



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

***Mission Statement:*** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

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<b>Author's Phone: 519 736-5408 ext. 2124</b>	<b>Date to Council: March 24, 2025</b>
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**To: Mayor and Members of Town Council**

**Subject: Official Plan Amendment and Zoning By-law Amendment – 300 Victoria Street**

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#### **1. RECOMMENDATION:**

It is recommended that:

1. Official Plan Amendment #26 **BE ADOPTED**; AND
2. By-law 2025-024 being a by-law to adopt Official Plan Amendment #26, to amend the Official Plan for the subject lands located at 300 Victoria Street, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; AND
3. Official Plan Amendment #26 **BE FORWARDED** to the County of Essex for approval; AND
4. By-law 2025-025 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands located at 300 Victoria Street, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

#### **2. BACKGROUND:**

The Town is in receipt of an application for an Official Plan Amendment, OPA #26 (see Appendix 'A') and a Zoning By-law Amendment, ZBA-22-24 (see Appendix 'B') to By-law 1999-52 from Valente Development Corporation. The subject lands are located at the northwest corner of Simcoe Street and Victoria Street and are municipally known as 300 Victoria Street. (Refer to Figure 1) The site was the former Amherstburg Fighting Island

Boxing Club. The structure continues to exist on site. The following figures and photos provide the context of the subject lands in relation to the neighbouring properties.

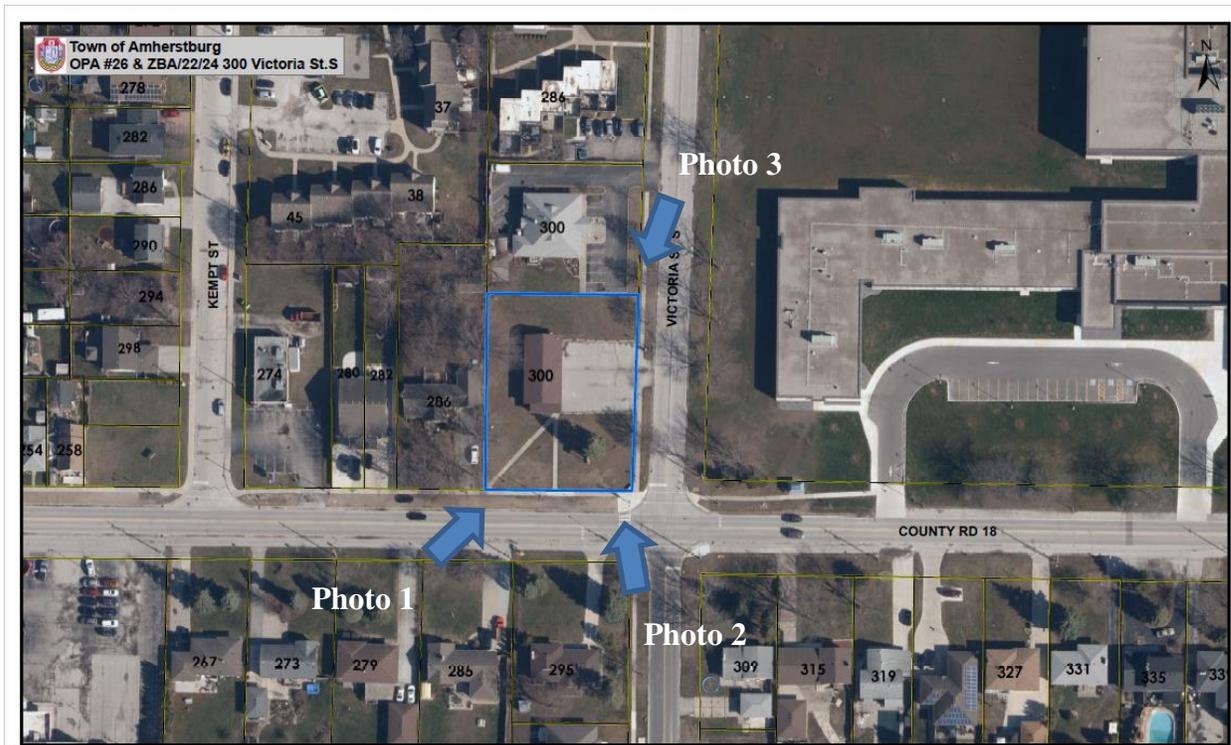


Figure 1- Location Map - 300 Victoria Street

The following site photos to illustrate the existing context.



Photo 1 - 300 Victoria Street from Simcoe looking northeast



Photo 2 - 300 Victoria Street from Simcoe looking north



Photo 3 - 300 Victoria Street from Victoria Street looking south

Further to the OPA and ZBA applications, the project is required under the *Planning Act* to be brought through the Site Plan Control (SPC) process, and is subject to a forthcoming Plan of Condominium application. The SPC process will include the requirement for further studies and documentation to demonstrate that the project is viable with regards to the layout of the site and municipal services.

In preparing this report to Council, administration have reviewed the submission and the following documents in order to provide Comments to Council regarding the applications:

- County of Essex Official Plan (2024);
- Town of Amherstburg Official Plan;
- Town of Amherstburg Zoning By-law 1999-52;
- Town of Amherstburg Urban Structure Plan;
- Relevant legislation – Planning Act, PPS 2024;
- Correspondence received from municipal departments, agencies

### 3. DISCUSSION:

The applicant is proposing the development of a 4-storey mixed use development at 300 Victoria Street with ground floor commercial space facing the intersection of Simcoe Street and Victoria Street. The applicant has provided the following conceptual rendering.



Figure 2- Conceptual Rendering - from the intersection of Simcoe and Victoria Streets.

The applicant has also provided a conceptual site plan (Appendix 'F') and conceptual floor plans (Appendix 'G')

#### **Official Plan Amendment – OPA #26**

300 Victoria Street is currently designated “Low Density Residential” in the Town of Amherstburg’s Official Plan. The effect of the amendment will be to designate the subject land as General Commercial with Special Policy Area #24 in order to allow for a mixed-use building with ground floor commercial and residential.

The existing “Low Density Residential” land use policies in the Town of Amherstburg’s Official Plan includes:

##### 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.*

The proposed “General Commercial” land use in the Town of Amherstburg’s Official Plan includes several policies and included in this report are the policies that generally apply to the proposed development.

Section 4.4.2 of the Official Plan states:

*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.*

...

*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.*

As detailed in the Planning Rationale Report (Appendix 'D') the applicant has proposed the following draft Special Policy Area wording for the subject land:

*"Lands designated as Special Policy Area XX on Schedules A and B-2 of the Official Plan, located at municipal address 300 Victoria Street South, shall be developed in accordance with the general commercial policies, with the addition to permit commercial uses on the first floor with residential uses on the first floor and above."*

Administration suggests the wording of the draft Special Policy Area read as follows:

*"Lands designated as Special Policy Area 24 on Schedules "A" and "B-2" of the Official Plan, located at municipal address 300 Victoria Street South, shall be developed in accordance with the general commercial policies, with the addition to permit both commercial uses on the first floor with residential uses on the first floor and above. The intent of this Special Policy Area is that commercial uses will exist on the first floor and residential uses may also exist on the first floor in addition to the commercial uses."*

As detailed in Section 4.4.2 of the Official Plan, the General Commercial land use designation permits the residential uses above the first floor. Lands designated General Commercial can be multi-family residential developments up to 5 storeys without commercial uses on the ground floor, with the exception of residential units not occupying the first floor abutting Richmond Street and Dalhousie Street.

The following image depicts the adjacent land uses around the subject land as per the Town of Amherstburg's Official Plan Schedule B-2. These include: Low Density Residential to the north, south, and west; "Open Space" (North Star High school) to east.



Figure3 - Official Plan Schedule B-2

## Urban Structure Plan

The Town of Amherstburg Urban Structure Plan (USP) identifies that the subject lands are located at the intersection of a "Primary Corridor" (Simcoe Street) and a "Secondary Corridor" (Victoria Street). The USP also identifies this area as a "Community Node."

Guidelines for Primary Corridors include:

- *Be designed as complete streets;*
- *Provide for a range of land use densities along the corridor;*
- *Be a focus for residential and employment intensification;*
- *Encourage mixed-use street level commercial and upper-level residential, with a priority on identified Urban Nodes;*
- *Serve as a gateway into the Town and create links between Activity Centres and Urban Nodes;*
- *Function as a commercial spine in the Municipality; and,*
- *Provide municipal scale retail stores and services.*

Guidelines for Community Nodes include:

- *Provide a range of uses that allow for access to housing, employment, and recreation services in proximity;*

- Encourage a range of housing density, including medium and high density residential;
- Provide a limited employment function consisting primarily of commercial services, and local institutions;
- Encourage mixed-use street level commercial and upper-level residential along identified Primary and Secondary Corridors within the Community Node to help meet intensification targets; and,
- Connect the surrounding community with pedestrian and biking infrastructure to help serve the commercial uses.

### Zoning By-law Amendment – ZBA-22-24

The subject lands are identified in Zoning By-law 1999-52 as “Institutional.” Permitted institutional uses are identified in Section 24 of the by-law and do not include commercial or residential land use. For that reason, the applicant is proposing to rezone the subject lands to a Commercial General Special Provision 20 (CG-20). The proposed ZBA would bring the Zoning By-law in alignment with the proposed Official Plan Amendment.

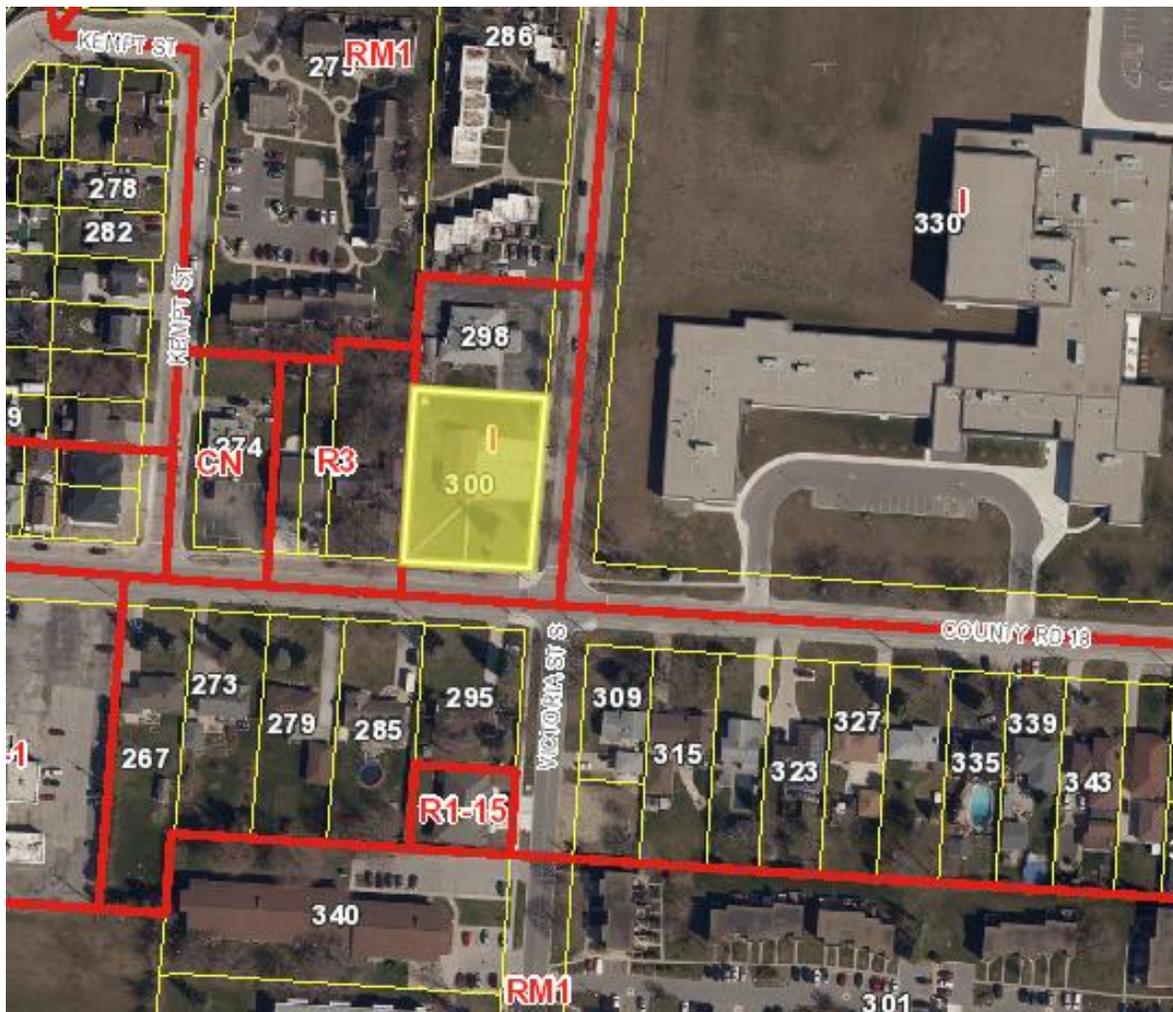


Figure 4 - Town of Amherstburg Zoning By-law

The effect of the proposed rezoning would be:

1. Rezone the subject land as Commercial General Special Provision

2. The development of residential dwelling units is permitted on the first floor provided that one or more commercial uses exist on the first floor;
3. The building could be up to 4 storeys in height to a maximum of 14.1 metres;
4. The parking lot setback from Simcoe Street would be 1.2 metres and permitted in the front yard;
5. The minimum building setback from Simcoe Street would be 7 metres;
6. The minimum side yard setback for the residential portion of the development would be 0 metres along Victoria Street;
7. The loading space would be setback 0.8 metres from the side yard lot line abutting the lot line with 298 Victoria Street, to the north.

Further details about the proposed Zoning By-law amendment are discussed in the Planning Rationale Report attached as Appendix 'D'. A conceptual site plan has been attached as Appendix 'F'.

A summary of the comments received to date is attached to this report as Appendix 'E'.

The following table provides a summary of issues raised at the Statutory Public Meeting for these applications that was held on December 16, 2024 in Council Chambers:

<b>Comment / Issue Raised</b>	<b>Administration's Comments</b>
Quantity and location of parking on the property	Parking requirements are calculated in accordance with the Parking Regulations as described in s. 3(23) Zoning By-law 1999-52. From an urban design perspective there is a preference for the building to be closer to the street frontages with parking along the side(s) or in the rear. During the required Site Plan Control process Administration will work with the Applicant to mitigate the potential impacts of issues such as light, noise, odour through urban design techniques.
Traffic at the intersection of Victoria Street and Simcoe Street	Administration will require the Applicant to have a qualified person prepare a Traffic Impact Study as part of the Site Plan Control Application. This study will inform if any additional design factors need to be included or if additional traffic control measures are warranted.
What does "focus on attainability" mean?	The term "attainability" is not defined in the context of the Planning Act as of time of writing this report. It is administration's understanding that the Province may bring forward a future Regulation that defines "attainability" in terms of housing prices.
Concern about the number of variances or relief requested in the Zoning By-law Amendment application	Any property owner has the right to request relief from a Zoning By-law. There is no limit of the number of provisions that relief may be requested for. Each

	application is reviewed on the basis of its merit and in the context of the specific property.
Buffering of proposed use from adjacent uses	Buffering will be achieved through urban design techniques as part of the Site Plan Control Application.
Will a drive-through be allowed?	No, a drive-through will not be a permitted use at this property.
Location where waste generated by the property will be stored	Waste will be stored in a screened and secured area on the property to minimize potential adverse impacts on people and the environment. This matter will be addressed through urban design techniques as part of the Site Plan Control Application.
Concern about the height and the character of the area	The Applicant is requesting relief for the height of the proposed structure through the Zoning By-law Amendment Application. This aspect of the Application is consistent with the intensification policies in the Provincial Planning Statement, 2024. The term “character” has special meaning in the context of Planning Act applications. In the context of Amherstburg, the only area of the Town that has “character” formally described are the lands subject to the Heritage Conservation District By-law. The reason for this is that there has been a comprehensive study prepared and approved by Council for the Heritage Conservation District that includes amongst other topics, the character of the area. The “character” for the subject lands has not been comprehensively studied and is beyond the scope of these Applications.

## Policy Analysis

### Town of Amherstburg Urban Structure Plan

The Town of Amherstburg Urban Structure Plan (endorsed by Council on April 9, 2024) identifies Simcoe Street from Sandwich Street South to Meloche Road a one of two Primary Corridors in Amherstburg. This section of Simcoe Street functions as the eastern gateway to Amherstburg from other County of Essex municipalities and beyond.

Given the major developments of the Libro Centre and the new Fire Station that is under construction at the emerging Community Node of Simcoe Street and Meloche Road, the construction of North Star High School immediately east of the subject Applications, and

the redevelopment of the former auto dealership west of the subject property, there is a strong case to be made that this primary corridor is an area in transition. The subject Planning Act Applications further this case.

With the minimal quantity of vacant or employment lands available within Downtown Node of Amherstburg it is anticipated that over the 25-year planning period there will be increased demand to redevelop lands to the north, east and south of the Downtown Node along the Town's two primary corridors. As previously stated, Simcoe Street is one of these two primary corridors. The subject lands are representative of this emerging demand for redevelopment.

### **Provincial Planning Statement (2024)**

The new Provincial Planning Statement (2024) (PPS, 2024) applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

The following policies from the PPS, 2024 are relevant to these applications and have been considered as part of the professional planning analysis:

2.1.6 Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

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

- a) establishing and implementing minimum targets for the provision of housing that is *affordable* to *low and moderate income households*, and coordinating land use planning and planning for housing with Service Managers to address the full range of *housing options* including *affordable* housing needs;
- b) permitting and facilitating:
  - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation*; and

d) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations.

### **2.3.1 General Policies for Settlement Areas**

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.

2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned *infrastructure* and *public service facilities*;
- c) support *active transportation*;
- d) are *transit-supportive*, as appropriate; and
- e) are *freight-supportive*.

3. Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

4. Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.

5. Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.

6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within *designated growth areas* is orderly and aligns with the timely provision of the *infrastructure* and *public service facilities*.

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

1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the *impacts of a changing climate* through approaches that:

- a) support the achievement of compact, *transit-supportive*, and *complete communities*;
- b) incorporate climate change considerations in planning for and the development of *infrastructure*, including stormwater management systems, and *public service facilities*;
- c) support energy conservation and efficiency;
- d) promote *green infrastructure*, *low impact development*, and *active transportation*, protect the environment and improve air quality; and
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the *impacts of a changing climate*.

### **3.1 General Policies for Infrastructure and Public Service Facilities**

1. *Infrastructure* and *public service facilities* shall be provided in an efficient manner 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:

- a) are financially viable over their life cycle, which may be demonstrated through asset management planning;
- b) leverage the capacity of development proponents, where appropriate; and
- c) are available to meet current and projected needs.

2. Before consideration is given to developing new *infrastructure* and *public service facilities*:

- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

3. *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Chapter 5: Protecting Public Health and Safety.

4. *Public service facilities* should be planned and co-located with one another, along with parks and open space where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

5. Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in *strategic growth areas*, and other areas with a *compact built form*.

### **3.2 Transportation Systems**

1. *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero-and low-emission vehicles.

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

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

### **3.3 Transportation and Infrastructure Corridors**

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

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

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

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term

purposes of the corridor and should be designed to avoid, or where avoidance is not possible, minimize and mitigate *negative impacts* on and *adverse effects* from the corridor and transportation facilities.

4. The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

5. The co-location of linear *infrastructure* should be promoted, where appropriate.

### **3.6 Sewage, Water and Stormwater**

1. Planning for *sewage and water services* shall:

a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services* and existing *private communal sewage services* and *private communal water services*;

b) ensure that these services are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;
2. is feasible and financially viable over their life cycle;
3. protects human health and safety, and the natural environment, including the *quality and quantity of water*; and
4. aligns with comprehensive municipal planning for these services, where applicable.

c) promote water and energy conservation and efficiency;

d) integrate servicing and land use considerations at all stages of the planning process;

e) consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of *municipal water services* and *municipal sewage services* to support efficient use of these services to meet current and projected needs for increased housing supply; and

f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.

2. *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. For clarity, *municipal sewage services* and *municipal water services* include both centralized servicing systems and decentralized servicing systems.

3. Where *municipal sewage services* and *municipal water services* are not available, planned or feasible, *private communal sewage services* and *private communal water services* are the preferred form of servicing for multi-unit/lot *development* to support protection of the environment and minimize potential risks to human health and safety.

4. Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water*

services on environmental health and the financial viability or feasibility of other forms of servicing set out in policies 3.6.2 and 3.6.3.

5. *Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development;
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the longterm provision of such services with no *negative impacts*; or

8. Planning for stormwater management shall:

- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;
- c) minimize erosion and changes in water balance including through the use of *green infrastructure*;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces;
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a *watershed* scale.

### **3.9 Public Spaces, Recreation, Parks, Trails and Open Space**

1. Healthy, active, and inclusive communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range 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;

### **4.6 Cultural Heritage and Archaeology**

1. *Protected heritage property*, which may contain *built heritage resources* or *cultural heritage landscapes*, shall be *conserved*.

2. Planning authorities shall not permit *development* and *site alteration* on lands containing *archaeological resources* or *areas of archaeological potential* unless the *significant archaeological resources* have been *conserved*.

3. Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* unless the *heritage attributes* of the *protected heritage property* will be *conserved*.

4. Planning authorities are encouraged to develop and implement:

- a) archaeological management plans for conserving *archaeological resources*; and

b) proactive strategies for conserving *significant built heritage resources* and *cultural heritage landscapes*.

5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing *archaeological resources*, *built heritage resources* and *cultural heritage landscapes*.

### **6.1 General Policies for Implementation and Interpretation**

1. The Provincial Planning Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

2. The Provincial Planning Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

3. The Provincial Planning Statement shall be implemented in a manner that is consistent with *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4. When implementing the Provincial Planning Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations to balance government priorities.

5. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan.

6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

7. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.

8. In addition to land use approvals under the *Planning Act*, *infrastructure* may also have requirements under other legislation and regulations. For example, an environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

9. To assess progress on implementation of the Provincial Planning Statement, the Province may:

- a) identify key indicators to measure the outcomes, relevance and efficiency of the policies in the Provincial Planning Statement in consultation with municipalities, Indigenous communities, other public bodies and stakeholders;
- b) monitor and assess the implementation of the Provincial Planning Statement through the collection and analysis of data under each indicator; and
- c) consider the resulting assessment in each review of the Provincial Planning Statement.

10. Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any requirements for reporting planning information to the Province, data standards, and including through any other guidelines that may be issued by the Minister.

11. *Strategic growth areas* and *designated growth areas* are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.

12. Density targets represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Provincial Planning Statement or any other provincial plan.

13. Minimum density targets will be revisited at the time of each official plan update to ensure the target is appropriate.

The above sections of the PPS, 2024 have been reviewed and taken into consideration in the formulation of the professional planning recommendations in Section 1 of this report.

### **County of Essex Official Plan (2024)**

At time of writing the new County of Essex Official Plan (2024) (CEOP, 2024) has been adopted by the County of Essex and is pending approval by the Ministry of Municipal Affairs and Housing. In anticipation that the CEOP, 2024 will be approved by the time decisions are rendered for these applications the following policies within have been reviewed and deemed to apply to these applications:

#### **Principle 2: Housing Supply, Housing Choice and Housing Affordability**

A wide range of housing options will be provided to meet the needs of the growing and increasingly diverse population in the County. Increasing housing supply and housing choices is important to support the growing economy, aging population, and to create housing that is affordable and equitable to County residents, to support Essex residents in staying in Essex and its communities throughout their lives, and to support the growing population.

#### **Principle 6: Climate Resilience**

The County is committed to adapting to the context of our changing climate and to take meaningful actions to transition to renewable energy sources and transit-supportive land uses and built forms. Incorporating actions to protect people and property from extreme

weather, higher temperatures, increased flooding, and invasive species, and more, is one key set of actions to positioning the County of Essex for a continued strong future.

#### Principle 7: Sustainable Transportation

Moving people and goods contributes to quality of life and economic sustainability. The transportation network available to Essex County residents will contribute to healthy, vibrant communities – neighbourhoods and business areas – in a context sensitive manner to the community. Sustainable transportation aligned with built forms that support and facilitate safe and convenient active transportation and transit will be an integral part of County and local transportation networks.

#### Principle 9: Healthy Sustainable Communities

Planning for growth must include a focus on ensuring communities are built that achieve the integrated goals of housing affordability, job creation, public service facilities such as parks, schools, active transportation and transit. The County is committed to taking actions and making community investments that promote and facilitate healthy active lifestyles county-wide.

#### Principle 10: Investing in Infrastructure

Healthy sustainable communities require infrastructure investment by the County and its municipal partners. Infrastructure includes water, wastewater, transit, roads, trails, parks, and more. Ensuring infrastructure will be provided to areas where growth will occur is integral to building healthy sustainable communities.

#### Principle 11: A Connected Essex

The County of Essex is connected to the broader economic Region, which includes the City of Windsor, the City of Detroit, the Municipality of Chatham-Kent, Pelee Island, and the broader southwestern Ontario economy. Growth in the County will sustain and enhance these broader community connections.

### ***4.0 Growth and Settlement Areas***

The County of Essex has a strong foundation for growth for housing and jobs. Growth is identified for every municipality in the County, providing opportunities for a range of housing, broader choices in employment, access to services and public spaces – supporting complete communities in every municipality.

The County's growth strategy is focused on Settlement Areas. Primary Settlement Areas are those communities in the County where the majority of growth will be concentrated. These areas include places for housing, schools, parks, commercial areas, industrial areas, trails, and more. Primary Settlement Areas are the communities where most of the County's residents live, work, play, and shop. Primary Settlement Areas provide municipal sewer and water services, and support greater access to parks, schools, and multimodal transportation, including active transportation options.

- c) Ensuring the efficient use of land and optimizing the supply of land in settlement areas, and minimizing the use and conversion of agricultural land for urban purposes;
- d) Planning for intensification with efficient use of existing land, infrastructure and services that supports the creation of: more affordable rental and ownership

Housing; walkable, bikeable, and transit-ready main streets, districts and corridors; and mixed income neighbourhoods;

e) Planning for densities and housing types that achieve a broader range of housing options for all household sizes, including affordable and market-based housing; and,

f) Ensuring that growth takes place in a sustainable manner that contributes to the long-term financial, social and environmental well-being of the County of Essex and its constituent Local Municipalities.

4.A.1.6 The County Structure includes policies and designations that direct growth to designated Settlement Areas and Employment Areas. Settlement Areas consist of:

a) Primary Settlement Areas

4.A.1.7 The housing units shall be implemented utilizing a forecasted housing mix as follows:

Low Density Residential	48%
Medium Density Residential	27%
High Density Residential	25%

#### **4.A.2 – Primary Settlement Areas**

4.A.2.1 Primary Settlement Areas are the largest communities and are the traditional centres of settlement and commerce in the County. It a priority for the County to focus growth and investment in Primary Settlement Areas. The locations and boundaries of Primary Settlement Areas within the County have been identified on Schedule “A-2”. Primary Settlement Areas are *Strategic Growth Areas*.

4.A.2.2 Primary Settlement Areas are characterized by the following:

- a) Largest in geographic area and generally the largest settlement areas in terms of population;
- b) Full municipal servicing is provided/expected;
- c) A broad mix and the highest concentration of commercial uses and services intended to meet the daily needs of residents is provided. This should include a commercial core or downtown;
- d) Employment lands are included in the Primary Settlement Area;
- e) Institutional uses such as schools, hospital/health care, day care and government services are located in Primary Settlement Areas; and,
- f) The broadest mix of housing is located in Primary Settlement Areas, including areas of intensification for housing.

4.A.2.3 Primary Settlement Areas shall provide full municipal sewage services, municipal water services, stormwater management services, and a wide range of land uses and densities with a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups. Primary Settlement Areas shall be designed to be walkable communities with densities, land uses, road patterns and built forms that can support active transportation and public transit.

4.A.2.4 Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan for Primary Settlement Areas to achieve complete communities.

4.A.2.5 All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local municipal Official Plan that are in effect at the time of approval of this Plan.

4.A.2.7 Downtown/Uptown areas should maintain and/or enhance their existing character. Mixed-use development and an accessible pedestrian-oriented streetscape are supported through the identification of Mixed-Use Corridors in Primary Settlement Areas. The preparation of Community Improvement Plans are also encouraged.

4.A.2.10 Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are supported and shall be the preferred form of development county-wide. Land use patterns which may be detrimental to the environment, to agricultural lands, and to the conservation of cultural heritage resources or public health and safety shall be avoided.

4.A.2.11 The County supports universal accessibility in the built environment and encourages the building industry to incorporate such features into new structures that support potential for all residents to equitably participate in the community.

4.A.2.12 Development in Primary Settlement Areas will integrate land use planning, fiscal planning, and infrastructure planning to responsibly manage forecasted growth and to support:

- a) A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market bases and affordable housing needs.
- b) Opportunities for the integration of gentle density, and a mix and range of housing options that considers the evolving character of residential neighbourhoods.
- c) Implementation of Infrastructure Master Plans for planned growth, including a financial strategy to implement the Infrastructure Master Plans.
- d) Asset Management Plans.

#### **4.A.5 – Intensification**

4.A.5.1 The County and the Local Municipalities shall plan for a residential intensification target of 30% of new housing units to be achieved. Intensification shall consider the density targets in Policy 4.A.6.2 as a minimum.

4.A.5.2 Residential intensification shall be provided in every Primary Settlement Area. Residential intensification is to be provided in Secondary Settlement Areas where full servicing is available.

4.A.5.5 Local Municipalities shall identify where the “missing middle” can be accommodated to provide more affordable medium density options for Essex County, and should pre-zone such lands to expedite and streamline the approval of this important housing built form.

4.A.6.2 Local municipal Official Plans, Zoning By-laws, and Secondary Plans shall plan to achieve the following net residential densities:

Low Density Residential 25 units per hectare  
Medium Density Residential 50 units per hectare  
High Density Residential 80 units per hectare

These densities should be considered as minimums, and Local Municipalities are encouraged to utilize higher residential densities where appropriate to achieve the stated goals and policies of this Plan.

## **4.B – HOUSING**

Housing is a necessity of life and is an essential element for achieving an equitable, thriving, and sustainable community. Communities thrive when everyone has a place they can afford and call home, and where they can feel safe, comfortable, and part of the community. Housing needs change throughout our lifetimes. A diverse housing stock with a range of tenures, sizes, types, and supports must be made available to meet the needs of communities and residents. As a priority, the County must retain, protect, and increase the supply of affordable housing for low- and moderate-income households.

In alignment with the Windsor Essex Housing and Homelessness Master Plan and the Regional Affordable Housing Strategy, the policies in this section support the provision of a range and mix of housing options that are essential for the creation of complete communities and support the regional economy.

Land use tools and targets are identified to help improve access to housing and encourage innovation in housing design and construction that help adapt to and mitigate the impacts of climate change.

### **GOALS**

- a) Providing an adequate supply of housing;
- b) Providing housing to meet changing needs throughout all stages of life;
- c) Prioritizing increasing the supply of affordable housing;
- d) Aligning with the Windsor Essex Housing and Homelessness Master Plan;
- e) Identifying land use tools and targets to improve access to housing;

- f) Supporting a mix and range of housing;
- g) Supporting innovation in housing design and mitigate the impacts of climate change; and,
- h) Providing a range and mix of housing options that are essential for the creation of complete communities.

#### **4.B.1 – Supply of Land for Housing**

4.B.1.1 The County requires that each local municipality achieve a minimum affordable housing target of 20 percent of all new development.

4.B.2.3 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

4.B.2.4 New residential development and residential intensification are to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form;
- b) ensuring that infrastructure is available to promote safe and convenient mobility for walking, cycling and other forms of non-motorized transportation; and
- c) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

#### **4.B.3 – Affordable and Attainable Housing**

The term “affordable housing” is often used interchangeably with “social housing”; however, social housing is just one category of affordable housing and usually refers to rental housing owned and/or subsidized by one or more levels of government. Affordable housing is a much broader term and includes housing provided by the private, public, and not-for-profit sectors as well as all forms of housing tenure (i.e. rental, ownership and cooperative ownership). It also includes temporary as well as permanent housing. In other words, the term “affordable housing” can refer to any part of the housing continuum from temporary emergency shelters through transition housing, supportive housing, subsidized housing, market rental housing, or market homeownership.

4.B.3.1 To encourage the development of affordable and attainable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:

- a) 20 percent of all new rental housing is to be affordable and attainable; and,
- b) 10 percent of all new ownership housing is to be affordable and attainable. As work progresses provincially and locally the definition of attainable housing will be developed.

## **6.E – COMPLETE COMMUNITIES**

Complete communities are designed as accessible, dense, and walkable, where most amenities are in close proximity, and meet people’s needs for daily living through their lifetime. They provide for a full range of uses including local community centres, schools, places of worship, greenspaces, and other uses to increase greater human interaction and create a sense of community. The policies in this section will help create and maintain well-designed communities that have integrated greenspace, trails, pedestrian, and transit networks, and that offer a variety of housing, transportation, accessible human services, and employment options.

Human health is strongly related to the built and natural environments. Designing and building communities to encourage active lifestyle choices, protect the natural environment and ensure access to clean air, water, and healthy food can significantly improve overall health and well-being. Community design has an important role to play in increasing levels of physical activity. Reducing automobile dependency helps prevent obesity and other physical and mental health diseases related to physical inactivity, adverse air, and environmental quality.

Human services such as healthcare, education, community, and social services, have a significant impact on the quality of life for residents and workers. The needs of individuals and families vary with age, ability, background, and interests. As a result, expectations for basic needs, learning, recreation, public safety, health, well-being, and social supports differ by household and over time.

6.E.1 Complete communities shall be planned to include:

- a) creating built form and transportation-related infrastructure that promotes and supports active healthy living;
- b) planning for all ages, incomes, abilities, and populations;
- c) supporting walkable and bikeable neighbourhoods and districts through active transportation;
- d) implementing an interconnected network of open space and parks that facilitate physical activity, social cohesion and support mental health;
- e) providing a full range of housing types and tenures including supportive housing;
- f) planning for and providing public service and community facilities with convenient access; and,
- g) planning for housing and jobs to support sustainable economic growth and development.

6.E.2 The planning, design and evaluation of existing and new communities shall incorporate:

- a) Public Health considerations to promote wellness and quality of life;
- b) The provision of human service facilities reflecting the demographic and socio-economic needs of the County;

- c) Foster physical and mental health;
- d) Crime Prevention Through Environmental Design Principles; and,
- e) Facilitate inclusivity and accessibility for people of all ages and abilities, and the County's ethnically diverse population.

## **6.F – HEALTHY AND RESILIENT COMMUNITIES**

The Official Plan recognizes that food is a basic human need, and the availability of safe, nutritious, affordable food is critical to the health and well-being of the citizens of Essex County. Sustainable food security and *food systems* planning represent a situation that exists when people have secure access to sufficient amounts of safe and nutritious food in order to lead an active and healthy life; whereas, food insecurity may be caused by the unavailability of safe and nutritious food, economic conditions, or the inappropriate distributions of food and/or food outlets. Strategies that aid in minimizing food insecurity include improved access to local services such as grocery stores and community gardens close to where people live.

As a component of food security and overall food system, urban agriculture can help assist in supporting access to healthy foods. In general terms, urban agriculture is a type of sustainable land use in and around urban communities that provide an alternative source of economical food production for urban residents. Examples include private garden allotments, community gardens, edible landscaping, and rooftop gardens.

6.F.1 Through planning public projects, and investment, the County will encourage, foster and support:

- a) Ready access to high quality retail grocery stores, farmers markets, and other food sources which provide affordable, safe, healthy, culturally diverse, and local foods.

## **6.G – HEALTHY AND ACTIVE LIFESTYLES**

6.G.1 Public spaces, including streets, parks, and buildings, should be designed to be accessible and safe for all members of the community, with locations that provide active transportation choices to complementary land uses. School locations that favour walking and biking are encouraged. The location of public buildings should be supportive of the development and growth strategies of this Plan. Accessibility to the largest concentrations of population will be a primary consideration in the planning of major facilities.

6.G.2 New developments will need to be designed to be walkable and bike friendly by including interconnected trails, sidewalks, and/or paved shoulders, dedicated cycle tracks, and multi-use paths where appropriate to integrate with the overall complete transportation system.

6.G.3 Local Municipalities shall integrate safe, convenient, and attractive pedestrian and cycling facilities such as sidewalks, cycling routes, corner ramps, pedestrian signals and appropriate lighting as part of the transportation system, in conjunction with boulevard tree planting providing shade to reduce the urban heat island.

## **6.I – URBAN DESIGN**

Urban design is the practice of making places that are attractive, memorable, and functional. It involves the arrangement, appearance and relationship between buildings, outdoor spaces, transportation systems, services, and amenities.

6.1.1 Local Municipalities are to promote a high standard of urban design to create healthy communities which attract investment and promote social interaction for persons of all ages.

6.1.2 Local Municipalities are to pursue excellence and innovation in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, safe, diverse, and functional.

6.1.3 Local Municipalities are to promote revitalization and redevelopment within downtowns and community cores to enhance their existing character.

6.1.4 Local Municipalities are to require new developments to be designed to be walkable and bike friendly, with a highly interconnected network of trails, sidewalks, paved shoulders, and dedicated cycle tracks.

6.1.5 Local Municipalities are to enhance the public realm through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.

6.1.6 Local Municipalities are to promote active transportation through the cohesive and collaborative design of streets, building interfaces and public spaces.

6.1.7 Local Municipalities are to apply sustainable design principles to the public realm, infrastructure, public service facilities, development, and streets.

6.1.8 Local Municipalities are to consider place-making elements along County Roads at major entry points to communities to foster unique, authentic, memorable, and vibrant places.

6.1.9 The County will implement the design of public service facilities, public spaces, and County Roads in coordination with Local Municipalities to promote:

- a) civic pride, diversity, and community identity;
- b) connectivity;
- c) high quality architecture and urban design; and
- d) multi-functional uses and activities throughout the year, as feasible.

## **9.0 Infrastructure**

This Plan recognizes that successfully planning and managing infrastructure is key to achieving the vision for a sustainable, liveable, and competitive Essex County. The County of Essex does not fund or maintain watermains, sanitary sewers, storm sewers,

or utilities – the provision of those services is the responsibility of the Local Municipalities. However, it is important to ensure that local infrastructure goals and policies align with the County. The County promotes efficient and environmentally responsible development and encourages new development and redevelopment to proceed on the basis of full municipal sewage services and municipal water services, as per the Provincial Planning Statement. Local Municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.

This Plan also recognizes the role of infrastructure planning and management in climate change mitigation and adaptation. This requires the County and the Local Municipalities to consider opportunities to reduce the demand for additional infrastructure and to optimize the use of existing infrastructure. In addition, infrastructure can be used to help reshape the County's urban form, create healthy, sustainable, safe and accessible communities and maximize the potential to capitalize on economic opportunities. It is important to ensure that long-term infrastructure plans incorporate conservation strategies and the protection of the natural environment, including key natural heritage and hydrological features.

The policies in this Chapter address the infrastructure needs to support the planned growth and protection of resources. These infrastructure needs include water systems, wastewater systems, stormwater management, solid waste management, electricity utilities including battery storage, and the provision of other utility services. Infrastructure master plans are used to plan and develop initiatives requiring significant infrastructure investment and/or having multiple stakeholders. These master plans will support the County Structure of this Plan and will also be used to set County-wide priorities for decisions on infrastructure investments in order to promote a coordinated approach to managing urban development. The policies in this Chapter also set out requirements regarding the review of development applications relating to the assessment of the potential impacts that development can have on existing or planned infrastructure.

## **GOALS**

- a) Support the role of all types of infrastructure in shaping the community through growth management and infrastructure asset management;
- b) Promote a sustainable and healthy community through a climate-change lens that includes infrastructure optimization, retrofits, and adaptive re-use wherever feasible;
- c) Prioritize investments as part of fully serviced primary settlement areas and planning, building and maintaining infrastructure to support planned housing and job growth;
- d) Ensure Local Municipalities plan for safe, clean drinking water and long-term water and wastewater services that are safe, well-managed, and sustainable;
- e) Apply an integrated approach to water management that reduces water demand, achieves efficiency of water use, and protects, improves or restores water quality and quantity;

- f) Encourage municipal wastewater systems to reduce future treatment capacity requirements, optimize the use of existing wastewater treatment plans, and protect, improve, or restore water quality and quantity; and,
- g) Integrate climate change considerations into water and wastewater planning, including innovative approaches to water efficiency and wastewater treatment.

## **9.A – WATER AND WASTEWATER SERVICING**

Water and wastewater infrastructure are critical in supporting well-managed growth in the County, healthy and safe communities, and in facilitating compact and vibrant communities. With the reality of our climate future, it is key to understand how climate change impacts servicing and infrastructure, and to integrate climate change considerations in long-term planning for water and wastewater servicing. The County supports infrastructure asset management and integrated water management that promotes water conservation, reuse, and efficiency to adapt to and mitigate the impacts of climate change. Climate change will impact communities across the County – it is crucial to promote an integrated approach to water management, ensuring water resources are managed holistically and collaboratively to meet the water needs of communities and reduce the need for new infrastructure.

9.A.1 Full municipal wastewater services and municipal water services are the preferred form of servicing for all settlement areas. New plans of subdivision shall only be approved if municipal water and wastewater is the form of servicing.

9.A.4 Public or private investment in upgrading or expanding municipal wastewater services or municipal water services should be focused within the Primary Settlement Areas identified on Schedule “A2” of this Plan. The County recognizes that circumstances may warrant infrastructure investment in Secondary Settlement Areas.

## **9.B – STORMWATER**

Stormwater refers to rainwater or snow that falls on the ground and runs off overland (runoff), or infiltrates into the ground (infiltration). Stormwater flows from properties and is either intercepted by vegetation and infiltrates into the ground, where it is naturally filtered, or it runs off into streets, ditches, storm drains, and waterways. Our communities have a bearing on runoff and infiltration – paved areas with less vegetation will result in less infiltration and greater runoff. Increased runoff causes flooding, erosion risks, high contaminant loads and increased water temperatures that degrade the quality of our waterways and ecosystems. As a result of climate change, changing weather patterns such as increasingly frequent and severe weather events will elevate risks of flooding and erosion, posing a risk to our communities, infrastructure, and environment.

Stormwater management plays a crucial role in climate change adaptation and mitigation. Although the County does not operate or manage stormwater facilities, Local Municipalities are encouraged to employ an integrated approach to stormwater management that includes low impact development (LID), green infrastructure, stormwater attenuation and re-use, and water conservation and efficiency. These methods build upon the principles of water reuse, conservation, and efficiency, viewing water management through a holistic lens. Beyond mitigating the impacts of stormwater runoff and climate change, green infrastructure has multiple benefits such as carbon sequestration, climate regulation, improved air and water quality, water storage, and improved health and well-being of our communities.

9.B.1 The County will encourage Local Municipalities in their planning for stormwater management to:

- a) Have regard for stormwater drainage and surface water infiltration;
- b) Minimize, or where possible, prevent increases in contaminant loads and stormwater volumes;
- c) Minimize changes in water balance, erosion, and off-site flooding;
- d) Not increase risks to human health and safety and property damage;
- e) Maximize the extent and function of vegetative and pervious surfaces;
- f) Utilize stormwater management best practices, including, where appropriate, stormwater attenuation and re-use, green infrastructure, and low-impact development;
- g) Require development proposals to meet applicable stormwater management policies, guidelines, and best practices;
- h) Carry out regular maintenance and inspection of stormwater infrastructure; and
- i) Plan for the impacts of climate change.

9.B.4 Stormwater management reports/plans, acceptable to the County, Local Municipalities, local Conservation Authorities, and the Ministry of the Environment will generally be required in advance of draft approval of subdivision plans or site plans, in accordance with acceptable design principles and practices. For those developments located adjacent to or in the vicinity of a Provincial Highway, Stormwater Management plans and reports must be reviewed and approved by the Ministry of Transportation.

9.B.5 Local Conservation Authorities are encouraged to participate in pre-consultation on matters concerning stormwater management works. The County will consult with the Province, where required, pursuant to Section 53 of the *Ontario Water Resources Act*. The preparation of stormwater management plans on a watershed or subwatershed basis is encouraged.

9.B.6 Stormwater management reports and plans shall be prepared to the satisfaction of the County using the 2003 Ministry of the Environment Stormwater Management Guidelines, as amended, the Windsor/Essex Region Stormwater Management Standards Manual, and other resource materials.

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

Energy efficiency and energy conservation are important elements of sustainable communities. Reduced energy demand allows for a more sustainable approach to the management of energy use and improved housing affordability. In addition, opportunities for local renewable energy projects in the County of Essex may present opportunities for reducing greenhouse gas emissions.

By reducing the impacts of greenhouse gas emissions, energy conservation is an important part of addressing climate change. Energy conservation facilitates the replacement of non-renewable resources with renewable energy sources.

## **GOALS**

- a) Supporting the development of sustainable, resilient, compact, mixed-use, affordable and transit-supportive communities that use less energy, reduce greenhouse gas emissions and support active transportation, protect natural systems, features and functions, and promote renewable energy, energy conservation and efficient design.
- b) Assessing the potential impacts and associated risks of climate change to infrastructure and incorporating appropriate measures to reduce or mitigate vulnerabilities, impacts and risks.
- c) Supporting and encouraging renewable and alternative energy systems.
- d) Promoting and supporting the use of green infrastructure and low impact development technologies.
- e) Improving air quality and reducing the emission of air pollutants.

### **10.A – ENERGY**

Energy is central to the provision of goods and services, production by industry and agriculture, mobility, and comfort and liveability within the community. Energy conservation reduces costs to businesses and households, and is beneficial for the environment as it reduces the demand on resources to create energy and the infrastructure resources required for its distribution. Energy conservation can also help reduce greenhouse gases and other air emissions from the combustion of fossil fuels, which can positively affect climate change and air quality. Policies that promote reduced energy consumption can be integrated into land use planning and responsible growth management, resulting in compact, walkable and mixed-use communities that are better oriented to active transportation and public transit. When coupled with the use of environmentally responsible materials, alternative fuels and multimodal mobility and transit options, energy consumption levels in the region can be significantly reduced.

### **10.B – AIR QUALITY**

Having clean air to breathe is a prerequisite to health and liveability. Provincial legislation and County strategic directions strongly promote efforts to reduce the potential for climate change and poor air quality through the land use planning process. Essex County's dependence on the use of private automobiles, the need to heat homes, and industrial activities, all result in the emission of air pollutants and greenhouse gases. Although the County does not regulate emissions, actions within its authority can significantly influence air quality and can help mitigate and adapt to climate change. As a result, the policies in this Plan seek to improve air quality in the County through a variety of measures to help support a healthy and liveable community.

10.B.5 The County shall promote and support compact land-uses, active transportation and a reduced reliance on private automobiles.

## **11.0 Transportation**

Transportation planning plays a significant role in shaping communities, and in creating healthy, sustainable, and vibrant communities. The County's transportation network consists of Provincial, County, and local roads in addition to railway lines, water ferries, harbours, marinas, a commercial airport, several private air strips and an active transportation network, including pedestrian and bicycle paths.

The County supports the integration of land-use planning and transportation planning, recognizing that communities that move people and goods primarily by truck and automobiles lead to a sprawling and auto-centric urban form, whereas a human-centric and multi-modal approach creates vibrant, compact, and pedestrian-oriented communities. This Plan recognizes that not everyone in the community will have access to private automobiles either by choice or due to financial, physical, or age limitations. Therefore, the Plan promotes an integrated and multi-modal transportation network to facilitate compact, connected communities that reduce reliance on private automobiles, provide sustainable and reliable mobility options, expand access to jobs and housing, and respond to the impacts of climate change. Notably, public transit and active transportation play key roles in climate change mitigation and in creating more liveable, sustainable, and healthy communities with less noise and less pollution. The County shall also encourage, where feasible and appropriate, the identification and protection of historic transportation routes, which contribute to the special character of the community.

The policies in this Chapter address the different components of the multi-modal network, promoting a human-centric transportation design. The transportation policies seek to support an integrated transportation network; contribute to vibrant streetscapes and complete streets; facilitate compact, connected built forms; provide for a variety of mobility options; promote active healthy lifestyles; and promote safe and efficient movement of people and goods throughout the County's communities. This Chapter also includes rail and airport policies to further support the transportation needs of the community.

### **GOALS**

- d) Promoting transportation planning that reinforces a sense of place, supports the County's unique identity, facilitates active healthy lifestyles, and fosters inclusion and community; and,
- e) Ensuring coordination between transportation infrastructure, land-use planning, and growth management.

### **11.A – GENERAL TRANSPORTATION POLICIES**

11.A.1 When considering matters of land use planning, the County shall:

- a) Facilitate the safe, sustainable, and economical movement of people and goods throughout the County;

- d) Develop a complete streets approach to the planning and design of the road network that will be shared by all modes of transportation, while maximizing road safety for all users and minimizing environmental impacts;
- e) Promote the continual development and improvement of the County Wide Active Transportation System (CWATS);
- f) Support the development of convenient and efficient public transit services throughout the County;
- g) Plan for and protect corridors for all forms of mobility, including transit and active transportation, and corresponding infrastructure;
- k) Address new development proposed on adjacent lands to existing or planned corridors and transportation facilities so development should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities; and,

11.D.5 The County shall encourage Local Municipalities to explore local transit feasibility where appropriate, and to identify local transit corridors as part of their local Official Plans.

11.E.6 Transit-oriented development, mixed use development, and higher residential densities are encouraged within the Primary Settlement Areas to minimize walking distances, promote increased quality of life, and facilitate active transportation within the community.

11.E.7 The County supports pedestrian-oriented and active transportation friendly planning and design, through human-centric streetscaping, urban design, mixed-uses, and compact built forms.

11.E.8 The County supports active transportation through improvements in the public realm and transit facilities, such as providing safe and separated cycling facilities, bicycle racks and storage at transit stops, providing bicycle racks on buses, and facilitating improved access for pedestrians and cyclists at transit stops and terminals, commuter lots, and more, where feasible and appropriate.

11.E.9 During the review of development applications, Local Municipalities will require the integration of pedestrian and cycling linkages to commercial uses, transit, schools, trails, parks and municipal facilities. Active transportation integrations may also include, but are not limited to:

- a) Interconnections between local streets, cul-de-sacs, and across greenspaces;
- b) Connections between developments and adjacent sidewalks;
- c) Connections across commercial developments; and,
- d) Easements across condominium developments.

11.E.15 The County encourages bicycle parking to be secure, illuminated, highly visible, sheltered and convenient.

### **11.F – COMPLETE STREETS AND CONTEXT SENSITIVE DESIGN**

11.F.1 All County and local municipal roads are to adopt a complete streets approach. The complete streets approach is encouraged for Highways 3 and 77. The complete streets approach shall be implemented through the following:

- a) providing for the safe and efficient movement of all vehicles and modes of travel, including automobiles, goods movement, emergency vehicles, transit, active transportation (walking and cycling), and users of all ages and abilities;
- b) integrating landscaping, street trees, and green infrastructure within the public right-of-way;
- c) ensuring the safety of users of all ages and abilities;
- d) encouraging intermodal design that promotes the use of sustainable modes of transportation and reduces reliance on single-occupancy automobiles;
- e) providing space for other street elements such as utilities and services, on-street parking, stormwater management, snow storage, wayfinding signage, and street furniture, where appropriate; and,
- f) ensuring a design that reflects the local context and character of the community and balances the needs of different users.

11.F.5 The County supports the design of pedestrian-friendly streets through a safe, attractive, and accessible built environment, which includes, but is not limited to:

- a) Making visually appealing streetscapes to make walking more inviting;
- b) Separating vehicular, pedestrian, and cycling road users to the greatest degree possible;
- c) Providing lighting and street trees and where possible street furniture such as benches;
- d) Ensuring safe pedestrian crossings;
- e) Implementing complete street designs and layout, which reduces and minimizes the need for future traffic calming; and,
- f) Providing for pedestrian linkages throughout neighbourhoods.

Based on review of the CEOP, 2024, the Applications under consideration are consistent with the County of Essex Official Plan. Additionally, the CEOP contains numerous

policies that will inform the Site Plan Control process with specific attention to those included in Chapters 9, 10 and 11 above.

### Summary of Planning Analysis

Proposed Amendment #26 to the Town of Amherstburg Official Plan and proposed Zoning By-law Amendment are consistent with the Provincial Planning Statement, 2024, the new County of Essex Official Plan 2024 (as adopted), the existing approved County of Essex Official Plan, the Town of Amherstburg Official Plan and the Town of Amherstburg Comprehensive Zoning By-law 1999-52.

The proposed amendments will allow for a mixed-use development that intensifies the land use on a primary corridor that is an area in transition located next to a secondary school and in proximity to two elementary schools and in a pedestrian-friendly neighbourhood. Furthermore, the proposed development will contribute to the Simcoe Street Primary Corridor being developed as a complete community with compact built form.

#### 4. RISK ANALYSIS:

There is a risk that a decision on an official plan or zoning matter is appealed to the Ontario Land Tribunal. It is noted that the County of Essex is the approval authority for the Official Plan Amendment and that Council is being requested to adopt the proposed amendment. The Town of Amherstburg is the approval authority for the proposed Zoning By-law Amendment. The risks noted below provides further clarity on this depending on the recommendation and Council decision on the matter.

<b>Administration's Recommendation</b>	<b>Decision of Council</b>	<b>Who can appeal the decision to OLT.*</b>	<b>Costs to the Town if Appealed</b>
Recommend approval	Approve the Recommendation	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Legal consulting and Administrative time to defend the decision before OLT.
Recommend to deny the application	Approve the Recommendation	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Planning and legal consulting services to defend Council's decision and legal consulting and Administrative time to defend Administration's recommendation before OLT.
Recommend approval	Refuse the Recommendation	The Applicant who requested the zoning amendment, the	Planning and legal consulting services to

	Note: The Planning Act defines a tied vote as a refusal.	property owner, the Minister, specified persons and public bodies.	defend Council's decision and legal consulting and Administrative time to defend Administration's recommendation before OLT.
Recommend to deny the application	Refuse the Recommendation  Note: The Planning Act defines a tied vote as a refusal.	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Legal consulting and Administrative time to defend the decision before OLT.
Recommend to approve (or deny)	Request to defer decision on the grounds of requiring additional information.	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	In this scenario it allows for the applicant to consider if the additional information requested by Council, rather than an OLT hearing is preferred. As OLT hearings are costly and time consuming the applicant may elect to provide the additional information.

\*In all matters the Municipality, the Minister of Municipal Affairs and Housing, any Specified Public Bodies have the right to appeal an official plan or zoning decision. The table above is to provide clarity on other parties who can appeal.

## **5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the Applicant. Should Council's decision be appealed to the Ontario Land Tribunal, the Town will incur costs, as noted above. OLT appeals of any nature can be costly with estimated costs of a hearing at \$6,000/day, noting that those daily costs will likely be higher if Town Administration is required to be before OLT as both witnesses for an Applicant and defense of a decision.

## **6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and on the Town website, circulated to the required agencies and municipal departments, and signs were placed on the subject lands in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

It is noted for council that Infrastructure Services has no comment or objections regarding the proposed Official Plan Amendment.

As stated in Appendix 'E', Infrastructure Services does support the proposed Zoning By-law Amendment, at this time, due to lack of supporting studies. Additional information requested by Infrastructure Services include: Stormwater Management Report, Functional Servicing Report, and a Traffic Impact Assessment and these reports will be required at the time of a Site Plan Control Application. While desirable to have, the three aforementioned support studies are not essential to establish the principle of land use in the existing urban area. Additionally, Planning Services required a Planning Justification Report as part of the combined OPA and ZBA application to support establishing the principle of land use. The applicant was informed by Planning Services during pre-consultation that the studies, and others, shall be required during the Site Plan Control Process.

**7. CORPORATE STRATEGIC ALIGNMENT:**

*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;"><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li><input type="checkbox"/> Deliver transparent and efficient financial management.</li> <li><input type="checkbox"/> Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li><input checked="" type="checkbox"/> Continue to deliver strong core municipal services.</li> <li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<p style="text-align: center;"><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Encourage development of commercial and industrial lands.</li> <li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li> <li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p style="text-align: center;"><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue)</li> </ul>	<p style="text-align: center;"><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Define and communicate a vision for the Town's future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and "climate change ready" development.</li> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> </ul>

<ul style="list-style-type: none"><li><input type="checkbox"/> Create public access to water and waterfront</li><li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Protect the Town's historic sites and heritage.</li><li><input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.</li></ul>
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**8. CONCLUSION:**

The proposed amendments to the Town of Amherstburg Official Plan and Comprehensive Zoning By-law 1999-52 to allow for the proposed mixed-use development at 300 Victoria Street are consistent with Provincial, County of Essex and Town of Amherstburg planning policy.



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Christopher Aspila  
**Manager of Planning Services**

**CA**

## Report Approval Details

Document Title:	Official Plan Amendment and Zoning By-law Amendment - 300 Victoria Street.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A_OPA 26 Application_300 Victoria St_Redacted-RM.pdf</li><li>- Appendix B_ZBA-22-24 Application_300 Victoria St_Redacted_RM.pdf</li><li>- Appendix C_OPA 26 and ZBA-22-24_Notice of Statutory Public Meeting_300 Victoria Street_RM.pdf</li><li>- Appendix D_OPA 26 and ZBA-22-24_Planning Rationale Report_300 Victoria Street-RM.pdf</li><li>- Appendix E_OPA 26 and ZBA-22-24_Summary of Comments_300 Victoria Street_RM.pdf</li><li>- Appendix F_OPA 26 and ZBA-22-24_Concept Site Plan-RM.pdf</li><li>- Appendix G_OPA 26 and ZBA-22-24_Concept Floor Plans-RM.pdf</li><li>- BL 2025-024 OPA 26-RM.pdf</li><li>- BL 2025-025- ZBA-22-24-RM.pdf</li></ul>
Final Approval Date:	Mar 13, 2025

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is written in a cursive style with a long, sweeping underline that extends to the left and then curves back under the name.

Kevin Fox