

File No.: 21-1768

October 18, 2022

Town of Amherstburg
Building and Planning Services
3295 Meloche Road
Amherstburg, Ontario
N9V 2Y8

Attention: Chris Aspila
Manager, Planning Services

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

Dear Chris:

Dillon Consulting Limited has been retained by Pacitti Contracting Company Inc., (herein referred to as the client) to prepare a Zoning By-law Amendment Application to facilitate a mixed use development consisting of three (3) 2-storey mixed use buildings with associated parking, as well as a proposed stormwater pond and septic beds to service the development. The proposed development is located at 580 Middle Sideroad, in the Town of Amherstburg (herein referred to as the subject site). The following is a Planning Justification Brief that details the existing site, surrounding area, proposed development and applicable planning policies.

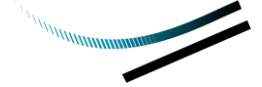
Site Description

The subject site is legally described as Part Gore Lot, Concession 1; Part 7, 12R-27907 in the Town of Amherstburg and has a total lot area of 1.45ha (3.58 acres). At the northern boundary of the site there is a 6 meter wide Drainage Corridor.

The lands known as 580 Middle Sideroad are to be severed to create two (2) parcels of land. The retained land will consist of 0.97ha (2.40 acres) and will include the existing two (2) commercial buildings with associated parking, as well as the existing stormwater pond and septic system. The land to be severed will consist of 0.48ha (1.18 acres) and will be the subject of the proposed mixed use development. The severed lands will have 47.9m (157.15ft) of frontage along Concession 2 North and a depth of 101.8m (333.98ft). For the remainder of this report the severed lands shall be referred to as the subject site.

The subject site is:

- Designated as Settlement Area in the County of Essex Official Plan;
- Designated as Neighbourhood Commercial in the Town of Amherstburg Official Plan; and
- Zoned as Commercial Neighbourhood – 12 (CN-12) in the Town of Amherstburg Zoning By-law 1999-52.



Surrounding Area

The surrounding area is primarily comprised of low profile residential dwellings and agricultural lots. To the southwest of the subject site is a private outdoor recreation area (Point West Golf Club).

Concession 2 North is a paved two-lane Collector Road while Middle Sideroad is a paved two-lane Arterial Road (Schedule D – Road Classification, Town of Amherstburg Official Plan). Both rights-of-ways are flanked by low profile residential dwellings.

Proposed Development

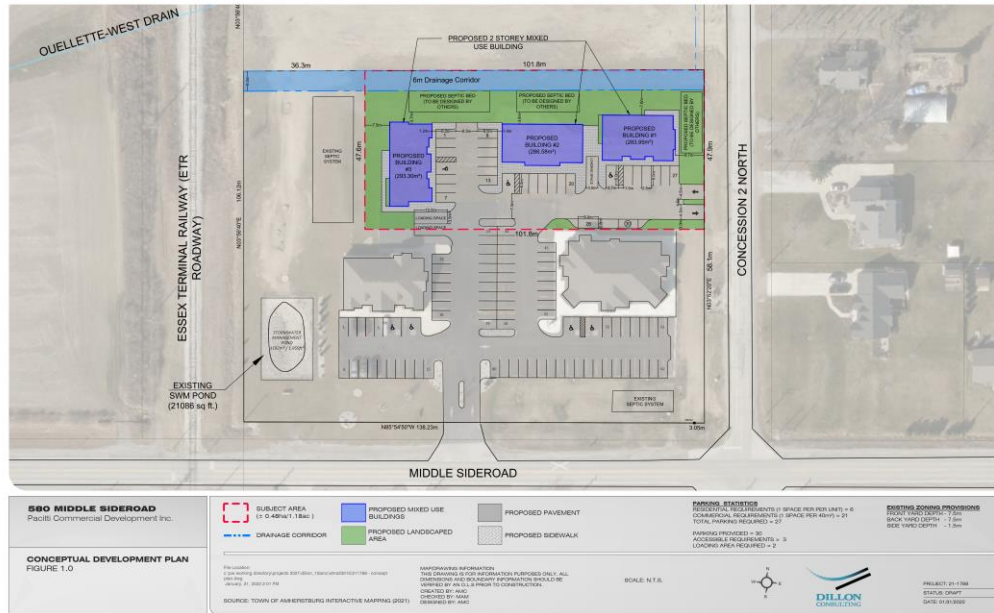
The proposed mixed use development consists of three (3) 2-storey mixed use buildings with associated parking, a stormwater pond, and proposed septic beds to service the development. Each individual proposed mixed use building will consist of two (2) commercial units on the ground floor with two (2) residential dwelling units above. Each of the proposed mixed use buildings has an average Ground Floor Area of 287.94m² (3099.36ft²). All parking requirements will adhere to the standards of the Zoning By-law 1999-52.

Access to the mixed use development shall be provided via a proposed driveway along Concession 2 North. A second reciprocal access is provided via the existing driveway shared with the retained parcel at 580 Middle Sideroad. The shared mutual driveway along Middle Sideroad maintains the Town's desire to limit the number of access points located along an Arterial Road.

Reciprocal access, parking, and servicing agreements are required as part of the proposed development and are included in the Consent Application that is to be submitted concurrently with the Zoning By-law Amendment Application.

The conceptual development plan of the proposed mixed use development is shown below in **Figure 1**.

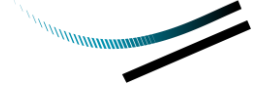
Figure 1: Proposed Conceptual Development Plan



The subject site is located within the Settlement Area designation of the County of Essex Official Plan. The intent of the Settlement Area land use designation is to promote development that is compact, mixed-use, and pedestrian oriented by providing a variety of housing options, services, and amenities for all residents. The proposed development conforms to the current County of Essex land use designation and does not require any amendment to the County Official Plan.

The subject site is located within the Neighbourhood Commercial designation of the Town of Amherstburg Official Plan. The proposed land uses are consistent with the Neighbourhood Commercial designation. The proposed commercial spaces are smaller in scale and will support the surrounding area. The commercial uses are intended to consist of office, personal service, and convenience uses which will provide goods and services to meet the daily living needs of residents. The proposed mixed use development also includes a total of six (6) residential dwelling units which further supports the creation of a complete neighbourhood. The proposed development meets the intent of the Neighbourhood Commercial designation and does not require any amendment to the Town of Amherstburg Official Plan.

The subject site is currently zoned Commercial Neighbourhood – 12 (CN-12) and Residential Type 1A (R1A). Through conversations with the Town it was determined that for the purposes of the proposed mixed use development only the requirements of the CN-12 zone shall apply. The current CN-12 zone does include a dwelling unit as a permitted use but is restricted to one (1) dwelling unit per lot. As such, the current CN-12 zone does not support the proposed six (6) residential units above the ground floor commercial spaces and require a Zoning By-law Amendment. The proposed Amendment is requested to maintain the Commercial Neighbourhood – 12 zone with a change to permit a maximum of six (6) dwelling units about the first floor. The requested Zoning



By-law Amendment is minor in nature and adheres to the general intent of the Commercial Neighbourhood zone.

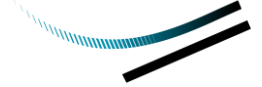
The proposed development will maintain the CN – 12 zone with the additional permitted use of a maximum of six (6) dwelling units restricted to above the first floor as follows:

Table 1: Proposed Zone Provisions

Zone Provision	Required (CN – 12)	Proposed
1. Uses	Business Office; Day Care; Dry Cleaner's Distribution Station; Dwelling Unit; Medical / Dental Office; Personal Service Shop; Professional Office; Public Use; Retail Store; Convenience Store; Video Rental Establishment	Business Office; Day Care; Dry Cleaner's Distribution Station; Medical / Dental Office; Personal Service Shop; Professional Office; Public Use; Retail Store; Convenience Store; Video Rental Establishment AND Up to six (6) dwelling Units Restricted to Above the First Floor
2. Lot Area	Not Applicable	Not Applicable
3. Lot Frontage	Minimum 15.0m	47.9m
4. Front Yard Depth	Minimum 7.0m	8.7m
5. Interior Side Yard Width	Minimum 10.0m	13.7m
6. Rear Yard Depth	Minimum 7.0m	7.5m
7. Lot Coverage	Maximum 30.0%	17.0%
8. Landscaped Open Space	Minimum 20.0%	29.1%
9. Dwelling Unit Area	Minimum 55.0m ²	Minimum 55.0m ²
10. Gross Floor Area	Maximum 558.0m ²	293.3m ²
11. Height	Maximum 10.0m	10.0m

*provisions in **bold** require relief.

The proposed six (6) residential units above the ground floor commercial space represents an opportunity for residential intensification at an appropriate location. The design of the mixed use buildings and the final site configuration will consider the character of the surrounding area and will be subject to Site Plan Control. The proposed mixed use development maintains the goals and objectives of the Town to ensure compatibility between uses.



Planning Policy Evaluation

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) promotes the development of 'Strong, Healthy Communities' through land use patterns that provide a range of uses and opportunities for intensification. 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 provinces' interests. There are a number of sections of the PPS that apply to the proposed development. Our analysis suggests that the following policies of the PPS are relevant to the application:

- Policy 1.1.1, relating to healthy, livable and safe communities;
- Policy 1.1.2, relating to a mix of land uses within settlement areas;
- Policy 1.1.3.1, relating to settlement areas being the focus for growth and development;
- Policy 1.1.3.2, relating efficient and appropriate land use patterns in settlement areas;
- Policy 1.1.3.4, relating to intensification and redevelopment in a compact form while avoiding risks to public health and safety;
- Policy 1.1.3.6, relating to new development in growth areas with an efficient use of land, infrastructure and public service facilities;
- Policy 1.2.6.1, relating to land use compatibility for sensitive land uses;
- Policy 1.3.1, relating to strategies for promoting economic development and competitiveness;
- Policy 1.4.1, relating to the provision of an appropriate range and mix of housing options and densities to meet the needs to future and future residents;
- Policy 1.4.3, relating to housing options and intensification and use of existing amenities;
- Policy 1.6.6.3, relating to private communal sewage services;
- Policy 1.6.6.7, relating to stormwater management best practices and minimization of risks;
- Policy 1.6.7.4, relating to a land use pattern that minimizes the number of vehicle trips and promotes transit and active transportation;
- Policy 1.7.1, relating to supporting long term economic prosperity through the provision of a range of housing options; and
- Policy 1.8.1, relating to energy conservation and efficiency.

Further to the above noted policies, excerpts of the relevant PPS sections applicable to the proposed Zoning By-law Amendment are included in **Appendix B**, at the end of this Planning Justification Brief.

The subject site is currently land underutilized within a settlement area. The proposed Zoning By-law Amendment to permit the development of three (3) mixed use buildings, consisting of ground floor commercial space with six (6) residential units above (2 units per building), represents an opportunity for infill that encourages compact, mixed use development and which incorporates compatible employment uses to support livable and resilient communities. The proposed development will also provide an opportunity to establish a range and mix of housing options and densities in the area.

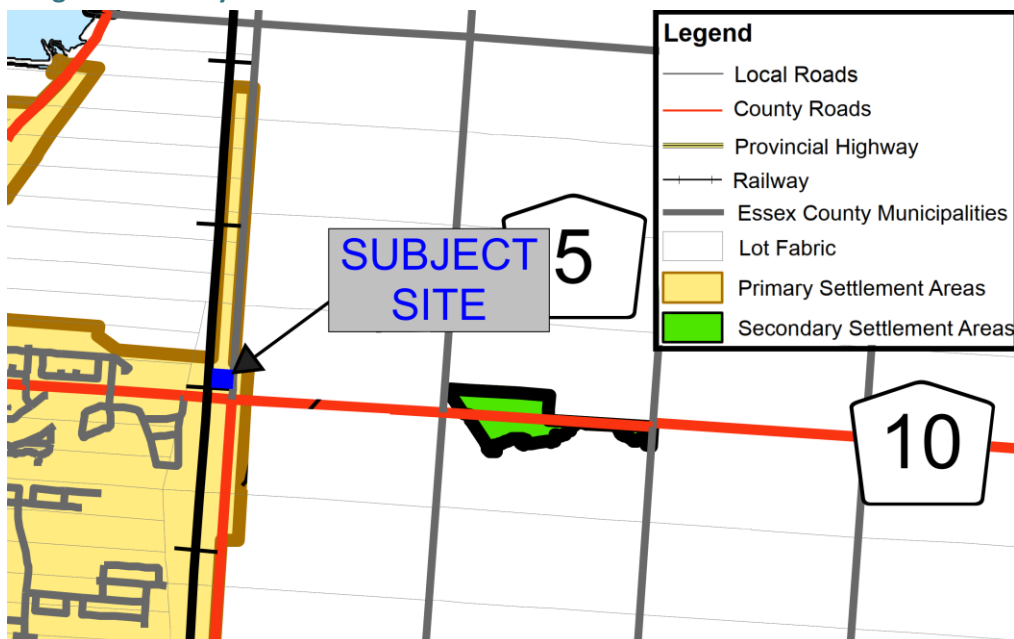
The proposed mixed use development will promote the creation of a sense of community and a complete neighbourhood. The proposed development supports the need for small scale commercial spaces within communities to satisfy the everyday needs of residents while also provided additional housing stock to the area. The compact nature of the proposed development, along with the mix of uses provided on site, may reduce the number of vehicular trips required. The stormwater management solution and septic services will be handled on site and will be designed in a manner that is feasible and protects both human health and the natural environment. Overall, the intensification of the subject site is in keeping with the above noted policies.

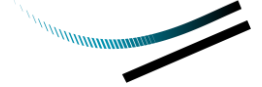
It is my professional opinion that the proposed mixed use development meets the intent of the Provincial Policy Statement.

County of Essex Official Plan

The County of Essex is the upper tier municipality in the Town of Amherstburg. The County of Essex Official Plan (County OP) contains a holistic set of goals, objectives, and policies to manage and direct the growth of Settlement Areas. The subject site is designated as Primary Settlement Area in the County OP (refer to **Figure 2**).

Figure 2: County of Essex Official Plan – Schedule A2: Settlement Structure Plan





Our analysis suggests that the proposed development is in conformity with the pertinent policies of the County of Essex Official Plan which include:

- Section 1.5, relating to goals for a healthy County;
- Section 2.2, relating to growth management;
- Section 2.8, relating to transportation;
- Section 2.8.4, relating to active transportation;
- Section 2.10, relating to sewage and water systems;
- Section 2.13, relating to energy, air quality and green infrastructure;
- Section 3.2.2, relating to goals for Settlement Areas;
- Section 3.2.4.1, relating to policies for Primary Settlement Areas; and
- Section 3.2.7, relating to intensification and redevelopment.

Further to the above noted policies, excerpts of the relevant County OP Sections applicable to the proposed Zoning By-law Amendment are included in **Appendix C**, at the end of this Planning Justification Brief.

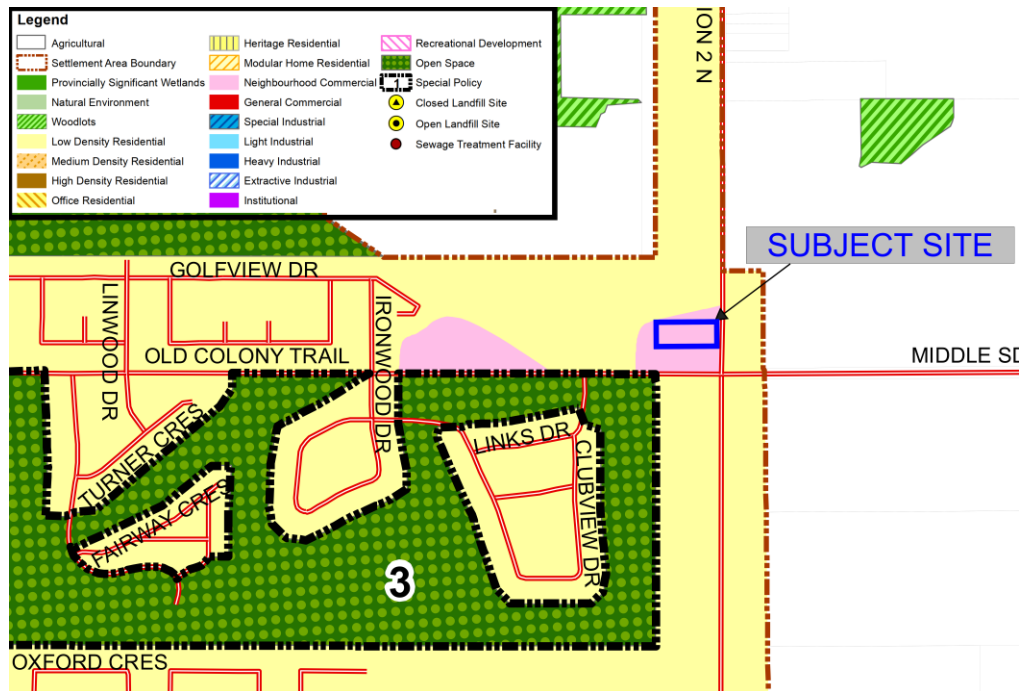
The proposed development represents an opportunity for growth and development within a Primary Settlement Area in a compact form and with a mix of uses which provide a range of housing types, services and amenities available to all residents. The proposed mixed use development promotes both residential intensification and employment opportunities in the community. The intensification of these lands with a mix of uses presents economic and social benefits which will increase the vitality of the area. It is the general intent of the County OP to maintain strong, sustainable, and resilient communities by encouraging more mixed use, compact, pedestrian-orientated development and by maintaining an improved balance between residential and employment growth. The intensification of the subject site is in keeping with the above noted policies.

It is my professional opinion that the proposed mixed use development meets the intent of the County of Essex Official Plan.

Town of Amherstburg Official Plan

The Town of Amherstburg Official Plan (Town OP) sets the general directions for the future pattern of development envisioned for the municipality for a twenty year planning period. The subject site is designated as Neighbourhood Commercial in the Town OP (refer to **Figure 3**).

Figure 3: Town of Amherstburg Official Plan – Schedule B-1: Land Use Plan

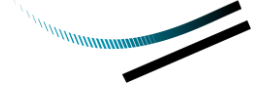


The general intent of the Neighbourhood Commercial land use designation is to provide goods and services to meet the daily living needs in the form of foods, sundries and personal services with the inclusion of neighbourhood business and professional offices. The scale of development within this designation should be guided by the population of the area to be served and the location of the site relative to abutting land uses and road classification.

The Neighbourhood Commercial land use designation is intended to provide complementary services and amenities which enhance the quality of residential areas. The proposed ground floor commercial units will satisfy the intention of the land use designation, while the additional residential units above will promote intensification of the land in a way that is compatible with the surrounding area.

Our analysis suggests that the proposed development is in conformity with the pertinent policies of the Town of Amherstburg Official Plan which include:

- Section 1.7.3, relating to Ontario Smart Growth
- Section 2.6.2, relating to communal sewage and water services;
- Section 2.7, relating to stormwater management policy;
- Section 4.4.1, relating to neighbourhood commercial;
- Section 5.2, relating to classification of roads; and
- Section 6.6, relating to housing policies;



Further to the above noted policies, excerpts of the relevant Town OP Sections applicable to the proposed By-law Amendment are included in **Appendix D**, at the end of this Planning Justification Brief.

The Town of Amherstburg Official Plan references the Ontario Smart Growth Initiative, outlining recommendations for development which include encouraging and allowing higher density development and a mix of land uses and providing compact development and densities that maximize the use of and reduce the consumption of land. The proposed development of ground floor commercial space with up to six (6) residential units above supports these recommendations. It is the goal of the Town to provide a broad range of housing types which are suitable for a variety of existing and future residents and which support the Town's need for housing supply. With the intent to encourage and assist in the production of an adequate supply and mix of housing, by means of innovative and alternative development forms, innovative and flexible zoning are to be applied where appropriate. The intensification of the subject site is in keeping with the above noted policies.

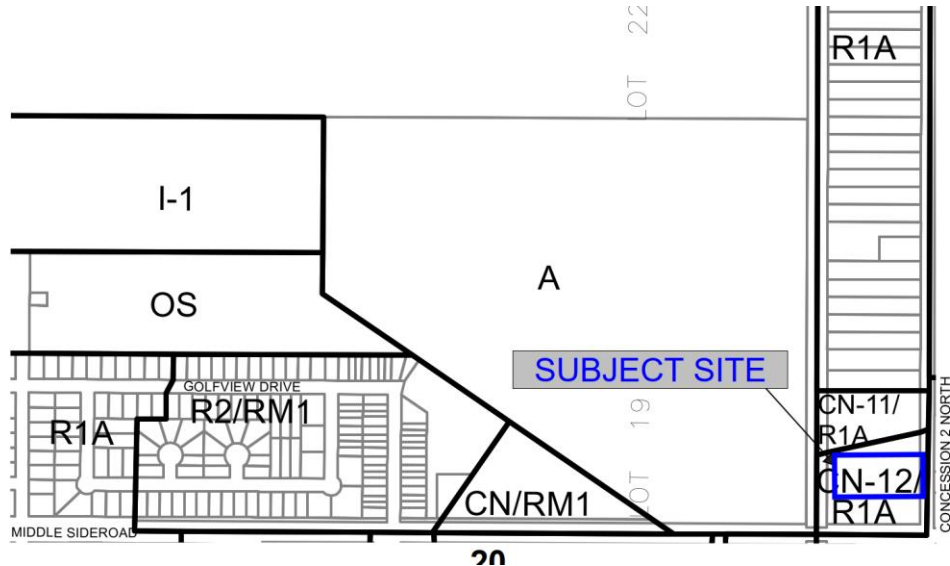
It is my professional opinion that the proposed development meets the general intent of the Town of Amherstburg Official Plan.

Town of Amherstburg Zoning By-law 1999-52

The Town of Amherstburg Zoning By-law 1999-52 implements the policies of the Town of Amherstburg Official Plan by regulating built form and land uses throughout the Town.

The subject site is currently zoned as Commercial Neighbourhood – 12 (CN-12) which currently permits the proposed commercial space and one (1) dwelling unit per lot (refer to **Figure 4**). The current zoning does not permit the subject site to be developed with more than one (1) dwelling unit, as such a Zoning By-law Amendment is required. A Zoning By-law Amendment is requested to maintain the Commercial Neighbourhood – 12 zone with a maximum of six (6) residential dwelling units above the proposed ground floor commercial units. The requested Zoning By-law Amendment is minor in nature. The Zoning By-law Amendment solely adds the additional dwelling units to the subject site and is in keeping with all other Commercial Neighbourhood – 12 zone provisions. As noted in **Table 1** above, the proposed mixed use development maintains the general intent of the CN-12 zone.

Figure 4: Town of Amherstburg Zoning By-law 1999-52



Excerpts of the pertinent Zoning By-law provisions applicable to the Zoning By-law Amendment are included in **Appendix E**, at the end of this Planning Justification Brief.

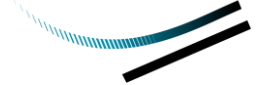
It is my professional opinion that the proposed development and the Zoning By-law Amendment meets the general intent of the Town of Amherstburg Zoning By-law 1999-52.

Planning Opinion

The development of a mixed use site consisting of both residential and commercial uses can be accomplished in a manner that is desirable and is compatible with the surrounding neighbourhood. Based on the preliminary design and the applicable policy framework, it is my professional planning opinion that the proposed Zoning By-law Amendment being requested to facilitate the development of three (3) 2-storey mixed use buildings is consistent with and conforms to the policies found in the Provincial Policy Statement 2020, the County of Essex Official Plan, and the Town of Amherstburg Official Plan. Of particular note is the emphasis on intensification that the Provincial Policy Statement 2020 and the County and Town Official Plans uphold, which the proposed development of a mixed use site would exemplify.

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

- The proposed development is consistent with the Provincial Policy Statement for the reasons identified above;
- The proposed use is consistent with the policies in the County of Essex Official Plan for reasons identified above;



- The proposed use is consistent with the policies in the Town of Amherstburg Official Plan;
- The site is underutilized land that would be further supported through intensification;
- The site is physically suitable and well located to support the proposed mixed use development;
- The proposed development would be able to co-exist in harmony with the adjacent residential land uses;
- The proposed Zoning By-law Amendment to allow for the proposed additional residential units maintains the general intent and zoning provisions of the Zoning By-law 1999-52;
- The proposed development can add to the vitality of the area while supporting the efficient use of land and existing infrastructure;
- Through urban design of the existing area, the proposed development will promote a sense of place and will serve the neighbouring residents while fitting in the character of the neighbourhood;
- The proposed mixed use development promotes compact form and intensification. Nearby amenities will encourage residents to use active transportation and transit, minimizing the number and length of vehicle trips;
- The proposed development is well connected to a multi-modal transportation system with Concession 2 North identified as a proposed signed route, offering connections to the greater County of Essex Active Transportation System; and
- The proposed development is compatible with the surrounding land uses (land use, scale, massing, landscaping, etc.) and is consistent with the mix of land uses evident in neighbourhood.

Following your review of this Planning Justification Brief, we ask for your support to proceed through the process of obtaining Zoning By-law Amendment Approval, allowing our clients to proceed with the construction of three (3) 2-storey mixed use buildings. Should you have any questions, please feel free to contact the undersigned at your earliest convenience.

Sincerely,

DILLON CONSULTING LIMITED

Melanie Muir MCIP, RPP
Associate
MRU:dt

cc: Aldo Pacitti – Pacitti Contracting Company Inc.

APPENDIX A

DEVELOPMENT APPLICATIONS

FORM 1
PLANNING ACT
APPLICATION FOR CONSENT
TOWN OF AMHERSTBURG

Application No. _____

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 Pacitti Contracting Company Inc., c/o Aldo Pacitti

Telephone number 519-736-3655

Address 754 2nd Concession Road, Amherstburg, Ontario, N9V 3R3

Email paccontracting@yahoo.ca

Name of registered owners solicitor
or authorized agent (if any) Dillon Consulting Limited, c/o Melanie Muir

Telephone number 519-791-2221

Address 3200 Deziel Drive, Suite 608, Windsor, Ontario, N8W 5K8

Email mmuir@dillon.ca

Please specify to whom all communications should be sent:

registered owner ☐ solicitor ☐ agent ☒

5. Location and description of subject land(s):
- Municipality Town of Amherstburg

Concession No. 1 Lot(s) No. Part Gore Lot

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

Reference Plan No. 12R-27907 Part(s) No. 7

Street Address 580 Middle Sideroad Assessment Roll No. 372946000001100

6. Current Size of Subject Parcel:
- Frontage 107.05m Depth Irregular Area 1.45ha

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

N/A

8. (a) Type and purpose of proposed transaction:

Conveyance

Agricultural Area:

- | | |
|---|--|
| <input type="checkbox"/> farm split | <input type="checkbox"/> addition to lot |
| <input type="checkbox"/> surplus dwelling | <input type="checkbox"/> technical severance |

Other Areas:

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of new lot | <input type="checkbox"/> addition to lot |
| <input type="checkbox"/> technical severance | |

Other

- | | |
|--|--|
| <input type="checkbox"/> mortgage or charge | <input type="checkbox"/> partial discharge of mortgage |
| <input type="checkbox"/> easement/right-of-way | <input type="checkbox"/> correction of title |
| <input type="checkbox"/> other (specify) _____ | |

(b) Name of person(s) [purchaser, lessee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged

N/A

(c) Relationship (if any) of person(s) named in (b) to owner (specify nature of relationship)

N/A

9. Description and use of land intended to be **severed**:

Frontage 47.9m Depth 101.8m Area 0.48

Existing Use Vacant

Proposed Use mixed use - ground floor commercial with residential units above

Number and use of buildings and structures (both existing and proposed) on the land intended to be severed

Existing N/A

Proposed Three (3) 2-storey mixed use buildings

Is there an existing access bridge on this parcel?

- | | |
|---|--|
| <input type="checkbox"/> yes (locate on sketch) | <input checked="" type="checkbox"/> no |
|---|--|

Is there a water service connection on this parcel?

- | | |
|--|-----------------------------|
| <input checked="" type="checkbox"/> yes (locate on sketch) | <input type="checkbox"/> no |
|--|-----------------------------|

Is there a sanitary sewer connection on this parcel?

- | | |
|---|--|
| <input type="checkbox"/> yes (locate on sketch) | <input checked="" type="checkbox"/> no |
|---|--|

10. Description and use of land intended to be **retained**:

Frontage 58.1m Depth Irregular Area 0.97ha

Existing Use Commercial

Proposed Use No Change

Number and use of buildings and structures (existing and proposed) on the land intended to be retained

Existing 2 commercial buildings

Proposed No Change

Is there an existing access bridge on this parcel?

☐ yes (locate on sketch) ☒ no

Is there a water service connection on this parcel?

☒ yes (locate on sketch) ☐ no

Is there a sanitary sewer connection on this parcel?

☐ yes (locate on sketch) ☒ no

11. Number of new lots (not including retained lot) proposed 1

12. Access to proposed severed lot:

☒ Municipal Road ☐ County Road ☐ Provincial Highway
☐ Private ☐ Water

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

N/A

Access to proposed retained Lot:

☐ Municipal Road ☒ County Road ☐ Provincial Highway
☐ Private ☐ Water

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

N/A

13. Type of water supply:

TYPE	PROPOSED LOT	RETAINED LOT
municipally owned and operated piped water supply	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
well	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<u></u>	

14. Type of sanitary sewage disposal:

TYPE	PROPOSED LOT	RETAINED LOT
municipally owned and operated sanitary sewers	<input type="checkbox"/>	<input type="checkbox"/>
septic tank	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____		

15. When will water supply and sewage disposal services be available?

16. (a) Have there been any previous severances of land from this holding?

☐ yes ☒ no

(b) If the answer to (a) is "yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's name _____

Relationship (if any) to the owner _____

Use of parcel _____

Date parcel created _____

17. What is the current Official Plan land use designation of the subject property?

Neighbourhood Commercial

18. Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or 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:

19. Please indicate whether the property is the subject of an 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 or approval of a plan of subdivision

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

Concurrent

20. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

☐ yes ☒ no

21. Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?

☐ yes ☒ no

22. Is the requested application consistent with policy statements issued under subsection 3(1) of the Planning Act? (ie. 2005 Provincial Policy Statement)

☒ yes ☐ no

Comments: See attached Planning Justification Brief

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

☐ yes ☒ no

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

24. 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 Dillon Consulting Limited of City of Windsor this 18 day of

October, 2022.

(signature of applicant, solicitor or authorized agent)

I, Aldo Pacitti 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.

Declared before me at the Dillon Consulting Limited of City of Windsor in the

County/District/Regional Municipality of Essex this 18 day of

October, 2022.

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 any land abutting the subject land that is owned by the owner of the subject land;
- b) the distance between the subject land and the nearest landmark such as a bridge or railway crossing;
- c) the boundaries and dimensions of the parcel of land that is the subject of the application, the part that is to be severed, the part that is to be retained, and the location of all land previously severed;
- d) 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;
- e) the current uses on land that is adjacent to the subject land;
- f) 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;
- g) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- h) the location and nature of any easement affecting the subject land.

REQUIRED SKETCH (USE SEPARATE SHEET IF NECESSARY)

AUTHORIZATION

(Please see note below)

To: Town of Amherstburg

Description and Location of Subject Lands:

Part Gore Lot, Concession 1; Part 7, 12R-27907

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Dillon Consulting Limited of the City of Windsor to:

- (1) make an application on my/our behalf to the Committee of Adjustment of 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 the Committee relevant to the application.

Dated at the Dillon Consulting Limited of City of Windsor in the County of Essex, this 18 day of October, 2022.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

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

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. For corner lots, a separate sign will be required, facing each roadway. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

Each sign must remain posted beginning 14 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Rebecca Belanger, MCIP RPP
Secretary-Treasurer
AMHERSTBURG COMMITTEE OF ADJUSTMENT

PROPERTY ADDRESS: _____

APPLICATION NUMBER(S): _____

I understand that each sign must be posted at least 14 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

Signature (Owner/Authorized Agent)

Date

Municipal Fee Received:	
Municipal Deposit Received:	
ERCA Fee Received:	

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 Pacitti Contracting Company Inc., c/o Aldo Pacitti
Telephone number 519-736-3655
Address 754 2nd Concession Road, Amherstburg, Ontario, N9V 3R3
Email paccontracting@yahoo.ca
Name of registered owner's solicitor
or authorized agent (if any) Dillon Consulting Limited, c/o Melanie Muir
Telephone number 519-791-2221
Address 3200 Deziel Drive, Suite 608, Windsor, Ontario, N8W 5K8
Email mmuir@dillon.ca

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:
N/A

6. Location and description of subject land:
Concession No. 1 Lot(s) No. Part Gore Lot
Registered Plan No. _____ Lot(s) No. _____
Reference Plan No. 12R-27907 Part(s) No. 7
Street Address 580 Middle Sideroad Assessment Roll No. 372946000001100

7. Size of subject parcel:
Frontage 47.9m Depth 101.8m Area 0.48ha

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
N/A

9. (a) Current Official Plan Land Use designation of subject land Neighbourhood Commercial
(b) Explanation of how application conforms to the Official Plan See Planning Justification Brief

- (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 Commercial Neighbourhood - 12 (CN-12)
11. Nature and extent of rezoning requested To permit a maximum of six (6) dwelling units above the first floor
12. Reasons why rezoning is requested To facilitate the development of three (3) 2-storey mixed use buildings with a maximum of 6 dwelling units and associated parking, a stormwater management pond, and septic bed facilities.
13. Current use of subject land Vacant
14. Length of time current use of subject land has continued 25+ years
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 Maximum permitted height of 10.0m
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:
- N/A - no existing structures on portion of site to be developed
17. Date of construction of existing buildings and structures on the subject land:
- N/A
18. Date subject land acquired by current registered owner December 1999
19. Proposed use of subject land Mixed Use - ground floor commercial with residential units above

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:

There are three (3) 2-storey mixed use buildings proposed. See attached Site Plan.

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) Stormwater Management Pond

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:

Concurrent

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:

N/A

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.

N/A

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.

N/A

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?

N/A

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 See Planning Justification Brief

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?

N/A

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.

31. Will the proposed project include the addition of permanent above ground fuel storage?

☐ Yes ☒ No

Dillon
Dated at the Consulting of City of Windsor this 18 day of October, 2022.
Limited

(signature of applicant, solicitor or authorized agent)

I, Aldo Pacitti 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 Limited of City of Windsor in the County
of Essex this 18 day of October, 2022.

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 of \$1,000.00, and a flat fee of \$2290, along with an ERCA development review fee of \$400.00 for major ZBA applications or \$275.00 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$3690 for major ZBA applications and \$3565 for Minor ZBA Applications. Any unused portion of the deposit will be returned after the passing of the ZBA.

A flat fee of \$1041.00 plus an ERCA review fee of \$275.00, totalling \$1316, must accompany your completed application for a Holding (h) Removal zone change.

A flat fee of \$1041.00 plus an ERCA review fee of \$275.00, totalling \$1316, must accompany your completed application for a zone change from A to A-36.

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

Part Gore Lot,, Concession 1; Part 7, 12R-27907

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Dillon Consulting Limited of the City
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Dated at the Dillon Consulting Limited of City of Windsor in
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Signature of Witness

Signature of Owner

Signature of Witness

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Signature of Owner

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APPENDIX B

PROVINCIAL POLICY STATEMENT 2020

Part V: Policies

1.0 Building Strong Healthy Communities

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

Accordingly:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

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

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

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

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

1.1.3 Settlement Areas

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

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

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

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

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

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

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

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:

- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- c) in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and

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*.

1.6.6.3 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.

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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

The Thames River is also designated a Canadian Heritage River and local Official Plans are encouraged to include policies recognizing this designation and any applicable Management Strategy.

2.8 TRANSPORTATION

The County's transportation network consists of Provincial, County and local roads in addition to railway lines, water ferries, harbours, marinas, a commercial *airport*, some private air strips and a planned *active transportation* system including pedestrian and bicycle paths. The County shall encourage the identification of historic transportation routes as heritage roads and the protection of their respective *heritage attributes*, where feasible and appropriate. When considering servicing and *development* proposals, including road improvements such as realignments or widenings, the County will encourage measures to help mitigate any negative impacts to heritage roads, where feasible and appropriate. *Development* proposals will be considered in the context of all forms of transportation subject to the following objectives and policies:

- a) To facilitate the safe, energy efficient and economical movement of people and goods throughout the County.
- b) To develop a hierarchy of roads throughout the County through the regular updating of a Transportation Master Plan.
- c) To ensure that appropriate right-of-way widths for all existing and proposed roads are provided in accordance with the Planning Act.
- d) To promote the continual development and improvement of the *active transportation* system.
- e) To encourage the development of convenient and efficient public transit services throughout the County.
- f) To plan for and protect corridors for transportation, transit and *infrastructure*.
- g) To support the continuation and improvement of the railway system.
- h) To support the provision of air services for both passengers and goods.
- i) To restrict *development* on private roads.

- c) *Sensitive land uses* will not be encouraged adjacent or in proximity to rail facilities.
- d) All proposed residential or other sensitive use *development* within 300 metres of a railway right-of-way will be required to undertake noise studies, to the satisfaction of the *local municipality* in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any *adverse effects* from noise that were identified. All available options, including alternative site layouts and/or attenuation measures, will be thoroughly investigated and implemented if practicable to ensure appropriate sound levels are achieved, particularly with respect to the 55 dBA outdoor living area criterion.
- e) All proposed residential or other sensitive use *development* within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the *local municipality* in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any *adverse effects* from vibration that were identified.
- f) All proposed *development* adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the *local municipality* in consultation with the appropriate railway. Where applicable, the *local municipality* will ensure that sightline requirements of Transport Canada and the railways are addressed.
- g) Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the *local municipality* and the appropriate railway.
- h) New residential *development* or other *sensitive land uses* will not be permitted within 300 metres of a rail yard (if applicable).
- i) All residential *development* or other *sensitive land uses* located between 300 metres and 1000 metres of a rail yard will be required to undertake noise studies, to the satisfaction of the *local municipality* and the appropriate railway, to support its feasibility of *development* and, if feasible, shall undertake appropriate measures to mitigate any *adverse effects* from noise that were identified.

2.8.4 Active Transportation

In 2012 County *Council* approved the County Wide Active Transportation (CWAT) Master Plan. The CWAT Master Plan is a 20 year Plan to guide the County and *local municipalities* in implementing a County-wide network of cycling and

pedestrian facilities. Schedule “D2” contains the County of Essex *Active Transportation System* as outlined in detail in the CWAT Master Plan.

The vision for the CWAT Master Plan is as follows:

“The County of Essex and its seven local area municipalities support *active transportation* (walking and cycling) and in association with the Essex Region Conservation Authority, City of Windsor, and Municipality of Chatham-Kent and other partners, are working together to foster a safe, comfortable bicycle and pedestrian friendly environment by encouraging people of all ages and abilities to engage in non-motorized activities for everyday transportation and recreation. Residents and visitors are able to travel and experience the urban and rural areas of the County by way of a connected network of on and off-road pedestrian cycling facilities.”

The primary tool to implement and enhance the *Active Transportation System* is through the master planning exercise for County and municipal *infrastructure* projects, i.e., road improvements, and through the review of *development* applications.

- a) All County and local municipal roads, shall be considered accessible for *active transportation* unless otherwise designated, and that a vehicular approach to cycling be adopted that recognizes the bicycle as a vehicle which operates on public roadways or within road rights-of-way with the same rights and responsibilities as motor vehicles.
- b) The County’s *Active Transportation System* will continue to evolve over time through the addition of missing links and the incorporation of additional linkages such as the use of unopened right-of-ways, hydro right-of-ways, existing or abandoned rail corridors, open green-space and future roadway improvements. Amendments to this Plan are not required for route or facility type revisions, provided the continuity and functionality of the network is maintained in the same general location and/or is consistent with the route selection principles contained within the CWAT Master Plan.
- c) At the time of the review or update of local Official Plans as well as during the *development* review process, the County encourages *active transportation* friendly (pedestrian and cyclist) streetscaping, urban design and *active transportation* oriented land *development*.
- d) Mixed use *development* and higher densities are encouraged within the *Primary Settlement Areas* to promote/facilitate increased vitality and quality of life.
- e) During the review of *development* applications, *local municipalities* will require the integration of pedestrian and cycling linkages to commercial,

transit, schools, trails, parks and municipal facilities, where feasible and appropriate. In addition, the designs of new local roads shall have shorter block lengths that are generally less than 250 metres to encourage walking and cycling.

- f) The County encourages the use of best practices when planning, designing, constructing, maintaining and operating *active transportation* facilities. Specific consideration and reference should be made to the following:
 - i) The Institute of Transportation Engineers recommended practices for the application of site design guidelines that promote *sustainable* transportation through site design.
 - ii) Essex County Transportation Advisory Committee Bikeway Traffic Control Guideline.
 - iii) Ontario Ministry of Transportation Bikeway Planning and Design Guidelines.
 - iv) Any other relevant documents released from time-to-time.
- g) The County will coordinate the implementation of the *Active Transportation* Network with the County's Transportation Services Department Five-Year Road Rehabilitation planning process.
- h) Local municipal Zoning By-laws, or other local planning instruments, shall establish standards for bicycle parking that is adequate to meet demands. The County encourages bicycle parking to be secure, illuminated, highly visible, sheltered and convenient.

2.9 SOLID WASTE MANAGEMENT

The Essex/Windsor Regional Landfill site and two recently closed County landfill sites are shown on Schedule "E1". In addition, a list of areas thought to be former landfill sites is attached as Appendix Two. *Local municipalities* are encouraged to identify these former landfill sites in their local Official Plans. This Plan encourages the continuation of policies in local Official Plans that limit *development* in areas surrounding these landfill sites.

There may be a need during the planning period of this Plan to establish new waste management related facilities, such as transfer stations, within the County of Essex. This Plan supports the development of such facilities, when required, provided all applicable statutory approvals from the Ministry of the Environment are obtained, and the facilities are located in accordance with the land use policies contained within this Plan and the local Official Plan, or amendments are obtained where necessary.

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.

Local municipalities are encouraged to prepare comprehensive master servicing plans for the planning, expansion and on-going operation of sanitary sewage treatment and water treatment facilities, pumping stations, force mains and trunk distribution and collection systems. Where appropriate, joint servicing plans are encouraged to ensure that *infrastructure* is built and maintained in a cost effective, environmentally sound and co-ordinated manner that meets the long-term needs of the communities affected. *Local municipalities* shall map the locations of all municipal/communal sewage treatment plants in their Official Plans and reference the appropriate Ministry of the Environment Guideline for compatibility to *sensitive land uses*.

2.11 UTILITY CORRIDORS

It is the policy of this Plan to ensure that *utility corridors*, including communication corridors and transmission facilities, are designed in a manner that minimizes potentially *negative impacts* where possible. Generally, when determining the most appropriate location for future *utility corridors*, agriculturally designated land and the *natural heritage system* will be protected and preserved to the greatest extent possible. Also, such corridors shall be located in a manner that minimizes their impact on *settlement areas*. More specifically, the following policies apply:

- a) This Plan recognizes that *utility corridors* must exist in order to properly and efficiently serve the public.
- b) It is acknowledged that the *utility corridor* policies of this Plan, in some circumstances, must be considered in conjunction with or may be superseded by, other legislative requirements.
- c) Preferred routes for *utility corridors* are those that:
 - i) Follow existing rights-of-way, property lines and fence lines.
 - ii) Avoid built-up areas and heavily populated areas if they cannot be accommodated within existing rights-of-way.
 - iii) Do not infringe upon environmentally *significant* areas including natural heritage corridors.
- d) Minimizing the impact on agricultural lands and the *natural heritage system* is a high priority.
- e) Measures to mitigate impacts on agriculture during and after construction will be required including such things as:
 - i) Replacement of soils with top soil layers in their original condition and order.
 - ii) Timing of construction to minimize crop losses.

- b) Prior to the approval of any applications for Official Plan amendments, Zoning By-law amendments, plans of subdivision or condominium, land division, committee of adjustment approval or any *development* that is subject to site plan control on lands that are within 500 metres of a Principal Main Railway Line right-of-way, Provincial Highway, or stationary sources or where the projected noise exceeds the Ministry of the Environment recommended noise criteria by more than 5 dBA, a noise and vibration and impact mitigating study shall be completed and submitted to the appropriate agencies and appropriate railway companies for review and comment. Appropriate measures to mitigate any adverse impacts from noise and or vibration that were identified shall be undertaken.
- c) Setbacks, berming, fencing or other safety measures may be required to the satisfaction of the Approval Authority, Ministry of Transportation, and/or *local municipality* in consultation with the appropriate rail company. The conclusions and recommendations of the above policies shall be incorporated as conditions of approval in all development agreements.

2.13 ENERGY, AIR QUALITY & GREEN INFRASTRUCTURE

It is a policy of this Plan to support energy efficiency, improved air quality, and the use of green *infrastructure* by considering the following during planning and *development* review functions:

- a) Whether the proposal promotes *active transportation* as outlined in Section 2.8 of this Plan, and in particular, provides enhanced walking and cycling opportunities.
- b) Whether the proposal locates land uses in such a manner that reduces the distance and number of vehicle trips.
- c) Whether the proposal protects and improves trees and natural areas and offers/incorporates multi-functional green space.
- d) Whether the design incorporates compact form, efficiently uses land and where appropriate, a mixture of uses and housing types.
- e) Whether the design and orientation maximizes the use of alternative or renewable energy.
- f) Whether the design incorporates green *infrastructure* components that reduce the stress on traditional sanitary, water, stormwater and road *infrastructure*. Examples include the use of permeable pavements, Low Impact Development, rain gardens and bioretention systems, and constructed *wetlands* for the management of stormwater runoff.

The County of Essex has a Smog Action Plan in place. *Local municipalities* are encouraged to adopt similar smog action plans for their individual community.

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”.

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.

- f) Local Official Plans are encouraged to provide opportunities for *redevelopment, intensification* and revitalization in areas that have sufficient existing or planned *infrastructure*.
- g) It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:
 - i) Make provision such that *infrastructure* and *public service facilities* will be available to accommodate projected growth.
 - ii) Provide a supply of land to meet long term requirements.
 - iii) Provide for an efficient, cost effective, reliable, *multi-modal transportation system* that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth.
 - iv) Conserve energy and water by providing for energy and water efficiency.
 - v) Maintain the well-being of downtowns and mainstreets.
 - vi) Optimize the long term availability, viability and use of agricultural and other resources.
 - vii) Plan so that major facilities such as transportation corridors, sewage treatment facilities, *waste management systems*, industries and *mineral aggregate resource* activities and *sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise and other contaminants.
- h) Local Official Plans are encouraged to develop growth management strategies as part of their Official Plans and to establish the type, amount, location and timing of growth and *development* including a servicing strategy that is in keeping with the servicing and growth projection policies contained within this Plan.
- i) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated “*Settlement Areas*”.

3.2.7 Intensification & Redevelopment

The County encourages well-planned *intensification development* projects in the “*Settlement Areas*” to encourage more efficient use of land and municipal *infrastructure*, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages *residential intensification* and *redevelopment* within *Primary Settlement Areas* in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of *infrastructure* and *public service facilities*.

The County requires that 15 percent of all new residential *development* within each *local municipality* occur by way of *residential intensification* and *redevelopment*. Implementation and annual reporting to the County on meeting this target will be the responsibility of the *local municipalities*.

The County will permit *intensification* and *redevelopment* within *Secondary Settlement Areas* to assist in meeting the target provided it occurs on full municipal sewage services and municipal water services.

Where possible, new *development* in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

3.2.8 Affordable Housing

The County supports the provision of *affordable housing* for *low and moderate income households* through the following policies:

- a) The County requires that each *local municipality* achieve a minimum *affordable housing* target of 20 percent of all new *development*.
- b) *Affordable housing* should be focused within *Primary Settlement Areas* which offer residents easy access to existing services, facilities and *infrastructure*.
- c) The County encourages *local municipalities* to waive (in full or in part) municipal fees to encourage the development of *affordable housing*.
- d) The County encourages each *local municipality* to prepare a housing strategy that outlines opportunities to increase the supply of *affordable housing* consistent with the Windsor Essex Housing and Homelessness Plan.
- e) The County discourages the demolition or conversion of affordable rental housing in order to maintain the rental housing stock.
- f) The County generally permits *second dwelling units* within all single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an ancillary structure to those house types on the property. If the principle residential dwelling on the property contains only a single residential unit, then an accessory structure may contain the *second dwelling unit* on the property.

APPENDIX D

TOWN OF AMHERSTBURG OFFICIAL PLAN

1.7.2 The Ontario Planning Act

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

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

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

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

1.7.3 Ontario Smart Growth

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

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

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

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

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

1.7.4 Growth and Development

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

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

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

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

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

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

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

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

1.7.5 Identified Areas for Residential Development

The main areas identified for residential development are:

- (1) the old Town of Amherstburg;

2.6.2 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

4.4.1 Neighbourhood Commercial

The uses permitted in the Neighbourhood Commercial designation shall be limited to those commercial uses which provide for the sale of convenience goods and services to meet the daily living needs in foods, sundries and personal services, and may include neighbourhood business and professional offices.

The development of Neighbourhood Commercial areas may take place in the form of a small shopping plaza owned and operated as a unit or as individual establishments. The scale of development shall be guided by the population of the area to be served, the location of the site relative to abutting land uses and road classification. The actual size of the uses permitted will be specified by the Zoning By-law.

Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

No open storage shall be permitted in Neighbourhood Commercial areas.

The location of the Neighbourhood Commercial areas shall be in accordance with Schedules "A" and "B". Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.

The building or buildings contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.

The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

4.4.2 General Commercial Areas

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 storeys and unless a site specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

In order to ensure compatibility with the Heritage Residential area abutting the General Commercial designation in the Central Business District, development on the east side of Dalhousie Street and/or on the south side of Murray Street shall be limited to only Medium Density Residential development with access restricted to Dalhousie Street and/or Murray Street and height restricted to three storeys. Properties along the west side of Dalhousie Street within the General Commercial Designation may be considered for a High Density Residential development. Height, however, would be restricted to a maximum of five

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.

- (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.

- (4) The Town shall, within its powers, ensure a supply of lands designated for residential use so that at minimum, a twenty (20) year supply is maintained at all times.
- (5) The Town shall, within its powers, maintain a continuous ten (10) year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in new residential development.
- (6) The Town shall encourage and assist, where possible, in the production of an adequate supply and mix of affordable housing by:
 - a) expediting the development approval process and other administrative requirements;
 - b) implementing senior government housing programs;
 - c) encouraging innovative and alternative development forms and where appropriate, apply more innovative and flexible zoning;
 - d) promoting a 3 percent vacancy rate for rental housing and discourage demolition or conversions to condominium development when the vacancy rate is 3% or less;
 - e) promoting the provision of assisted rental housing to meet the needs of low income and senior citizen households;
 - f) considering, where feasible, the introduction of cost reduction techniques such as reduced setbacks, reduced lot sizes and other modifications to the Zoning By-Law, where such techniques will provide guaranteed lower housing costs while maintaining land use compatibility;
 - g) monitoring housing and subdivision activity, achievement of affordable housing targets and land availability;
 - h) working toward resolving servicing constraints that impede appropriate residential development in appropriate locations.
- (7) The Town shall continue to encourage and assist, where feasible, in the upgrading and rehabilitation of existing housing, particularly in older residential areas.
- (8) The Town shall promote the conversion of vacant or under-utilized upper level core area buildings to residential apartment units in order to improve the use of the buildings and enhance the viability of the core area while still having regard to the amenity needs of such inhabitants. Concessions to parking requirements may be considered by Council in assessing the merit of an application.
- (9) The Town shall encourage the provision of specialized housing facilities to meet the needs of persons with disabilities; and encourage the developers of medium and high density housing projects to provide units designed specifically for persons with special needs.
- (10) The Town will work with the other communities of Essex County to ensure consistent group home separation regulations.
- (11) The Town will monitor housing needs specific to Amherstburg including the needs of senior residents.
- (12) The Town will also work toward providing a range of housing choices that are affordable to all income levels. Affordable for the purposes of this Plan shall mean:
 - a) Affordable housing means housing that can be accessed by households whose income falls at or below the lowest 35th percentile of the income distribution of the community.
 - b) Affordable rental housing is housing where monthly rent costs excluding utilities do not exceed 30 percent of the tenant gross monthly household income.
 - c) Affordable ownership housing is housing where monthly housing expenses including mortgage principle, interest and property tax but excluding insurance or utilities do not exceed 30 percent of gross monthly household income.
- (13) The Town of Amherstburg will establish a housing first policy when disposing of surplus lands when appropriate and when in keeping with sound land use planning principles.

- (14) If provided with sufficient safeguards for long term commitment to affordability, the Town will consider providing a grant in lieu of residential development charges, planning fees and/or building permit fees.
- (15) The Town will look to the County for similar reductions in County fees and taxes for accepted affordable housing projects.
- (16) *The Town will work with the County of Essex to identify targets for housing that is affordable to low and moderate income households and the Plan will be amended to incorporate such targets. (Modification #36)*

6.7 PLANNING IMPACT ANALYSIS

It is a policy of this Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation.

Amendments proposed for lands currently designated Agriculture must have regard to Section 2.3.5.1 of the Provincial Policy Statement in addition to the policies of this Plan.

Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated on the basis of:

- (1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood;
- (2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- (3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area;
- (4) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;
- (5) The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- (6) The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties;
- (7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;
- (8) The location of lighting and screening, and the adequacy of parking areas;
- (9) The provisions for landscaping and fencing;
- (10) The location of outside storage, garbage and loading facilities;
- (11) Conformity with the provisions of the Site Plan Control By-Law;
- (12) The design and location of signs, and the compliance of signs with the Sign Control By-Law;
- (13) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

APPENDIX E

TOWN OF AMHERSTBURG ZONING BY-LAW 1999-52

SECTION 17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Commercial Neighbourhood (CN) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

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

- (i) business office;
- (ii) day care;
- (iii) dry cleaner's distribution station;
- (iv) dwelling unit;
- (v) medical/dental office;
- (vi) personal service shop;
- (vii) professional office;
- (viii) public use;
- (ix) retail store;
- (x) convenience store;
- (xi) video rental establishment.

(3) ZONE REQUIREMENTS

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

- | | | |
|-----|---|------------|
| (a) | Lot Area (Minimum) | No minimum |
| (b) | Lot Frontage (Minimum) | 15 m |
| (c) | Front Yard Depth (Minimum) | 7 m |
| (d) | Interior Side Yard Width (Minimum)
provided that where the interior side lot line abuts a
Residential Zone, the minimum interior side yard width
shall be 10 m | 7 m |
| (e) | Exterior Side Yard Width (Minimum) | 10 m |
| (f) | Rear Yard Depth (Minimum)
provided that where the rear lot line abuts a Residential
Zone, the minimum rear yard depth shall be 10 m | 7 m |

- | | | |
|-----|---|--------------------|
| (g) | Lot Coverage (Maximum) | 30% |
| (h) | Landscaped Open Space (Minimum) | 20% |
| (i) | Dwelling Unit Area (Minimum) | 55 m ² |
| (j) | Gross Commercial Floor Area
Per Permitted Use (Maximum) | 140 m ² |
| (k) | Height (Maximum) | 10 m |
| (l) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. | |

(4) SPECIAL PROVISIONS

(a) CN-1 (AUTOMOTIVE SERVICE STATION)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-1 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. an automobile service station;
2. any use permitted in CN Zone.

(b) CN-2 (BICYCLE REPAIR AND SALES)

Notwithstanding any provisions of this By-law to the contrary, within any designated CN-2 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. bicycle repair and sales;
2. any use permitted in CN Zone.

(c) CN-3 (WATER TOWER)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-3 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. Uses permitted shall be restricted to a public water tower.

1. *Commercial Gross Floor Area may exceed the 140 square meters per use restriction of Section 17(3)(j) for the fitness centre. All other regulations of the By-law apply.*

(By-law 2012-25)

(k) CN-11

Notwithstanding the provisions of this By-law to the contrary, within any area zoned CN-11 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted

1. *Place of worship*
2. *Any use permitted in the CN Zone.*

(ii) Regulation

1. *Gross Floor Area may exceed the 140 square meters per use restriction of Section 17(3)(j) for the place of worship. All other regulations of the By-law apply.*

(By-law 2013-59)

(l) CN-12

Notwithstanding the provisions of this By-law to the contrary, within any area zoned CN-12 on Schedule "A" hereto, the following special provisions shall apply:

(i) Commercial Gross Floor Area

558 m²

Per Permitted Use (Maximum)

All other regulations of the By-law apply.

(By-law 2016-59)

(m) CN-13

Notwithstanding any other provisions of this by-law to the contrary, within any area zoned CN-13 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses permitted:

1. *An automobile service station;*
2. *A miniature golf course;*