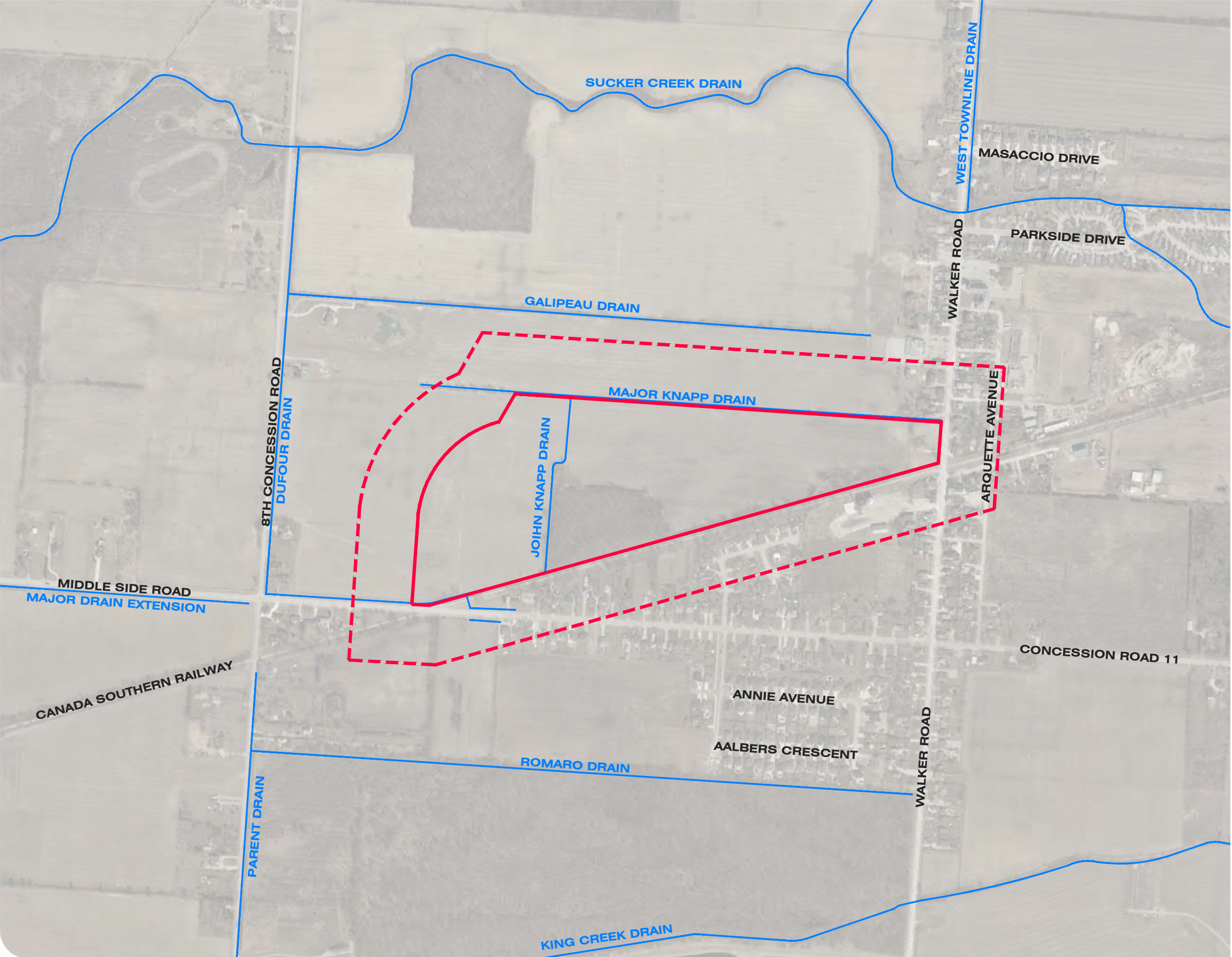
Please let me know if you have any questions.

Yours Sincerely,

DILLON CONSULTING LIMITED



Brad McLeod, M.Sc.
Biologist



PROJECT LOCATION
FIGURE 1.0

-  PROJECT LOCATION
(± 26.29 ha)
-  STUDY AREA (120m BUFFER)
-  MUNICIPAL DRAIN

MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.

SCALE : N.T.S.



SOURCE: COUNTY OF ESSEX
AERIAL PHOTOGRAPHY (2019)

CREATED BY: ESB
CHECKED BY: BTM
DESIGNED BY: ESB
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March, 23, 2020 5:55 PM



PROJECT: 20-XXXX
STATUS: FINAL
DATE: 03/23/2020

Appendix B

Background Mapping



County of Essex

Schedule A1

Land Use Plan

Legend

- Local Roads
- County Roads
- Provincial Highway
- Railway
- Essex County Municipalities
- Lot Fabric
- Settlement Areas
- Agricultural
- Natural Environment





County of Essex

Schedule B2

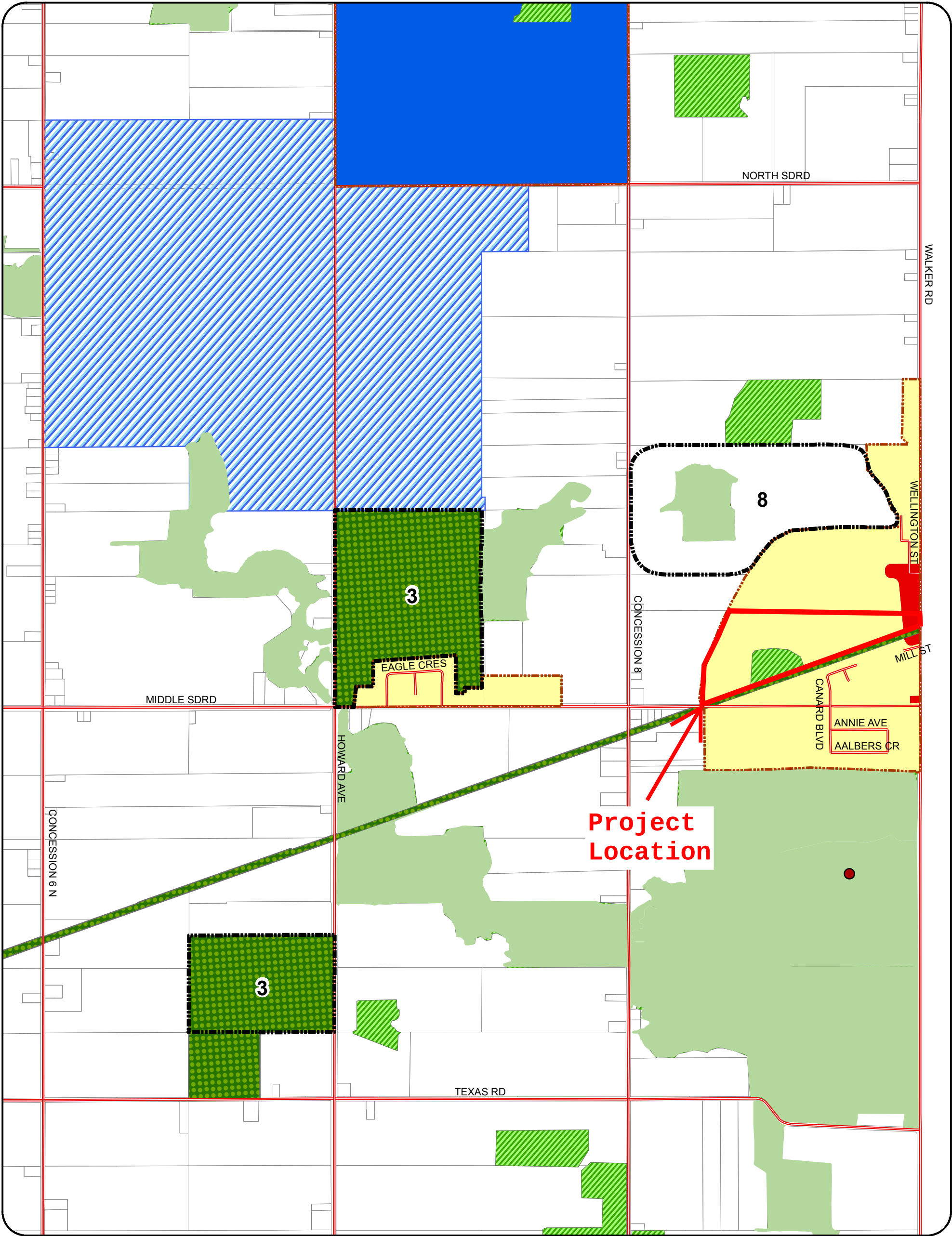
Natural Heritage System Natural Environment Overlay

Legend

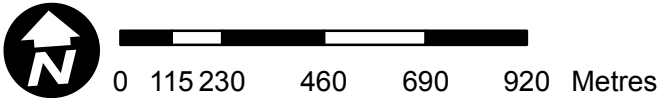
- Local Roads
- County Roads
- Provincial Highway
- Railway
- Essex County Municipalities
- Settlement Areas
- Lot Fabric
- Natural Environment Overlay



0 2.5 5 10 km



TOWN OF AMHERSTBURG
OFFICIAL PLAN
SCHEDULE "B-5"
LAND USE PLAN



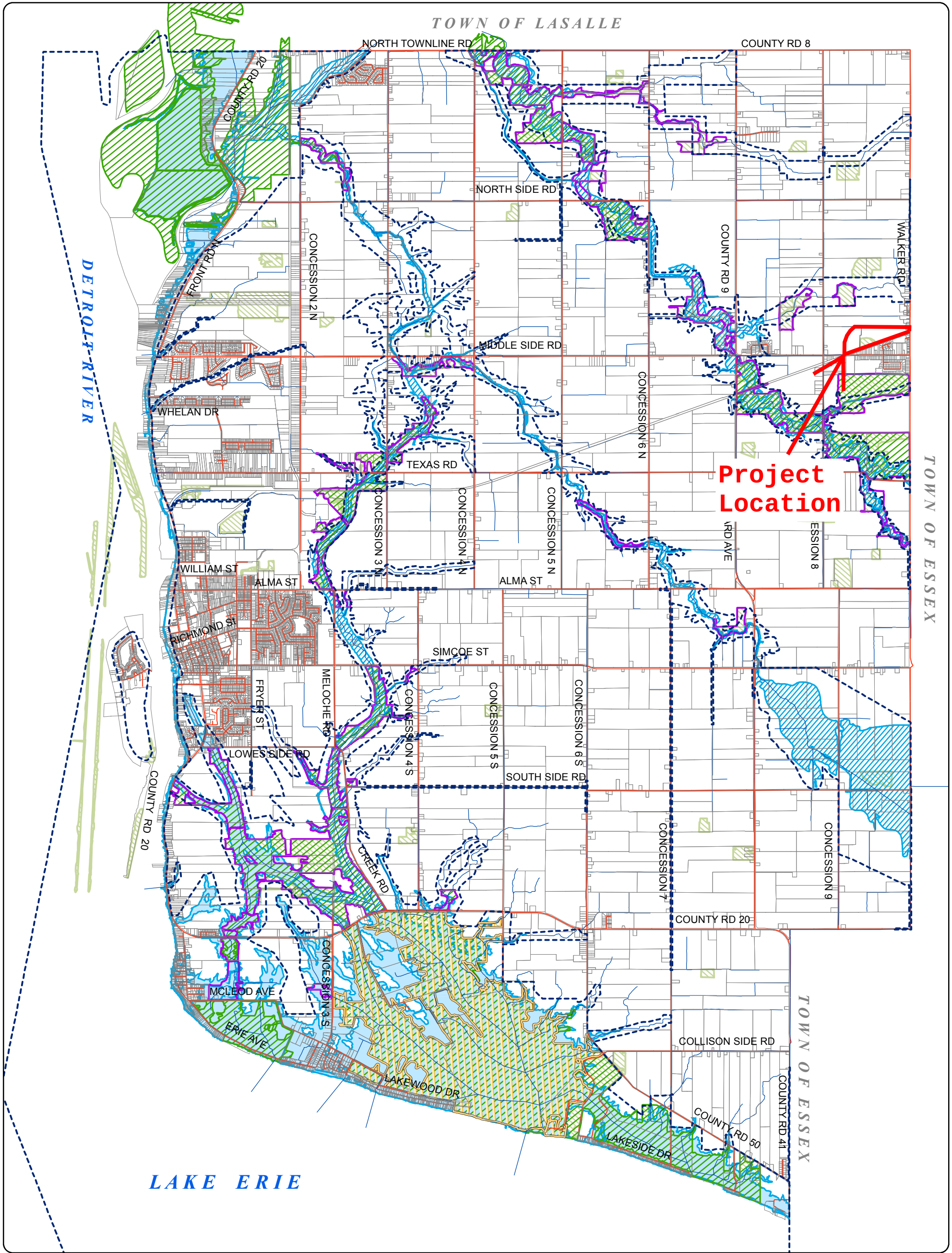
Legend

Agricultural	Heritage Residential	Recreational Development
Settlement Area Boundary	Modular Home Residential	Open Space
Provincially Significant Wetlands	Neighbourhood Commercial	Special Policy
Natural Environment	General Commercial	Closed Landfill Site
Woodlots	Special Industrial	Open Landfill Site
Low Density Residential	Light Industrial	Sewage Treatment Facility
Medium Density Residential	Heavy Industrial	
High Density Residential	Extractive Industrial	
Office Residential	Institutional	

Produced by Monteith Brown Planning Consultants under licence with the Town of Amherstburg, The County of Essex, the Essex Region Conservation Authority and the Ministry of Natural Resources.

Fill and flood line information copyright Essex Region Conservation Authority. Fill and flood lines represented on this map are for visual reference only, and are not to be considered legal boundaries. Confirmation of the actual boundaries must be confirmed on the legal fill and flood line mapping located at the Essex Region Conservation Authority office.

The boundaries of Environmentally Significant Areas as shown on the map are approximate. The location and status of these sites are subject to change. Boundaries of Environmentally Significant Areas are subject to verification by the Essex Region Conservation Authority.



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**

SCHEDULE "C"

NATURAL FEATURES

Legend

Areas of Natural and Scientific Interest (ANSI)	Floodplain Development Control Area
Significant Valley Lands	Lake Erie/Detroit River Floodprone Area
Environmentally Significant Areas (ESA)	Drainage
Woodlots	
Registered Fill Line / E.R.C.A. Regulated Area	

*Note: Provincially Significant Wetlands and Natural Environment are shown on schedule "A" and "B"



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Appendix C

Vegetation List

Table 1: Vegetation Species identified within the Project Location

Family	Scientific Name	Common Name	SARA Status ¹	ESA Status ²	SRank ³	CC ⁴	CW ⁵	Invasive Priority for Control ⁶	Noxious
<i>Cyperaceae</i>	<i>Carex gracillima</i>	Graceful Sedge	---	---	S5	4	3	---	---
<i>Cyperaceae</i>	<i>Carex hyalinolepis</i>	Shore-line Sedge	---	---	S4	4	-5	---	---
<i>Cyperaceae</i>	<i>Carex intumescens</i>	Bladder Sedge	---	---	S5	6	-4	---	---
<i>Cyperaceae</i>	<i>Carex lacustris</i>	Lake-bank Sedge	---	---	S5	5	-5	---	---
<i>Cyperaceae</i>	<i>Carex peckii</i>	Peck's Sedge	---	---	S5	6	5	---	---
<i>Cyperaceae</i>	<i>Carex rosea</i>	Rosy Sedge	---	---	S5	5	5	---	---
<i>Poaceae</i>	<i>Phragmites australis ssp. australis</i>	European Common Reed	---	---	SNA	---	-4	C1	---
<i>Dioscoreaceae</i>	<i>Dioscorea villosa</i>	Wild Yam	---	---	S4	7	1	---	---
<i>Smilacaceae</i>	<i>Smilax herbacea</i>	Herbaceous Carrionflower	---	---	S4	5	0	---	---
<i>Apiaceae</i>	<i>Daucus carota</i>	Wild Carrot	---	---	SNA	---	5	C4	---
<i>Asteraceae</i>	<i>Ambrosia artemisiifolia</i>	Annual Ragweed	---	---	S5	0	3	---	Y
<i>Asteraceae</i>	<i>Ambrosia trifida</i>	Great Ragweed	---	---	S5	0	-1	---	Y
<i>Asteraceae</i>	<i>Erigeron philadelphicus</i>	Philadelphia Fleabane	---	---	S5	1	-3	---	---
<i>Asteraceae</i>	<i>Euthamia graminifolia</i>	Grass-leaved Goldenrod	---	---	S5	2	-2	---	---
<i>Asteraceae</i>	<i>Solidago altissima ssp. altissima</i>	Eastern Late Goldenrod	---	---	S5	1	3	---	---
<i>Asteraceae</i>	<i>Solidago canadensis var. canadensis</i>	Canada Goldenrod	---	---	S5	1	3	---	---
<i>Asteraceae</i>	<i>Sonchus arvensis ssp. arvensis</i>	Field Sow-thistle	---	---	SNA	---	1	---	Y
<i>Asteraceae</i>	<i>Symphyotrichum ericoides var. ericoides</i>	White Heath Aster	---	---	S5	4	4	---	---
<i>Asteraceae</i>	<i>Symphyotrichum lanceolatum ssp. lanceolatum</i>	Panicked Aster	---	---	S5	3	-3	---	---
<i>Asteraceae</i>	<i>Symphyotrichum novae-angliae</i>	New England Aster	---	---	S5	2	-3	---	---

Family	Scientific Name	Common Name	SARA Status ¹	ESA Status ²	SRank ³	CC ⁴	CW ⁵	Invasive Priority for Control ⁶	Noxious
<i>Asteraceae</i>	<i>Taraxacum officinale</i>	Common Dandelion	---	---	SNA	---	3	---	---
<i>Asteraceae</i>	<i>Vernonia gigantea</i>	Giant Ironweed	---	---	S1?	7	0	---	---
<i>Asteraceae</i>	<i>Xanthium strumarium</i>	Rough Cocklebur	---	---	S5	2	0	---	---
<i>Brassicaceae</i>	<i>Alliaria petiolata</i>	Garlic Mustard	---	---	SNA	---	0	C1	---
<i>Brassicaceae</i>	<i>Brassica rapa</i>	Field Mustard/Turnip	---	---	SNA	---	5	---	---
<i>Brassicaceae</i>	<i>Hesperis matronalis</i>	Dame's Rocket	---	---	SNA	---	5	C3	---
<i>Celastraceae</i>	<i>Euonymus obovata</i>	Running Strawberry Bush	---	---	S5	6	5	---	---
<i>Cornaceae</i>	<i>Cornus racemosa</i>	Gray Dogwood	---	---	S5	2	-2	---	---
<i>Caprifoliaceae</i>	<i>Sambucus canadensis</i>	Common Elderberry	---	---	S5	5	-2	---	---
<i>Dipsacaceae</i>	<i>Dipsacus fullonum</i>	Fuller's Teasel	---	---	SE5	---	5	C3	---
<i>Fabaceae</i>	<i>Trifolium repens</i>	White Clover	---	---	SNA	---	2	---	---
<i>Betulaceae</i>	<i>Carpinus caroliniana</i>	Blue-beech	---	---	S5	6	0	---	---
<i>Betulaceae</i>	<i>Ostrya virginiana</i>	Eastern Hop-hornbeam	---	---	S5	4	4	---	---
<i>Fagaceae</i>	<i>Quercus alba</i>	White Oak	---	---	S5	6	3	---	---
<i>Fagaceae</i>	<i>Quercus bicolor</i>	Swamp White Oak	---	---	S4	8	-4	---	---
<i>Fagaceae</i>	<i>Quercus macrocarpa</i>	Bur Oak	---	---	S5	5	1	---	---
<i>Fagaceae</i>	<i>Quercus palustris</i>	Pin Oak	---	---	S4	9	-3	---	---
<i>Fagaceae</i>	<i>Quercus rubra</i>	Northern Red Oak	---	---	S5	6	3	---	---
<i>Asclepiadaceae</i>	<i>Asclepias syriaca</i>	Common Milkweed	---	---	S5	0	5	---	---
<i>Geraniaceae</i>	<i>Geranium maculatum</i>	Spotted Geranium	---	---	S5	6	3	---	---
<i>Juglandaceae</i>	<i>Carya cordiformis</i>	Bitternut Hickory	---	---	S5	6	0	---	---
<i>Juglandaceae</i>	<i>Carya ovata</i>	Shagbark Hickory	---	---	S5	6	3	---	---

Family	Scientific Name	Common Name	SARA Status ¹	ESA Status ²	SRank ³	CC ⁴	CW ⁵	Invasive Priority for Control ⁶	Noxious
<i>Lamiaceae</i>	<i>Lycopus americanus</i>	American Water-horehound	---	---	S5	4	-5	---	---
<i>Malvaceae</i>	<i>Abutilon theophrasti</i>	Velvetleaf	---	---	SNA	---	4	---	---
<i>Tiliaceae</i>	<i>Tilia americana</i>	American Basswood	---	---	S5	4	3	---	---
<i>Onagraceae</i>	<i>Circaea canadensis</i>	Broad-leaved Enchanter's Nightshade	---	---	S5	3	3	---	---
<i>Polygonaceae</i>	<i>Rumex crispus</i>	Curly Dock	---	---	SNA	---	-1	---	---
<i>Primulaceae</i>	<i>Lysimachia nummularia</i>	Creeping Jennie	---	---	SNA	---	-4	C3	---
<i>Elaeagnaceae</i>	<i>Elaeagnus angustifolia</i>	Russian Olive	---	---	SNA	---	4	C3	---
<i>Rhamnaceae</i>	<i>Rhamnus cathartica</i>	Common Buckthorn	---	---	SNA	---	3	C1	Y
<i>Vitaceae</i>	<i>Parthenocissus quinquefolia</i>	Virginia Creeper	---	---	S4?	6	1	---	---
<i>Vitaceae</i>	<i>Vitis riparia</i>	Riverbank Grape	---	---	S5	0	-2	---	---
<i>Rosaceae</i>	<i>Agrimonia parviflora</i>	Swamp Agrimony	---	---	S4	4	-1	---	---
<i>Rosaceae</i>	<i>Geum aleppicum</i>	Yellow Avens	---	---	S5	2	-1	---	---
<i>Rosaceae</i>	<i>Potentilla simplex</i>	Old-field Cinquefoil	---	---	S5	3	4	---	---
<i>Rosaceae</i>	<i>Prunus virginiana</i>	Choke Cherry	---	---	S5	2	1	---	---
<i>Rosaceae</i>	<i>Rosa multiflora</i>	Multiflora Rose	---	---	SNA	---	3	C2	---
<i>Rosaceae</i>	<i>Rosa setigera</i>	Climbing Prairie Rose	SC	SC	S3	5	2	---	---
<i>Rosaceae</i>	<i>Rubus idaeus ssp. idaeus</i>	Common Red Raspberry	---	---	SNA	---	5	---	---
<i>Rubiaceae</i>	<i>Galium aparine</i>	Cleavers	---	---	S5	4	3	---	---
<i>Salicaceae</i>	<i>Populus deltoides ssp. deltoides</i>	Eastern Cottonwood	---	---	S5	4	-1	---	---
<i>Aceraceae</i>	<i>Acer negundo</i>	Manitoba Maple	---	---	S5	0	-2	C2	---
<i>Aceraceae</i>	<i>Acer rubrum</i>	Red Maple	---	---	S5	4	0	---	---
<i>Aceraceae</i>	<i>Acer saccharinum</i>	Silver Maple	---	---	S5	5	-3	---	---

Family	Scientific Name	Common Name	SARA Status ¹	ESA Status ²	SRank ³	CC ⁴	CW ⁵	Invasive Priority for Control ⁶	Noxious
<i>Aceraceae</i>	<i>Acer saccharum</i>	Sugar Maple	---	---	S5	4	3	---	---
<i>Anacardiaceae</i>	<i>Toxicodendron radicans</i>	Climbing Poison Ivy	---	---	S5	5	-1	---	Y
<i>Rutaceae</i>	<i>Zanthoxylum americanum</i>	Northern Prickley Ash	---	---	S5	3	5	---	---
<i>Oleaceae</i>	<i>Fraxinus americana</i>	White Ash	---	---	S4	4	3	---	---
<i>Oleaceae</i>	<i>Fraxinus pennsylvanica</i>	Green Ash	---	---	S4	3	-3	---	---
<i>Polemoniaceae</i>	<i>Phlox divaricata</i>	Wild Blue Phlox	---	---	S4	7	3	---	---
<i>Ulmaceae</i>	<i>Ulmus americana</i>	American Elm	---	---	S5	3	-2	---	---

1 – Status identified by the Committee on the Status of Endangered Wildlife in Canada under the federal Species at Risk Act, 2002;

2 – Species at Risk in Ontario List under the provincial Endangered Species Act, 2007;

3 – Ontario Conservation SRank; S5 = secure; S4= apparently secure; S3 = vulnerable; S2 = imperilled; SX = Extirpated; SH = Possibly Extirpated; SNA = non-native or exotic species to Ontario;

4 – Coefficient of Conservatism (CC) (Floristic Quality Assessment System for Southern Ontario 1995). Each native taxon is assigned a rank of 0 to 10 ("coefficient of conservatism") based on its degree of fidelity to a range of synecological parameters. Species found in a wide variety of plant communities, including disturbed sites, are assigned ranks of 0 to 3. Species that are typically associated with a specific plant community, but tolerate moderate disturbance, are assigned ranks of 4 to 6. Rankings of 7 to 8 were applied to those species associated with a plant community in an advanced successional stage that has undergone minor disturbance. Those species with high degrees of fidelity to a narrow range of synecological parameters are assigned a value of 9 to 10;

5 – Coefficient of Wetness (CW) (Floristic Quality Assessment System for Southern Ontario 1995). The wetness index gives an indication of where plant species are typically found. A wetness value (coefficient of wetness) between -5 and 5. A value of -5 was assigned to Obligate Wetland (OBL) species and a value of 5 to Obligate Upland species (UPL), with intermediate values assigned to the remaining categories. The wetland categories and their corresponding values are as follows:

OBL (-5) Obligate Wetland - Occurs almost always in wetlands under natural conditions (estimated > 99% probability).

FACW+ (-4) Facultative Wetland - Usually occurs in wetlands, but occasionally found in non-wetlands (estimated 67-99% probability).

FACW (-3)

FACW- (-2)

FAC + (-1) Facultative - Equally likely to occur in wetlands or non-wetlands (estimated 34-66% probability).

FAC 0

FAC- (1)

FACU+ (2) Facultative Upland - Occasionally occurs in wetlands, but usually occurs in non-wetlands (estimated 1-33 % probability).

FACU (3)

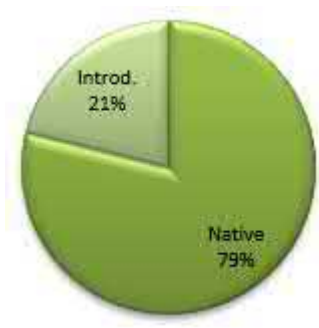
FACU- (4)

UPL (5) Obligate Upland - Occurs almost never in wetlands under natural conditions (estimated <1 % probability).

6 – Invasive Exotic Plant Species Rankings for Southern Ontario (Draft - Urban Forest Associates/MNRF 2014). Category 1 (C1) - Top Priority: Widespread invasive species that exclude most other species and dominate sites indefinitely. Some are an imminent threat to human health. They are the top priority for control but control may be difficult and some are beyond control at present. Biocontrols may be the only affective long-term control option. Plants in this category are a threat to a natural area wherever they occur because they disperse widely and benefit from human disturbances. Control where possible and do not plant.

Appendix D

Floristics Data



Mean Coefficient of Conservatism		
Native Spp.	All Spp.	Scale
		10.00
		9.50
		9.00
		8.50
		8.00
		7.50
		7.00
		6.50
		6.00
		5.50
		5.00
		4.50
3.73		4.00
	2.94	3.50
		3.00
		2.50
		2.00
		1.50
		1.00
		0.50
		0.00

Floristic Quality Index (FQI)			
Native Spp.	All Spp.	Scale	
		100.00	>50 Extremely rare and represent a significant component of Ontario's native biodiversity and natural landscapes
		95.00	
		90.00	
		85.00	
		80.00	
		75.00	
		70.00	
		65.00	
		60.00	
		55.00	
		50.00	
		45.00	
		40.00	
		35.00	
30.00			
27.93		25.00	>35 Possess sufficient conservatism and richness to be floristically important from a Provincial perspective
	24.80	20.00	
		15.00	
		10.00	
		5.00	
		0.00	

Mean Coefficient of Wetness			
Native Species	All Species	Scale	
		5.0	<i>Strong</i> Predominance of upland species
		4.5	
		4.0	
		3.5	
		3.0	
		2.5	
		2.0	
		1.5	
		1.0	
		0.5	
0.73	0.97	0.0	<i>Slight</i>
		-0.5	<i>Slight</i> Predominance of wetland species <i>Strong</i>
		-1.0	
		-1.5	
		-2.0	
		-2.5	
		-3.0	
		-3.5	
		-4.0	
		-4.5	
		-5.0	

Appendix E

Site Photographs

Photograph 1

June 4, 2020

Looking east from the forest community (southwestern part of the Project Location).

Note: This community is proposed to remain undeveloped, except a small, northern portion of the forest that is proposed to be removed.



Photograph 2

June 4, 2020

Looking south from the thicket community (southeastern part of the Project Location).

Note: This community is proposed to remain undeveloped.



Photograph 3

October 9, 2020

Climbing Prairie Rose (*Rosa setigera*) present on the northern edge of the forest community. This area does not occur within the proposed development footprint.



Photograph 4

October 9, 2020

Looking west from the northern edge of the forest community.

Note: This small, northern extension of the forest is proposed to be removed.



Photograph 5

October 9, 2020

Looking south from north of the forest community.

Note: This small, northern extension of the forest is proposed to be removed.



Photograph 6

October 9, 2020

Looking southeast from north of the forest community.

Note: Annual Row Crop (foreground) and Fresh-Moist Shagbark Hickory Deciduous Forest Type (background).



Photograph 7

October 9, 2020

Looking west from the northern boundary of the Project Location.



Photograph 8

October 9, 2020

Looking southwest from the eastern part of the Project Location.

Note: Annual Row Crop (foreground), Gray Dogwood Deciduous Thicket Type (left background), and Fresh-Moist Shagbark Hickory Deciduous Forest Type (right background).



Photograph 9

October 9, 2020

Looking west from the eastern part of the Project Location.

Note: Annual Row Crop (foreground) and Gray Dogwood Deciduous Thicket Type (left).



Photograph 10

July 18, 2020

Looking east from the northern boundary of the Project Location.

Note: Major Knapp Drain which is dry and has extensive patches of European Common Reed (*Phragmites australis* ssp. *australis*).



Photograph 11

October 9, 2020

Looking north from west
of the forest community.

Note: John Knapp D&W
Drain which is dry.



Photograph 12

July 18, 2020

Looking west from the
southwestern part of the
Project Location.

Note: Dufour Drain which
has extensive patches of
European Common Reed.



Appendix F

SAR Observation Reporting Form

index	<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>OBSERVATION DATE (YYYY-MM-DD)</u>	<u>OBSERVER</u>	<u>OBSERVER EMAIL</u>
	Scientific Name of the observed species.	Common Name of the observed species.	Date the species was observed, enter as <u>YYYY-MM-DD</u> . Zeros can be used if you don't know the month or day.	The name of the person(s) who made the observation (or their agency name or "private citizen")	Contact Information for the observer. The NHIC may wish to contact the observer for more information about the observation.
1	<i>Contopus virens</i>	Eastern Wood-pewee	2020-06-04	Brad McLeod	bmcleod@dillon.ca
2	<i>Vernonia gigantea</i>	Giant Ironweed	2020-10-09	Brad McLeod	bmcleod@dillon.ca
3	<i>Vernonia gigantea</i>	Giant Ironweed	2020-10-09	Brad McLeod	bmcleod@dillon.ca
4	<i>Rosa setigera</i>	Climbing Prairie Rose	2020-06-04	Brad McLeod	bmcleod@dillon.ca
5	<i>Rosa setigera</i>	Climbing Prairie Rose	2020-06-04	Brad McLeod	bmcleod@dillon.ca

OBSERVATION DETAILS Description of the observation. For example, number of individuals observed, gender of species observed, life stage of species	LOCATION A descriptive name for the location where the observation was made. <u>This is used to confirm the coordinates.</u>	EASTING UTM, NAD 83, Zone 17 T	NORTHING UTM, NAD 83, Zone 17 T	UNCERTAINTY DISTANCE (meters) Uncertainty distance shows how close the coordinates are to the species observed. For example, GPS reading from a road but species was	COORDINATE SOURCE What was used to determine the coordinates? That is GPS, Google Maps, National Topographic Map, Ontario Base Map
1 singing individual	Essex County, Town of Amherstburg, NW of the intersection of Middle Side Road and Walker Road	N/A	N/A	N/A	Other
13 stems	Essex County, Town of Amherstburg, NW of the intersection of Middle Side Road and Walker Road	337055	4667492	3	GPS
20 stems	Essex County, Town of Amherstburg, NW of the intersection of Middle Side Road and Walker Road	337030	4667492	3	GPS
1 stem	Essex County, Town of Amherstburg, NW of the intersection of Middle Side Road and Walker Road	337030	4667492	3	GPS
8 stems	Essex County, Town of Amherstburg, NW of the intersection of Middle Side Road and Walker Road	336485	4667460	3	GPS

HOW IDENTIFIED Explanation of how you identified it as this species, which similar species you considered and how you eliminated them.	PHOTO? Did you take a photo(s) of the species? Yes/No. Please attach all relevant photos.	PHOTO LOCATION Where is the photo(s)? For example a url if it is posted publicly somewhere. If photos are submitted enter photo	SPECIMEN? Was a specimen collected? Yes/No.	SPECIMEN COMMENTS Comments about the specimen(s) collected For example the name of the person who verified the identity of the specimen, where the	ADDITIONAL REMARKS Additional comments about the observation.
	No	N/A	No	N/A	N/A
	No	N/A	No	N/A	N/A
	No	N/A	No	N/A	N/A
	No	N/A	No	N/A	N/A
		Email attachment	No	N/A	N/A

Appendix G

MECP Letter of Advice

From: Species at Risk (MECP) [mailto:SAROntario@ontario.ca]

Sent: September 16, 2019 4:12 PM

To: mike@lakeland-homes.ca

Cc: 'RC Spencer - Rick Spencer'; Anthony Goodban

Subject: RE: Species at Risk Stage 1 (Information Request) Screening - Woodland Trails Subdivision, Town of Amherstburg

Hello Mr. McMahon,

The Ministry of Environment, Conservation and Parks (MECP) has reviewed the information on the Woodland Trails subdivision to assess potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a. The project is located at [9538 Walker Road](#), in the Town of Amherstburg, Essex County.
- b. The project involves a residential development, consisting of 100 single family units and 37 semi-detached units. Commercial blocks are proposed near the intersection of Walker Road. A 3.1 hectare woodlot will be maintained on the property. Approximately 22 hectares of the property is active agriculture.
- c. The proposed project will begin following receipt of all necessary approvals.
- d. MECP has reviewed species at risk (SAR) occurrence information on file and determined that there are known occurrences of the following species in the general area of the project:
 - Eastern Foxsnake – Carolinian population (endangered) – receives species and regulated habitat protection. **The project is within regulated habitat for this species.**
 - SAR bats (endangered) – receives species and general habitat protection.
 - Bank Swallow (threatened) – receives species and general habitat protection.
 - Kentucky Coffee-tree (threatened) – receives species and general habitat protection.

Based on a review of the above information, MECP has determined that the activities associated with the project, as currently proposed, **will likely not contravene** section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for the species at risk listed above **provided the following recommendations are implemented:**

1. Surveys for Kentucky Coffee-tree will be completed in Feature A prior to any proposed vegetation removal.
2. Permanent fencing should be installed on all lots that back on to Feature B (the 3.1 hectare woodlot to remain) and the rail corridor to reduce encroachment into the features and potential impacts to species at risk snakes that may use those features.
3. Prior to project commencement, temporary snake barrier fencing should be installed along the limits of the construction footprint, or along the southern property boundary at a minimum (i.e. along rail corridor and Feature B), following the [Technical Note on Reptile and Amphibian Exclusion Fencing](#).
4. All on-site personnel must be made aware of the potential presence of Eastern Foxsnake in the area, its habitat in the area and the protection afforded under the ESA 2007 prior to conducting any work on the site.
5. Any species listed as endangered or threatened on the Species at Risk in Ontario (SARO) List that is encountered at the project location must be protected from all harm and harassment.
6. Any SAR individual (presumed to be unharmed) that is incidentally encountered in the project location must be allowed to leave on its own accord. Activities within 30 metres must cease until the individual disperses. Construction machinery/equipment must maintain a minimum operating distance of 30 metres from the individual until it disperses from the project area on its own accord.
7. If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container that is maintained at an appropriate temperature and a Wildlife Custodian (authorized under the Fish and Wildlife Conservation Act) should be contacted. A list of authorized Wildlife Custodians, their locations and their specialties (e.g. reptiles) is available at <https://www.ontario.ca/page/find-wildlife-rehabilitator>. MECP (contact information below) must be contacted immediately after the occurrence.
8. Any SAR individual that is present at the project site should be reported to the MECP staff (contact information below) within 48 hours of the observation or the next working day, whichever comes first.

9. The use of mesh or netting type stabilization material **must** not be used for erosion control measures. To prevent the entanglement of SAR snakes, an alternative product such as Curlex Net-free® blanket or the use of riprap over geotextile fabric is recommended.
10. During the active season for snake species, individuals may find and occupy materials and equipment stored on site; therefore, a clean, debris-free work site should be maintained (e.g. storage of flat materials like plywood and rubber mats in open areas should be avoided).
11. Care should be taken to limit the creation and duration of debris stockpiles (i.e. soil, lumber, topsoil, bricks, other construction materials, etc.) with the development footprint to ensure that no potential SAR snake habitat is created during the construction period.
12. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, brick or rubble piles, old foundations, tree root masses, ditch or drainage features, culverts, and dump sites of old agricultural debris/equipment are likely to provide habitat functions for SAR snakes in the project area. If these features exist in the proposed construction footprint, they should be carefully moved to a location on the property that is outside of the disturbance area, provided the features are not currently being used by a SAR snake. If a feature is in use (e.g. leaf pile being used for nesting) and is within the development footprint, MECP must be contacted for guidance.
13. Construction and vegetation clearing equipment that is left idle for over one (1) hour or is parked overnight on the property should be surveyed for the presence of SAR snakes before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear. During the active season for snake species (March 15th to November 30th), individuals may find and occupy materials and equipment stored on site; therefore, a clean, debris-free work site should be maintained (e.g. storage of flat materials like plywood and rubber mats in open areas should be avoided).
14. Material generated from trees / vegetation removed during site clearing should be chipped or piled (after being cut into smaller sections, if necessary) and left to remain on the property in the undisturbed vegetated areas.
15. Bank Swallow nests in burrows in natural and human-made settings where there are vertical faces in silt and sand deposits such as stockpiled sand/silt material and excavated trenches. Construction activities should avoid the creation of vertical faces and stockpiles or excavated areas. The [Best Management Practices for the Protection, Creation and Maintenance of Bank Swallow Habitat in Ontario](#) should be followed throughout the project.

This guidance is valid until December 31st, 2020. MECP should be contacted for a new review if the project activities have not been completed by this date, or if land ownership has changed.

Should any of the project parameters change, please notify the Permissions and Compliance Section immediately to obtain guidance on whether additional actions will need to be taken to remain in compliance with the ESA 2007. Also, if any SAR species and/or habitats are observed in the project area, please contact the Permissions and Compliance Section as soon as possible.

Please visit <https://www.ontario.ca/page/species-risk> for more information on SAR species and habitat.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The ESA 2007 applies to endangered and threatened species listed on the Species at Risk in Ontario (SARO) List (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>). The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. As a result, species designations may change, which could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change if a species-specific habitat regulation comes into effect.

Please be advised that it is your responsibility to comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

If you have any concerns or questions regarding this letter, please contact me by email at SAROntario@ontario.ca.

Regards,

Kathryn Markham

Management Biologist

Permissions and Compliance Section, Species at Risk Branch

Ministry of Environment, Conservation and Parks

Figure 1 - Landscape View - Woodland Trails Subdivision



Essex Region
Conservation
Authority

Public Interactive Mapping

Legend

Subject Property

Location



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Notes

Goodban Ecological Consulting Inc. (GEC)

February 22, 2019

0 555.63 1,111.3
Meters

1: 25,000



2/22/2019

Figure 2 - Site View - Woodland Trails Subdivision



Essex Region
Conservation
Authority

Public Interactive Mapping

Legend

- Parcel Fabric
- Subject Property

Location



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Notes

Goodban Ecological Consulting Inc. (GEC)

February 22, 2019

0 166.69 333.4
Meters

1: 7,500



2/22/2019

Figure 3 - Photo Locations - Woodland Trails Subdivision



Essex Region
Conservation
Authority

Public Interactive Mapping

Legend

Parcel Fabric

Subject Property

Photo Location & Direction

Location



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Notes

Goodban Ecological Consulting Inc. (GEC)

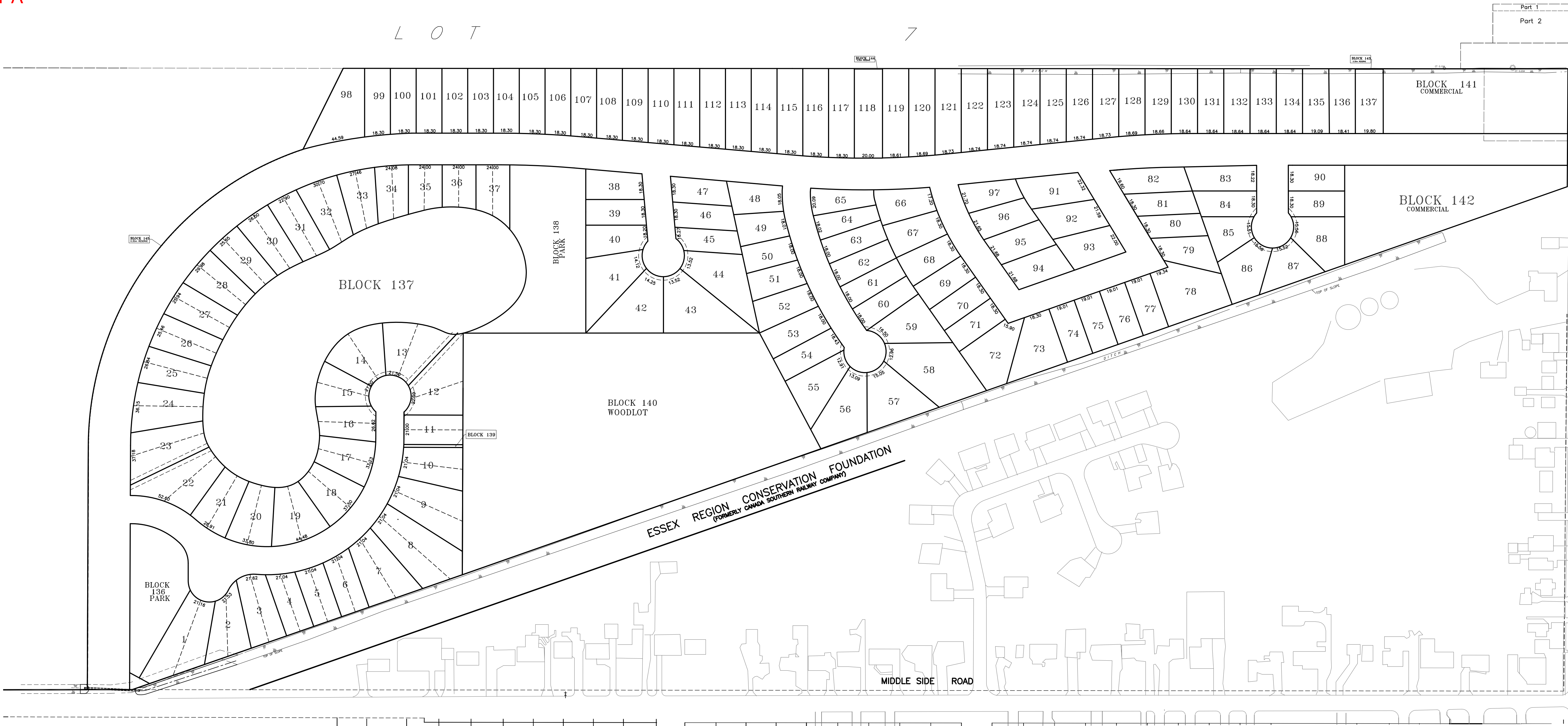
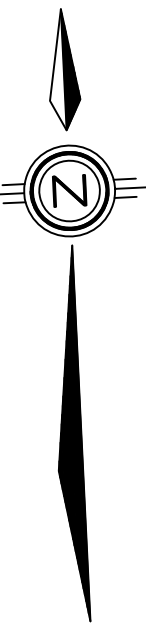
April 1, 2019.



1: 5,000



4/1/2019



WALKER ROAD
(TOWNSHIP ROAD 100)
(CONVEYANCE OF ANDERSON AND
CONVEYANCE OF ANDERSON)

TOTALS:
SINGLE FAMILY UNITS (MIN. 18.0m
FRONTAGE): 100 UNITS
SEMI-DETACHED UNITS (MIN. 21.0m
FRONTAGE): 37 UNITS

			 RC SPENCER ASSOCIATES INC. Consulting Engineers Windsor: 800 University Ave. W. Windsor, ON N9A 3B9 Leamington: 13 Faber St. W. Leamington, ON N8M 1M4 Chatham: 138 King St. W. Unit 102- Chatham, ON N7M 1E3  Professional Engineers Ontario <td colspan="3"></td> <td colspan="3"></td> <td colspan="3"></td> <td colspan="3"></td> <td colspan="3">DESIGN R.C.S.</td> <td colspan="3">CORPORATION OF THE TOWN OF AMHERSTBURG WOODLAND TRAILS SUBDIVISION</td> <td colspan="3">PROJECT NO. 18-815</td>															DESIGN R.C.S.			CORPORATION OF THE TOWN OF AMHERSTBURG WOODLAND TRAILS SUBDIVISION			PROJECT NO. 18-815					
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															DRAWN D.L.														
															CHECKED R.C.S.														
															DATE JANUARY 2019														
																								SCALE 1:1500			OF 1		
NO.			REVISION			DATE			BY			APP.			NO.			REVISION			DATE			BY			APP.		

Attachment B:

Woodland Trails Subdivision, Amherstburg.
Site photographs taken on March 12, 2019.

Goodban Ecological Consulting Inc. (GEC)

April 2019



Photo 1 – View looking west southwest across site. Most of the site is active agricultural land.
Panorama – Left.



Photo 2 – View looking west across site.
Panorama – Middle.



Photo 3 – View looking west northwest.
Panorama – Right.



Photo 4 – Feature “A” is a small 0.6 ha patch that is primarily a tangle of Manitoba Maple (*Acer negundo*), White Elm (*Ulmus americana*), and Eastern Cottonwood (*Populus deltoides*). Fill was deposited in this area decades ago and it became grown over with these woody species.



Photo 5 – Portions of Feature “A” are becoming overgrown with the invasive European Common Reed (*Phragmites australis* ssp. *australis* +).



Photo 6 – There are some very small patches of wetland within Feature “A”. In this view, small pools are evident between old piles of fill next to the old rail line.



Photo 7 – At the west end of Feature “A” there are a few tiny (10m x 10m) wet pockets with Pin Oak (*Quercus palustris*) and Swamp White Oak (*Quercus bicolor*).



Photo 8 – At the far west end of Feature “A” there is a small patch of oaks and White Elm, with swards of Shoreline Sedge (*Carex hyalinolepis*).



Photo 9 – View of ditch alongside the old rail line. This ditch connects with the Dufour Drain to the west of the woodlot (Feature “B”).



Photo 10 – Second view of ditch alongside the old rail line. At several locations there are informal trail crossings from the rail trail onto the subject property.



Photo 11 – View looking north along the John Knapp Drain, at the west side of the woodlot (Feature “B”). At this location, the drain is blocked with woody debris and the water has backed up. Elsewhere the John Knapp Drain is a small shallow ditch.



Photo 12 – View looking north along the western side of the woodlot (Feature “B”). The edge is comprised mainly of hawthorns (*Crataegus* spp.).



Photo 13 – View of north edge of the woodlot (Feature “B”). A strip of hawthorns (*Crataegus* spp.) grows along the edge of the forest.



Photo 14 – The east edge of the woodlot (Feature “B”) includes a strip of hawthorns (*Crataegus* spp.), White Elm (*Ulmus americana*) and Eastern Cottonwood (*Populus deltoides*).



Photo 15 – The woodlot (Feature “B”) can be classified as a Fresh-Moist Oak-Maple-Hickory Deciduous Forest Ecosite.



Photo 16 – The tree species are a mix of Red Oak (*Quercus rubra*), Bur Oak (*Quercus macrocarpa*), Shagbark Hickory (*Carya ovata*), Bitternut Hickory (*Carya cordiformis*), Red Maple (*Acer rubrum*), Sugar Maple (*Acer saccharum* ssp. *saccharum*), White Elm (*Ulmus americana*), Ironwood (*Ostrya virginiana*) and Blue-beech (*Carpinus caroliniana*).



Photo 17 – View showing an informal trail within the woodlot.



Photo 18 – There are some clusters of larger trees (i.e. >50 cm dbh) within the woodlot.



Photo 19 – At the north side of the woodlot there are signs of recent activity by Humans (*Homo sapiens*).



Photo 20 – This elaborate campsite and fire pit is likely frequented by young people living in residences on the south side of the rail trail.



Photo 21 – There are a few scattered trees along the property line. There are a few Bur Oak (*Quercus* cf. *Macrocarpa*), Pin Oak (*Quercus palustris*) and White Elm (*Ulmus americana*).



Photo 22 – The vast majority of the site is active agricultural land on heavy clay soils. The property is in crop rotation.



Photo 23 – Most of the White Elm (*Ulmus americana*) onsite are in decline or dead due to Dutch Elm Disease.



Photo 24 – Former residential property fronting onto Walker Road. There are no structures on the entire subject property.

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Appendix C

Provincial Policy Statement 2020

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

- i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:

- a) there would be no net increase in land within the *settlement areas*;
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - h) conserving biodiversity and considering the ecological benefits provided by nature; and
 - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

1.1.5 Rural Lands in Municipalities

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings);
 - c) residential development, including lot creation, that is locally appropriate;
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and
 - g) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

- 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;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

1.6 Infrastructure and Public Service Facilities

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.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.

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.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.

2.1.4 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
- b) *significant coastal wetlands*.

2.1.5 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and
- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

2.2 Water

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
 - c) evaluating and preparing for the *impacts of a changing climate* to water resource systems at the watershed level;
 - d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
 - e) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
 - f) implementing necessary restrictions on *development and site alteration* to:
 - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
 - g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - h) ensuring consideration of environmental lake capacity, where applicable; and
 - i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

Appendix D

County of Essex Official Plan

3.4.2 Goals

The County encourages and supports the enhancement of the *natural heritage system*. The *natural heritage system* contains potential linkages and corridors as well as expansions to the core existing *natural heritage features*. Further information on the County's *natural heritage system* can be found in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

The following goals apply to the County's *natural heritage system*:

- a) To facilitate and support the preservation, protection and enhancement of existing *natural heritage features*.
- b) To recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction towards the location and establishment of the County's *natural heritage system* as per 2005 Provincial Policy 2.1.2.
- c) To establish the framework with which the County and *local municipalities* will incorporate comprehensive and innovative policies in local Official Plans in an attempt to work with private property owners toward preserving and enhancing natural features. The County encourages *local municipalities* to develop implementation mechanisms to protect high priority restoration opportunity areas (as outlined in the Essex Region Natural Heritage System Strategy). The most appropriate implementation mechanism is the local Official Plan and Zoning By-law; however, other mechanisms include, but are not limited to, voluntary landowner stewardship policies, financial programs, bonusing policies, and attaching conditions to *development* approvals.
- d) To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked *natural heritage system* connecting *wildlife habitat* areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.
- e) Support partnerships with local *Conservation Authorities*, *local municipalities*, and other partners, that result in plans to appropriately manage ecologically *sensitive* lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.
- f) The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the *natural heritage system*.

- g) To recognize that vegetated buffers along municipal drains enhances the *natural heritage system* and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act that includes vegetated buffers for new municipal drains and updates that are within the “Restoration Opportunities Overlay” Schedule “B3”.
- h) The County supports the creation of new or expanded linkages between *natural heritage features*, where feasible. Corridors link isolated *natural heritage features* or enhance existing linkages, improve or enhance the *ecological functions* of designated *natural heritage features*, and strengthen the overall *natural heritage system*. Corridors and linkage areas will be identified in consultation with the *Conservation Authorities*, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects.

3.4.3 Natural Environment Policies

The following policies apply to those lands designated as “Natural Environment” on Schedule “A1” as further detailed on Schedule “B1” of this Plan.

- a) *Development and site alteration* is not permitted on lands designated “Natural Environment”.

These lands include Provincially *significant wetlands* and *significant* habitat of *endangered species* and *threatened species*, lands designated in local Official Plans, and high priority existing *natural heritage features* that meet five out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. Lands designated “Natural Environment” may also contain *fish habitat*, *significant woodlands*, *areas of natural and scientific interest*, *significant wildlife habitat*, and *significant valleylands*.
- b) Permitted uses on lands designated “Natural Environment” shall be limited to passive recreational uses, and activities that create or maintain *infrastructure* authorized under an environmental assessment process or work subject to the Drainage Act.
- c) Nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on lands within the “Natural Environment” designation as well as lands designated “Agricultural” and that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*. However, the construction of greenhouses and other agricultural buildings within areas designated “Natural Environment” is prohibited.

- d) Some natural environment areas may contain features and/or functions that result in the area meeting the qualifications of more than one of the classifications in Table 3. In those instances where an area qualifies as being in more than one of the classifications, the environmental impact assessment that requires the higher level of detail shall be required and the larger *adjacent lands* setback shall apply.
- e) The *significant* habitat of *endangered species* and *threatened species* is not shown on the Land Use Schedules; however, it can occur in *natural heritage features and areas* mapped on the Official Plan Schedules.

Species at Risk are identified as extirpated, *endangered*, *threatened* or species of special concern on the Species at Risk in Ontario List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNR is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement, 2005 (PPS). For the purposes of the PPS, MNR is responsible for approving the delineation of *significant* habitat of *endangered species* and *threatened species*.

Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of *endangered species* and *threatened species*.

The *significant* habitat of *endangered species* and *threatened species* will be based on a consideration of the following:

- i) Assessments reviewed and approved by the Ministry of Natural Resources regarding the extent of the species' habitat;
- ii) Habitats or areas delineated by MNR and/ or regulated under the ESA; and,
- iii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

3.4.4 Natural Environment Overlay Policies

The following policies apply to those lands identified as "Natural Environment Overlay" on Schedule "B2" of this Plan.

- a) *Development and site alteration* is not permitted on lands within the “Natural Environment Overlay” unless it has been demonstrated to the satisfaction of the approval authority and/or the *local municipality*, in consultation with the relevant *Conservation Authority*, that there will be no *negative impacts* on the natural features or their *ecological functions*.

These lands may be *adjacent* to lands designated “Natural Environment” and/or may contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, significant valleylands*, and secondary priority existing natural features that meet 1 to 4 of the 11 *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

Adjacent lands are defined as generally those lands within 120 metres of the “Natural Environment” designation and “Natural Environment Overlay”. Assessment of *negative impact* is to be determined by conducting an environmental impact assessment in accordance with Appendix Three to this Plan which will be required prior to consideration of any Planning Act application.

- b) Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.
- c) The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.
- d) Harrow Site Esker ANSI

Earth science features are the physical elements of the natural landscape created by geological processes. These features are classed into geological themes and the best representative sites, not occurring in Provincial Parks, are considered Provincially *significant areas of natural and scientific interest* (ANSI). The Harrow Site Esker ANSI occurs in Lot 11, Concession II and Lot 14, Gore Concession and contains ill-defined esker-like ridges. The exact relationships of these features are not fully known; however, they may represent the oldest in Ontario. Earth ANSI’s are generally less sensitive to disturbance than Life ANSI’s. *Ecological functions* do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features for which the area was identified. The approval authority will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.

3.4.5 Restoration Opportunity Overlay Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule “B3” to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The “Restoration Opportunities Overlay” applies to lands that do not contain existing *natural heritage features*; however, they have been identified as potential areas to enhance the fragmented system in the County.

- a) Prior to the approval of any local Official Plans, Official Plan amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for *infrastructure*, an Environmental Impact Assessment shall be undertaken that evaluates the following:
 - i) Opportunities to restore and enhance the *natural heritage features* in the area, including the establishment of linkages.
 - ii) The incorporation of Low Impact Development elements into the project.
 - iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
 - iv) Opportunities to set aside strategic areas for restoration and enhancement.
 - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area’s *natural heritage system*.
 - vi) Public acquisition.
 - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the “Restoration Opportunities Overlay” as shown on Schedule “B3” of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the *natural heritage system*.

3.4.6 General Policies

The following general policies apply to those lands designated as “Natural Environment” on Schedule “A1” of this Plan as well as areas designated “Agricultural” and “Settlement Areas” and that have *significant natural heritage*

features or are *adjacent* to areas containing *significant natural heritage features* as shown on Schedules “B1” and “B2”.

a) Environmental Impact Assessments

- i) The purpose of an environmental impact assessment is to:
 - i. collect and evaluate information to provide a more complete understanding of the boundaries, attributes and functions of *natural heritage features* and associated ecological and hydrological functions that exist;
 - ii. determine whether there are any additional *natural heritage features* on the lands and *adjacent lands*; and,
 - iii. make an informed decision as to whether the proposed *development* and/or *site alteration* will have an impact on the *natural heritage features* and ecological and hydrological functions.
- ii) The preparation of all environmental impact assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The environmental impact assessment is to be prepared in accordance with the guidelines in Appendix 3 of this Plan and on the basis of the natural features or the *ecological function* for which the area has been identified in Table 3 and the Schedules to this Plan. For example, if this Plan identifies a site as an ANSI or a *significant woodland*, the environmental impact assessment shall be prepared on the basis of that environmental classification.
- iii) When conducting the environmental impact assessment, the environmental professional must acknowledge in the report any new information, such as findings of rare or *significant* species not previously known to exist on the site, and the impact which may result from any proposed *development*. The County, *local municipality* and/or other approval authority shall have regard to such new information in its decisions regarding planning applications. If, based on the new information, the approval authority, in consultation with the relevant *Conservation Authority*, concludes that the “Natural Environment” classification should be altered, this Official Plan and/or the local Official Plan depending on the significance of the change and its impact on the ability of the County to meet the goals of this Plan, will require amendment to implement the change.
- iv) Before *development* is approved in the area subject to the environmental impact assessment, the environmental impact

assessment shall demonstrate that the relevant policies of this Plan and the local Official Plan are met. The environmental impact assessment should also demonstrate that the *development* and *site alteration* will not have an impact on *significant natural heritage features* and related *ecological functions*.

- v) Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no *negative impacts* on the natural features or their *ecological functions*.
- vi) A site inspection may be needed where there is insufficient natural heritage data to determine whether an environmental impact assessment is triggered. The purpose of the site inspection is to identify potential *significant natural heritage features* and areas that may require further study and evaluation. Once the significance is determined, the appropriate policies of this Plan apply.
- vii) If a site is identified as having a higher or lower classification by the Province or relevant *Conservation Authority*, or by a *local municipality* through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as “Natural Environment” on Schedule “A1” of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with *natural heritage features* and/or functions.
- viii) Removal of a *natural heritage feature* for the purpose of lowering the “Natural Environment” classification in this Plan and/or otherwise affecting the Environmental Impact Assessment, will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the Environmental Impact Assessment.
- ix) In areas other than those designated “Natural Environment” on Schedule “A1” of this Plan, altering the state of the *natural heritage features* as a result of conducting permitted uses, i.e., clearing lands for *agricultural uses*, will not be considered negatively by the approval authority. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April

2000 and 2010 aerial photography as one of the tools to establish the alteration in relation to the enlargement or retraction of a feature.

- x) The extent and diversity of *natural heritage features* in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. *Local municipalities* are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.
- b) In addition to the above policies, *local municipalities* are also encouraged to undertake the following in consultation with the relevant *Conservation Authority*:
 - i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.
 - ii) Establish goals and strategies to increase the amount of *natural heritage area*. One way to achieve this is to have a “State of the Environment Report” prepared and presented to Council on a regular basis.
 - iii) Require that when considering *development* proposals, the approval authority may require the land owner to enter into an agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a *development* approval, the use of a variety of indigenous species of vegetation is encouraged.
- c) To recognize woodlots as viable components of farming operations.
- d) On lands designated “Agricultural” that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*, the construction of greenhouses and other agricultural buildings is strongly discouraged. In most instances the construction of greenhouses and large agricultural buildings within such areas will have *negative impact* and therefore would not be permitted. Other locations on the farm can be used for such purposes.

- e) The participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts, the Managed Forest Tax Incentive Program and the Conservation Land Tax Incentive Program will be encouraged.
- f) The natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by a *Conservation Authority* or any other conservation group or agency.
- g) The County will encourage the development of policies and programs to support *local municipalities* and partners to protect and enhance *natural heritage features* and *natural heritage systems*.
- h) During the preparation of local Official Plans, the County encourages additional refinement of the *natural heritage system* and the implementation of tools to enhance the system such as more detailed land use designations, overlay designations, promotion of stewardship and voluntary landowner actions.

Appendix E

Town of Amherstburg Official Plan



The Corporation of
The Town of Amherstburg

OFFICIAL PLAN

*Adopted by Council on April 14, 2009
(By-Law No. 2009-30)
With Changes Agreed to by Council*

Approved by the County of Essex on July 15, 2009

Ontario Municipal Board Approval Minutes of Settlement February 3, 2010

Office Consolidation Including OPA #1 November 6, 2012

Office Consolidation Including OPA #2 February 3, 2014

Office Consolidation Including OPA #3 January 21, 2016

Office Consolidation Including OPA #4 April 10, 2017

Office Consolidation Including and up to OPA #19 February 7, 2023



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e-mail: mbpc@mbpc.ca

**CERTIFICATION OF COMPLIANCE WITH
PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS**

I, Pamela Malott, CAO/Clerk of the Town of Amherstburg, hereby **CERTIFY** that the requirements for the giving of notice and the holding of at least one public meeting as set out in Subsection 17(15) of the Planning Act have been complied with.

April 20, 2009
Date


Pamela Malott- CAO/Clerk

I, Pamela Malott, CAO/Clerk of the Town of Amherstburg, hereby **CERTIFY** that the requirements for the giving of notice as set out in Subsection 17(23) of the Planning Act have been complied with.

April 20, 2009
Date


Pamela Malott- CAO/Clerk

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2009-30

Being a by-law to adopt the Town of Amherstburg Official Plan

WHEREAS the Council of the Corporation of the Town of Amherstburg deems it advisable to adopt the Town of Amherstburg Official Plan;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it advisable to repeal By-law Number 1999-17 of the Town of Amherstburg adopting the previous Official Plan of the Town of Amherstburg on March 22, 1999;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it advisable to repeal By-law No. 2006-60 of the Town of Amherstburg which adopted a new Official Plan;

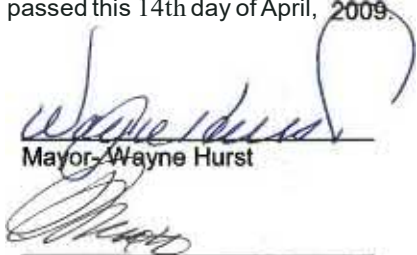
AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it advisable to repeal By-law No. 2008-82 of the Town of Amherstburg which adopted a new Official Plan;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it advisable to readopt a new Official Plan.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg, in accordance with Section 17 and 21 of The Planning Act, R.S.O. 1990 c.P. 13, hereby **ENACTS** as follows:

1. The Town of Amherstburg Official Plan, consisting of the attached text and maps is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the County of Essex for the approval of the attached Official Plan for the Town of Amherstburg.
3. By-law No. 1999-17 is hereby repealed.
4. By-law No. 2006-60 is hereby repealed.
5. By-law No. 2008-82 is hereby repealed.
6. This By-law shall come into force and take effect on the date of approval of the Official Plan of the Town of Amherstburg in whole or in part by the County of Essex as the approval authority as defined under The Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 14th day of April, 2009.



Mayor Wayne Hurst

CAO/Clerk- Pamela Malott

Certified to be a true copy of By-Law
No. 2009-30 passed by the Amherstburg
Municipal Council on April 14th, 2009.

File No.: 37-0P-2006-001
Municipality: Town of Amherstburg

Date of Decision: July 15, 2009
Date of Notice: July 22, 2009
Last Date of Appeal: August 11, 2009

NOTICE OF DECISION

With respect to an Official Plan
Subsection 17(35) and 21 of the Planning Act

A decision was made on the date noted above to approve, as modified, the Official Plan for the Town of Amherstburg, as adopted by By-law 2009-30.

Purpose and Effect of the Official Plan Amendment

The purpose of the Official Plan is to provide direction for future land use and resource management throughout the municipality. The Official Plan designates all lands for intended future uses such as Agricultural, Residential, Industrial, etc. The document is intended to provide direction for planning and development for the next 20 years. A copy of the decision is attached.

When and How to File an Appeal

Any appeal to the Ontario Municipal Board must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal. The appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must.

- (1) set out the reason for the appeal and the specific part of the proposed Official Plan to which the appeal applies (a helpful form is available from the OMB website at www.omb.gov.on.ca), and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00, payable by certified cheque or money order to the Minister of Finance, Province of Ontario.

Who Can File an Appeal?

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

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was

adopted, the person or public body, made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Essex is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Getting Additional Information

Additional information about the Official Plan, including a complete version of the plan, is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

Mailing Address for Filing a Notice of Appeal:

County of Essex
360 Fairview Avenue West
Essex, ON NBM 1Y6

Submit notice of appeal to the attention of:
William King, Manager - Planning Services
Tel: (519) 776-6441, Ext. 329
Fax: (519) 776-1253

DECISION

With respect to the Town of Amherstburg Official Plan Subsection 17(34) of the Planning Act

I hereby modify and approve as modified the Official Plan for the Town of Amherstburg, as adopted by By-Law 2009-30, subject to the following modifications:

Modification #1

Section 1.5 is modified by adding thereto the following paragraph:

The Town acknowledges that it is the responsibility of the County of Essex to identify, coordinate and provide direction on issues such as population, housing and employment projections and allocations, targets for intensification and redevelopment, and affordable housing. The County of Essex is currently undertaking the mandatory five-year review of its Official Plan wherein the aforementioned issues will be addressed. The Town, in consultation with the County of Essex, shall ensure that this Plan conforms to the policies and direction established by the County Official Plan. In accordance with Section 27(4) of the Planning Act, in the event of a conflict between the County Official Plan and this Plan, the County Official Plan prevails to the extent of the conflict.

Modification #2

Section 2.1 (5) is modified by replacing the words "any adverse effects are minimized wherever possible" with the words "it is demonstrated there are no negative impacts on the features or their functions".

Modification #3

Section 2.2 is modified by adding the following sentence to the beginning of the second paragraph:

Sufficient land has been designated in this Plan to accommodate the anticipated growth within the planning horizon, and site-specific expansions of the settlement area boundaries will not be permitted.

Modification #4

Section 2.10.4 is renumbered to 2.11 and all other sections are renumbered accordingly.

Modification #5

Section 2.10.4, now 2.11, last paragraph, is modified by adding “, Wooplots” immediately after the word "Wetland".

Modification #6

Section 2.23, now 2.24, second paragraph, is modified by deleting the word "Wetland" and replacing it with "Provincially Significant Wetland".

Modification #7

Section 2.24, now 2.25; first paragraph, is modified by deleting the word "Wetland" and replacing it with "Provincially Significant Wetland".

Modification #8

Section 2.24 (7), now 2.25 (7), is deleted and replaced with the following:

the site, if on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system) shall be rehabilitated to its former agricultural use and substantially the same acreage and average soil capability for agriculture shall be restored.

Modification #9

Section 2.26, now 2.27, third paragraph, is modified by deleting the word "for" and replacing it with "for".

Modification #10

Section 3.2.2 (9), preamble, is deleted and replaced with the following:

Existing, new and expanded aquaculture or fish farming, including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted. However, the establishment of a new fish farm or the expansion to an existing operation is subject to Site Plan Control. When considering an application for Site Plan control, Council shall be satisfied that:

Modification #11

Section 3.2.2 (9) c) is modified by deleting the words "a license to propagate and sell fish and transport fish" and replacing them with "an Aquaculture license".

Modification #12

Section 3.2.2 (11) is modified by deleting the words "the Ministry of Agriculture and Food and Rural Affairs" and replacing them with "appropriate agricultural specialists".

Modification #13

Section 3.2.2 is modified by adding thereto a new subsection (23) as follows:

- (23) On an existing lot of record in the Agricultural designation when an existing habitable residential dwelling has been destroyed, in whole or in part by a catastrophe, the dwelling may be repaired and/or reconstructed at the same location as the dwelling existed prior to the catastrophe. Further, the repair or reconstruction of the dwelling shall only occur when the size of livestock facility and the operation existed in the same location and intensity prior to the catastrophe and the separation distance or intensity of use has not been modified. The Minimum Distance Separation 1 will not apply to the re-establishment of the previously existing dwelling in the same location under the above noted conditions.

Modification #14

Section 3.3.2 (2) is modified by deleting the words "natural green space system" and replacing them with "natural heritage system".

Modification #15

Section 3.4.2 (4) a) and Section 3.4.2 (4) b), are deleted and replaced with the following:

- a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act. using the guiding principle of no net loss or productive capacity; and
- b) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

Modification #16

Section 3.5.2 (1) is modified by deleting the words "greater than 2 hectares" and replacing them with the words "2 hectares or greater".

Modification #17

Section 3.6.3 (1) is modified as follows:

- i) In the first sentence, the words "as defined in the Provincial Policy Statement" are inserted immediately following the words "Development and site alteration"
- ii) In the second sentence, the word "For the purpose of this section, development and site alteration means:" is deleted and replaced with the words "Development and site alteration includes, but is not necessarily limited to:

Modification #18

Section 3.6.3 (8), is modified by deleting the words "has informed the Town in writing" and replacing them with "have been consulted by the Town and it has been determined".

Modification #19

Section 4.5.3, third paragraph, is modified by adding the word "vibration," immediately after the word "noise,".

The balance of the Official Plan is approved as submitted.

Dated at Essex, Ontario this 15th day of - July - - 200 --,.-

ORIGINAL SIGNED

William J. King, MCIP, RPP
Manager, Planning Services
County of Essex

ISSUE DATE:

Feb. 16, 2010



PL090789

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Ministry of Municipal Affairs and Housing
Subject: Town of Amherstburg Official Plan
Municipality: Town of Amherstburg
OMB Case No.: PL090789
OMB File No.: PL090789

APPEARANCES:

Parties

Counsel

Town of Amherstburg

A. DeLuca

Minister of Municipal Affairs and Housing

M. Singh

MEMORANDUM OF ORAL DECISION DELIVERED BY S.J. STEFANKO ON
FEBRUARY 3, 2010 AND ORDER OF THE BOARD

The County of Essex approved, as modified, the Official Plan ("Town OP" or "OP") for the Town of Amherstburg ("Town") on July 15, 2009. The Town's OP was initiated as part of the five-year review required by the *Planning Act*. The Minister of Municipal Affairs and Housing ("MMAH") felt that certain provisions of the OP were not consistent with the 2005 Provincial Policy Statement ("PPS") and by correspondence dated August 10, 2009, MMAH appealed the Town OP.

At the commencement of this hearing event I was advised by the parties that they had resolved the MMAH appeal and as a result, this hearing event immediately became a settlement hearing.

In relation to the agreement reached, a document marked as Exhibit 3 in this proceeding was filed. It reflected the specific language ("Agreed Upon Revisions") upon which the parties had settled.

From an evidentiary point of view, Ms. Tammie Ryall, a planner with MMAH provided expert testimony. She confirmed that the Ministry of Environment, the Ministry of Natural Resources and the Ministry of Agriculture, Food and Rural Affairs had provided input into the Agreed Upon Revisions and that such provisions were consistent with the PPS and represented good planning.

Based on the foregoing, the Agreed Upon Revisions are approved and the Town OP is amended and approved accordingly. The appeal of MMAH has therefore been allowed in part.

It is so Ordered.

“ S.J. Stefanko ”

S.J. STEFANKO
MEMBER

Town of Amherstburg Official Plan

List of Modifications and how they relate to the Provincial Policy Statement 2005 (PPS)

Modification No.	Proposed Modification	PPS Section	Discussion
	Section 3 of Official Plan - Resource Based Land Use Policies		
20	3.2.2 (1) (a) The 'Agricultural' designation on Schedules 'A' and 'B' shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The agricultural uses permitted include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;	Section 2.3.3, specifically Section 2.3.3.1 and definitions of terms in the PPS.	- separate sections are used to make distinction between agricultural, agriculture-related or secondary uses.
20	(b) Secondary uses shall be permitted in the 'Agricultural' designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture, such as farm occupations and home occupations as per Section 3.2.2. (18) of this Plan, bed and breakfast establishments or agricultural trucking establishments;	Section 2.3.3.	- separate sections are used to make distinction between agricultural, agriculture-related or secondary uses.
20	(c) Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the 'Agricultural' designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm	Section 2.3.3	separate sections are used to make distinction between agricultural, agriculture-related or secondary uses.

	operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or		
20	(d) Wayside pits and quarries are permitted in the 'Agricultural' designation subject to Section 2.23 and other applicable policies of this Plan;	Section 2.5.4.1	- permitted in all areas except existing development and environmental sensitivity.
20	(e) Portable asphalt plants are permitted in the 'Agricultural' designation subject to Section 2.24 and other applicable policies of this Plan."	Section 2.5.4.1	- permitted in all areas except existing development and environmental sensitivity.
21	"3.2.2 (2) Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation. However, the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions; (a) A site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 41 of the Planning Act; (b) Minimum setbacks for the establishment of new or the expansion of an existing mushroom operation shall be required in the Comprehensive Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses."	Section 2.3.3.2 – in prime agricultural areas all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.	Mushroom farming is a permitted use in an agricultural designation; therefore, they should not be the requirement for a zoning by-law amendment and an environmental assessment. - the standard setback distance and condition for site plan control are
22	Subsection 3.2.2 (5) Agricultural Land Uses: Policies text is deleted with the number left for future use.		- no longer needed due to modifications to 3.2.2. (1)
23	Subsection 3.2.2 (6) Agricultural Land Uses: Policies is deleted in its entirety and replaced with the following policy: "3.2.2 (6) Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community	Section 2.3.5.1- removal of land from Prime Agricultural	- concern was expansion of existing industrial or commercial uses in a prime agricultural area. - Wording proposed by

	retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites are permitted uses within the Agricultural designation subject to further considerations and policies of this Plan. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion;"	Areas	municipality provides clarity that the uses will remain in the agricultural designation and the agricultural policies apply.
24	Subsection 3.2.2 (9)(f) Agricultural Land Uses: Policies (aquaculture) is deleted in its entirety and replaced with the following policy: "3.2.2 (9) (f) the use meets the provisions in the Zoning By-law."	The PPS recognizes aquaculture as a permitted use in an agricultural designation. Section 2.3.3.2 - in prime agricultural areas all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards	Aquaculture is a permitted use in an agricultural designation, therefore they should not be the requirement for a zoning by-law amendment. - the condition for site plan control is appropriate
25	Subsection 3.2.2 (9)(i) Agricultural Land Uses: Policies (aquaculture) is deleted in its entirety and replaced with the following policy: "3.2.2 (9)(i) in the creation of ponds for a fish farm, development agreements may be required that address the staaed removal of too soil."	Same as 24	Same as 24
26	Subsection 3.2.2(11) Agricultural Land Uses: Policies (min. lot size) is deleted in its entirety and replaced with the following policy: "3.2.2 (11)	Lot Creation in Prime Agricultural Areas is	- had 40 hectares min. lot size but said they could be smaller lot sizes created for specialty farms, subject to OMAFRA satisfaction. -

	The minimum lot size within the 'Agricultural' Designation for newly created lots shall be 40 hectares for both the severed and retained parcels. Specialty farm operations and greenhouse operations may be established on existing smaller lots. Lot size requirements of the Agricultural designation may also include lands designated as Wetland or Natural Environment;"	discouraged. 2.3.4. 1. a) – minimum size need to accommodate the use.	Questioned - is there a need for additional smaller lots? - Municipality agreed to remove.
27	Subsection 3.2.2(14) Agricultural Land Uses: Policies (surplus dwelling) is deleted in its entirety and replaced with the following policy: "3.2.2 (14) Where a habitable farm house existing as of January 1, 1978 is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation), a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met: a) the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size; b) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that 'no additional dwelling units shall be permitted on the remnant parcel' shall be registered on title."	Section 2.3.4.1 (c)	- surplus dwelling severances must be as a result of farm consolidation. Municipalities must ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by surplus dwelling severances
28	Subsection 3.2.2(1B)(g) Agricultural Land Uses: Policies (commercial/industrial uses in 'Agricultural' designation) is deleted in its entirety and replaced with the following policy:	Section 2.3.5.1 - removal of land from Prime	issue was expansion of existing industrial or commercial uses in a

	"3.2.2 (18)(g) The development of any new, or expansion of a legally existing commercial or industrial use which are not farm or home occupations, as defined in the Zoning By-law, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with the PPS, that the proposed location is in compliance with the minimum distance separation (MOS) formula contained in the Town's Zoning By-law, that any proposed expansion of an existing use shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion and that the application satisfies the criteria included in Section BA of this Plan."	Agricultural Areas	prime agricultural area. – as modified, expansions will be limited to the lot boundaries of the existing site.
29	Subsection 3.3.3 Non-renewable Resources: Extractive Industrial Policies, third paragraph that reads: "When a quarry operation ceases, redevelopment of the site for recreational land uses will be permitted subject to detailed applications, site plan agreements and rezoning." is hereby deleted and replaced with the following statement: "When a quarry operation ceases, and rehabilitation of the site to agriculture is not possible due to the height of the water table, redevelopment of the site for recreational land uses will be permitted subject to an official plan amendment, site plan agreement, and rezoning."	2.5.4. 1-on prime agricultural land extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation is carried out so that substantially the same areas and same average soil quality for agriculture are restored.	Section 2.5.4.1(a) of the PPS - quarry operations below the water table do not have to be rehabilitated for agriculture
30	Subsection 3.3.3 (3) Non-renewable Resources:	2.4.2.2 - Council	- remove reference to the proposed use or

	Extractive Industrial Policies is deleted in its entirety and the remainder of the subsection is renumbered sequentially.	shall protect Salt Solution Mining Sites from incompatible land uses which would preclude or hinder future mining.	development would not significantly preclude or hinder future mining.

31	Subsection 3.3.4(1) Special Policy Area 1 is deleted in its entirety and replaced with the following: "3.3.4 (1) Special Policy Area 1 Lands identified on Schedules A or B as Special Policy Area 1 have been designated on the Land Use Schedules as Extractive industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 1 to the North Sideroad have not been actively farmed and are lands that abut an extensive natural environment area. In addition to brine well extraction the lands south of North Sideroad may be used for agricultural land used in accordance with the policies of Section 3.2 of the Plan. Redevelopment of the lands south of North Sideroad for agricultural purposes shall be permitted by this Plan in addition to the brine well extraction. Redevelopment of the lands used as a solar generating facility north of North Sideroad for light industrial or recreational purposes shall be permitted by this Plan in addition to the brine well extraction. Permitted recreational uses shall be limited to passive uses such as golf courses, campgrounds, or parks and shall be subject to Site Plan Agreements and a site-specific Zoning By-law amendment that specifically identifies the type of facility permitted, including the area of the site to be used for what activities, road access, parking, lighting, drainage, screening and landscaping and any other matters that may be deemed appropriate under Section 34 and 41 of the Planning Act. In addition, the portion of these lands located to the north of North Sideroad shall also be considered to have a dual designation of Light Industrial which shall allow the lands to develop as one or the other designation but not of both designations and the appropriate policies of the Official Plan would apply. Development of the lands as Light Industrial or Recreational shall be serviced with municipal sewer and water services. In locations or areas of known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards."	2.5.4.1-on prime agricultural land extraction of minerals aggregate resources is permitted as an interim use provided that rehabilitation is carried out so that substantially the same areas and same average soil quality for agriculture are restored. Section 2.4.4-Rehabilitation Salt Brine operation.	? -Rehabilitation to light industrial or recreational use was not consistent with the PPS- Rehabilitation to agricultural uses is. -Part of SPA #1 (north part) will be used for a solar generation facility. Rehabilitation of that part will be recreation or light industrial, subject to the Official Plan policies, including the need to service with municipal water and sewer services.

Section 4 - Settlement Area Policies

32	Section 4.1 Settlement Areas – Land Use Policies is hereby amended with the addition of the following new paragraph following the first paragraph: "4.1 The Town will work with the County of Essex to identify targets for intensification, infill and redevelopment and the Plan will be amended to incorporate such targets."	Section 1.1.3.5 - Planning authorities shall establish and implement minimum targets for intensification. Section 1.2.2 c) Upper-tier municipality in consultation with lower-tier municipalities shall identify targets for intensification and redevelopment.	- policy commits the Town to completing the target in cooperation with the County.
33	Section 4.7.2 (5) Settlement Area: Land Use Policies: Recreational Development Designation is deleted in its entirety and replaced with the following policy: "4.7.2 (5) All existing recreational uses at the date of adoption of this Plan shall be allowed to expand provided the expansion is limited to within the boundaries of the existing Recreational Development Designation, and the uses are able to conform to the policies of this subsection and to the zoning requirements."	Section 2.3.5.1 - removal of land from Prime Agricultural Areas	- issue was expansion of existing industrial or commercial uses in a prime agricultural area. - as modified, expansions will be limited to the lot boundaries of the existing site
34	Section 4.7.2 (7)(d) Settlement Area: Land Use Policies: Recreational Development Designation is hereby deleted in its entirety and replaced with the following policy: "4.7.2 (7)(d) The plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including	- Section 1.6.4.2 – Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas.	-policy as approved stated that the municipality would not provide services. -Municipality has advised that full services are in

	private boat docks shall be permitted on each lot. Access to the subject lands shall be by the Detroit River;"		place. No need for the policy.
	Section 6 of Official Plan – Development Policies		
35	Section 6.1.2 (9) (g) Development Policies: Land Severances is hereby deleted in its entirety and replaced with the following policy: "6.1.2 (10) In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size."	Section 2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. And Section 2.3.4.1 c) – severances for a residence surplus to a farming operation.	- lot adjustments (lot additions) are permitted. - surplus dwelling severances must be as a result of farm consolidation. Municipalities must ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by surplus dwelling severances
36	Section 6.6.3 Housing Policies: Housing Supply is hereby amended with the addition of the following statement following Section 6.6.3 (15): "6.6.3 (16) The Town will work with the County of Essex to identify targets for housing that is affordable to low and moderate income households and the Plan will be amended to incorporate such targets."	Section 1.4.3 – Planning authorities shall establish and implement minimum targets for the provision of housing which affordable to low and moderate income households.	- policy commits the Town to doing the targets in cooperation with the County.

TABLE OF CONTENTS

SECTION 1	GENERAL	1
1.1	TITLE AND COMPONENTS.....	1
1.2	THE PLANNING AREA.....	1
1.3	PLANNING HISTORY	1
1.4	LEGISLATIVE AUTHORITY.....	1
1.5	TIME PERIOD OF THE PLAN.....	2
1.6	PURPOSE OF THE PLAN.....	2
1.7	BASIS OF THE PLAN	3
1.7.1	Studies Completed, Previous Amendments and Consultation	3
1.7.2	The Ontario Planning Act.....	5
1.7.3	Ontario Smart Growth	5
1.7.4	Growth and Development	6
1.7.5	Identified Areas for Residential Development	6
1.7.6	Agriculture	7
1.7.7	Natural Environment	8
1.7.8	Servicing	8
1.7.9	Industrial and Commercial Lands.....	9
1.7.10	Other	10
SECTION 2	LAND USE MANAGEMENT STRATEGY FOR DEVELOPMENT	11
2.1	GENERAL	11
2.2	LOCATION OF DEVELOPMENT	11
2.3	SITE SUITABILITY	12
2.4	DEVELOPMENT CHARGES.....	12
2.5	INDUSTRIAL AND COMMERCIAL SERVICES.....	12
2.6	WATER SUPPLY AND SEWAGE DISPOSAL	12
2.6.1	Public Piped Systems	12
2.6.2	Private Communal Systems.....	13
2.6.3	Private Individual On-Site Services	13
2.6.4	Servicing Strategy/Full Municipal Services	13
2.7	STORMWATER MANAGEMENT POLICY	14
2.8	SOLID WASTE MANAGEMENT.....	15
2.8.1	Former Waste Disposal Sites.....	15
2.8.2	W a s t e Settling Beds.....	16
2.9	SEWAGE TREATMENT PLANTS	16
2.9.1	Measuring Separation Distances	16
2.9.2	Acquisition of Buffer Areas	16
2.10	PUBLIC PARKLAND	17
2.10.1	Public Parkland Standards.....	17
2.10.2	Parkland Dedication	17
2.10.3	Cash-in-Lieu of Parkland.....	17
2.11	BUFFERING.....	18
2.12	HERITAGE CONSERVATION.....	18
2.13	ENERGY CONSERVATION	19
2.14	UTILITIES	19
2.14.1	Electric Power Facilities	19
2.14.2	Wind Turbines	19
2.14.3	Other Utilities.....	20
2.14.4	Renewable Energy	21
2.14.5	Solar Energy Systems/renewable energy systems.....	24
2.15	ACCESSORY USES	26
2.16	MOBILE HOMES/TRAILERS/GARDEN SUITES.....	26
2.17	BARRIER FREE ACCESS	26

2.18	BROWNFIELDS REDEVELOPMENT POLICIES	26
2.19	SMART GROWTH POLICIES	27
2.20	BONUSING.....	27
2.21	DEVELOPMENT ALONG INLAND WATERCOURSES	27
2.22	MINIMUM DISTANCE SEPARATION	28
2.23	INSTITUTIONAL USES.....	28
2.24	WAYSIDE PITS and QUARRIES.....	29
2.25	PORTABLE ASPHALT PLANTS.....	29
2.26	WOODLOTS.....	30
2.27	DECOMMISSIONING	30
2.28	SECONDARY DWELLING UNITS.....	31
SECTION 3	RESOURCE-BASED LAND USE POLICIES.....	32
3.1	GENERAL	32
3.2	AGRICULTURAL LAND USES.....	32
	3.2.1 Goals.....	32
	3.2.2 Policies.....	33
	3.2.3 Agricultural Special Policy Areas.....	39
3.3	NON-RENEWABLE RESOURCES	40
	3.3.1 General	40
	3.3.2 Goals.....	40
	3.3.3 Extractive Industrial Policies.....	40
	3.3.4 Special Policy Areas.....	42
3.4	NATURAL ENVIRONMENT	43
	3.4.1 Goals.....	43
	3.4.2 Policies.....	43
3.5	WOODLOTS.....	44
	3.5.1 General	44
	3.5.2 Goals.....	44
	3.5.3 Policies.....	45
3.6	PROVINCIALY SIGNIFICANT WETLANDS	45
	3.6.1 General	45
	3.6.2 Goals.....	45
	3.6.3 Policies.....	46
3.7	DEVELOPMENT CONTROL AREAS	47
	3.7.1 General	47
	3.7.2 Detroit River and Lake Erie Shorelines	48
	3.7.3 Lake Erie And Detroit River Flood Prone Area.....	48
	3.7.4 Stream Floodway	48
	3.7.5 Stream Flood Fringe	49
	3.7.6 Fill Line.....	50
SECTION 4	SETTLEMENT AREAS - LAND USE POLICIES	51
4.1	GENERAL	51
4.2	RESIDENTIAL USES	51
	4.2.1 General	51
	4.2.2 Goals.....	51
	4.2.3 Policies – Applicable to All Residential Designations	52
4.3	RESIDENTIAL LAND USE DESIGNATIONS	58
	4.3.1 Low Density Residential Areas.....	58
	4.3.2 Medium Density Residential Areas	61
	4.3.3 High Density Residential Areas.....	61
	4.3.4 Office Residential Areas.....	61
	4.3.5 Heritage Residential.....	62
	4.3.6 Modular Home Residential.....	62
	4.3.7 Residential Special Policy Areas.....	63

4.4	COMMERCIAL LAND USE DESIGNATIONS	63
4.4.1	Neighbourhood Commercial	64
4.4.2	General Commercial Areas	64
4.4.3	Commercial Special Policy Areas	66
4.5	INDUSTRIAL LAND USE DESIGNATIONS.....	68
4.5.1	Light Industrial	70
4.5.2	Special Industrial.....	71
4.5.3	Heavy Industrial	71
4.5.4	Industrial Special Policy Areas	72
4.6	INSTITUTIONAL LAND USE DESIGNATION	73
4.7	RECREATIONAL DEVELOPMENT DESIGNATION.....	73
4.7.1	Goals.....	73
4.7.2	Policies.....	73
4.7.3	Recreational Special Policies	74
4.8	OPEN SPACE	75
4.8.1	Goals.....	76
4.8.2	Parks and Recreation Hierarchy	76
4.8.3	Park Acquisition and Development Priorities	79
4.8.4	Park Development.....	79
4.8.5	Parkland Dedication and Cash-in-Lieu of Parkland.....	80
4.8.6	Parkland Acceptability.....	80
4.8.7	Park Development Procedures	81
4.8.8	Linear Park Development.....	81
4.8.9	Institutional Lands and Facilities	82
4.8.10	Private Recreational Facilities	83
4.8.11	Open Space Special Policy Areas	83
SECTION 5	TRANSPORTATION POLICIES.....	85
5.1	GENERAL	85
5.2	CLASSIFICATION	85
5.2.1	Arterial Roads	85
5.2.2	Collector Roads.....	85
5.2.3	Local Roads	86
5.2.4	Private Roads.....	86
5.3	INTERSECTION IMPROVEMENTS	86
5.4	OFF-STREET PARKING.....	86
SECTION 6	DEVELOPMENT POLICIES.....	87
6.1	LAND DIVISION	87
6.1.1	Plans of Subdivision	87
6.1.2	Land Severances	87
6.2	POLICIES FOR DOWNTOWN REVITALIZATION.....	88
6.2.1	Description	88
6.2.2	Role and Function.....	89
6.2.3	Residential Uses	89
6.2.4	Traffic and Parking.....	89
6.2.5	Downtown Improvement and Revitalization	90
6.3	POLICIES FOR COMMUNITY IMPROVEMENT.....	90
6.3.1	Designation of Community Improvement Areas.....	90
6.3.2	Conservation, Rehabilitation, and Redevelopment	91
6.3.3	Goals and Objectives	91
6.3.4	Criteria for Selecting Community Improvement Areas	92
6.3.5	Phasing of Improvements.....	93
6.3.6	Implementation.....	93
6.4	POLICIES FOR HERITAGE CONSERVATION	93

6.4.1	General	93
6.4.2	Objectives	94
6.4.3	Criteria and Guidelines	94
6.4.4	Criteria for Heritage Districts - Background	95
6.4.5	Criteria for Individual Buildings - Background	95
6.4.6	Policies	96
6.4.7	Implementation	97
6.5	ECONOMIC DEVELOPMENT	99
6.5.1	Economic Development Policies	99
6.6	HOUSING POLICIES	100
6.6.1	General	100
6.6.2	Housing Objectives	100
6.6.3	Housing Supply	100
6.7	PLANNING IMPACT ANALYSIS	102
6.8	AREA STUDY	103
6.9	ENVIRONMENTAL IMPACT ASSESSMENT	103
SECTION 7	IMPLEMENTATION	104
7.1	GENERAL	104
7.2	ZONING BY-LAW	104
7.2.1	By-Law to Conform to Plan	104
7.3	NON-CONFORMING USES	104
7.3.1	Applications for Enlargements or Extensions of Non-Conforming Uses	104
7.4	PROPERTY STANDARDS BY-LAW	106
7.5	SITE PLAN CONTROL	107
7.6	INTERIM CONTROL BY-LAW	107
7.7	BONUSING	108
7.8	HOLDING	108
7.9	TEMPORARY USE BY-LAWS	109
7.10	LEGISLATION PURSUANT TO THE MUNICIPAL ACT	109
7.11	ENACTMENT OF MISCELLANEOUS BY-LAWS	109
7.12	PLANS OF SUBDIVISION	110
7.13	CONSTRUCTION OF PUBLIC WORKS	110
7.14	CAPITAL WORKS PROGRAM	110
7.15	GENERAL REVIEW OF PLAN	111
7.16	PUBLIC NOTICE OF DEVELOPMENT APPLICATIONS	111
7.16.1	Open House Policies	112
7.16.2	Purpose	112
7.16.3	Components of Open House	112
7.17	EXCEPTIONS	112
7.18	CREATION OF COMMITTEES	113
7.19	PRE-CONSULTATION	113
7.20	COMPLETE APPLICATION	114
SECTION 8	INTERPRETATION	115
8.1	LAND USE BOUNDARIES	115
8.2	ACCESSORY USES	115
8.3	LAND AREAS, POPULATION ESTIMATES, ETC.	115
8.4	AMENDMENT PROCEDURES	115

SCHEDULES

- A, B** **LAND USE PLAN**
- C** **NATURAL FEATURES**
- D** **ROAD CLASSIFICATION**

APPENDIX

- 1** **County of Essex *Guidelines for Environmental Impact Assessments***

SECTION 1 GENERAL

1.1 TITLE AND COMPONENTS

This Plan, when approved by the County of Essex, shall be known as the Official Plan for the Town of Amherstburg. The following text and Schedules “A” to “D”, inclusive, constitute the Official Plan. The policies and land use designations described in this Plan shall guide development and implementing by-laws for the municipality until the year 2025. The document, however, should not be considered static and will be reviewed every five years in accordance with the Planning Act or sooner should economic, environmental, or social conditions suggest that an amendment in policy direction and/or land use designations would be in the public's best interest.

1.2 THE PLANNING AREA

The new Town of Amherstburg was created on January 1, 1998 through the amalgamation of the former Town of Amherstburg, the Township of Anderdon and the Township of Malden.

The following text and schedules constituting the Official Plan for the Town of Amherstburg apply to all the lands located within the Town's corporate limits. The Town of Amherstburg is situated in the south-western part of Essex County and is bordered by the Town of LaSalle to the north, the Town of Essex to the east, Lake Erie on the south and the Detroit River to the west.

1.3 PLANNING HISTORY

Although a relatively new municipality, the three former municipalities have a rich history of planning. This document will be the sixth Official Plan for the portion of the municipality formerly known as Anderdon where official plans have been in effect since 1960. This will be the fourth Official Plan for the former Township of Malden which has had an Official Plan since 1973. The former Town of Amherstburg's first Official Plan was prepared in 1972.

The last update was undertaken in 1999 and that document was for the most part a consolidation of the three former documents with the intent of ensuring continuity in policy direction and appropriate regard to Provincial Policies.

Since 1999, there has been clarification on the delineation of provincially significant wetlands, substantial commercial developments, changes in the industrial composition of the Town, changes to the sanitary sewerage systems and government policies regarding sanitary sewage disposal, changes to the Provincial Policy Statements and the Planning Act, and the creation of a County Official Plan. All of these matters have been assessed to determine what changes, if any, were required of the existing Official Plan policies and designations.

1.4 LEGISLATIVE AUTHORITY

In accordance with Section 17 of the Planning Act, R.S.O. 1990 c. P. 13, as amended, the Council of a municipality may provide for the preparation of a plan suitable for adoption as the Official Plan of the municipality. An Official Plan is defined in the Planning Act as a document, approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a municipality while having regard to relevant social, economic and environmental matters.

Section 24 of the Act further provides that where an Official Plan is in effect, no public work shall be undertaken and no by-law passed for any purpose unless it is in conformity with the Official Plan.

1.5 TIME PERIOD OF THE PLAN

This Official Plan shall provide guidance for the physical development of the Town through the establishment of land use patterns and development policies while having regard to relevant social, economic, and environmental issues for the planning period to 2025.

It is intended that this Plan be reviewed from time to time to determine if new technical, physical, social, or economic conditions have changed sufficiently to warrant amendments to the policies and/or land use designations contained within this Plan. At least every five years, a special public meeting shall be called by Council to invite public opinion on the appropriateness of policies and designations contained within the Plan. The mandatory five-year review process shall also ensure that the Plan conforms to provincial plans or does not conflict with provincial plans, ensure that the Plan has regard to matters of provincial interest and is consistent with provincial policy statements as issued under Section 3(1) of the Planning Act and is in conformity to the County of Essex Official Plan as amended from time to time. Prior to the public meeting Council will consult the approval authority as well as all proscribed local public bodies of Council's intent to review the Official Plan and Council will carry out any necessary updates and amendments and hold appropriate public meetings.

The Town acknowledges that it is the responsibility of the County of Essex to identify, coordinate and provide direction on issues such as population, housing and employment projections and allocations, targets for intensification and redevelopment, and affordable housing. The County of Essex is currently undertaking the mandatory five-year review of its Official Plan wherein the aforementioned issues will be addressed. The Town, in consultation with the County of Essex, shall ensure that this Plan conforms to the policies and direction established by the County Official Plan. In accordance with Section 27(4) of the Planning Act, in the event of a conflict between the County Official Plan and this Plan, the County Official Plan prevails to the extent of the conflict. (Modification #1)

1.6 PURPOSE OF THE PLAN

It is intended that this Plan will be of assistance to both private interests and public administrators. By understanding the future development policies of Amherstburg, private interests will be encouraged to plan their operations accordingly. The public administrators will benefit by the ability to program and evaluate the need for future municipal services such as roads, schools, parks, water supply, drainage, police and fire protection, and health services, as well as municipal administrative staff requirements. The long-term municipal planning will result in the provision of more adequate services at the most economic level. It will also improve certainty, order and coordination of development within the municipality.

The Planning Act requires that Official Plans be consistent with the Provincial Policy Statement (PPS) that came into force on March 1, 2005. In addition, the new PPS directs that no amendments occur to the Settlement Boundary unless the change is supported by a comprehensive analysis of land needs undertaken by the Town. The Planning Act also requires that the Town of Amherstburg Official Plan conform to the County of Essex Official Plan.

This Official Plan sets out in general terms the future pattern of development for the Town of Amherstburg. The Plan's purpose is to:

- (1) identify and establish policies for the desired direction and order of all future development within the Town to the year 2025;
- (2) guide future economic, social, environmental, and land use changes within the municipality to the year 2025;

- (3) provide a policy framework which encourages growth and prosperity in the municipality and strengthens the Town's role as a desirable place to work, live, and visit by maintaining and enhancing the Town's physical and cultural resources which are the basis of the community's desirability and economic wellbeing;
- (4) interpret and apply the intent of Provincial legislation, regulations and policies to the Town of Amherstburg in a manner which reflects the regional interests;
- (5) ensure that good agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to, or compatible with agriculture, away from the agricultural areas while permitting economic opportunities, on the farm job creation, and the continued presence of existing social and recreational support facilities within the rural portion of the Town;
- (6) ensure that the minimum agricultural operation unit size or farm parcel size is sufficient for the typical agricultural operation while also permitting farming operations to adjust to changing economical and technological conditions;
- (7) develop planning policies and implementing regulations that will respect the natural, cultural, and heritage features of the Town, including minimizing any adverse impacts on the natural environment, wildlife habitat, natural heritage features and areas, protecting significant environmental features and the water quality of the area watershed through the application of good management practices;
- (8) establish a land use pattern that ensures sufficient lands have been identified in settlement areas for development to accommodate a variety of housing and employment opportunities to meet current and future needs;
- (9) develop policies that would prohibit uncontrolled development throughout the municipality, ensure a logical and orderly pattern of development in accordance with the servicing capabilities of the Town and with due regard to the cumulative impacts of development on the natural environment and surrounding land uses;
- (10) encourage the provision of affordable housing in a variety of designated locations and a variety of dwelling types;
- (11) ensure that all future development occurs at a pace which is within the financial capability of the Town;
- (12) inform the private sector of the type and standard of development that will be permitted within the Town in the future;
- (13) guide Council, various committees, staff and other regulatory agencies in carrying out the goals, objectives and policies of this plan;
- (14) establish a framework for public involvement in the implementation, review or amendment of the Plan's goals, policies and land use decisions;
- (15) provide a frame of reference for future detailed studies which may be undertaken when considered necessary by Council.

1.7 BASIS OF THE PLAN

1.7.1 Studies Completed, Previous Amendments and Consultation

This Plan is based on the results of numerous planning studies and decisions made by the Council of the Town of Amherstburg.

Since 1999 a number of studies have been prepared including:

- sanitary sewerage capacity studies,
- road needs studies including a regional road needs assessment,
- water modelling studies and demand management assessments,
- commercial land need assessments,

- tourism - wayfinding, signage and promotion reports,
- detailed residential capacity studies and land needs assessments,
- commercial land needs studies,
- industrial land needs assessments,
- development charges by-law study,
- recreational needs assessments and parkland requirements,
- County Official Plan and background studies
- County Housing Analysis.

In addition, since 1999 there have been six amendments to the Official Plan. Several of the amendments have resulted in a closer look at the adequacy of the design and heritage elements of the Town's document. Three of the amendments were needed due to insufficient lands being designated for newer format commercial development.

In addition, a public open house and public meetings have been held to solicit public opinion on the adequacy of the existing document.

The studies have identified the strengths and weaknesses within the existing Official Plan. Council and administration have concluded that a new Plan is required which will establish a comprehensive policy direction at a level of detail which will reduce problems of interpretation, reflect current provincial policies and reduce the need for amendments.

Meetings/interviews have been held with many land owners, staff and councilors in order to obtain insight into the current thinking, desires, objectives and problems.

Development activity since 1999 has been compared to the land use information collected in 1998 and 1978 to determine the built form's impact on the landscape, determine the impact of severance activity and determine the areas with the greatest "draw".

Past activity - either building or demographic - is not the only factor used to determine future land needs. New trends, economic promotions and unforeseen development opportunities will also alter the land needs for the municipality. The development activity on Bois Blanc Island is a good example of an unforeseen development. Due to the uniqueness of an island location, the associated challenges of access and the marketing employed, the people who purchase homes on Bois Blanc will probably not be people who form part of the population projections developed from traditional cohort survival modeling. Therefore, any lands needed for the Bois Blanc/Boblo development are over and above those projected cohort model. Servicing needs for the development, however, have formed part of the Town's master servicing plans. New owners of the island have developed concept plans for a very aggressive imaginative residential/recreational and commercial community of over 1800 dwelling units with marketing targeting American residents. Development will occur on full municipal services.

Over the past few years, the Town has experienced considerable growth, has made recent improvements to the sewer and water infrastructure, has more improvements planned and has developed a master servicing plan to address long term needs. Over the past few years the Town has also had to address a variety of planning issues and, as all municipalities in Ontario, has had to reassess their policies in light of changing provincial policies. This update addresses the unique planning issues facing the Town of Amherstburg and has provided a strategy for managing growth over the next 20 years.

1.7.2 The Ontario Planning Act

The Ontario Planning Act requires that municipalities undertake a mandatory review to determine whether or not their Official Plan is meeting the needs of the community and conforms to the policies of the Province and the County, as expressed from time to time, at least once every five years (Section 26.1 R.S.O. 1990 c.P.13).

Changes have also occurred to the Provincial Policy Statement (PPS), with a new PPS coming into force on March 1, 2005. The new PPS includes, among other things, a greater clarity on the way Provincial Policies are to be implemented in local official plans (Part II Legislative Authority), a requirement that changes to the Settlement Boundary only occur at the time of a comprehensive review (policy 1.1.3.9) and tighter restrictions on development within the agricultural portion of the community (policy 2.3). The PPS sets out key policy directions that a local Official Plan should address including growth management, housing, employment opportunities, strategies for downtown viability, tourism, servicing and infrastructure, recreation and leisure, protection of the natural environment, appropriate transportation systems, improved accessibility, water quality and quantity and air quality, energy efficiency, protection of heritage and archaeological resources, agriculture resources, minerals and petroleum resources and aggregate resources.

The Planning Act has also been amended to give greater clarity to how a municipality can assist in the redevelopment of brownfields under a community improvement program.

The Town of Amherstburg's Official Plan update has taken into consideration the amendments to the Planning Act including the new directives of the Provincial Policy Statement.

1.7.3 Ontario Smart Growth

In addition to a new PPS there is also the Ontario Smart Growth Initiative which identified six strategic directions for the Western Zone of Ontario in which Amherstburg is located. The six strategic directions are in keeping with the new PPS and changes to the Community Improvement policies of the Planning Act and include: identify and invest in a system of service nodes and sectoral networks; protect the natural environment and resources and quality of life through more effective planning, co-ordination and co-operation across the zone; support a strong and viable agricultural sector; facilitate more efficient movement of people, goods and information; ensure a sustainable, reliable and affordable supply of energy and promote a strong and vibrant economy.

The Smart Growth Panel also developed more detailed recommendations for development and energy efficiency that are relevant to the Official Plan update that include:

- accommodate projected growth pressures and demographic change while protecting and enhancing unique natural and other resources;
- make more efficient use of urban land and existing infrastructure;
- safeguard and enhance water resources;
- encourage and allow higher density development and a mix of land uses that:
 - make efficient use of land;
 - make the best use of existing infrastructure and services;
 - support energy conservation through compact development and the construction of energy efficient buildings;
 - support downtown revitalization, intensification and brownfield redevelopment in settlement areas;

- direct new development to existing settlement areas, and provide for compact development and densities that maximize the use of and reduce the consumption of land;
- ensure from the initial planning stage that land use planning practices (such as compact development and optimal building orientation) that achieve energy conservation are implemented. This may include a requirement that municipalities adopt land use planning policies and supporting by-laws that achieve measurable per capita energy reduction; and
- maximize attractiveness of the area as a prime tourist destination.

The review and update of the Town of Amherstburg Official Plan has taken into account the Smart Growth directives of the Province of Ontario.

1.7.4 Growth and Development

One of the major elements that the new Official Plan has addressed is how much growth will or should occur and where are the most appropriate locations for settlement areas.

The selection of specific areas for development also affects other elements of the community and Official Plan, such as agriculture policies, consent policies, servicing issues, financial budgeting, and transportation patterns.

A conservative estimate of the future population for the new community would be a growth from the 2003 population of 21,150 persons to 30,569 persons by the year 2025.

The County of Essex in conjunction with the City of Windsor recently completed a Housing Analysis and Recommended Strategies. As part of that analysis population projections were reported for the Town of Amherstburg utilizing projections prepared as part of the Essex County Official Plan. The medium scenario population projection was that by 2021, 28,521 persons would reside in Amherstburg.

Taking the medium scenario projection out to the year 2025 would result in a population projection of 30,569. The number of new households required to accommodate the projected population growth to 2025 would be 5,901 dwelling units.

For planning purposes, a greater land base is required to accommodate the number of new dwelling units than just a straight calculation of number of units per acre. Other factors such as vacancy allowance, development constraints, choice and the need for supporting social services must also be accommodated as part of the residential lands needs calculation.

As a result, an average of between 250 and 270 building lots are needed every year to accommodate the basic residential land needs of the community.

The areas selected for new growth have been those areas that are currently or can be serviced with municipal sanitary sewer service and water supplies. For the most part areas selected for new development are extensions of established areas in order to efficiently provide (hard and soft) services to the residents of the community.

1.7.5 Identified Areas for Residential Development

The main areas identified for residential development are:

- (1) the old Town of Amherstburg;

- (2) lands immediately to the south of the old Town (up to the Big Creek fill regulation which is now known as the Limit of the Regulated Area);
- (3) lands to the north of Texas Road (up to the Edgewater sewage treatment facility);
- (4) McGregor;
- (5) Bois Blanc Island; and,
- (6) Amherst Point.

These areas are where the greatest concentration of development has already occurred, or has been planned for, and are areas located within sanitary sewer service areas.

The old Town of Amherstburg has the greatest concentration of support services such as parks, open space, schools, churches, social services, medical services, commercial facilities and employment opportunities.

Even after services were upgraded in McGregor, and installed in Amherst Point, Bar Point and Lakewood Beach, development activity in these areas will continue to be limited as the sanitary sewerage service was primarily designed to address existing problems and existing development.

In the areas north, south, and east of Amherstburg (old town), there are approximately 650 to 700 acres of land that is a logical extension of the existing development pattern. Additionally, there are existing lots and vacant lands on Bois Blanc that are proposed for development.

Population projections, agricultural resource protection, the need to ensure that development occurs within areas on full municipal services and the need to be consistent with the Provincial Policy Statement cannot justify a permissive consent policy within the Agricultural areas of the municipality nor a significant expansion to the Settlement Area boundaries at this time. As the document is to be reviewed every five years an assessment of land needs will be monitored.

1.7.6 Agriculture

The predominate soil classification in Amherstburg's agricultural landscape is Class 1 and 2 under the CLI (Canada Land Inventory) land classification system. As one of Ontario's most southern municipalities adjacent to the moderating influence of water (Lake Erie and the Detroit River), the great soils and added heat units make the agricultural resource base among the highest in the Province. If farm parcel sizes are to remain viable there is a need to restrict the division of agricultural land and to restrict the number of incompatible non-farm residential units. The high heat units also make this area very desirable for specialty farms and greenhouse developments that can function on smaller farm units. Greenhouse and specialty farming can bring their own issues such as excessive water usage, storm water run-off from large structures in an area of clay soils, and excessive light pollution. Special policies to guide this form of agriculture are required to ensure land use compatibility even within the agricultural community.

The number of vacant lots and the desire by local residents to create additional lots in the agricultural areas is significant and, as observed during the public involvement portion of this study, many property owners would like the policies to be more permissive. If the Town is going to promote development where services are being provided and protect the agricultural land base it must direct development to where services are provided. Past servicing problems in McGregor and along Amherst Point and other shoreline developments are all good indicators that septic systems do not function well in a clay soil environment so development on unserviced land will be very limited.

1.7.7 Natural Environment

There are significant portions of the Town of Amherstburg that are comprised of Provincially Significant Wetlands and Environmentally Significant Areas (ESAs), Areas of Natural and Scientific Interest (ANSI), valley lands, watercourses, shorelines, floodplains, woodlots, and other areas of natural heritage. In addition, there are wetland areas that are of local significance but have yet to be evaluated. The quality and the quantity of the natural environment must be protected and restored wherever possible.

The Ministry of Natural Resources and the Essex Region Conservation Authority have recently updated the mapping of these significant natural heritage features. This Official Plan update has included the new boundaries of these resources within the various land use schedules that form part of this Plan. Policies have been created to clarify issues such as what is meant by “adjacent” and the range of uses permitted within “abutting” lands.

Additionally, the presence of a significant shoreline along the Detroit River and Lake Erie is both an asset and a liability. Maintenance of visual access to these natural wonders is in the best interest of both the residents and visitors. Erosion and flooding of lands adjacent to these waterways must also be addressed by the policies of this Plan with guidance being supplied by the Essex Region Conservation Authority.

The Town of Amherstburg will evaluate applications associated with any natural environmental area or on lands adjacent to or abutting lands that are designated as a Wetland or Natural Environment. The Town will also pursue the concept of developing linkages between the natural areas for wildlife corridors.

1.7.8 Servicing

The uncommitted reserve servicing capacity in the various sewage facilities that service certain areas of the Town has been evaluated and recommendations for expansions and/or upgrades have been made. It is a goal of the Town that the provision and extension of municipal services shall occur in an orderly sequence. This Official Plan will provide guidance to the logical staging and phasing of future development.

The communities of Amherst Point and Lake Erie Country Club have recently received sanitary sewers. There is some additional development opportunity within this area.

The community of McGregor has recently had improvements completed to the sanitary sewage lagoon that services this area. Additional investigation into further upgrades and reductions in infiltration will also increase the development potential of this area. As improvements are completed developers will be allocated capacity in proportion to their land holdings and their application status.

The lands to the north of Texas Road have been extensively analyzed as to whether or not the Edgewater Lagoon, located to the north, should be upgraded, decommissioned, and/or whether the area should be serviced by the Town of Amherstburg's main sewage treatment plant located to the south. This area will be serviced through upgrades to the Amherstburg Sewage Treatment facility. The Town is also developing additional capacity at the plant through storm sewer separation and elimination of infiltration locations.

Development of the vacant lands east of Fryer Street will occur following the upgrades to the Amherstburg Sewage Treatment facility and the construction of appropriate trunk sewers on either Simcoe Street or Lowes Sideroad to the Amherstburg Treatment Plant.

A trunk sewer to the Amherstburg Treatment Plant is also required before lands to the south of Lowes Sideroad can be developed.

Upgrades and/or expansion of the Amherstburg Treatment Plant or to the Boblo Sanitary Sewage Treatment facility to accommodate additional development on Bois Blanc (Boblo) Island are being pursued.

Development Charges and/or developer funded and/or financial assistance from higher levels of government for the construction of trunk lines and treatment plants will play an important role in financing the construction of the necessary servicing facilities.

Water capacity issues are also being investigated. Concern over large water utilizers establishing within either the agricultural area or the industrial lands east of Howard Avenue has led to the creation of policies to restrict large water consumer type land uses from locating in these areas. The primary focus for water upgrades will be within the Settlement areas or linkages to the Settlement areas or areas designated for development.

1.7.9 Industrial and Commercial Lands

The Town of Amherstburg was the home of General Chemical/Allied Chemical. General Chemical lands are located within the Amherstburg Settlement Area adjacent to the Detroit River between the Town's two largest areas of residential concentration. In addition to a large chemical plant General Chemical also had extensive brine wells, waste settling beds and quarrying operations associated with the chemical plant. Although the industry has ceased as of January 2005 there continues to be an obligation to address the issue of the brownfields left by this industry's past activities.

The quarry operation had been acquired by a local quarry/gravel operator and will continue to operate in a manner similar to how it has operated in the past.

The brine extraction lands have been sold to individuals interested in various recreational and residential forms of development. Concerns relating to servicing, land stability and provincially significant wetlands may limit any development on the former brine extraction property. Special policies to guide the after use of these lands will form part of this Official Plan.

The front portion of the chemical plant property was proposed for a general commercial development. While the proposal for commercial development in this location is very sound, recent inquiries would indicate that there may be interest in redeveloping the General Chemical lands for another heavy industrial use. The Town's desire for a balanced economy and job creation has resulted in a dual designation for this portion of the site to provide for the greatest flexibility between what was and what could be.

Within the Heavy Industrial designation referred to as the General Chemical lands is located Honeywell International Inc. Honeywell Chemicals is one of the largest producers of hydrofluoric acid and the Amherstburg plant employs 103 persons. Past consents to Honeywell have rendered certain parcels land-locked but with easements over the General Chemical lands. Future development of lands within this Heavy Industrial designation will address issues of access, buffering, servicing constraints and site rehabilitation.

As of June 2005, the Town has also lost another industry – Nexen. The site is located adjacent to the General Chemical lands. In 1981 when the plant was constructed, the road to this portion of the industrial park was closed for safety considerations. The company is

proposing to demolish the plant. Once the plant is removed concept plans as to how this area is to develop need to be part of any applications for redevelopment.

Extractive industrial activities consist of the two active quarry operations. One is located in the north-eastern part of the Town on the west side of Howard Avenue. This operation has recently closed North Side Road in order to move the operation in an orderly manner northerly. The second quarry operation is found in the former town of Amherstburg at the intersection of Simcoe Street and Meloche Road. In addition, the lands on the east side of Howard Avenue south of North Side Road have had an extraction license issued though to date it has not been opened. Blasting occurs in association with the quarry operations and as a result special building designs to reduce any negative impacts from the noise and vibration caused by blasting are encouraged for development in close proximity to the extractive industrial sites.

Limited service commercial uses are offered in McGregor, at the intersection of Texas Road and County Road No. 5, and in Malden Centre. The main concentration of commercial and service and institutional uses is and will continue to locate in the former Town of Amherstburg.

As the former General Chemical utilized a significant portion of the lands identified for industrial development the Town created a new industrial park east of Howard Avenue and north of North Side Road. This 830-acre site has several well-established industries. Although the majority of the lands continue to be farmed, concept plans have been developed to provide guidance for future industrial development. There are some concerns regarding the volume of water that can be supplied to this area so policies have been developed to limit the range of industrial users to uses with traditionally lower water consumption.

1.7.10 Other

As opportunity arises, the Town is prepared to provide and encourage the provision by others of recreational and institutional facilities that are necessary to service the increase in residential development in the municipality.

SECTION 2 LAND USE MANAGEMENT STRATEGY FOR DEVELOPMENT

2.1 GENERAL

In order to effectively accommodate the current and future inhabitants of the Town of Amherstburg in an orderly and logical manner the following general development policies and principles shall be applied to all land use designations and development within the Town.

The Town of Amherstburg will endeavour to ensure that:

- (1) the various School Boards are satisfied that adequate provision to accommodate any additional school children be made;
- (2) sufficient community facilities such as parks or recreational facilities can be provided;
- (3) any increases in traffic can be accommodated by the road network without causing unacceptable congestion, accident hazard, or nuisance to adjacent residential areas;
- (4) residential amenities are maintained;
- (5) development has regard for the natural environment and ensures that *it is demonstrated there are no negative impacts on the features or their functions; (Modification #2)* and
- (6) adequate municipal services such as sewage disposal, water supply, storm drainage, police and fire protection, and garbage disposal can be made available without undue additional cost.

Council will promote the economic growth by promoting Amherstburg and cooperating with the Federal Government, the Province, and the County to attract industry and commerce to the Town.

The Land Use Management Strategy for Development policies of this Plan have been established in order that future development of the Planning Area is controlled in an orderly and systematic basis. New development or redevelopment in Amherstburg should follow the guidelines outlined below.

2.2 LOCATION OF DEVELOPMENT

In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services that are not economically feasible to provide, improve, or maintain. Instead, development will be permitted only in locations where demands on public services will be minimized, or where it can most effectively utilize existing services, or where new services can be economically provided and maintained either by the Town or by the developer. As per Section 34(5) of the Planning Act, R.S.O. 1990 c.P.13, the ability to properly service the land will determine whether development shall occur, notwithstanding the existence of an appropriate Official Plan designation and/or zoning.

Sufficient land has been designated in this Plan to accommodate the anticipated growth within the planning horizon, and site-specific expansions of the settlement area boundaries will not be permitted. (Modification #3) In keeping with the Provincial Policy Statement there will be no expansion of the boundaries of the Settlement Area beyond those identified on Schedule "A", Land Use Plan, unless the expansion is part of a five year review process and/or it has been determined through a comprehensive review that there is insufficient opportunities for growth through intensification, redevelopment, and designated growth areas to accommodate the projected needs of the Town of Amherstburg over the identified planning horizon.

2.3 SITE SUITABILITY

Prior to the approval of any development or amendment to this Plan or the Zoning By-Law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:

- (1) soil and drainage conditions are suitable to permit the proper siting of buildings;
- (2) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;
- (3) the road system is adequate to accommodate projected increases in traffic;
- (4) the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction;
- (5) lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing By-Law; and,
- (6) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural environmental features and functions.

2.4 DEVELOPMENT CHARGES

In order to defray costs to the Town associated with any development or redevelopment, the Town may implement any or all of the provisions of the Development Charges Act, as amended.

2.5 INDUSTRIAL AND COMMERCIAL SERVICES

The Town of Amherstburg wishes to encourage businesses and industries to locate within the community to provide employment opportunities and to increase the assessment base. The Town also wishes to encourage the retention of disposable spending dollars within Essex County and Amherstburg in particular. In order to achieve these objectives, the Town may participate in the development of additional or expanded business/industrial park sites and/or the provision of services to privately owned industrial lands so as to ensure an adequate supply of available serviced employment lands within the Town. The Town may also identify an area suitable for new format retail or service commercial opportunities while having regard for the existing commercial development. In doing so, the Town shall have regard to the relevant policies of this Plan.

2.6 WATER SUPPLY AND SEWAGE DISPOSAL

2.6.1 Public Piped Systems

Urban development or redevelopment in the Town of Amherstburg shall be directed to established Settlement Areas and developed on the basis of public piped water and sanitary sewer systems. In certain instances, this may entail extensions and/or improvements to the existing public piped systems in order to service areas of new urban development.

Where the servicing of new urban development requires extensions and/or improvements to the existing public piped systems, such servicing will generally be financed, constructed, and maintained by the developer before being turned over to the Town.

If extensions to the public piped system are proposed outside of the established municipal sewage/water service area, the Environmental Assessment Process will be followed to consider the expansion of the established municipal sewage/water service area.

2.6.2 Communal Systems

Development, if permitted by the Land Use Policies of this Plan, in areas where the public sanitary sewage treatment and/or water services is not readily available or is not intended, may, subject to the findings of a Servicing Options Statement, satisfactory to the Town and the applicable statutory approval authority, take place on communal sewage and water services.

Where a communal system is proposed, the Town shall own the system or shall make alternative ownership arrangements that comply with the Ministry of Environment requirements. The communal system may be required to be capable of integrating with the Town's established municipal piped sanitary system if required. An Impact Assessment will be prepared by the applicant and submitted to the Ministry of Environment or its agent for approval where a private communal system is proposed for multi-lot or multi-unit development of more than five (5) lots/units.

2.6.3 Private Individual On-Site Services

Development of 5 or less lots/units, if permitted by the Land Use Policies of this Plan, may take place on private individual on-site sewage disposal systems and/or private wells in areas where public and private communal systems are not intended or are not readily available.

Within a Settlement Area, Council approval will be required before any development is permitted on private individual sewage disposal and/or water systems. Approval may be conditional on proof of a potable water supply and soil suitable for septic tanks for the long term. Connection to public systems, should they become available, will be mandatory. Information that Council may need will include the potable groundwater quality, groundwater yield, groundwater interference, soil suitability and the lot area for effluent treatment.

Areas currently on private systems shall also be required to connect to a public system should the services become available.

2.6.4 Servicing Strategy/Full Municipal Services

New proposals shall not be granted development approvals unless adequate uncommitted reserve water and sewage treatment capacity is demonstrated to be available to be allocated to accommodate the development of the site. Any development on public piped, private communal, private individual on-site or partial services within a Settlement Area must be within the uncommitted reserve sewage system and uncommitted reserve water system capacity. The determination of sufficient reserve sewage system capacity shall include treatment capacity for any hauled sewage from private systems. The availability of uncommitted reserve capacity shall be determined by qualified engineers to the satisfaction of the Town and shall be based on the Ministry of Environment policies and guidelines.

When the capacity of the water and sewage facilities have been fully allocated, and prior to the facilities reaching their hydraulic capacity, the Town shall demonstrate a commitment to the expansion of the facilities in accordance with the municipal servicing strategy/plan, before additional approvals are given to further development proposals. Limitations in the capacity and operating performance of the water and sewage facilities will be recognized as a constraint to the approval and timing of new development proposals.

It shall also be the policy of the Town to not grant sewage allocation until the time of draft plan of subdivision approval. Draft plans of subdivision sewage allocation, however, shall be

limited to three years in order to ensure reserve capacity is efficiently and effectively utilized. When 90% of the hydraulic design capacity of the plant has been utilized by development, Council shall initiate expansion of the plant. While the process for plant expansion is underway, Council will not approve new development or issue building permits for development which would result in flows to the facility exceeding its hydraulic design capacity.

Should Council permit development on private communal or individual on-site sewage disposal and/or water systems development agreements and subdivision agreements shall require that the development is designed for future connection to piped municipal water and sewage systems. Agreements shall also provide for an equitable distribution of costs of future servicing either through the collection of development charges or future local improvement charge billing.

All services, whether private, communal or municipal, shall comply with the requirements of the Ministry of the Environment, the Environmental Protection Act, Ontario Water Resources Act, and other Provincial and municipal requirements, as applicable. For the purposes of this Official Plan communal package plants are also considered full municipal services if owned and operated by the municipality.

2.7 STORMWATER MANAGEMENT POLICY

Stormwater management shall be required to ensure that runoff is controlled such that development does not increase peak flows to any greater extent than pre-development runoff in watercourses that impact on downstream flooding, to institute runoff control to prevent accelerated enrichment of watercourses from pollutants, and to enhance water quality and aquatic habitat.

Prior to any development being allowed to proceed, and if required by the Town of Amherstburg and/or the Essex Region Conservation Authority, the developer shall undertake an Engineering Study to determine the effect of increased run-off due to development of the site, and to identify stormwater management measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, and to control the quality of the stormwater discharge from the site.

It shall be the responsibility of the developer to install the stormwater management measures identified in the study as part of the development of the site, to the satisfaction of the Town and the Essex Region Conservation Authority.

In reviewing individual development applications, Council will, where applicable, require developers to utilize appropriate stormwater management techniques to minimize erosion and siltation of watercourses and open drains and to not adversely affect upstream or downstream property owners.

In addition to the Essex Region Conservation Authority and the County of Essex, the Ministry of the Environment shall also be consulted on stormwater management plans in situations where statutory approvals are necessary under the Ontario Water Resources Act and/or in situations where development is proposed adjacent to a County Road. Stormwater management plans will be considered in light of the Ministry of the Environment's current Stormwater Management Practices Planning and Design Manual.

The preparation of stormwater management plans on a watershed or subwatershed basis is encouraged; consideration shall be given to the recommendations of any Watershed and Subwatershed Studies. These studies will provide guidance when dealing with any new development within the watershed or subwatershed area. Subwatershed planning will be supported

in areas experiencing urban development pressures and in areas where significant environmental concerns are identified. Priority areas for subwatershed studies will be established in consultation with the Essex Region Conservation Authority and the Ministry of the Environment. Significant findings and recommendations from these studies may result in amendments to this Plan.

Preliminary stormwater management plans, acceptable to the Town of Amherstburg and the Essex Region Conservation Authority and the Ministry of the Environment, will be required in advance of draft plan approval of all subdivisions or applications involving significant lot creation and/or development. Pre-submission and consultation with the Ministry of the Environment staff on measures of stormwater management works in keeping with the most current design manuals pursuant to Section 53 of the Ontario Water Resources Act shall also be encouraged.

Stormwater management techniques are constantly evolving as well as being dependent on the location. Thus, new development will comply with the stormwater management standards in general acceptance at the time a development application is made, through consultation with the Conservation Authority and the Ministry of the Environment.

The use of dry ponds which can be located adjacent to parkland for the purpose of maximizing the space available for public use is encouraged, however, such lands are not considered part of the mandatory parkland dedication. Wet ponds are encouraged to be incorporated into subdivision designs as aesthetic features of the community.

In some areas designated for urban development, it may be necessary for some storm sewer oversizing and deepening to occur. The design and construction of all storm sewers and improvements to natural watercourses shall have sufficient capacity to serve all areas which ultimately may be connected to sewers or open watercourses.

Surface water (quality and quantity) management plans shall be required for any new development consisting of more than five lots or for commercial or industrial developments with large amounts of impervious area.

Such plans may be required for other developments, as determined by the Town and in consultation with the Essex Region Conservation Authority and the Ministry of the Environment, if the area has existing drainage problems or if runoff could significantly affect adjacent lands or water quality.

2.8 SOLID WASTE MANAGEMENT

This Plan encourages the joint planning and use of solid waste management sites by the Municipalities within the district, in conjunction with the County of Essex and the Ministry of the Environment.

The Municipality shall encourage recycling programs that will have the effect of reducing, reusing and recycling waste.

2.8.1 Former Waste Disposal Sites

Schedules "A" and "B" show the location of former waste disposal sites (as of the date of County approval of this Official Plan). For any new development or change of use on these sites, on lands located within 500 metres of former waste disposal sites measured from the perimeter of the fill area, the Town shall require the applicant to undertake a study, prepared by a qualified professional, that evaluates the presence and impact of environmental contaminants including, but not necessarily limited to, methane gas and leachate migration in soils. The study will address the feasibility of mitigation measures if required. If it is found

that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused.

An appropriate land use buffer shall be determined through a site-specific assessment of the nuisance effects from the operation of the landfill. For operating and non-operating landfills no development may take place within 30 metres of the perimeter of the landfill area. Technical studies prepared by a qualified professional will identify the technical controls required for any leachate and/or gas. The land use buffer, however, may be increased to account for noise, dust, litter, odors, and other nuisance effects.

No development, or change of use is permitted on a waste site itself for a period of 25 years from the year in which such land ceased to be used for the disposal of waste unless the approval of the Minister for the proposed use had been given, in accordance with Section 46 of Ontario's Environmental Protection Act, as amended from time to time.

2.8.2 Waste Settling Beds

The former General Chemical site and the Honeywell site have active waste settling beds, inactive waste settling beds and settling beds under remediation but closed. The Honeywell settling bed is considered an active waste disposal site. Any new development or change of use on the site or within 500 metres of any of the waste settling bed sites as measured from the perimeter of the settling bed shall require an applicant to undertake a study, prepared by a qualified professional, to evaluate the presence and impact of environmental contaminants and any leachate migration in the soils. The study will address the feasibility of mitigation measures if required. Depending on the results of the study, development may be restricted, conditions may be imposed or development may be refused. Appropriate buffering may also be applied as determined by the study.

No development may be permitted on the waste settling beds unless approval has been granted under Section 46 of the Ontario Environmental Protection Act.

2.9 SEWAGE TREATMENT PLANTS

Schedules "A" and "B" show the location of all sewage treatment works in the Municipality. No sensitive land uses will be permitted within 100 metres of the property lines of the properties housing the Town's sewage treatment works. Where practical, sensitive land uses should not be placed adjacent to treatment facilities.

2.9.1 Measuring Separation Distances

The separation distance will be measured from the periphery of the noise/odor producing source-structure to the property line of the sensitive land use.

2.9.2 Acquisition of Buffer Areas

The Town, when considering the development of new sewage treatment facilities, or the enlargement of an existing sewage treatment facility, should also consider acquiring an adequate buffer area as part of the project.

When the acquisition of an adequate buffer areas is not possible, alternatives to buffer area acquisition may be considered in accordance with the Ministry of the Environment Guideline D-2 *"Compatibility between Sewage Treatment and Sensitive Land Use"*, as amended.

2.10 PUBLIC PARKLAND

2.10.1 Public Parkland Standards

Community parkland shall be established, in accordance with the policies of this Plan, on the basis of 4.0 hectares per 1,000 population. Such parklands are intended to serve the residents of Amherstburg.

2.10.2 Parkland Dedication

Whenever development or redevelopment of lands is proposed, the Town shall, as a condition of approval, require that:

- (1) For residential development, up to five percent (5%) of such lands for development at densities of 14 units per gross hectare or less, or one hectare (1 ha) for every 300 dwelling units for development at densities greater than 14 units per gross hectare, be conveyed to the Town for park purposes;
- (2) For commercial and industrial development, up to two percent (2%) of such land be conveyed to the Town for park purposes;
- (3) For mixed use developments, up to 5% of the lands proposed to be developed or redeveloped for residential purposes, or 1 hectare of land per 300 dwelling units proposed, whichever amount is greater, plus 2% of the land area used to accommodate the total floor area of buildings and structures used for commercial and/or industrial purposes, be conveyed to the Town for park purposes.

All lands to be so conveyed shall require approval by the Town and under no circumstances will Municipal Council be obligated to accept parkland which is being offered by an applicant for a proposed plan of subdivision. Lands having environmental constraints may not be acceptable to the Town.

2.10.3 Cash-in-Lieu of Parkland

The Town may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be determined by an appraisal authorized by the Town. The value of the lands shall be determined as of the day before the day the issuance of the building permit as outlined in Section 42 of the Planning Act, R.S.O. 1990 Chap.P.13. For plans of subdivision, the value of the land is determined as of the day before the day the Draft Plan is approved, as outlined in Sections 51.1(3) and (4) of the Planning Act, R.S.O. 1990 Chap.P.13. or as specified in the Planning Act as amended from time to time. For the purpose of establishing a convenient and equitable basis for accepting cash-in-lieu of land dedication, a fixed cash payment per dwelling unit shall be charged by the municipality and such charges shall be adjusted annually to reflect the general rate of increase in land values throughout the Town. Funds collected under the alternative conveyance regulations shall be used for parkland upkeep, parkland development, recreational facilities, acquisition of natural habitat areas, and for the protection of natural habitat areas.

Cash-in-lieu of land dedication shall be considered by Council when:

- (1) The required land dedication fails to provide an area of suitable shape, size, or location for development as public parkland or to accommodate the development of a desirable range of parks and recreation facilities according to the standards prescribed in this Plan; or
- (2) The required dedication of land would render the remainder of the site unsuitable or impractical for development; or

- (3) Existing park and recreational facilities in the vicinity of the site are, in the opinion of Council, already adequate to serve the projected increase in population; or
- (4) Where more suitable parcels of land are available for municipal park purposes.

2.11 BUFFERING (*Modification #4*)

The proposed development and redevelopment of all land in the Town must generally be compatible with adjacent land uses. Residential areas and other sensitive land uses, such as nursing homes, shall be protected from undesirable air quality and excessive noise and vibration through the policies of this Plan and the use of Site Plan Control.

Developers proposing to locate residential or other sensitive land uses near industry, railway lines, and/or arterial roads may be required to carry out noise, air quality and/or vibration assessments and determine control measures which are satisfactory to the Ministry of Environment and/or the Town and which meet the Ministry's recommended sound and vibration limits.

The Town may use Site Plan Control in accordance with Section 7.5 of this Plan to require buffering between uses of land where there may be conflicts such that one use may detract from the enjoyment and functioning of the adjoining use. Such buffering will be considered in light of the Ministry of Environment's guideline entitled *Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses*, as amended from time to time, and may include landscaping, screening and the separation of uses by extra distance between them.

Added conditions such as increased yard requirements, planting strips, fencing, and/or berms, defective lighting, restrictions of use of certain portions of the land, etc., are all added requirements that may be imposed to offset aspects of incompatibility between any two land uses.

In areas where a conflict already exists between residential and non-residential land uses, the Town may consider the erection of a buffer such as sound attenuation fencing as either a general or local improvement.

Development proposed adjacent to lands designated as Provincially Significant Wetlands, *Woodlots (Modification #5)* or Natural Environment will be subject to Environmental Impact Assessments which may also result in the provision of a buffer to ensure no negative impacts on the natural features and their ecological functions. More detailed policies are provided in Section 3.4 and Section 6.9.

2.12 HERITAGE CONSERVATION

It is the policy of this Plan to encourage the restoration, protection, conservation, and maintenance of the Town's archaeological and heritage resources, which include buildings and structures of historical and/or architectural value, as well as the natural heritage landscape. All new development or redevelopment permitted by the policies and designations of this Plan shall have regard for the conservation of heritage resources.

It shall be the policy of the Town to use all relevant legislation and programs whenever possible to encourage the preservation and enhancement of heritage resources and to develop a greater awareness of the value of heritage conservation in the community. When appropriate and necessary, the Town will use the provisions of the *Ontario Heritage Act* to conserve, protect and enhance the Town's heritage.

As natural heritage includes visual landscape corridors such as along the Lake Erie and Detroit River shorelines and natural watercourses, this Plan will use the "Wetland" and "Natural Environment" designations to assist in preserving the natural heritage features as well as site plan

control and increased separations or setbacks supported by Environmental Impact Assessments.

The Town will circulate development applications to the County for identification of any potential impact on areas containing registered archaeological sites or lands of archaeological potential such as along watercourses. Development on lands containing significant archaeological resources shall avoid the destruction or alteration of these resources. Where such avoidance is not possible, the development proponent shall conserve significant archaeological resources through the removal and documentation in advance of any land disturbances, and in accordance with archaeological licensing provisions of the *Ontario Heritage Act*. Archaeological site locations and areas of archaeological potential will be determined by the Town based on registered site data and potential screening criteria provided to the Town by the Ministry of Culture.

Detailed policies on Community Improvement, Heritage Conservation and Economic Development are found in Sections 6.3, 6.4 and 6.5 of this Plan.

2.13 ENERGY CONSERVATION

The Town shall promote energy conservation by encouraging developers to implement designs that attempt to minimize energy use. Such techniques as innovative building designs, efficient road patterns, lot layouts and landscaping, all of which can reduce future energy requirements, shall be encouraged. The Town shall also encourage involvement in various energy conservation programs.

2.14 UTILITIES

2.14.1 Electric Power Facilities

In accordance with Section 62 of the *Planning Act*, R.S.O. 1990 Chap.P.13, as amended, any use of lands, buildings or structures by the providers of hydro transmission and/or hydro generators, that is subject to and approved under the Environmental Assessment Act, shall be exempt from the policies of this Plan and the provisions of the Town's Zoning By-law. However, any use of lands, buildings or structures by the providers of hydro transmission and/or hydro generators that are not subject to approval under the Environmental Assessment Act such as executive, administrative and retail uses, shall comply with the policies of this Plan and the provisions of the Zoning By-law.

2.14.2 Wind Turbines

The development of wind energy facilities in suitable locations in the Town of Amherstburg is a sound planning objective. Wind turbines or wind energy conservation systems shall be regulated by this Plan, the Town's Zoning By-law and by the requirements of the Ministry of the Environment. This Plan shall require an application to be filed for Zoning By-law Amendment for a wind energy facility together with sufficient supporting material as determined by the Town.

Within the Town's defined Settlement Areas, extensive buffering requirements around wind energy conversions systems would result in the inefficient use of land contrary to the directives of Provincial Policy. Further, the potential visual impact of wind turbines within the defined Settlement Areas of the Town of Amherstburg is also of concern. Therefore, wind farms comprised of multiple wind energy conversion systems shall not be permitted within any identified Settlement Areas of the Amherstburg Official Plan other than within the Industrial designations located along Howard Avenue and only if in accordance with the regulations established in the Zoning By-law. Utilization of lands within a Settlement Area for the application of an individual wind energy conversion system will only be considered on

properties that can accommodate all required setbacks as set out in the Zoning By-law within their land holding and will be subject to a site-specific Zoning By-law Amendment and proper justification of the use at the proposed location to the satisfaction of the Town.

Small scale wind energy conversion systems are permitted as accessory structures within the Agricultural, Industrial and Institutional designations. The general provisions of the Zoning By-law will define the maximum permitted scale of these facilities and establish minimum setbacks and other requirements for small scale wind energy conversion systems. Any variation to the general provisions and any commercial-scale wind energy conversion systems as defined in the By-law will require a zoning amendment. For a wind farm comprised of multiple turbines, separate Zoning By-law Amendments may be required for each lot of record on which a turbine(s) is to be erected. Passing an individual amending by-law for each lot of record may allow the proponent and the municipality to address individual appeals to individual turbine locations as opposed to the entire wind farm.

Any wind turbines generation facility (single turbine or combination of turbines) that has a name plate capacity of 2MW or more (as listed in Section 4 of O Reg. 116/01 of Ontario Environmental Assessment Act, commonly referred to as the Electricity Projects Regulation) are subject to the Ontario Environmental Assessment Act (EAA). These projects are classified as Category B projects under the EAA and are considered to be projects that have potential environmental effects that can likely be mitigated. Proponents are not required to prepare an individual Environmental Impact Assessment on the condition that they complete an Environmental Screening Process (as set out in Part B of the Ministry of the Environment's Guide to Environmental Assessment Requirements for Electricity Projects as amended from time to time). This Official Plan requires that the Town of Amherstburg be consulted regarding matters of screening criteria anticipated by a wind turbine or wind farm project. The Town of Amherstburg is of the opinion that the Environmental Screening Report is a critical information element in determining whether the economic, social and environmental impacts/mitigation measures of the proposed wind turbine or wind farm are acceptable. Therefore, as per Section 34(10.2) (Other Information) of the Planning Act R.S.O. 1990 (as amended) the respective approval bodies will require that the completed Environmental Screening Report or an Environmental Review Report be submitted together with any application(s) submitted under Section 34 of the Planning Act for a wind turbine or wind farm. Application(s) however may be submitted prior to the completion of the 30-day public and agency review. In addition to the Environmental Screening Report a Zoning By-law Amendment Application shall be required. Efforts to coordinate mandatory public notices and meetings of both the Planning Act and the Environmental Screening Process should occur.

This Plan acknowledges that large wind energy projects typically require extensive study of the wind resource prior to detailed project planning and formal development applications. This Plan requires that proponents of wind energy projects consult the Town prior to installation of any proposed testing facilities or structures. The Town may require an amendment to the Zoning by-law in the form of a Temporary Use By-law for any proposed testing facilities or structures.

2.14.3 Other Utilities

All existing facilities and the development of any new facilities associated with a public utility, a telephone, television, cable transmission or other similar communications company, or a gas distribution or transmission company, shall be permitted in any land use designation, except within the Provincially Significant Wetlands designation, without an amendment to this Plan. The utility or company involved shall consult the Town regarding the location of any and all new facilities.

All buildings and facilities not used directly for the transmission or reception of an electrical current or signal, a liquid or gas or similar substance, shall comply with all other provisions of this Plan and the Zoning By-law.

2.14.4 Renewable Energy

The following policies 2.13.4 apply to three specific sites identified as:

Site 'A' is located at the southeast corner of the intersection at North Side Road and Concession 2. Site 'A' is more specifically described as Part of Northwest 1/4 of Lot 9, Concession 2 in the former Township of Anderdon designated as Part 1 on Plan 12R-12958; Part of North 1/2 of Lot 10, Concession 2 in the former Townships of Anderdon designated as Part 4 on Plan 12R-12958 and Part 1 on Plan 12R-13638; and Part of Southwest 1/4 of Lot 10, Concession 2 in the former Township of Anderdon designated as Part 2 on Plan 12R-12958, Town of Amherstburg, County of Essex.

Site 'B' is located at the northwest corner of the intersection at North Side Road and Concession 2. Site 'B' is more specifically described as Part of Lots 31, 32, 33, 35 and 36, Concession 1 in the former Township of Anderdon, designated as Parts 4 and 5 on Plan 12R-5308, Town of Amherstburg, County of Essex.

Site 'C' is located at the northeast corner of the intersection at Alma Street and Concession 3 (Fox Road). Site 'C' is more specifically described as Part of Lots 1 and 2, Concession 3 in the former Township of Anderdon, designated as Parts 1 to 3 on Plan 12R-14374, Town of Amherstburg, County of Essex.

- (1) No Energy Systems shall be permitted on lands designated Provincially Significant Wetland and the Essex Region Biodiversity Conservation Strategy area of restoration 240 metres adjacent thereto.
- (2) The development of new or expanded renewable energy systems shall be subject to the permit requirements of the Ontario Ministry of Transportation (MTO) if applicable.
- (3) Sites proposed for new or expanded renewable energy systems on lands regulated by Ontario Regulation 158/06 for the Essex Region Conservation Authority, as amended, will be subject to the provisions, policies and regulations there under.
- (4) The development of renewable energy systems shall be prohibited where they may cause a potential aviation safety hazard. The development of new or expanded renewable energy facilities within the Areas of Influence of airports and aerodromes, shall be sited to the satisfaction of Transport Canada and Navigation Canada if applicable and shall require consultation with airport and aerodrome operators. An Aeronautical Obstruction Clearance form must be approved by Transport Canada and a Land Use Proposal Submission form must be approved by NavCanada if applicable.
- (5) Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- (6) The intent of this Plan is not to duplicate any requirements of a proponent under the Environmental Assessment Act if applicable. Wherever possible, these

policies seek to integrate the Ontario Environmental Assessment Act(s) and Planning Act through:

- i) The scope of any documentation required under the Environmental Assessment Act(s) will be expanded to include any information requirements required to assess the proposal under the Planning Act and the Provincial Policy Statement.
 - ii) It is expected that the proponent will coordinate its activities regarding timing of notices, public information sessions, release of reports and assessment of reports.
 - iii) A Zoning By-law Amendment or site plan control agreement will not be approved until the following has been met:
 - a) The application is consistent with the Provincial Policy Statement;
 - b) The application conforms to the County Official Plan and this Plan;
 - c) A Notice of Completion has been issued under the Environmental Screening Process (Environmental Screening Report and/or Environmental Review Report) and the minimum 30-day public and agency review period has been completed.
 - d) Copies of all comments and any elevation requests received during the minimum 30-day public and agency review period have been provided to the Town and the County, and the Town and the County are satisfied there are no fundamental planning issues that remain unaddressed.
 - e) Once the above tests have been met, a holding provision shall be added to any zoning and shall be removed once all final applicable Federal and Provincial approvals have been obtained.
- (7) The development of renewable energy systems in areas adjacent to or on known deposits of mineral, aggregate, or petroleum resources shall be permitted where it has been demonstrated that the energy system serves a greater long-term public interest during the lifetime of the renewable energy system than the resources noted above and does not compromise the future extraction of the aggregate, mineral or petroleum resource.
- (8) The Town shall generally require a peer review of any supporting information at the applicant's cost. Exemption to all or part of the peer review requirement may be considered during pre-consultation based on the nature and scale of the proposal and the extent of any concurrent reviews of the supporting information.
- All required supporting reports and studies and their peer review are to be prepared and signed by qualified individuals.
- (9) Renewable energy systems shall be designed and constructed to be buffered and/or separated from sensitive land uses to prevent adverse effects such as but not limited to noise, odor and other contaminants and to minimize the risk to public health and safety.
- (10) Applications to construct more than one renewable energy system per property shall be considered with regard to any cumulative impacts (for both existing and proposed facilities) that may result to adjacent landowners, the general area, the municipality, or the County.

- (11) Prior to the development of new or expanded renewable energy systems in Wetlands or Natural Environment Lands or Hazard Lands an amendment to the Official Plan and Zoning By-law will be required which conforms with the Natural Hazards policies in the Provincial Policy Statement 2005 and the requirements for permits by the respective Conservation Authority under Ontario Regulation 158/06,
- (12) Prior to the approval of a medium or large, new or expanded, renewable energy system, the proponent must demonstrate that the lands affected by the project do not exhibit characteristics suitable for, and are not used for, specialty crop areas.
- (13) Prior to the approval of a new renewable energy system, the proponent shall ensure that where there is a vacant lot of record in the vicinity of the project upon which a point of reception could be built in accordance with the local zoning for the property, the proponent must model and demonstrate that the receptor could be built on the property without being subjected to adverse effects. This shall be accomplished by demonstrating that a suitable building envelope exists on a portion of the property that would reasonably be expected to contain the use.
- (14) Preliminary consultation shall occur for new or expanded renewable energy systems between the applicant, the Town, County and Conservation Authority prior to the submission of any Planning Act applications and the commencement of any environmental assessment process.
- (15) Notification and circulation for large scale projects may be expanded beyond the minimum requirements in the Planning Act. Depending on the scale of the project the Town may require the posting of notices on each property that is subject to the applications as well as posting the notice in area newspapers.
- (16) Prior to adoption of a Zoning By-law Amendment, the by-law text and schedule will include UTM coordinates identifying the location (within a 50 metres radius) of proposed renewable energy systems.
- (17) Where an application contains more than one property, a single official plan amendment and/or zoning by-law amendment application will be processed for the renewable energy system proposal.
- (18) All new or expanded renewable energy systems shall be subject to site plan control approval.

The requirement to prepare a site plan by a qualified professional illustrating the location of the proposed renewable energy system(s) (including make, model and power output), the location of all buildings, structures, works, access roads, supporting infrastructure, and property lines, as well as municipal roads, trails, vegetation, elevations, adjacent buildings and structures to a distance of 100 metres for every 10 metres of renewable energy system height from the property proposed for the renewable energy system. The level of detail may be simplified as determined through a pre-consultation meeting with the Town depending upon the nature and scale of the proposal.

2.14.5 Solar Energy Systems/Renewable Energy Systems

- (1) For the purposes of this Official Plan **Solar Energy System:** Means a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure, and outbuildings.

Small scale solar energy systems shall mean any solar energy system that is mounted to an existing building or any ground installed facilities that occupy a maximum lot coverage of 10% up to a maximum of 1 hectare.

Large scale solar energy systems shall mean any solar energy system with ground installed facilities that occupy 1 hectare or more of land.

- (2) The development of Solar Energy Systems in suitable locations in the Town of Amherstburg is a sound planning objective. Solar Energy Systems will be regulated by this Plan including the policies noted above under Section 2.2.13, the Zoning By-law, Site Plan Control and by the requirements of the Ministry of the Environment.
- (3) Ground mounted small and/or large-scale solar energy systems are not permitted on lands which are designated Wetlands or for large scale solar energy systems contained within a Settlement Area except lands within the Settlement Area that are in an Industrial designation.
- (4) Subject to the Policies of this Plan the determination of the appropriate land use provisions for small scale solar energy systems in terms of height, location, lot coverage, setbacks and any other land use planning matter shall be implemented through the comprehensive zoning by-law. Large scale solar energy systems will be subject to site plan control in addition to appropriate zoning regulations.
- (5) For all large-scale solar energy, the following technical reports will be required system proposals, after preliminary consultation and scoping with the County, Town and the Conservation Authority:
- i) **Scoped Environmental Impact Assessment** that addresses the following:
 - a) Natural heritage requirements of the Provincial Policy Statement.
 - b) Address Natural Environment Areas of this Plan.
 - ii) **Aggregate Assessment** if located in an area of high aggregate potential the applicant must demonstrate that the solar energy system serves a greater long-term public interest during the lifetime of the system than the aggregate resources and does not compromise future extraction of the aggregate resource.
 - iii) **Growth management assessment** is required for all large-scale solar energy systems. This assessment will demonstrate:
 - a) That sufficient land is available through intensification and redevelopment and designated growth areas to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for up to 20 years.
 - b) That the location of the solar energy system will not negatively impact on:
 - 1) The orderly progression of development and the timely provision

- of the infrastructure and public service facilities required to meet current and projected needs.
 - 2) Settlement orientation and layout to ensure efficiency and convenient access to retail facilities, schools, recreational facilities and services.
- iv) **Noise report** demonstrating compliance with Ministry of the Environment requirements concerning any required transformers and other mechanical noises. This report shall demonstrate compliance with applicable Ministry requirements regardless of exemptions that may be afforded for particular land uses.
- v) **Agricultural Impact Study:** If proposed in designated Agricultural Areas, a report must assess the following:
 - a) The quality of the agricultural land proposed for the use and whether lower quality lands are available on or off-site. In addition, this study will assess the impacts on any existing agricultural operations.
 - b) Agricultural land, infrastructure (i.e. artificial filed tiles, drainage ditches, culverts, field entrances, fences etc.) operations and activities shall be avoided to the greatest extent possible.
 - c) If unavoidable, the amount of agricultural land to be used shall be minimized to the greatest extent possible and disruption to the above-mentioned agricultural functions and features shall be minimized to the greatest extent possible and appropriately repaired and restored.
 - d) That in prime agricultural areas:
 - 1) The lands do not comprise specialty crop areas.
 - 2) There are no reasonable alternatives which avoid prime agricultural areas.
 - 3) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
 - 4) Any work on prime agricultural lands that is in addition to the land directly needed for the renewable energy system, shall be conducted according to appropriate construction standards such that substantially the same areas and same average soil quality for agriculture are restored after such work is completed.
- vi) **Reflectivity analysis** which demonstrates that sensitive land uses and public roads will not experience adverse effects and public safety is not compromised.
- vii) **Stormwater management report** assessing quality and quantity runoff during and post construction.
- viii) **Management Plan and Site Plan Control Agreements** including but not limited to:
 - a) Procedures for rehabilitation/reinstatement of temporary disturbance areas and the site post-decommissioning and substantially the same areas and same average soil quality for agriculture.
 - b) Construction details concerning staging, access, silt control, construction areas, hours of construction, and any temporary structures.
 - c) Traffic management which details volumes, frequencies and haul routes of construction and supply vehicles. Haul routes should minimize impacts on existing services/infrastructure and local residents.
 - d) Decommissioning details where the proposed energy system has a set lifespan and which should include the method of removal, reinstatement

of the lands to their prior use, and the estimation of the costs of decommissioning and how this would be funded entirely by the developer, including the determination of securities.

- e) Landscaping plans.
- f) Stormwater management plans.
- g) Emergency management which includes details concerning on-site safety and measures to ensure emergency services personnel are adequately trained.
- h) Preventative maintenance and maintenance plans.

2.15 ACCESSORY USES

Wherever a use is permitted in a land use classification, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted.

2.16 MOBILE HOMES/TRAILERS/GARDEN SUITES

Mobile homes and trailers shall not be permitted except in appropriate designations such as a Modular Home Park designation or a Recreational Commercial designation. Mobile homes used for seasonal farm labour shall be specifically listed as a permitted use in the Agricultural Zones in the Zoning By-law. Mobile homes for other purposes may be permitted by the adoption of temporary use by-laws.

2.17 BARRIER FREE ACCESS

It shall be a policy of this Plan that, in reviewing development applications and when the Town is undertaking public works, serious consideration be given to the creation of a barrier free environment. Encouragement will also be given to design standards that create a safe pedestrian environment.

Barrier free design will be applied to intersection, curb cuts, pedestrian activated signals, public buildings, all new institutional, recreational, commercial, industrial, or multi-unit structures.

The Town will explore ways to eliminate barriers to wheelchairs and mobility aids on public lands and buildings. The Town will encourage developers to provide barrier free developments.

Proposals for the installation of barrier free access involving heritage structures must demonstrate that the alteration will not adversely impact the heritage attributes.

The Town's Zoning By-law will establish standards for the provision of parking spaces for persons with disabilities where the magnitude of the development warrants the provision.

2.18 BROWNFIELDS REDEVELOPMENT POLICIES

The Province of Ontario recently amended Section 28 of the Planning Act. Section 28 allows municipalities to create Community Improvement Areas. The changes to the Act are intended to provide greater flexibility in how a municipality utilizes this Section of the Act when carrying out remedial works or redevelopment projects. The changes have expanded the range of projects and now include the ability to carry out remedial measures to clean up sites with environmental issues.

The Town can provide grants and loans to owners of brownfields to assist in the cost of any clean up. There are a number of sites within the community that could benefit from more flexible community improvement policies. The former General Chemical site, the former SKD site, the former Church and Dwight site, and the former Nexen site could possibly benefit from the new

redevelopment policies.

More detailed policies on how this Official Plan addresses Community Improvement Areas are found in Section 6.3 of this Plan.

2.19 SMART GROWTH POLICIES

The Town of Amherstburg will continue to encourage development and redevelopment that addresses the principles of “Smart Growth”. The Ontario Smart Growth Initiative identified six strategic directions for the Western Zone of Ontario in which Amherstburg is located. The six strategic directions include: identify and invest in a system of service nodes and sectoral networks; protect the natural environment and resources and quality of life through more effective planning, co-ordination and co-operation across the zone; support a strong and viable agricultural sector; facilitate more efficient movement of people, goods and information; ensure a sustainable, reliable and affordable supply of energy and promote a strong and vibrant economy. This Official Plan has incorporated those principles within the Land Use Management Strategy for Development and within the specific Land Use designation policies and Implementation methodologies.

The Town will accommodate projected growth within the defined Settlement Areas and encourage a more efficient use of land and services. The Town also supports revitalization of the downtown and commercial areas of the community while having appropriate and sensitive regard to the heritage features of this community.

Included in the Town’s positive outlook for the commercial areas of the Downtown will be the continued encouragement of residential development on the upper floors of the commercial buildings, the added parking concessions to existing and new development and the promotion of the tourism aspects of the Town.

2.20 BONUSING

As part of the Smart Growth approach and/or Community Improvement Plan directives, development standards may be incorporated into the Zoning By-law to permit increases in the height or density of development, where such development:

- (1) provides a specific type of housing, such as housing for low- or moderate-income groups, senior citizens or persons with disabilities;
- (2) preserves areas, sites, buildings or structures of cultural heritage value or environmental sensitivity;
- (3) provides additional lands for park or other public recreational purposes over and above that required by the parkland dedication policies of this plan; and/or
- (4) provides additional landscaping, setbacks, greenspace or other elements that enhance streetscape design in core urban areas.

Increased height or density provisions enacted in the Zoning By-law as outlined above shall specify the development standards that would apply where such special provisions are to be permitted. Council may require the provision of executed agreements which include the special provisions.

2.21 DEVELOPMENT ALONG INLAND WATERCOURSES

For those inland watercourses, municipal drains and marshes where engineered flood lines are not available, the municipality in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of such watercourses, municipal drains and marshes into the Zoning By-Law. When determining such setbacks, the municipality shall take into consideration the type of watercourse, bank stability, angle of bank slope, Ontario Regulation 358 of the Environmental Protection Act and other relevant aspects. In evaluating development

applications for lands adjacent to any watercourse, drain or marsh, the municipality in consultation with the Essex Region Conservation Authority, may require the proponent to establish appropriate flood proofing elevations, and/or mitigation measures to ensure no adverse effects on the natural environment, and such flood proofing requirements and/or mitigation measures shall be implemented through the Zoning By-Law and/or Development Agreements.

2.22 MINIMUM DISTANCE SEPARATION

Because livestock operations and other types of land uses can have compatibility problems if located too closely to one another, the Zoning By-Law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing livestock operations shall comply with the appropriate minimum distance separation (MDS) formula. To ensure that appropriate separation occurs, setbacks shall be used reciprocally such that livestock operations will also be protected from encroachment by residential and other types of uses in the Zoning By-Law through the use of the appropriate minimum distance separation (MDS) formula except for development within the Settlement Area boundaries.

2.23 INSTITUTIONAL USES

In addition to the utilities permitted in accordance with Section 2.13 of this Plan, and lands that are explicitly designated “Institutional”, the development of institutional uses that serve the local community shall be permitted in all Settlement Areas without an amendment to this Plan. Uses that are deemed to serve the local community include neighbourhood-oriented institutional uses such as elementary schools, churches, community halls and/or a hall associated with either a school or a church if less than 500 square metres in floor area, cemeteries, public utilities, neighbourhood recreation facilities and parks, libraries, and facilities for special population groups (including homes, centres or elementary schools for the care, boarding or teaching of children, interval houses for the physically abused, daycare facilities, and senior citizen centres).

Secondary schools, nursing homes, hospitals, arenas, community halls greater than 500 square metres in floor area, correctional facilities and other major institutional uses will require an “Institutional” or “Open Space” designation.

Both the development of new and the expansion of existing institutional uses shall be subject to the following policies:

- (1) the institutional uses shall be appropriately zoned in the Town's Zoning By-Law;
- (2) adequate precautions shall be taken to ensure that the institutional uses have no adverse effects on adjacent land uses;
- (3) adequate parking, vehicular access, landscaping, tree planting, buffering and site and building design shall be required where necessary to create an attractive appearance and ensure compatibility with surrounding land uses;
- (4) suitable arrangements will be made for water supply, sewage disposal, storm drainage and all other similar services.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided the subject property has been successfully rezoned. The Zoning By-law implementing this Plan will specify particular uses that would be permitted and those areas where such activities would most appropriately be located.

New institutional development or redevelopment in the “Residential” designation shall satisfy all of the following location and design criteria:

- (1) the site shall have frontage or flankage on an arterial or collector street as indicated on Schedule "D" of this Plan;
- (2) building design shall be compatible with the residential neighbourhood, maintaining the scale, density and character of existing land uses;
- (3) adequate buffering and transition shall be provided to protect surrounding existing development;
- (4) adequate off-street parking shall be provided to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area; and
- (5) on those streets which have been designated "no stopping" areas by the Town, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

2.24 WAYSIDE PITS and QUARRIES

A wayside pit or wayside quarry means a temporary pit or a quarry opened and used by a public road authority or their contractor or agent, solely for the purpose of a particular project or contract of road construction. Wayside pits and quarries are permitted in the Agricultural and Extractive Industrial designations without an amendment to this Plan or the Zoning By-Law. On good agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system) wayside pits and quarries may occur, if agricultural rehabilitation of the site is carried out, and substantially the same acreage and average soil capability for agriculture are restored.

Wayside pits or wayside quarries will be prohibited on lands constrained by Natural Environment or *Provincially Significant Wetland (Modification #6)* designations as identified on Schedules A and B of this Plan unless supported by recommendations and conclusions from an approved Environmental Impact Assessment.

When reviewing applications for wayside pits or quarries, Council will consider the following matters in commenting to the Ministry of Natural Resources (the approving authority under the Aggregate Resources Act) and Ministry of Transportation:

- (1) negative impacts upon natural heritage features or areas will be avoided or fully mitigated;
- (2) impacts on the right of property enjoyment of nearby residences will be avoided or fully mitigated;
- (3) impacts upon livestock operations will be avoided or fully mitigated;
- (4) groundwater and surface water resources will not be affected;
- (5) full compliance with Ministry of Environment requirements shall be assured; and
- (6) the site, if on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system), shall be rehabilitated to its former agricultural use and substantially the same acreage and average soil capability for agriculture shall be restored.

2.25 PORTABLE ASPHALT PLANTS

Portable asphalt plants used on public authority contracts may be permitted without the need for an Official Plan amendment, re-zoning or development permits under the Planning Act in all areas except for those areas of existing development, lands that are part of the Natural Environment or *Provincially Significant Wetland (Modification #7)* designations, lands that are constrained by a natural hazard (e.g., flood plains, steep slopes etc.) or lands which have been determined to be incompatible with extraction and associated activities. Where possible, portable asphalt plants will be located and operated within permitted wayside pits or quarries.

When reviewing applications for portable asphalt plants, Council will consider the following matters in commenting to the Ministry of Transportation:

- (1) negative impacts upon natural heritage features or areas will be avoided or fully mitigated;
- (2) impacts on the right of property enjoyment of nearby residences will be avoided or fully mitigated;
- (3) impacts upon livestock operations will be avoided or fully mitigated;
- (4) groundwater and surface water resources will not be affected;
- (5) full compliance with Ministry of Environment requirements including a Certificate of Approval under Section 9 of the Environmental Protection Act for emissions is assured, but in no case shall a portable asphalt plant be located closer than 400 metres to an existing residence;
- (6) the plants will be dismantled and the sites declared environmentally clean upon completion of the public road project; and
- (7) *the site, if on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system) shall be rehabilitated to its former agricultural use and substantially the same acreage and average soil capability for agriculture shall be restored. (Modification #8)*

2.26 WOODLOTS

The Plan recognizes the importance of trees to the long-term viability of agricultural lands due to their moderating effects on temperatures and their controlling influence on soil erosion. To encourage tree protection, in addition to the designation of wooded areas over 2 hectares in size as Woodlots in this Official Plan the municipality may consider implementing relevant sections of the Municipal Act and any other relevant legislation to prevent any unnecessary tree removal or encourage tree planting.

2.27 DECOMMISSIONING

Where a change in land use is proposed and the previous and existing use has the potential to have caused environmental contamination, the site shall be decommissioned and/or cleaned up to the satisfaction of the Town of Amherstburg. The decommissioning/clean up shall be undertaken in accordance with O. Reg. 153/04 as amended from time to time under the Environmental Protection Act. Obtaining a Record of Site Condition is recommended to determine if the land is suitable for the proposed use.

Section 168.3.1 of the Environmental Protection Act, which came into effect on October 1st, 2005, makes it compulsory for a property owner to file a Record of Site Condition in the Brownfields Environmental Site Registry prior to changing property use from Industrial, Commercial or Community Use to Residential, Institutional, Parkland or Agricultural use. Definitions of various property uses are defined in Part I of O. Reg 153/904 of the Environmental Protection Act. Section 11 of O. Reg 153/04 specifically states a change in zoning under a municipal by-law does not constitute a change in property use. The use is the “actual use(s)” made of the property, or if vacant, the “actual use(s)” that proceeded it. Section 168.3.1 is applicable law under the Building Code Act. Section 14 of Ontario Regulation 153/04 stipulates which specified changes in land use make obtaining a Record of Site Condition compulsory.

Even if the property use change does not legislatively require the provision of a Record of Site Condition (i.e. not specifically addressed by Section 14 of Regulation 153/04) where a change in land use is proposed, and the previous and existing use had the potential to have caused environmental contamination, it is the policy of this Official Plan that a Record of Site Condition must be obtained prior to the change in use occurring, so as to confirm whether the site is in fact suitable *for (Modification #9)* the change in land use being proposed.

2.28 SECONDARY DWELLING UNITS

Secondary dwelling units can help to achieve intensification targets and increase the availability of affordable housing choices for residents. Secondary dwellings units may also assist with aging in place concepts. Secondary dwelling units, also referred to as additional residential units, are ancillary and subordinate to the primary dwelling unit. Secondary dwellings units may be contained within the main building and/or within an accessory building located on the same lot,

- (a) In accordance with the *Planning Act*, as amended, secondary dwelling units are permitted in detached, semi-detached and rowhouse dwellings or in the accessory structures related to these uses,
 - the use of two residential units in a detached house, semi-detached house or rowhouse; and
 - the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.
- (b) A secondary dwelling unit will be permitted in an existing or new dwelling where a permanent single detached, semi-detached or rowhouse residential use is permitted under the zoning by-law. For greater clarity, a secondary dwelling unit will not be permitted in a seasonal dwelling unit or an accessory dwelling unit;
- (c) The secondary dwelling unit is to be incidental to the main permitted residential use and shall not change the general appearance of the dwelling or negatively impact the character of the neighbourhood; pursuant to this policy, the implementing zoning by-law may regulate the second units having regard for exterior alterations; parking; access; secondary unit areas; and locational criteria.
- (d) A secondary dwelling unit shall not be permitted on a lot subject to hazards such as flooding or erosion, as regulated by the conservation authority having jurisdiction for that area.
- (e) No severances for new lots will be permitted to separate a secondary dwelling unit from a primary dwelling.
(OPA#11)

SECTION 3 RESOURCE-BASED LAND USE POLICIES

3.1 GENERAL

The intent of this Official Plan is to develop policies and to define, through Schedule “A” - Land Use Plan and the more detailed Schedule “B” - Land Use Plan - Settlement Areas, the nature and extent of future growth and to determine the use of land in an orderly, attractive and economically viable manner. The objectives of the Land Use Policies and Plan portion of the Official Plan are:

- (1) To maintain an appropriate balance between areas to be used for Agricultural, Natural Environmental features, Residential, Commercial, Industrial, Open Space, and Institutional activities;
- (2) To designate major land use areas to ensure the proper functioning of each use, and desirable spatial distribution based on sound planning principles and analysis;
- (3) To establish a land use pattern that ensures that services and utilities are efficiently utilized;
- (4) To ensure that the central area/ “old Town” is strengthened as the focal point of community life and commerce;
- (5) To ensure that areas that have been identified as environmentally sensitive, having scenic value or hazardous potential are sufficiently protected; and
- (6) To ensure that sufficient areas have been set aside for employment opportunities.

The policies of Section 3 of this Plan deal with lands that are resource-based, including the Agricultural, Extractive Industrial and Natural Resources such as provincially significant wetlands, environmentally sensitive areas, woodlots and lands with development limitations within the Town of Amherstburg. Development activities within these designations are restricted to uses that protect the resource, its economic viability and its sustainability. Section 4 of this Plan will deal with the Settlement Areas of the Town of Amherstburg. It is within the Settlement Areas that development intended to accommodate the anticipated population increases, industrial and commercial growth will be directed. It is the intent of this Plan to direct non-resource-based development to the Settlement Areas of this Plan.

3.2 AGRICULTURAL LAND USES

Good agricultural lands and viable farming operations are non-renewable resources essential to the economic wellbeing of Amherstburg, Essex County and the Province of Ontario. These non-renewable resources need to be protected, preserved and enhanced to ensure that productive agricultural land continues to exist and is not undermined by non-agricultural activities. The Agricultural policies provide a framework for the protection and maintenance of the agricultural industry not only as a producer of food and other products but also as a foundation for a rural way of life.

The policies will ensure that good agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to or compatible with agriculture away from the agricultural area. The policies will also ensure that the minimum agricultural operation unit size or farm parcel size is maintained equal to the typical agricultural operation while also permitting farming operations to adjust to changing economic and technological conditions. In the Agricultural area of Amherstburg, agriculture is the primary long-term land use. The main purpose of the designation is to provide a secure land base for agricultural activities and to support the concept of “right-to-farm”.

3.2.1 Goals

The following goals are established for the Agricultural area:

- (1) To preserve and enhance good agricultural land for agricultural purposes;
- (2) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;
- (3) To restrict the type and amount of non-farm development in the agricultural area;
- (4) To encourage the retention and enhancement of existing windrows, hedgerows, and small woodlots in order to protect the high quality of landscape, provide habitat for wildlife, mitigate wind erosion and protect surface and groundwater resources; and
- (5) To direct non-agricultural development to Settlement Areas and to control the development of agriculturally related commercial and agriculturally related industrial uses.

3.2.2 Policies

The following policies shall apply to those lands designated “Agricultural” on Schedules “A” and “B” of this Plan:

- (1) (a) *The ‘Agricultural’ designation on Schedules ‘A’ and ‘B’ shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The agricultural uses permitted include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;*
- (b) *Secondary uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture, such as farm occupations and home occupations as per Section 3.2.2. (18) of this Plan, bed and breakfast establishments or agricultural trucking establishments;*
- (c) *Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted;*
- (d) *Wayside pits and quarries are permitted in the ‘Agricultural’ designation subject to Section 2.24 and other applicable policies of this Plan;*
- (e) *Portable asphalt plants are permitted in the ‘Agricultural’ designation subject to Section 2.25 and other applicable policies of this Plan. (Modification #20)*
- (2) *Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation. However,*

the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions;

- (a) A site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 41 of the Planning Act;*
 - (b) Minimum setbacks for the establishment of new or the expansion of an existing mushroom operation shall be required in the Comprehensive Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses. (Modification #21)*
- (3) All new and expanding livestock facilities are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the implementing Zoning By-Law;
- (4) Tree farms and retail nursery outlets are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided that all goods and materials for sale are grown or produced on site. Those establishments that have goods and materials for sale that are not grown or produced on site will require an amendment to the Town's Zoning By-Law to place the subject property in an agricultural defined area that specifically outlines the type of facility permitted including the area of the site and/or buildings that may be used for retail/display purposes, and to address appropriate setbacks, building size and location, parking, loading, road access, lighting, drainage, buffering, screening and landscaping and any other matters under Section 34 and 41 of the Planning Act;
- (5) *number left for future use; (Modification #22)*
- (6) *Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites are permitted uses within the Agricultural designation subject to further considerations and policies of this Plan. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion; (Modification #23)*
- (7) Greenhouse operations shall be permitted provided that lands developed for greenhouse activities or agricultural operations that require extensive structures may be subject to on-site stormwater management as a condition of development. Impacts of light pollution on abutting land uses will also be assessed. If a greenhouse operation is located on a site with municipal water supply, limitations may be applied to the utilization of the water for agricultural purposes and/or the farm/greenhouse development may be required to upgrade the water system to accommodate the demand and/or the water usage may be metred and recycling of irrigated water may be required. If the greenhouse is developed on a private individual water supply system, a ground water study shall be required to assess the potential for groundwater interference and groundwater supply and if applicable, a Permit to Take Water under the Ontario Water Resources Act will be required. Recycling of water may also be required. Any goods and material offered for sale shall be limited to small-scale retailing of products grown and produced on site. Where the proposed use would involve the sale of goods and materials that are not grown and produced on the site, a Zoning By-law amendment shall be required to place the subject

property in a site-specific agricultural zone that identifies the type of facility permitted including the area of the site and/or buildings that may be used for retail/display purposes and to address any other matters under Section 34 of the Planning Act;

- (8) Wineries are permitted in the Agriculture designation, provided that any proposed new development, and any expansion of an existing winery, shall meet all of the following conditions:
- a) Wineries shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed winery or expansion to an existing winery and not the creation of new lots;
 - b) A winery shall not be severed from the winery farm parcel;
 - c) A minimum of 2 hectares (5 acres) of the winery farm parcel shall be capable of and committed to the production of grapes or other produce used in the winery;
 - d) A winery shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required;
 - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
 - f) The maximum size of a winery shall not exceed 1.5 percent coverage of the winery farm parcel, to a maximum of 2,323 square metres (25,000 square feet) of gross floor area aboveground, whichever is less;
 - g) The display, retail sale and/or tasting of wine produced on the winery farm parcel shall be permitted accessory to a permitted winery, provided the area dedicated to this purpose is limited to a maximum of 25 percent of the winery gross floor area aboveground which may be in addition to the total size of the winery. The retail sale of gifts, promotional and other non-local material shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
 - h) Educational and/or historical displays directly related to the wine and grape producing industry shall be permitted accessory to a permitted winery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery gross floor area aboveground;
 - i) A restaurant may be permitted accessory to a winery, subject to an amendment to the Zoning By-law; and,
 - j) Banquet halls and conference facilities shall not be permitted at wineries;
- (9) *Existing, new and expanded aquaculture or fish farming, including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted. However, the establishment of a new fish farm or the expansion to an existing operation is subject to Site Plan Control. When considering an application for Site Plan Control, Council shall be satisfied that: (Modification #10)*
- a) approvals have been obtained from the Ministry of the Environment for the issuance of a "permit to take water" for water draw down from ground or surface sources and that the volumes of water are not adverse to the long-term planning of the community;
 - b) approvals have been obtained from the Ministry of the Environment for a "certificate of approval" for sewage treatment works and water discharge from the fish farm operation;
 - c) approvals have been obtained from the Ministry of Natural Resources for an

- Aquaculture license (Modification #11);*
- d) any discharge into a municipal drain is not harmful to the function of the drain and downstream users and that an engineering study has been conducted, to the satisfaction of the Town, to determine the potential effects, outline the steps to be taken to ensure no adverse effects will occur and prepare, if necessary, an area assessment of the drain;
 - e) any discharge into a watercourse subject to the control of a Conservation Authority has been approved by the Conservation Authority;
 - f) *the use meets the provisions in the Zoning By-Law; (Modification #24)*
 - g) any alteration to an existing watercourse which may impact water quality and quantity has been approved under the Conservation Authorities Act, the Lakes and Rivers Improvement Act, and where applicable, the Federal Fisheries Act;
 - h) if in the development of a pond for a fish farm there is the removal of material that can be processed as sand or gravel, a license under the Aggregate Resources Act shall be required; and
 - i) *in the creation of ponds for a fish farm, development agreements may be required that address the staged removal of top soil. (Modification #25)*
- (10) Consents for the division of lands in the Agricultural designation shall be discouraged. Consents will not be allowed which have the effect of creating lots that are not primarily related to agriculture as specified by this Plan;
- (11) *The minimum lot size within the 'Agricultural' Designation for newly created lots shall be 40 hectares for both the severed and retained parcels. Specialty farm operations and greenhouse operations may be established on existing smaller lots. Lot size requirements of the Agricultural designation may also include lands designated as Wetland or Natural Environment; (Modification #26) (Modification #12 becomes redundant)*
- (12) Minimum lot size within the Agricultural designation for non-farm permitted uses identified in this section shall be restricted to the minimum size required for the active aspect of the operation with as little acreage as possible taken out of productive agricultural land;
- (13) Consents may be permitted to correct lot boundaries or to add land to an adjacent property for the purposes of consolidating farm parcels/operations. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot other than for an existing dwelling unit with the remaining parcel such that no new building lots have been created.
- (14) *Where a habitable farm house existing as of January 1, 1978 is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation), a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:*
- a) *the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;*
 - b) *the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and*

As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that 'no additional dwelling units shall be permitted on the remnant parcel' shall be registered on title. (Modification #27)

- (15) The creation of new lots in the Agricultural area shall only be allowed in accordance with the policies of this Section (3.2) and with the land division policies contained in Section 6.1 of this Plan.
- (16) Residential uses on existing lots of record shall be permitted in the Agricultural designation. The Zoning By-Law shall only permit one residence per lot (lot as defined in the Zoning By-Law). More than one residence on a lot for the purposes of housing farm help, however, may be allowed in those instances where the need for such housing has been adequately demonstrated, the farm help is primarily devoted to (but not exclusively) the farm operation and a minor variance has been obtained. This additional residence should use the same access as the principal residence and will not be severable in the future. In those instances where a second home is required on a lot on a temporary basis, for example because the existing home is to be replaced, the Town may include a general provision in the Zoning By-Law or pass a temporary use by-law allowing both homes for a specified period of time. The intention however, is that the original home be removed within a specified period of time.
- ~~(17) Farm occupations and home occupations carried out for remuneration and as defined in the Zoning By-Law are permitted in the Agricultural designation. However, the implementing Zoning By-Law shall establish those farm and home occupations that will be permitted without an amendment to the Zoning By-Law and those that will require a site specific amendment to permit the use by way of a defined area.~~
 - ~~a) In general, farm occupations that are clearly required to be located in the Agricultural area and provide a service primarily to the agricultural community, such as a tile drainage contractor or a seed corn dealership, will be permitted without a by-law amendment.~~
 - ~~b) All other types of farm occupations that are carried out for remuneration such as welding shops, repair shops, etc., will be permitted if they meet all of the regulations/provisions of the Zoning By-Law.~~
 - ~~c) Because farm occupations and other types of land uses on adjacent lots may have compatibility problems if located too closely to one another, the Zoning By-Law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing farm occupations shall comply with the setback criteria established in the Zoning By-law.~~
 - ~~d) Existing farm occupations that do not comply with the requirements of the Zoning By-law will be allowed to continue but will not be permitted to expand without a minor variance or Zoning By-law amendment.~~
 - ~~e) Home occupations that are totally contained within the dwelling unit, including attached garages, will be permitted without an amendment to the Zoning By-law. However, any home occupation that requires the use of anything on the subject property other than the dwelling, except for parking and a sign will require a Zoning By-law amendment.~~
 - ~~f) The municipality may decide to require a business license for all farm and home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in~~

accordance with the provisions of the by-law.

- ~~g) The development of any new, or expansion of a legally existing commercial or Industrial use which are not farm or home occupations, as defined in the Zoning By-law, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with the PPS, that the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the Town's Zoning By-law, that any proposed expansion of an existing use shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion and that the application satisfies the criteria included in Section 8.4 of this Plan. (Modification # 28)~~
- ~~h) Applications to sever farm or home occupations from the balance of the subject property shall not be allowed. (AMENDED/DELETED by OPA#11, DATE 2019 11 25)~~
- (18) Agri-tourism, including occasional demonstration events, temporary attractions (e.g. corn field mazes) and farm tours are permitted in the Agricultural designation and may be subject to a temporary use by-law.
- (19) The exploration and extraction of petroleum, natural gas or other similar materials shall be permitted in the Agricultural designation and shall be a permitted use in the Agricultural zones of the Zoning By-Law provided the exploration and extraction is in accordance with the Oil, Gas and Salt Resources Act. In addition, plugging of abandoned oil and natural gas wells and the storage of oil and natural gas shall be in accordance with the Oil, Gas and Salt Resources Act. In addition, this Plan requires that:
 - a) Prior to any drilling being permitted, hydrology studies shall be prepared to the satisfaction of the Town, the Ministry of Mines and Northern Affairs and the Ministry of Natural Resources identifying water supplies and water levels for all property within the area of exploration to establish a pre-exploration benchmark for water supply and water levels. Reductions in water supply shall be the responsibility of the exploration and extraction operators;
 - b) Salt water, drilling fluid, oil refuse and any flammable products from a well shall not be handled or disposed of so as to create a hazard to public health or contaminate any fresh water horizons;
 - c) Waste of oil field brine must not be disposed of underground without the approval of the Ministry of Natural Resources;
 - d) Collection, storage and surface disposal of oil field brine shall be in accordance with the standards of the Ministry of Environment regarding water quality, where applicable;
 - e) The operation of wells shall not exceed the noise and vibration pollution standards of the Ministry of Environment; and
 - f) Oil contaminated soil shall be properly disposed of at a site certified by the Ministry of Environment to receive such waste;
- (20) This Plan recognizes the importance of trees in maintaining the natural environment and ecological balance in areas designated Agriculture, as well as their importance in maintaining the long-term viability of agricultural lands. Where possible, woodlots and forests are encouraged to be protected and expanded. To achieve this objective, the Town may consider making use of the Forestry Act, the Municipal Act, and any other relevant legislation;
- (21) Notwithstanding any other policies of this Plan to the contrary, an automobile sales establishment may be permitted on Part of Lot 11, Concession VIII, located on the

west side of County Road 11 (Walker Road) and designated Agriculture. The implementing Zoning By-Law shall restrict the number of automobiles allowed on display as well as establish other development standards for the property.

- (22) *On an existing lot of record in the Agricultural designation when an existing habitable residential dwelling has been destroyed, in whole or in part by a catastrophe, the dwelling may be repaired and/or reconstructed at the same location as the dwelling existed prior to the catastrophe. Further, the repair or reconstruction of the dwelling shall only occur when the size of livestock facility and the operation existed in the same location and intensity prior to the catastrophe and the separation distance or intensity of use has not been modified. The Minimum Distance Separation 1 will not apply to the reestablishment of the previously existing dwelling in the same location under the above noted conditions. (Modification #13)*
- (23) Micro-processing Cannabis Production Facilities are permitted in the Agricultural designation, provided that any proposed new development, and any expansion of an existing Cannabis Production facility shall meet all of the following conditions:
 - a) Micro-processing Cannabis Production Facilities shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed Cannabis Production Facility or expansion to an existing Cannabis Production Facility and not the creation of new lots;
 - b) A Cannabis Production Facility shall not be severed from the Cannabis Production Facility farm parcel;
 - c) A Micro-processing Cannabis Production Facility shall be limited in size to 200 m² of production floor area and will only be permitted to sell or distribute up to 600 kg of dried cannabis or equivalent, as per the Federal Government "Cannabis Act" definition. A Standard Processing Cannabis Production Facility will not be permitted in the Agricultural designation;
 - d) A Micro-processing Cannabis Production Facility shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required. A Cannabis Production Facility shall be required to be located a maximum of 100 meters of an arterial or collectors road;
 - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
 - f) The retail selling of cannabis produced on the Cannabis Production Facility farm parcel shall be permitted accessory to the Cannabis Production Facility provided the area dedicated to this purpose is limited to a maximum of 25% of the Cannabis Production Facility gross floor area aboveground. The retail sale of cannabis accessories shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
 - g) The Micro-processing Cannabis Production Facility shall comply with all Federal Government regulations regarding security, fencing, loading and shipping.

3.2.3 Agricultural Special Policy Areas

- 1) Lands designated Agricultural and noted as Special Policy Area 8 on Schedules A and B may be developed as a golf course adjacent to the Settlement Area of McGregor subject to an Environmental Impact Assessment in accordance with

Section 6.9 of this Plan.

- 2) For lands designated under Special Policy Area 21 on Schedules "A" and "B" in the Town of Amherstburg Official Plan, located at the municipal address known as 8917 Concession 8 and shown as Part Lot 13, Concession 8; and Part 4 on 12R-6979, a house built prior to January 1, 1997 shall be permitted to be severed from a farm lot through the surplus dwelling severance process.

That Schedules "A" and "B" of the Official Plan of Amherstburg are amended to show the location of Special Policy Area 21. **(AMENDED by OPA#21, DATE 2023 03 23)**

3.3 NON-RENEWABLE RESOURCES

3.3.1 General

Non-renewable resources include aggregate resources and mineral resources including salt and petroleum resources.

Existing aggregate operations have been recognized within the Extractive Industrial designation of this Plan. Existing brine well operations have also been designated Extractive Industrial.

To date, very little petroleum resources production has occurred within Amherstburg but the possibility is real that future exploration work could lead to renewed petroleum and gas production in some locations. A separate land use designation has not been created for petroleum or gas production. The policies of this Plan and the Federal and Provincial regulations will govern the location and production of petroleum operations in this municipality. All extraction operations shall be planned to mitigate or prevent land use conflicts and ensure appropriate progressive rehabilitation.

3.3.2 Goals

- (1) To protect existing and future licensed aggregate and petroleum and gas operations and known deposits from activities or proposed land uses that would preclude or hinder their operation or possible expansion;
- (2) To require that extraction sites are operated in an orderly fashion so that extraction operations do not cause unacceptable adverse impacts on the agricultural land base or on the *natural heritage system (Modification #14)* or on existing areas of development;
- (3) To ensure that aggregate extraction and petroleum sites are rehabilitated to leave the sites amenable for uses that are compatible and consistent with surrounding land uses;
- (4) To encourage the continuance of agricultural operations on lands having deposits of aggregate resource until such time as the actual extraction occurs;
- (5) To require abandonment and plugging of wells to be in accordance with the standards set by the Oil, Gas and Salt Resources Act when wells cease production; and
- (6) To ensure that new development proposals address any historical hazards from former salt extraction or petroleum or gas extraction operations prior to the development proceeding.

3.3.3 Extractive Industrial Policies

The predominant use of land designated Extractive Industrial shall be the extraction of minerals such as sand, gravel, and limestone together with the ancillary uses of aggregate storage, stone crushing plant, overburden storage, administrative office, scales and accessory uses. Agriculture and salt solution mining are also permitted uses.

Quarry operations are currently situated on Part of Lot 8, Lots 9 and 10, Concession VI, both north and south of the North Sideroad and including the portion of the closed road allowance of North Sideroad between the 6th Concession Road and County Road 9 (Howard Avenue) of the former township of Anderdon. Quarry operations also exist in the former Town of Amherstburg west of Meloche Road south of County Road 18 (Simcoe Street/ Pike Road). These lands are designated Extractive Industrial on Schedule "A" of this Plan. Blasting frequently occurs at these locations. The resultant noise and vibration due to quarry operations may negatively impact on development within the influence area of these operations. Accordingly, to ensure the safety of any person and enjoyment of use of surrounding lands, any new development within 600 metres of a quarry operation, excluding the limited development permitted by virtue of the Agricultural and Natural Environment designations which surround the quarry, shall be required to carry out a noise and vibration assessment/study and to implement the attenuation and mitigation measures as recommended by the study.

When a quarry operation ceases, and rehabilitation of the site to agriculture is not possible due to the height of the water table, redevelopment of the site for recreational land uses will be permitted subject to an official plan amendment, site plan agreement, and rezoning. (Modification #29)

In addition to the lands actively used for Extractive Industrial on Schedule "A" of this Plan, there continues to exist other areas of usable aggregate within the Town. The prime area is generally described as east of Howard Avenue south of North Sideroad and is also identified as an area for future extraction. Until such time as extraction occurs this area may be used for agriculture, forestry, conservation and recreation. Development and lot creation that could preclude future access to the aggregate resource areas shall not be permitted.

The Extractive Industrial areas fall under the regulations of the Aggregate Resources Act and the Oil, Gas and Salt Resources Act (OGSRA). All Extractive Industrial uses must also satisfy the requirements of the Ontario Ministry of the Environment or its designated agents as to water supply, disposal of liquid waste, pumping operations, the control of air and noise pollution and vibration where blasting is involved.

As the aggregate resources of the site are depleted, the site shall be rehabilitated in accordance with the Special Policies descriptions set out in Subsection 3.3.4 of this Plan and to the satisfaction of the Ministry of Natural Resources. If other land use activities are proposed, an amendment will be required to this Plan.

The Extractive Industrial uses shall be included in a separate zoning classification in the implementing Zoning By-Law.

Other operations designated as Extractive Industrial include Salt Solution Mining sites involved in the production of salt from brine wells which are regulated by the OGSRA, its regulations and its Provincial Operating Standards. For the purposes of this Plan, Salt Solution Mining Sites are mining operations and associated facilities, or past mining operations with remaining mineral potential that have not been permanently rehabilitated and restored to another land use. Council shall protect Salt Solution Mining Sites from incompatible land uses except where it can be shown that:

- (1) continued mining is no longer feasible;
 - (2) the proposed use or development serves a greater long-term interest to the public than does the mining;
 - (3) Issues of public health, public safety and environmental impact are addressed.
- (Modification #30)*

3.3.4 Special Policy Areas

(1) *Special Policy Area 1*

Lands identified on Schedules A or B as Special Policy Area 1 have been designated on the Land Use Schedules as Extractive Industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 1 to the north of North Sideroad have not been actively farmed and are lands that abut an extensive natural environment area. In addition to brine well extraction the lands south of North Sideroad may be used for agricultural land uses in accordance with the policies of Section 3.2 of this Plan.

Redevelopment of the lands south of North Sideroad for agricultural purposes shall be permitted by this Plan in addition to the brine well extraction.

Redevelopment of the lands used as a solar generating facility north of North Sideroad for light industrial or recreational purposes shall be permitted by this Plan in addition to the brine well extraction. Permitted recreational uses shall be limited to passive uses such as golf courses, campgrounds, or parks and shall be subject to Site Plan Agreements and a site-specific Zoning By-law amendment that specifically identifies the type of facility permitted, including the area of the site to be used for what activities, road access, parking, lighting, drainage, screening and landscaping and any other matters that may be deemed appropriate under Sections 34 and 41 of the Planning Act. In addition, the portion of these lands located to the north of North Sideroad shall also be considered to have a dual designation of Light Industrial which shall allow the lands to develop as one or the other designation but not of both designations and the appropriate policies of the Official Plan would apply. Development of the lands as Light Industrial or Recreational shall be serviced with municipal sewer and water services. In locations or areas of known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards. (Modification #31)

(2) *Special Policy Area 2*

Lands identified on Schedules A and B as Special Policy Area 2 have been designated on the Land Use Schedules as Extractive Industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 2 have been actively farmed and are lands that abut other lands that are actively farmed. In addition to brine well extraction these lands may be used for agricultural land uses in accordance with the policies of Section 3.2 of this Plan. In locations or areas of known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards.

In addition to the uses permitted in the Extractive Industrial designation, a solar energy development may also be permitted by site specific Zoning By-law amendment subject to:

- 1. demonstration as to how the proposal is consistent with Provincial Policy;*
- 2. demonstration as to how the agricultural land will be preserved;*
- 3. demonstration that disturbances to agricultural operations will be minimal;*
- 4. an assessment of the effects of reflectivity of the solar panels;*

5. an evaluation of visual impact;
 6. an assessment of anticipated noise levels;
 7. an assessment of grading and drainage;
 8. an evaluation of impacts on the environment; and
 9. geo-technical report.
- (3) Special Policy Area 5
- The resultant noise and vibration due to quarry operations within the Settlement Area may negatively impact on development within the influence area of these operations. Accordingly, to ensure the safety of any person and enjoyment of the use of surrounding lands, any new developments within 600 metres of a quarry operation, excluding the limited development permitted by virtue of the Agricultural and Natural Environment designations which surround the quarry, shall be required to carry out a noise and vibration assessment/study and to implement the attenuation and mitigation measures as recommended in the study, to the satisfaction of the Town. All new development within 600 metres of a quarry operation shall be serviced by municipal piped water.

3.4 NATURAL ENVIRONMENT

3.4.1 Goals

The following goals are established for the Natural Environment area:

- (1) To identify and protect environmentally significant areas including valley lands, habitat of endangered and threatened species, fish habitat, wooded areas, wildlife habitat and areas of natural and scientific interest;
- (2) To prevent the deterioration of the natural environment;
- (3) To provide a habitat for wildlife and a variety of vegetation and to provide corridors for the linkage of wildlife habitat areas and recreational activities.
- (4) To prevent incompatible development within all environmental features of the Municipality,
- (5) To limit and control the impact of permitted compatible development on environmental features and functions.
- (6) To recognize that specific natural heritage and environmental features relate to one another and are best protected as components of larger landscape features or systems such as subwatersheds and valley lands, or as associated units acting together as a complex interconnected by natural corridors.
- (7) To encourage partnerships among private and public landowners, public groups, the Conservation Authorities, stewardship councils and the governments of Ontario and Canada for the continued stewardship and enhancement of the Municipality's natural environment system.

3.4.2 Policies

Lands designated Natural Environment are lands that have been identified as ANSIs (Areas of Natural and Scientific Interest) by the Ministry of Natural Resources, or as significant valleylands, wooded areas, wildlife habitat, or Environmentally Significant Areas (ESAs) by the Essex Region Conservation Authority (ERCA). The following policies shall apply to those lands designated "Natural Environment" on Schedules "A" and "B" of this Plan:

- (1) The predominant use of land shall be wildlife management including hunting and fishing, natural environment management, passive outdoor recreation, conservation, and associated facilities;
- (2) Buildings and structures associated with passive uses are also permitted in addition to those directly related to the management of the natural environment;

- (3) Lands designated “Natural Environment” shall be retained in their natural state and for conservation or wildlife habitat enhancement. Site alteration and/or development of these areas shall not be permitted unless it has been demonstrated to the satisfaction of Council and E.R.C.A. that there will be no negative impacts on the natural features and or their ecological functions. However, no development and or site alteration shall be allowed in the habitat of endangered and threatened species.
- (4) “Negative impact” means:
 - a) *in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries At, using the guiding principle of no net loss or productive capacity; and*
 - b) *in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities. (Modification #15)*
- (5) Site alterations and/or development on lands within 50 metres of the “Natural Environment” designation may only be permitted if it can be demonstrated that there will be no negative impacts on the adjacent natural environment features or their associated ecological functions.
- (6) For the determination of whether or not negative impacts will occur, an Environmental Impact Assessment shall be undertaken in accordance with the County of Essex Official Plan *Guidelines for Environmental Impact Assessments*, as amended from time to time, contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.
- (7) All-Natural Environment lands will be placed in an Environmental Protection Zone in the implementing Zoning By-Law.

3.5 WOODLOTS

3.5.1 General

Woodlots are forested wooded lands of Amherstburg that have been identified as having an area of 2 hectares or greater. The Woodlots are treed areas that provide environmental and economic benefit to both the private land owner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products.

3.5.2 Goals

As part of the overall goal of this Plan to achieve an improvement in the extent, condition and diversity of Amherstburg's natural environment the following goals are established for the Woodlot designation:

- (1) To identify and protect significant woodlots within the Town of Amherstburg that are *2 hectares or greater (Modification #16)* in area or meet the requirements for significance based on Provincial Natural Heritage guidelines;
- (2) To recognize the special environmental features that relate to one another and protect areas as component parts of a larger landscape feature or system;
- (3) To prevent incompatible development within and adjacent to this environmental feature;
- (4) To encourage private land owners to seek the advice and cooperation of the Essex Region Conservation Authority or a registered professional forester in the management of woodlots;
- (5) To enhance linkages between woodlots and other natural habitat;

- (6) To increase interior forest habitat;
- (7) To increase public awareness and appreciation for woodlots; and,
- (8) To increase native biodiversity within woodlots.

3.5.3 Policies

The following policies shall apply to lands designated “Woodlots” on Schedules A and B of this Plan:

- (1) The predominant use of land shall be wildlife management including hunting and fishing, natural environment management, passive outdoor recreation, conservation, and associated facilities;
- (2) Buildings and structures associated with passive uses are also permitted in addition to those directly related to the management of the natural environment;
- (3) lands designated as “Woodlots” shall be retained in their natural state and for conservation or wildlife habitat enhancement. Site alteration and/or development of these areas shall not be permitted unless it has been demonstrated to the satisfaction of Council and the E.R.C.A. that there will be no negative impacts on the features or their ecological functions;
- (4) Site alterations and/or development on lands within 50 metres of the “Woodlots” with a “Natural Environment” underlying designation may only be permitted if it can be demonstrated that there will be no negative impacts on the adjacent natural environment features or their associated ecological functions;
- (5) Site alteration and/ or development on lands with a “Woodlots” designation with no underlying Natural Environment designation may only be permitted if it can be demonstrated that the Woodlot was not significant by regional standards and appropriate conditions may be applied to mitigate any negative impacts;
- (6) For the determination of whether or not negative impacts will occur, an Environmental Impact Assessment shall be undertaken in accordance with the County of Essex Official Plan *Guidelines for Environmental Impact Assessments*, as amended from time to time, contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

3.6 PROVINCIALY SIGNIFICANT WETLANDS

3.6.1 General

Areas designated “Provincially Significant Wetlands”, as depicted on Schedules “A” and “B” of this Plan, are wetlands which have been identified by the Ministry of Natural Resources as being provincially significant. The majority of the provincially significant wetlands within the Town of Amherstburg are generally located at the mouth of the Canard River (consisting of the Canard River Marshes and the Detroit River Marshes), and lands associated with Big Creek (including Mann’s Marsh and Big Creek Marsh). Significant portions of the waterways associated with these marshes are also provincially significant wetlands and have been mapped as wetland to assist in determining which lands are adjacent to the water-based wetland features.

3.6.2 Goals

The following goals are established for the “Provincially Significant Wetlands” designation:

- (1) To identify and designate provincially significant wetlands on the land use schedule;
- (2) To preserve and protect provincially significant wetlands;
- (3) To prohibit development within any provincially significant wetlands; and
- (4) To prohibit development of lands adjacent to (within 120 metres) of any provincially

significant wetland unless it can be demonstrated that there will be no negative impacts on the natural features and ecological functions of the wetland.

3.6.3 Policies

The following policies shall apply to lands designated “Provincially Significant Wetlands” on Schedules “A” and “B” of this Plan:

- (1) Development and site alterations *as defined in the Provincial Policy Statement* shall be prohibited within any “Provincially Significant Wetlands” designation as depicted on Schedules “A” and “B” of this Plan. *Development and site alteration includes, but is not necessarily limited to:* the construction, erection, or placing of a building or structure, save and except buildings and structures used in conjunction with a permitted conservation, fish and wildlife management or public passive open space purposes (such as boardwalks, observation decks, viewing platforms or other similar structures); activities such as site grading, excavation, removal of topsoil or peat and the placing or dumping of fill; and drainage works, save and except works subject to and approved under the Drainage Act; (*Modifications #17*)
- (2) Notwithstanding the above, activities to create or maintain infrastructure authorized under an environmental assessment process are not to be considered development or site alteration. However, all efforts should be made to ensure that projects of this nature occur outside of wetland areas wherever possible;
- (3) Permitted land uses within a Provincially Significant Wetlands designation shall be limited to conservation uses, fish and wildlife management areas, passive open space uses, and existing agricultural uses;
- (4) The dykes of these lands are not within the Provincially Significant Wetlands designation and the existing structures are permitted. For the purposes of interpretation, these lands shall be within a Natural Environment designation;
- (5) Development and site alteration shall not be permitted on any adjacent lands within 120 metres of an identified provincially significant wetland feature or area unless the natural features and ecological functions of the adjacent lands have been evaluated through an Environmental Impact Assessment in accordance with the *County of Essex Official Plan Guidelines for Environmental Impact Assessments* contained in Appendix I to this Plan which effectively demonstrates that there will be no negative impacts on the wetland or its ecological functions. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.
- (6) “Ecological function” shall mean the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems, and landscapes. These may include biological, physical and socio-economic interaction;
- (7) “Negative impact” means:
 - a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
 - b) in regard to other natural heritage features and areas including Provincially Significant Wetlands, degradation or loss that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities, the loss of the natural features or ecological functions for which the area is identified;
- (8) Policy (5) shall not apply to existing zoned properties which do not require any further approvals under the Planning Act, R.S.O. 1990 c.P.13, as amended, and to existing agricultural activities. In addition, the above shall not apply in those instances where further approvals under the Planning Act, R.S.O. 1990 are required, but that the E.R.C.A. and/or the Ministry of Natural Resources *have been consulted by the Town and it has been determined (Modification #18)* that a formal Environmental Impact

- Assessment is not required;
- (9) The wetland boundaries illustrated on Schedules “A” and “B” are approximate and serve adequately for the purposes of evaluating applications for new land uses or development. The Environmental Impact Assessment process identified in Section 6.9 in consultation with the Ministry of Natural Resources will provide an accurate definition of the boundary within and/or near to the proposal. An amendment is not necessarily required to this Plan for a boundary adjustment where the boundary refinement is minor, however, all boundary adjustments require to the verification and approval by the Ministry of Natural Resources (MNR) and provided the refinement fits generally within the geographical application of Plan policies indicated by the designations provided on Schedules “A” and “B”;
 - (10) Schedule “C” of this Plan depicts the limits of the Fill Line which is now known as the Limit of the ERCA Regulated Area and which encompasses Provincially Significant Wetlands;
 - (11) Permits will have to be obtained from the Essex Region Conservation Authority in advance of any fill being placed or removed and/or the construction of structure within the Limit of the Regulated Area or the Detroit River Flood prone Area. In addition, permits may be required from E.R.C.A. for works to be undertaken in off-shore areas along the Detroit River shoreline;
 - (12) As part of the review process associated with such permits, the Essex Region Conservation Authority will be assessing the impact of the works proposed on existing wetland areas and, consequently, will not issue permits that adversely impact existing wetland areas;
 - (13) All provincially significant wetland areas will be placed in a Wetland Zone in the Zoning By-Law.

3.7 DEVELOPMENT CONTROL AREAS

3.7.1 General

The general intent of the “Development Control Areas” identified on Schedules “C” to the Official Plan is to reduce the risk to life and the risk of property damage and social disruption from flooding and other natural hazard processes and to ensure new development does not add to or create conditions that might lead to increased natural hazards.

In some instances, natural hazards to development may be overcome through site engineering, special site servicing requirements and/or lot grading and drainage works. Proposals to develop lands with inherent physical constraints shall be dealt with on a case by case basis. Should all other requirements of this Plan be met, new development may be able to proceed through an amendment to this Plan. Minor adjustments to the boundaries of the natural hazards may take place without an amendment to this Plan, provided that any changes are recognized through the Comprehensive Zoning By-Law.

In Amherstburg, hazardous lands are associated with both inland waterways and the Lake Erie/Detroit River shoreline. The term “hazardous” means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of Lake Erie and the Detroit River, this means lands which are impacted by flooding, erosion and/or dynamic beach hazards. Along inland river and stream systems, this means the land, including that covered by water, to the farthest landward limit of the flooding or erosion hazard limit.

Hazard mapping and monitoring of hazards associated with the rivers, streams and shorelines within the Town of Amherstburg is the responsibility of the Essex Region Conservation Authority (E.R.C.A.). New, more detailed and up to date hazard (fill and flood line) mapping has been provided to the Town by the E.R.C.A. for use in the Official Plan update. Minor adjustments and corrections were made to the previous Official Plan mapping

to reflect new source data in an effort to improving map accuracy.

3.7.2 Detroit River and Lake Erie Shorelines

Lands fronting on the Detroit River and Lake Erie shorelines (including the Islands in the Detroit River), are potentially susceptible to erosion, flood hazards and/or wind damage and will be subject to minimum building setbacks to be specified in the Zoning By-Law.

3.7.3 Lake Erie and Detroit River Flood Prone Area

Schedule "C" of this Plan depicts the limits of the Floodplain Development Control Area and the Detroit River and Lake Erie Flood Prone Areas. The delineation of the Flood Line on Schedule "C" is based upon mapping supplied by the Essex Region Conservation Authority. In the absence of more detailed mapping regarding hazard lands, the lands lying between the Flood Line as shown on Schedule "C" and either the Detroit River or Lake Erie shall be subject to further restrictions and controls. An amendment to this Plan will not be required for changes in the Flood Line boundary where it is deemed to be suitable for development after consultation with the Essex Region Conservation Authority. Requests for changes will be given consideration after taking into account:

- (1) the existing environmental hazards;
- (2) the potential impacts of these environmental hazards;
- (3) the proposed methods by which impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
- (4) the costs and benefits in monetary terms of any engineering works and/or resource management practices needed to overcome these impacts.

There is no public obligation, however, either to change the delineation of or to purchase any area within the Flood Line, particularly if the environmental hazard would be difficult or costly to overcome. If development is deemed appropriate the development shall also be in accordance with the policies of the underlying designation.

Development within the Flood Line will be subject to minimum building setbacks and flood protection elevations to be identified in the implementing Zoning By-Law. The requirements may vary with the shore protection works in place and will be determined in consultation with the Essex Region Conservation Authority. These lands are also subject to Regulations administered by the Essex Region Conservation Authority under Section 28 of the Conservation Authorities Act.

Installation of shoreline protection works as approved by the Essex Region Conservation Authority shall be encouraged for all new development on lots with Detroit River frontage.

Permits will have to be obtained from the Essex Region Conservation Authority in advance of any site alteration or fill being placed or removed and/or the construction of any building or structure within the Floodplain Development Control Area or the Detroit River and Lake Erie Flood prone Area. In addition, permits may be required from E.R.C.A. for works to be undertaken in off-shore areas along the Detroit River and Lake Erie shoreline.

3.7.4 Stream Floodway

The floodway is typically defined as the area of the watercourse subject to deeper, faster flows which acts as the channel in times of flooding, and as an area where development other than buildings and structures required for flood and erosion control are prohibited. The floodway is delineated on a site-specific basis through consultation with the E.R.C.A.

Permitted uses within the Stream Floodway may include:

- (1) Agriculture uses such as crop land, grazing, nurseries and forestry. Accessory uses directly related to livestock and crop production located in proximity to farm operations may also be permitted and include such facilities as livestock assembly points, animal husbandry services and storage for fresh produce. These uses do not include the construction of buildings or structures and services which must be located outside the Stream Floodway lands and those where proximity to farm operations is not critical. However, activities associated with animal husbandry should not be permitted within the stream channel;
- (2) Outdoor recreation, excluding buildings and structures;
- (3) Open space;
- (4) Uses which assist in managing or preserving natural features, including facilities for erosion and flood control;
- (5) Uses pertaining to essential municipal services and public utilities, excluding buildings and structures.

In cases where there is any doubt as to whether or not a particular parcel of land is within the Stream Floodway, verification with the Essex Region Conservation Authority (E.R.C.A.) will be required. If development is deemed appropriate it must also be in conformity with the underlying or adjacent land use designation to be exempt from an amendment to this Plan.

Where the boundary of the Stream Floodway is altered due to approved engineered works, satisfactory to Council and the E.R.C.A., the abutting Official Plan designations will guide development. An Official Plan amendment will generally not be required in these instances but the implementing Zoning By-Law will be amended accordingly.

There is no public obligation to re-designate or purchase any area designated Stream Floodway.

All buildings and structures existing as of the date of adoption of this plan shall be recognized for that specific use in a special zoning category. Expansions of existing buildings are permitted by application to the Committee of Adjustment. The committee shall circulate such applications to the E.R.C.A.

With the exception of buildings and structures existing as of the date of adoption of this plan, all lands identified as Stream Floodway shall be zoned in an appropriate hazard category in the implementing Zoning By-Law. The lands are subject Regulations administered by the Essex Region Conservation Authority under Section 28 of the Conservation Authorities Act.

3.7.5 Stream Flood Fringe

The Stream Flood Fringe area is the area between the Floodway and the Fill Line (now known as the Limit of the Regulated Area). The permitted uses are established by the underlying designations. Development may be permitted within this area subject to meeting minimum provincial standards for flood protection. Such flood protection to at least the regulatory flood level shall consist of minimum elevations for openings to buildings and structures and typically placement of fill surrounding all external walls for a minimum horizontal distance of two (2) metres.

All new development in the Stream Flood Fringe must meet minimum flood protection standards to the satisfaction of Council and E.R.C.A.

All existing buildings and structures as of the date of adoption of this Plan which lie in the Flood Fringe shall generally be zoned as permitted uses in the implementing Zoning By-Law.

The implementing Zoning By-Law will establish minimum elevations for openings for all buildings and structures for all development in the areas shown on Schedule "C" within the Flood prone Area.

3.7.6 Fill Line

The delineation of the "Fill Line" (now known as the Limit of the Regulated Area) on Schedule "C" is based upon mapping supplied by the Essex Region Conservation Authority. Development within the Fill Line will be subject to minimum building setbacks and minimum building elevations to be identified in the implementing Zoning By-Law in consultation with the Essex Region Conservation Authority. The lands are also subject to Regulations administered by the Essex Region Conservation Authority (E.R.C.A.) under Section 28 of the Conservation Authorities Act which, along with the above, control the placement and grading of fill associated with development and other construction activities.

SECTION 4 SETTLEMENT AREAS - LAND USE POLICIES

4.1 GENERAL

Section 4 of this Plan deals with the Settlement Areas of the Town of Amherstburg. The land use designations and policies are intended to accommodate the anticipated population increases in a variety of locations, densities, and housing types as well as provide for employment opportunities, economic growth, recreational needs and institutional needs. The Residential Subsections deal with a variety of settlement areas as shown on Schedules "A" and "B". In addition, there are areas designated for specific land uses such as industrial, commercial and recreational that are single purpose land use areas that are also Settlement Areas for the purpose of the Provincial Policy Statement and this Official Plan. Changes within any Settlement Area from one designation to another will be dealt with as an amendment to the Official Plan. Changes to the boundary of any Settlement Area or an attempt to create a new Settlement Area will be dealt with as required under Section 22(7.1) and Section 22(7.2) of the Planning Act.

The Town will work with the County of Essex to identify targets for intensification, infill and redevelopment and the Plan will be amended to incorporate such targets. (Modification #32)

4.2 RESIDENTIAL USES

4.2.1 General

It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design.

The Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved.

4.2.2 Goals

The following goals are established for the various Residential areas:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- (2) To encourage the development of a greater variety of housing types;
- (3) To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study;
- (4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;
- (5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;
- (6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20-year planning period as the capacity of the Town's services permit.

4.2.3 Policies – Applicable to All Residential Designations

- (1) **Residential Lot Creation**
The creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Section 6.1 of this Plan, and in accordance with the requirements and guidelines of the Town and/or its designated agent under the Building code or Ministry of Environment under the Ontario Water Resources Act.
- (2) **Supply**
It shall be a policy of this Plan that residential proposals be evaluated with the intent being to achieve a housing mix. The provision of a ten (10) year supply or at least 1700 residential dwelling units or individual lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Section 5.1 of this Plan shall be maintained and developed as permitted by the capacity of the Town's services.
- (3) **Established Low Density Residential Areas**
In established low-density residential areas, the indiscriminate mixing of different housing types shall not be permitted, in the interest of protecting the stability of existing neighbourhoods. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.
- (4) **Vacant Residentially Designated Areas**
In vacant areas proposed for residential development, a suitable mix of housing types should be provided while ensuring that the overall density restrictions are not exceeded and that conflicts do not occur between housing types. Internal road networks should be designed to ensure good access to the major road network while discouraging through traffic. Section 4.3.1, Low Density Residential outlines the criteria that must be met to allow lands designated Low Density Residential to be developed as Medium or High Density Residential without an amendment to this Plan.

The Town shall ensure that an adequate supply of land designated for residential development to meet the demand for housing for a twenty-year period is maintained.

The Town shall review annually the supply of vacant land designated for residential development in draft approved and/or registered lots and blocks on plans of subdivision against the objective to maintain a minimum continuous ten-year supply.

The planning of new residential areas shall make provisions for a range of housing types, sizes, price and tenure arrangements in order to provide accommodation for households of differing socio-economic characteristics.

Consideration shall be given to the orientation of streets, lots and buildings to make full use of solar energy, as well as energy efficient construction techniques. In order to achieve this aim, the following design techniques should be considered when evaluating new plans of subdivision:

- a) east-west street orientation so facing walls and windows of houses may orient south;
- b) angle lots;

- c) the development of pedestrian and bicycle pathways that bisect the community, providing the shortest distance between community and commercial facilities and the residential area.

In general, Council shall maintain a flexible attitude toward carefully designed experimental housing. Energy efficient construction of housing shall be encouraged in the Municipality, provided it meets the requirements of the Ontario Building Code.

New plans of subdivision within the Residential designation shall be designed so that continuous interior access roads will result between adjacent subdivisions. For larger blocks of lands adjacent to arterial roads, direct access to the arterial road may be limited.

Undeveloped lands that are designated Residential may be placed in a holding zone in the implementing Zoning By-Law. The holding symbol will be removed when appropriate sanitary sewage, water and any other necessary arrangements are made to the satisfaction of the Town and the Ministry of Environment and a plan of subdivision is approved, where required. Existing uses shall be permitted in the interim.

(5) Conservation and Rehabilitation of Existing Housing Stock

The conservation and rehabilitation of the existing housing stock shall be encouraged in order to maintain the supply of older housing and to preserve the physical, social, and economic character of stable residential areas.

In existing residential neighbourhoods, the applicable Residential land use policies shall serve as guidelines for actions aimed at improving the neighbourhood and amenities and the housing and living conditions of residents.

(6) Residential Development on Lots with Less Than the Minimum Frontage and/or Area In those cases where development is proposed on existing lots with less than the minimum frontage and/or area required, the development shall be regulated by either the Committee of Adjustment or by site specific zoning by-law amendment if the proposed development is compatible with existing surrounding development in terms of site coverage, housing size, and character, as well as lot size and building setback.

(7) Government Assisted Housing

The municipality, in cooperation with the senior levels of government, shall encourage the provision of such amounts and types of housing that are necessary to meet the needs of households unable to find adequate housing through the private market. Such programs, which may be provided through either the public or private sector, may include programs such as senior citizens and low-income family rented units, as well as rental subsidy programs or other similar programs. The design of any assisted rental housing will be sensitive to the characteristics of the surrounding existing development.

The municipality will continue to monitor on regular intervals the housing needs of senior citizens and low-income families. Should a project become warranted, the Town would work with the Essex County Housing Authority and the Ontario Housing Corporation to provide the necessary facilities.

(8) Condominium Housing Developments

It is a policy of Council to recognize and as appropriate, encourage condominium housing as an acceptable form of housing tenure and as a means of providing opportunities for home ownership.

In cases where an application is made for a building permit or an amendment to the Zoning By-law involving residential development, it is the policy of Council that the applicant(s) is required to declare in writing, prior to the issuance of the building permit, whether or not such residential accommodation is to be provided on a condominium basis.

It is a policy of this Plan that the desire of citizens to participate in the joint ownership of a residential project shall be subject to the terms and conditions of the Condominium Act whereby a Condominium Corporation will be formed to administer the common elements of the project. This provides the owner-shareholder with assurance that the project will be maintained and competently administered on a long-range basis.

Plans of Condominium development are to show such things as: the location of all buildings and building setbacks, the nature and location of all amenity areas and/or facilities, the location and layout of driveways and parking areas, the walkways, the type and location of all existing and proposed landscape material, and the exterior treatment of the building(s).

Wherever possible the proposed draft plan of condominium will be considered together with and at the same time as the requested amendment to the Zoning By-Law. The Council may recommend draft plan approval.

Wherever draft plan approval is granted, the applicant is required to enter into a Condominium Agreement with the Town. The Condominium Agreement is to include any or all of the Town requirements imposed as conditions to the draft plan approval. A Development Control Agreement may also be required along with the Condominium Agreement.

The Town Council's consent to the registration of a condominium plan will be given only after signing of all required agreements, posting of all required guarantees, the payment of all monies required by such agreements, and the filing of "as built" construction plans with the Town, all such plans to be made accessible to representatives of the Condominium Corporation.

(9) Conversion of Existing Residential Developments to Condominium Tenure

The conversion of existing residential accommodation to condominium tenure presents a different, as well as a somewhat more difficult, situation than does new construction. In some cases, existing residential developments were constructed under standards and conditions that were different and, in some cases, lower than those that prevail at the time of the conversion. As a result, problems may be encountered in attempting to upgrade existing developments in accordance with present policies, standards and criteria. Problems may also be encountered in a situation where rental housing vacancy rates are low and, although tenants in existing projects cannot be legally displaced, condominium improvements may result in rent increases that result in current tenants being faced with finding suitable alternate accommodation in a housing market that provides little choice and opportunity.

Additionally, shortages may occur in certain types of housing as a result of a number of conversions. In view of these possibilities, the policies contained in the following sections may apply to the conversion of existing residential developments to condominium tenure.

In general, each application for the conversion of an existing residential development is to be considered on its own merits. Applications for such conversion are subject to the same standards and policies as for new condominium construction. The policies, standards and criteria for municipal services, building construction and aspects of site design and layout, as adopted by Council from time to time, apply. Only those developments which are able to substantially comply, or can be upgraded to an acceptable degree of compliance with the municipality's policies, standards and criteria may be approved. Those developments which cannot be upgraded to an acceptable degree are to be refused.

The design, layout and standard features of the development to be converted are to be considered within the framework of development standards and criteria of the municipality. The development standards and criteria contained in the municipality are subject to amendment from time to time by Council without a formal amendment to the Official Plan.

The applicant is to submit a draft plan of condominium prepared in accordance with the requirements of Section 51 of the Planning Act, R.S.O., 1990 c.P.13. In addition, the Plan (Plans) submitted is (are) to show such things as: the location of all buildings and building setbacks, the nature and location of all amenity areas and/or facilities, the location and layout of driveways and parking areas, the walkways, the type and location of all existing and proposed landscape material and the exterior treatment of the building(s).

Further, the applicant is required to submit a report prepared by a professional engineer or architect, outlining the structural condition of the building(s) involved. Such report is to include an analysis of the building(s) compliance or non-compliance with prevailing building and fire codes.

In evaluating a proposed conversion, regard is to be had to the following:

- a) any or all of the matters contained in Section 51 of the Planning Act, as amended from time to time;
- b) the overall mix of residential housing types in the Town;
- c) the most current vacancy rate for rental accommodation in the Town;
- d) the suitability of the development for conversion in terms of the policies, standards and criteria adopted by the Town from time to time; and
- e) the effect on the provision of affordable housing and the provision of information on the effect on vacancy rates.

Where draft plan approval is granted the applicant is required to enter into a Condominium Agreement with the Town. The Condominium Agreement is to include any or all of the Town's requirements imposed as conditions to the draft plan approval.

The Town's consent to the registration of the condominium plan is to be given only after the completion of all construction work and compliance with all other requirements of the Condominium Agreement, except that in certain cases of hardship or unforeseen circumstances such things as the provision of paving, demolition of

existing buildings, or provision of landscaping may be deferred with approval of Council provided that the applicant deposits with the Town security in the amount sufficient to cover the cost of the works deferred.

(10) Home Occupation Uses

Home occupation uses which are not disruptive to the neighbourhood are also permitted within Residential areas. Hair dressing and other personal service shops, small goods repair shops, insurance and other office type uses, ceramic and other home craft type uses shall be permitted with specific regulations outlined in the Zoning By-Law. Home occupations, in conjunction with a dwelling in a residential area, are subject to the following conditions:

- a) Home occupations shall be totally contained within the dwelling unit, including an attached garage. However, any home occupation that requires the use of anything on the subject property other than the dwelling, except for parking or a sign, will require an amendment to the Zoning By-Law.
- b) No external alteration to the dwelling which is not customary in residential buildings shall be permitted.
- c) No exterior advertising of these activities or display of goods visible from outside the dwelling is permitted.
- d) No storage of commercial vehicles shall be permitted on the premises. No parking of commercial vehicles over 3000 kilograms shall be permitted on the premises.
- e) No unreasonable use of lights, or night time operations shall be permitted.
- f) No such home occupation shall result in volumes of vehicular traffic which cause disruption of normal activities of adjacent residential uses.
- g) No such home occupation shall create a safety hazard for the existing residential activities on the site or in the area.
- h) No outdoor storage of materials or goods in support of such home occupation is permitted.

The implementing By-Law may create further restrictions for home occupations and may prohibit home occupations within certain residential zones or dwelling types. The municipality may decide to require a business license for all home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in accordance with the provisions of the By-Law.

There are portions of the municipality that are designated Residential where home occupations exist of a more "Rural Occupation" nature such as on Texas Road, the 2nd Concession, etc. Where existing home occupations do not meet the policies of this Plan, they may be placed in a separate zone in the implementing Zoning By-Law.

(11) Institutional Uses in Residential Areas

Certain community-oriented Institutional uses, such as churches, recreation facilities, branch libraries, and facilities for special population groups (including daycare facilities, homes, centres or schools for the care, boarding or teaching of children, and interval houses for the physically abused, nursing homes and senior citizen centres) are permitted within areas designated for Residential purposes on Schedules "A" and "B" if they can satisfy all of the following location and design criteria:

- a) frontage or flankage on an arterial or collector street as indicated on Schedule "D" of this Plan;

- b) design which is residential in character, maintaining the scale, density and character of existing land uses;
- c) provision of adequate buffering and transition to protect surrounding existing development;
- d) provision of adequate off-street parking to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area and to permit the expected activities of a Residential area to be carried out;
- e) on those streets which have been designated “no stopping” areas, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

The Zoning By-law implementing this Plan will specify particular uses which would be permitted and those areas where such activities would most appropriately be located.

(12) Group Homes

Group homes are permitted in all areas designated Residential.

For the purpose of this Section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or the receiving family) live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and in compliance with municipal by-laws.

The applicant must be prepared to demonstrate that the proposal will meet the Provincial criteria for licensing based on an assessment of the following factors requiring him to:

- a) Define its program and demonstrate the need for the service within the municipality;
- b) Demonstrate a knowledge of the community and its resources, to ensure that the needs of its residents can be met within a climate of community acceptance consistent with the objectives of its program requirements;
- c) Demonstrate the suitability of the proposed facility as required by Provincial and Municipal legislation as to its construction and compliance with local health, safety and fire regulations;
- d) Show how the particular proposal provides sufficient indoor and outdoor space and facilities for prospective residents and staff.

All such Group Homes shall be properly licensed and registered by the Province of Ontario and the Town shall be provided the opportunity to review and comment on the application for a license before a final decision regarding its approval has been made.

In order to prevent an undue concentration of group homes in specific areas of the municipality, standards requiring a minimum distance separation between these facilities will be incorporated in the implementing Zoning By-law.

Facilities existing on the date the Zoning By-Law comes into effect but not complying with the requirements of the by-law will be allowed to continue in operation but will not be permitted to extend or expand without municipal approval.

4.3 RESIDENTIAL LAND USE DESIGNATIONS

The Residential classification of land shall mean that the predominant use of land so designated shall be for varying densities and types of residential land uses. Under the Residential classification, there are six Residential designations.

- (1) Low Density Residential
- (2) Medium Density Residential
- (3) High Density Residential
- (4) Office Residential
- (5) Heritage Residential
- (6) Modular Home Residential.

Within areas under the various Residential designations, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted. Elementary educational facilities, religious facilities, parks, recreational facilities, day care, and home occupations and uses pertaining to municipal services and utilities are also permitted uses within Residential designations subject, however, to specified location and design criteria. Such uses may also require selective use specific zoning. The establishment of new schools, churches, and similar institutional uses must be in accordance with the provisions for Institutional Uses set out in Subsection 2.22.1.

4.3.1 Low Density Residential Areas

Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.

Notwithstanding the above policy, vacant tracts of land greater than 5 hectares in size and designated Low Density Residential may be developed for Medium or High-Density Residential uses if they can meet the criteria outlined in Subsection 4.3.1(3).

- (1) **Maximum Density**
Although the existing densities within areas designated Low Density Residential are in the order of 6 to 12 units per hectare, smart growth encourages a more cost-effective development pattern to better utilize services and the land base. In a desire to promote more efficient use of the land, the maximum density for single detached developments shall be 15 units per hectare and the maximum density for semi-detached development and conversions shall be 22 units per hectare. The overall maximum density shall not exceed 19 units per gross hectare.¹ In keeping with the Provincial Policy Statement regarding intensification, in the older established portions of Amherstburg, a reduced lot frontage may be considered in the Zoning By-law where sufficient lot depth is available to accommodate new low-density residential units/lots.

In areas where the criteria of Subsection 4.3.1(3) have been achieved, the density policies for the Medium Density Residential designation or the High-Density Residential designation shall apply.

Low Density Residential may be placed in separate zoning categories in the implementing Zoning By-Law.

¹For the purpose of this Plan, a "gross hectare of land" means residential building land plus the required landscaping, off-street parking, road allowances, and required amenities.

(2) Converted Dwellings

Existing dwellings may be converted to contain additional units if the following conditions are met:

- a) the required number of parking spaces can be provided on the site;
- b) with the exception of required fire escapes or permitted additions there is no change to the exterior character of the dwelling;
- c) adequate buffering and transition can be achieved to surrounding lower density development;
- d) the minimum floor area per dwelling unit and lot area per dwelling unit can be achieved.

(3) Medium and High-Density Residential Policies for areas Designated Low Density

As outlined in Subsection 4.2.3(4) a variety of residential building types and densities are desired to meet the needs of all residents and future residents of the Town. Vacant tracts of land that are of sufficient size and location but designated Low Density on Schedule "A" or "B" may be considered for development as medium or high-density residential uses subject to the criteria of this subsection. For proposals of Medium Density Residential and High-Density Residential development in areas presently undeveloped and designated on Schedule "B" as Low Density Residential, at least two of the location criteria listed below shall be present before such a site would be considered to have acceptable location characteristics.

- a) Frontage on an arterial street as indicated on Schedule "D" of this Plan;
- b) Abutting major public parks as indicated on Schedules "A" and "B" of this Plan;
- c) Abutting a commercial area as indicated on Schedules "A" and "B" of this Plan;
- d) The vacant parcel is at least 5 hectares in size.

The following additional items will be considered when reviewing the appropriateness of applications to amend the comprehensive Zoning By-Law to permit medium or high-density residential uses in an area designated Low Density Residential:

- a) general compatibility with existing uses in close proximity to the proposed development;
- b) the capacity of the roads affected and their ability to handle the expected increases in traffic;
- c) the adequacy of services to serve the proposed development;
- d) the adequacy of off-street parking facilities to serve the proposed development;
- e) the provision of landscaping, buffering and building setbacks adequate to protect the privacy of surrounding residential properties; and
- f) the proposal's conformity with the Provincial Policy Statement on Housing.

All Medium and High-Density Residential development will be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13 or a plan of subdivision under Section 51 of the Planning Act, R.S.O. 1990 c. P.13 in the case of street townhouses or street multiples.

If the proposed site can satisfy the criteria listed above, and, in addition, can provide adequate buffering and transition for adjacent lower density residential uses, no Official Plan amendment would be required. The proposal will be analyzed to

determine if it will alter the character of existing development, using existing land uses within a 120 metre radius of the subject property as a guide to the nature of existing development characteristics.

If the proposed development does not satisfy the location criteria, or if it will increase the scale or density of existing development, an Official Plan amendment will be required. A comprehensive study would be required to determine if the Official Plan policies in this regard are no longer appropriate. A public hearing will also be required.

The design considerations for Medium Density and High-Density Residential development should include provisions for the following:

- a) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area;
- b) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses;
- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas;
- d) Service areas shall be required on the site of each development (e.g. garbage storage);
- e) The design, construction, and maintenance of the vehicular, pedestrian, and amenity areas of residential developments will be subject to regulations by the Town.

The municipality shall seek the co-operation of private developers in providing a variety of indoor and outdoor recreation facilities in the design of medium and high-density developments. Where such developments cannot be designed with adequate open space or recreation facilities, developers shall be encouraged to reduce the density or find alternative building sites in close proximity to schools, parks or other open spaces.

The provision of private open space and recreation facilities in medium and high-density developments will be in addition to the requirements for parkland dedication. Exceptions, however, may be made in the case of senior citizen or other specific use housing projects in situations where amenity areas are provided on-site and the amenities satisfy municipal standards and the Town is satisfied the said amenity area will be available to the public.

(4) Exceptions to Low Density Residential Policies

- a) Notwithstanding any other policies of this Plan to the contrary, on that Part of Lot 6, Concession III, on the south side of County Road 10 (Middle Sideroad) that is designated Low Density Residential, only single unit dwellings, home occupations in accordance with subsection 4.2.3 (10), agricultural uses excluding intensive livestock operations and mushroom farms, and accessory uses shall be permitted. All new residential lots created within this area shall front onto County Road 10 (Middle Sideroad) (resulting in a "single tier" of development);
- b) Notwithstanding any other policies of this Plan to the contrary, lands identified as Special Policy Area 8 will be considered for a golf course adjacent to the Settlement Area of McGregor, subject to appropriate Environmental Impact Assessment in accordance with Section 6.9.

4.3.2 Medium Density Residential Areas

The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, low-rise apartment buildings with a maximum height of five stories are permitted.

The maximum density shall not exceed 70 units per gross hectare.

The general location shall be in conformity with Schedules "A" and "B". The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law.

Where a large dwelling would be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard;
- (2) There is no change in the exterior character of the dwelling;
- (3) Adequate buffering and transition can be provided to surrounding lower density development; and,
- (4) There is no change in the character of existing development, using the criteria outlined above to determine the effect of the proposal.

If the proposed development will result in a change in the character, an Official Plan amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.

4.3.3 High Density Residential Areas

The uses permitted in areas designated High Density Residential shall include horizontal multiples, apartments, limited home occupation uses, and public uses.

The maximum density shall not exceed 150 dwelling units per gross hectare.

The general location shall be in conformity with Schedules "A" and "B". The High-Density Residential areas may be placed in separate zoning categories in the implementing Zoning By-Law.

4.3.4 Office Residential Areas

The Office Residential designation is intended to preserve and utilize existing residential buildings that are either no longer appropriate for Residential use due to their size or location and to provide a specialty type of Commercial service in proximity to the existing commercial areas. The Office Residential areas are located on Sandwich Street, Fort Street and Simcoe Street. Any portion of this land use category which abuts a Residential land use designation in this Plan should be developed in a manner that is compatible with the adjacent Residential Area.

The permitted uses may include residential (including medium or high density residential), all forms of offices, clinics, studios, and service commercial establishments. Minor institutional uses such as day care centres, nurseries, churches, clinics and clubs are also permitted alone or combined with other permitted uses.

The Zoning By-Law may place the permitted uses in separate zone categories. The By-Laws of the Corporation may also contain requirements dealing with matters such as dedications of property for road widening, access points, parking, height, setbacks and permissible amounts of hard surface cover.

Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, density and character. Height limitations will be applied in the Zoning By-Law.

4.3.5 Heritage Residential

Adjacent to the Central Business District of the old Town is a residential area where many of the homes date back to 1850. The small frame homes on narrow streets are a visible reminder of Canada's beginnings. The Heritage Residential area lies within a portion of the Town of Amherstburg that has been studied as a Heritage Conservation District.

The uses permitted within the Heritage Residential area shall include single detached, semi-detached, duplex, and converted dwellings as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses.

Due to the size of many of the lots and the location of the units almost on the front property line, there should be no minimum lot area or frontage, while front yard depth should be in keeping with adjacent properties in order to maintain a uniform streetscape.

The height of any new development must also be sensitive to adjacent properties.

Several of the structures within the Heritage Residential area have been designated as "Heritage" buildings under the *Ontario Heritage Act*. Every effort should be made by both the owner and the Corporation to ensure the continued existence of that structure in its historically significant form.

4.3.6 Modular Home Residential

A Modular Home Residential area for the purpose of this Official Plan shall mean a parcel of land under one ownership or individual ownerships for the exclusive use of modular homes/mobile homes, and their associated families.

A modular Home Residential area may be located in any Residential area shown on Schedules "A" or "B" as long as the location criteria as set out below, are met:

- (1) New Modular Home Residential areas should be developed as an integrated part of a planned development and shall not be located within established built up areas unless there is an amendment to this Plan;
- (2) The development shall have access to arterial or collector roads without the necessity of passing through areas of lower density. The area shall have full urban services, including adequate municipal water supply, sanitary sewers, and storm drainage, paved roads, and street lighting. Services may be in the form of a communal system approved by the Ministry of the Environment;
- (3) A Modular Home Residential area must have a minimum site of 4 hectares, and have a density of not more than 17 units per gross hectare;
- (4) The site shall be developed in accordance with a site plan approved by the municipality.

Modular Home Residential land may be zoned in separate zoning categories in the implementing Zoning By-Law.

The Modular Home Residential designation located on the north side of County Road 18 (Simcoe Street/Pike Road), as shown on Schedule "A", is also used as a recreational trailer park and recreational camping facility. It is anticipated that over time this facility will be redeveloped into a year-round residential community. If the site redevelops as a year-round residential use:

- (1) density shall not exceed six units per gross hectare;
- (2) buildings will be restricted to two stories' in height;
- (3) development must satisfy the Ministry of the Environment or its designated agent;
- (4) roads shall be built to suitable standard, should the municipality need to assume the roads in the future; and
- (5) the development may be phased, thus permitting the existing recreational trailer park uses to continue.

4.3.7 Residential Special Policy Areas

Certain residential areas exist or may develop that do not fit into an existing designation and may be identified as a Special Policy Area. Special Policy Areas include:

- (1) The lands located at and abutting the former Anderdon Tavern site on the east side of County Road 20, north of Texas Road and south of Middle Side Road and identified as Special Policy Area 9, shall have a dual designation of Neighbourhood Commercial and High Density Residential. Medium and/or Low-Density Residential development and/or a hotel shall also be permitted subject to an approved concept plan by Council. Height limitations shall be incorporated into the Zoning By-law. A restaurant (not fast food or drive through) may form part of the permitted uses under the designation if integrated into either a hotel or a Neighbourhood Commercial development. The west side of the site may be used as either low density residential or as a marina associated with the residential development to the east of County Road 20.
- (2) Lands located south of Lowes Side Road on the east side of County Road 20, being the former Boblo Island parking lot and abutting lands and identified as Special Policy Area 12, shall have a dual designation of Medium Density Residential and General Commercial. Development and shall be subject to an approved concept plan by Council.

4.4 COMMERCIAL LAND USE DESIGNATIONS

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile-oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas. The general principles to be considered in the development and control of the use of such lands are as follows:

4.4.1 Neighbourhood Commercial

The uses permitted in the Neighbourhood Commercial designation shall be limited to those commercial uses which provide for the sale of convenience goods and services to meet the daily living needs in foods, sundries and personal services, and may include neighbourhood business and professional offices.

The development of Neighbourhood Commercial areas may take place in the form of a small shopping plaza owned and operated as a unit or as individual establishments. The scale of development shall be guided by the population of the area to be served, the location of the site relative to abutting land uses and road classification. The actual size of the uses permitted will be specified by the Zoning By-law.

Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

No open storage shall be permitted in Neighbourhood Commercial areas.

The location of the Neighbourhood Commercial areas shall be in accordance with Schedules "A" and "B". Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.

The building or buildings contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.

The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

4.4.2 General Commercial Areas

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 story's and unless a site-specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

In order to ensure compatibility with the Heritage Residential area abutting the General Commercial designation in the Central Business District, development on the east side of Dalhousie Street and/or on the south side of Murray Street shall be limited to only Medium Density Residential development with access restricted to Dalhousie Street and/or Murray Street and height restricted to three stories. Properties along the west side of Dalhousie Street within the General Commercial Designation may be considered for a High-Density Residential development. Height, however, would be restricted to a maximum of five

stories. Public participation meetings would be held as part of any site plan reviews for multi-family developments.

Hotels and multi-family residential development within the Sandwich Street corridor (County road 20) of the General Commercial designation may have heights of up to eight stories.

Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores servicing domestic customers, may locate within the General Commercial designation located on Sandwich Street north of Alma Street or south of Park Street.

Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13, provides the Town of Amherstburg with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law. Section 40 allows the Town to collect money which can then be used to provide municipal parking within the area. Under such a policy the Town may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment. The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from their parking requirements. Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied. See Subsection 6.2.5 for additional policies regarding downtown revitalization for a portion of the General Commercial designation.

When applying the payment in lieu option the Town Council shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law to provide parking. Money received should be placed into a special account and the agreement registered against the land. Payment in lieu will only be considered within the General Commercial land use category. New residential developments should attempt to include all required tenant parking on site, however, the residential standards of the Zoning By-Law may be significantly reduced within the zones applied to the General Commercial area to encourage intensification and redevelopment that is deemed to have a positive impact on the downtown area. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings. Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks and taverns.

Evaluation of a site as suitable for payment in lieu must carefully assess the effect the number of spaces required will have on the feasibility of the development, the availability of parking in the area, the opportunity or viability of ever providing parking in the area and the resulting cumulative effect of applying the payment in lieu policy and whether or not the opportunity to achieve a desirable development can occur without creating a significant parking deficiency. A parking fund shall be established from cash-in-lieu of parking spaces received from Commercial development in the General Commercial Area.

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing Zoning By-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern.

The general location of the General Commercial areas shall be in accordance with Schedules "A" and "B".

Any public works or private redevelopment within the area should take into account the Heritage Policies and Downtown Revitalization Policies of this Plan and should implement any applicable portion.

The General Commercial lands may be placed in separate zoning classifications in the implementing Zoning By-Law.

4.4.3 Commercial Special Policy Areas

Certain commercial areas exist or may develop that do not fit into an existing designation and may be identified as a Special Policy Area. Special Policy Areas include:

- (1) The General Commercial area north and south of Fort Street, and east and west of Sandwich Street, around the intersection of Fort Street and Sandwich Street, has dual designations which shall allow the lands to develop as one or the other designation but not both designations and the appropriate policies of the Official Plan would apply. The specific dual designations of "General Commercial" and, "High Density Residential", "Medium Density Residential", and "Office Residential" are as follows:
 - a) Lands designated General Commercial and fronting on the east side of Sandwich Street and located south of Fort Street and generally north of North Street, shall have a dual designation of General Commercial and High Density Residential and shall have a height restriction of three stories for the first 60 metres of the site fronting onto Sandwich Street in order to maintain the established streetscape elevations. Commercial land uses shall be restricted to the first floor of any new development;
 - b) The area on the east and west sides of Sandwich Street, between Fort Street and Elm Avenue, has the dual designation of "Office Residential" and "General Commercial". For the lands on the west side of Sandwich Street, the General

- Commercial shall not include any uses involving food preparation or places of entertainment and shall be restricted to retail and office-type uses;
- c) The area on the north side of Fort Street to Alma Street, between the abandoned railway line and the rear of the lots on Sandwich Street, has the dual designation of "High Density Residential" and "General Commercial";
 - d) The area fronting on the south side of Fort Street, between the abandoned railway line and the rear lots on Sandwich Street, currently designated as "Low Density Residential" and shown as Special Policy Area 11 on Schedules "A" and "B-1", shall also have the dual designation of "Office Residential" and "General Commercial"; and,
 - e) The area south of the properties fronting on the south side of Fort Street, between the abandoned railway line and the rear of the lots on Sandwich Street, has the dual designation of "Medium Density Residential" and "General Commercial."
- (2) In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town's Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg's Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small-town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.
- Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres clear stem and head room for pedestrians and cyclists. In addition, Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed. Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.
- (3) Lands located on Dalhousie Street at Rankin and designated as General Commercial will require the provision of perspective drawings to Council's satisfaction prior to any building permits being issued for development or redevelopment of the site and/or buildings in order to ensure preservation of compatibility to the heritage elements of Amherstburg's Richmond/Dalhousie Commercial area. A holding provision may be applied in the Zoning By-law to require such approval of drawings prior to development or redevelopment.
 - (4) Lands located south of Lowes Side Road on the east side of County Road 20, being the former Boblo Island parking lot and abutting lands and identified as Special Policy Area 12, shall have a dual designation of Medium Density Residential and General Commercial. Development shall be subject to an approved concept plan by Council.

- (5) For lands designated as Special Policy Area 10 on Schedules A and B, Council may restrict the land uses permitted under the Commercial General zoning to prohibit any land use that would involve overnight accommodation, grocery stores, supermarkets, automotive, tire and battery stores and the size of the permitted retail uses. Within this General Commercial designation, Council may restrict the maximum permitted gross floor area of a department store to 8000 square metres (85,000 square feet) until such time as a retail market study is completed. Should a department store be constructed elsewhere within Amherstburg prior to a department store building on this site, no department store will be permitted without justification from a market study. The maximum combined gross floor area of all retail uses shall be 9000 square metres (96,878 square feet). Individual retail uses within this area shall be greater than 250 square metres (2,690 square feet). No supermarket, grocery store or automotive, tire and battery store shall be permitted without supporting justification from a market study. No vehicular access to the site shall be permitted on Brunner Ave. Any closure of roads within this area will be conditional on any nonresidential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west over the subject lands and not via Brunner Ave. Notwithstanding Policy 4.4.3 (2), setbacks for buildings may be increased to a maximum of 25 metres.
Prior to the finalization of any site plan for the development of these lands, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of adjoining properties, including Honeywell ASCa Inc., (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for the required accumulation of water on the site. Site plan approval will also require municipal clearance after consultation with the relevant agencies, of archaeological reports, environmental reports and traffic reports.
- (6) Lands known as 274-286 Dalhousie Street may be developed with a strata title plan with a mixed use development containing commercial main floor freehold commercial units and second floor freehold residential units. The residential units may have frontage and main floor street access to Dalhousie Street.(OPA#3)
- (7) Lands known as 305, 319 and 327 Dalhousie Street, located at the east side of Dalhousie Street and south of Gore Street, shall be developed in accordance with the General Commercial policies with the addition of a four-storey hotel with access permitted from Dalhousie Street and Gore Street. Development shall be subject to site plan control. (OPA#9)
- (8) For lands designated under Special Policy Area 17 in the Town of Amherstburg Official Plan located at the municipal addresses known as 51 Sandwich Street South and 57 Sandwich Street South, a drive through restaurant having a total gross floor area of approximately 211m² with an additional three storey, 12-unit medium-density residential building at the rear of the property shall be permitted uses. (OPA#17)
- (9) Lands designated as Special Policy Area 19 on Schedules "A", "B" and "B-2" of the Official Plan, located at the municipal addresses known as 131 and 135 Sandwich Street South, shall be developed in accordance with the General Commercial policies, with the addition of a drive-through restaurant as a permitted use with a commercial unit. A minimum of 4.8 meters shall be permitted for commercial development from the front lot line. Development shall be subject to site plan control.

4.5 INDUSTRIAL LAND USE DESIGNATIONS

The Industrial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Light Industrial; Special Industrial; and Heavy Industrial. In addition, such non-industrial uses shall also be permitted where specified as such under the Industrial sub-classification definition. In certain locations, added Special Policies may be created to deal with a site-specific situation. The general

principles to be considered in the development and control of the use of such lands are as follows.

The following policies apply to all three Industrial designations:

- (1) New Industrial uses may be permitted in areas designated Industrial, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odors and other particulates, water quality control and waste control including the quality of discharge and run-off.
- (2) Site Plan Control shall be applied to all Industrial development.
- (3) Industrial uses that are proposed to be developed adjacent to existing Industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- (4) Traffic generated by Industrial uses will be discouraged from penetrating designated Residential areas.
- (5) In order to enhance the viability of Industrial areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of Industrial areas through the provision of highways, arterial roads, and rail services.
- (6) Council will promote industrial development by preparing and implementing an economic development strategy for the Town of Amherstburg. Council will encourage the Windsor-Essex County Development Commission to promote Industrial areas in the Town.
- (7) Council may encourage, and where feasible, assist in the relocation of uses not permitted in areas designated for Industry and in the relocation of existing industries into such areas.
- (8) Council may encourage, and where feasible, assist in programs for the improvement of the appearance and amenity of Industrial areas.
- (9) Industrial development may be permitted in areas abutting Residential uses, provided that:
 - a) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers, and plantings;
 - b) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and
 - c) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable.
- (10) Where existing Industrial and Residential uses are located in close proximity to each other, new Industrial buildings may be permitted if adequate separations between uses, buffering, barriers, and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council.
- (11) Council may encourage, and where feasible, assist in programs to acquire Industrial lands and develop serviced Industrial sites and/or to provide services to privately owned Industrial lands so as to ensure an adequate supply of serviced and available Industrial lands within the Planning Area.
- (12) Standard Processing and Micro-processing Cannabis Production Facilities are permitted in the Industrial designations, provided that any proposed new development, and any expansion of an existing Cannabis Production facility shall meet all of the following conditions:
 - a) Micro-processing Cannabis Production Facilities shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed Cannabis Production Facility or expansion to an existing Cannabis Production Facility and not the creation of new lots;
 - b) A Cannabis Production Facility shall not be severed from the

- Cannabis Production Facility farm parcel;
- c) A Micro-processing Cannabis Production Facility shall be limited in size to 200 m² of production floor area and will only be permitted to sell or distribute up to 600 kg of dried cannabis or equivalent, as per the Federal Government “Cannabis Act” definition. A Standard Processing Cannabis Production Facility will not be permitted in the Agricultural designation;
 - d) A Micro-processing Cannabis Production Facility shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required. A Cannabis Production Facility shall be required to be located a maximum of 100 meters of an arterial or collectors road;
 - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
 - f) The retail selling of cannabis produced on the Cannabis Production Facility farm parcel shall be permitted accessory to the Cannabis Production Facility provided the area dedicated to this purpose is limited to a maximum of 25% of the Cannabis Production Facility gross floor area aboveground. The retail sale of cannabis accessories shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
 - g) The Micro-processing Cannabis Production Facility shall comply with all Federal Government regulations regarding security, fencing, loading and shipping.

4.5.1 Light Industrial

The uses permitted in the Light Industrial designation shall be limited to those industrial uses which have limited or restricted open storage and may include workshops, warehousing, service shops, processing, manufacturing and assembling operations, offices, medical/dental clinics, laboratories and research facilities, communication facilities, and printing and publishing plants. This designation does not allow, however, for major bulk storage operations such as grain elevators, fuel storage, etc., which are included in the Heavy Industrial category. Agricultural uses may continue to exist until the area is ready for Industrial uses.

Depending on the location and the associated industrial use, the implementing Zoning By-law may permit a dwelling unit associated with the industrial uses.

The type of Light Industrial use permitted shall be such that there are minimal adverse effects on adjoining Residential land uses as the result of the emission of noise, smoke, dust, or odor.

Adequate off-street parking facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.

Adequate off-street loading and unloading facilities shall be provided.

Adequate buffer planting shall be provided between the Industrial areas and any adjacent Residential areas and such buffer planting may include provisions for grass strips, berms, screening, appropriate planting of trees and shrubs, or distance.

All new developments in the Light Industrial category shall be subject to site plan control as provided for by The Planning Act.

The Light Industrial uses may be placed in a separate zoning classification(s) in the implementing Zoning By-Law.

4.5.2 Special Industrial

Within the Special Industrial designation, the uses permitted shall include all uses set out in the Light Industrial designations subject to the policies of that designation, as well as accessory commercial uses primarily serving the Light Industrial area. In addition, commercial land uses that possess a warehouse aspect such as office supplies, home furnishings and appliances, veterinarian offices, funeral homes, assembly halls, etc., are permitted but shall be established in the implementing Zoning By-Law under separate commercial zones. Within this designation an accessory residential use is permitted to provide an opportunity for persons to establish a business beyond the scope of home occupation.

4.5.3 Heavy Industrial

The uses permitted in the Heavy Industrial designation shall include those industrial uses which are permitted in the Light Industrial area as well as production and processing of primary metal, wood and paper products, non-metallic mineral products, chemical products, waste settling ponds, construction yards, truck or transportation terminals, railway uses and motor vehicle body shops which may involve bulk open storage of goods or materials. In addition, recreational uses both indoor and outdoor may also be permitted subject to appropriate zoning and adequate setbacks from abutting industrial uses. Agricultural uses may continue to exist until the area is ready for Industrial development.

Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses.

The type of Heavy Industrial use permitted shall be such that there is no adverse effects on adjoining Residential and other sensitive land uses as the result of the emission of noise, *vibration (Modification #19)*, smoke, dust, or odor.

The type of Heavy Industrial uses permitted and the form or location of such uses shall also have regard for heritage features and functions. This will be of particular importance for the lands designated Heavy Industrial in the north-eastern portion of the Town as well as for lands adjacent to Big Creek.

Lands designated Heavy Industrial associated with the former General Chemical site shall undergo an environmental cleanup prior to any redevelopment of the site for new industrial uses. Setbacks for new development shall have regard to the Ministry of the Environment guidelines for setbacks between industrial uses and sensitive land uses. The zoning by-law may employ a holding provision to ensure both appropriate site cleanup and adequate setbacks based on activity levels and the nature of the proposed use. In no case shall the setback be less than 50 metres to an abutting non-industrial zone. Access to these lands shall be from Sandwich Street or Thomas Road.

In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the gateway to Amherstburg, additional policies will apply to development established along the east side of Sandwich Street. This policy will provide additional landscaping requirements at the time of site plan approval. Special attention will be given to lighting, fencing, loading facilities and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in a zoning by-law.

Prior to the finalization of any site plan for development, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of adjoining properties, (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for and required accumulation of water on the site. Site plan approval will also require clearance of archeological reports, environmental reports and traffic reports. (OPA #1)

The lands lying to the north of Brunner Avenue and designated Heavy Industrial on the Land Use Schedules "A" and "B" shall have no access to Brunner Ave and appropriate buffers as required by Section 2.10.4 shall be applied to any development of these lands. Any closure of roads within this area will be conditional on any nonresidential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west.

The lands designated Heavy Industrial located between the Detroit River and County Road 20 (Sandwich Street) shall be restricted to the existing uses. No buildings or structures are anticipated in this portion of the Town.

Adequate off-street parking areas and loading and unloading facilities shall be provided for all permitted uses.

Heavy Industrial uses shall be screened from any adjacent Residential and other sensitive land uses by buffer planting which shall include provisions for grass strips, appropriate planting of trees and shrubs, or distance.

The Heavy Industrial uses shall be placed in a separate zoning classification(s) in the implementing Zoning By-Law.

4.5.4 Industrial Special Policy Areas

Certain industrial areas exist or may develop that do not fit the standard classifications or designations and will be covered with Special Policies as follow:

- (1) The lands lying between the Detroit River and Sandwich Street (County Road 20) south of Texas Road, and noted as Special Policy Area 4 on the Land Use Schedules "A" and "B", although designated Special Industrial, may not be used for the purpose of erecting buildings. Permitted uses will be limited to stockpiling of material associated with the industrial activities located on lands to the east of County Road 20 and accessory uses such as conveyor belts.
- (2) The lands lying to the north of Alma Street east of Sandwich Street, known as the former SKD Site, and noted as Special Policy Area 13 shall have a dual designation of Light Industrial and General Commercial in order to encourage redevelopment in accordance with the policies of one or the other designation.

4.6 INSTITUTIONAL LAND USE DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose.

The general principles to be considered in the development and control of the use of such land are as follows:

The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

4.7 RECREATIONAL DEVELOPMENT DESIGNATION

The predominant use of land in areas designated Recreational Development shall be recreational facilities including parks, marinas, golf courses, residences and offices associated with the recreational uses, and other public or private commercial recreational facilities including restaurants, snack bars, parking areas and auxiliary buildings and uses.

Uses permitted on Bois Blanc Island, known locally as Boblo Island and designated Recreational Development, shall be for a combination of residential, commercial recreational and entertainment establishments such as, but not limited to, restaurants, hotels, motels, taverns and marinas. Residential development on the island shall be at a range of densities and dwelling types in accordance with the policies of this Plan and the standards, regulations, policies and guidelines of the Ministry of Environment. Marina development and shoreline work will be subject to the standards, regulations, policies and guidelines of the federal government.

4.7.1 Goals

The following goals are adopted for recreational development:

- (1) To bolster the economy of the area by developing the Town's recreation and tourist potential;
- (2) To set aside certain areas for recreational development which have a high recreation capability and do not deter from agriculture;
- (3) To ensure that the design of recreation facilities is in harmony with nature;
- (4) To utilize Bois Blanc/Boblo Island to its fullest potential as both a recreational attraction and as a desirable residential development and provide appropriate flexibility to permit uses in order to ensure creative redevelopment.

4.7.2 Policies

Recreational development will be permitted in accordance with the following policies/criteria:

- (1) Intensive recreational activities are to be provided with adequate setbacks from adjacent properties;
- (2) All uses should have adequate access roads and be situated on a County Road or on Boblo Island;

- (3) Water supply and septic or sewage disposal facilities must satisfy the requirements of the Town or its designated agent under the Building Code or the Ministry of Environment under the Ontario Water Resources Act whichever is applicable;
- (4) New recreational uses will be allowed to proceed subject to an amendment to the Zoning By-Law and to a Site Plan Control agreement stipulating the height and siting of buildings, landscaping, parking, location of services, access, grading and methods of protecting and enhancing the shoreline, etc.
- (5) *All existing recreational uses at the date of adoption of this Plan shall be allowed to expand provided the expansion is limited to within the boundaries of the existing Recreational Development Designation, and the uses are able to conform to the policies of this subsection and to the zoning requirements. (Modification #33)*
- (6) Campgrounds shall be permitted in accordance with the following criteria:
 - a) the minimum lot area shall be 1 hectare;
 - b) the minimum lot frontage shall be 60 metres;
 - c) the use shall be of a seasonal nature;
 - d) The use shall be subject to municipal licensing controls.
- (7) Notwithstanding any other policies of this Plan to the contrary, a maximum of 5 single unit residential dwellings may be constructed on Part of Lots A to O, inclusive, Registered Plan 703, consisting of approximately 1.6 hectares of land to the north end of Bois Blanc Island (known locally as Boblo Island). Such severances shall only be granted once the consent granting authority is satisfied to the following:
 - a) Each lot is able to be serviced to the satisfaction of the Ministry of Environment;
 - b) Each lot will have frontage on the Detroit River;
 - c) Each lot will provide its own individual potable water supply however, should municipal water supply become available connection to the municipal system shall be required;
 - d) *The plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including private boat docks shall be permitted on each lot. Access to the subject lands shall be by the Detroit River; (Modification #34) and*
 - e) The implementing Zoning By-Law shall establish such things as the maximum lot coverage and minimum building setbacks.

4.7.3 Recreational Special Policies

Certain Recreational Development areas exist or may develop that do not fit the standard classifications or designations and will be covered with Special Policies as follows:

- (1) Boblo Island has been designated Recreational on Schedules A and B and has been noted as Special Policy Area 6. This is a unique parcel of land located in the Detroit River between Canada and the United States and was the former site of a major amusement park that brought its patrons to the park by paddle wheel boats. The redevelopment of this area in accordance with the permitted uses established in this subsection will be permitted provided the development can be adequately serviced to the satisfaction of the Town and the Ministry of Environment and subject to site plan control. It is anticipated that the residential component of development will take the form of a combination of dwelling types ranging from single detached dwellings to multi-family dwellings. Subject to servicing capabilities, approximately 1800 units are anticipated as part of the development as well as commercial and recreational uses to serve the residents of the island. Development will be subject to the following conditions:
 - a) Recreational resort accommodation and residential units shall be of an appropriate density and height. Development within 150 metres of the eastern

shoreline of the island will be limited in height to 6 stories. Multi-family development elsewhere on the island shall be limited to 10 stories until such time as a suitable firefighting solution has been resolved to the satisfaction of the Town. Development will proceed in phases.

- b) The owner will undertake archaeological assessment, where required, of those lands that will be altered by development to the satisfaction of the Town and the appropriate Ministry;
 - c) The implementing Zoning By-Law and Site Plan Control agreement shall address, but not be limited to the location of buildings, including accessory residences and structures; the location of water, sanitary sewage, and stormwater works and solid waste storage facilities; the location and standards of access (ingress/egress) facilities both on the island and the mainland, including ferry docks, landings and mooring boats, as well as roads, walkways and parking areas; grading, erosion and sedimentation control; landscaping, planting, buffering and fencing; the protection and enhancement of natural areas, including woodlots and shorelines; road maintenance, snow clearance, garbage collection and general maintenance of the island.
 - d) Marina development will be permitted subject to the requirements of the federal government.
 - e) The owner will prepare, to the satisfaction of the municipality, the Ministry of Environment and/or the Essex Region Conservation Authority, a comprehensive stormwater management plan for all phases of construction and the completed development, in accordance with the best management practices prescribed in provincially sanctioned guidelines and interim guidelines.
- (2) Lands designated Recreation and located between County Road 20 (Sandwich Street/Front Street) and the Detroit River and identified as Special Policy Area 7 are restricted to marinas and associated facilities including snack bar, gasoline sales, parking areas, and auxiliary buildings and uses.
- (3) *Lands designated Recreation and located between County Road 20, Sandwich Street North, and the Detroit River and identified as Special Policy Area 15 are restricted to the existing marina and associated facilities including a snack bar, gas bar, and auxiliary buildings. It is recognized that the land does not have frontage on a public street and that access to the site may be by way of an easement. Consent to sever this parcel from the remaining holding may be permitted notwithstanding the fact that the site does not have frontage on a public street. Building height shall be restricted in the zoning by-law to ensure continued views and vistas of the Detroit River and in recognition of the existing low-profile development. (OPA#1)*

The lands identified as Recreational Development Special Policy may also be subject to an Environmental Impact Assessment in accordance with Section 6.9 as determined by Council in consultation with the Essex Region Conservation Authority.

4.8 OPEN SPACE

The Official Plan Policies for parks, open space and recreation are intended to provide a guiding framework for parks and recreation planning, the allocation of municipal resources and the co-ordination of public and private actions affecting the supply of recreation services and facilities to Amherstburg residents.

Many groups and agencies contribute significantly to the overall supply of recreation opportunities throughout the community. It is not the intent of the municipality to duplicate these services and

facilities, but to focus upon those areas of community recreation need which are economically difficult or impossible for other groups and agencies to provide.

It is the purpose of this Plan to define the areas of municipal responsibility through the identification of goals, objectives and implementation strategies for the development of municipal parklands and the provision of recreation services and facilities throughout the community. The translation of these goals and objectives into action-oriented policy statements provides the means of achieving the stated goals and objectives within the limits of legislative, economic and physical constraints.

4.8.1 Goals

- (1) To ensure that a wide range of recreation opportunities and facilities are provided throughout the Town to meet the needs and interests of community residents.
- (2) To further the creation of an attractive urban environment, through the development and maintenance of a parks and recreation system consistent with the Historic Town image and Wayfinding Study.
- (3) To ensure that natural environment features are protected, preserved and enhanced for the benefit and enjoyment of existing and future residents.
- (4) To ensure that adequate parks, open spaces and recreation facilities are provided for people of all ages.
- (5) To identify and respond to the needs and interests of the community through an ongoing program of parks and recreation planning.
- (6) To encourage and maintain open channels of communication with community groups, sport organizations and public agencies in the planning and development of parks and recreation facilities.
- (7) To increase public awareness regarding the availability of existing recreational services and facilities.
- (8) To progressively eliminate the deficiencies in parks and recreation facilities through programs of land acquisition and park development.
- (9) To identify and preserve land for future community use in advance of urban development.
- (10) To ensure that urban development patterns do not encroach upon areas of significant recreational, cultural or environmental significance.
- (11) To pursue the development of an integrated and physically continuous open space system readily accessible to the majority of the residents.
- (12) To encourage the initiatives of private individuals and groups in the development of municipal parklands and the provision of complementary services and facilities throughout the community.
- (13) To maximize the use of external revenue sources and assistance programs in furthering the development of the Town's parks and recreation system.

4.8.2 Parks and Recreation Hierarchy

In order to accommodate the needs and interests of different age groups, a hierarchy of parks will exist within the Open Space designation. This hierarchy shall be comprised of special purpose parks, neighbourhood parks and playgrounds, community parks and playgrounds, and linear parks, as well as private developments that supply campgrounds, golf courses and/or other outdoor recreational activities. The Open Space land uses shall be developed in accordance with the following standards:

- (1) **Special Purpose Parks**
The purpose and function of Special Purpose parks are intended as public open space associated with unique physical amenities such as the Detroit River or Lake Erie and

are not intended for a full range of recreational opportunities. The purpose of these parks is to provide for civic beautification, greening, passive leisure, seating areas and similar amenities in built-up areas. The parks may also be established for unique public recreational functions such as marinas and/or boat launching or camping or provide for development opportunities such as the provision of accommodation. Examples include the K. Walter Ranta Marina and King's Navy Yard Waterfront Park and the Conservation Authority's Holiday Beach.

The size of Special Purpose parks should be provided on the basis of opportunity, need and the uniqueness of the location. Variations to the size may occur based on facility requirements and user needs of specific services offered by the park.

Facilities within Special Purpose parks should be of sufficient size to accommodate a variety of recreation facilities.

Special Purpose parks and open spaces should be developed to take advantage of prominent land forms and natural environment features. These include shoreline areas, ravine lands, watercourses, significant tree stands, canals, wet lands and marshes. Other sites with limited topographical variations and natural environment features may be more suitably developed for major sports activities and special events.

(2) Neighbourhood Parks and Playgrounds

Neighbourhood level parks and recreation facilities should be designed primarily for children's' activities, opportunities for youth and limited recreational opportunities for adults. Where there is a preponderance of a specific user group such as young families and/or senior citizens in an area, facilities and programs should be tailored more specifically to the particular needs of these groups.

Neighbourhood parks and playgrounds should be readily accessible to the majority of neighbourhood residents. The optimum service radius of these types of facilities is 800 metres or 10 minutes walking distance, uninterrupted by major thoroughfares and/or other major physical barriers, respecting the limited mobility of the service population.

Neighbourhood parks and playgrounds should be provided on the basis of 1 ha/1000 population up to 3 ha per park site. 0.8 ha/1000 should be devoted primarily to active recreation uses of an informal, casual and non-capital intensive nature. 0.2 ha/1000 should be devoted to passive recreation uses with major emphasis on natural environment features, shaded areas and low maintenance landscaping. Variations to the size may occur based on facility requirements and user needs of specific service areas of the park.

Neighbourhood parks and playgrounds should be predominantly flat and well-drained in order to accommodate a variety of neighbourhood active recreation activities. Up to 20% of each site may be developed with contour variations in order to create an attractive park-like setting and to provide opportunities for passive recreation.

Neighbourhood parks and playgrounds should be centrally located, within safe and convenient walking distance of the majority of neighbourhood residents. Such facilities should be designed with extensive street frontage for visibility and safety and should be coordinated with public or separate elementary school sites where possible.

Neighbourhood parks and playgrounds should be of sufficient size to accommodate a variety of recreation facilities. Some examples include: paths, benches, playground equipment for children of all ages, open space/fields for unstructured sports (soccer,

baseball), paved areas for informal games/basketball/tennis, horticultural plantings, shaded areas for passive recreation, and parking areas where appropriate.

(3) Community Parks and Playfields

Community parks and playfields should be designed primarily for children, youth and adults of all ages with major emphasis on facilities for both organized and non-organized sports. Smaller areas should also be set aside for landscaping, beautification and passive recreation.

As the majority of facilities at the community park level cannot be supported by a neighbourhood population and as youth and young adults are much more mobile than neighbourhood park users, greater travel distances to community parks and playfields can be justified. A 20-minute walking distance or 1.6 km service radius is the optimum for community parks and playfields.

Community parks and playfields should be large and spacious in order to accommodate a wide variety of senior calibre recreation facilities. Community parks and playfields should be provided on the basis of 1.5 ha/1000 population and should range in size from 4 to 8 hectares. Variations in sizes may occur based on facility requirements and user needs of specific service areas of the park.

Community parks and playfields should be reasonably flat, with peripheral contour variations and landscaping provided for visual effect and passive recreation. Berms and plantings may also be effectively utilized in separating children's playground facilities from athletic and sports facilities or other incompatible uses.

Community level parks and recreation facilities should be situated in a manner which is reasonably central to the service population and directly accessible by public transit, automobile and bicycle. Frontage on a major traffic route is desirable with facilities provided for off-street parking. The provision of community level parks and recreation facilities should also be coordinated with secondary school sites where possible, in order to maximize the use of public open space and to achieve a complementary integration of recreation facilities.

Community parks and playfields should be developed as focal points for organized and non-organized team sports, athletic activities and casual recreation which require the provision of fairly expensive and sophisticated facilities. Some examples of facilities at the community park level are: regulation-sized playing fields, with or without lights, swimming pools, arenas, community centres, parking facilities, spray pads, small scale skateboarding, medium to large playgrounds, passive open space, trails, picnic pavilions, and horticultural plantings.

Where land acquisition and development strategies cannot be carried out effectively to accommodate all levels of the park hierarchy requirements, the criteria respecting lower levels of the hierarchy may be satisfied by higher level provision, such as Community or Special Urban parks.

(4) Linear Park

Linear parks are intended to provide public access to trail facilities and link neighbourhoods and recreation facilities together through a comprehensive trail system. They are an important component of an integrated and interconnected system of public parks and open spaces.

Linear parks should be provided to ensure community-wide access to a connected parks, open space and trails system.

Linear parks should be a minimum of 15 metres in width to accommodate trail-related activities and green space. The size/length of Linear Parks may vary depending on physical characteristics of the location and trail linkage requirements.

Linear parks may have variable topography and should be designed with sensitivity to natural heritage features. The local topography of each Linear park location should be a factor in determining appropriate trail uses, surface treatment, and pathway widths.

The location of Linear parks should be determined on an opportunity-basis with consideration given to linkage requirements and public accessibility to the parks, open space and trails system in each location.

Linear parks should provide a range of amenities/facilities suitable to the size and linkage requirements of the location. Examples of Linear park facilities include: multi-purpose paved trails, multiple access points from adjacent communities, benches, play areas, soft surface trails, water access, picnic facilities and natural areas.

4.8.3 Park Acquisition and Development Priorities

The hierarchy of parks, open spaces and recreation facilities set out in this Section of the Plan shall be used as the basis for measuring the adequacy of existing services and facilities and the assignment of land acquisition and development priorities.

In newly developing residential areas, every attempt will be made to ensure that a full complement of parks, open spaces and recreation facilities is provided according to the standards prescribed in this Plan.

In existing residential areas, deficiencies in parks and recreation facilities will be progressively eliminated through a program of land acquisition and park development.

4.8.4 Park Development

Where existing parks, open spaces and recreation facilities are determined to be inadequate, the municipality will attempt to bring these areas and facilities up to desirable standards through an ongoing program of park development.

In the development and improvement of individual park sites, consideration shall be given to the problems of public accessibility, park identification and the private encroachment onto municipal property. The municipality shall attempt to alleviate these problems whenever possible.

Accessibility will be improved through the provision of pedestrian walkways wherever practical.

The identity of municipal parks and open spaces will be improved through a program of park identification and signing.

Private property encroachments on municipal parklands and natural environment areas will not be permitted and should be progressively eliminated in order to maximize the use of these areas for public recreation purposes.

4.8.5 Parkland Dedication and Cash-in-Lieu of Parkland

While a program of land acquisition and park development is required to alleviate outstanding deficiencies and needs, it is important to ensure that an adequate level of recreation services and facilities is also provided in newly developing areas in order to accommodate the needs of incoming residents and to avoid creating further deficiencies. As a condition of land development or approval of a plan of subdivision, the municipality will require that a portion of the land proposed to be developed or redeveloped be conveyed to the Town of Amherstburg for park or other public recreational purposes in accordance with the policies of Subsection 2.10.2 of this Plan, or will require cash-in-lieu of all or part of the land conveyance in accordance with the policies of Subsection 2.10.3 of this Plan.

4.8.6 Parkland Acceptability

Where land, as opposed to the cash value of land is required for parkland dedication purposes, the municipality must be satisfied as to the location, size, configuration and general topography of the proposed park site within the development or redevelopment area. More specifically:

- (1) Park sites should be of sufficient size and shape to accommodate the development of standard neighbourhood park facilities;
- (2) Park sites should be reasonably central to the service population and should feature extensive street frontage for visibility, safety and accessibility;
- (3) Park sites should have a minimum street frontage of 30 metres increasing in size by 40 metres per hectare;
- (4) Where required, secondary accesses in the form of pedestrian walkways shall be provided by the developer in accordance with the following design criteria:
 - a) 3.65 metre minimum right-of-way;
 - b) durable walking surface materials;
 - c) fencing to municipal specifications.
- (5) Lands required for park dedication purposes shall not be susceptible to major flooding, poor drainage, erosion, steep slopes or other environmental or physical conditions which would interfere with their potential development or use as public recreation areas. Lands subject to these conditions will be integrated, where possible, with the development of municipal parks and open spaces in order to form pedestrian walkways, linear trail systems and passive recreation areas;
- (6) Where possible and desirable, park sites should be oriented to take advantage of favorable topography, vistas and mature stands of trees;
- (7) Lands dedicated to the municipality for public park purposes shall be covered with an adequate layer of topsoil and shall be graded to establish finished contours by those responsible for dedicating the lands;
- (8) Where required and appropriate, park sites will be integrated in design with appropriate storm water management programs; and,
- (9) Parks sites should be free and clear of all abandoned structures, building materials and debris and left in a condition which is generally satisfactory to the municipality.

4.8.7 Park Development Procedures

In order to accommodate the needs for neighbourhood park facilities in newly developing areas or areas of redevelopment, lands will generally be acquired at the time when development or redevelopment proposals are being made so that these parks may be closely integrated into the design of the area.

The detailed design of the neighbourhood parks will be carried out as soon as possible after the boundaries of the land to be acquired for park purposes are known, so that landscaping and topographical modifications may be coordinated to the advantage of both the Town and Developer. Community Park land may be acquired through the pooling of park land dedications from a number of subdivisions within an area in order to create a meaningful park site capable of accommodating playing fields and more active recreational activities while maintaining adequate buffers to adjoining residential development.

The Town will endeavour to provide a basic level of recreation services and facilities in newly acquired parks so that immediate benefit may be derived from these parklands. Generally, this shall include seeding, sodding and the establishment of appropriate plant materials. Subsequent development will occur once major deficiencies and priorities in other parts of the town are resolved.

Notwithstanding the policies of this Section to the contrary, consideration shall be given to altering the priorities for park development, where citizen group donations, cost-sharing programs or capital grants are made available for the development of specific projects. In this regard, the Town must be satisfied that:

- (1) The project is in reasonable harmony with the policies and park development standards established in the Official Plan;
- (2) Manpower and time can be allocated to the project without adversely affecting the provision of other services and facilities.

While sufficient lands are presently available in the form of Town-wide parks and regional open spaces to accommodate the needs of the existing population, the majority of these lands require further development and improvement in order to facilitate greater public recreational use.

4.8.8 Linear Park Development

The growing popularity of physical fitness activities such as walking, jogging, bicycle riding and cross-country skiing has resulted in increased demands for linear park development and the provision of bicycle paths, hiking trails and pedestrian walkways.

In order to accommodate these needs, the municipality shall actively pursue the development of an integrated and interconnected system of public parks and open spaces system. Views and vistas of the Detroit River and Lake Erie shorelines should be integrated into a linear park system as well as opportunities along Big Creek and lands associated with natural corridors that can form a continuous system of open space and is accessible to the majority of community residents. The former railway right of way's development as the Greenway should be added and linked to other pathway/trails in this system.

Minor watercourses, utility corridors, surplus railway lands and other open spaces should also be considered as opportunities to add to the system wherever possible in order to maximize the opportunities for linear park development.

Where any of the lands involved are in their natural state, they should be protected and preserved in their natural state as far as possible except for the purposes of general maintenance and provision of linear park facilities.

The following principles shall be used to guide the development of the bicycle path and pedestrian walkway system and to ensure consistency in design standards.

- (1) That a continuous trail system be developed, suitable for the use of pedestrians and cyclists.
- (2) That the system be developed to take advantage of significant historical, cultural and environmental features.
- (3) That the system be separated as much as possible from vehicular traffic routes.
- (4) That the system be constructed wide enough to permit two-way pedestrian and cycling traffic and the access of maintenance and emergency vehicles.
- (5) That the system be constructed according to proper engineering standards including asphalt surfaces, compacted granular base and adequate drainage.
- (6) That appropriate warning signs and pavement markings be established enroute for the safety and convenience of both pedestrians and cyclists.
- (7) That secondary routes and pull-overs be incorporated into the overall design concept in order to provide rest areas and places for scenic observation.

The continuation of the rails to trails route across Amherstburg is supported as a desirable objective. When the trail system reaches Concession 2 N, Council may consider a number of options in assisting in the completion of the trail. The options may include negotiating with a variety of land owners along the south side of Texas Road to develop a trail to the rear of property owner on Texas Road, or it may include enhancing a sidewalk along Texas Road to accommodate walkers and bikers and /or it may include working with land owners to utilize the former rail line and develop a more secure interface with industrial uses to the south of the trail or it may be a combination of the above options. Consultation with abutting land owners will occur prior to the trail system being developed westerly to Sandwich Street.

Linear trails will also be encouraged to run in a north south direction in the vicinity of Big Creek and along the Detroit River. North south linkages will also take the cooperation of the Town, ERCA and property owners to allow hikers and bikers to reach destinations such as the downtown, King's Navy Yard Park, or Larry Bauer Park or other points of interest. (OPA#1)

4.8.9 Institutional Lands and Facilities

Public and private institutions contribute significantly to the overall supply of recreational services and facilities available throughout the Town of Amherstburg. Where possible, the municipality shall seek the co-operation of these various institutions in extending the use of their lands and facilities to the general public, at such times as they are not being used exclusively for their own activities and programs.

Close co-operation between the Town and the area School Boards shall be maintained for the purpose of achieving a complementary integration of and optimum utility of public parklands and community service facilities. Where possible:

- (1) The establishment of neighbourhood parks will be coordinated with public or separate elementary school sites.
- (2) The establishment of community parks will be coordinated with secondary schools or other appropriate senior education facilities.

- (3) Where required, the provision of indoor facilities in the form of community recreation centres shall also be coordinated with appropriate elementary or secondary schools in order to maximize the use of facilities and to take advantage of economies of construction, operations and maintenance.

The standards for neighbourhood and community parkland set out in this Plan will be used to guide the development of school playgrounds and the provision of associated recreation facilities. Portions of school playgrounds shall be credited and listed in parkland inventories for park purposes where adequate opportunities are provided for neighbourhood or community use.

Where playground facilities are inadequate according to the standards set out in this Plan, the municipality in co-operation with the appropriate school board shall attempt to develop and improve these facilities where possible. In particular:

- (1) A program of landscaping and tree planting shall be initiated in order to provide greater opportunities for passive recreation in the design of school playgrounds.
- (2) An expanded range of playground facilities should be provided in highly populated areas in order to accommodate the needs of preschooler's as well as elementary school age children.
- (3) Playground signs should be established in order to improve the identity of these areas as public open space.
- (4) In combined park/school sites, except where required for safety or the protection of adjacent properties, perimeter fencing should be eliminated between school playgrounds and park sites in order to provide an inviting park-like atmosphere and to encourage public use and accessibility between the two (2) sites.

4.8.10 Private Recreational Facilities

The Open Space Designation also contains a number of private recreational developments such as golf courses, campgrounds and ethnic clubs. Limitations on the range of permitted uses that may occur on lands designated Open Space but in private ownership will be regulated by the Zoning By-law.

The municipality recognizes the importance of the private sector in the supply of these complementary services and facilities and shall continue to support and encourage the efforts of these groups wherever possible. The range of uses will generally be limited to the existing uses and detailed impact studies will be required should more commercial facilities or activities be considered for these private sites.

While the development of certain recreation facilities can best be met by the private sector, the municipality may consider a joint venture with a private organization provided that there is a demonstrated need for a particular facility and that appropriate agreements can be reached with respect to design, construction, operation, maintenance and public use.

4.8.11 Open Space Special Policy Areas

Certain Open Space areas exist or may develop that do not fit the standard classification of designation and will be covered by a Special Policy as follows:

- (1) Lands noted as Special Policy Area 3 on the Land Use Schedules are restricted to use as golf course, driving range and associated restaurants or pro shops.

- (2) *Lands designated Open Space on the former Soda Ash Settling Bed and identified as Special Policy Area 14, shall be redeveloped and rehabilitated as a form of open space development. Once rehabilitated to the Town and the Ministry of the Environment's satisfaction land uses may include forestry including harvesting of trees. Further amendments may be required to this area as a result of the Big Creek Watershed Study currently being conducted by the Town and ERCA. It is possible, that as a result of that study, additional lands may be identified as Provincially Significant and warrant designation as Natural Environment or Provincially Significant Wetland or Woodlots. (OPA #1)*

SECTION 5 TRANSPORTATION POLICIES

5.1 GENERAL

The road network indicated on Schedule “D” is based on the inter-relationship of land use and transportation. The primary objective shall be to provide optimum conditions for the movement of people and goods from one portion of the Planning Area to another as well as facilitating the traffic movement through the Planning Area. Every attempt should be made to ensure that the Planning Area road pattern is in harmony with the County Road System as well as those of adjoining municipalities and linkage to the Provincial Road System.

5.2 CLASSIFICATION

Each road within the Planning Area is not designed nor intended to serve the same function. The roads within the Planning Area have been classified according to the anticipated ultimate function that each road would fulfil. Where additional land is required for widenings, extensions, or intersection improvements, such land shall be obtained wherever possible in the course of approving plans of subdivision, development applications, or by conditions attached to individual consents.

5.2.1 Arterial Roads

Arterial roads are existing roads of 2 to 4 traffic lanes. Due to existing development, desired right-of-way widths may not always be achievable. Wherever possible, Sandwich Street/County Road 20 right-of-way width shall be 30 metres. Alma Street, Simcoe Street, Lowes Sideroad, Meloche Road, Fryer Street, Fox Road and County Roads 9 and 10 shall be 26 metres wherever possible. The number of access points from abutting properties should be restricted in number. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control. The function of the arterial roads is to facilitate the inter-municipal and through municipal movement of high volumes of traffic to and from major traffic generating sectors in the Planning Area.

New industrial, commercial, institutional, and multiple family residential uses may have access to arterial roads but in each instance an attempt shall be made to group developments, in order to reduce the number of access points which could hinder the movement of traffic. Strip or linear development shall be discouraged. Where such conditions exist, the number of access points shall be reduced wherever possible.

It is not the intention of this Plan that arterial roads existing in a built-up area will necessarily be widened, or that direct access will be eliminated or restricted, except where redevelopment is taking place.

5.2.2 Collector Roads

Collector roads are existing and proposed roads with a minimum of two traffic lanes and a right-of-way width of 20 to 26 metres, which are designed to collect and carry medium volumes of local traffic to arterial roads or distribute traffic to the local roads as well as provide access to abutting properties.

Collector roads shall include Essex County Roads 3, 5, 8, 11, 18, 41 and 50.

5.2.3 Local Roads

Local roads are existing and proposed roads with two traffic lanes and a right-of-way width of 20 metres which are designed primarily to provide access to abutting properties. They should be designed so as to discourage the movement of through traffic and function as local distributors of traffic to the local roads, as well as to provide access to abutting properties.

5.2.4 Private Roads

There are several private roads in the municipality that service development along the lakeshore.

It is the intention of the Municipality that no further development will take place on the Private Roads known as Bingham Road, Goodchild Beach Road, Lake Erie Country Club Road, or Erie View Road, until such time as they have been upgraded to Ministry of Transportation standards.

5.3 INTERSECTION IMPROVEMENTS

It is the intention of this Plan that, as traffic conditions warrant, improvements in the form of jog eliminations, regulation of turn movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization construction will be undertaken at the intersections as required.

5.4 OFF-STREET PARKING

This Plan proposes that sufficient off-street parking facilities be established as are required to serve the needs of the central business area. Whether an off-street parking program is developed entirely by the Town of Amherstburg, by private enterprise, or jointly by the Town and private enterprise, reasonable parking facilities should be established, consistent with demand, and in accordance with the following general principles:

- (1) The parking facilities within the Central Business District should be a combination of short-term parking for shopping and business purposes and long-term for those employed in the area.
- (2) The area behind the stores and businesses that line Richmond Street, Murray Street and Dalhousie Street should be developed in such a manner as to provide landscaped off-street parking areas for customers.
- (3) The cash-in-lieu of parking policy and by-law, as provided for under Section 40 of the Planning Act R.S.O. 1990, c.P.13, may be implemented and the funds used to provide public parking facilities within the Central Business District in accordance with the policies of Subsections 4.4.2 and 6.2.

SECTION 6 DEVELOPMENT POLICIES

6.1 LAND DIVISION

6.1.1 Plans of Subdivision

With the exception of land severances granted by the consent-granting authority, all land divisions in the Planning Area shall take place by registered plan of subdivision. It shall be the policy of the municipality to recommend only those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision for approval, the municipality will ensure that the area to be subdivided can be provided with necessary services and amenities, and that the proposed development would not adversely affect the economy of the Planning Area. Reference should also be made to Section 2 of this Plan.

6.1.2 Land Severances

Should the consent-granting authority establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to a land severance may be allowed. Generally, the consent process would only be considered for the creation of five or less lots. In considering an application for a consent, the consent-granting authority shall be guided by the relevant objectives and policies of this Plan, including the following:

- (1) The division of land will only be allowed when all parcels involved abut a public road of a standard of construction acceptable to the Town (and the County of Essex when applicable) and safe and suitable access is available;
- (2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;
- (3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:
 - a) to permit the proper siting of a building;
 - b) to obtain a sufficient and potable water supply; and
 - c) to permit the installation of an adequate means of sewage disposal. In areas where no piped municipal services are available and the installation of a septic tank system or other private sewage disposal system is therefore required, the standards established by the Ministry of Environment and/or its designated agent shall be met;
- (4) The division of land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law. The Zoning By-Law shall establish minimum lot frontages and areas in accordance with the requirements of the Town and/or its designated agent for septic systems approved under the Building Code or the Ministry of Environment for systems approved under the Water Resources Act. Where a by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;
- (5) The division of land may be prohibited if development would occur on lands subject to severe flooding, provincially significant wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the Town in consultation with the Essex Region Conservation Authority;
- (6) Notwithstanding any other section of this Plan, consents for the creation of easements or rights-of-way are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the

Planning Act, R.S.O. 1990 c. P.13 and the consent would not result in the creation of a new building lot;

- (7) The consent-granting authority may exercise its powers under Section 53(2) of the Planning Act, R.S.O. 1990 when reviewing the shape, size, etc. of any proposed lot;
- (8) It shall be the Town's policy to require one application fee per new lot created, each right-of-way, lot addition etc. Only one application outlining all the lots to be created, however, need be submitted. Such application shall have a corresponding series of numbers. Further, it shall be the Town's policy to deny consent applications that only remit one fee by applying for a new lot in the middle of an existing lot in an attempt to create three lots with one application;
- (9) When considering consent applications or plans of subdivision, consideration will be given to the following requirements which may be stipulated as a condition of consent or plan of subdivision approval where applicable:
 - a) that a lot levy (including 5 percent of the value of the lot for park purposes or such fee as set from time to time by the Town) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;
 - b) that the applicant enters into an agreement to maintain any drainage facilities servicing the agricultural sector which traverse the property;
 - c) that the applicant enters into an agreement to construct or maintain fences around the proposed lot;
 - d) that the Town's Zoning By-Law be amended to permit the proposed use, if necessary, prior to the stamping of deeds;
 - e) that access to the property is constructed to the satisfaction of the appropriate agency;
 - f) that all new development proposed within fully serviced areas shall be serviced by municipal piped water supply, municipal stormwater management facilities and municipal sanitary sewage facilities;
- (10) *In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally, the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size. (Modification #35)*

6.2 POLICIES FOR DOWNTOWN REVITALIZATION

It is the intent of this Plan to encourage the continued viability of the downtown core area. To this end, the following specific policies are set out with respect to future development in the Central Business Area.

6.2.1 Description

- (1) The Central Business Area shall comprise those lands adjacent to Richmond Street, west of Sandwich Street and Dalhousie Street from Rankin to Gore.
- (2) The uses permitted in the Central Business Area shall consist primarily of those general commercial uses described in Section 4.4 hereof, but shall also include some mixed types of residential uses located primarily on the fringe of the Central Business Area.
- (3) The limits of the Central Business Area do not coincide in all cases with those of land use areas. However, distinct and recognizable limits to the Central Business Area will

be achieved where possible by differences in intensity and character between it and adjoining areas.

- (4) The Central Business Area is and shall continue to be characterized by an intensive use of land.

6.2.2 Role and Function

It is the intent of this Plan that the focal point of activity be the Central Business Area which shall continue to be the dominant and most intensive business area in the Town and in the surrounding market area. The Zoning by-law may apply square footage restrictions on uses beyond the Central Business Area in an attempt to encourage smaller retail and office uses to select the Central Business Area over locations on Sandwich Street.

6.2.3 Residential Uses

- (1) Accessory residential uses and limited height apartments may be permitted in those areas designated General Commercial within the Central Business Area.
- (2) Higher density residential development shall be permitted on the periphery of the Central Business Area provided Council is satisfied that such development will not prejudice the future re-development of the Central Business Area and provided the proposed development conforms to all other policies of this Plan with particular reference to Heritage Policies.

6.2.4 Traffic and Parking

- (1) Truck and industrial traffic shall be discouraged in the Central Business Area except where such traffic has business in the downtown area.
- (2) Store owners shall be encouraged to make maximum use of the areas behind their stores for the purposes of both loading and parking.
- (3) Because the Central Business Area is the sector of the Town wherein the volume of pedestrians is the most dense, it shall be designed primarily to serve a pedestrian function and to encourage social interaction.
- (4) Parking facilities within the Central Business Area shall be limited primarily to short-term parking with high turnover, serving shopping and business purposes. Long-term or all-day parking facilities, except those developed by private business for their own use, shall be provided on the periphery rather than in the core of the Central Business Area. Where a fee is charged for off-street parking, the rate structure shall generally be such as to render the facility self-supporting. Moreover, rates shall be set so as to discourage all-day parking in the core of the Central Business Area and to encourage long-term parking on the periphery.
- (5) Entrances and exits to off-street parking facilities shall be located so as to minimize interference with street traffic. The frontage on Richmond Street shall not be used for surface off-street parking facilities. The development of pedestrian walkways to parking areas located behind the Richmond Street frontage as well as Murray and Dalhousie Streets, shall be encouraged, as well as ensuring barrier free accessibility and accessible parking spaces.
- (6) The provision of on-site parking shall not be prerequisite for new development in the Central Business Area provided Council is satisfied that undue traffic hazards would not arise.

6.2.5 Downtown Improvement and Revitalization

- (1) It is the intent of this Plan that the progressive features and positive characteristics, which have developed in the Central Business Area, shall be retained and reinforced. Development of vacant sites and redevelopment of existing areas in the Central Business Area shall be encouraged in a comprehensive manner with a view to coordinating individual site designs and providing integrated solutions to pedestrian and vehicular traffic circulation problems. To further these objectives, Council may require that prospective developers of lands in the Central Business Area enter into a Development Agreement with the Municipality under Section 41 of the Planning Act, R.S.O. 1990 c.P.13.
- (2) Although intensification of use will be inherent in most development or redevelopment, it is the intent of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout.
- (3) No open storage shall be permitted in the Central Business Area.
- (4) It is the intent of this Plan that the Central Business Area remain as compact as possible in order to serve the pedestrian most effectively. New development should be planned as an extension of the existing business area and should not be allowed to infiltrate unnecessarily into adjoining residential areas.
- (5) Preference should be granted to the redevelopment of vacant or derelict commercial buildings within the Central Business Area before considering amendments to the Zoning By-Law to permit expansion into adjoining residential areas.
- (6) Council shall endeavor to improve the environment of the Central Business Area by making use of small spaces for such amenities as benches and planting and to improve the design of street lighting and other street furniture.
- (7) Council shall encourage merchants and property owners in the Central Business Area to improve their shop fronts and signs and thereby improve the overall appearance of the downtown area.
- (8) Council shall encourage an adequate standard of building maintenance on all property within the Central Business Area through the enforcement of a maintenance and occupancy standards by-law pursuant to Section 31 of the Planning Act R.S.O. 1990 c.P.13.
- (9) Council shall consider the assembling of land within the Central Business Area as assistance to redevelopment or rehabilitation schemes.
- (10) Council shall have regard to the policies relating to Economic Development that are contained in Section 6.5 of this Plan when considering the improvement and revitalization of the downtown area.

6.3 POLICIES FOR COMMUNITY IMPROVEMENT

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio-economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation, and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

- (1) The principal goals for Community Improvement Area shall be:
 - a) To protect and enhance the quality of the area which the resident's value highly;
 - b) To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
 - c) To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
 - d) To urge and assist owners of commercial, industrial and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.
- (2) The specific objectives of a Community Improvement Area shall be:
 - a) To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
 - b) To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;
 - c) To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
 - d) To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
 - e) To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;

- f) To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;
- g) To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- h) To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin "Toddy" Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- i) To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- j) To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- k) To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- (1) There is a deficiency or deterioration² in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- (2) There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, libraries, clinics, cultural facilities.
- (3) That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;
- (4) That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- (5) That the area is composed of predominantly low- and moderate-income households in relationship to average provincial household income or to the rest of the community;
- (6) For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- (7) The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if

² The Engineering Standards for the Town of Amherstburg shall be used as a guide in determining the degree of deterioration and the priorities for improvement.

- redeveloped or renovated or developed to another land use could enhance or revitalize the area;
- (8) The overall streetscape or aesthetics of the area are in need of upgrades;
 - (9) The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

Implementation of the Community Improvements will occur through;

- (1) implementation of the Property Standards By-Law;
- (2) the support of the local Heritage Conservation committee and the application of Heritage designations;
- (3) the acquisition of lands through Town expenditures;
- (4) the sale of public lands for commercial redevelopment;
- (5) the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise.
- (6) the support of the Business Improvement Area;
- (7) consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- (8) encouragement of private initiatives regarding conservation, rehabilitation, redevelopment and environmental remediation;
- (9) consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- (10) when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.

6.4 POLICIES FOR HERITAGE CONSERVATION

6.4.1 General

The Central Business Area possesses many older structures that warrant preservation and restoration. The intent of this Official Plan is to ensure that the future development strategy for that portion of the Town identified as the Heritage Area be sensitive to the heritage

resource that is present. All new development within the Heritage Area will be carried out in such a manner as to respect the existing historical character while every effort will be made to preserve existing structures, building sites, as well as the overall character and atmosphere within the area.

It shall also be an objective of this Plan to coordinate the preservation, restoration, and utilization of the historical attributes of Amherstburg with comprehensive planning needs in order to benefit the community and posterity.

For the purpose of this Official Plan and any subsequent implementing documents, the term "heritage" shall mean those sites, structures, buildings, and environments which are of historical or architectural significance and interest to the Town of Amherstburg.

6.4.2 Objectives

In order to achieve the desired goal outlined in the preceding Section, the following objectives have been identified.

- (1) To protect, preserve and restore the original architectural detail wherever feasible on those significant buildings having architectural and historical merit within the context of the Town of Amherstburg.
- (2) To protect, preserve and restore the original architectural detail wherever feasible on those buildings contributing towards heritage value of the Town of Amherstburg.
- (3) To encourage the construction of new buildings to be of a design compatible with existing structures and to restrict unsympathetic alteration to buildings that would, by doing so, detract from the character of the Heritage Area.
- (4) To conserve and rehabilitate existing buildings and generally establish an area of stability through the removal of blighting influences, such as incompatible land uses, deteriorated structures and improvements to the streetscape.
- (5) To prevent the demolition, destruction, or inappropriate alteration or use of heritage.
- (6) To encourage appropriate character and uses adjacent to heritage in those areas designated on Schedule "B" as Heritage Residential.
- (7) To develop and encourage creative, appropriate, and economic uses of heritage.
- (8) To seek Legislative powers to enable Council to exercise controls necessary to ensure the preservation of the architectural and historical values of the Town.
- (9) To consider social and community needs in the preservation, restoration, and utilization of heritage.
- (10) To encourage and foster public awareness, participation and involvement in the preservation, restoration and utilization of heritage, including policy formulation.
- (11) To encourage and develop private and public financial resources and techniques in the preservation, restoration, and utilization of heritage.
- (12) To undertake research into the Town's heritage and to identify methods for its preservation, enhancement, and utilization.
- (13) To coordinate heritage policies and programs with the comprehensive planning programs of the Town of Amherstburg.
- (14) To provide for the periodic review and update of heritage policies and programs.
- (15) To foster civic beauty, strengthen the local economy and to promote the use of heritage for the education, pleasure, and welfare of the residents of the Town and of visitors to the Town.

6.4.3 Criteria and Guidelines

A set of criteria has been established for the selection of sites, structures, buildings, areas, and environments of heritage significance. The basis for selection is tied to the historical and architectural development of the Town of Amherstburg. As a minimum, the criteria

found in Ontario Regulation 9/06 of the Ontario Heritage Act, which deals with designations for individual properties under Part IV, must be followed.

6.4.4 Criteria for Heritage Districts - Background

The Town's heritage and planning concerns require special attention for whole areas. A sizeable portion of Amherstburg's heritage properties are not individually significant. Rather it is the unique character of the buildings and street patterns as a whole which is most significant. Series of similar properties group logically to form such areas and contain a unity in their shared character and components. In addition, heritage areas provide reasonable units for effective planning and protection, because of their consistency and manageable size.

It is felt that a focus on areas, as a major direction for heritage programs will result in the most efficient use of resources and the most effective protection of heritage. This focus developed from the conclusion that local municipalities carry the responsibility for restricted area regulation and are best able to provide the framework within which the Town can promote and undertake preservation, restoration and rehabilitation.

A detailed Heritage Conservation District Plan shall be prepared for all areas which are to be designated as Heritage Conservation Districts. This plan shall contain the location, historical, or architectural significance of the area in the development of the community, and justification for the designation of the district and shall provide policies and guidelines for development, redevelopment and alterations.

The area should provide an example of the historical or architectural heritage of the community. The geographical extent of such an area in some cases will not be easily defined and for this reason, the following criteria should be considered by Council and the Amherstburg Heritage Committee when measuring the historical or architectural heritage of a proposed district.

- (1) A significant number of buildings should reflect an aspect of the historical heritage of a community by nature of its historical location and significance of setting.
- (2) A significant number of buildings should exhibit an architectural style of construction which is significant historically or architecturally to the community, Province, or Country.
- (3) The area may contain other notable physical, environmental, and aesthetic characteristics which in themselves do not constitute sufficient grounds for the designation of a district, but which lend support when evaluating the criteria for designation.
- (4) The district may be in an area surrounding several individually designated buildings, sites, and structures, or a more extensive area such as a neighbourhood or several town blocks.
- (5) The boundaries should be clearly differing factors such as changes in land use, building, or environmental character, topography, or traffic corridors.

6.4.5 Criteria for Individual Buildings - Background

Council and the Heritage Committee shall consider the following criteria when evaluating individual buildings for designation under The Ontario Heritage Act. The buildings so designated should interpret the Town's heritage through architectural merit and/or historical association.

- (1) Has the building been associated with the life of an historic personage or has it played a role in an important historic event?
- (2) Does the building embody the distinguishing characteristics of an architectural type recognized for its style or period of construction, or is it a notable example of workmanship by an early master builder, designer, or significant architect? It is not imperative that antiquity alone be the basis for selection, however, it should be an important consideration if other more significant examples have disappeared.
- (3) Does the building or building type have special significance in that it forms an integral component of a particular neighbourhood character within the community?
- (4) The potential for illustrating the heritage value should be such that it will be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated.
- (5) In considering the designation of a building, the extent of the original materials and workmanship remaining should be important to that designation.
- (6) Intangible elements such as feeling, association, and aesthetics shall be considered as important as the physical appearance of the building or structure.
- (7) Architectural character should be considered on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings and the relation of such factors to similar features of the buildings in the immediate surroundings.

6.4.6 Policies

- (1) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural value. Council recognizes that there may be archaeological remnants of prehistoric habitation within the town and important archaeological evidence of historic activities, which would be of value in future conservation of the built environment. Council will, therefore, facilitate survey by government or private agencies should those agencies deem it necessary and will encourage the preservation or rescue excavation of archaeological resources which might be entailed in any future development.
- (2) Council shall identify and maintain a list of possible heritage. This list will be the basis for the preservation, restoration, and utilization of heritage.
- (3) Council will designate and regulate heritage under appropriate legislation, including The Ontario Heritage Act, The Planning Act, and The Municipal Act, whenever deemed feasible.
- (4) Council shall exercise its legislative authority to control the demolition and alteration of heritage. Where Council has through by-laws designated individual buildings or districts under The Ontario Heritage Act, or established an area of Demolition Control under Section 33 of the Planning Act R.S.O. 1990, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by Council.
- (5) Council will establish criteria and guidelines to determine and regulate heritage.
- (6) Council, with the advice and assistance of the Heritage Committee will regulate and guide alterations and additions of heritage.
- (7) Council will regulate vehicular and pedestrian traffic matters which may affect heritage.
- (8) Council will regulate, as appropriate, the character, use and development of the environs surrounding heritage resources to benefit heritage.
- (9) Council will amend its property standards, as appropriate, to meet the needs of heritage.
- (10) If necessary, Council will acquire, restore, and appropriately manage or dispose of heritage on a selective basis.

- (11) It shall be the policy of Council to seek the acquisition of easements on properties of architectural or historical significance in order to assure the preservation of these properties.
- (12) Council will support applications for funds through various senior governmental programs to assist individual property owners with building improvements.
- (13) Council will investigate and evaluate, as appropriate, methods to achieve its heritage objectives.
- (14) Council will consider social and community needs in the preservation, improvement, and utilization of heritage.
- (15) Council will undertake heritage plans and programs in accordance with a system of priorities. In particular, the following will be regarded as priority guidelines for Town programs:
 - a) The protection of heritage areas.
 - b) The stimulation of preservation, restoration, rehabilitation, and utilization of heritage by the public.
 - c) Selective restoration and rehabilitation of heritage by the Town.
- (16) Council will restore, rehabilitate, enhance, and maintain Town owned heritage in fulfilment of the heritage objectives and policies. As feasible, relevant by-laws, programs, and public works undertaken by the Town of Amherstburg will conform to and further the heritage objectives and policies.
- (17) Council will foster the provisions of information and public awareness concerning heritage.
- (18) Realizing that a great deal of cooperation and involvement on the part of the public and business community will be required to implement a heritage program of this magnitude, Council will, wherever feasible, encourage the private and public sectors to promote heritage preservation for the benefit of all citizens of the community and posterity.
- (19) Council shall coordinate its heritage plans and programs with heritage plans and programs of the senior levels of government in an effort to avoid duplication of effort and to reinforce mutual objectives.
- (20) Council will develop and establish heritage plans and programs in co-ordination with Town planning needs and requirements.
- (21) Council will consult with and involve Town residents in heritage planning and programs.
- (22) Council will continually review and update its heritage policies, plans and programs, and will conduct a comprehensive review every five years.
- (23) The construction of new buildings on vacant lots in the heritage areas shall be encouraged and shall be sympathetic in their design to the heritage character of the area.
- (24) Council will investigate, and wherever desirable, take advantage for heritage purposes of special assistance programs offered by the senior levels of government.
- (25) Council will undertake whatever additional research is required on Town-wide, neighbourhood, and specific heritage matters and may adopt specific policies on these matters from time to time upon completion of this research.
- (26) Council will actively encourage senior levels of government to enact legislation and undertake programs to preserve heritage which will further the achievement of the Town's objectives on heritage.

6.4.7 Implementation

- (1) The Ontario Heritage Act
The Town of Amherstburg will, whenever desirable, use the provisions of the Ontario Heritage Act to implement the heritage policies of this Official Plan. The Heritage

Committee established pursuant to the Legislation shall advise and assist Council on all matters specified in the Ontario Heritage Act.

- (2) **Zoning**
Special heritage zones may be established within the Zoning By-Law, to further the achievement of applicable objectives in this Official Plan. In particular, the establishment of heritage zones could enable the Town of Amherstburg to regulate matters such as the use of land, and the height, bulk, density, setback, and exterior design of buildings which are essential to the maintenance of the overall character of unique heritage areas.

Furthermore, heritage zoning regulations will stabilize development which, in turn, will encourage other investment, rehabilitation, and conversion of certain uses to uses which are more compatible with the stated objectives of this Plan. The establishment of heritage zones will endeavor to preserve existing heritage buildings or sites, and discourage their demolition.
- (3) **Demolition Control**
A demolition Control By-Law has been enacted to include heritage, to protect residential properties, and to maintain the character of residential areas. Within the area of demolition control, the demolition of any residential property is prohibited unless Council has issued a Demolition Permit.
- (4) **Site Plan Control**
A Site Plan Control By-Law shall be enacted to require an owner of property within a heritage area as a condition of development or redevelopment to enter into an agreement with the Town of Amherstburg. This agreement establishes conditions which shall be met by the property owner with regard to site development or redevelopment, and any other matters (permitted by the Planning Act) which the Town of Amherstburg deems necessary to achieve certain objectives of this Plan.
- (5) **Minimum Maintenance and Occupancy Standards By-Law**
This By-Law will be amended, as appropriate, to provide special provisions for heritage.
- (6) **Committee of Adjustment**
Applications for severances and minor variances to the Zoning By-Law's Heritage Zones will be carefully considered by the Committee of Adjustment and will only be approved where they are desirable to achieve the heritage objectives and policies of this Plan.
- (7) **Public Acquisition of Land**
The Town of Amherstburg will, wherever desirable and economically feasible, purchase or otherwise acquire an interest in land to affect the implementation of the heritage policies of this Plan.
- (8) **Sign By-law**
The Town of Amherstburg shall enact a Signs By-Law to regulate signs in heritage zones. This legislation will allow the Town of Amherstburg to control the visual impact of advertising and sign design and/or placement within the Heritage Area.

- (9) **Planning Act**
The municipal heritage committee will be circulated notices, under regulations of the Planning Act, pertaining to plans of subdivisions, zoning by-laws, holding by-laws and interim control by-laws, if the subject lands includes or adjoins a property or district designated under Part IV or V of the Ontario Heritage Act.
Council shall, when appropriate for specific development proposals, consider increasing height and density of development otherwise permitted by the by-laws to facilitate the retention of heritage resources. These bonusing techniques are as permitted by the Planning Act.
As provided for by Section 28 of the Planning Act, Council may consider community improvement plans and programs for preservation, rehabilitation, renewal and reuse of heritage resources. Community Improvement Plans are described more fully in section 6 of this Plan.

6.5 ECONOMIC DEVELOPMENT

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect. This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

6.5.1 Economic Development Policies

- (1) The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service and commercial sectors upon the Town and its residents.
- (2) The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites, maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town.
- (3) The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability, industrial development and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex and the Windsor-Essex County Development Commission.
- (4) The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development.
- (5) The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes.
- (6) The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures.
- (7) The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism.

- (8) The Town shall consider participating through financial or other support in County-wide cultural, heritage, convention and recreation activities which support tourism.
- (9) Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion.
- (10) As part of its on-going planning process, the Town will consider the short and long-term, direct and indirect, economic impacts of various types of development.
- (11) In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs.
- (12) The Town shall promote, and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

6.6 HOUSING POLICIES

6.6.1 General

The Town of Amherstburg is concerned about the availability, affordability and appropriateness of the existing and future housing stock of the Town.

The existence of serviced and/or serviceable land can influence the supply and therefore the availability of building lots, and because the mix of housing type can influence issues such as the correct fit between available housing stock to family structures and because lot size can affect the price of the finished home; the Town of Amherstburg has deemed it appropriate to try and influence the development industry and assist in directing it towards supplying the most appropriate mix of housing stock to meet the Town's residential needs.

6.6.2 Housing Objectives

To this end the Town of Amherstburg shall attempt to achieve the following objectives:

- (1) To encourage a broad range of housing types which are suitable for the different age groups, lifestyles, and household structure of existing and future residents.
- (2) To encourage an adequate supply of affordable housing as required by the provincial policy statement on housing.
- (3) To encourage the rehabilitation and maintenance of the existing housing stock.
- (4) To provide housing opportunities for those people in need of specialized care.

6.6.3 Housing Supply

- (1) In order to support the creation of a livable, sustainable community and in keeping with the County of Essex Affordable Housing Action Plan the Town of Amherstburg wishes to ensure that there is an available mix of housing types for all household types, income levels and for persons with special needs. In approving development proposals, the housing needs, both type and tenure, shall be considered for low, medium and high-income groups and all age-related housing needs and all lifestyle needs of Amherstburg residents.
- (2) The Town shall, where appropriate, inform the public of and encourage the use of federal and provincial housing programs.
- (3) In order to implement the requirements of the policy statement, the Town shall have regard to the County of Essex Municipal Housing Statement. In an effort to reduce the time of processing residential applications has prepared a Procedural Guideline/Development Manual.

- (1) The Town shall, within its powers, ensure a supply of lands designated for residential use so that at minimum, a twenty (20) year supply is maintained at all times.
- (2) The Town shall, within its powers, maintain a continuous ten (10) year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in new residential development.
- (3) The Town shall encourage and assist, where possible, in the production of an adequate supply and mix of affordable housing by:
 - a) expediting the development approval process and other administrative requirements;
 - b) implementing senior government housing programs;
 - c) encouraging innovative and alternative development forms and where appropriate, apply more innovative and flexible zoning;
 - d) promoting a 3 percent vacancy rate for rental housing and discourage demolition or conversions to condominium development when the vacancy rate is 3% or less;
 - e) promoting the provision of assisted rental housing to meet the needs of low income and senior citizen households;
 - f) considering, where feasible, the introduction of cost reduction techniques such as reduced setbacks, reduced lot sizes and other modifications to the Zoning By-Law, where such techniques will provide guaranteed lower housing costs while maintaining land use compatibility;
 - g) monitoring housing and subdivision activity, achievement of affordable housing targets and land availability;
 - h) working toward resolving servicing constraints that impede appropriate residential development in appropriate locations.
- (4) The Town shall continue to encourage and assist, where feasible, in the upgrading and rehabilitation of existing housing, particularly in older residential areas.
- (5) The Town shall promote the conversion of vacant or under-utilized upper level core area buildings to residential apartment units in order to improve the use of the buildings and enhance the viability of the core area while still having regard to the amenity needs of such inhabitants. Concessions to parking requirements may be considered by Council in assessing the merit of an application.
- (6) The Town shall encourage the provision of specialized housing facilities to meet the needs of persons with disabilities; and encourage the developers of medium and high-density housing projects to provide units designed specifically for persons with special needs.
- (7) The Town will work with the other communities of Essex County to ensure consistent group home separation regulations.
- (8) The Town will monitor housing needs specific to Amherstburg including the needs of senior residents.
- (9) The Town will also work toward providing a range of housing choices that are affordable to all income levels. Affordable for the purposes of this Plan shall mean:
 - a) Affordable housing means housing that can be accessed by households whose income falls at or below the lowest 35th percentile of the income distribution of the community.
 - b) Affordable rental housing is housing where monthly rent costs excluding utilities do not exceed 30 percent of the tenant gross monthly household income.
 - c) Affordable ownership housing is housing where monthly housing expenses including mortgage principle, interest and property tax but excluding insurance or utilities do not exceed 30 percent of gross monthly household income.
- (10) The Town of Amherstburg will establish a housing first policy when disposing of surplus lands when appropriate and when in keeping with sound land use planning principles.

- (11) If provided with sufficient safeguards for long term commitment to affordability, the Town will consider providing a grant in lieu of residential development charges, planning fees and/or building permit fees.
- (12) The Town will look to the County for similar reductions in County fees and taxes for accepted affordable housing projects.
- (13) *The Town will work with the County of Essex to identify targets for housing that is affordable to low- and moderate-income households and the Plan will be amended to incorporate such targets. (Modification #36)*

6.7 PLANNING IMPACT ANALYSIS

It is a policy of this Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation.

Amendments proposed for lands currently designated Agriculture must have regard to Section 2.3.5.1 of the Provincial Policy Statement in addition to the policies of this Plan.

Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated on the basis of:

- (1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood;
- (2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- (3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area;
- (4) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;
- (5) The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- (6) The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties;
- (7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;
- (8) The location of lighting and screening, and the adequacy of parking areas;
- (9) The provisions for landscaping and fencing;
- (10) The location of outside storage, garbage and loading facilities;
- (11) Conformity with the provisions of the Site Plan Control By-Law;
- (12) The design and location of signs, and the compliance of signs with the Sign Control By-Law;
- (13) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

6.8 AREA STUDY

It is a policy of this Plan that area studies may be prepared to assist in the implementation of the policies of this Plan and to provide guidance for the preparation and evaluation of regional facility and community facility development proposals. Area studies may deal with:

- (1) Land use type and intensity;
- (2) On-site and off-site parking;
- (3) Road network and traffic circulation;
- (4) Pedestrian movement;
- (5) Municipal services;
- (6) Amount and location of neighbourhood open space;
- (7) Landscaping;
- (8) Presence of buildings of architectural and/or historical significance;
- (9) The identification any areas requiring an Environmental Impact Assessment.

6.9 ENVIRONMENTAL IMPACT ASSESSMENT

For those remaining natural features not identified as Natural Environment or Wetland on Schedule “A” or “B”, Council may, in consultation with the E.R.C.A., require the proponent to undertake a biological evaluation to determine if the site is significant with respect to the Natural Environment goals (Section 3.4) and may also require an Environmental Impact Assessment to be undertaken by the proponent prior to any Planning Act approvals being granted for such lands. The Environmental Impact Assessment shall be completed in accordance with the County of Essex *Guidelines for Environmental Impact Assessments*, which may be amended from time to time, contained in Appendix I to this Plan as amended from time to time. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

All development or site alterations proposed within or adjacent to a natural area identified as potentially significant will only be permitted once it has been demonstrated to the satisfaction of Council and the E.R.C.A. that the significant natural heritage features and functions of the site will be protected, and the Environmental Impact Assessment has been approved by the Town and E.R.C.A in accordance with the County of Essex *Guidelines for Environmental Impact Assessments* contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

SECTION 7 IMPLEMENTATION

7.1 GENERAL

This Official Plan shall be implemented by means of the powers conferred upon the Town of Amherstburg Council, by The Planning Act, The Municipal Act, The Ontario Heritage Act, and such other statutes as may be applicable. In particular, this Plan shall be implemented by a Zoning By-law, a maintenance and occupancy standards by-law, legislation pursuant to The Municipal Act, subdivision and part-lot control by-laws, the construction of public works, and a capital works program.

7.2 ZONING BY-LAW

7.2.1 By-Law to Conform to Plan

It is intended that a comprehensive Zoning By-Law shall be brought into effect in accordance with the provisions of the Planning Act by the Council of the Town of Amherstburg. Such by-law shall zone land in accordance with the designations and policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures. No application may be approved or by-law passed that does not conform to this Plan, save and except a by-law pursuant to Section 24 of the Planning Act, R.S.O. 1990. Lands designated on Schedules "A" and "B" may be zoned to a "Holding" or "Agricultural" Zone pending their appropriate timing for their respective uses in accordance with the designations as shown on the Land Use Plan and policies related thereto, when Council is satisfied that the resulting development is desirable and appropriate.

7.3 NON-CONFORMING USES

A "non-conforming use" as referred to in the Plan, means an existing land use which is not permitted in the land use designation in which it is located. While it would be better if such uses would cease to exist in the long run and be replaced by uses which are permitted, such action may be an unnecessary hardship on the owner. Accordingly, where there is a reasonable degree of harmony with neighbouring conforming uses, in Council's judgment, such offending or non-conforming uses unless a policy of the relevant land use designation provided to the contrary, the land area occupied by such a non-conforming use may be expanded, by zoning amendment adopted by Council and without an amendment to this Plan, according to the review process described hereunder.

A "non-conforming use" within the context of a Zoning By-Law is an existing use which is not permitted in the zone within which it is located. The Planning Act allows Council and/or the Committee of Adjustment to approve of extensions and enlargements to such non-conforming uses.

As a general guide to assist in the administration of this Plan and the Zoning By-Law, as the case requires, where a non-conforming use ceases to exist for a continuous period of two years, it shall be deemed to have lost its status as a non-conforming use.

7.3.1 Applications for Enlargements or Extensions of Non-Conforming Uses

In dealing with applications for the enlargement or extension of a non-conforming use, Council or the Committee of Adjustment, as the case may be, shall first determine that

unnecessary hardship would result if the application was not approved, then, the following procedures will be followed:

(1) Possible Acquisition

The Amherstburg Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing, or redeveloping the property, in accordance with the provisions of The Planning Act. Special attention will be given to the chances for the re-establishment of the use under consideration in a different location where it would be able to perform and produce under improved conditions, in accordance with the policies of this Official Plan.

(2) Amending By-Law or Committee of Adjustment

If acquisition or relocation at this time does not appear to be feasible and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, the Council of the municipality may consider the passing of a Zoning By-Law pursuant to Section 34 of the Planning Act and such by-law may then be passed without necessity to amend this Plan providing it complies with the policies of this Plan, in particular as set out in the following subsection. The individual may also apply to the Committee of Adjustment for a minor variance from the provisions of the by-law, in respect of the land, building or structure or use thereof as long as the variance is desirable for the appropriate development or use of the land, building or structure and provided that in the opinion of the Committee of Adjustment, the general intent and purpose of the by-law and this Official Plan are being maintained. The guidelines set out below should be considered.

(3) Considerations

Prior to making any decision on the application, the Council will investigate such application on the various aspects of the matter. The Council, before passing such a by-law, shall be satisfied that each of the following requirements which are relevant to the specific application for the extension or enlargement of the use are, or will be, fulfilled in order to safeguard the wider interests of the general public. The Committee of Adjustment in reaching its decision on an application under Section 45 of the Planning Act should also be satisfied that the following relevant requirements have been met.

- a) That the proposed extension or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-Law applying to the area.
- b) That the proposed extension or enlargement shall be minor in nature.
- c) That an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under these policies, if it can be considered as a "minor adjustment" permitted under the flexibility clause of Section 8.1 and 8.3 of the Official Plan without the need for an amendment. Any major variances will require an amendment to the Official Plan.
- d) The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to environmental adverse effects, noise, vibration, fumes, smoke, dust, odors, lighting, and traffic-generating capacity. No amendment to the implementing By-Law shall be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area. If there is any doubt in this regard, Council or the Committee of Adjustment shall consult

with the Ontario Ministry of Environment prior to deciding on the compatibility of any proposed extension or enlargement.

- e) That the neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area.
- f) That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections.
- g) That adequate provisions have been, or will be, made for off-street parking and loading facilities.
- h) That applicable municipal services such as water supply and roads, etc. are adequate or can be made adequate.

7.4 PROPERTY STANDARDS BY-LAW

The Council of the Town of Amherstburg may pass a by-law to establish minimum standards of maintenance and occupancy to conserve, sustain and protect existing and future development of the municipality. The Property Standards By-Law applicable to all property shall contain requirements with respect to:

- (1) garbage disposal;
- (2) pest prevention;
- (3) structural maintenance of buildings;
- (4) safety of buildings;
- (5) cleanliness of buildings;
- (6) services to buildings - plumbing, heating, and electricity;
- (7) keeping land and waterfront properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- (8) maintaining yards, lands, parking, and storage areas;
- (9) maintaining fences, swimming pools, accessory buildings, and signs; and
- (10) occupancy standards.

If a maintenance and occupancy standards by-law is passed, the Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-Law.

The Council shall also appoint a Property Standards Committee, in accordance with Section 31 of the Planning Act, for the purpose of hearing appeals against an order of the Property Standards Officer.

The measures to be used generally in achieving the property maintenance program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

Complementary to the enforcement of standards on private properties, the municipality will undertake to keep in a fit and well-mannered condition all municipally owned properties and

structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, and water facilities.

7.5 SITE PLAN CONTROL

- (1) Council may, by by-law, designate areas where Site Plan Control will be in effect as provided in the Planning Act, R.S.O. 1990. The entire Town of Amherstburg, with the exception of land used or proposed for single detached or two-family dwellings or for agricultural land uses, is proposed as a Site Plan Control Area and all non-residential structures erected within these areas shall be subject to the policies of this Section. Nonagricultural land uses permitted within areas designated Agricultural within the Town are in the proposed Site Plan Control Area. Single detached and two-family dwellings within a Heritage Zone may not be exempt from Site Plan Control.
- (2) For the approval of developments proposed in the Site Plan Control Area, the Town of Amherstburg may require plans showing the location of buildings, structures and facilities to be developed in order to ensure that such plans meet the objectives stated below. The Town of Amherstburg may require drawings showing plan, elevation and cross-section views for each building to be erected.
- (3) The overall objective of Site Plan Control is to improve the efficiency of land use and servicing, to protect adjacent land use and to encourage a more attractive form of development by:
 - a) Improving the treatment of site plan details to maintain a consistent municipal standard in the proposed Site Plan Control Area;
 - b) Ensuring the safety and efficiency of vehicular and pedestrian access;
 - c) Minimizing land use incompatibility between new and existing development and ensure any identified mitigation measures required by the Town are maintained;
 - d) Providing functional and attractive on-site facilities such as landscaping and lighting;
 - e) Controlling the placement and provision of required services such as driveways, parking, loading facilities and garbage collection;
 - f) Securing easements to provide for public utilities and site drainage;
 - g) Ensuring that the development proposed is built and maintained as approved by Council.
- (4) In order to achieve these objectives, Site Plan Control will address such matters as the location of buildings and structures, proposed road widenings, location of access points, off-street parking and loading facilities, pedestrian circulation, lighting, landscaping, garbage storage facilities, private and common outdoor areas, easements over and grading of the lands, provision of the disposal of storm, surface and waste water from the site and such matters as may be appropriate in each case. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.
- (5) Site Plan Control may be used by the Town to secure property for proposed road widenings without compensation to the landowner and also to provide for the general improvement of intersections through the acquisition of daylight triangles. In cases that existing uses or topographical features do not allow for equal widenings of both sides of a roadway, a side being measured from the centreline of the road outwards, then only one-half of the total widening shall be taken under Site Plan Control and the remainder shall be obtained by other means.

7.6 INTERIM CONTROL BY-LAW

An Interim Control By-Law may be used by the Town to restrict development in areas subject to certain studies such as servicing feasibility studies, parkland feasibility studies, etc.

- (1) In accordance with Section 38 of the Planning Act, R.S.O. 1990, where the Council has by by-law or resolution directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area or areas, the Council may pass an Interim Control By-Law. The By-Law may specify a time period (less than one year) prohibiting the use of land, buildings or structures for, or except for such purposes as set out in the By-Law.
- (2) Once the time period of the By-Law has expired, the period of time during which the Interim Control By-Law may remain in effect may be extended to a maximum of two years from the date of initial passing of the By-Law. If the Council has not passed a By-Law under Section 34 subsequent to the completion or review of the study within the period of time specified in the Interim Control By-Law, the provisions of any by-law passed under Section 34 that applied to the subject lands immediately prior to the coming into force of the Interim Control By-Law again come into force. Where an Interim Control By-Law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-Law that applies to any lands to which the original Interim Control By-Law applied.

7.7 BONUSING

Council may pass a By-Law in accordance with Section 37 of the Planning Act, R.S.O. 1990, to authorize increases in height and density of development in return for the provisions of certain facilities, services or other matters outlined in the By-Law. Such a By-Law shall identify areas or Zone categories where the bonus provisions would apply, and shall specify the amount by which the height or density of the development would be permitted to increase.

Council will give consideration to proposals to increase the height and/or density for a specific site, but such proposals may not necessarily be granted. When considering such proposals, Council shall have due regard to the compatibility and scale of the proposed development in relation to the existing land uses, and to the cumulative impact resulting from granting bonuses in the general area.

The facilities, services, or other matters that are required in the By-Law may include, but shall not be limited to, the provisions of affordable housing units to meet established housing targets, day care centres/facilities, parkland beyond the legislated requirements, hard servicing facilities (sanitary and storm sewers and watermains) above and beyond those required to service the development, increased buffering or landscaping, the use or re-use of vacant land and/or buildings (particularly in the commercial core area), the provisions of community or recreational facilities, open space, and the redevelopment of blighting land use.

Generally, the use of this Section shall only be considered in conjunction with medium and high-density residential developments, and mixed-use commercial/residential projects.

7.8 HOLDING

A Holding Zone, as provided for under Section 36 of the Planning Act, R.S.O. 1990, may be applied. Not all lands will necessarily be zoned immediately in the implementing By-Law to permit the uses as designated on Schedule "A" - Land Use Plan. Lands may be zoned only to conform to and wherever possible, to implement policies of this Plan and where municipal services, roads and community facilities are or will be available as required.

The Council may, in a Zoning-By-Law, by the use of the symbol "h" as a prefix or a suffix, in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-Law. This procedure will enable the holding of lands designated for specific land uses in this Plan until

such time as the land is required for that use for phasing purposes or until necessary concept plans or subdivision design have been prepared. Removal of the Holding Symbol from a parcel of land shall be conditional upon the developer of the land satisfying specific requirements of the municipality. Such conditions may include, for example, satisfying financial and servicing requirements of the Town, obtaining concurrence from the Town on the availability of sewage treatment plant capacity to service the proposed development, the provisions of a suitable stormwater management plan, and any additional criteria identified by Council resolution. The use of holding provisions for services will be utilized when the issue is one of timing and not one of municipal servicing feasibility.

Although notice will be given by By-Law, there may be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending by-law to remove the holding symbol, if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner. While the "h" is on, the following uses shall be permitted: agriculture, conservation, wildlife and forest management and the existing uses, or as otherwise set out in the holding zone provisions of the Zoning By-law.

7.9 TEMPORARY USE BY-LAWS

The Council may, in a by-law passed under Section 39 of the Planning Act, R.S.O. 1990, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-Law. Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Any temporary use permitted shall comply with the general development standards contained in Section 2 of this Plan.

A by-law authorizing a temporary use shall define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the by-law for all temporary uses except "garden suites". Garden suites, as defined by the Planning Act, may have by-laws passed to be in effect for up to ten years from the date of passage. For uses other than garden suites the three-year time period may, by by-law, be extended for a maximum additional three-year term. The temporary use shall not become a legal non-conforming use at the date of expiry of the By-Law. The type of uses envisaged by Council as using a temporary use by-law include, but not limited to, parking lots, fairs, ploughing match, temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

7.10 LEGISLATION PURSUANT TO THE MUNICIPAL ACT

It is intended that the Town shall review existing legislation pursuant to The Municipal Act governing such uses as automobile wrecking yards and signs, and where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

7.11 ENACTMENT OF MISCELLANEOUS BY-LAWS

Council will review legislation pertaining to or affecting the use or redevelopment of land and where necessary amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled. Examples of such by-laws include sign control and "deeming" by-laws which effectively de-register old plans of subdivision, the development of which could frustrate the objectives and policies of this Plan.

Fence and Sign By-laws are other techniques that will be used to assist in implementing the Official

Plan objectives. The authority to enact by-laws that regulate the erection of signs and fences is provided by the Municipal Act. While the enactment of by-laws to regulate fences and signs are specifically referenced in the Municipal Act, variances to those regulation may well be in the best interest good land use planning for the Town. The Municipal Act does not provide for variances. However, Section 45(3) of the Planning Act clearly empowers the Committee of Adjustment to grant variances to any by-law of the municipality that implements the Official Plan. The establishment of fences and the regulations associated with fences can also be an important component in achieving the objectives of the Official Plan. Signs impact significantly on the character of an area and are also an important component in achieving the objectives of the Official Plan.

It is desirable in all land use categories of the Official Plan to regulate the height, material and location of fences. Slight increases in height to a fence while obtaining concessions on the material to be utilized may be advantageous to the appearance and objectives of a specific area. Increases in height may also be advantageous for safety reasons depending on the land use in question. The height and material of a fence may, on occasion, need to be varied from the heights and materials established in the Fence By-law. When it is desirable for the appropriate development of the land, the Committee of Adjustment may vary the regulations of the Fence By-law enacted under the Municipal Act.

The Town of Amherstburg's Sign By-law, enacted under the Municipal Act, sets out regulations affected the location, height, type and illumination permitted for signage. The regulations are cross referenced to the regulations of the Zoning By-law. Specifically, there are different regulations for different Zones. Strict adherence to the sign by-law may not result in the sign being in a more preferred location on a site which in turn would not be advantageous to the appearance of the neighbourhood. The appearance of the commercial, industrial, institutional and residential areas of the Town is an integral part of the Official Plan's objective of achieving a visually pleasing community with minimal signage pollution. When it is desirable for the appropriate development of the land, the Committee of Adjustment may vary the regulations of the Sign By-law so long as the general intent and purpose of the Official Plan policies for the area in which the sign is located are maintained.

7.12 PLANS OF SUBDIVISION

It shall be the policy of the Council to recommend to the County of Essex for approval, only those plans of subdivision which comply with the proposals of this Plan and which, to the satisfaction of Council, can be supplied with adequate public utilities and services such as schools, fire protection, water supply, sanitary sewers, (including treatment facilities), and storm drainage facilities as required by this Plan, and which by reason of such approval, would not adversely affect the economy of the Town.

7.13 CONSTRUCTION OF PUBLIC WORKS

It is intended that the construction of public works, within the Amherstburg Planning Area, shall be carried out in accordance with the policies of this Plan.

7.14 CAPITAL WORKS PROGRAM

It is intended that this Plan will enable the Town of Amherstburg to prepare and adopt successive five-year capital works programs based upon the policies of this Plan.

7.15 GENERAL REVIEW OF PLAN

It is intended this Plan will be reviewed from time to time in light of changing conditions and that a general review of the whole Plan shall take place at least once every five years.

7.16 PUBLIC NOTICE OF DEVELOPMENT APPLICATIONS

Council shall actively seek the views and participation of the public prior to making any decisions regarding amendments to this Official Plan or the Zoning By-Law for the Town of Amherstburg. In each case involving such planning matters, at least one public meeting will be called and the public will be encouraged to offer their opinions and suggestions.

Calling and holding public meetings on planning matters shall be the responsibility of the Council or, in cases where Council has delegated the responsibility, to a formal Committee of Council.

In order to provide ample opportunity to the general public to review and discuss proposed Official Plan and or Zoning By-Law amendments and to prepare their comments, an open house may be held in addition to the holding of a public meeting. All notifications and meetings shall be in accordance with the Planning Act and shall include at least 20 days advance notice of the public meeting for site specific Zoning By-Law amendments and 20 days for site specific Official Plan amendments. Notice of the public meeting shall be given by the clerk in the following manner:

- (1) By personal service or prepaid first-class mail, to every owner of land,
 - a) in the area to which the proposed amendment would apply, and
 - b) within 120 metres of the area to which the proposed amendment would apply,
- (2) As shown on the last revised assessment roll of the municipality, at the address shown on the roll, but, where the clerk of the municipality has received written notice of a change of ownership of land, notice shall be given only to the new owner at the address set out in the written notice.
- (3) Notice of a public meeting for the purpose of informing the public in respect of a site-specific Official Plan amendment or site-specific Zoning By-Law amendment shall be given by personal service or prepaid first-class mail to every person and agency that has given the clerk of the municipality a written request for such notice in respect of the proposed official plan or plan amendment.
- (4) A written request given under subsection (3) shall show the person's or agency's address.
- (5) The notice of public meeting shall contain the following information:
 - a) date, time, and place of meeting
 - b) a key plan showing the location of the subject site
 - c) a description of the proposal, or a description of the matters which may be addressed in an amendment to the Official Plan or Zoning By-Law in the event that the application is approved.

In addition to the notice of public meeting, the applicant in the case of a site-specific amendment to the Official Plan or Zoning By-Law shall be required to post a sign on the property to the satisfaction of the Municipality, clearly visible to the general public, which would briefly describe the development proposal. The sign shall be in place at least thirty (30) days in advance of the public meeting.

Notwithstanding the notice period prescribed in this Section, a 20-day notice period as set out in Section 17(17) and 34(13) of the Planning Act, shall apply in instances of a general Official Plan or Zoning By-Law amendment, Official Plan or by-law amendment where there is no public notice sign placed on the subject property or where Council considers a development proposal to be of a scale

which may impact significantly on neighbouring properties.

The provisions of this subsection shall be implemented by the Municipal Clerk giving notice in the manner prescribed in this amendment.

7.16.1 Open House Policies

The applicant may be required to host an open house as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium and produce a report summarizing the results of the open house. The open house and the report will be provided at the applicant's expense.

7.16.2 Purpose

The purpose of the open house is to provide opportunity for consultation by the applicant with the area residents/property owners who may be impacted by the proposal before the application is deemed complete.

7.16.3 Components of Open House

The open house should be held at a location that is accessible to the public and may be accessed by walking, bicycling and public transit and should be located within 1km of the site of the proposed development when practical. The location should be in a structure that meets or exceeds the requirements of the Accessibility for Ontarians with Disabilities Act. The pre-consultation open house should be comprised of the components:

- a) Notice to the area residents/property owners, as required by the Director of Development Services or designate;
- b) Attendance of assigned municipal planner(s);
- c) Display boards which provide the primary details of the application;
- d) Copies of any reports or studies that have been prepared as part of the application; and
- e) The availability of the applicant or the applicant's agent to answer any questions that the public may have about the application.

7.16.4 Report Contents

The open house report shall be comprised of the following contents:

- a) A summary of the results of the open house including issues and responses provided;
- b) A copy of the Notice provided;
- c) A copy of any presentation(s) and graphics;
- d) A copy of written questions from the public and written responses to these questions by the applicant; and
- e) A copy of the attendee sign-in sheet.

7.17 EXCEPTIONS

The following items are excepted and may be changed or deviated from, to the extent stated without an amendment. When minor deviations to the Plan are made, however, in accordance with the rules outlined below, these deviations shall be incorporated in the next amendment in order to show the up-to-date situation.

- (1) Boundaries between designated land uses may be adjusted where such boundaries are not affected by roads, railways or other similar barriers, so long as the intent and purpose of the Official Plan is maintained and the adjustments are of a minor nature.

- (2) In undeveloped areas, school sites, parks and neighbourhood commercial areas may be incorporated into subdivision designs in a manner most suitable to topography and layout, so long as they conform to the details and intent shown in the Schedules of this Plan.
- (3) In the text and when shown on the Schedules, locations relating to parks, roads, services and other public works are not intended to be exact or rigid but to be close approximations. It is intended that reasonable latitude will be available to Council in the interpretation and application of this information when actually establishing or approving the size and exact location of such facilities, so long as the intent and purpose of the Official Plan are maintained.
- (4) When more detailed studies reveal a development, constraint has been incorrectly mapped such as a Wetland or Natural Environmental feature or flood plain, the more detailed mapping shall apply and an amendment to the Plan shall not be required.

7.18 CREATION OF COMMITTEES

In order to assist Council in dealing with various community issues advisory committees may be created:

- (1) To assist in the program for preservation of the Town's heritage, Council shall under Section 28 of The Ontario Heritage Act, establish an Amherstburg Heritage Committee. It is recommended that members of this Committee be selected from local organizations, historical groups, architectural societies, and other appropriate bodies where they exist. This will provide a combination of diverse skills and interests to complement the general heritage preservation goals and objectives. The Committee's primary purpose will be to advise and assist Council on all specified matters relating to The Ontario Heritage Act. The Committee shall be responsible for other special heritage concerns of the Town.
- (2) To assist in the program of identifying and preserving the natural environment, Council shall establish an "Advisory Committee on the Environment (A.C.E.)". It is recommended that members of this Committee be selected by Council from a balanced representation of the local public at large, the local hunting and fishing community, naturalists, large landowners, and persons with an interest in the preservation and enhancement of wetlands, woodlots and other areas of natural heritage landscape. The Committee will assist Council with technical expertise, advice and the identification of issues related to the environment. Council will ensure the effective function of this advisory committee by adopting terms of reference for their mandate and operation, appointing one or more members of Council to the Committee and providing support services through staff. Where an Environmental Impact Assessment (EIA) is required by this Plan, the Town may refer the EIA to the ACE Committee for review and comment to assist in evaluation of the study.

7.19 PRE-CONSULTATION BY-LAW

Council may adopt a Pre-Consolation By-law for the purposes of requiring potential applicants to consult with the Town of Amherstburg prior to submitting an application under in the Planning Act R.S.O. 1990, c.P.13.

7.20 COMPLETE APPLICATION

An application submitted to the Town of Amherstburg under the Planning Act R.S.O. 1990, c.P.13 shall only be deemed complete when a letter is issued to the applicant indicating that the application is complete. This shall be referred to as the "Complete Application Letter". The Complete Application Letter shall contain the signature of the Director of Development Services or designate.

SECTION 8 INTERPRETATION

8.1 LAND USE BOUNDARIES

The boundaries of the land use designations on the Schedules are approximate and shall be considered as absolute only where bounded by roads, railways, rivers, or similar geographical barriers. Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved.

All numerical figures in the Plan are not to be interpreted as absolute and rigid. Minor variations from the figures will be permitted providing the intent of the Plan is preserved.

8.2 ACCESSORY USES

Wherever a use is permitted in a land use classification, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted.

8.3 LAND AREAS, POPULATION ESTIMATES, ETC.

It is intended that all figures and quantities shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.

8.4 AMENDMENT PROCEDURES

The Town of Amherstburg shall be responsible for the preliminary review of all proposed Official Plan and Zoning By-Law amendments, plans of subdivisions, and all other planning related activities in the municipality.

An amendment to this Plan is required to permit the establishment of uses other than those provided for. Pre-consultation with staff is recommended prior to the submission of any application for an amendment to this Plan. In considering an amendment to this Plan, Council shall have due regard to the following:

- (1) the desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives of the Official Plan;
- (2) the goals and policies of this Plan and the goals and policies of the County of Essex Official Plan;
- (3) the need for the proposed use;
- (4) the effect on the economy and financial position of the Town;
- (5) the compatibility of the proposed use with uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;
- (6) the location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required;
- (7) the physical suitability of the land for the proposed use;
- (8) the effect on the provision of affordable housing in the Town of Amherstburg;
- (9) whether the lands are within or adjacent to any natural heritage features and the results of an Environmental Impact Assessment as outlined in Section 6.9; and

It is also acknowledged that whenever a new or updated County of Essex Official Plan is approved, if necessary the Town of Amherstburg will amend this Plan to bring it into conformity to the County Plan within one year of the new or updated County Plan coming into force.

Appendix F

Town of Amherstburg Zoning By-law 1999-52

SECTION 28 ENVIRONMENTAL PROTECTION (EP) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Environmental Protection (EP) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any EP Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EP uses, namely:

- (i) agriculture;
- (ii) a boat dock;
- (iii) a boat ramp;
- (iv) cemetery;
- (v) public or private park;
- (vi) public uses;
- (vii) works of a Conservation Authority.

(3) ZONE REQUIREMENTS

No person shall within any EP Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Buildings or Structures

Other than buildings and structures existing at the date of passing of this By-law, no buildings or structures are permitted unless for flood control purposes and/or in accordance with the regulations of the local Conservation Authority or other appropriate government agency. Boat ramps and boat docks shall require the approval of the local Conservation Authority.

(4) SPECIAL PROVISIONS

EP-1

Notwithstanding any provisions of this By-law to the contrary, within any area zoned EP-1 on Schedule "A", greenhouses, garages, storage sheds and other accessory uses to residential uses are also permitted within the EP-1 Zone. Minimum setback for yard requirement is 1.5 metres.

EP-2

Notwithstanding any provisions of this By-law to the contrary, within any area zoned EP-2 on Schedule "A" in addition to the uses permitted in Section 28(2), the lands may be used for existing uses and existing buildings and structures are permitted.

EP-3

Notwithstanding any other provisions of Section 28(2) and Section 28(3) to the contrary, within any area zoned EP-3 on Schedule "A" hereto, a single detached dwelling unit shall be permitted. The location of any buildings or structures shall be subject to site plan control. The maximum lot coverage shall be 10% and all setbacks shall be as specified on the site plan. All other general provisions and regulations of By-law 1999-52, as amended from time to time shall apply.

(By-law No. 2003-66)

EP-4

Notwithstanding any provisions of this By-law to the contrary, within any area designated EP-4 on Schedule "A" hereto, the following special provisions shall apply:

(i) Storm Water Management

The lands may be used for storm water management in accordance with the Environmental Impact Study and agreements with the Town and the Conservation Authority.

(By-law No. 2005-79)

- (ii) Notwithstanding any other provisions of Section 28(2) and Section 28(3) to the contrary, within any area zoned (EP-4) on Schedule "A" hereto, lands zoned (EP-4) are reserved for an existing tree row. Trees and shrubs warrant trimming and maintenance to keep the trees and shrubs within the (EP-4) corridor while protecting the ground coverage foliage. In addition to the 8m wide (EP-4) zone is an additional 2m width at the southern portion to function as a maintenance corridor for the greenhouse. (By-Law 2019-101)