



Tri-M Holdings Corp.

Draft Plan of Subdivision and Zoning By-law Amendment

Planning Justification Report
420 and 440 Texas Road, Amherstburg

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1.0

INTRODUCTION

1.1

Purpose

Dillon Consulting Limited (Dillon) has been retained by Tri-M Holdings Corp., hereinafter referred to as the “Applicant”, to assist in obtaining the necessary planning approvals associated with a proposed residential development on a parcel municipally known as 420 and 440 Texas Road, herein referred to as the “Subject Site”, in the town of Amherstburg (refer to *Figure 1.0 - Location Map*).

The Subject Site is designated accordingly in the Amherstburg Official Plan and Zoning By-law as follows:

Amherstburg Official Plan - Schedule A:

- Low Density Residential
(Refer to *Figure 2.0 - Amherstburg Official Plan - Schedule A*)

County of Essex Official Plan – Schedule A1:

- Settlement Area
(Refer to *Figure 3.0 – County Official Plan – Schedule A1*)

Amherstburg Zoning By-law 1999-52

- Residential 1A
(Refer to *Figure 4.0 - Amherstburg Zoning By-law – Map 20*)

The applicant is requesting that Council approve an amendment to Amherstburg Zoning By-law No. 1999-52, as amended, from the current Residential 1A (R1A) zone to the Residential 2 zone, to permit a low density residential subdivision and new public rights-of-ways on the Subject Site. The proposed development will conform to the provisions of the R2 zoning category as outlined in the Amherstburg Zoning By-law.

Refer to *Appendix A – Development Applications*.

1.2

Description of Site

The Subject Site is municipally known as 420 and 440 Texas Road and is located on the north side of Texas Road approximately 500m west of County Road 5 in the Town of Amherstburg (refer to *Figure 1.0 - Location Map*). The property consists of two parcels that are legally described as Park lot 7, Part of Park Lots 4 to 6 (incl.) on RP 12, also referred to as Part 4 on 12R-1806 and Part 1 on 12R-28679.

The total area of the site is 5.29ha (13.08ac). The site is currently being used for agricultural purposes and is generally flat.

1.3

Proposed Development

The proposed development is for 48 residential lots designed for single detached dwellings and a stormwater management pond. The proposed lots will front onto new 20m municipal rights-of-ways on full municipal services with a primary access off Texas Road. The north end of the site will connect to an existing low density residential development via Pettypiece Drive. The configuration and positioning of Street A will allow for future connections to the lands to the east for future development. The proposed lots will range in frontage from 14.1m to 26.6m. The proposed stormwater management area runs along the east side of the site and there will be an 8m wide drainage easement along the eastern boundary of the site. In addition, there is a 6m easement that is located in the northwest portion of the property between lots 33 and 34, for the relocation of the existing municipal drain that runs along the northern edge of the site. The municipal drain will be piped and run through the easement and then within the Street A right-of-way, where it will connect into to the stormwater infrastructure system, eventually outletting back up through Block 52, reconnecting to the open drain to the east.

The Subject Site is currently designated as Low Density Residential in the Town of Amherstburg Official Plan. The proposed development is consistent with the current land use designation and will not require an Official Plan Amendment. The Subject Site is currently zoned Residential Type 1A (R1A) in the Town of Amherstburg Zoning By-law No. 1992-52. The current zone is intended for larger rural residential lots. The applicant is seeking to rezone the property from Residential Type 1A (R1A) to the Residential Second Density Zone (R2) which is a more suitable zone for the proposed infill development. The proposed development will conform to all provisions of the R2 zone. A Draft Plan of Subdivision Application is being applied for concurrently with the Zoning By-law Amendment.

Refer to **Figure 5.0 - Conceptual Site Plan** and **Appendix A –Development Applications**.

2.0

EXISTING LAND USE

2.1

Subject Site

The physical attributes of the site are as follows:

- A total area of 5.29 ha (13.08 ac);
- The Subject Site consists of 2 parcels of land, irregular in shape with approximately 20m of frontage onto Texas Road;
- The Subject Site is currently being used as vacant agricultural land, it is generally flat; and
- There is one (1) barn structure on the Subject Site which will be removed.

2.2

Surrounding Land Use

The surrounding land uses are varied as shown in *Figure 6.0 - Surrounding Land Uses* and are described as follows:

North

- Residential Uses - Single detached dwellings (R1) zone

East

- Residential Uses & Agricultural Uses - cash-crop farmland (R1A) zone

South

- Residential Uses – Single detached dwellings (R1A) zone

West

- Residential Uses – Single detached dwellings (R1A) zone

3.0

PLANNING EVALUATION

To determine the feasibility and appropriateness of the proposed development, a comprehensive evaluation of the potential 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;
- The County of Essex Official Plan policies
- Town of Amherstburg Official Plan policies & criteria; and
- Town of Amherstburg Zoning By-law No. 1992-52 regulations.

Recognizing that overlaps exist between the various policies and criteria in the Official plan, the approach used attempts to consolidate the relevant policies and criteria and identify and evaluate the potential planning and land use related issues associated with the proposed residential development.

3.1

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) promotes the development of ‘Strong, Healthy Communities’ through the redevelopment of lands for an appropriate mix of uses, which include residential uses. The proposed uses must be “consistent with” the PPS and as a broad and general document, the applicants must, through analysis of the policies, determine how the proposed use is appropriate and advances the Province’s interests. There are a number of sections of the PPS that apply to the proposed development. Our analysis suggests that the proposed residential development is consistent with the applicable policies of the PPS including:

- Section 1.1.1, relating to efficient development and land use patterns;
- Section 1.1.2, relating to land availability;
- Section 1.1.3, relating to settlement areas;
- Section 1.2.6, relating to land use compatibility;
- Section 1.4, relating to housing;
- Section 1.5, relating to open space;
- Section 1.6, relating to infrastructure and public service facilities;
- Section 1.6.6, relating to sewage, water, and stormwater;
- Section 1.6.7.4, relating to transportation systems
- Section 1.7, relating to long-term economic prosperity; and
- Section 1.8, relating to energy conservation, air quality and climate change.

These policies are included in **Appendix B** and will be referenced throughout the remainder of this report.

3.2 County of Essex Official Plan

The County of Essex is the upper tier municipality for the Town of Amherstburg. The subject site is currently designated *Settlement Area* in the County of Essex Official Plan (County OP), which provides for a broad range of land uses. The County OP policies state that settlement areas are directed to be the focus of growth and development in lower tier municipalities. The primary goals of the County OP include:

- Directing the majority of growth and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas;
- Providing a range of land uses and densities through a mixture of housing types;
- Creating and maintaining an improved balance between residential and employment growth in each of the Primary Settlement Areas; and
- Encouraging greenhouse gas emissions and energy consumption reduction by promoting built forms and transportation systems that create more sustainable, efficient, healthy and livable communities.

Our analysis suggests that the proposed development is consistent with the following policies found in the County OP:

- Section 1.5, relating to goals for a healthy county;
- Section 2.2, relating to growth management;
- Section 2.10, relating to sewage and water systems;
- Section 3.2.2, relating to goals of settlement areas; and
- Section 3.2.4, relating to primary settlement areas.

In reviewing the County of Essex Official Plan Policies related to Primary Settlement Areas and residential intensification, the proposed development conforms to the County Official Plan Policies and does not require an Official Plan Amendment.

These policies are included in **Appendix C** and will be referenced throughout the remainder of this report.

3.3 Town of Amherstburg Official Plan

The local policy context in the Town of Amherstburg is outlined in the Town of Amherstburg Official Plan (AOP) which contains a holistic set of goals, objectives, and policies to manage and direct growth in the Town. Similar to the PPS, Amherstburg supports growth and development and encourages it within Settlement Areas. Lands to the north of Texas Road have been identified as a main area for residential development. It is the intention of settlement areas to ensure that sufficient lands have been placed in various residential designations to accommodate the anticipated population in a suitable variety of locates, densities, and unit types. The Subject Site is designated as Low Density Residential under Schedule A of the Official Plan.

Section 4.2 of the Official Plan indicates that Low Density Residential Uses have the following functions:

- To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the town;
- To encourage the development of a greater variety of housing types;
- To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study;
- 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;
- 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; and
- 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.

The Subject Site is designated as Low Density Residential and sits within the Settlement Area of the Town of Amherstburg, more specifically, it is along the northern edge of Texas Road, an area identified as a focus area for growth. Our analysis suggests that the proposed development is consistent with the following policies found in the Official Plan:

- Section 1.7.4, relating to growth and development;
- Section 1.7.5, relating to identified areas for residential development;
- Section 2.2, relating to location of development;
- Section 2.3, relating to site suitability;
- Section 2.6.4, relating to servicing strategies;
- Section 2.7, relating to stormwater management policy;
- Section 2.8, relating to solid waste management;
- Section 4.2, relating to residential uses;
- Section 4.3.1, relating to low density residential areas;
- Section 5.1, relating to transportation policies;
- Section 5.2.3, relating to local roads;
- Section 6.1.1, relating to plans of subdivision;
- Section 6.5.1, relating to economic development policies;
- Section 6.6.2, relating to housing objectives; and
- Section 6.6.3, relating to housing supply.

These policies are included in *Appendix D* and will be referenced throughout the remainder of this report.

3.4 Town of Amherstburg Zoning By-law No. 1992-52

The Town of Amherstburg Zoning By-law implements the policies of the Official Plan by regulating built form and land uses throughout the Town. The Subject Site is currently zoned Residential Type 1A (R1A), (refer to *Figure 4.0 - Existing Zoning Designations*) which permits uses including but not limited to: single unit residential uses, home occupation, accessory use, and public use. The intent of the R1A zone is for larger rural lots. The applicant is requesting an amendment from the R1A zone to the Residential Second Density (R2) Zone to permit the proposed infill development. This amendment would permit the proposed residential subdivision in the form of smaller single detached lots. The following chart outlines the proposed R2 zoning provisions and demonstrates how the proposed development will meet these regulations.

Residential Second Density (R2) Regulations	Zone Requirements (R2)	Proposed Development
Minimum Lot Area	460m ²	517.6m ²
Minimum Lot Frontage	12m	14.1m
Maximum Lot Coverage	35%	35%
Minimum Landscaped Open Space	30%	43.1%
Maximum Building Height	8.5m	8.5m
Minimum Front Yard	6.0m	6.0m
Minimum Interior Side Yard	1.5m	1.5m
Minimum Exterior Side Yard	6.0m	6.0m
Minimum Rear Yard	7.5m	7.5m
Dwelling Unit Area (min)	75m ²	75m ²

These designations are included in *Appendix E* and will be referenced throughout the remainder of this report.

3.5 Planning Analysis and Considerations

Towns and Municipalities in Ontario are required under Section 3 of the Planning Act to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The PPS includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns. According to the PPS, healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns, while accommodating a range and mix of housing, including affordable housing, which sustain the financial well-being over the long term, and promote cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a, b, f)).

The proposed development is consistent with these policies by encouraging the use of underutilized lands, by proposing an intensification of land uses with single detached dwellings that can exist in harmony with the surrounding land uses, and by creating opportunities for increased municipal taxes (PPS 1.1.2).

The proposed development provides the potential for forty-eight (48) single detached dwelling units, along with a stormwater management pond and new municipal rights-of-ways. The proposed development is compatible, and fits well in the surrounding neighbourhood, and provides additional housing with an increased density in the Town of Amherstburg.

3.5.1 Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. According to the PPS, settlement areas should be the focus of growth and development and that their regeneration shall be promoted (PPS, 1.1.3.1). The proposed development will support population growth and intensification on fully serviced lands within the identified Settlement Area by introducing 48 residential dwelling units (AOP, 1.7.4).

As a result of the Zoning By-law Amendment, the proposed development would promote growth and vitality within the settlement area (County OP, 1.5 & 2.2). It promotes a dense land use pattern which efficiently uses land and resources. The proposal provides for an opportunity for the intensification of lands and presents an appropriate location for intensification due to the availability of suitable, existing infrastructure and public service facilities to accommodate projected needs (County OP, 3.2.2i). The proposed development also allows for new development to take place in designated growth areas adjacent to the existing built-up area in a compact form, with an increase in density and variability of tenures that allow for the efficient use of land, infrastructure and public service facilities (PPS, 1.1.3.6, AOP, County OP, 3.2.4, AOP 2.2). The Subject Site is adjacent to other low density residential neighbourhoods comprised of residential uses.

This proposal conforms to the Development Strategy of the Town of Amherstburg through the promotion of practical and efficient land use management strategies and a compact pattern of development (AOP, 1.7.5, 2.3). As the Subject Site is adjacent to existing neighbourhoods and open space, there will be efficiencies in development and infrastructure costs. In addition, the development provides for a future connection through Street A to lands to the east to allow for development to occur on adjacent lands in the future.

The proposed residential development meets all of the locational criteria for a low density residential land use as the site has access to an arterial road; is on full municipal services, and is compatible with nearby uses.

3.5.2 Land Use

The PPS states that major facilities and sensitive land uses should be planned to ensure they are buffered and/or separated from each other (PPS, 1.2.6.1). This is to ensure that adverse effects from odour, noise and other contaminants are prevented or mitigated, and that the risk is minimized for public health and safety. This application proposes to establish a permitted and compatible land use on the subject property which is located on lands currently designated Low Density Residential in the Town of Amherstburg Official Plan (AOP, 4.2). Single detached, duplex, semi-detached, converted dwellings, and home occupation uses are all permitted uses in low-rise development areas (AOP, 4.3.1).

No Official Plan Amendment is required for the proposed development as the proposed uses are currently permitted under the existing Settlement Area and Low Density Residential designation.

3.5.3 Housing

The PPS speaks to providing for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market (PPS, 1.4.1). The proposed residential development will help increase the existing housing stock in the surrounding area, which is predominantly, single detached dwellings.

The proposal is a form of residential intensification and meets the social, health and wellbeing requirements of current and future residents, promotes increased densities which efficiently use land, resources and infrastructure (AOP, 6.6.3). It also conforms to the Settlement Boundary policies identified in the Official Plan, particularly with the promotion of growth management and residential housing supply (AOP, 1.7.4, 1.7.5, and 6.6.2). The proposed residential development will also utilize existing infrastructure that is available at Texas Road.

3.5.4 Transportation

The PPS encourages developments that promote a dense land use pattern which minimizes the length and number of vehicle trips, and encourages the use of transit and active transportation methods (PPS, 1.6.7.4 & 1.8.1(b)). The proposed residential development will be serviced by a newly created local road that connects to two existing public roads (OP, section 5.1). The proposed right-of-way width at the intersection of Texas Road and Pettypiece Drive will be 20m, situated between two properties that front onto Texas Road (AOP, 5.1). The proposed internal right-of-way width of the newly created local road will be 20m wide to ensure vehicles, pedestrians and cyclists are accommodated (AOP, 5.2.3).

3.5.5 Infrastructure

The proposed residential development promotes the efficient use and optimization of existing municipal sewage and water services that will ensure that sewage and water services provided comply with all regulatory requirements and protect human health and natural environment (PPS, 1.6.6 (a) (b), 1.7.1 (b)), (AOP, 2.6.4). The proposed development will take advantage of existing servicing connection and will not require the extension of municipally owned or operated infrastructure (PPS, 1.6.6.2), (AOP, 2.6.4, 2.7, 2.8)

The proposed development will include approximately 48 lots for single detached dwellings and will connect to full municipal services (County OP, 2.10 a). There will be servicing stubs left available for a connection to future development at the end of Street A (refer to **Figure 5.0 – Conceptual Development Plan**). A stormwater management facility will control the quality and quantity of all onsite stormwater to ensure there will be no negative impacts on the drainage characteristics of adjacent lands (AOP, 2.7). To ensure that the proposed stormwater management facility functions as required, a stormwater management report will be completed as part of the Draft Plan of Subdivision application. As is demonstrated by the Stormwater Management Report prepared by Dillon Consulting Limited, adjacent properties will not be adversely impacted by the development of the subject lands (AOP, 2.7).

Sustainable site design and pedestrian network policies have also been considered in the proposal (PPS 1.5 (a)). The proposed subdivision will have direct access, via individual driveways to the proposed rights-of-ways and ultimate connections to Texas Road to the south and Pettypiece Drive to the north, as well as a potential future connection to the east.

3.5.6 Urban Design

The proposed development is compatible with the surrounding land uses in the neighbourhood and will fit with the character of the area. The height, massing, and scale of the proposed residential dwellings will be compatible to the existing dwellings adjacent to the Subject Site and within the surrounding area. The division of land will take place by a registered plan of subdivision (AOP, 6.1.1).

The siting of the proposed buildings will be located in a complimentary location to the surrounding homes and will be built using similar materials, in keeping with the character of the neighbourhood.

3.5.7 Economic Prosperity

The proposed residential development provides real estate investment in the Town of Amherstburg that through the development of underutilized lands (PPS, 1.7.1). The proposed development is supported by the demand for residential development in the Town of Amherstburg, in the form of 48 single family homes, which will increase tax revenue for the town and promote long-term economic prosperity (PPS, 1.7.1 (a), (b); AOP, 6.5.1).

3.5.8 Energy Conservation, Air Quality and Climate Change

Adjacent to other residential uses, the proposed development promotes walkability throughout the area, in particular via sidewalks which will be installed as part of this development. Increased active transportation will result in decreased vehicular transportation, and ultimately reduced greenhouse gas emissions. Increased density in the residential district will also promote energy efficiency because residents will be sharing services (PPS, 1.8 (f)).

3.6 Background Studies

3.6.1 Stormwater Management Analysis

A Stormwater Management Analysis, prepared by Dillon Consulting Limited, dated November 2021, has been submitted, under separate cover, as part of this application package.

The proposed stormwater report investigates predevelopment hydrologic and hydrodynamic modelling and analysis to determine existing overland flows to existing outlets and to determine allowable release rates. The stormwater management design for the proposed development meets the established SWM criteria for the overall site, and negative impacts due to the site development are not anticipated for the receiving system.

3.6.2 Functional Servicing Study

A Functional Servicing Study (FSR), prepared by Dillon Consulting Limited, dated April 2022, reviews related information pertaining to the sanitary, stormwater management, and watermain servicing for the Subject Site has been submitted under separate cover as part of this application package. All findings from the FSR have been incorporated into the design of the proposed development.

3.6.3 Environmental Impact Assessment

An Environmental Impact Assessment (EIA), prepared by Dillon Consulting Limited, dated November 2021, has been submitted as part of the application, under separate cover. The EIA scope was determined in conjunction with the Essex Regional Conservation Authority (ERCA).

All recommendations of the EIA have been incorporated into the design of the proposed development. The site has been designed to ensure that the natural heritage area will be protected and development and site alteration will only be permitted once the EIS has been reviewed and accepted by the Town, ERCA and the Ministry of Environment, Conservation and Parks (PPS, 2.1.1).

3.6.4 Noise Impact Assessment

A Noise Impact Assessment, prepared by Dillon Consulting Limited, dated April 2022, has been submitted as part of the application, under separate cover.

The assessment was prepared in accordance with the requirements of the Ontario Ministry of Environment, Conservation and Parks (MECP) noise publication NPC-300. Based on the results of the completed study, Essex Terminal Railway requires that a warning clause regarding the potential for noise impacts be applied to houses within 300 m, specifically Units 1-15.

3.6.5 Traffic Impact Review

A Traffic Impact Review, prepared by Dillon Consulting Limited, dated May 4, 2022, has been submitted as part of the application, under separate cover.

The results of the Traffic Impact Review found that the future (2029) analysis has confirmed that no capacity or delay issues are anticipated during the AM and PM peak hours, nor are there sightline issues at this location. It was also found that an eastbound left-turn lane is not warranted.

4.0

CONCLUSIONS

After reviewing relevant policies and guidelines, it is my professional opinion that the proposed Zoning By-law Amendment is consistent with the intent of the PPS and the Official Plan. The proposed development will provide a residential use in a quality form with existing municipal services.

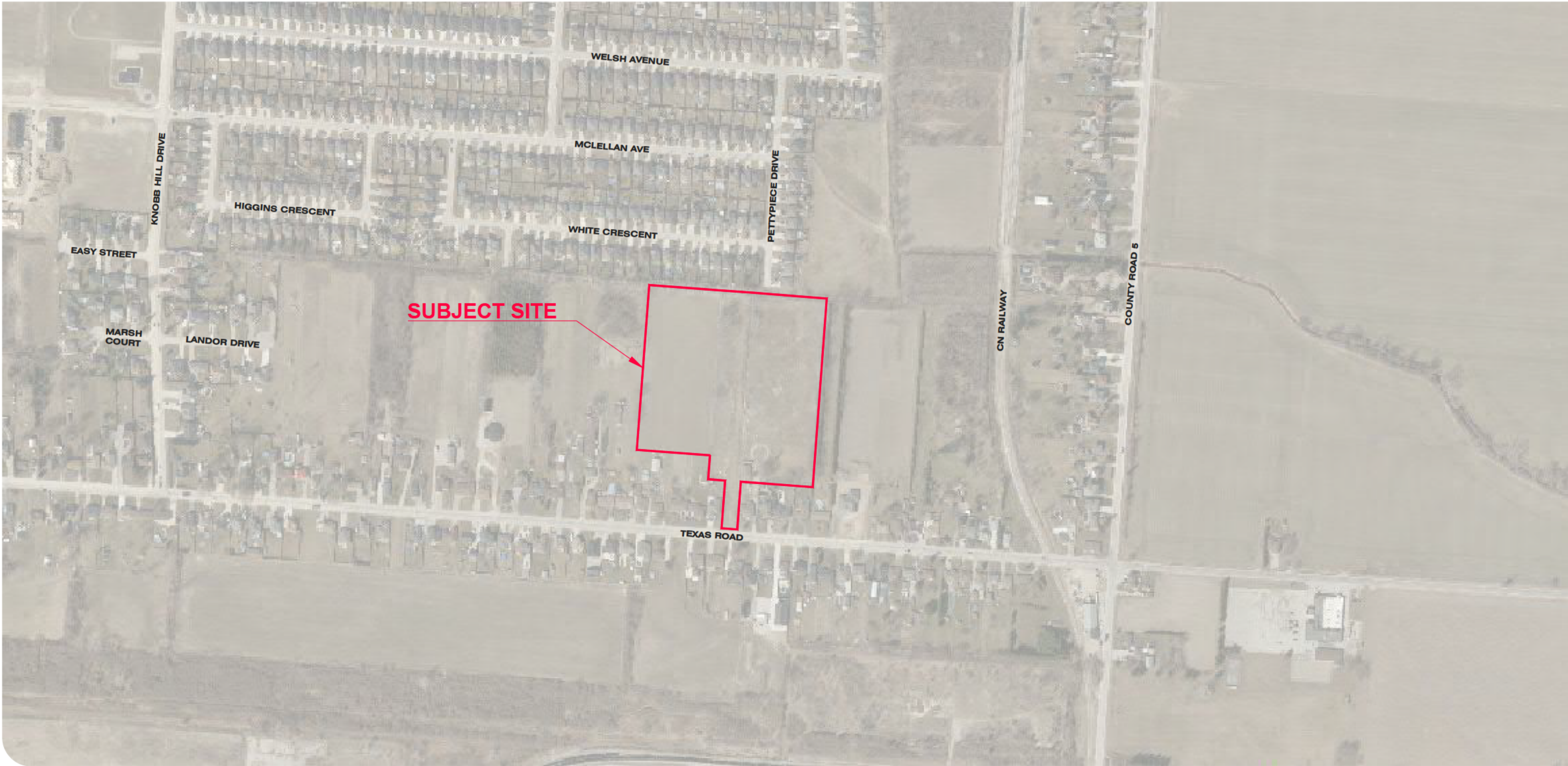
The Subject Site's current R1A zone does not permit the development as proposed and as such, the applicant has made an application for a Zoning By-law Amendment to rezone the land from Residential Type 1 (R1A) to Residential Second Density (R2) to allow for smaller single detached dwelling lots. The Zoning By-law Amendment will be accompanied by a Draft Plan of Subdivision Application.

Based on an extensive review of the technical planning and policy related issues, the proposed residential development is appropriate for the site and consistent with good planning principles. We recommend that the Zoning By-law Amendment application, as submitted, be approved for the following reasons:

1. The proposed use is consistent with the Provincial Policy Statement, outlined in Section 3.1.
2. The proposed development will co-exist in harmony with the adjacent land uses, as the surrounding area has low density residential dwellings.
3. The proposed use conforms to the policies of the County Official Plan outlined in Section 3.2 of this report.
4. The proposed use conforms to the policies in the Town of Amherstburg Official Plan outlined in Section 3.3 of this report.
5. The proposed development can add to the vitality of the area while supporting the efficient use of land and existing infrastructure.
6. The proposed Zoning By-law Amendment will help support the development of needed housing in the Town of Amherstburg, and the County of Essex as a whole.
7. The proposed development takes advantage of existing infrastructure.
8. The proposed Zoning By-law Amendment supports a development which will be consistent with the Residential Second Density (R2) Zone Regulations, and is suitable for the following reasons:
 1. The site is physically suitable and strategically located to support the proposed residential use;
 2. Full municipal and emergency services are available to the property;
 3. The proposed development is compatible with the surrounding land uses (land use, scale, massing, landscaping, etc.) and is consistent with the residential uses to the north; and
 4. Site access is available without compromising the integrity of the local road network.

Melanie Muir, MCIP RPP


Figures



SUBJECT SITE

TRI-M HOLDINGS CORP.
420 AND 440 TEXAS ROAD
PLANNING JUSTIFICATION REPORT

LOCATION MAP
FIGURE 1.0

 **SUBJECT SITE**
± 5.3 ha (± 13.1 ac)

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SOURCE: COUNTY OF ESSEX INTERACTIVE MAPPING (2021)

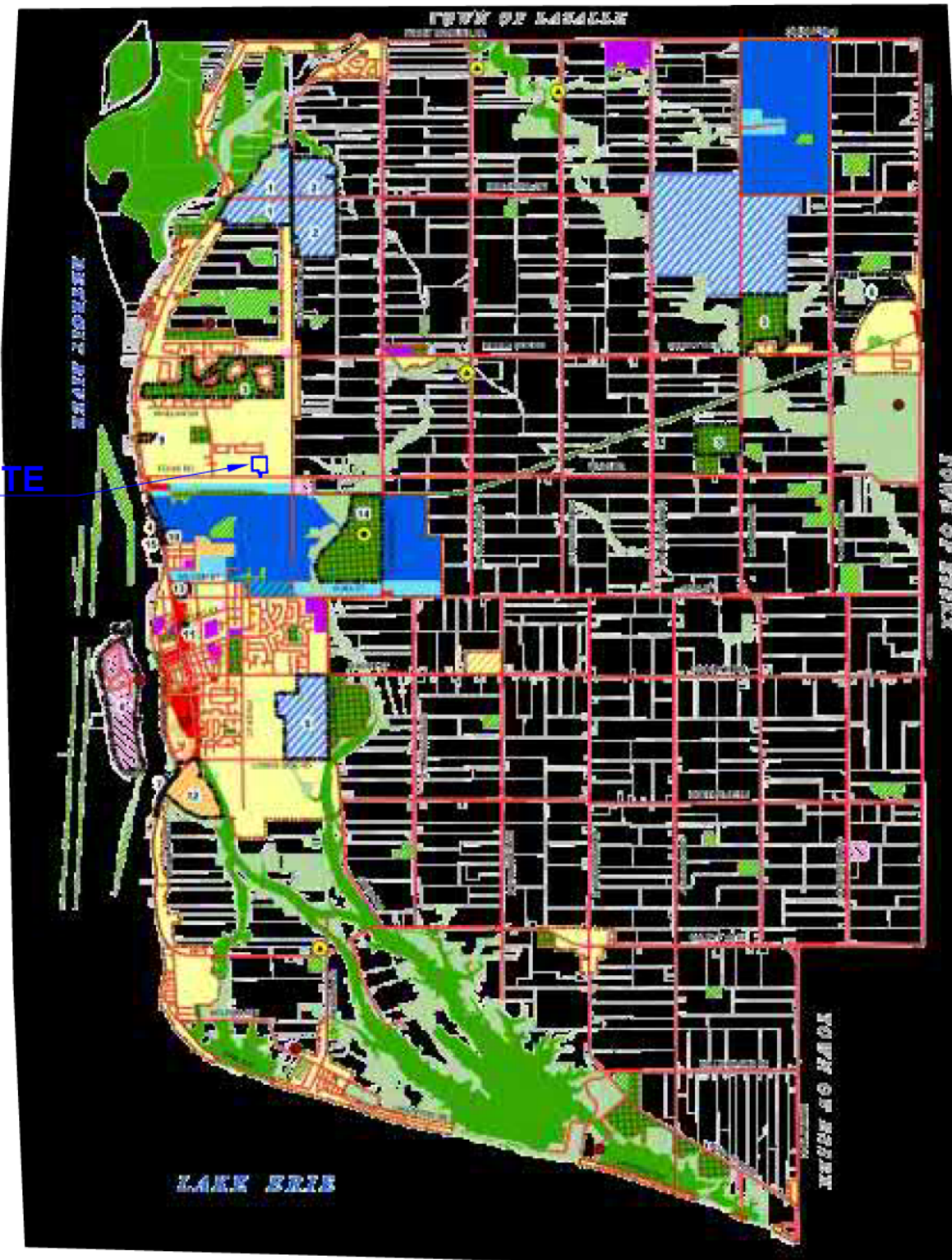
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DESIGNED BY: AMC

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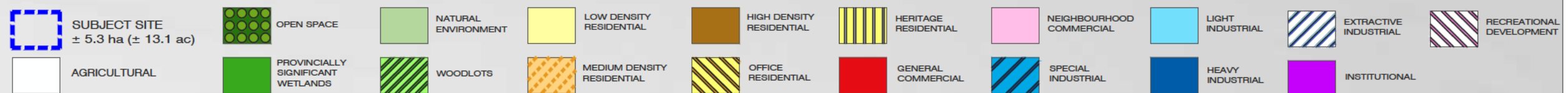
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SUBJECT SITE



TRI-M HOLDINGS CORP.
420 AND 440 TEXAS ROAD
PLANNING JUSTIFICATION REPORT

**EXISTING OFFICIAL PLAN
DESIGNATIONS**
FIGURE 2.0

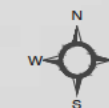


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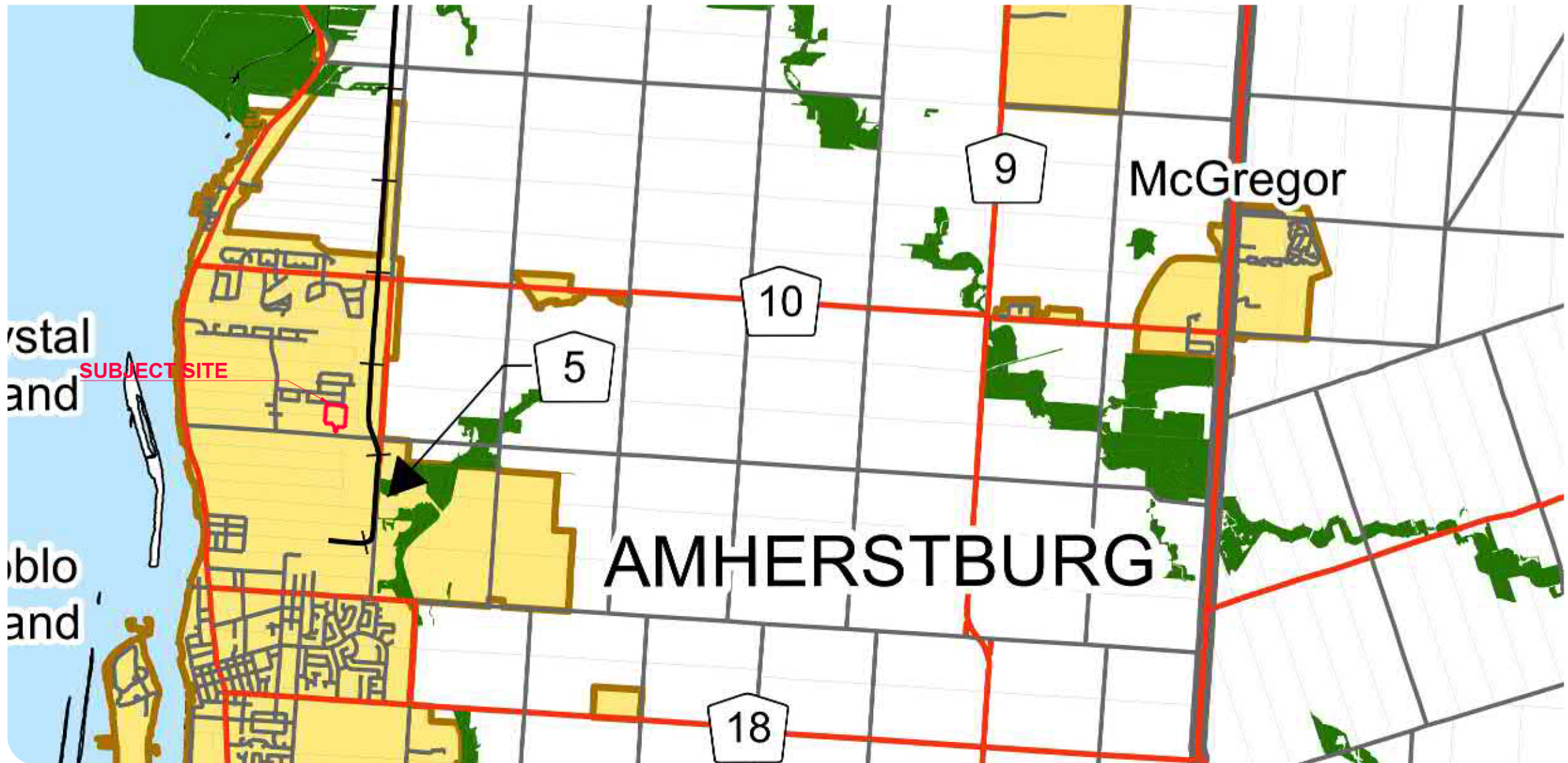
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SCHEDULE "A" LAND USE PLAN

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STATUS: DRAFT
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TRI-M HOLDINGS CORP.
420 AND 440 TEXAS ROAD
PLANNING JUSTIFICATION REPORT

**EXISTING OFFICIAL PLAN
DESIGNATIONS**
FIGURE 3.0

 **SUBJECT SITE**
± 5.3 ha (± 13.1 ac)

 **SETTLEMENT AREAS**

 **NATURAL
ENVIRONMENT**

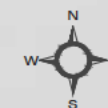
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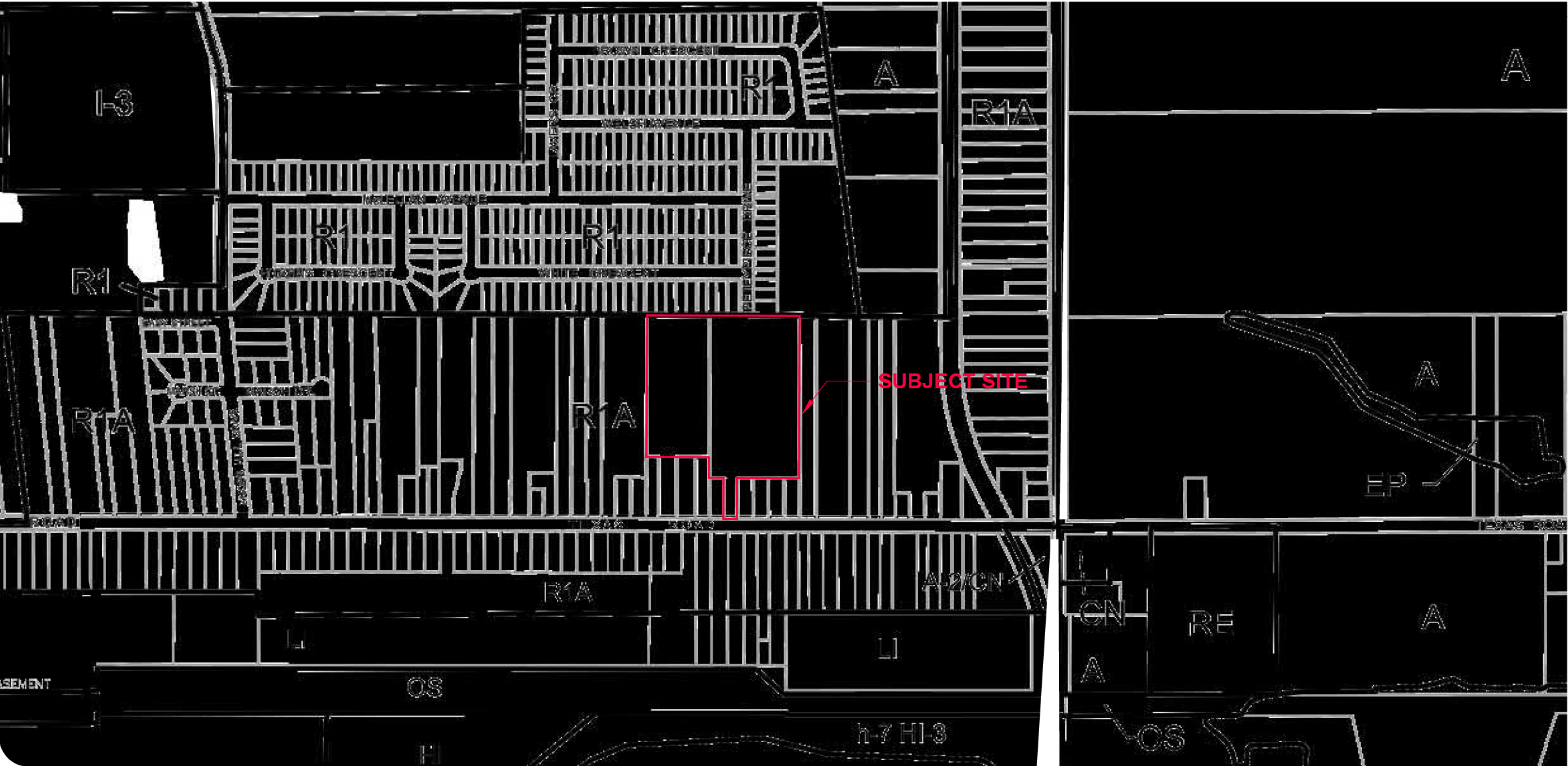
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MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: AMC
CHECKED BY: CPW
DESIGNED BY: AMC

SCALE: N.T.S.




PROJECT: 20-3950
STATUS: DRAFT
DATE: 04/28/2022



TRI-M HOLDINGS CORP.
420 AND 440 TEXAS ROAD
PLANNING JUSTIFICATION REPORT

EXISTING ZONING DESIGNATIONS
FIGURE 4.0

 **SUBJECT SITE**
± 5.3 ha (± 13.1 ac)

- | | | |
|--------------------------------|-------------------------------|-------------------------------|
| R1 - RESIDENTIAL FIRST DENSITY | CN - COMMERCIAL NEIGHBOURHOOD | A - AGRICULTURAL |
| R1A - RESIDENTIAL TYPE 1A | I - INSTITUTIONAL | EP - ENVIRONMENTAL PROTECTION |
| RE - RECREATION | LI - LIGHT INDUSTRIAL | |
| OS - OPEN SPACE | HI - HEAVY INDUSTRIAL | |

File Location:
c:\pw working directory\projects 2020\dillon_32mru\dms70690\203950 - pjr
figures.dwg
May, 06, 2022 3:28 PM

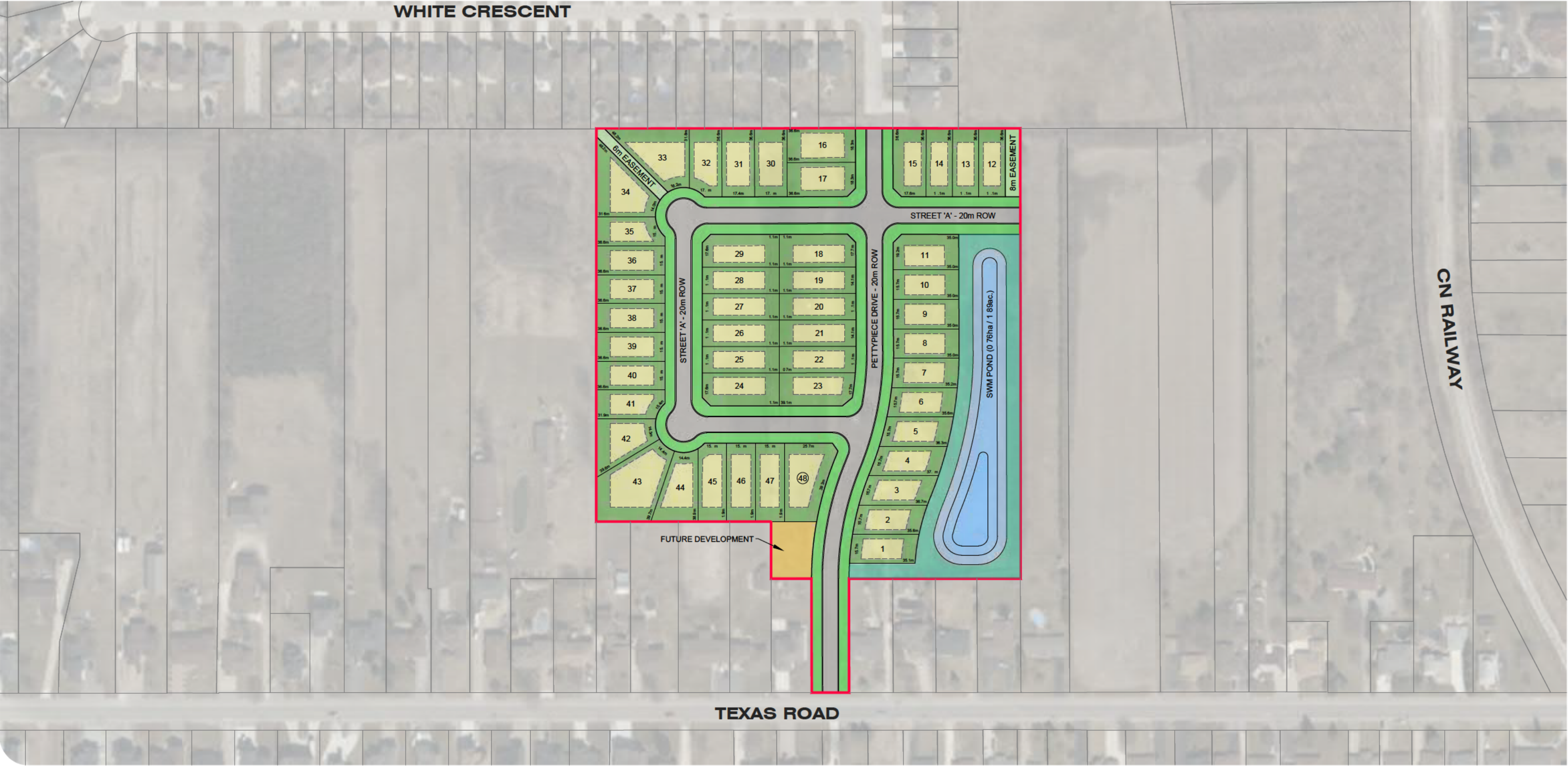
MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: AMC
CHECKED BY: CPW
DESIGNED BY: AMC

SCALE: N.T.S.









PROJECT: 20-3950
STATUS: DRAFT
DATE: 04/28/2022

SOURCE: TOWN OF AMHERSTBURG ZONING BY LAW No. 1999-02
SCHEDULE 'A' ZONING MAPS



TRI-M HOLDINGS CORP.
420 AND 440 TEXAS ROAD
PLANNING JUSTIFICATION REPORT

CONCEPT PLAN
FIGURE 5.0

- | | | |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
|  SUBJECT SITE
± 5.3 ha (± 13.1 ac) |  PROPOSED LOTS
(48 LOTS) |  PROPOSED ROW |
|  PROPOSED SWM POND |  FUTURE
DEVELOPMENT |  PROPOSED
EASEMENT |

File Location:
c:\pw working directory\projects 2020\dillon_32mru\dms70690\203076 texas road
concept plan - current.dwg
May, 06, 2022 3:01 PM

SOURCE: COUNTY OF ESSEX AERIAL (2019)

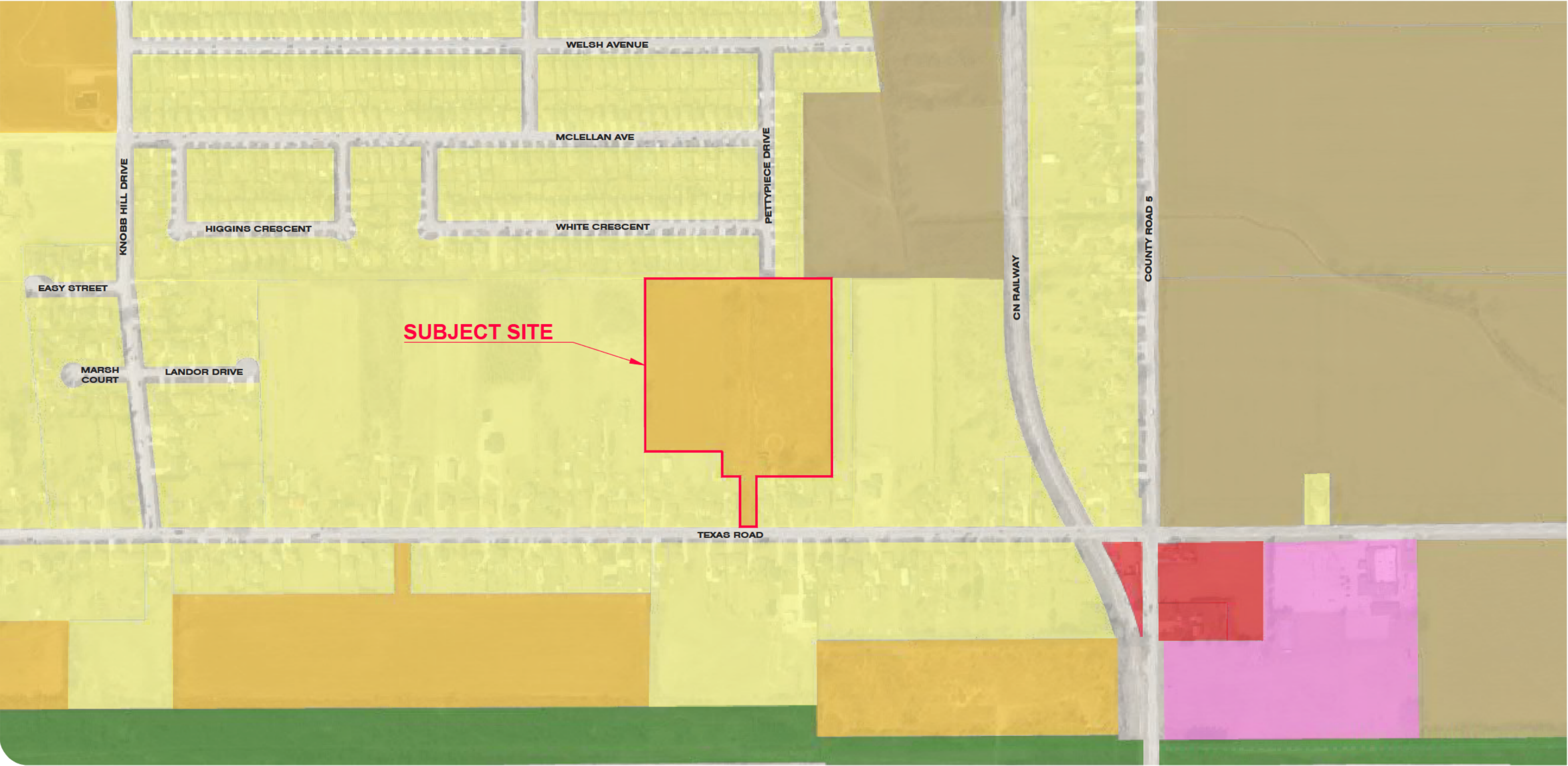
MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: ESB
CHECKED BY: MAM
DESIGNED BY: ESB

SCALE: 1:2000




PROPOSED MINIMUM SETBACKS
FRONT YARD DEPTH - 6.0m
BACK YARD DEPTH - 7.5m
SIDE YARD DEPTH
INTERIOR - 2.5m
EXTERIOR - 6.0m


PROJECT: 20-3950
STATUS: DRAFT
DATE: 05/04/2022





TRI-M HOLDINGS CORP.
420 AND 440 TEXAS ROAD
PLANNING JUSTIFICATION REPORT


SURROUNDING LAND USES
FIGURE 6.0


**SUBJECT SITE**
± 5.3 ha (± 13.1 ac)


RESIDENTIAL

OPEN SPACE

INSTITUTIONAL

AGRICULTURE

COMMERCIAL


VACANT


File Location:
c:\pw working directory\projects 2020\dillon_32mru\dms70690\203950 - pjr
figures.dwg
May, 06, 2022 3:31 PM

SOURCE: COUNTY OF ESSEX INTERACTIVE MAPPING (2021)

MAP/DRAWING INFORMATION
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DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: AMC
CHECKED BY: CPW
DESIGNED BY: AMC

SCALE: N.T.S.





PROJECT: 20-3950
STATUS: DRAFT
DATE: 04/28/2022

Appendix A

Development Applications

Application No. _____

**FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality _____
3. Date application deemed complete by municipality _____
4. Name of registered owner _____
 Telephone number _____
 Address _____
 Email _____
 Name of registered owner's solicitor
 or authorized agent (if any) _____
 Telephone number _____
 Address _____
 Email _____
 Please specify to whom all communications should be sent:
☐ registered owner ☐ solicitor ☐ agent
5. Name and address of any mortgages, charges or other encumbrances in respect
 of the subject land:

6. Location and description of subject land:
 Concession No. _____ Lot(s) No. _____
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. _____ Part(s) No. _____
 Street Address _____ Assessment Roll No. _____
7. Size of subject parcel:
 Frontage _____ Depth _____ Area _____
8. Access to subject parcel:
☐ Municipal Road ☐ County Road ☐ Provincial Highway
☐ Private Road ☐ Water
 If access to the subject land is **by water** only, state the parking and docking
 facilities used or to be used and the approximate distance between these facilities
 and the nearest public road

9. (a) Current Official Plan Land Use designation of subject land _____
 (b) Explanation of how application conforms to the Official Plan _____

- (c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

☐ Yes ☐ No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land _____

11. Nature and extent of rezoning requested _____

12. Reasons why rezoning is requested _____

13. Current use of subject land _____

14. Length of time current use of subject land has continued _____

15. Is the subject land within an area where the municipality has pre-determined:

- (a) minimum and maximum density requirements

☐ Yes ☐ No

- (b) minimum and maximum height requirements

☐ Yes ☐ No

If yes, state the requirements _____

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

17. Date of construction of existing buildings and structures on the subject land:

18. Date subject land acquired by current registered owner _____

19. Proposed use of subject land _____

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

21. Type of water supply:

- ☐ municipally owned and operated piped water supply
- ☐ well
- ☐ Other (specify) _____

22. Type of sanitary sewage disposal:

- ☐ municipally owned and operated sanitary sewers
- ☐ septic system
- ☐ Other (specify) _____

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- ☐ sewers
- ☐ ditches
- ☐ swales
- ☐ Other (specify) _____

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- ☐ consent to sever
- ☐ approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- ☐ Yes
- ☐ No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

- ☐ Yes
- ☐ No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

☐ Yes ☐ No

Comments _____

29. Is the subject land within an area of land designated under any provincial plan or plans?

☐ Yes ☐ No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

☐ Yes ☐ No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or 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.

Dated at the _____ of _____ this _____ day of _____, 20____.

(signature of applicant, solicitor or authorized agent)

I, _____ of the _____
in the County/District/Regional Municipality of _____ solemnly declare that
all the statements contained in this application are true, and I make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect as if
made under oath and by virtue of the Canada Evidence Act.

Declared before me at the _____ of _____ in the _____
of _____ this _____ day of _____, 20____.

Applicant, Solicitor or Authorized Agent

A Commissioner, etc.

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

NOTE: **A deposit fee of \$2,000.00 must accompany your completed application.**

(Please see notes below)

Description and Location of Subject Lands:
420 and 440 Texas Road, Amherstburg

of Windsor to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the City of Windsor ..
in the County of Essex, this 26 day of April, 2022

Signature of Owner

Signature of Owner:

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

Application No. _____

**APPLICATION FOR SUBDIVISION/CONDOMINIUM AGREEMENT
TOWN OF AMHERSTBURG**

1. Name of approval authority Corporation of the Town of Amherstburg
2. Date application received by municipality _____
3. Date application deemed complete by municipality _____

4. Name of registered owner _____
Telephone number _____
Address _____

Name of registered owner's solicitor
or authorized agent (if any)

Telephone number _____

Address _____

Please specify to whom all communications should be sent:

☐ registered owner ☐ solicitor ☐ agent

5. Location and description of subject land:

Concession No. _____ Lot(s) No. _____

Registered Plan No. _____ Lot(s) No. _____

Reference Plan No. _____ Part(s) No. _____

Street Address _____ Assessment Roll No. _____

6. Size of subject land:

Frontage _____ Depth _____ Area _____

7. Are there any easements or restrictive covenants affecting the subject land?

☐ yes ☐ no

If yes, please provide a description of each easement or covenant and its effect

8. Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or for a consent under Section 53 of the Act, as amended, or its predecessors?

☐ yes ☐ no

If yes, please indicate the file number and the decision:

9. Current Official Plan Land Use designation of subject land _____

10. Please provide the following information pertaining to the draft plan of subdivision:

	No. of units or dwellings	No. of lots or blocks	Area in hectares	Units per hectare	Parking spaces
Residential					
detached					
semi-detached					
multiple attached					
apartment					
seasonal					
mobile home					
other residential					
Sub-total					
Non-residential					
commercial					
industrial					
institutional					
roads					
other use					
Sub-total					
TOTAL					

11. If one of the proposed uses referred to in item 9 above is identified as other residential, institutional or other use, please describe the use below:

other residential _____

institutional _____

other use _____

12. Access to subject parcel:

☐ Municipal Road ☐ County Road ☐ Provincial Highway

☐ Private ☐ Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road.

13. Type of water supply:

☐ municipally owned and operated piped water supply

☐ well

☐ Other (specify) _____

14. Type of sanitary sewage disposal:

☐ municipally owned and operated sanitary sewers

☐ septic system

☐ Other (specify) _____

15. Type of storm drainage:

☐ sewers

☐ ditches

☐ swales

☐ Other (specify) _____

16. Please indicate whether the property is the subject of any other application for one of the following:

☐ official plan or official plan amendment approval
☒ zoning by-law amendment
☐ Minister's zoning order amendment
☐ minor variance
☐ consent
☐ site plan

If known, indicate the file number and status of the foregoing application(s):

Submitted concurrently _____

Plan of Condominium Approval N/A

17. Has a site plan for the proposed condominium been approved and a site plan agreement been entered into?

☒ yes ☐ no

18. Has a building permit for the proposed condominium been issued?

☒ yes ☐ no

19. Is the proposed condominium:

under construction? ☐ yes ☐ no

completed? ☐ yes ☐ no

20. If the proposed condominium has been completed what was the date of completion?

Date _____

21. Is the proposed condominium a conversion of a building containing residential rental units?

☐ yes ☐ no

Number of units to be converted _____

Dillon Consulting
 Dated at the United of the City of Windsor this 28 day of April,
 2022.

 (signature of applicant, solicitor or authorized agent)

Dillon Consulting Limited c/o Melanie Muir

I, Greg Mailloux of the Town of Amherstburg in the
 County/District/Regional Municipality of Essex, solemnly declare that all
 the statements contained in this application are true, and I make this solemn declaration
 conscientiously believing it to be true, and knowing that it is of the same force and effect
 as if made under oath and by virtue of the Canada Evidence Act.

Dillon Consulting
 Declared before me at the United of the City of Windsor in the County
 of Essex this 28 day of April, 2022.

 Applicant, Solicitor or Authorized Agent

 A Commissioner, etc.

MELANIE ANNE MUIR,
 a Commissioner, etc., Province of Ontario,
 for Dillon Consulting Limited.
 Expires May 3, 2025.

AUTHORIZATION

(Please see notes below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Lands:
420 and 440 Texas Road, Amherstburg

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ Dillen Consulting Limited _____ of the _____ City _____

of Windsor to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner:

Signature of VV:0865

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

FEE SCHEDULE AS PER By-law 2019-082

Application Type	Fee Basis	Minimum Deposit to Accompany Application	Flat Fee
Consideration of an Application to the County of Essex for Approval of a Plan of Subdivision/ Condo - up to 20 Lots/ Blocks/ Units	Per Application	\$2,000	\$4,000
Consideration of an Application to the County of Essex for Approval of a Plan of Subdivision/ Condo - 21 to 50 Lots/ Blocks/ Units	Per Application	\$2,000	\$4,000
Consideration of an Application to the County of Essex for Approval of a Plan of Subdivision/ Condo - more than 50 Lots/ Blocks/ Units	Per Application	\$2,000	\$4,000



Application for Approval of a Plan of Subdivision or Condominium Description Under Section 51 of the Planning Act

Note to Applicants: This application form is to be used if the County of Essex is the approval authority for the proposed plan of subdivision or condominium description. In this form, the term "subject land" means the land that is the subject of this application.

Instructions

Become familiar with the Provincial Policy Statement before completing this form and submitting the application.

Table B (Significant Features Checklist) is intended to assist the municipality or planning board to determine whether significant provincial features or circumstances may be affected by a plan amendment which proposes to change the use of a specific site. It describes potential information needs.

Completeness of the Application

The information in this form that **must** be provided by the applicant is indicated by **black arrows** (➤) on the left side of the section numbers.

This information is prescribed in the Schedule to Ontario Regulation 196/96 made under the **Planning Act**. The mandatory information must be provided with the appropriate fee and draft plan. If the mandatory information, including the draft plan and fee are not provided, the County will return the application or refuse to further consider the application.

The application form also sets out other information (eg. technical information or reports) that will assist the County and others in their planning evaluation of the development proposal. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Submission of the Application

The County needs:

- 15 copies of the completed application form, and
- 15 copies of the draft plan, and
- 2 copies of the draft plan on 8½" x 17" paper, and
- 5 copies of the information/reports if indicated as needed when completing the relevant sections of this form. The nature of the information/reports varies with the type of land uses proposed and the existing land use and topographic features, and
- The applicable fee as indicated on the County's Fee Schedule.
- Digital Mapping Information: Submit **1 computer disk** containing the digital plotting of the draft plan, including the textual description of the file format, map standards used, scale, contact person and location information such as lot, concession & municipality (AutoCAD.dxf format)

Please Note

The local municipality where the development proposal is situated may charge an additional fee for review of the plan of subdivision/condominium. Please contact the local municipality for more information.

For Help

To help you complete the application form and prepare a good draft plan, please consult your local municipality.

You can also contact the County of Essex Planning Services at the location listed below:

County of Essex
Planning Services
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Phone: 519-776-6441 (Ext. 329)
FAX: 519-776-1253

Please Print and Complete or (✓) Appropriate Box(es)

1. Application Information

➤ **1.1** Name of Owner(s) An owner's authorization is required in Section 11.1, if applicant is not the owner.

Name of Owner(s)	Home Telephone No.	Business Telephone No.
	Fax No.	

1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner.
(This may be a person or firm acting on behalf of the owner.)

Name of Contact Person	Home Telephone No.	Business Telephone No.
Address	Postal Code	

2. Location of the Subject Land (Complete applicable boxes in section 2.1)

➤ 2.1 County/Region/District	Local Municipality/Unorganized Township	Former Municipality	Section or Mining Location No.
Concession Number(s)	Lot Number(s)	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Name of Street/Road	Street No.

➤ 2.2 Are there any easements or restrictive covenants affecting the subject land?

☐ No ☐ Yes If **yes**, describe the easement or covenant and its effect.
3. Proposed and Current Land Use

- 3.1 Check whether this application is for approval of:
- ☐ A Plan of Subdivision or, ☐ Standard ☐ Amalgamations
☐ A Plan of Condominium of type: ☐ Vacant Land ☐ Phased
☐ Common Elements ☐ Leaseholds

➤ 3.2 Complete Table A on Proposed Land Use

Table A - Proposed Land use

Proposed Land Use	Number of Units or Dwellings	Number of Lots and/or blocks on the Draft Plan	Area (ha.)	Density (Units/Dwellings per ha.)	Number of Parking Spaces
Residential Detached					(1)
Semi Detached					(1)
Multiple Attached					
Apartment					
Seasonal					
Mobile Home					
Other (specify)					
Commercial					
Industrial					
Park, Open Space	nil			nil	nil
Institutional (specify)				nil	nil
Roads	nil				
Other (specify)					
Totals					

(1) Complete only if for approval of condominium description

3.3 What is the current use of the subject land?

➤ 3.4 How is the subject land currently designated in any applicable official plan?

Local Official Plan

County Official Plan

3.5 Has there been an industrial or commercial use, or an orchard on the subject land or adjacent land?

☐ Yes ☐ No If Yes, specify the uses.

3.6 Has the grading of the subject land been changed by adding earth or other material?

Yes No Unknown

☐ ☐ ☐

3.7 Has a gas station been located on the subject land or adjacent land at any time?

☐ ☐ ☐

Has there been petroleum or other fuel stored on the subject land or adjacent land?

☐ ☐ ☐

3.8 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

☐ ☐ ☐

3.9 What information did you use to determine the answers to the above questions?

3.10 If Yes, to (3.5), (3.6), (3.7) or (3.8), a previous use inventory showing all former uses of the subject land or, if appropriate, of the adjacent land, is needed. Is the previous use inventory attached?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

4. Additional Information for Condominium Applications Only

A. General Information for all Types

	Yes	No
> 4.1 Has a site plan for the proposed condominium been approved?	<input type="checkbox"/>	<input type="checkbox"/>
> 4.2 Has a site plan agreement been entered into?	<input type="checkbox"/>	<input type="checkbox"/>
> 4.3 Has a building permit for the proposed condominium been issued?	<input type="checkbox"/>	<input type="checkbox"/>
> 4.4 Has construction of the development started?	<input type="checkbox"/>	<input type="checkbox"/>
> 4.5 If construction is completed, indicate the date of completion, _____		
> 4.6 Is this a conversion of a building containing rental residential units?	<input type="checkbox"/>	<input type="checkbox"/>

If Yes, indicate the number of units to be converted, _____ units.

B. Information Specific to each Type

- > 4.7 **Amalgamations** Where 2 or more corporations may amalgamate.
Provide a plan showing the relationship of the previous condominiums to be amalgamated. Provide file numbers, approval dates etc.
- > 4.8 **Vacant Lands** Condominiums in which each owner may decide what type of structure, if any, will be built on his or her lot. This kind of development may be suitable for a mobile home development, for example.
Provide information on proposed servicing and status of required permits etc.
- > 4.9 **Phased** Condominium developments which would allow a single condominium to be built in phases.
Provide a summary outline of the number of units and common elements to be developed in each specific phase and any common elements to be made available in subsequent phases.
- > 4.10 **Common Elements** Condominiums in which common elements are defined but the land is not divided into units.
Provide a map showing the affected freehold properties outside the specific condominium site.
Identify common elements and property ownerships.
- > 4.11 **Leaseholds** The initial term of the lease must be from 40 years to 99 years and the leasehold unit owner could sell the unit without the consent of the landlord.
Provide information regarding what happens at the end of lease period. Give dates.

5. Consultation with Local Planning Authority(ies)

- 5.1 Has the draft plan of subdivision or condominium description that is subject of this application been presented to Council or other local planning authority?
☐ Yes ☐ No
- 5.2 Have you confirmed with the municipality/planning board that the proposed development meets all the requirements of the applicable official plans?
☐ Yes ☐ No (If an official plan amendment is needed, it should be submitted prior to or concurrently with this application.)

6. Status of Other Applications under the Planning Act

- > 6.1 Has the subject land ever been the subject of a previous application for approval of a plan of subdivision or a consent?
☐ Yes ☐ No ☐ Unknown If Yes and if Known, indicate the application file number and the decision made on the application.

- > 6.2 Is the subject land also the subject of a proposed official plan or plan amendment that has been submitted for approval?
☐ Yes ☐ No ☐ Unknown If Yes and if Known, indicate the file number and the status of the application.

- **6.3** Is the subject land also the subject of an application for a consent, approval of a site plan, minor variance, zoning by-law or zoning order amendment?
- ☐ Yes ☐ No ☐ Unknown If **Yes** and **if Known**, indicate the type of application, the file number and the status of the application.

- **6.4** If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

- **6.5** Are the water, sewage or road works associated with the proposed development subject to the provisions of the **Environmental Assessment Act**?

☐ Yes ☐ No

If **Yes**, will the notice of public meeting for this application be modified to state that the public meeting will address the requirements of both the **Planning Act** and the **Environmental Assessment Act**?

☐ Yes ☐ No

7. Provincial Policy

- 7.1** Briefly explain how this proposal has regard to the principles of the Provincial Policy Statement issued under the **Planning Act**.

- 7.2** Table B below lists the features or development circumstances of interest to the Ministry. Complete Table B and be advised of the potential information requirements in noted section.

Table B - Significant Features Checklist

Features or Development Circumstances	(a) If a features, is it on site or within 500 metres OR (b) If a development circumstance, does it apply?		If a feature, specify distance in metres	Potential Information Needs
	YES (✓)	NO (✓)		
Non-farm development near designated urban areas or rural settlement area				Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlement areas
Class 1 industry ¹			_____ metres	Assess development for residential and other sensitive uses within 70 metres
Class 2 industry ²			_____ metres	Assess development for residential and other sensitive uses within 300 metres
Class 3 industry ³			_____ metres	Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site			_____ metres	Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant			_____ metres	Assess the need for a feasibility study for residential and other sensitive land uses
Waste Stabilization pond			_____ metres	Assess the need for a feasibility study for residential and other sensitive land uses
Active railway line			_____ metres	Evaluate impacts within 100 metres
Controlled access highways or freeways, including designated future ones			_____ metres	Evaluate impacts within 100 metres
Operating mine site			_____ metres	Will development hinder continuation or expansion of operations?
Non-operating mine site within 1000 metres			_____ metres	Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?

Airports where noise exposure forecast (NEF or noise exposure projection (NEP) is 30 or greater				Demonstrate feasibility of development above 30 NEF for redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses.
Electric transformer station			_____ metres	Determine possible impacts within 200 metres
High voltage electric transmission Line			_____ metres	Consult the appropriate electric power service
Transportation and infrastructure corridors				Will the corridor be protected?
Prime agricultural Land				Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated
Agricultural operations			_____ metres	Development to comply with the Minimum Distance Separation Formulae
Mineral aggregate resource areas				Will development hinder access to the resource or the establishment of new resource operations?
Mineral aggregate operations			_____ metres	Will development hinder continuation of extraction?
Mineral and petroleum resource areas				Will development hinder access to the resource or the establishment of new resource operations
Existing pits and quarries			_____ metres	Will development hinder continued operation or expansion?
Significant wetlands south and east of the Canadian Shield			_____ metres	Development is not permitted
Significant wetlands in the Canadian Shield				Demonstrate no negative impacts
Significant portions of habitat of endangered and threatened species			_____ metres	Development is not permitted
Significant: fish habitat, woodlands south and east of the Canadian Shield, valley lands, areas of natural and scientific interest, wildlife habitat			_____ metres	Demonstrate no negative impacts
Sensitive groundwater recharge areas, headwaters and aquifers				Demonstrate that groundwater recharge areas, head-waters and aquifers will be protected
Significant built heritage resources and cultural heritage landscapes				Development should conserve significant built heritage resources and cultural heritage landscapes
Features or Development Circumstances	(a) If a feature, is it on site or within 500 metres OR (b) If a development circumstance, does it apply?		If a feature, specify distance in metres	Potential Information Needs
	YES (✓)	NO (✓)		
Significant archaeological resources				Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed, catalogued and analysed prior to development
Great Lakes - St. Lawrence River System and Large Inland Lakes: - within defined portions of dynamic beach and 1:100 year flood level along connecting channels - on lands subject to flooding and erosion				Development is not permitted Development may be permitted; demonstrate that hazards can be safely addressed
Erosion hazards				Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams
Floodplains				Where one-zone flood plain management is in effect, development is not permitted within the flood plain Where two-zone flood plain management is in effect, development is not permitted within the floodway Where a Special Policy Area (SPA) is in effect, development must meet the official plan policies for the SPA
Hazardous sites ⁴				Demonstrate that hazards can be addressed

Rehabilitated mine sites				Application for approval from Ministry of Northern Development and Mines should be made concurrently
Contaminated Sites				Assess an inventory of previous uses in areas of possible soil contamination

1. Class 1 industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.
3. Class 3 industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.
4. Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils (sensitive marine clays (Leda), organic soils) or unstable bedrock (Karst topography).

7.3 For applications that include permanent housing (i.e. not seasonal) complete Table C - Housing Affordability. For each type of housing and unit size, complete the rest of the row. If lots are to be sold as vacant lots, indicate the lot frontage. Information should be based on the best information available at the time of application. If additional space is needed, attach on a separate page.

Table C - Housing Affordability

For example: Semi-detached - 10 units; 1000 sq. ft./5.5 metres, \$119,900

Housing Type	# of Units	Unit Size (sq. Ft.) and/or Lot Frontage	Estimated Selling Price/Rent
Semi-Detached			
Link/Semi-Detached			
Row or Townhouse			
Apartment Block			
Other Types or Multiples			

7.4 Is there any other information which may relate to the affordability of the proposed housing, or the type of housing needs served by the proposal?

☐ Yes ☐ No If **Yes**, explain in Section 9.1 or attach on a separate page.

8. Servicing

8.1 Indicate in a) and b) the proposed servicing type for the subject land. Select the appropriate servicing type from **Table D**. Attach and provide the title of the servicing information/reports as indicated in Table D.

➤ a) Indicate the proposed sewage disposal system

➤ b) Indicate the proposed water supply system

c) Title of servicing information/reports ☐ Attached

Table D - Sewage Disposal and Water Supply

Service Type	Potential Information/Reports
Sewage Disposal	
a) Public piped sewage system	Municipality should confirm that capacity will be available to service the development at the time of lot creation or re-zoning
b) Public or private communal septic	Communal systems for the development of more than 5 lots/units : servicing options statement ¹ , hydrogeological report ² , and indication whether a public body is willing to own and operate the system ³ Communal systems for the development of 5 or less lots/units and generating less than 4500 litres per day effluent : hydrogeological report ²
c) Individual septic system(s)	Individual septic systems for the development of more than 5 lots/units : servicing options statement ¹ and hydrogeological report ² Individual septic systems for the development of 5 or less lots/units and generating less than 4500 litres per day effluent : hydrogeological report ²

	d) Other	To be described by applicant
Water Supply	a) Public piped water system	Municipality should confirm that capacity will be available to service development at the time of lot creation or re-zoning
	b) Public or private communal well(s)	Communal well systems for the development of more than 5 lots/units : servicing options statement ¹ , hydrogeological report ² and indication whether a public body is willing to own and operate the system ³ Communal well systems for non-residential development where water will be used for human consumption : hydrogeological report ²
	c) Individual well(s)	Individual wells for the development of more than 5 lots/units : servicing options statement ¹ , hydrogeological report ² Individual wells for non-residential development where water will be used for human consumption : hydrogeological report ²
	d) Communal surface water	Approval of a "water taking permit" under section 34 of the Ontario Water Resources Act is necessary for this type of servicing
	e) Individual surface water	Service options report
	f) Other	To be described by applicant

- Notes:**
1. Confirmation that the municipality concurs with the servicing options statement will facilitate the review of the proposal
 2. Before undertaking a hydrogeological report, consult The County of Essex about the type of hydrogeological assessment that is expected given the nature and location of the proposal
 3. Where communal services are proposed (water and/or sewage), these services must be owned by the municipality
 4. A certificate of approval from the local Health Unit or MOEE submitted with this application will facilitate the review.

8.2 Indicate in a), b) and c) the proposed type of storm drainage and access for the subject land. Select the appropriate type from **Table E**. Attach and provide the servicing information as indicated in Table E.

➤ a) Indicate the proposed storm drainage system

➤ b) Indicate the proposed road access

➤ c) Is water access proposed?

☐ Yes ☐ No If **Yes**, attach a description of the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road ☐ Attached

d) Is the preliminary stormwater management report attached?

☐ Yes ☐ No If not attached as a separate report, in what report can it be found? _____

Table E - Storm Drainage, Road Access and Water Access

	Service Type	Potential Information/Reports
Storm Drainage	a) Sewers	A preliminary stormwater management report is recommended, and should be prepared concurrent with any hydrogeological reports for submission with the application. A stormwater management plan will be needed prior to final approval of a plan of subdivision or as a requirement of site plan approval
	b) Ditches or Swales	
	c) Other	
Road Access	a) Provincial highway	Application for an access permit should be made prior to submitting this application. An access permit is required from MTO before any development can occur
	b) Municipal or other public road maintained all year	Detailed road alignment and access will be confirmed when the development application is made
	c) Municipal road maintained seasonally	Subdivision or condominium development is not usually permitted on seasonally maintained roads
	d) Right of way	Access by right of ways on private roads are not usually permitted, except as part of condominium
Water Access		Information from the owner of the docking facility on the capacity to accommodate the proposal will assist the review

9. Other Information

9.1 Is there any other information that may be useful to the County in reviewing this development proposal (e.g. witness needs to monitor outcropping objections or concerns)? If so, explain below or attach on a separate page

N/A

10. Affidavit or Sworn Declaration

I, Greg Mailoux of the Town of Amherstburg

in the County of Essex make oath and say (or solemnly confirm) that the information contained in this

application is true and that the information contained in the documents that accompany this application is true

Sworn (or declared) before me

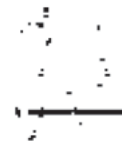
at the Dillon Consulting Limited in the City of Windsor

in the County of Essex

this 29 day of April 2022



Commissioner of Oaths



Applicant

MELANIE ANNE MUIR,
a Commissioner, etc., Province of Ontario,
for Dillon Consulting Limited,
Expires May 3, 2025.

11. Authorizations

11.1 If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

> Authorization of Owner for Agent to Make the Application

I, Tri-M Holdings Corp. c/o Greg Mailloux, am the owner of the land that is the subject of this application for approval

of a plan of subdivision (or condominium description) and I authorize Dillon Consulting Limited to make this application on my behalf.

April 26, 2022
Date

Signature of Owner

11.2 If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

Authorization of Owner for Agent to Provide Personal Information

I, Tri-M Holdings Corp. c/o Greg Mailloux, am the owner of the land that is the subject of this application for approval of a plan of subdivision (or condominium description) and for the purposes of the Freedom of Information and Protection of Privacy Act,

I authorize Dillon Consulting Limited, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

April 26, 2022
Date

Signature of Owner

12. Consent of the Owner

Complete the consent of the owner concerning personal information set out below.

Consent of the Owner to the Use and Disclosure of Personal Information

I, Tri-M Holdings Corp. c/o Greg Mailloux, am the owner of the land that is the subject of this application for approval of a plan of subdivision (or condominium description) and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

April 26, 2022
Date

Signature of Owner

The County will assign a File Number for complete applications and this number should be used in all communications with the County.

Applicant's Checklist:	Have you remembered to attach:	Yes
	· 15 copies of the completed application form? (Ensure you have a copy for yourself)	<input type="checkbox"/>
	· 15 copies, at a minimum, of the draft plan?	<input type="checkbox"/>
	· 2 copies of the draft plan on 8½" by 17" paper?	<input type="checkbox"/>
	· 5 copies of the information/reports as Indicated in the application form?	<input type="checkbox"/>
	· The required fee, payable to the County of Essex?	<input type="checkbox"/>
	· Digital Mapping (computer disk)?	<input type="checkbox"/>

This Application Package is to be sent to:	County of Essex Attention: William King, Manager, Planning Services 360 Fairview Avenue West Essex, Ontario N8M 1Y6
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Appendix B

Provincial Policy Statement Policies

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*.

- 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;

1.2.6 Land Use Compatibility

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

1.3 Employment

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

1.4 Housing

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

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

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

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

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

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

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

- 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*.

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

1.6.6 Sewage, Water and Stormwater

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

1.6.6.3 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.

1.6.6.4 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*. In *settlement areas*, *individual on-site sewage services* and *individual on-site water services* may be used for infilling and minor rounding out of existing development.

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 the environmental health and the character of rural *settlement areas*. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the desired character of rural *settlement areas* and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

1.6.6.5 *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; or
- 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 long-term provision of such services with no *negative impacts*.

Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in *rural areas* in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of

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

1.6.6.7 Planning for stormwater management shall:

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

1.6.7 Transportation Systems

- 1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.
- 1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

1.6.8 Transportation and Infrastructure Corridors

- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
- 1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.
- 1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

1.6.11 Energy Supply

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

1.7 Long-Term Economic Prosperity

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

1.8 Energy Conservation, Air Quality and Climate Change

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

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

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.

amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

2.6 Cultural Heritage and Archaeology

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*
- 2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Appendix C

County of Essex Official Plan Policies

of natural inland watercourses and municipal drains provide the drainage required to support the area's productive agricultural industry. Over time, many of the areas with *significant* natural features have been drained and cleared to make them available for crop production. Although good for farming, these past practices have resulted in limited habitat, few natural linkages between natural features and impaired water quality. As a result, it is increasingly important to work with private property owners in their efforts to preserve these remaining areas and enhance their effectiveness through promoting the development or preservation of natural linkages between the areas and increasing the amount of core natural area.

1.3.4 Cultural Heritage

The County of Essex has a rich cultural history that includes pre-european and First Nations settlements and activities, French/Jesuit settlements, military history, rail activities and ship building, shoreline development, the Underground Railway, pioneer settlements, agriculture, the rise of industry and commerce and development of urban *settlement areas*.

The County of Essex contains *archaeological resources*, *built heritage resources* and *cultural heritage landscapes*. The County and *local municipalities* will continue to identify, conserve, protect, restore, maintain, and enhance these resources.

1.4 PLANNING PERIOD

The designation of land and the population and employment projections contained within this Plan are based on the 20 year planning period from 2011 to 2031. Actual population and employment increases will be monitored on an ongoing basis with the projections being updated in conjunction with each five year review of this Plan. Notwithstanding the 20 year planning period, this Plan establishes a policy framework to address issues beyond 20 years in an effort to optimize *infrastructure*, to preserve agricultural lands and other *significant* natural features for future generations.

1.5 GOALS FOR A HEALTHY COUNTY

The long-term prosperity and social well-being of the County depends on maintaining strong, *sustainable* and resilient communities, a clean and healthy environment and a strong economy. To this end, the policies of this Plan have been developed to achieve the following goals for a healthy County of Essex:

- a) To protect and enhance the *natural heritage system* by increasing the amount of core natural area and natural buffers where possible, particularly through restoration efforts.

- b) To protect *prime agricultural areas* and encourage a broad range of *agricultural, agriculture-related* and *secondary uses* to ensure that the agricultural industry can continue to thrive and innovate.
- c) To direct the majority of growth (including *intensification* and *affordable housing*), and investment (*infrastructure* and community services and facilities) to the County's *Primary Settlement Areas*. These *Primary Settlement Areas* will serve as focal points for civic, commercial, entertainment and cultural activities.
- d) To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and *transportation systems* that create more *sustainable*, efficient, healthy, and liveable communities.
- e) To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- g) To prohibit urban forms of *development* outside of designated “*Settlement Areas*” and discouraging urban *development* in areas with partial municipal services.
- h) To create and maintain an improved balance between residential and employment growth in each of the *Primary Settlement Areas*, as detailed in Section 3.2 of this Plan, by increasing employment opportunities closer to where people live.
- i) To maintain and attract manufacturing, agribusinesses and tourism related businesses and activities that can provide well-paying employment opportunities to existing and future residents.
- j) To promote and invest in a region-wide *transportation system* that connects urban areas with each other and with communities outside this area by providing a highly interconnected road network and accessible *transportation system* that is designed and built for pedestrians, cyclists, transit and automobiles.
- k) To link *wildlife habitat* and *natural heritage areas* to each other, human settlements to other human settlements and people to nature.
- l) To accommodate future job creation and employment opportunities in an environmentally *sustainable* and cost effective manner, i.e., Low Impact Development, enhancing natural features.

- m) To provide co-operative inter-municipal consultation and co-ordination of those services based on inter-municipal considerations.
- n) To encourage *local municipalities* to prepare, where possible, multi-year Sewage and Water Servicing Plans and Master Storm Water Management Plans.
- o) To ensure that *petroleum, minerals, and mineral aggregate resources* are available for future use and that extraction operations are protected from activities that would hinder their expansion or continued use.
- p) To protect and enhance the *quality and quantity* of ground and surface water and the function of *sensitive* ground water recharge/discharge areas, *highly vulnerable aquifers*, headwaters and *Intake Protection Zones*.
- q) To protect life and property by directing *development* away from natural and human-made hazards.
- r) To ensure that Lake Erie, Lake St. Clair and the Detroit River are noted as *significant* areas for fishing and hunting and that future land use decisions are made with regard to maintaining access to these resources.
- s) To support the creation of interesting and accessible public places to generate activity and vitality and attract people and business to Essex County communities.
- t) To recognize the importance of cultural heritage resources within the County by encouraging their identification, conservation, protection, restoration, maintenance, and enhancement.

SECTION 2 - PLANNING FRAMEWORK & GENERAL POLICIES

2.1 PLANNING CONTEXT

This document is the second generation Official Plan for the County of Essex. It updates the County's first Official Plan that was approved in 2005. The County of Essex was restructured in the late 1990s which reduced twenty-one local municipalities to seven. The policies contained within this Official Plan primarily focus on effectively managing growth and protecting the County's natural and cultural resources.

2.2 GROWTH MANAGEMENT

As noted within the Population and Employment Foundation Report, the County of Essex will continue to experience population and employment growth over the planning period ending in 2031. The rate of population, household and employment growth is expected to be below past levels with most growth occurring in the mid-to-long term. Housing growth is expected to remain largely dominated by low density units, with a modest increase in medium density units, while employment growth will favour industrial related over population related employment. In terms of land supply, a surplus exists County-wide to accommodate all of the projected residential and employment growth.

The health of the County requires that long-range land use planning and *infrastructure* investment is properly managed in a way that will:

- a) Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- b) Protect and enhance the County's *natural heritage system*, cultural features and heritage resources (including resources in and under water), and *minerals, petroleum, and mineral aggregate resources*.
- c) Minimize *adverse effects* on agricultural lands and operations and be phased in accordance with the availability of appropriate types and levels of services.
- d) Implement the Goals for a Healthy County contained within subsection 1.5 of this Plan.

It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

The boundaries of the "*Settlement Areas*" within the County are depicted on Schedules "A1" and "A2" of this Plan. Although the boundaries were depicted

conceptually in the first generation of this Official Plan, the extent of the boundaries has been specifically identified in this updated Plan. Alterations to a “*Settlement Area*” boundary will require an amendment to this Plan. Future growth is directed to these “*Settlement Areas*”, and specifically the *Primary Settlement Areas* identified on Schedule “A2”.

Population projections for the County of Essex and the seven *local municipalities* are included in the Table below. The existing inventory of residentially designated land is sufficient to accommodate the projected 20 year demand for additional housing units. Accordingly, sufficient land has been designated within local Official Plans to accommodate the projected residential land use needs of the County of Essex.

Table 2: 20 Year Population Projections to 2031

<i>Local Municipality</i>	2011 Census Population	Projected 2031 Population	Allocated Growth
Amherstburg	21,556	25,860	12%
Essex	19,600	22,150	7%
Kingsville	21,362	24,400	9%
Lakeshore	34,546	41,000	18%
LaSalle	28,643	35,470	20%
Leamington	28,403	33,490	15%
Tecumseh	23,610	30,140	19%
Total Essex County	177,720	212,510	100%

It is recognized that the County of Essex and the City of Windsor estimates of the share of population growth in the Windsor-Essex region differ. The split is larger at the start of the planning period; however, it is estimated that the projections of the City and County will be more in line at the end of the twenty year planning period. The County and City will continue to consult with one another to coordinate population, housing and employment projections in the Windsor-Essex Region, and consult on matters of mutual interest and concern.

2.3 MANAGEMENT OF MINERAL RESOURCES

In accordance with the Provincial Policy Statement, it is the policy of this Plan that mineral resources, including *mineral aggregates*, *minerals* and *petroleum resources*,

The County of Essex has a partnership with the City of Windsor regarding solid waste management. In 1993 the County of Essex adopted the Essex-Windsor Solid Waste Management Master Plan, and it has been reviewed and updated on a number of occasions, the most recent in 2011/2012. The Plan is the primary guide for all waste management matters in the County and the City.

In accordance with the policy direction of the Solid Waste Management Master Plan, this Plan supports the following:

- a) The County will undertake programs to reduce, reuse and recycle waste at the source provided the programs and facilities are environmentally, socially, economically and technically sound.
- b) The recycling program is recognized as a key effort in reducing the waste going to the landfill site.
- c) Any *development* that requires an application under the Planning Act on or within 500 metres of the perimeter of the Essex-Windsor Regional Landfill site or on or within 500 metres of the perimeter of any active or closed waste disposal site is discouraged and will be subject to consultation with the County and the Ministry of the Environment. As a minimum, a study will be required that evaluates the presence and impact of environmental contaminants including, but not necessarily limited to, methane gas and leachate. 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* will be restricted and/or refused.
- d) *Development* applications for a change in land use for lands formerly used for the disposal of waste must first satisfy the requirements of the Ministry of the Environment and obtain an approval pursuant to Section 46 of the Environmental Protection Act, if applicable, prior to the issuance of necessary Planning Act approvals and building permits.
- e) The Essex-Windsor Solid Waste Authority may periodically update the Solid Waste Management Master Plan, as necessary.
- f) The County's full participation in waste management master plan initiatives and its investigation of the full range of waste management options.

2.10 SEWAGE AND WATER SYSTEMS

The County of Essex does not fund or maintain sanitary sewers or water systems, and the provision of those services is the responsibility of the *local municipalities*. However, the County does promote efficient and environmentally responsible *development* which is supportable on the basis of appropriate types and levels of water supply and sewage disposal consistent with the Provincial Policy Statement.

The County encourages new *development* to proceed on the basis of full municipal sewage services and municipal water services and *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.

The following servicing policies apply:

- a) Full municipal sewage services and municipal water services are the preferred form of servicing for all *settlement areas*.
- b) The use of private communal sewage services and private communal water services or individual on-site sewage services and individual on-site water services must be consistent with the Provincial Policy Statement, and shall only be used when municipal sewage and municipal water services are not available.
- c) The use of partial services shall only be used where necessary to address failed individual on-site sewage services and individual on-site water services in existing development, within *settlement areas*, to allow for infilling and rounding out of existing development on partial services provided the following is met:
 - i) the development is within the reserve *sewage and water system* capacity; and
 - ii) site conditions are suitable for the long-term provision of such services.
- d) Public or private investment in upgrading or expanding municipal sewage 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*.
- e) *Local municipalities* will encourage monitoring and proper maintenance of private sewage treatment systems in the County in order to protect water resources and the *natural heritage system*.

The *local municipality* must confirm the availability of the required servicing capacity prior to *development* being approved. For those *developments* that purchase services, in accordance with inter-municipal servicing agreements, from an abutting municipality, the *local municipality* must confirm that the required capacity is provided for in the agreement. Ministry of the Environment guidelines shall be used when determining the remaining uncommitted reserve capacity for municipal water services and municipal sewage services.

SECTION 3 - LAND USE POLICIES

3.1 INTRODUCTION

This section of the Official Plan identifies the general directive, goals and policies for the “*Settlement Areas*”, “Agricultural” and “Natural Environment” designations as shown on Schedule “A1”. The “Natural Environment” designation is further detailed on Schedule “B1” along with overlay Schedules “B2” and “B3”. Local Official Plans provide additional policy direction.

3.2 SETTLEMENT AREAS

The following sections contain the general directive, goals and policies for lands designated “*Settlement Areas*” on Schedule “A1” of this Plan. The policies in subsection 3.4 Natural Environment of this Plan may also pertain to some of the lands designated “*Settlement Areas*”.

3.2.1 General Directive

Schedule “A1” of this Plan identifies the location and precise boundaries of the “*Settlement Areas*” within the County. Schedule “A2” details the structure of the “*Settlement Areas*”, by differentiating between Primary and Secondary.

It is the vision and purpose of this Plan to direct the majority of future growth and *development* into the *Primary Settlement Areas* in order to strengthen the County’s settlement structure, focus public and private investment in fewer areas and to preserve the lands designated “Agricultural” and “Natural Environment” for the purposes outlined in the policies of this Plan. Local Official Plans will detail where within the “*Settlement Areas*” designations various types of land uses will be located; however, healthy community principles shall be incorporated into the long-range planning and *development* review process.

3.2.2 Goals

The following goals are established for those lands designated as “*Settlement Areas*” on Schedule “A1”:

- a) Support and promote public and private re-investment in the *Primary Settlement Areas*.
- b) To support and promote healthy, diverse and vibrant *settlement areas* within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.

- c) To promote *development* within *Primary Settlement Areas* that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- d) To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- f) To increase the opportunity for job creation within each *local municipality* by attracting and maintaining industries and businesses closer to where County residents live.
- g) To support long term economic prosperity by providing *infrastructure* and *public service facilities* to accommodate projected growth.
- h) To provide locations where natural habitat restoration can be accommodated to ensure an increase in the amount of core natural area and linkages amongst natural areas.
- i) Promote *residential intensification* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- j) Promote *affordable housing* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- k) Encourage each *local municipality* to undertake a Local Comprehensive Review of their “*Settlement Areas*” with the goal of re-allocating growth to the most appropriate locations that meet the intent of this Plan. The County encourages the Local Comprehensive Review to be undertaken at the time of the five-year review of the local Official Plan; however, *local municipalities* may initiate a Local Comprehensive Review at any time.
- l) Encourage employment opportunities on lands within “*Settlement Areas*” that are in proximity to rail corridors.

3.2.3 Settlement Structure Policies

The following sections detail policies for those lands shown as “*Settlement Areas*” on Schedules “A1” and “A2”.

- viii) The *negative impacts* from expansions to a *Primary Settlement Area* boundary on agricultural operations which are near or adjacent to the *Primary Settlement Area* are mitigated to the extent feasible. Specific policy shall be established in local Official Plans for criteria promoting the establishment of buffers, berms and subdivision design that reduce the impact on surrounding agricultural land, operations and *infrastructure*. The approval authority may also require the erection of fencing as a condition of approval to reduce trespass on adjacent agricultural land.
- ix) In determining the most appropriate direction for an expansion to the boundaries of a *Primary Settlement Area*, the County shall ensure consistency with Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the Provincial Policy Statement.
- i) The recommendations of the LCR will not be finalized until the County and Local Official Plans have been amended to incorporate any proposed “*Settlement Area*” boundary alterations.

3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

The locations and boundaries of the *Primary Settlement Areas* within the County have been identified on Schedule “A2”, and include the following:

- a) Urban area of Amherstburg (Town of Amherstburg)
- b) Essex Centre (Town of Essex)
- c) Harrow (Town of Essex)
- d) Kingsville (Town of Kingsville)
- e) The Former Town of Leamington (Municipality of Leamington)
- f) Tecumseh (Town of Tecumseh, Village of St. Clair Beach and Tecumseh Hamlet)
- g) LaSalle (Town of LaSalle)
- h) Maidstone/Belle River Urban Area and Wallace Woods (Town of Lakeshore)

The identification of Wallace Woods reflects its status as a new Primary Node, and the focus of growth, in Lakeshore's Official Plan that was approved by the Ontario Municipal Board. The inclusion of Wallace Woods as a *Primary Settlement Area* in this Plan is subject to the policy and modifications contained in the memorandum of oral decision of the OMB dated December 8, 2010 (Case No. PL100211), which is Sections 3.3.12 and 3.4.4 of the Town of Lakeshore Official Plan. New *development* is subject to a future Secondary Plan, which can be approved without amendment to this Plan, provided the intent of this Plan is maintained.

i) Oldcastle Hamlet (Town of Tecumseh)

Oldcastle Hamlet has historically been the focus of manufacturing due in part to its proximity to the City of Windsor. The recent investment in sanitary services and the existing forms of development make it an ideal location to focus employment growth subject to the following policies:

- i) Oldcastle Hamlet shall be primarily developed with employment uses, while recognizing that limited opportunities may exist to expand upon the few existing residential clusters that are situated in the area. The local Official Plan will more specifically designate the lands in appropriate land use designations.
- ii) A mixture of lot sizes shall be provided, including large lots that would be suitable to employment uses that may not be appropriately located within other nearby *Primary Settlement Areas* due to their size or impacts.
- iii) The local Official Plan shall contain policies to ensure orderly and appropriate *development*.
- iv) All new *development* shall be on full municipal sewage services and municipal water services.
- v) Cost effective *development* patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

3.2.4.1 Policies

The following policies apply to *Primary Settlement Areas*:

- a) *Primary Settlement Areas* shall be the focus of growth and public/private investment in each municipality.

- b) *Primary Settlement Areas* shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including *affordable housing* options and alternative housing forms for *special needs* groups, and be designed to be walkable communities with public transit options (or long-term plans for same).
- c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan.
- d) 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 Official Plan that are in effect at the time of approval of this Plan.
- e) Expansions of the boundaries of a *Primary Settlement Area* shall only occur in accordance with the Local Comprehensive Review policies in Section 3.2.3.1 of this Plan. An amendment to this Plan and the local Plan shall be required to alter the boundary of any “*Settlement Area*”.
- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use *development* and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.
- g) The County encourages the redevelopment of *brownfield* properties.
- h) All types of land use are permitted within the “*Settlement Areas*” designation subject to the specific land use policies of the local Official Plans.
- i) Cost effective *development* patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
- j) The County supports universal physical access and encourages the building industry to incorporate such features into new structures.

3.2.5 Secondary Settlement Areas

The *Secondary Settlement Areas* shown on Schedule “A2” represent more than 40 small hamlet, village, employment based, or other site specific settlements or developments that have historically been identified in local Official Plans and were conceptually carried forward into the first version of the County Official Plan.

Secondary Settlement Areas do not meet the criteria outlined above for *Primary Settlement Areas*; however, they do have varying levels of community investment

Appendix C

Town of Amherstburg Official Plan Policies

- 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.

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

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 licence for all home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business licence must be adhered to. If the licence 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 analysed 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.

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 right-of-ways 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

- (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 bonus 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.

Appendix E

Town of Amherstburg Zoning By-law Regulations

SECTION 8 RESIDENTIAL SECOND DENSITY (R2) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Residential Second Density (R2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any R2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R2 uses, namely:

- (i) single detached dwelling;
- (ii) semi-detached dwelling;
- (iii) duplex dwelling;
- (iv) home occupation;
- (v) accessory uses;
- (vi) public use.
- (vii) supportive community home.

(3) ZONE REQUIREMENTS

No person shall within any R2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a) Lot Area (Minimum)

- | | |
|-----------------------------------|--------------------|
| (i) Single detached dwelling unit | 460 m ² |
| (ii) Duplex dwelling | 560 m ² |
| (iii) Semi-detached dwelling | 650 m ² |
| Semi-detached dwelling unit | 310 m ² |

(b) Lot Frontage (Minimum)

- | | |
|-----------------------------------|--------------------------|
| (i) Single detached dwelling unit | 12 m
(By-law 2006-61) |
| (ii) Duplex dwelling | 15 m |
| (iii) Semi-detached dwelling | 20 m |
| Semi-detached dwelling unit | 9.5 m |

(c) Front Yard Depth (Minimum)	6 m
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- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| (d) | Interior Side Yard Width (Minimum) | 1.5 m |
| | Provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side | |
| (e) | Exterior Side Yard Width (Minimum) | 6 m |
| (f) | Rear Yard Depth (Minimum) | 7.5 m |
| (g) | Lot Coverage (Maximum) | 35% |
| (h) | Landscaped Open Space (Minimum) | 30% |
| (i) | Dwelling Unit Area (Minimum) | |
| | (i) Single detached unit | 75 m ² |
| | (ii) Semi-detached and duplex unit | 65 m ² |
| (j) | Height (Maximum) | 8.5 m |
| (k) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. | |

(4) **SPECIAL PROVISIONS**

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-1 on Schedule "A" hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following:

(a) R2-1

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-1 on Schedule "A" hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following:

(i) Zone Requirements

- | | | |
|----|-------------------------------|--------------------|
| 1. | Lot Area (Minimum) | |
| a. | Single detached dwelling unit | 460 m ² |
| b. | Duplex dwelling | 560 m ² |
| c. | Semi-detached dwelling | 650 m ² |