



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING**

AGENDA

**View Livestream at the time of the proceedings at
<https://www.amherstburg.ca/livestream>**

Monday, June 27, 2022

4:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk's Division at clerk@amherstburg.ca.

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Pages

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

4. SPECIAL PLANNING REPORTS

4.1. Statutory Public Meeting for a Zoning By-law Amendment on E/S Concession 7

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It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands on E/S Concession 7 (File ZBA-10-22), owned by Larry and Donna Taylor **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2022-066 **BE CONSIDERED** at the regular Council meeting following this public meeting.

4.2. Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for 51-57 Sandwich Street South

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It is recommended that:

1. Additional comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands located at 51-57 Sandwich Street South (Files OPA #17 and ZBA-11-22), owned by Toad One Inc.. **BE RECEIVED and brought back to a future Council meeting with any additional comments and staff recommendations.**

5. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Chris Aspila	Report Date: June 13, 2022
Author's Phone: 519 736-5408 ext. 2124	Date to Council: June 27, 2022
Author's E-mail: caspila@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for a Zoning By-law Amendment on E/S Concession 7

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands on E/S Concession 7 (File ZBA-10-22), owned by Larry and Donna Taylor **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2022-066 **BE CONSIDERED** at the regular Council meeting following this public meeting.

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

The lands are the subject of a decision of the Committee of Adjustment for Application B/13/22, which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-36 is a condition of the consent decision. Condition (5) of the decision states:

5. *That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.*

3. DISCUSSION:

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from Jason and Angela McGuire on behalf of David and Karen Bailey. The subject lands affected by the proposed amendment are described as Part of Lot 81, Concession 7, municipally known as part of E/S Concession 7; the residence which was the subject of the severance is located at 7463 Concession 7 is not subject to this rezoning. At conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 28.9 hectares (71.41 acres) ±.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/13/22) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land.

The application is consistent with the Provincial Policy Statement (2020), specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan, specifically Section 3.2.2(14), which provides for surplus dwelling severances subject to the remnant parcel being rezoned to prohibit a dwelling unit. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment cannot be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CONCLUSION:

It is recommended that the Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



Chris Aspila
Manager of Planning Services

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Infrastructure Services
Phone #: 519 736-3664 ext. 2313

Name: Building Services
Phone #: 519 736-5408 ext. 2136

Name: Fire Services
Phone #: 519 736-6500

Name: Windsor Police

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481

Name: Essex County District School Board

Report Approval Details

Document Title:	Statutory Public Meeting for a Zoning By-law Amendment on E-S Concession 7.docx
Attachments:	- 2022 06 27- Statutory Public Meeting to Consider a ZBA on ES Conc 7- ATTACHMENTS.pdf
Final Approval Date:	Jun 20, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley

CORPORATION OF THE TOWN OF AMHERSTBURG

**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT**

STATUTORY PUBLIC MEETING:

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, June 27, 2022 commencing at 4:00 p. m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52.

ANY PERSON seeking to attend meetings in-person should follow all public health guidance to ensure the safety of themselves and others during the COVID-19 pandemic.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk's Office no later than 4:00 pm on Thursday, June 23, 2022. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca . Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html>

THE SUBJECT LANDS AND PURPOSE OF THIS REZONING APPLICATION:

This Rezoning application will affect approximately 28.9 hectares of land described as Part of Lot 81, Concession 7, located on the east side of Concession 7, municipally known as the remnant farm parcel retained from a surplus dwelling severance at 7463 Concession 7 (see map below).

This Zoning Amendment, if approved, will rezone the subject lands from "**Agricultural (A) Zone**" to "**Special Provision Agricultural (A-36) Zone**". The parcel is designated Agricultural in the Town's Official Plan. The lands described above are subject to an application for consent (File B/13/22) to sever a dwelling which is surplus to the needs of a farming operation.

The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The "Special Provision Agricultural (A-36) Zone" is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

ADDITIONAL INFORMATION:

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, June 23, 2022 before the meeting and will be read aloud prior to the application being heard by Council.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

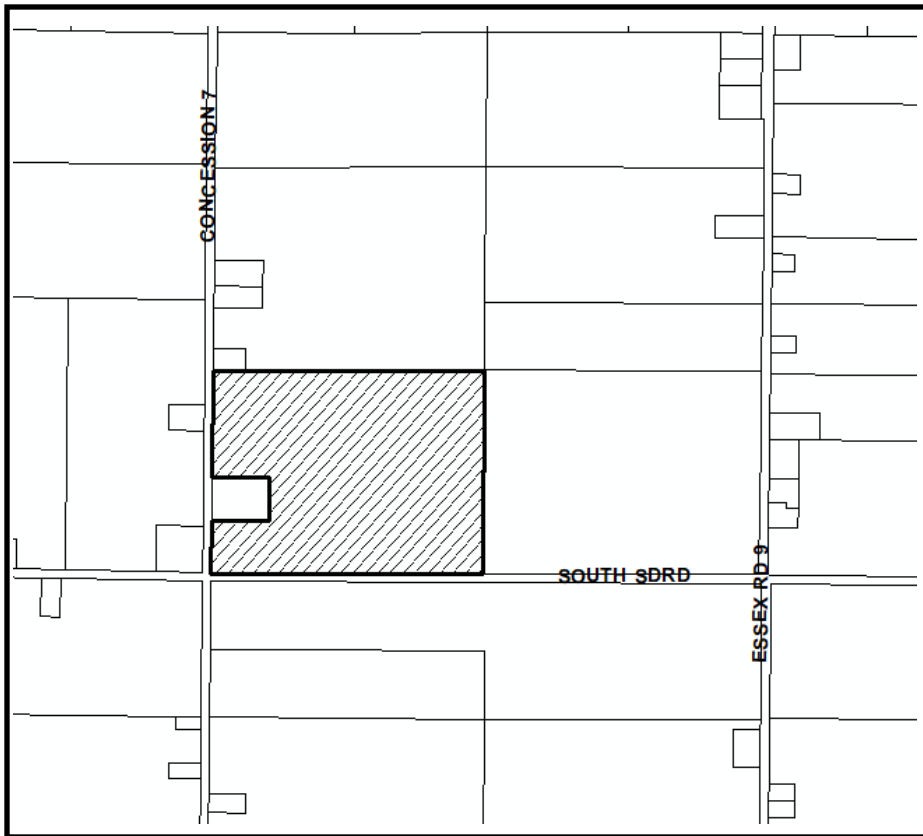
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IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

Further information relating to the proposed Zoning By-law (File# ZBA/10/22) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 1st day of June, 2022.

KEY MAP



Melissa Osborne
Director, Development Services

Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Municipal Fee Received:	1041.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	275.00

Application No. 28A/10/22

**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 May 20, 2022
3. Date application deemed complete by municipality May 20, 2022
4. Name of registered owner David + Karen Bailey
 Telephone number [REDACTED]
 Address [REDACTED]
 Email _____

- Name of registered owner's solicitor or authorized agent (if any) Jason + Angela McGuire
 Telephone number [REDACTED]
 Address [REDACTED]
 Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:

Concession No. 7 Lot(s) No. P+ 481
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. _____ Part(s) No. _____
 Street Address retained farmland from 7463 Concession 7 Assessment Roll No. 620-02000

7. Size of subject parcel:

Frontage 372.9m Depth 642m Area 28.9ha

8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Road Water

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

9. (a) Current Official Plan Land Use designation of subject land Agricultural
 (b) Explanation of how application conforms to the Official Plan Section 3.2.2 (14)

of the OP requires the remnant parcel subsequent to a surplus dwelling severance be rezoned to restrict residential development.

(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 Agricultural (A) Zone

11. Nature and extent of rezoning requested A to A-36

12. Reasons why rezoning is requested Condition of consent of a surplus dwelling severance

13. Current use of subject land Agricultural

14. Length of time current use of subject land has continued 100+ yrs

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

Vacant Farmland

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

N/A

18. Date subject land acquired by current registered owner 20+ yrs

19. Proposed use of subject land Agricultural

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:

None

21. Type of water supply:

- municipally owned and operated piped water supply *if applied for*
- 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) Municipal Drain

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:

B/13/22 - Approved

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

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

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

- Yes
- No

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

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

Yes No

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

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

Yes No

Comments _____

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

Yes No

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

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

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

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

Yes No

Dated at the Town of Amherstburg this 20th day of May, 2022.

x Angela McGuire
(signature of applicant, solicitor or authorized agent)

I, Angela McGuire 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 Town of Amherstburg in the County
of Essex this 20th day of May, 2022.

x Angela McGuire
Applicant, Solicitor or Authorized Agent

Janine Quintina Mastronardi
A Commissioner, etc.

Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

15. AUTHORIZATION

If the applicant is not the owner(s) of the land that is subject of this application, the owner(s) must complete the following or a similar authorization attached to the consent application. *+ Minor variance application & ZBA*

To: Town of Amherstburg

Description and Location of Subject Lands: 7463 Concession 7

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Jason + Angela McGuire of Town

of Amherstburg 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 hearings(s) of the application; and
- (3) provide any information or material required by the Committee relevant to the application.
- (4) submit this application on my/our behalf and, for the purposes of the Freedom of Information and Protection of Privacy Act, to provide any of my/our personal information that will be included in this application or collected during the process of the application

DATED at the Town of Amherstburg

in the County of Essex this 12th

day of April, 2022.

Angela McGuire
Witness

David F. Bailey
Signature of Owner

Angela McGuire
Witness

Karen Bailey
Signature of Owner

Witness

Signature of Owner



CONCESSION 7

106.7 m

134 m

Severed Parcel
1.43 ha

Retained Parcel
28.92 ha

Farm Access



**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **David & Karen Bailey
c/o Jason & Angela McGuire, Agents**
- (c) Brief description LOCATION OF PROPERTY (c) 7463 Concession 7
(Roll No. 3729-620-000-02000)
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 106.7 m (350 ft) ± frontage by 134 m (440 ft) ± depth with an area of 1.43 ha (3.53 ac) ± which includes a single detached dwelling and seven accessory structures which are surplus to the needs of the farming operation. The remaining parcel being 372.9 m (1223.4 ft) ± frontage by 642 m (2106 ft) depth with an area of 28.92 ha (71.47 ac) ± is vacant agricultural land. The subject property is designated and zoned Agricultural in the Town’s Official Plan and Zoning By-law.
- (e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 17th day of May, 2022.

DECISION: APPROVED

- (f) State conditions to be satisfied before granting of consent
 1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
 2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
 3. That all property taxes be paid in full.
 4. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
 5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
 6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
 7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
 8. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.
- (g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
David Cozens

.....
Terris Buchanan

.....
Anthony Campigotto

.....
Donald Shaw

.....
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

CERTIFICATION

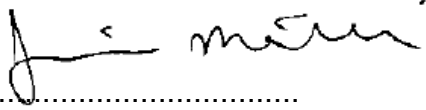
The Planning Act, R.S.O. 1990

(h) Name of approval authority

I, **Janine Mastronardi, Acting Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 18th day of May, 2022


.....
Acting Secretary-Treasurer
Town of Amherstburg
Committee of Adjustment
3295 Meloche Rd, Amherstburg, ON N9V 2Y8



Summary of Correspondence Received on Proposed Zoning By-law Amendment on E/S Concession 7

Below is a summary of the comments received by the Planning Services Division on the proposed ZBA for lands severed from 7463 Concession 7.

Infrastructure Services Department:

IS has no comments regarding this ZBA.

Windsor Police Services:

The Windsor Police Service has no concerns or objections to the proposed Zoning By-law amendment being requested, as the outcome from this will not inhibit effective emergency police incident response access and general police patrolling capability to the subject property or surrounding area.

Fire Department:

Fire has no objection to ZBA -10-22 (Conc 7 S).



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

June 16, 2022

Ms. Tammy Fowkes
Deputy Clerk
Town of Amherstburg
512 Sandwich St South, Amherstburg, ON, N9V 3R2
Tel: 519-736-0012 ext: 2216

Dear Ms. Tammy Fowkes:

RE: Zoning By-Law Amendment ZBA-10-22
7463 CONCESSION 7
ARN 372962000002000; PIN:
Applicant: BAILEY DAVID FREDERICK

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-10-22. This Rezoning application will affect approximately 28.9 hectares of land described as Part of Lot 81, Concession 7, located on the east side of Concession 7, municipally known as the remnant farm parcel retained from a surplus dwelling severance at 7463 Concession 7. This Zoning Amendment, if approved, will rezone the subject lands from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone". The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 7th Concession Road Drain and Bailey Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The municipal drain typically has an unregistered working space, the municipality has the right to use to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

Ms. Tammy Fowkes
June 16, 2022

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

Significant Groundwater Recharge Area (SGRA)

The property is located within a Significant Groundwater Recharge Area (SGRA). There are no associated Significant Drinking Water Threats (SDWTS) or policies with these areas because the municipal water treatment plant does not use groundwater as its supply. However, the proponent should consider the sensitive nature of this natural feature. These areas are at a greater risk for contamination from land use activities. Any future proposed activity on these properties at minimum should not result in increased risk of contamination of the recharge area.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined



Ms. Tammy Fowkes
June 16, 2022

in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

After reviewing the background information provided and the aerial photograph, ERCA has no concerns about this Zoning By-law amendment application.

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction, site alteration, or other activities affected by Section 28 of the Conservation Authorities Act.

Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc



**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-066**

**By-law to amend Zoning By-law No. 1999-52
E/S Concession 7 (Conc 7, Pt Lot 81), Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 52 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

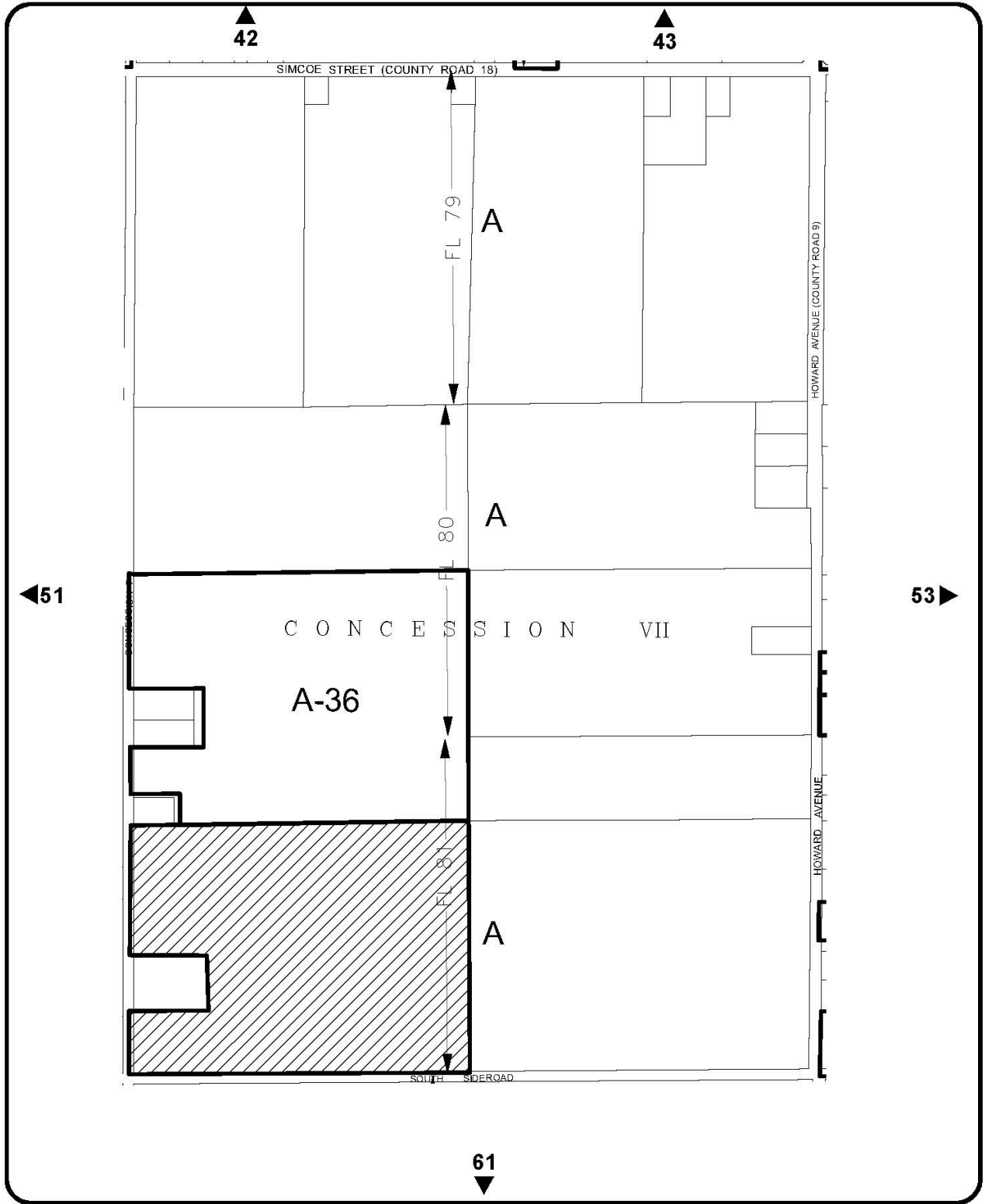
Read a first, second and third time and finally passed this 27th day of June, 2022.

MAYOR- ALDO DICARLO


CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-066
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 52
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Christopher Aspila	Report Date: June 20, 2022
Author's Phone: 519 736-5408 ext. 2124	Date to Council: June 27, 2022
Author's E-mail: caspila@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for 51-57 Sandwich Street South

1. **RECOMMENDATION:**

It is recommended that:

1. Additional comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands located at 51-57 Sandwich Street South (Files OPA #17 and ZBA-11-22), owned by Toad One Inc.. **BE RECEIVED and brought back to a future Council meeting with any additional comments and a staff recommendations.**

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

The Town is in receipt of an application for an Official Plan Amendment and Zoning By-law Amendment to By-law 1999-52 from Toad One Inc. The lands are located at 51-57 Sandwich Street N.

The Town's Official Plan currently designates the subject lands General Commercial. The Town's Zoning By-law currently zones the subject lands Residential Office (RO). The purpose of the application is to establish a site-specific Official Plan Amendment with a concurrent site-specific Zoning By-law Amendment to allow:

1. A drive-through restaurant as a permitted use;

2. A reduction in the minimum interior side yard width for buildings and structures associated with a drive through abutting a residential use;
3. A reduction in the minimum rear yard depth;
4. A reduction in the minimum width of a landscaped planting strip abutting a residential interior side yard;
5. An outdoor patio associated with a restaurant as a permitted use on lands adjoining a residential zone; and
6. All other building requirements for the commercial and mixed use building to be in accordance with the requirements of the Commercial General (CG) zone.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law 1999-52
3. Relevant legislation – Planning Act
4. The contents of the Application submitted, and all supporting reports and studies completed by the Applicant including:
 - i) Planning Justification Report (Appendix “A”)
 - ii) Traffic Study (Appendix “B”)
 - iii) Storm Water Management Report (Appendix “C”)

(Note: an administrative discussion and analysis of the documentation provided by the applicant will be provided as part of the subsequent report to Council)

3. DISCUSSION:

The Official Plan designates the lands as General Commercial. The applicable excerpts from the Official Plan are as follows:

Commercial Land Use Designations

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the

core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas.

General Commercial

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.

Commercial Special Policy Areas

In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town's Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road.

This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg's Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.

Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres

clear stem and head room for pedestrians and cyclists. In addition Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed.

Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.

For lands designated as Special Policy Area 10 on Schedules A and B, Council may restrict the land uses permitted under the Commercial General zoning to prohibit any land use that would involve overnight accommodation, grocery stores, supermarkets, automotive, tire and battery stores and the size of the permitted retail uses. Within this General Commercial designation, Council may restrict the maximum permitted gross floor area of a department store to 8000 square metres (85,000 square feet) until such time as a retail market study is completed. Should a department store be constructed elsewhere within Amherstburg prior to a department store building on this site, no department store will be permitted without justification from a market study. The maximum combined gross floor area of all retail uses shall be 9000 square metres (96,878 square feet). Individual retail uses within this area shall be greater than 250 square metres (2,690 square feet). No supermarket, grocery store or automotive, tire and battery store shall be permitted without supporting justification from a market study. No vehicular access to the site shall be permitted on Brunner Ave. Any closure of roads within this area will be conditional on any non residential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west over the subject lands and not via Brunner Ave.

Notwithstanding Policy 4.4.3 (2), setbacks for buildings may be increased to a maximum of 25 metres.

Prior to the finalization of any site plan for the development of these lands, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of adjoining properties, including Honeywell ASCa Inc., (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for the required accumulation of water on the site. Site plan approval will also require municipal clearance after consultation with the relevant agencies, of archaeological reports, environmental reports and traffic reports.

Section 6.7 of the Town's Official Plan (Planning Impact Analysis requirements) set out what matters need to be considered by Council as part of the review and approval of a zoning by-law amendment application. These matters include:

- (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.

Planning staff will be reviewing all of the comments received from this statutory public meeting, together with comments received at the recent information meeting, and will be assessing all of the studies and reports submitted by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed.

The Town's zoning by-law currently zones the subject lands Residential Office (RO). Within this zone category, the following RO uses are permitted:

- (i) Uses permitted within a Residential Heritage Zone as provided in Section 12 hereto;
- (ii) Professional office;
- (iii) Working room for a tailor, dressmaker and draftsman;
- (iv) Studio for an artist, music teacher, academic tutor and author;
- (v) Public use;
- (vi) Personal service shop (excluding laundry, laundromat, and dry cleaning establishment)²;
- (vii) Existing uses²;
- (viii) Dwelling unit;
- (ix) Medical/dental office;
- (x) Business office;
- (xi) Service office.

Within the RO zone category, the following provisions apply:

(a)	Lot Area (Minimum)	
	Single detached dwelling unit, converted board or rooming dwelling	465 m ²
	(i) Duplex dwelling	560 m ²
	(ii) - Semi-detached dwelling	600 m ²
	- Semi-detached unit	280 m ²
	(iii) - Non-residential uses and residential combination	465 m ²
	- Dwelling unit (Per unit)	185 m ²
(b)	Lot Frontage (Minimum)	
	(i) Single detached dwelling unit, converted board or rooming dwelling	15 m
	(ii) Duplex dwelling	18 m
	(iii) - Semi-detached dwelling	18 m
	- Semi-detached unit	8.5 m
	(iv) - Non-residential uses and residential combination	15 m
(c)	Front Yard Depth (Minimum)	6 m
(d)	Interior Side Yard Width (Minimum)	1.5 m
	provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side	
(e)	Exterior Side Yard Width (Minimum)	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m

- | | | |
|-----|--|-------------------|
| (g) | Lot Coverage (Maximum) | 40% |
| (h) | Landscaped Open Space (Minimum) | 20% |
| (i) | Dwelling Unit Area (Minimum) | |
| | (i) Single detached unit | 75 m ² |
| | (ii) Semi-detached and duplex unit | 65 m ² |
| | (iii) Converted, boarding, or rooming establishment per unit | 30 m ² |
| (j) | Height (Maximum) | 8.5 m |
| (k) | Parking and Loading | |
| | No parking or loading areas shall be located in the front yard | |
| (l) | Non-Residential Permitted Uses Restrictions | |
| | No non-residential use permitted in this Section shall create or become a nuisance in regard to noise, odour, vibration, radiation, traffic generated or parking. | |
| (m) | Replacement | |
| | If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure. | |
| (n) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. | |

The Applicant is requesting that the Official Plan be amended to permit a drive-through restaurant at 51-57 Sandwich Street South. The current zoning regulations that apply to these lands be amended to permit the following:

- (a) A drive-through restaurant as a permitted use;
- (b) A reduction in the minimum interior side yard with for buildings and structures associated with a drive-through abutting a residential use;
- (c) A reduction in the minimum rear yard depth;
- (d) A reduction in the minimum width of a landscaped planting strip abutting a residential interior side yard;
- (e) An outdoor patio associated with a restaurant as a permitted use on lands adjoining a residential zone; and

- (f) All other building requirements for the commercial and mixed use building to be in accordance with the requirements of the Commercial General (CG) zone.

4. **RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

5. **FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant.

6. **CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations

7. **CONCLUSION:**

This report contains information with respect to applicable Official Plan policies and Zoning By-law regulations, as they pertain to the subject Official Plan Amendment and rezoning application.

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Christopher Aspila
Manager, Planning Services

CA

Report Approval Details

Document Title:	Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for 51-57 Sandwich Street South.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Planning Justification Report.pdf- Appendix A-1 - Planning Justification Report Addendum.pdf- Appendix B - Traffic Study.pdf- Appendix C - Storm Water Management Report.pdf- Appendix D - OPA Application Form REDACTED.pdf- Appendix E - ZBA Application Form REDACTED.pdf
Final Approval Date:	Jun 21, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley



DILLON
CONSULTING

TOAD ONE INC.

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

Planning Justification Report

51 & 57 Sandwich Street South, Amherstburg, ON

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1.0 Introduction

1.1 Purpose

Dillon Consulting Limited (Dillon) has been retained by Toad One Inc., herein referred to as the 'Applicant', to assist in obtaining the necessary planning approvals associated with a proposed mixed use infill development located at 51 and 57 Sandwich Street South, southeast of the intersection of Alma Street and Sandwich Street South, in the Town of Amherstburg (Municipality). The Applicant is proposing the redevelopment of the site for a Dairy Queen restaurant with drive-through and a mixed use building.

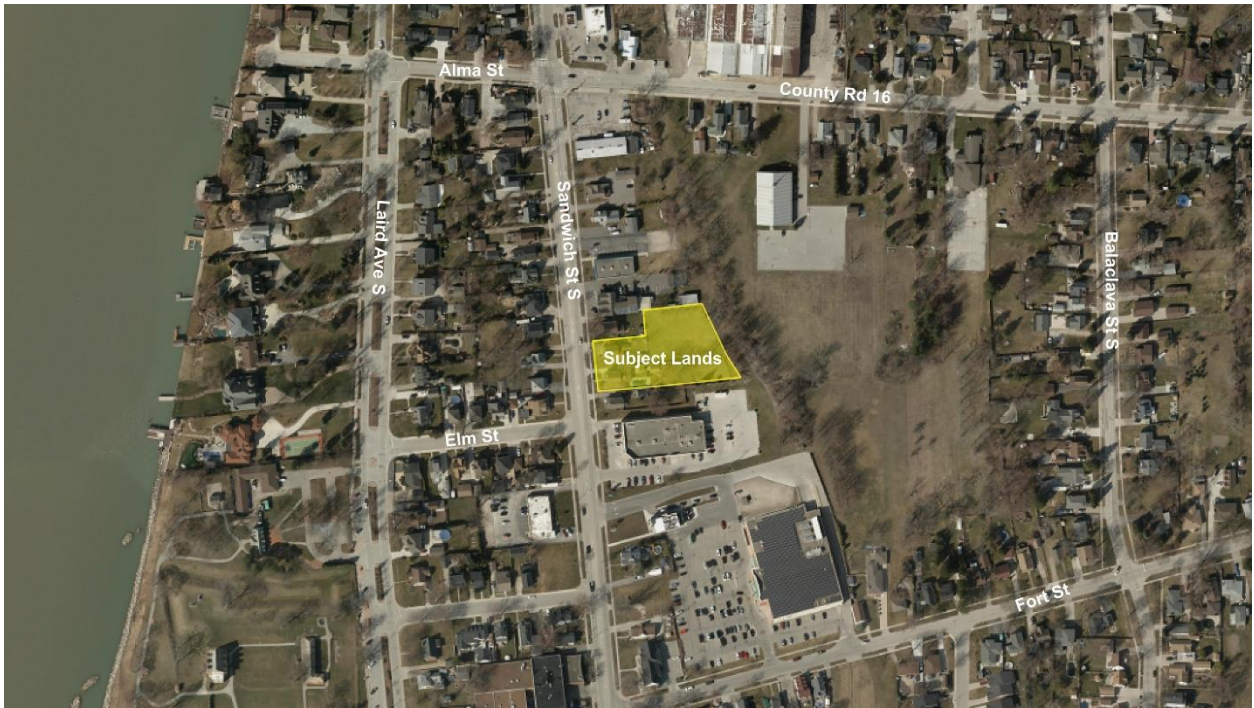


Figure 1: Location Map

The property is designated accordingly in the County of Essex Official Plan, Town of Amherstburg Official Plan, and Zoning By-law 1999-52 as follows:

County of Essex Official Plan: Schedule A2: Settlement Structure Plan

- Primary Settlement Area



Figure 2: County of Essex Official Plan Land Use Designations

Town of Amherstburg Official Plan

- General Commercial

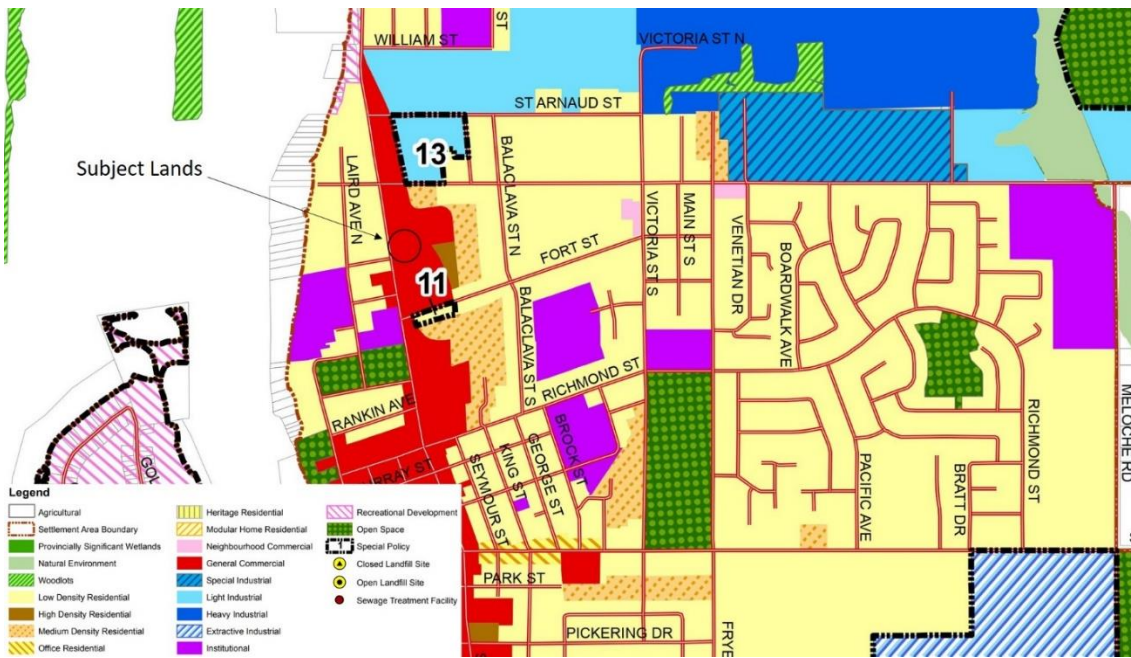


Figure 3: Town of Amherstburg Official Plan Land Use Designations

Town of Amherstburg Zoning By-law 1999-52 – Schedule A: Zoning District Map 9

- Residential Office (RO)

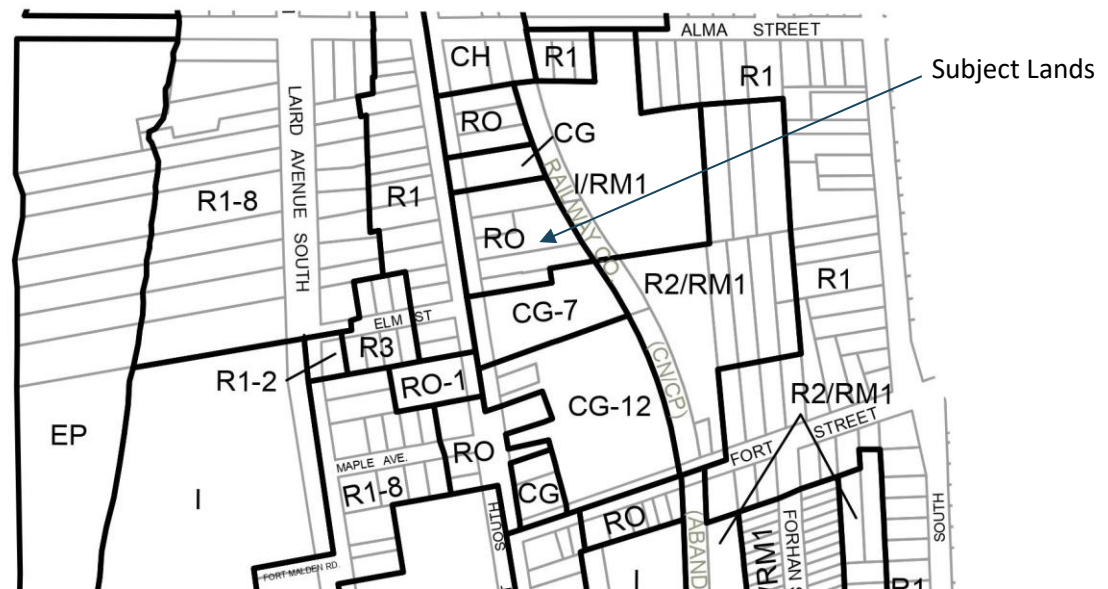


Figure 4: Town of Amherstburg Zoning By-law Designations

In keeping with the policies of the General Commercial land use designation of the Town of Amherstburg Official Plan, the subject site will require an Official Plan Amendment to permit a drive-through due to its location on Sandwich Street South. The subject site will also require a site specific Zoning By-law Amendment to facilitate the proposed development. More specifically, a site specific Commercial General (CG-X) Zone is being sought for the subject site that would include the following:

- A drive-through restaurant as a permitted use;
- A reduction in the minimum interior side yard width for buildings and structures associated with a drive-through abutting a residential use;
- A reduction in the minimum rear yard depth;
- A reduction in the minimum width of a landscaped planting strip abutting a residential interior side yard;
- An outdoor patio associated with a restaurant as a permitted use on lands adjoining a residential zone; and
- All other building requirements for the commercial and mixed use building to be in accordance with the requirements of the Commercial General (CG) zone.

The applicant has submitted Official Plan Amendment and Zoning By-law Amendment applications to this effect (Refer to **Appendix A – Development Applications**).

1.2 Description of Site

The subject site is located on the east side of Sandwich Street South between Alma Street to the north, and Fort Street to the south (refer to **Figure 1.0 - Location Map**). The subject site consists of two (2) parcels of land, legally described as follows:

- PLAN 8 LT 10 AND PART LOT 11, PLAN 6 LOT 18, PLAN 240 PT LOT 3, RP 12R7896 PARTS 3, 4, AND 5, AMHERSTBURG

The total site area under application is approximately 0.42 ha (1.04 acres), having approximately 35.5 m (116.5 ft.) of frontage on Sandwich Street South. The site currently contains two residential dwellings and accessory structures which will be demolished in order to facilitate the development.

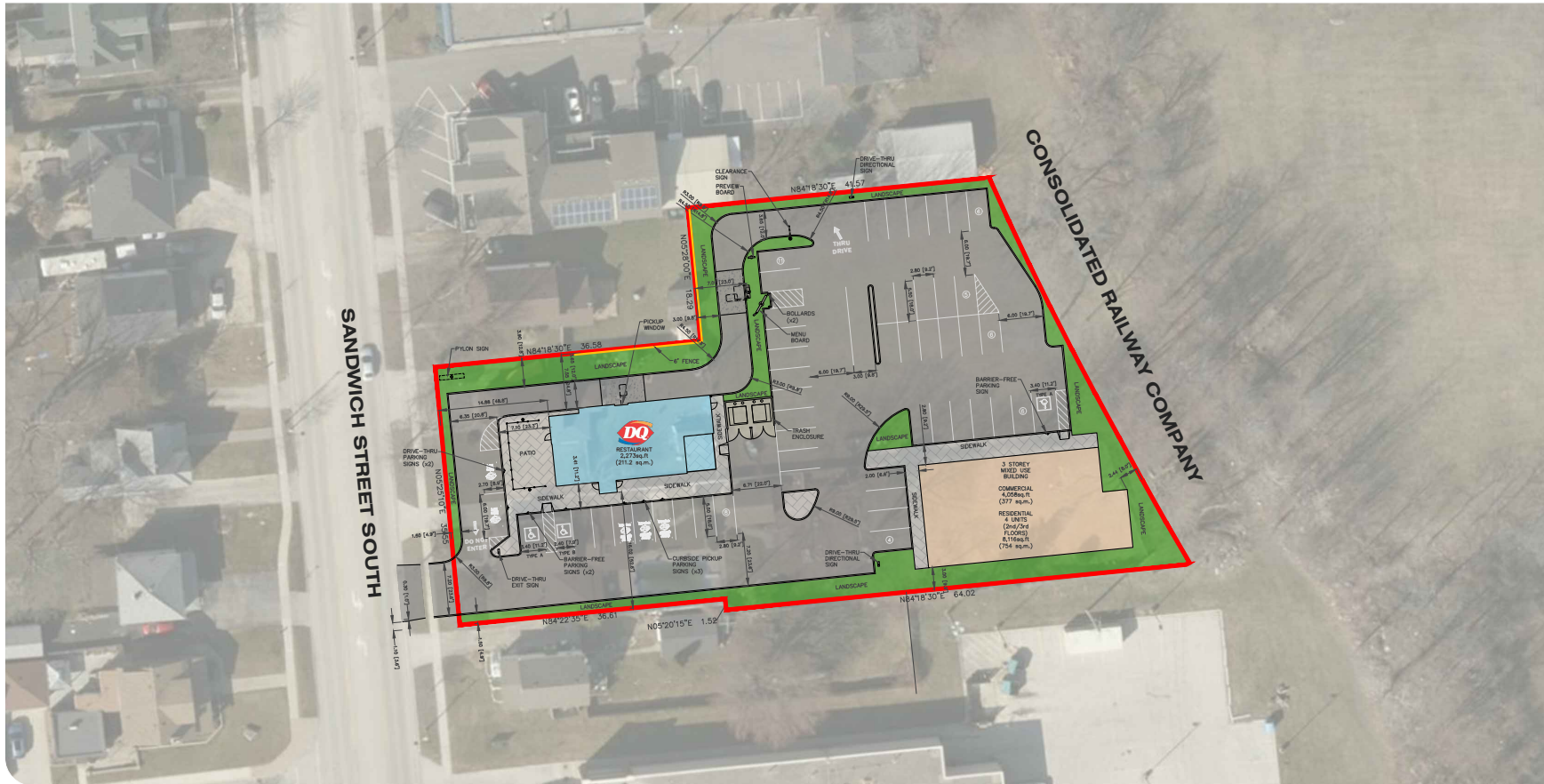
1.3 Proposed Development

The applicant wishes to develop the site for a Dairy Queen (DQ) restaurant and drive-through on the western portion of the site, adjacent to Sandwich Street S (County Road 20). A three-storey mixed-use building is being proposed on the southeast quadrant of the site, with commercial uses on the ground floor, and residential units on the upper two floors.

The restaurant would have a gross floor area (GFA) of 2,273 square feet (211.2 m²) and a drive-through lane that would be able to accommodate ten (10) passenger vehicles. The DQ also features an approximately 50 m² patio at the front of the restaurant. At the rear of subject lands, a new three-storey mixed-use building is envisioned. The ground floor of this building would have a commercial GFA of 4,058 square feet (377.0 m²) while the upper two floors would contain four residential dwelling units. Each of the residential units would be two storeys high.

Forty-six (46) parking spaces are proposed for the site with an additional three (3) parking spaces being designated as barrier-free. Two of these parking spaces would be adjacent to the DQ restaurant while the other is located adjacent to the mixed-use building. In addition, there would be two “pull ahead” parking spaces designated for vehicles utilizing the drive-through, as some vehicles may need to park and standby after placing their order in the case the order is not ready at the pick-up window.

Figure 5.0 – Conceptual Development Plan illustrates the proposed mixed use development.



<p>TOAD ONE INC. 51 & 67 SANDWICH ST. S., AMHERSTBURG, ON</p>	<p> SUBJECT AREA (± 0.42 ha / 1.04 ac)</p>	<p> PROPOSED RESTAURANT WITH DRIVE-THRU</p>	<p> PROPOSED MIXED USE BUILDING</p>	<p> PROPOSED LANDSCAPE</p>	<p> PROPOSED SIDEWALK</p>	<p> PROPOSED FENCE</p>	
<p>MIXED USE DEVELOPMENT CONCEPTUAL DEVELOPMENT PLAN</p>	<p><small>File Location: c:\pwworking\directory\projects\2022\dillon_34\mxdms\13189\dq conceptual development plan.dwg June, 01, 2022, 10:54 AM</small></p>		<p><small>MAPDRAWING INFORMATION Base mapping from County of Essex Interactive Mapping.</small></p>		<p>SCALE 1:500 0 5 10 20m</p>		<p><small>PROJECT: 22-3779 STATUS: FOR SUBMISSION DATE: 22.05.31</small></p>

Figure 5: Conceptual Development Plan

The applications for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) propose to establish a site specific policy in the General Commercial policies of the Official Plan and a site specific zoning to support the restaurant and mixed use development.

The proposed development requires a Zoning By-law Amendment to change the zoning for Residential Office (RO) to a site specific Commercial General (CG) zone to permit the drive-through restaurant and patio. The rezoning will include the addition of these uses, as well as site specific setbacks for the drive-through facilities, a reduction in the minimum widths for planting strips, and a reduction in the minimum rear yard depth. . This site specific zone will include the existing CG provisions for commercial uses. The proposed mixed use building is in accordance with the application requirements. The site will require an Official Plan Amendment to permit the proposed drive-through as it is not permitted due to the location of the subject lands on Sandwich Street South.

The subject site is subject to Site Plan Control Approval, where particular detail will be paid to adequately address buffering, fencing, lighting and façade treatments.

As will be demonstrated in Section 3.0 of this report, the redevelopment of these lands for residential and commercial uses is in keeping with the pertinent regional and local policies, provisions and guidelines of the Provincial Policy Statement, County of Essex Official Plan, Town of Amherstburg Official Plan, and Town of Amherstburg Zoning By-law.

2.0 Existing Land Use

2.1 Subject Site

The physical attributes of the site are as follows:

- A total site area of approximately 0.42 ha (approx. 1.04 acres);
- Two (2) properties fairly flat in nature;
- No significant environmental areas or hazards;
- Frontage on Sandwich Street South; and
- Each property currently contains a residential dwelling and associated accessory structures including a shed and fencing.

2.2 Surrounding Land Use

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

North

- Low Density Residential (single detached dwellings) (RO)
- Commercial uses including:
 - Baker Busch Law Office (RO); and
 - Amherstburg Dental (CG).

East

- Low Density Residential (single detached dwellings) (R1)
- Encounter Church (I/RM1)
- Vacant Medium Density Residential (R2/ RM1)

South

- Low Density Residential (single detached dwellings)(RO)
- Commercial uses including:
 - Rexall Pharmacy(CG-7);
 - M-D Connected Walk-in Clinic (CG-7);
 - Wendy's Restaurant (CG-12); and
 - Sobey's Supermarket (CG-12).

West

- Low Density Residential (single detached dwellings) (R1/R1-8/R3)

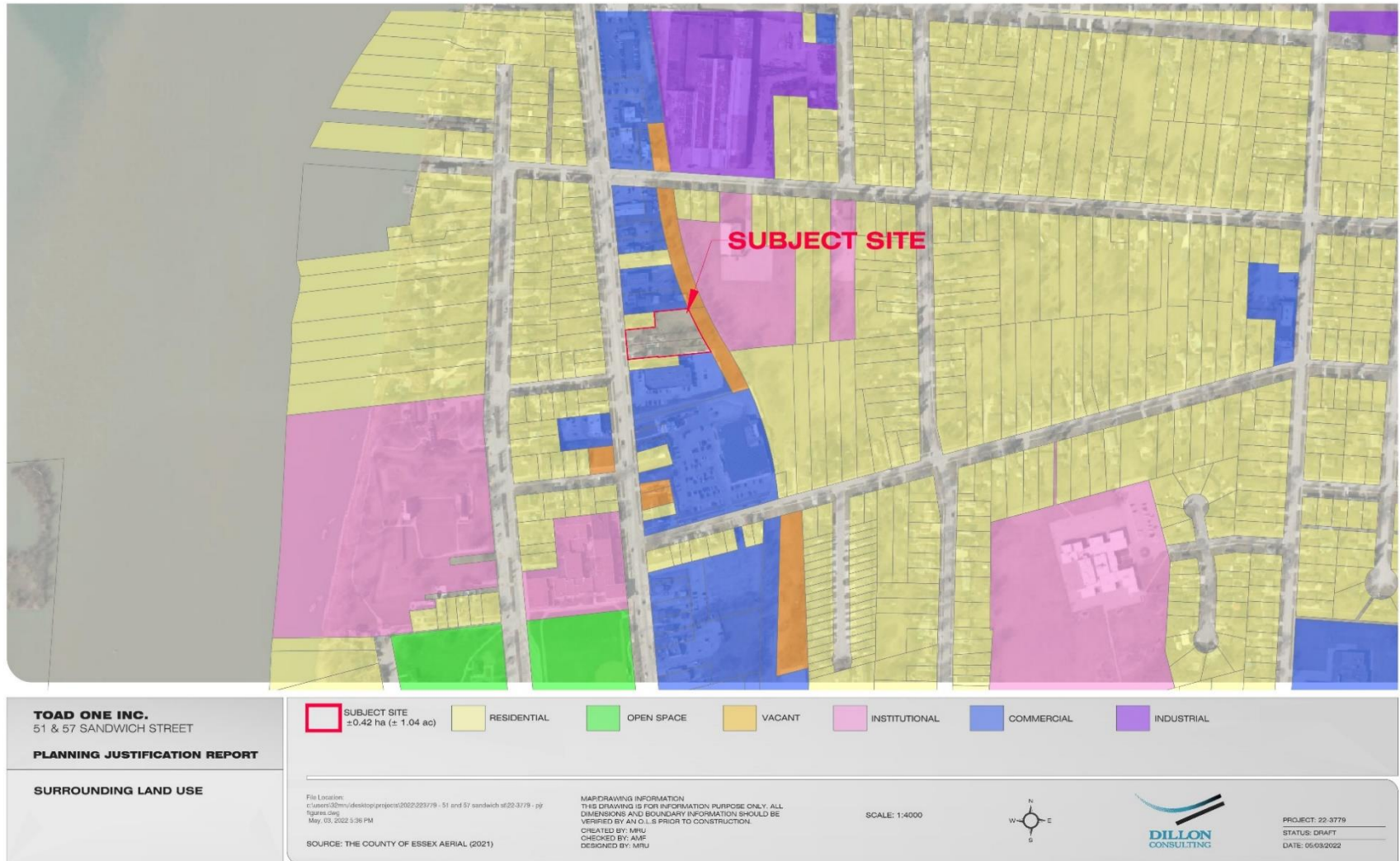


Figure 6: Surrounding Land Uses

3.0 Planning Evaluation

To determine the feasibility and appropriateness of the proposed development, a comprehensive evaluation of the potential planning issues and impacts has been undertaken. The scope and level of detail of the planning evaluation has been based on:

- Provincial Policy Statement 2020;
- County of Essex Official Plan;
- Town of Amherstburg Official Plan;
- Town of Amherstburg Zoning By-law 1999-52; and
- Visual inspections of the site and surrounding lands.

3.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) promotes the development of ‘Strong, Healthy Communities’ through the redevelopment of lands for an appropriate mix of uses. It also promotes the redevelopment and compact form of providing a mix of employment uses for existing and future businesses. 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:

- Section 1.1.1, relating to efficient development and land use patterns;
- Section 1.1.2, relating to land availability;
- Section 1.1.3, relating to settlement areas;
- Section 1.2.6.1 relating to land use compatibility;
- Section 1.3, relating to employment;
- Section 1.4.1, relating to housing;
- Section 1.5, relating to active transportation;
- Section 1.6, relating to infrastructure and public service facilities;
- Section 1.6.6, relating to sewage, water, and stormwater;
- Section 1.6.7, relating to transportation systems;
- Section 1.7, relating to long-term economic prosperity; and
- Section 1.8, relating to energy conservation, air quality and climate change.

These policies are included in [Appendix B](#) and will be referenced throughout the remainder of this report.

3.2 County of Essex Official Plan

The County of Essex is the upper tier municipality for the Town of Amherstburg. The County Official Plan (County OP) contains a holistic set of goals, objectives and policies to manage and direct the growth of

Settlement Areas such as the Town of Amherstburg's urban area. The primary goals of the County OP include:

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

The subject lands are designated Primary Settlement Area in the County of Essex Official Plan. Our analysis suggests that the proposed development is in conformity with the applicable policies of the County OP which include:

Section 1.5, relating to goals for a healthy County;
 Section 2.2, relating to growth management;
 Section 2.5.3, relating to stormwater quality and quantity;
 Section 2.8, relating to transportation;
 Section 2.10, relating to sewage and water systems;
 Section 3.2, relating to Settlement Areas;
 Section 3.2.7, relating to intensification and redevelopment; and
 Section 4.7, relating to site plan control.

The proposed mixed use development is permitted under the Primary Settlement Area designation and does not require a County of Essex Official Plan Amendment. These policies are included in [Appendix C](#) and will be referenced throughout the remainder of this report.

3.3 The Town of Amherstburg Official Plan

The Town of Amherstburg Official Plan sets general directions for the future pattern of development envisioned for the municipality for a twenty year planning period.

The subject lands are currently designated General Commercial in the Official Plan. Section 4.4.2 of the Official Plan provides general policy direction for General Commercial development, which recognizes that it should be directed to appropriate locations. According to the OP, this designation has the following functions:

- To offer goods and services to serve the whole of the municipality's market;
- To provide a broad range of commercial services; and
- To provide complementary services and amenities.

The General Commercial land use policies are designed to promote accessible commercial development through development of a broad range of commercial forms and services including retail commercial

establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores, and residential uses above the first floor. Neighbourhood oriented commercial developments such as the one proposed fit well with the intentions of the Official Plan and can enhance the quality of life in Amherstburg.

Although drive-through restaurants are permitted in the General Commercial designation, the policies in Section 4.4.2 restrict drive-through restaurants to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street. The proposed development is approximately 175 m south of Alma Street, between Alma Street and Fort Street, therefore will require an amendment to the General Commercial designation to permit the drive-through.

Our analysis suggests that the proposed development is otherwise in conformity with the intent of the General Commercial policies and other pertinent policies of the Official Plan which include:

- Section 2.1, relating to land use management and town development;
- Section 2.17, relating to pedestrian access;
- Section 2.19, relating to quality of life;
- Section 4.1, relating to settlement areas;
- Section 4.4.2, relating to General Commercial areas;
- Section 5, relating to the transportation system;
- Section 6.2, relating to the built form;
- Section 6.3, relating to community improvement;
- Section 6.3.3, relating to lighting;
- Section 6.4, relating to heritage conservation;
- Section 6.5, relating to employment opportunities and economic development; and
- Section 7.5, relating to site plan control.

These policies are included in [Appendix D](#) and will be referenced throughout the remainder of this report.

3.4 The 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.

A Zoning By-law Amendment is being requested that would change the zoning of the subject lands from Residential Office (RO) to a site specific Commercial General (CG-X) zone that includes a drive-through restaurant and patio as permitted uses, reduces the minimum rear yard depth, reduces the minimum interior side yard width for buildings and structures associated with a drive-through (abutting a residential use), and reduces the minimum width of a landscaped planting strip abutting a residential interior side yard. All other building requirements for the commercial and mixed use building will be in accordance with the requirements of the Commercial General (CG) zone.

The following outlines the provisions which will be included in the proposed site specific Commercial General (CG) zone:

Provision	Existing CG Zone	Proposed Site Specific CG-X
Permitted Uses	Refer to Appendix E	To include: <ul style="list-style-type: none"> • Restaurant, Drive-Through • An outdoor patio associated with a restaurant shall be permitted on lands adjoining a residential zone class. All other provisions in Section 3(22) shall apply.
Minimum Front Yard	No Minimum except as provided in Section 3(23) thereof; Section 3(26)(a): Sandwich St. Brunner Road to Fort St 25 m; Section 3(26)(b): Exemption in Built-Up Areas - ± 5.5 m	6 m (14.8 m provided)
Minimum Interior Side Yard	No minimum; where the interior side lot line abuts land in a zone other than a Commercial or Institutional Zone, the minimum interior side yard width shall be 7 m.	7.0 m
Minimum Rear Yard	7.5 m	2.0 m (2.44 m provided)
Minimum Setback from Residential Use – Drive-Through (Section 3(26)(f))	10 m	3.0 m
Parking	Restaurant, Drive-Through 1 per 10 m ² , including patio = 26 spaces Retail – 1 per 25 m ² = 15 spaces or Office, Medical/Dental = 1 per 20 m ² = 19 spaces Apartment – 1 per unit = 4 spaces Total = 45 - 49	49 parking spaces (including 3 barrier-free spaces) Plus 2 “pull ahead” standby spaces
Landscape Planting Strip (Section 3(12)(b) Where abutting a Residential Zone)	Abutting Sandwich Street - 1.5m	1.5 m
	Abutting Residential Interior Side Yard (North) – 3.0 m	3.0 m
	Abutting Residential Interior Side Yard (South) – 3.0 m	1.5 m

Table 1: Commercial General (CG) Provisions

The site specific Commercial General zone would provide the proposed development with appropriate setbacks, landscaping requirements and additional uses including a restaurant with a drive-through as well as a patio not currently provided in the CG zone. The proposed additional uses are small scale

neighbourhood uses, similar to the surrounding uses that currently exist and which service the area. The proposed amendment would also bring the scale and intensity of the proposed development more in keeping with the surrounding commercial land uses.

At present, although the Commercial General (CG) zone permits restaurants and 'drive-through facilities', it does not permit 'drive-through restaurants' or restaurants. The applicant is committed to mitigating the potential impacts the drive-through in relation to the neighbouring residential uses, including fencing and landscaping along the property. The drive-through menu board and speaker box have also been located at the rear of the property with a residential use.

Further, an amendment to Section 3(22)(b) (General Provisions) is also required to permit an outdoor patio adjacent to a residential zone. The patio, which is situated at the front of the site, offers Amherstburg residents a $\pm 50 \text{ m}^2$ outdoor dining area. The patio will enhance Sandwich Street South and promote the unique heritage nature of Amherstburg, thus assisting in the proposed site designs' integration into the area.

In addition, Section 3(12)(b)(i) requires a 3.0 m planting strip along the lot line of a property in a Commercial Zone that abuts a Residential Zone. The adjacent property to the south is zoned Residential Office (RO). The proposed development will require a reduction in a portion of the landscaped planting strip along the southern property line to 1.5 m. This reduction is being requested to accommodate the driveway access and overall functionality of the DQ restaurant and drive-through.

The applicant is also requesting that the site specific zoning provisions include a minimum rear yard depth of 2.0 m. As per Section 15(3)(f), the General Commercial (CG) zone requires a minimum rear yard depth of 7.5 m. Although the subject site is abutting a Residential Zone (RM1), the parcel directly behind the development is the abandoned CP/CN Railway. This vacant parcel of land is approximately 20 m in depth. The proposed setback is consistent with the intent of the by-law in that consideration has been given to the distance between the proposed development and to any future residential uses. It is also not anticipated to have an impact on drainage and stormwater management solutions for the development and surrounding area.

The proposed development provides for ten (10) drive-through queuing spaces and forty-nine (49) parking spaces. This includes three (3) barrier-free parking spaces located near the principal building entrances for both the DQ and the mixed use building. The DQ also provides for two (2) additional "pull ahead" parking spaces designated for vehicles utilizing the drive-through, as some vehicles may need to park and standby after placing their order in the case the order is not ready at the pick-up window. The minimum number of parking spaces for the proposed development has assumed a parking ratio of 1 space per 20 m^2 , in order to take into consideration a wide range of retail and office uses (i.e. medical or dental). A retail use would only require 1 space per 25 m^2 . Noting that the number of required parking spaces would vary dependant on the gross floor area (GFA) utilized for either a retail or office use, as proposed, the mixed use development would meet or exceed the parking requirements as provided in Zoning By-law No. 1999-52. In addition, it is anticipated that the commercial, residential, and DQ parking will be utilized at different times due to different peak requirements for the uses. DQ experiences its' most significant numbers in the evenings and later at night. Meanwhile, commercial

uses such as laundromats, bakeries, salons, offices, and retail boutiques see most of their traffic during the day time. This is important to note because it demonstrates that the parking provided can adequately serve the parking needs for the proposed development.

It is our planning opinion that the proposed Zoning By-law Amendment is reasonable for the subject site, facilitates the DQ restaurant that is appropriate and desirable for the area, and is in keeping with the policies of the Official Plan and intent of the Zoning By-law. The value of the development is only further enhanced by the mixed use building at the rear of the site which will bring new retail opportunities and residential units to the market for Amherstburg.

The zoning provisions addressed in this section are included in **Appendix E**, and will be referenced throughout the remainder of this report.

3.5 Planning Analysis and Considerations

Municipalities in Ontario are required under Section 3 of the Planning Act to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The PPS includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns (PPS, 1.1.2). According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, while accommodating a range and mix of housing (PPS, 1.1.1; COP, 1.5; OP, 2.1, 2.19). This proposed development is consistent with these policies by bringing the site and its uses into conformity with the surrounding land uses and by providing housing opportunities to the community. The proposed development improves the utilization of lands by proposing an intensification of land uses that can exist in harmony with the surrounding land uses, and thus creating opportunities for increased municipal taxes and employment (PPS, 1.1.2, 1.3, 1.7).

3.5.1 Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. According to the PPS, settlement areas should be the focus of growth and development and that their regeneration shall be promoted (PPS, 1.1.3, COP, 2.2, 3.2).

The proposed development promotes growth and vitality within the settlement area. It promotes a more dense land use pattern which efficiently uses land and resources, supports active transportation, and is transit-supportive (PPS, 1.5; COP, 2.8, 3.2.7; OP, 4.1). The proposal provides for an opportunity for the intensification of lands and an increase in commercial and residential opportunity (OP, 6.5). The location is appropriate for this type of intensification due to the availability of suitable, existing infrastructure and public service facilities to accommodate projected needs and use of the site. Furthermore, it provides housing among an abundance of amenities including restaurants – on site and beyond, pharmacies, grocery stores, and institutional uses, while also being in close proximity to Dalhousie Street and the waterfront. The proposed development allows for commercial uses that serve the day to day needs of the neighbouring residents in the area. Similar commercial uses are already permitted under the existing zoning (PPS, 1.1.3, 1.6, OP 6.3).

The proposed development is consistent with the Town of Amherstburg's locational criteria policy, as it is located on an arterial road, on full municipal services, adequate community services and open spaces are available, and public transportation is accessible (COP, 2.8; OP, 6.3). The proposal conforms to the development policies of the County of Essex and the Town by supporting practical and efficient land use management strategies and a more compact form of development.

3.5.2 Land Use

The subject site is located on lands designated General Commercial as identified in the Town of Amherstburg Official Plan. The proposed development generally conforms to the General Commercial policies of the OP with the exception of the drive-through component. There is however a Wendy's located just south of the proposed development which also includes a drive-through and patio, and therefore compatible with the surrounding neighbourhood. The proposed land uses do not present any potential adverse effects from odour, noise and other contaminants to the adjacent commercial and residential uses as the applicant intends to mitigate these concerns through site design (PPS 1.2.6.1; 1.7). A fence and landscape buffer is being proposed between the drive-through and the residential property to the north. The drive-through speaker box is also located closer to the rear of the abutting residential property and is setback approximately 7 m from the property line. The proposed uses of a drive-through restaurant, local commercial and residential units will effectively serve the residents of the surrounding area (PPS, 1.1.1). The proposed uses will require an OPA to add the additional use of a drive-through to the General Commercial land use designation.

3.5.3 Housing

The PPS speaks to providing for an appropriate range and mix of housing types and densities in order to meet projected needs of current and future residents (PPS, 1.4.1). The proposed development provides for up to four (4) dwelling units within the mixed use building. As with most communities, the predominant housing option in the Town of Amherstburg is the single detached dwelling. The residential units being proposed will provide additional housing options for empty nesters and aging residents, and can also encourage new families, first-time home buyers, and residents wishing to downsize their existing homes to remain in the community (PPS, 1.4.3).

3.5.4 Transportation System

The PPS encourages developments that promote a dense land use pattern, which minimizes the length and number of vehicle trips and encourages the use of active transportation methods (PPS, 1.6.7, 1.8; COP, 3.2.7). The proposed development will become a destination in close proximity to the County Wide Active Transportation System (CWATS). CWATS provides vast access for various active transportation methods throughout to take advantage of the shorelines and flat terrain. Sandwich Street is considered a bike connection within this trail system, making the proposed site more accessible and a great location for a break for CWATS users. The façade and patio of the development will only serve to enhance the streetscape and there by the pedestrian experience.

There is an existing sidewalk along the east side of Sandwich Street South which provides pedestrian access to the surrounding area. The sidewalk is barrier free and municipally maintained to provide

accessible travel for all residents and pedestrians and will encourage people to walk to school, for work, for travel, exercise, recreation, and social interaction (PPS, 1.6; OP, 2.17, 4.1). The site connects to further existing infrastructure which supports future public transportation, creating a new destination in the town (PPS, 1.6.7; COP, 2.8).

3.5.5 Infrastructure

The proposed development promotes the efficient use and optimization of existing municipal sewage and water services - storm water, run off, and sewage will be handled on site as needed, and will ensure that sewage and water services provided comply with all regulatory requirements and protect human health and the natural environment (PPS, 1.6.6; COP, 1.5, 2.5.3, 2.10). The proposed development will take advantage of existing servicing connections and will not require an extension of municipally owned or operated infrastructure (PPS, 1.6.6; COP, 2.10).

3.5.6 Urban Design

Urban design is a critical component to the success of the proposed development and to its location. The subject lands fall within an area of the Official Plan that is identified as the “gateway to Amherstburg” and has “historic character”. The design of the site and its built components are an opportunity for community improvement and enhancement. The proposed development is compatible with the surrounding land uses in the surrounding area and will fit with the character of the area. In terms of the building façades, the Heritage Planner of Town has been consulted throughout the application process. The applicant will continue to work with DQ and the Town throughout the site plan approval process to finalize the renderings for both the restaurant and the mixed use building that complements the heritage character of the Town (OP 6.4). This will include façade treatments, building materials, and accents.

In addition, proposed landscaping and light fixtures will help enhance the character of the site and allow it to have a more welcoming nature (OP, 2.17, 4.1, 5, 6.2, 6.3, 6.3.3).

The street-facing patio will enhance this site by creating a welcoming, attractive street front. The front lot line will be lined with landscaping and the patio will be found just east of this landscape strip, featuring lighting and a variety of seating. This will create an attractive street facing area for the site but additionally invite pedestrians to gather or rest, encouraging safe, convenient, and direct site access. This additionally creates separation from the street and pushes parking to the rear, further enhancing the streetscape.

Landscaping and screening will also help to blend the development into the existing neighbourhood. These aspects of the development will be addressed more thoroughly during the Site Plan Control approval process.

3.5.7 Site Plan Control

The OP designates the whole of the municipality as a Site Plan Control Area (OP, 7.5). The proposed development is subject to site plan control and will be further reviewed upon approval of the zoning by-

law amendment (COP, 4.7; OP, 7.5). Design guidelines will be adhered to and thoroughly reviewed during the site plan control process, specifically as it relates to heritage design (OP, 6.4.2).

3.5.8 Economic Prosperity

The proposed development promotes opportunities for economic development and investment within the Town of Amherstburg (PPS, 1.7.1). It also optimizes the infrastructure available within the subject site and enhances the vitality of the area by introducing new opportunities for a diversity in housing (PPS, 1.4). By introducing new residential units and approximately 609m² of commercial space to the area, the proposed mixed use development supports the diversification of the Town's economic base. This is meaningful as it helps to maximize the number and types of employment opportunities and to balance economic trends in various sectors in the Town and among its residents (OP 6.5).

3.6 Background Studies

As identified through discussions with the Town of Amherstburg, the following background studies have been prepared in support of the proposed Official Plan and Zoning By-law Amendment applications.

3.6.1 Stormwater Management Report

A Stormwater Management Report was completed by Dillon Consulting Limited, dated April 2022, and provided under separate cover.

3.6.2 Transportation Impact Study

A Transportation Impact Study (TIS) was completed by Dillon Consulting Limited, dated April 2022, and provided under separate cover. The TIS concluded that the study area intersections and the proposed driveway are projected to operate in an acceptable manner through to the 2028 horizon year and that no modifications to off-site infrastructure or traffic control are needed to support this development.

4.0 Conclusions

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

1. The proposed development is consistent with the Provincial Policy Statement for the reasons identified in Section 3.1 of this report.
2. The proposed use is consistent with the policies in the County of Essex Official Plan outlined in Section 3.2 of this report.
3. The proposed use is consistent with the policies in the Town of Amherstburg Official Plan outlined in Section 3.3 of this report.
4. The site is physically suitable and well located to support the proposed commercial and residential uses.
5. The proposed development would be able to co-exist in harmony with the adjacent residential and commercial land uses.
6. The proposed Zoning By-Law Amendment respects land use compatibility and site suitability directives which support healthy, complete neighbourhoods.
7. The design of the development will be done in accordance with the site specific zoning provisions agreed upon with the Town, and will be further reviewed during the Site Plan Control process.
8. The proposed development can add to the vitality of the area while supporting the efficient use of land and existing infrastructure.
9. 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 and Town.
10. The proposed development promotes compact form and intensification; its location will encourage residents to use active transportation, minimizing the number and length of vehicle trips.
11. 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 along Sandwich Street South.
12. The proposed development would provide desirable employment opportunities and support the ability of residents to live and work in their local neighbourhood.



Amy Farkas, MCIP, RPP
Associate



Appendix A

Development Applications

FORM 1 Application No. _____
PLANNING ACT
APPLICATION FOR OFFICIAL PLAN AMENDMENT
TOWN OF AMHERSTBURG

1. Name of approval authority County of Essex
2. Date application received by municipality _____
3. Date application deemed complete by municipality _____
4. Name of registered owner Ross Esposito & Matt Esposito
 Telephone number 519-736-8366
 Address 10 Renaud Street, Amherstburg, ON N9V 4B1
 Email m_esposito17@yahoo.ca; relighting@cogeco.net
- Name of registered owner's solicitor
or authorized agent (if any) Dillon Consulting Limited c/o Amy Farkas
 Telephone number 519-991-2942
 Address 3200 Deziel Drive, Suite 608, Windsor ON
 Email afarkas@dillon.ca

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Location and description of subject land:
 Municipality Amherstburg
- | | |
|--|--|
| Concession No. _____ | Lot(s) No. _____ |
| Registered Plan No. <u>RP 8; RP 6</u>
<u>RP 240</u> | Lot(s) No. <u>Lots 10 & 11; Part Lot 18</u>
<u>Pt Lt 3</u> |
| Reference Plan No. <u>12R-7896</u> | Part(s) No. <u>3,4,5</u> |
| Street Address <u>51 & 57 Sandwich St S</u> | Assessment Roll No. <u>372926000000800</u>
<u>372926000000900</u> |

6. Existing Size of Subject Parcel:
 Frontage 35.5 m Depth Irregular Area ± 4,121 m²
7. Current use of subject land Residential

8. Proposed change to Official Plan land use **designation** affecting subject land:
 Current Official Plan designation General Commercial
 Current land use(s) permitted Includes retail commercial, eating establishments, second storey residential
 Proposed Official Plan designation General Commercial (Site Specific)
 Proposed land use(s) permitted Add Drive-through as a permitted use

Note: If a change in land use designation is proposed, the applicant is to provide a copy of the Map Schedule from the Official Plan with the proposed change and accompanying text indicated thereon.

9. Proposed change to Official Plan land use **policy** affecting subject land:

Existing land use policy to be deleted or amended General Commercial
Section 4.4.2

Land use policy to be added Drive-through restaurant as a permitted use.
Drive-through restaurants are currently not permitted on Sandwich Street S south of
Alma Street.

Purpose of new or amended land use policy To allow the development of a
Dairy Queen restaurant with a drive-through and a patio, in addition to a mixed use
building and associated parking lot on the subject site

New land uses permitted by change in land use policy Drive-through restaurant
permitted on Sandwich Street S, south of Alma Street.

Text of proposed land use policy change being applied for A drive-through
restaurant will be permitted at 51/57 Sandwich Street South.

(use a separate sheet of paper if necessary)

10. Current land use of abutting property:

North Residential dwelling, commercial plaza

South Residential dwelling, commercial plaza, Wendy's with drive-through

East Amherstburg Community Church, vacant residential land

West Low density residential

11. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or establish a new area of settlement in the municipality?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.

12. Type of water supply:

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

13. 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

14. Type of storm drainage:

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

15. Please indicate whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of one of the following:

- an official plan amendment
- a zoning by-law amendment
- a Minister's zoning order amendment
- a minor variance
- a plan of subdivision
- a consent
- a site plan

Please provide the following with respect to the application(s):

File number Concurrent ZBA application; SPC to follow OPA/ZBA approvals

Name of the approval authority _____

Lands affected _____

Purpose _____

Status _____

Effect on the amendment proposed by this application _____

16. 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.

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

- Yes
- No

Comments: Refer to Planning Justification Report

18. 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?

19. 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 City of Windsor this 2nd day of May, 2022.

Amy Farkas

(signature of applicant, solicitor or authorized agent)

I, Amy Farkas of the City of Windsor 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 City of Windsor in the County of Essex this 3rd day of May, 2022.

Amy Farkas

Applicant, Solicitor or Authorized Agent

Melanie Anne Muir

A Commissioner, etc.

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

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

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

51 & 57 Sandwich Street S, Amherstburg

Plan 8 Lots 10 & 11; Plan 6 Part Lot 18; Plan 240 Pt Lt 3; 12R7896 Parts 3,4,5

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

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

Dated at the Town of Amherstburg in the County of Essex, this 3rd day of May, 2022.

Ken Shively
Signature of Witness

[Signature]
Signature of Owner

Ken Shively
Signature of Witness

[Signature]
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.

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 Ross Esposito & Matt Esposito

Telephone number 519-736-8366

Address 10 Renaud Street, Amherstburg, ON N9V 4B1

Email m_esposito17@yahoo.ca; relighting@cogeco.net

Name of registered owner's solicitor or authorized agent (if any) Dillon Consulting Limited, c/o Amy Farkas

Telephone number 519-991-2942

Address 3200 Deziel Drive, Suite 608, Windsor ON

Email afarkas@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:

- 6. Location and description of subject land:

Concession No. _____ Lot(s) No. _____

Registered Plan No. RP 8; RP 6
RP 240 Lot(s) No. Lots 10 & 11; Part lot 18
Pt Lt 3

Reference Plan No. 12R-7896 Part(s) No. 3,4,5

Street Address 51 & 57 Sandwich St S Assessment Roll No. 372926000000800
372926000000900

- 7. Size of subject parcel:

Frontage 35.5 m Depth Irregular Area ± 4,121 m²

- 8. Access to subject parcel:

- Municipal Road
- County Road
- Provincial Highway
- Private Road
- Water

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

- 9. (a) Current Official Plan Land Use designation of subject land General Commercial

(b) Explanation of how application conforms to the Official Plan _____

Concurrent OPA application; Refer to PJR

(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 Residential Office

11. Nature and extent of rezoning requested Rezone to Commercial General

12. Reasons why rezoning is requested Site specific ZBA to permit a drive-through, patio, and reduction in rear yard, landscape buffer, and drive-through setbacks

13. Current use of subject land Residential

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

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 Refer to Planning Justification Report

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:

51 Sandwich St S: Single-detached dwelling; 2 storey; Front ±11.5m; Rear ± 86 m; South ±8.5 m; North ± 3m

51 Sandwich St S: Accessory Structure; Front ±38m; Rear ± 70m; South ± 4 m; North ± 11.5m

57 Sandwich St S: Single-detached dwelling; 2 storey; Front ±13m; Rear ± 86 m; South ± 4m; North ± 11.5m

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

Unknown

18. Date subject land acquired by current registered owner Oct 11, 2018 (51 Sandwich St S)
July 15, 2013 (57 Sandwich St S)

19. Proposed use of subject land Dairy Queen drive-through restaurant and mixed use building

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:

See attached Conceptual Development 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) _____

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:

N/A

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.

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

- Yes
- No

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

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

Yes No

Comments Refer to Planning Justification Report

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

Yes No

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

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

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

Dated at the City of Windsor this 3rd day of May, 2022.



(signature of applicant, solicitor or authorized agent)

I, Amy Farkas of the City of Windsor

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 City of Windsor in the County of Essex this 3rd day of May, 2022.



Applicant, Solicitor or Authorized Agent



A Commissioner, etc.

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

NOTES:

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

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

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

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

51 & 57 Sandwich Street S, Amherstburg

Plan 8 Lots 10 & 11; Plan 6 Part Lot 18; Plan 240 Pt Lt 3; 12R7896 Parts 3,4,5

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

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

Dated at the Town of Amherstburg in the County of Essex, this 3rd day of May, 2022.

Ken Shively
Signature of Witness

[Signature]
Signature of Owner

Ken Shively
Signature of Witness

[Signature]
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.

Appendix B

Provincial Policy Statement Policies

Part V: Policies

1.0 Building Strong Healthy Communities

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

Accordingly:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

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

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

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

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

1.1.3 Settlement Areas

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

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

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

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

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

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

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
 - b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.
- 1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:
- a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
 - b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c) in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and

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

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

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

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

1.1.4 Rural Areas in Municipalities

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

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

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

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

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.

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within *employment areas* planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other *sensitive land uses* that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-*employment areas*.

1.3.2.4 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the *employment area*; and
- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

1.3.2.6 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

1.4 Housing

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

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

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

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

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

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

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

- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

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

1.5.1 Healthy, active communities should be promoted by:

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

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure* and *public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

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

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

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

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

1.6.6 Sewage, Water and Stormwater

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

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

1.6.6.4 Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, *individual on-site sewage services* and *individual on-site water services* may be used for infilling and minor rounding out of existing development.

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

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

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

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

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

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

1.6.6.7 Planning for stormwater management shall:

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

1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

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

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

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

1.6.8 Transportation and Infrastructure Corridors

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

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

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

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

1.6.9 Airports, Rail and Marine Facilities

1.6.9.1 Planning for land uses in the vicinity of *airports, rail facilities* and *marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
- b) *airports, rail facilities* and *marine facilities* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

1.6.10 Waste Management

1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

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.

Appendix C

County of Essex - Official Plan Policies

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

1.3.4 Cultural Heritage

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

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

1.4 PLANNING PERIOD

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

1.5 GOALS FOR A HEALTHY COUNTY

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

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

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

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

SECTION 2 - PLANNING FRAMEWORK & GENERAL POLICIES

2.1 PLANNING CONTEXT

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

2.2 GROWTH MANAGEMENT

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

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

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

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

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

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

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

Table 2: 20 Year Population Projections to 2031

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

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

2.3 MANAGEMENT OF MINERAL RESOURCES

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

policies. Where required by policies in an approved Source Protection Plan, the *local municipalities* shall circulate all *development* applications or proposed land use changes proposing fuel storage, fuel transportation or industrial uses to the Risk Management Official (RMO). Where the Source Protection Plan does not require an RMO notice, the *local municipality* should be satisfied that the proposal will not include activities which would be a *significant* threat in the location proposed.

2.5.2 Groundwater

The protection, conservation and careful management of groundwater resources is necessary to meet both the present and future needs of residents, businesses and the natural environment. As groundwater and aquifer contamination is extremely difficult and costly to rectify, prevention of contamination is the most realistic strategy. Aquifers need to be protected across the County to ensure a clean groundwater supply for private water systems, as well as to provide baseflow for creeks and streams, and water sources for ponds and *wetlands*.

Schedules “C4” and “C5” map the *Highly Vulnerable Aquifers* (HVA) and *Significant Groundwater Recharge Areas* (SGRA) within the County and the following policies apply:

- a) The County will support initiatives of the Ministry of the Environment, the *Conservation Authorities*, the City of Windsor, the Municipality of Chatham-Kent, and other agencies, including the implementation of the Essex Region/Chatham-Kent Regional Groundwater Study in identifying strategies to protect groundwater resources.
- b) *Development* and *site alteration* that may be a *significant* threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no *negative impact* on the HVA or SGRA.
- c) Where a *local municipality* contains *Highly Vulnerable Aquifers* or *Significant Groundwater Recharge Areas*, as part of the update of their Official Plan, an assessment of the appropriate list of permitted uses shall be undertaken to ensure that no *negative impact* will occur on a HVA or SGRA.

2.5.3 Stormwater Quality and Quantity

Stormwater management reports/plans, acceptable to the County, *local municipalities*, local *Conservation Authorities*, and the Ministry of the Environment will generally be required in advance of draft approval of applications involving lot creation and/or *development* or *redevelopment*. Stormwater Management plans and reports must be reviewed and approved by the Ministry of Transportation, for those developments located adjacent to or in the vicinity of a Provincial Highway.

Pre-consultation with the local *Conservation Authorities* and the Ministry of the Environment on matters concerning stormwater management works pursuant to Section 53 of the Ontario Water Resources Act is encouraged. Ministry of the Environment pre-consultation should occur with the Southwestern Region Water Resources Unit, through the Ministry of the Environment Southwestern Regional Environmental Assessment Coordinator, on applications for plans of subdivision, master stormwater management reports, *watershed* and subwatershed plans. The preparation of stormwater management plans on a *watershed* or subwatershed basis is encouraged.

Stormwater management reports and plans shall be prepared in accordance with the 2003 Ministry of the Environment Stormwater Management Guidelines, as amended, and other resource materials.

2.6 HUMAN-MADE HAZARDS

Local Official Plans shall include policies to establish that *development* on, abutting or adjacent to lands affected by former *mineral resource operations* and *petroleum resource operations* will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed. It is the policy of this Plan that contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*. In particular, local Official Plans shall include policies relating to the following for any known human made hazards:

- a) include policy direction relevant for the specific type of hazard known to exist; and
- b) include policy direction for the re-use of contaminated and *hazardous sites* and adjacent lands specifically including:
 - i) the need to document past and present uses prior to the approval of an Official Plan amendment, Zoning By-law amendment, plan of subdivision or condominium and consent;
 - ii) the possible need to restore the site prior to approvals being granted or prior to *development* occurring;
 - iii) the requirement that site restoration is to occur in accordance with Ontario Regulation 153/04 Record of Site Condition – PART XV.1 of the Environmental Protection Act as may be amended from time to time; and
 - iv) where contamination has been identified, the requirement for a letter from the Ministry of the Environment acknowledging receipt of a “Record of Site Condition” prior to *development* approvals being granted.

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.

2.8.1 Roads

This Plan acknowledges the strong relationship between roads, their function, land use and *development*. Schedule “D1” of this Plan identifies Provincial Highways and County Roads.

Provincial Highways are under the jurisdiction of the Ministry of Transportation and are subject to permit control and approval under the Public Transportation and Highway Improvement Act. In addition to all municipal requirements under the Planning Act, Ministry of Transportation permits are required for access to Provincial Highways where permitted and for the construction of buildings, structures and signs in proximity to the Provincial Highways. All applicants proposing new *development* or changes to existing development on lands adjacent to a Provincial Highway are advised to consult with the Ministry of Transportation prior to making formal applications under the Planning Act.

In December 2004, the draft Essex-Windsor Regional Transportation Master Plan was completed. The Plan was prepared using the Master Planning Process from the “Municipal Class Environmental Assessment Process” and was intended to provide a comprehensive regional transportation master plan with policies and implementation strategies that would serve the needs of the region for 20 years. The Plan identified roadway capacity enhancements, evaluated the levels of service, and recommended a new roadway classification system. Unfortunately, the Plan was prepared based on population projections that have not been achieved. As a result, the recommendations contained in the Plan require review and the County intends on updating the Transportation Master Plan, and implementing it by way of a future amendment to this Plan.

When considering matters of land use planning, the County shall:

- a) Take into consideration the need to improve regional traffic flow in the vicinity of the City of Windsor.
- b) Consider whether resources are available to ensure the *transportation system* meets the needs of the road users and the growth policies of the County.
- c) Identify measures to optimize roadway network capacity through roadway access management and intersection optimization.
- d) Identify measures to reduce transportation needs such as managing the appropriate type and scale of growth, the use of alternative transportation choices, and the development of an *active transportation* system.
- e) Strive to minimize conflict between local and non-local traffic by protecting the County Road system depicted on Schedule “D1”. The County shall

discourage new *development* that would adversely impact traffic movement along the County Road system unless road improvements can be undertaken to eliminate the adverse impact. New *development* proposing access onto County Roads outside of “*Settlement Areas*” shall be managed according to the County’s access policies.

- f) Encourage integration of transportation facilities provided by *local municipalities*, adjacent municipalities and the Province.
- g) Review road corridors, in consultation with *local municipalities* and the Province, to determine if a change in classification is necessary. Transfer of road jurisdiction to or from the County shall not require an amendment to this Plan.
- h) Encourage safe, convenient and visually appealing pedestrian facilities, where appropriate, along the Provincial and County Road systems.
- i) Ensure that *development* proposals that are likely to generate *significant* traffic are accompanied by a traffic impact study addressing the potential impact on the Provincial and County Road systems and the surrounding land uses and how to minimize any identified negative impact.
- j) Address the matter of cross boundary traffic with adjacent municipalities and establish a planned network of roads which considers and coordinates the road hierarchy across municipal boundaries.
- k) Maintain a Best Management Practice which establishes required right-of-way widths, setback requirements, access requirements, lighting requirements and other related matters. Noise attenuation measures where deemed necessary should also be established.
- l) While the provision of public transit is encouraged as an alternate means of transportation, this Plan acknowledges that the provision of public transit is a local matter.
- m) Restrict new *development* on private roads to Plans of Condominium.

2.8.1.1 Right-of-Way Widths and Road Widenings

The appropriate right-of-way widths are included in the County’s Best Management Practice documents. The need for road widenings are included in the Transportation Master Plan (which will be updated by amendment to this Plan) as well as being identified in local Official Plans.

Notwithstanding the above, Environmental Assessments have been completed on the following roadways and have identified the need for future widening requirements as follows:

- 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.

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 County's Settlement Structure Plan is contained in Schedule "A2". This Schedule further defines the "Settlement Areas" designation shown on Schedule "A1" as *Primary Settlement Areas* and *Secondary Settlement Areas*.

The "Settlement Areas" contain sufficient land for the County as a whole, and each *local municipality*, to accommodate all employment and residential growth during the planning period to 2031. The Official Plan Review exercise indicates that the County does not have growth projections to support the identification of new or expanded *settlement areas* during the planning period.

3.2.3.1 Local Comprehensive Review

Expansions to the aggregate amount of land within the "Settlement Areas" is not permitted. However, the County encourages each *local municipality* to undertake a Local Comprehensive Review (LCR) of its "Settlement Areas" that would identify the most and least appropriate locations for growth. A LCR is distinguished from a *comprehensive review*, as defined in this Plan and the Provincial Policy Statement.

A LCR may recommend alterations to one or more "Settlement Area" boundary provided such adjustment would maintain or reduce the aggregate amount of land within the "Settlement Areas" in the municipality.

The preparation of a Local Comprehensive Review shall follow, at a minimum, the requirements listed below:

- a) Pre-consult with the County to establish the appropriate methodology, analysis and level of detail to be undertaken to sufficiently qualify the conclusions of the Local Comprehensive Review. The County will recognize methodology established in a local Official Plan dealing with the transfer of a designation, provided the requirements of 3.2.3.1 b) to h) are met.
- b) A LCR may focus on residential or employment land transfer, or both. Where the focus is only on either residential or employment, the LCR shall consider whether there are lands suitable for conversion to a different land use. For example, if the LCR is focused on employment land transfer, then the merits of converting residential lands within the existing "Settlement Areas" to employment should also form part of the LCR.
- c) Compile the aggregate amount of employment and/or residential land, depending on the focus of the review, including vacant, built, *brownfield* and other land within each "Settlement Area".
- d) Identify and assess the extent of primary and secondary constraints to build-out of each "Settlement Area". Primary constraints may include such factors as environmental, hazards, lack of services, soil types, topography and traffic. Secondary constraints may include isolated locations, contamination,

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

3.2.4 Primary Settlement Areas

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

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

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

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

i) Oldcastle Hamlet (Town of Tecumseh)

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

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

3.2.4.1 Policies

The following policies apply to *Primary Settlement Areas*:

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

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

3.2.5 Secondary Settlement Areas

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

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

such as full or partial services or public buildings. These communities do not have public transit, and have few housing options or *public services facilities*.

The majority of *Secondary Settlement Areas* in the County are residential in nature, such as the shoreline areas in the Towns of Essex and Kingsville and the Municipality of Leamington. There are also several employment based *Secondary Settlement Areas* such as Smith Industrial Park in the Town of Amherstburg and Ruthven in the Town of Kingsville. Further still, there are examples of *Secondary Settlement Areas* that contain a mixture of uses such as the Hamlet of Cottam in the Town of Kingsville and the Hamlet of McGregor in the Towns of Amherstburg and Essex.

The County recognizes the diversity among the many different *Secondary Settlements Areas* and accordingly has established the following policy framework that recognizes this diversity:

- a) New *development* will be permitted to the boundaries of the *Secondary Settlement Areas* as shown on Schedule "A2" provided such *development* is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.
- b) The *local municipalities* will be responsible for determining the hierarchy of *Secondary Settlement Areas*.
- c) New *development* is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.
- d) Expansions to the boundaries of a *Secondary Settlement Area* are not permitted. However, the County encourages *local municipalities* to undertake a Local Comprehensive Review in accordance with Section 3.2.3.1 that may result in the reduction of the boundaries in conjunction with the corresponding expansion of a *Primary Settlement Area* boundary. An amendment to this Plan and the local Plan shall be required to alter the boundary of any "*Settlement Area*".
- e) All types of land uses are permitted within the *Secondary Settlement Areas* designation subject to the specific land use policies of the local Official Plans.
- f) In some cases *Secondary Settlement Areas* are unnamed and do not contain the basic elements that comprise a *settlement area* as defined by the PPS. The County encourages *local municipalities* to remove these areas from the land use schedule or permit no new *development*.

- g) *Secondary Settlement Areas*, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:
 - i) They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these *Secondary Settlement Areas*, provided the *Primary Settlement Area(s)* in the municipality remains the focus of growth.
 - ii) New *development* will generally be limited to infilling, *redevelopment* on existing lots of records, and limited *residential intensification*.
 - iii) *Residential intensification*, outside of infilling, shall only occur on full municipal sewage services and municipal water services.

- h) *Secondary Settlement Areas*, or portions thereof, that generally consist of employment uses are subject to the following additional policies:
 - i) Cost effective *development* patterns and those which reduce servicing costs are encouraged.
 - ii) Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
 - iii) New *development* shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.
 - iv) New *development* on private or partial sewage services and water services shall generally be limited to dry industrial uses.
 - v) Local Official Plan policies will ensure the orderly and appropriate development of these areas.

- i) 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.

3.2.6 General Settlement Area Policies

The following policies apply to all “*Settlement Areas*” identified on Schedule “A1” of this Plan:

- a) Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial,

residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections for *local municipalities* are to be in accordance with the population projections contained within this Plan.

- b) The County supports residential *intensification* within *Primary Settlement Areas*.
- c) The County supports the provision of housing which is affordable to *low and moderate income households*.
- d) Local Official Plans are encouraged to establish land requirement needs based on densities which meet the following:
 - i) Efficiently use land, resources, *infrastructure* and *public service facilities*.
 - ii) Avoid the need for unnecessary and/or uneconomical expansion of *infrastructure*.
 - iii) Support the use of public transit where available or where it can be provided in future years.
 - iv) Are appropriate to the type of *sewage and water systems* which are planned or available.
- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the *regional market area* as outlined below:
 - i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification, redevelopment* and if necessary, lands which are *designated and available* as defined by Provincial Policy.
 - ii) Maintaining at all times, where new *development* is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.
 - iii) Permitting and facilitating all forms of housing, including *special needs* housing, required to meet the social, health and well-being requirements of current and future residents.

- 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.

Local municipal Official Plans and implementing Zoning By-laws, will contain detailed policies and provisions relating to *second dwelling units* which generally support their creation, including but not limited to the following:

- i) Areas of the municipality where *second dwelling units* would be inappropriate such as floodprone areas or areas with inadequate servicing.
- ii) Minimum unit size, access and parking requirements.
- iii) Whether *second dwelling units* will be phased into new *developments*, at the time of *development/design/construction*.
- iv) The health and safety requirements for *second dwelling units* to be contained within an accessory structure.
- v) Garden suites.

3.3 AGRICULTURAL

This section contains the general directive, goals and policies for lands designated “Agricultural” on Schedule “A1” of this Plan. The “Agricultural” designation pertains to all of the lands that are not otherwise designated as “*Settlement Areas*” or “Natural Environment”. In addition, the policies in Section 3.4 of this Plan may also pertain to some of the lands designated “Agricultural”.

3.3.1 General Directive

The vision for lands designated “Agricultural” is one which includes a viable agricultural community comprised of many types of agriculture such as cash crop farming, greenhouse farming, orchard farming, vineyard farming, mushroom farming and livestock farming. Essex County offers one of the most complex and technologically advanced agricultural areas in Ontario, and it is the intent of this Plan to protect this important resource for the long-term.

All lands outside of those designated as “*Settlement Areas*” and “Natural Environment” are considered the County’s *prime agricultural area* in accordance with Provincial Policy. The County promotes a diverse, innovative and economically strong agricultural industry and *settlement area* expansions, lot creation and the establishment of new uses will be carefully managed, and where necessary, restricted.

Because this County is rich in natural resources, it is also acknowledged that there is a need to permit other types of land use in the “Agricultural” designation such as the extraction of gas and oil and the extraction of mineral aggregate. These extractive uses are also permitted in accordance with Provincial Policy as interim

Under conditions of approval attached to plans of subdivision or condominium pursuant to the Planning Act, the County shall require that the applicant enter into an agreement with the *local municipality* which may be registered against the title of the subject lands and which shall address such matters as services, financial requirements, County Road facilities, dedication of land for public uses and parks, warning clauses regarding the possibility of having children bussed to schools other than the closest school because of capacity issues, local roads, drainage, grading and landscaping, natural habitat restoration, sidewalks, school bus loading areas and other requirements to implement the provision of this Plan and the local Official Plan.

4.6.2 Condominium Conversions

The County of Essex discourages the conversion of rental units to condominium tenure in order to protect the existing stock of rental and *affordable housing*. The County will consider condominium conversions only where the applicant has demonstrated to the County's and *local municipality's* satisfaction that the supply of rental housing has not been reduced. In assessing applications for condominium conversion, the County shall consider the number of new rental units being constructed, as well as the existing supply of *affordable housing*. The County of Essex shall prepare a procedural manual outlining the process that it will follow for the processing of applications for condominium conversion.

4.6.3 Part Lot Control Exemption By-Laws

The County of Essex shall prepare a procedural manual outlining the process that it will follow for the approval of locally adopted Part Lot Control Exemption By-laws.

4.6.4 Consent To Sever

The County has delegated approval authority for consent applications to the *local municipalities*.

Applications to create lots through the consent to sever process will continue to be the responsibility of *local municipalities* in accordance with the policies contained in local Official Plans which are required to be in conformity with the policies contained herein and Provincial Policy. The County may comment on consent applications particularly those that involve lands abutting County Roads. Consents shall not be granted if the application is contrary to the policies of this Plan or local Official Plans. Appeals may be lodged by the County for approved consent applications that are contrary to the policies of this Plan.

4.7 SITE PLAN CONTROL

This Plan encourages the use of site plan control by *local municipalities*. Provisions for site plan control shall be detailed in the local Official Plans and shall include urban and architectural design guidelines that enhance the development of the *local*

municipality. Those *developments* that propose to obtain access from a County Road are required to consult with the County regarding access requirements, setbacks and possible road improvements.

4.8 MUNICIPAL PLAN (ONE WINDOW) REVIEW

The Ministry of Municipal Affairs and Housing is the approval authority for this Plan and any amendments hereto. The Ministry will be consulted prior to the approval of any Plan or Amendment.

The County of Essex is the approval authority for local Official Plans and amendments, as well as plans of subdivision and condominium, as well as part lot control applications. The *local municipality* and/or the applicant shall consult with the County, and where appropriate, the Ministry of Municipal Affairs and Housing, and appropriate agencies. The County will work with the *local municipality* to facilitate pre-consultation between applicants and the relevant Provincial agencies and the *Conservation Authorities* to ensure that all legislative requirements related to any given *development* proposal are identified and understood at the outset of the planning approval process.

Where this Plan requires an evaluation, demonstration or other action “to the satisfaction of” one or more of the Provincial Ministries, the policy should generally be interpreted to mean that it is the responsibility of the County and/or the Ministry of Municipal Affairs and Housing to ensure consistency with Provincial policies, standards or guidelines.

4.9 PUBLIC, FIRST NATIONS & METIS CONSULTATION

County *Council* and local municipal Councils shall actively encourage meaningful public participation by seeking the opinions and the advice of First Nations, Metis, individuals, and community and stakeholder groups in the on-going task of implementing, monitoring and reviewing this Plan.

County *Council* and the local municipal Councils shall ensure that the public is adequately notified and consulted. The measures utilized to facilitate public participation will be consistent with the scope and nature of the planning matter being addressed. Prior to making decisions related to planning matters, County *Council* and the local municipal Councils will encourage appropriate steps to be taken to resolve conflicting issues associated with the proposal. Where conflicting issues remain unresolved, these issues and the measures taken to respond to these issues shall be identified as part of any planning report prepared. Measures such as peer review and Alternate Dispute Resolution will be used when determined to be appropriate.

Appendix D

Town of Amerstburg – Official Plan Policies

SECTION 2 LAND USE MANAGEMENT STRATEGY FOR DEVELOPMENT

2.1 GENERAL

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

The Town of Amherstburg will endeavour to ensure that:

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

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

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

2.2 LOCATION OF DEVELOPMENT

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

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

of the lands to their prior use, and the estimation of the costs of decommissioning and how this would be funded entirely by the developer, including the determination of securities.

- e) Landscaping plans.
- f) Stormwater management plans.
- g) Emergency management which includes details concerning on-site safety and measures to ensure emergency services personnel are adequately trained.
- h) Preventative maintenance and maintenance plans.

2.15 ACCESSORY USES

Wherever a use is permitted in a land use classification, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted.

2.16 MOBILE HOMES/TRAILERS/GARDEN SUITES

Mobile homes and trailers shall not be permitted except in appropriate designations such as a Modular Home Park designation or a Recreational Commercial designation. Mobile homes used for seasonal farm labour shall be specifically listed as a permitted use in the Agricultural Zones in the Zoning By-law. Mobile homes for other purposes may be permitted by the adoption of temporary use by-laws.

2.17 BARRIER FREE ACCESS

It shall be a policy of this Plan that, in reviewing development applications and when the Town is undertaking public works, serious consideration be given to the creation of a barrier free environment. Encouragement will also be given to design standards that create a safe pedestrian environment.

Barrier free design will be applied to intersection, curb cuts, pedestrian activated signals, public buildings, all new institutional, recreational, commercial, industrial, or multi-unit structures.

The Town will explore ways to eliminate barriers to wheelchairs and mobility aids on public lands and buildings. The Town will encourage developers to provide barrier free developments.

Proposals for the installation of barrier free access involving heritage structures must demonstrate that the alteration will not adversely impact the heritage attributes.

The Town's Zoning By-law will establish standards for the provision of parking spaces for persons with disabilities where the magnitude of the development warrants the provision.

2.18 BROWNFIELDS REDEVELOPMENT POLICIES

The Province of Ontario recently amended Section 28 of the Planning Act. Section 28 allows municipalities to create Community Improvement Areas. The changes to the Act are intended to provide greater flexibility in how a municipality utilizes this Section of the Act when carrying out remedial works or redevelopment projects. The changes have expanded the range of projects and now include the ability to carry out remedial measures to clean up sites with environmental issues.

The Town can provide grants and loans to owners of brownfields to assist in the cost of any clean up. There are a number of sites within the community that could benefit from more flexible community improvement policies. The former General Chemical site, the former SKD site, the former Church and Dwight site, and the former Nexen site could possibly benefit from the new

redevelopment policies.

More detailed policies on how this Official Plan addresses Community Improvement Areas are found in Section 6.3 of this Plan.

2.19 SMART GROWTH POLICIES

The Town of Amherstburg will continue to encourage development and redevelopment that addresses the principles of “Smart Growth”. The Ontario Smart Growth Initiative identified six strategic directions for the Western Zone of Ontario in which Amherstburg is located. The six strategic directions include: identify and invest in a system of service nodes and sectoral networks; protect the natural environment and resources and quality of life through more effective planning, co-ordination and co-operation across the zone; support a strong and viable agricultural sector; facilitate more efficient movement of people, goods and information; ensure a sustainable, reliable and affordable supply of energy and promote a strong and vibrant economy. This Official Plan has incorporated those principles within the Land Use Management Strategy for Development and within the specific Land Use designation policies and Implementation methodologies.

The Town will accommodate projected growth within the defined Settlement Areas and encourage a more efficient use of land and services. The Town also supports revitalization of the downtown and commercial areas of the community while having appropriate and sensitive regard to the heritage features of this community.

Included in the Town’s positive outlook for the commercial areas of the Downtown will be the continued encouragement of residential development on the upper floors of the commercial buildings, the added parking concessions to existing and new development and the promotion of the tourism aspects of the Town.

2.20 BONUSING

As part of the Smart Growth approach and/or Community Improvement Plan directives, development standards may be incorporated into the Zoning By-law to permit increases in the height or density of development, where such development:

- (1) provides a specific type of housing, such as housing for low or moderate income groups, senior citizens or persons with disabilities;
- (2) preserves areas, sites, buildings or structures of cultural heritage value or environmental sensitivity;
- (3) provides additional lands for park or other public recreational purposes over and above that required by the parkland dedication policies of this plan; and/or
- (4) provides additional landscaping, setbacks, greenspace or other elements that enhance streetscape design in core urban areas.

Increased height or density provisions enacted in the Zoning By-law as outlined above shall specify the development standards that would apply where such special provisions are to be permitted. Council may require the provision of executed agreements which include the special provisions.

2.21 DEVELOPMENT ALONG INLAND WATERCOURSES

For those inland watercourses, municipal drains and marshes where engineered floodlines are not available, the municipality in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of such watercourses, municipal drains and marshes into the Zoning By-Law. When determining such setbacks, the municipality shall take into consideration the type of watercourse, bank stability, angle of bank slope, Ontario Regulation 358 of the Environmental Protection Act and other relevant aspects. In evaluating development

SECTION 4 SETTLEMENT AREAS - LAND USE POLICIES

4.1 GENERAL

Section 4 of this Plan deals with the Settlement Areas of the Town of Amherstburg. The land use designations and policies are intended to accommodate the anticipated population increases in a variety of locations, densities, and housing types as well as provide for employment opportunities, economic growth, recreational needs and institutional needs. The Residential Subsections deal with a variety of settlement areas as shown on Schedules “A” and “B”. In addition, there are areas designated for specific land uses such as industrial, commercial and recreational that are single purpose land use areas that are also Settlement Areas for the purpose of the Provincial Policy Statement and this Official Plan. Changes within any Settlement Area from one designation to another will be dealt with as an amendment to the Official Plan. Changes to the boundary of any Settlement Area or an attempt to create a new Settlement Area will be dealt with as required under Section 22(7.1) and Section 22(7.2) of the Planning Act.

The Town will work with the County of Essex to identify targets for intensification, infill and redevelopment and the Plan will be amended to incorporate such targets. (Modification #32)

4.2 RESIDENTIAL USES

4.2.1 General

It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design.

The Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved.

4.2.2 Goals

The following goals are established for the various Residential areas:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- (2) To encourage the development of a greater variety of housing types;
- (3) To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study;
- (4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;
- (5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;
- (6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period as the capacity of the Town's services permit.

Modular Home Residential land may be zoned in separate zoning categories in the implementing Zoning By-Law.

The Modular Home Residential designation located on the north side of County Road 18 (Simcoe Street/Pike Road), as shown on Schedule "A", is also used as a recreational trailer park and recreational camping facility. It is anticipated that over time this facility will be redeveloped into a year-round residential community. If the site redevelops as a year-round residential use:

- (1) density shall not exceed six units per gross hectare;
- (2) buildings will be restricted to two storeys in height;
- (3) development must satisfy the Ministry of the Environment or its designated agent;
- (4) roads shall be built to suitable standard, should the municipality need to assume the roads in the future; and
- (5) the development may be phased, thus permitting the existing recreational trailer park uses to continue.

4.3.7 Residential Special Policy Areas

Certain residential areas exist or may develop that do not fit into an existing designation and may be identified as a Special Policy Area. Special Policy Areas include:

- (1) The lands located at and abutting the former Anderdon Tavern site on the east side of County Road 20, north of Texas Road and south of Middle Side Road and identified as Special Policy Area 9, shall have a dual designation of Neighbourhood Commercial and High Density Residential. Medium and/or Low Density Residential development and/or a hotel shall also be permitted subject to an approved concept plan by Council. Height limitations shall be incorporated into the Zoning By-law. A restaurant (not fast food or drive through) may form part of the permitted uses under the designation if integrated into either a hotel or a Neighbourhood Commercial development. The west side of the site may be used as either low density residential or as a marina associated with the residential development to the east of County Road 20.
- (2) Lands located south of Lowes Side Road on the east side of County Road 20, being the former Boblo Island parking lot and abutting lands and identified as Special Policy Area 12, shall have a dual designation of Medium Density Residential and General Commercial. Development and shall be subject to an approved concept plan by Council.

4.4 COMMERCIAL LAND USE DESIGNATIONS

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas. The general principles to be considered in the development and control of the use of such lands are as follows:

4.4.1 Neighbourhood Commercial

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

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

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

No open storage shall be permitted in Neighbourhood Commercial areas.

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

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

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

4.4.2 General Commercial Areas

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

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 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

storeys. Public participation meetings would be held as part of any site plan reviews for multi-family developments.

Hotels and multi-family residential development within the Sandwich Street corridor (County road 20) of the General Commercial designation may have heights of up to eight storeys.

Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores servicing domestic customers, may locate within the General Commercial designation located on Sandwich Street north of Alma Street or south of Park Street.

Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13, provides the Town of Amherstburg with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law. Section 40 allows the Town to collect money which can then be used to provide municipal parking within the area. Under such a policy the Town may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment. The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from their parking requirements. Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied. See Subsection 6.2.5 for additional policies regarding downtown revitalization for a portion of the General Commercial designation.

When applying the payment in lieu option the Town Council shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law to provide parking. Money received should be placed into a special account and the agreement registered against the land. Payment in lieu will only be considered within the General Commercial land use category. New residential developments should attempt to include all required tenant parking on site, however, the residential standards of the Zoning By-Law may be significantly reduced within the zones applied to the General Commercial area to encourage intensification and redevelopment that is deemed to have a positive impact on the downtown area. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings. Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks and taverns.

Evaluation of a site as suitable for payment in lieu must carefully assess the effect the number of spaces required will have on the feasibility of the development, the availability of parking in the area, the opportunity or viability of ever providing parking in the area and the resulting cumulative effect of applying the payment in lieu policy and whether or not the opportunity to achieve a desirable development can occur without creating a significant parking deficiency. A parking fund shall be established from cash-in-lieu of parking spaces received from Commercial development in the General Commercial Area.

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing Zoning By-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern.

The general location of the General Commercial areas shall be in accordance with Schedules "A" and "B".

Any public works or private redevelopment within the area should take into account the Heritage Policies and Downtown Revitalization Policies of this Plan and should implement any applicable portion.

The General Commercial lands may be placed in separate zoning classifications in the implementing Zoning By-Law.

4.4.3 Commercial Special Policy Areas

Certain commercial areas exist or may develop that do not fit into an existing designation and may be identified as a Special Policy Area. Special Policy Areas include:

- (1) The General Commercial area north and south of Fort Street, and east and west of Sandwich Street, around the intersection of Fort Street and Sandwich Street, has dual designations which shall allow the lands to develop as one or the other designation but not both designations and the appropriate policies of the Official Plan would apply. The specific dual designations of "General Commercial" and, "High Density Residential", "Medium Density Residential", and "Office Residential" are as follows:
 - a) Lands designated General Commercial and fronting on the east side of Sandwich Street and located south of Fort Street and generally north of North Street, shall have a dual designation of General Commercial and High Density Residential and shall have a height restriction of three storeys for the first 60 metres of the site fronting onto Sandwich Street in order to maintain the established streetscape elevations. Commercial land uses shall be restricted to the first floor of any new development;
 - b) The area on the east and west sides of Sandwich Street, between Fort Street and Elm Avenue, has the dual designation of "Office Residential" and "General Commercial". For the lands on the west side of Sandwich Street, the General

Commercial shall not include any uses involving food preparation or places of entertainment and shall be restricted to retail and office-type uses;

- c) The area on the north side of Fort Street to Alma Street, between the abandoned railway line and the rear of the lots on Sandwich Street, has the dual designation of "High Density Residential" and "General Commercial";
- d) The area fronting on the south side of Fort Street, between the abandoned railway line and the rear lots on Sandwich Street, currently designated as "Low Density Residential" and shown as Special Policy Area 11 on Schedules "A" and "B-1", shall also have the dual designation of "Office Residential" and "General Commercial"; and,
- e) The area south of the properties fronting on the south side of Fort Street, between the abandoned railway line and the rear of the lots on Sandwich Street, has the dual designation of "Medium Density Residential" and "General Commercial."

- (2) In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town's Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg's Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.

Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres clear stem and head room for pedestrians and cyclists. In addition Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed. Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.

- (3) Lands located on Dalhousie Street at Rankin and designated as General Commercial will require the provision of perspective drawings to Council's satisfaction prior to any building permits being issued for development or redevelopment of the site and/or buildings in order to ensure preservation of compatibility to the heritage elements of Amherstburg's Richmond/Dalhousie Commercial area. A holding provision may be applied in the Zoning By-law to require such approval of drawings prior to development or redevelopment.
- (4) Lands located south of Lowes Side Road on the east side of County Road 20, being the former Boblo Island parking lot and abutting lands and identified as Special Policy Area 12, shall have a dual designation of Medium Density Residential and General Commercial. Development shall be subject to an approved concept plan by Council.

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.

Planning Act, R.S.O. 1990 c. P.13 and the consent would not result in the creation of a new building lot;

- (7) The consent-granting authority may exercise its powers under Section 53(2) of the Planning Act, R.S.O. 1990 when reviewing the shape, size, etc. of any proposed lot;
- (8) It shall be the Town's policy to require one application fee per new lot created, each right-of-way, lot addition etc. Only one application outlining all the lots to be created, however, need be submitted. Such application shall have a corresponding series of numbers. Further, it shall be the Town's policy to deny consent applications that only remit one fee by applying for a new lot in the middle of an existing lot in an attempt to create three lots with one application;
- (9) When considering consent applications or plans of subdivision, consideration will be given to the following requirements which may be stipulated as a condition of consent or plan of subdivision approval where applicable:
 - a) that a lot levy (including 5 percent of the value of the lot for park purposes or such fee as set from time to time by the Town) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;
 - b) that the applicant enter into an agreement to maintain any drainage facilities servicing the agricultural sector which traverse the property;
 - c) that the applicant enter into an agreement to construct or maintain fences around the proposed lot;
 - d) that the Town's Zoning By-Law be amended to permit the proposed use, if necessary, prior to the stamping of deeds;
 - e) that access to the property is constructed to the satisfaction of the appropriate agency;
 - f) that all new development proposed within fully serviced areas shall be serviced by municipal piped water supply, municipal stormwater management facilities and municipal sanitary sewage facilities;
- (10) *In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size. (Modification #35)*

6.2 POLICIES FOR DOWNTOWN REVITALIZATION

It is the intent of this Plan to encourage the continued viability of the downtown core area. To this end, the following specific policies are set out with respect to future development in the Central Business Area.

6.2.1 Description

- (1) The Central Business Area shall comprise those lands adjacent to Richmond Street, west of Sandwich Street and Dalhousie Street from Rankin to Gore.
- (2) The uses permitted in the Central Business Area shall consist primarily of those general commercial uses described in Section 4.4 hereof, but shall also include some mixed types of residential uses located primarily on the fringe of the Central Business Area.
- (3) The limits of the Central Business Area do not coincide in all cases with those of land use areas. However, distinct and recognizable limits to the Central Business Area will

be achieved where possible by differences in intensity and character between it and adjoining areas.

- (4) The Central Business Area is and shall continue to be characterized by an intensive use of land.

6.2.2 Role and Function

It is the intent of this Plan that the focal point of activity be the Central Business Area which shall continue to be the dominant and most intensive business area in the Town and in the surrounding market area. The Zoning by-law may apply square footage restrictions on uses beyond the Central Business Area in an attempt to encourage smaller retail and office uses to select the Central Business Area over locations on Sandwich Street.

6.2.3 Residential Uses

- (1) Accessory residential uses and limited height apartments may be permitted in those areas designated General Commercial within the Central Business Area.
- (2) Higher density residential development shall be permitted on the periphery of the Central Business Area provided Council is satisfied that such development will not prejudice the future re-development of the Central Business Area and provided the proposed development conforms to all other policies of this Plan with particular reference to Heritage Policies.

6.2.4 Traffic and Parking

- (1) Truck and industrial traffic shall be discouraged in the Central Business Area except where such traffic has business in the downtown area.
- (2) Store owners shall be encouraged to make maximum use of the areas behind their stores for the purposes of both loading and parking.
- (3) Because the Central Business Area is the sector of the Town wherein the volume of pedestrians is the most dense, it shall be designed primarily to serve a pedestrian function and to encourage social interaction.
- (4) Parking facilities within the Central Business Area shall be limited primarily to short-term parking with high turnover, serving shopping and business purposes. Long-term or all day parking facilities, except those developed by private business for their own use, shall be provided on the periphery rather than in the core of the Central Business Area. Where a fee is charged for off-street parking, the rate structure shall generally be such as to render the facility self-supporting. Moreover, rates shall be set so as to discourage all-day parking in the core of the Central Business Area and to encourage long-term parking on the periphery.
- (5) Entrances and exits to off-street parking facilities shall be located so as to minimize interference with street traffic. The frontage on Richmond Street shall not be used for surface off-street parking facilities. The development of pedestrian walkways to parking areas located behind the Richmond Street frontage as well as Murray and Dalhousie Streets, shall be encouraged, as well as ensuring barrier free accessibility and accessible parking spaces.
- (6) The provision of on-site parking shall not be prerequisite for new development in the Central Business Area provided Council is satisfied that undue traffic hazards would not arise.

6.2.5 Downtown Improvement and Revitalization

- (1) It is the intent of this Plan that the progressive features and positive characteristics, which have developed in the Central Business Area, shall be retained and reinforced. Development of vacant sites and redevelopment of existing areas in the Central Business Area shall be encouraged in a comprehensive manner with a view to coordinating individual site designs and providing integrated solutions to pedestrian and vehicular traffic circulation problems. To further these objectives, Council may require that prospective developers of lands in the Central Business Area enter into a Development Agreement with the Municipality under Section 41 of the Planning Act, R.S.O. 1990 c.P.13.
- (2) Although intensification of use will be inherent in most development or redevelopment, it is the intent of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout.
- (3) No open storage shall be permitted in the Central Business Area.
- (4) It is the intent of this Plan that the Central Business Area remain as compact as possible in order to serve the pedestrian most effectively. New development should be planned as an extension of the existing business area and should not be allowed to infiltrate unnecessarily into adjoining residential areas.
- (5) Preference should be granted to the redevelopment of vacant or derelict commercial buildings within the Central Business Area before considering amendments to the Zoning By-Law to permit expansion into adjoining residential areas.
- (6) Council shall endeavour to improve the environment of the Central Business Area by making use of small spaces for such amenities as benches and planting and to improve the design of street lighting and other street furniture.
- (7) Council shall encourage merchants and property owners in the Central Business Area to improve their shop fronts and signs and thereby improve the overall appearance of the downtown area.
- (8) Council shall encourage an adequate standard of building maintenance on all property within the Central Business Area through the enforcement of a maintenance and occupancy standards by-law pursuant to Section 31 of the Planning Act R.S.O. 1990 c.P.13.
- (9) Council shall consider the assembling of land within the Central Business Area as assistance to redevelopment or rehabilitation schemes.
- (10) Council shall have regard to the policies relating to Economic Development that are contained in Section 6.5 of this Plan when considering the improvement and revitalization of the downtown area.

6.3 POLICIES FOR COMMUNITY IMPROVEMENT

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio-economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation, and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

- (1) The principal goals for Community Improvement Area shall be:
 - a) To protect and enhance the quality of the area which the residents value highly;
 - b) To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
 - c) To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
 - d) To urge and assist owners of commercial, industrial and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.
- (2) The specific objectives of a Community Improvement Area shall be:
 - a) To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
 - b) To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;
 - c) To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
 - d) To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
 - e) To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;

- f) To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;
- g) To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- h) To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin "Toddy" Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- i) To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- j) To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- k) To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- (1) There is a deficiency or deterioration² in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- (2) There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, libraries, clinics, cultural facilities.
- (3) That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;
- (4) That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- (5) That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- (6) For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- (7) The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if

² The Engineering Standards for the Town of Amherstburg shall be used as a guide in determining the degree of deterioration and the priorities for improvement.

redeveloped or renovated or developed to another land use could enhance or revitalize the area;

- (8) The overall streetscape or aesthetics of the area are in need of upgrades;
- (9) The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

Implementation of the Community Improvements will occur through;

- (1) implementation of the Property Standards By-Law;
- (2) the support of the local Heritage Conservation committee and the application of Heritage designations;
- (3) the acquisition of lands through Town expenditures;
- (4) the sale of public lands for commercial redevelopment;
- (5) the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise.
- (6) the support of the Business Improvement Area;
- (7) consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- (8) encouragement of private initiatives regarding conservation, rehabilitation, redevelopment and environmental remediation;
- (9) reconsideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- (10) when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.

6.4 POLICIES FOR HERITAGE CONSERVATION

6.4.1 General

The Central Business Area possesses many older structures that warrant preservation and restoration. The intent of this Official Plan is to ensure that the future development strategy for that portion of the Town identified as the Heritage Area be sensitive to the heritage

resource that is present. All new development within the Heritage Area will be carried out in such a manner as to respect the existing historical character while every effort will be made to preserve existing structures, building sites, as well as the overall character and atmosphere within the area.

It shall also be an objective of this Plan to coordinate the preservation, restoration, and utilization of the historical attributes of Amherstburg with comprehensive planning needs in order to benefit the community and posterity.

For the purpose of this Official Plan and any subsequent implementing documents, the term "heritage" shall mean those sites, structures, buildings, and environments which are of historical or architectural significance and interest to the Town of Amherstburg.

6.4.2 Objectives

In order to achieve the desired goal outlined in the preceding Section, the following objectives have been identified.

- (1) To protect, preserve and restore the original architectural detail wherever feasible on those significant buildings having architectural and historical merit within the context of the Town of Amherstburg.
- (2) To protect, preserve and restore the original architectural detail wherever feasible on those buildings contributing towards heritage value of the Town of Amherstburg.
- (3) To encourage the construction of new buildings to be of a design compatible with existing structures and to restrict unsympathetic alteration to buildings that would, by doing so, detract from the character of the Heritage Area.
- (4) To conserve and rehabilitate existing buildings and generally establish an area of stability through the removal of blighting influences, such as incompatible land uses, deteriorated structures and improvements to the streetscape.
- (5) To prevent the demolition, destruction, or inappropriate alteration or use of heritage.
- (6) To encourage appropriate character and uses adjacent to heritage in those areas designated on Schedule "B" as Heritage Residential.
- (7) To develop and encourage creative, appropriate, and economic uses of heritage.
- (8) To seek Legislative powers to enable Council to exercise controls necessary to ensure the preservation of the architectural and historical values of the Town.
- (9) To consider social and community needs in the preservation, restoration, and utilization of heritage.
- (10) To encourage and foster public awareness, participation and involvement in the preservation, restoration and utilization of heritage, including policy formulation.
- (11) To encourage and develop private and public financial resources and techniques in the preservation, restoration, and utilization of heritage.
- (12) To undertake research into the Town's heritage and to identify methods for its preservation, enhancement, and utilization.
- (13) To coordinate heritage policies and programs with the comprehensive planning programs of the Town of Amherstburg.
- (14) To provide for the periodic review and update of heritage policies and programs.
- (15) To foster civic beauty, strengthen the local economy and to promote the use of heritage for the education, pleasure, and welfare of the residents of the Town and of visitors to the Town.

6.4.3 Criteria and Guidelines

A set of criteria has been established for the selection of sites, structures, buildings, areas, and environments of heritage significance. The basis for selection is tied to the historical and architectural development of the Town of Amherstburg. As a minimum, the criteria

found in Ontario Regulation 9/06 of the Ontario Heritage Act, which deals with designations for individual properties under Part IV, must be followed.

6.4.4 Criteria for Heritage Districts - Background

The Town's heritage and planning concerns require special attention for whole areas. A sizeable portion of Amherstburg's heritage properties are not individually significant. Rather it is the unique character of the buildings and street patterns as a whole which is most significant. Series of similar properties group logically to form such areas and contain a unity in their shared character and components. In addition, heritage areas provide reasonable units for effective planning and protection, because of their consistency and manageable size.

It is felt that a focus on areas, as a major direction for heritage programs will result in the most efficient use of resources and the most effective protection of heritage. This focus developed from the conclusion that local municipalities carry the responsibility for restricted area regulation and are best able to provide the framework within which the Town can promote and undertake preservation, restoration and rehabilitation.

A detailed Heritage Conservation District Plan shall be prepared for all areas which are to be designated as Heritage Conservation Districts. This plan shall contain the location, historical, or architectural significance of the area in the development of the community, and justification for the designation of the district and shall provide policies and guidelines for development, redevelopment and alterations..

The area should provide an example of the historical or architectural heritage of the community. The geographical extent of such an area in some cases will not be easily defined and for this reason, the following criteria should be considered by Council and the Amherstburg Heritage Committee when measuring the historical or architectural heritage of a proposed district.

- (1) A significant number of buildings should reflect an aspect of the historical heritage of a community by nature of its historical location and significance of setting.
- (2) A significant number of buildings should exhibit an architectural style of construction which is significant historically or architecturally to the community, Province, or Country.
- (3) The area may contain other notable physical, environmental, and aesthetic characteristics which in themselves do not constitute sufficient grounds for the designation of a district, but which lend support when evaluating the criteria for designation.
- (4) The district may be in an area surrounding several individually designated buildings, sites, and structures, or a more extensive area such as a neighbourhood or several town blocks.
- (5) The boundaries should be clearly differing factors such as changes in land use, building, or environmental character, topography, or traffic corridors.

6.4.5 Criteria for Individual Buildings - Background

Council and the Heritage Committee shall consider the following criteria when evaluating individual buildings for designation under The Ontario Heritage Act. The buildings so designated should interpret the Town's heritage through architectural merit and/or historical association.

- (1) Has the building been associated with the life of an historic personage or has it played a role in an important historic event?
- (2) Does the building embody the distinguishing characteristics of an architectural type recognized for its style or period of construction, or is it a notable example of workmanship by an early master builder, designer, or significant architect? It is not imperative that antiquity alone be the basis for selection, however, it should be an important consideration if other more significant examples have disappeared.
- (3) Does the building or building type have special significance in that it forms an integral component of a particular neighbourhood character within the community?
- (4) The potential for illustrating the heritage value should be such that it will be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated.
- (5) In considering the designation of a building, the extent of the original materials and workmanship remaining should be important to that designation.
- (6) Intangible elements such as feeling, association, and aesthetics shall be considered as important as the physical appearance of the building or structure.
- (7) Architectural character should be considered on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings and the relation of such factors to similar features of the buildings in the immediate surroundings.

6.4.6 Policies

- (1) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural value. Council recognizes that there may be archaeological remnants of prehistoric habitation within the town and important archaeological evidence of historic activities, which would be of value in future conservation of the built environment. Council will, therefore, facilitate survey by government or private agencies should those agencies deem it necessary and will encourage the preservation or rescue excavation of archaeological resources which might be entailed in any future development.
- (2) Council shall identify and maintain a list of possible heritage. This list will be the basis for the preservation, restoration, and utilization of heritage.
- (3) Council will designate and regulate heritage under appropriate legislation, including The Ontario Heritage Act, The Planning Act, and The Municipal Act, whenever deemed feasible.
- (4) Council shall exercise its legislative authority to control the demolition and alteration of heritage. Where Council has through by-laws designated individual buildings or districts under The Ontario Heritage Act, or established an area of Demolition Control under Section 33 of the Planning Act R.S.O. 1990, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by Council.
- (5) Council will establish criteria and guidelines to determine and regulate heritage.
- (6) Council, with the advice and assistance of the Heritage Committee will regulate and guide alterations and additions of heritage.
- (7) Council will regulate vehicular and pedestrian traffic matters which may affect heritage.
- (8) Council will regulate, as appropriate, the character, use and development of the environs surrounding heritage resources to benefit heritage.
- (9) Council will amend its property standards, as appropriate, to meet the needs of heritage.
- (10) If necessary, Council will acquire, restore, and appropriately manage or dispose of heritage on a selective basis.

- (11) It shall be the policy of Council to seek the acquisition of easements on properties of architectural or historical significance in order to assure the preservation of these properties.
- (12) Council will support applications for funds through various senior governmental programs to assist individual property owners with building improvements.
- (13) Council will investigate and evaluate, as appropriate, methods to achieve its heritage objectives.
- (14) Council will consider social and community needs in the preservation, improvement, and utilization of heritage.
- (15) Council will undertake heritage plans and programs in accordance with a system of priorities. In particular, the following will be regarded as priority guidelines for Town programs:
 - a) The protection of heritage areas.
 - b) The stimulation of preservation, restoration, rehabilitation, and utilization of heritage by the public.
 - c) Selective restoration and rehabilitation of heritage by the Town.
- (16) Council will restore, rehabilitate, enhance, and maintain Town owned heritage in fulfilment of the heritage objectives and policies. As feasible, relevant by-laws, programs, and public works undertaken by the Town of Amherstburg will conform to and further the heritage objectives and policies.
- (17) Council will foster the provisions of information and public awareness concerning heritage.
- (18) Realizing that a great deal of cooperation and involvement on the part of the public and business community will be required to implement a heritage program of this magnitude, Council will, wherever feasible, encourage the private and public sectors to promote heritage preservation for the benefit of all citizens of the community and posterity.
- (19) Council shall coordinate its heritage plans and programs with heritage plans and programs of the senior levels of government in an effort to avoid duplication of effort and to reinforce mutual objectives.
- (20) Council will develop and establish heritage plans and programs in co-ordination with Town planning needs and requirements.
- (21) Council will consult with and involve Town residents in heritage planning and programs.
- (22) Council will continually review and update its heritage policies, plans and programs, and will conduct a comprehensive review every five years.
- (23) The construction of new buildings on vacant lots in the heritage areas shall be encouraged and shall be sympathetic in their design to the heritage character of the area.
- (24) Council will investigate, and wherever desirable, take advantage for heritage purposes of special assistance programs offered by the senior levels of government.
- (25) Council will undertake whatever additional research is required on Town-wide, neighbourhood, and specific heritage matters and may adopt specific policies on these matters from time to time upon completion of this research.
- (26) Council will actively encourage senior levels of government to enact legislation and undertake programs to preserve heritage which will further the achievement of the Town's objectives on heritage.

6.4.7 Implementation

- (1) The Ontario Heritage Act
The Town of Amherstburg will, whenever desirable, use the provisions of the Ontario Heritage Act to implement the heritage policies of this Official Plan. The Heritage

Committee established pursuant to the Legislation shall advise and assist Council on all matters specified in the Ontario Heritage Act.

(2) Zoning

Special heritage zones may be established within the Zoning By-Law, to further the achievement of applicable objectives in this Official Plan. In particular, the establishment of heritage zones could enable the Town of Amherstburg to regulate matters such as the use of land, and the height, bulk, density, setback, and exterior design of buildings which are essential to the maintenance of the overall character of unique heritage areas.

Furthermore, heritage zoning regulations will stabilize development which, in turn, will encourage other investment, rehabilitation, and conversion of certain uses to uses which are more compatible with the stated objectives of this Plan. The establishment of heritage zones will endeavour to preserve existing heritage buildings or sites, and discourage their demolition.

(3) Demolition Control

A demolition Control By-Law has been enacted to include heritage, to protect residential properties, and to maintain the character of residential areas. Within the area of demolition control, the demolition of any residential property is prohibited unless Council has issued a Demolition Permit.

(4) Site Plan Control

A Site Plan Control By-Law shall be enacted to require an owner of property within a heritage area as a condition of development or redevelopment to enter into an agreement with the Town of Amherstburg. This agreement establishes conditions which shall be met by the property owner with regard to site development or redevelopment, and any other matters (permitted by the Planning Act) which the Town of Amherstburg deems necessary to achieve certain objectives of this Plan.

(5) Minimum Maintenance and Occupancy Standards By-Law

This By-Law will be amended, as appropriate, to provide special provisions for heritage.

(6) Committee of Adjustment

Applications for severances and minor variances to the Zoning By-Law's Heritage Zones will be carefully considered by the Committee of Adjustment and will only be approved where they are desirable to achieve the heritage objectives and policies of this Plan.

(7) Public Acquisition of Land

The Town of Amherstburg will, wherever desirable and economically feasible, purchase or otherwise acquire an interest in land to effect the implementation of the heritage policies of this Plan.

(8) Sign By-law

The Town of Amherstburg shall enact a Signs By-Law to regulate signs in heritage zones. This legislation will allow the Town of Amherstburg to control the visual impact of advertising and sign design and/or placement within the Heritage Area.

- (9) **Planning Act**
The municipal heritage committee will be circulated notices, under regulations of the Planning Act, pertaining to plans of subdivisions, zoning by-laws, holding by-laws and interim control by-laws, if the subject lands includes or adjoins a property or district designated under Part IV or V of the Ontario Heritage Act.
Council shall, when appropriate for specific development proposals, consider increasing height and density of development otherwise permitted by the by-laws to facilitate the retention of heritage resources. These bonusing techniques are as permitted by the Planning Act.
As provided for by Section 28 of the Planning Act, Council may consider community improvement plans and programs for preservation, rehabilitation, renewal and reuse of heritage resources. Community Improvement Plans are described more fully in section 6 of this Plan.

6.5 ECONOMIC DEVELOPMENT

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect. This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

6.5.1 Economic Development Policies

- (1) The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service and commercial sectors upon the Town and its residents.
- (2) The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites, maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town.
- (3) The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability, industrial development and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex and the Windsor-Essex County Development Commission.
- (4) The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development.
- (5) The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes.
- (6) The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures.
- (7) The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism.

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- (7) The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism.

- (8) The Town shall consider participating through financial or other support in County-wide cultural, heritage, convention and recreation activities which support tourism.
- (9) Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion.
- (10) As part of its on-going planning process, the Town will consider the short and long-term, direct and indirect, economic impacts of various types of development.
- (11) In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs.
- (12) The Town shall promote, and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

6.6 HOUSING POLICIES

6.6.1 General

The Town of Amherstburg is concerned about the availability, affordability and appropriateness of the existing and future housing stock of the Town.

The existence of serviced and/or serviceable land can influence the supply and therefore the availability of building lots, and because the mix of housing type can influence issues such as the correct fit between available housing stock to family structures and because lot size can affect the price of the finished home; the Town of Amherstburg has deemed it appropriate to try and influence the development industry and assist in directing it towards supplying the most appropriate mix of housing stock to meet the Town's residential needs.

6.6.2 Housing Objectives

To this end the Town of Amherstburg shall attempt to achieve the following objectives:

- (1) To encourage a broad range of housing types which are suitable for the different age groups, lifestyles, and household structure of existing and future residents.
- (2) To encourage an adequate supply of affordable housing as required by the provincial policy statement on housing.
- (3) To encourage the rehabilitation and maintenance of the existing housing stock.
- (4) To provide housing opportunities for those people in need of specialized care.

6.6.3 Housing Supply

- (1) In order to support the creation of a livable, sustainable community and in keeping with the County of Essex Affordable Housing Action Plan the Town of Amherstburg wishes to ensure that there is an available mix of housing types for all household types, income levels and for persons with special needs. In approving development proposals, the housing needs, both type and tenure, shall be considered for low, medium and high income groups and all age related housing needs and all lifestyle needs of Amherstburg residents.
- (2) The Town shall, where appropriate, inform the public of and encourage the use of federal and provincial housing programs.
- (3) In order to implement the requirements of the policy statement, the Town shall have regard to the County of Essex Municipal Housing Statement. In an effort to reduce the time of processing residential applications has prepared a Procedural Guideline/Development Manual.

structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, and water facilities.

7.5 SITE PLAN CONTROL

- (1) Council may, by by-law, designate areas where Site Plan Control will be in effect as provided in the Planning Act, R.S.O. 1990. The entire Town of Amherstburg, with the exception of land used or proposed for single detached or two family dwellings or for agricultural land uses, is proposed as a Site Plan Control Area and all non-residential structures erected within these areas shall be subject to the policies of this Section. Non agricultural land uses permitted within areas designated Agricultural within the Town are in the proposed Site Plan Control Area. Single detached and two family dwellings within a Heritage Zone may not be exempt from Site Plan Control.
- (2) For the approval of developments proposed in the Site Plan Control Area, Council may require plans showing the location of buildings, structures and facilities to be developed in order to ensure that such plans meet the objectives stated below. Council may require drawings showing plan, elevation and cross-section views for each building to be erected.
- (3) The overall objective of Site Plan Control is to improve the efficiency of land use and servicing, to protect adjacent land use and to encourage a more attractive form of development by:
 - a) Improving the treatment of site plan details to maintain a consistent municipal standard in the proposed Site Plan Control Area;
 - b) Ensuring the safety and efficiency of vehicular and pedestrian access;
 - c) Minimizing land use incompatibility between new and existing development and ensure any identified mitigation measures required by the Town are maintained;
 - d) Providing functional and attractive on-site facilities such as landscaping and lighting;
 - e) Controlling the placement and provision of required services such as driveways, parking, loading facilities and garbage collection;
 - f) Securing easements to provide for public utilities and site drainage;
 - g) Ensuring that the development proposed is built and maintained as approved by Council.
- (4) In order to achieve these objectives, Site Plan Control will address such matters as the location of buildings and structures, proposed road widenings, location of access points, off-street parking and loading facilities, pedestrian circulation, lighting, landscaping, garbage storage facilities, private and common outdoor areas, easements over and grading of the lands, provision of the disposal of storm, surface and waste water from the site and such matters as may be appropriate in each case. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.
- (5) Site Plan Control may be used by the Town to secure property for proposed road widenings without compensation to the landowner and also to provide for the general improvement of intersections through the acquisition of daylight triangles. In cases that existing uses or topographical features do not allow for equal widenings of both sides of a roadway, a side being measured from the centreline of the road outwards, then only one-half of the total widening shall be taken under Site Plan Control and the remainder shall be obtained by other means.

7.6 INTERIM CONTROL BY-LAW

An Interim Control By-Law may be used by the Town to restrict development in areas subject to certain studies such as servicing feasibility studies, parkland feasibility studies, etc.

Appendix E

Town of Amherstburg – Zoning By-law

(12) LANDSCAPING

(a) LANDSCAPED OPEN SPACE

Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:

- (i) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural use or permitted outdoor storage areas shall be maintained as landscaped open space.
- (ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.
- (iii) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
- (iv) No part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot

(b) PLANTING STRIPS

- (i) Where the lot line of a lot containing a non-residential use and located in a Commercial Zone or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then that part of the lot containing such non-residential use or directly adjoining the said lot line shall be used for no purpose other than having a minimum width of 3 metres measured perpendicularly to the said lot line.

- (ii) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any landscaping materials shall be 0.6 metre.
- (iii) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway, in accordance with Paragraph (iii) of Clause (a) of this Subsection, such planting strip shall not be required to extend closer than 1 metre to the edge of such walkway or 2 metres closer to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

(13) LICENCED CANNABIS PRODUCTION FACILITY

The following provisions apply to a Licenced Cannabis Production Facility:

1. A Licenced Cannabis Production Facility shall be subject to the following provisions and only be permitted in the following zones:
 - a. Heavy Industrial (HI)
 - b. Light Industrial (LI)
 - c. Agricultural (A)
2. Facilities shall be located and designed in accordance with Federal regulations to mitigate potential impacts including light emissions, air emissions, odour, and so forth as allowed by Health Canada regulations.
3. The following distance separations shall apply to buildings and structures associated with a Licenced Cannabis Facility:
 - a. No Cannabis Production Facility shall be located closer than 150 m from a residential use; and,

- (i) the front yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet for produce grown on the said lot; or
- (ii) a lot containing a single dwelling, for a special temporary sale, by auction or otherwise, of personal possessions belonging to the occupants thereof.

(22) OUTDOOR PATIO ASSOCIATED WITH A RESTAURANT

Notwithstanding any other provisions of this By-law, the following shall apply to an outdoor patio associated with a permitted restaurant:

(a) CAPACITY

No outdoor patio shall accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.

(b) LOCATION

- (i) No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.
- (ii) Notwithstanding the provisions of paragraph (i), where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard.
- (iii) No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.

(c) LIGHTING

Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets.

(d) LOADING

Notwithstanding Subsection (14), no loading space shall be required for an outdoor patio restaurant.

(e) ENTERTAINMENT

No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted.

(f) PARKING

Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as for restaurants.

(23) PARKING REGULATIONS

(a) PARKING SPACES REQUIRED

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of this Subsection, shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection. In addition to the parking spaces required by Section 3(21)(b) and 3(21)(c) where the parking requirement for any use is in excess of twenty (20) spaces, one (1) space out of the first twenty (20) spaces required and one additional space out of each additional one hundred (100) spaces or portion thereof, shall be provided near and accessible to the building and clearly marked for the parking of vehicles used by the physically handicapped person or persons. Parking spaces for the physically handicapped shall have a minimum width of 3.7 metres and a minimum length of 6.0 metres.

(b) PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (MINIMA)

(i)	Apartment Building	1 per unit
(ii)	Boarding Dwelling	0.33 per unit
(iii)	Boarding House	See Lodging House
(iv)	Converted Dwelling	1 per unit
(v)	Duplex	1 per unit

(vi)	Fourplex	1.5 per unit
(vii)	Group Home	2 spaces
(viii)	Lodging House	0.33 per unit
(ix)	Mobile Home	1 per unit
(x)	Rooming Dwelling	0.33 per unit
(xi)	Rooming House	See Lodging House
(xii)	Rowhouse	1 per unit
(xiii)	Semi-Detached Dwelling	2 per unit
(xiv)	Single Detached	2 per unit
(xv)	Special Needs Apartment Building	0.25 per unit
(xvi)	Street Rowhouse	2 per unit
(xvii)	Triplex	1 per unit

(c) PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES (MINIMA)

Agricultural Service Establishment	1 per 30 m ² (323 sq. ft.)
Agricultural Supply Establishment	1 per 30 m ² (323 sq. ft.) for retail showroom, plus 1 per 200 m ² 2,153 sq. ft.) for warehousing/ wholesaling
Amusement Game Establishment	1 per 25 m ² (269 sq. ft.)
Animal Hospital	1 per 45 m ² (484 sq. ft.)
Arena (No Seats)	1 per 35 m ² (376 sq. ft.)
Arena (With Seats)	1 per 8 seats
Art Gallery	1 per 50 ² (538 sq. ft.)
Assembly Hall	1 per 8 seats or

	1 per 35 m ² (376 sq. ft.) whichever is greater
Auction Establishment	1 per 30 m ² (323 sq. ft.)
Auditorium	1 per 8 seats
Automobile Rental Establishment	1 per 25 m ² (269 sq. ft.)
Automobile Sales & Service Establishment	See Vehicle Sales and Rental Establishment
Automobile Service Station	6 per bay
Automobile Supply Store	1 per 25 m ² (269 sq. ft.)
Bake Shop	1 per 25 m ² (269 sq. ft.)
Bakery	1 per 100 m ² (1,076 sq. ft.)
Banquet Hall	See Assembly Hall
Body Shop	1 per 30 m ² (323 sq. ft.)
Bowling Alley	See Commercial Recreation Establishment
Building or Contracting Establishment	See Manufacturing Establishment
Building Supply Outlet	1 per 30 m ² (323 sq. ft.) for retail/showroom plus 1 per 200 m ² (2,153 sq. ft.) for warehousing/ wholesaling
Bulk Beverage Establishment	1 per 30 m ² (323 sq. ft.)
Bulk Sales Establishment	1 per 30 m ² (323 sq. ft.)
Business Service Establishment	1 per 50 m ² (538 sq. ft.)
Car Wash	<i>3 queuing spaces in advance of each service bay or area for a manual car wash; 6 queuing</i>

	<i>spaces in advance of each service bay for an automated car wash (By-law 2006-61)</i>
Catalogue Store	See Retail Store
Caterer's Establishment	1 per 200 m ² (2,153 sq. ft.)
Chronic Care Facility	See Nursing Home
Church	See Place of Worship
Cinema	See Auditorium
Clinic and Outpatient Clinic	1 per 20 m ² (215 sq. ft.)
Commercial Outdoor Recreation Facility	1 per 1000 m ² (10,764 sq. ft.)
Commercial Recreation Establishment	1 per 30 m ² (323 sq. ft.)
Commercial School	See School
Commercial Storage Unit	1 per 200 m ² (2,153 sq. ft.)
Community Centre and Hall	1 per 8 seats or 1 per 35 m ² (376 sq. ft.) whichever is greater
Continuum-of-Care Facility	See Appropriate Components as Proportioned
Convenience Store	See Variety Store
Data Processing Establishment	1 per 40 m ² (430 sq. ft.)
Day Care	1 per 40 m ² (430 sq. ft.)
Department Store	1 per 30 m ² (323 sq. ft.)
<i>Drive-Through Facility</i>	<i>3 queuing spaces in advance of each drive-through window or service outlet (By-law 2006-61)</i>

Driving Range (Golf)	1.5 per tee
Drug Store	See Pharmacy
Dry Cleaning and Laundry Depot	1 per 25 m ² (269 sq. ft.)
Dry Cleaning and Laundry Plant	1 per 200 m ² (2,153 sq. ft.)
Dry Cleaning Establishment	1 per 50 m ² (538 sq. ft.)
Duplicating Shop	1 per 25 m ² (269 sq. ft.)
Electrical and Electronic Products	See Manufacturing Establishment
Emergency Care Establishment	1 per 40 m ² (430 sq. ft.)
Film Processing Depot	1 per 25 m ² (269 sq. ft.)
Financial Institution	1 per 30 m ² (323 sq. ft.)
Fire Station	1 per 1.5 employees
Florist Shop	See Retail Store
Food Store	1 per 25 m ² (269 sq. ft.)
Food, Tobacco and Beverage Processing	See Manufacturing Establishment
Funeral Home	Greater of 1 per 20 m ² (215 sq. ft.) or 20 spaces
Gallery	See Art Gallery
Gas Bar	3 spaces
General Offices	1 per 40 m ² (430 sq. ft.)
Grocery Store	See Food Store
Hardware Store	1 per 25 m ² (269 sq. ft.)

Home and Auto Supply Store	1 per 25 m ² (269 sq. ft.)
Home Appliance Store	1 per 30 m ² (323 sq. ft.)
Home Decorating Store	1 per 30 m ² (323 sq. ft.)
Home Furnishings Store	1 per 30 m ² (323 sq. ft.)
Home Improvement Store	1 per 30 m ² (323 sq. ft.)
Homes for the Aged	See Rest Home
Hospital	1.25 per bed
Hotel	1.25 per unit
Industrial and Agricultural Equipment and Service	1 per 30 m ² (323 sq. ft.)
Kennel	1 per 25 m ² (269 sq. ft.)
Laboratory	1 per 45 m ² (484 sq. ft.)
Laundromat/Laundry	1 per 25 m ² (269 sq. ft.)
Library	1 per 50 m ² (538 sq. ft.)
Liquor, Beer and Wine Store	1 per 25 m ² (269 sq. ft.)
Manufacturing and Assembly	See Manufacturing Establishment
Manufacturing Establishment	1 per 100 m ² (1,076 sq. ft.)
Marina (Transient)	1 per 10 slips
Marina (Seasonal)	1 per slip
Miniature Golf Course	1 per tee
Motel	1.25 per unit

Museum	1 per 50 m ² (538 sq. ft.)
Music School	1 per 45 m ² (484 sq. ft.)
Nursery and Garden Store	1 per 30 m ² (323 sq. ft.)
Nursing Home	1 per 3 beds
Office, Business, Service and Professional	1 per 40 m ² (430 sq. ft.)
Office, Medical/Dental	1 per 20 m ² (215 sq. ft.)
Office Supply Outlet	See Retail Store
Office, Support	1 per 45 m ² (484 sq. ft.)
Open Storage	1 per hectare (2.5 acres)
Paper and Allied Products Industry	See Manufacturing Establishment
Personal Service Establishment	1 per 20 m ² (215 sq. ft.)
Pharmaceutical and Medical Products Industry	See Manufacturing Establishment
Pharmacy	1 per 25 m ² (269 sq. ft.)
Place of Worship	1 per each 5 persons seating capacity
Police Station	1 per 1.5 employees
Post Office	1 per 30 m ² (323 sq. ft.)
Printing Establishment	1 per 200 m ² (2,153 sq. ft.)
Printing Plant	1 per 100 m ² (1,076 sq. ft.)
Printing, Reproduction and Data Processing Industries	See Manufacturing Establishment

Printing Shop	1 per 100 m ² (1,076 sq. ft.)
Private Club	1 per 20 m ² (215 sq. ft.)
Private Outdoor Recreation Club	1 per 700 m ² (7,535 sq. ft.) of lot area for the first 10 ha (25 ac.), plus 1 per 5000 m ² (53,820 sq. ft.) of lot area over 10 ha (25 ac.)
Processed Goods Industry	See Manufacturing Establishment
Public Hall	See Assembly Hall
Public Recreation Facility	1 per 35 m ² (376 sq. ft.)
Public Use	1 per 45 m ² (484 sq. ft.)
Public Utility	See Public Use
Racquet Facility	2 per court
Raw Materials Processing	See Manufacturing Establishment
Recreational Establishment	1 per 20 m ² (215 sq. ft.)
Repair and Rental Establishment	1 per 20 m ² (215 sq. ft.)
Research and Development Establishment	See Manufacturing Establishment
Resource Extraction Operation	2 spaces
Rest Home	1 per 3 beds
<i>Restaurant, Drive-Through</i>	<i>1 per 10 m² plus 6 queuing spaces in advance of each drive-through window or service outlet (By-law 2006-61)</i>
Restaurant, Eat-In and Outdoor Patio	1 per 15 m ² (161 sq. ft.)

Restaurant, Fast-Food, and Take-Out	1 per 10 m ² (107 sq. ft.)
Restricted Manufacturing and Assembly	See Manufacturing Establishment
Retail Store	1 per 25 m ² (269 sq. ft.)
Retirement Lodge	1 per 3 beds
School, Commercial	1 per 45 m ² (484 sq. ft.)
School, Community College	1 per 100 m ² (1,076 sq. ft.) plus 1 per 15 students
School, Elementary	3 plus 1 per classroom
School, Private	3 per classroom
School, Secondary	3 per classroom
Service and Repair Establishment	1 per 25 m ² (269 sq. ft.)
Service Shop	1 per 25 m ² (269 sq. ft.)
Shopping Centre (Greater than 2000 m ² and with 4 or more individual business establishments)	1 per 30 m ² (323 sq. ft.) Gross Leaseable Floor Area
Stadium	See Auditorium
Storage Depot	See Warehousing
Studio	1 per 45 m ² (484 sq. ft.)
Supermarket	See Food Store
Supervised Residence	1 per 4 residents
Tavern	1 per 6 m ² (65 sq. ft.)
Taxi Establishment	1 per 6 m ² (65 sq. ft.)

(b) LOTS REDUCED BY PUBLIC ACQUISITION

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- (i) no change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said nonconformity; and
- (ii) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

(26) SETBACKS

(a) SPECIAL SETBACK SELECT ROADS

Notwithstanding any other provisions of this By-law, where a building or structure is located adjacent to a road listed below, setbacks shall be provided and maintained for each road as listed below or the front yard depth provision of the appropriate zone, whichever is the greater.

<u>Road</u>	<u>Location</u>	<u>Setback</u>
Sandwich St.	Brunner Road to Fort St	25 m
Sandwich St.	Fort St. to Park St.	11.5 m
Sandwich St.	Park St. to Southern limit of Corporation	30 m
Alma St.	Sandwich St. easterly to Corporation limits	25m

<u>Road</u>	<u>Location</u>	<u>Setback</u>
Simcoe St.	Sandwich St. easterly to Corporation limits	25m
Richmond St.	Seymour St. easterly to Corporation limits	No minimum
Murray St.	Sandwich St. to Dalhousie St.	No minimum
Dalhousie St.	Rankin St. to Park St.	No minimum

Notwithstanding any yard or setback provisions of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than twenty-six (26) metres to the centreline of a County Road and, where a municipal drain running parallel to the direction of the road lies within the road allowance or adjacent to it, the building setback shall be thirty-four (34) metres from the said road centreline on the side containing the municipal drain. This provision does not apply to County Road 20 between Brunner Avenue and Lowe Sideroad.

For all other streets within the Corporation, the front yard depth provision of the zone shall apply.

(b) **EXEMPTION IN BUILT-UP AREAS**

The minimum setback required on a lot that is between two adjacent lots on which are located existing buildings not more than 90 metres apart shall be the average of the established building lines on the said adjacent lots, provided that no setback requirement calculated in accordance with this Clause shall exceed the applicable setbacks required of the appropriate zone provisions.

(c) **SETBACKS FROM LAKE ERIE**

Notwithstanding any other provisions of the By-law to the contrary, no part of any building or structure, other than a fence, hedge or shoreline protection wall, shall be erected in any zone or defined area:

- (i) within thirty (30) metres of the water's edge of Lake Erie where erosion facilities and shore protection works described below have not been constructed;

- (ii) within fifteen (15) metres of the water's side of the erosion facility or the shoreline protective work where adequate erosion facilities and shore protective works as recommended by the Essex Region Conservation Authority or a qualified professional engineer have been constructed.

iii) 1. *Rear Yard Depth*

In addition to the setback requirements in the Subsections above, on any lot that abuts Lake Erie the required rear yard depth shall be the rear yard depth required by the zone regulation applicable to the site, or the established waterfront building line or the setback as determined in the Subsections above, whichever is the greater. For the purpose of this Subsection, established waterfront building line shall be calculated by taking the average depth of the existing main building on the two adjacent lots as measured from the water's edge to the closest exterior wall of the main building and parallel to the front lot line. Where there is an existing building on only one side of the lot, the established waterfront building line will be calculated by taking the average depth of the existing main building on the adjacent lot as measured from the water's edge to the closest exterior wall of the main building and the measurement of 7.5 m for the vacant adjacent lot.

(By-law 2006-61)

2. *Accessory Buildings and Structures*

Notwithstanding Section 3(1) of the General Provisions, no person shall construct an accessory building or structure within the prescribed rear yard limits, except a deck, boat lift, boat well, boat house, dock, steps and/or shoreline protective works, provided that the said facilities are constructed as prescribed in a permit issued by the applicable Conservation Authority in consultation with the Town.

(By-law 2015-114)

(d) SETBACK FROM DETROIT RIVER SHORELINE

Notwithstanding any other provisions of this By-law to the contrary, no part of any building or structure, other than a fence, hedge or shoreline protection work shall hereafter be erected in any zone or defined area:

- (i) within fifteen (15.0) metres of the water's edge of the Detroit River, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works as recommended by the Essex Region Conservation Authority or a qualified professional engineer have **not** been constructed;
- (ii) within eight (8.0) metres plus the depth of the water's edge of the Detroit River, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works as recommended by the Essex Region Conservation Authority or a professional hydrological engineer **have** been constructed; (2019-028)
- (iii) in addition to the setback requirements in the Subsections above, on any lot that abuts the Detroit River, west of County Road 20 (former Highway No. 18), south of County Road 10 and north of Texas Road, the following regulations shall also apply:
 - a) On the north half of part Lot 14 and Part of Lots 15, 16, 17, and 18, Concession 1, no part of any building or structure shall be erected beyond a line measured forty-seven (47) metres from the centreline of County Road 20 road allowance. The General Provision on Yard Encroachment does not apply to this area;
 - b) On the southern half of Part of Lot 14 and Part of Lots 13, 12, 11, and 10, Concession 1, no part of any building or structure shall be erected beyond an established building line. For the purpose of this Section, an established building line shall be drawn from the closest existing single dwelling to the north of the proposed development to the closest existing single dwelling to the south of the proposed development. That part of the existing single dwelling that is to be used when drawing the established building line is that point of each dwelling that is closest to the Detroit River. The General Provisions Section on Yard Encroachments in required yards does not apply to development in this area;

- c) Notwithstanding the section above, on Lot described as Parts 1, 2, 3, and 4 of Registered Plan 12R-6025, Part of Lot 11, Concession 1, no part of any building or structure shall be erected beyond an established building line. For this lot only, the established building line shall be drawn from the existing single dwelling two (2) lots to the north (municipally known as 600 Front Road N) of the subject property to the existing single dwelling to the south of the proposed development. That part of the existing single dwelling that is to be used when drawing the established building line is that point of the foundation of each dwelling that is closest to the shoreline of the Detroit River. The General Provisions Section on Yard Encroachment in required yards does not apply to development on the lot described as Parts 1,2,3, and 4 of Registered Plan 12R-6025, Part of Lot 11, Concession 1;
- d) Nothing in this Section shall apply to the construction of an unenclosed boat dock not greater than one (1) metre above the high water datum.
- (e) SETBACKS FROM INLAND WATERCOURSES AND MUNICIPAL DRAINS

No part of any building or structure, other than a permeable fence, shall hereafter be erected in any zone or defined area closer to an inland watercourse not affected by the Floodplain Development Control Area or an open municipal drain than eight (8.0) metres (26.24 feet) plus the depth of the watercourse or drain to a maximum of fifteen (15) metres (50 feet), from the top of bank, measured horizontally along a line perpendicular to a line drawn along the top of bank, or in the case where a drain may be covered, the minimum setback shall be six (6) metres (20 feet) from the centreline of the drain, except that the minimum setback shall be one and a half (1.5) metres (5 feet) from a covered drain for accessory buildings or structures in Residential zones. (2019-028)

- (f) **CAR WASHES AND DRIVE-THROUGHS - SETBACKS FROM RESIDENTIAL**

Drive-through facilities, drive-through restaurants and car washes, as defined herein, shall be separated from any boundary of a Residential Zone by a minimum distance of 10 metres, measured from the nearest point along the lane providing access to and egress from the drive-through or car wash facility, and any part of the associated buildings or structures

including speakers and menus/display boards, to the nearest point along the Residential Zone boundary.

(By-law 2006-61)

(27) SHIPPING CONTAINERS

The permanent placement of shipping containers as storage containers is prohibited in all areas other than Industrial Zones and Agricultural Zones. For those areas not zoned Industrial or Agricultural, the temporary use of shipping containers for moving purposes or on construction sites will be permitted subject to regulations such as limiting the duration of the temporary placement of a shipping container, specifying setback distance from lot lines to maintain proper spatial separation and safe sight lines, and restricting the number of containers per property and the maximum size of a container.

For Agricultural and Industrial Zones, the use of permanent shipping containers for storage would be allowed subject to the following provisions:

- (i) Permanent Shipping Containers require building permits and shall only be permitted as an accessory use on a lot where a principal use already exists;
- (ii) Shipping Containers shall be used exclusively for storage purposes and not be used for human habitation, home industry, or any occupation or business;
- (iii) The maximum number of shipping containers on any property shall be limited to two (2) unless the shipping containers are used in transportation of goods and materials in which case no maximum shall apply.
- (iv) shall not be used for human habitation, office use, display, advertising, screening or fencing;
- (v) shall only be located in the side yard or rear yard provided it:
 - a) is screened from view if the side yard or rear yard abuts a street or properties zoned other than industrial or agricultural;
 - b) complies with the lot coverage and accessory buildings and setback requirements of the zone;
 - c) is not located in any required parking areas or landscaped areas/buffer;

SECTION 13 RESIDENTIAL OFFICE (RO) ZONE

(1) SCOPE

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

(2) USES PERMITTED

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

- (i) uses permitted within a Residential Heritage Zone as provided in Section 12 hereto;
- (ii) professional office;
- (iii) working room for a tailor, dressmaker and draftsman;
- (iv) studio for an artist, music teacher, academic tutor, and author;
- (v) public use;
- (vi) personal service shop (excluding laundry, laundromat, and dry cleaning establishment)²;
- (vii) existing uses²;
- (viii) dwelling unit;
- (ix) medical/dental office;
- (x) business office;
- (xi) service office.

(3) ZONE REQUIREMENTS

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

- | | | |
|------------------------|--|--------------------|
| (a) Lot Area (Minimum) | | |
| (i) | Single detached dwelling unit, converted board or rooming dwelling | 465 m ² |
| (ii) | Duplex dwelling | 560 m ² |
| (iii) | - Semi-detached dwelling | 600 m ² |
| | - Semi-detached unit | 280 m ² |

² By-Law No. 1772.

(iv)	- Non-residential uses and residential combination - Dwelling unit (Per unit)	465 m ² 185 m ²
(b)	Lot Frontage (Minimum)	
(i)	Single detached dwelling unit, converted board or rooming dwelling	15 m
(ii)	Duplex dwelling	18 m
(iii)	- Semi-detached dwelling - Semi-detached unit	18 m 8.5 m
(iv)	- Non-residential uses and residential combination	15 m
(c)	Front Yard Depth (Minimum)	6 m
(d)	Interior Side Yard Width (Minimum) provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side	1.5 m
(e)	Exterior Side Yard Width (Minimum)	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum)	40%
(h)	Landscaped Open Space (Minimum)	20%
(i)	Dwelling Unit Area (Minimum)	
(i)	Single detached unit	75 m ²
(ii)	Semi-detached and duplex unit	65 m ²
(iii)	Converted, boarding, or rooming establishment per unit	30 m ²
(j)	Height (Maximum)	8.5 m
(k)	Parking and Loading No parking or loading areas shall be located in the front yard	
(l)	Non-Residential Permitted Uses Restrictions No non-residential use permitted in this Section shall create or become a nuisance in regard to noise, odour, vibration, radiation, traffic generated or parking.	

(m) Replacement

If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

(n) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

(a) RO-1 (CLINIC)

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

(i) Uses Permitted

1. a clinic;
2. any use permitted in an RO Zone.

(b) RO-2

Notwithstanding any provisions of this By-law to the contrary, within any area designated RO-2 on Schedule "A" hereto the zone requirements of Section 13(3) shall apply with the exception of Section 13(3)(b)(ii). A permitted non-residential use may occupy up to 100 percent of the total gross floor area of the building.

(c) *RO-3 (193 Simcoe Street)*

Notwithstanding any provisions of this By-law to the contrary, within any area designated RO-3 on Schedule "A" hereto, the requirements of Subsection 13 of this By-law shall apply with the exception of the following special provisions:

(i) *Uses Permitted*

1. *Any use permitted in an RO Zone;*
2. *Day care.*

(ii) *Parking Provision*

Notwithstanding the parking requirements of Section 3(21), the parking requirements for any area zoned RO-3 on Schedule "A"

SECTION 15 COMMERCIAL GENERAL (CG) ZONE

(1) SCOPE

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

(2) USES PERMITTED

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

- (i) amusement game establishment;
- (ii) animal hospital;
- (iii) art gallery;
- (iv) assembly hall;
- (v) bakery shop;
- (vi) catalogue store;
- (vii) cinema;
- (viii) clinic;
- (ix) commercial recreation establishment;
- (x) commercial school;
- (xi) continuum of care facility;
- (xii) data processing establishment;
- (xiii) day care;
- (xiv) department store;
- (xv) *drive through facility; (By-law No. 2012-65)*
- (xvi) dry cleaning or laundry establishment or distribution centre;
- (xvii) dwelling units restricted to above the first floor;
- (xviii) existing place of worship;
- (xix) financial establishment;
- (xx) florist shop;
- (xxi) food store;
- (xxii) funeral home;
- (xxiii) hardware store;
- (xxiv) home and auto supply store;
- (xxv) home appliance store;
- (xxvi) home decorating store;
- (xxvii) home for the aged;
- (xxviii) home furnishing store;
- (xxix) home improvement store;
- (xxx) hotel or motel;

- (xxxi) institutional use;
- (xxxii) laboratory;
- (xxxiii) laundromat;
- (xxxiv) library;
- (xxxv) medical/dental office;
- (xxxvi) merchandise service shop;
- (xxxvii) marina;
- (xxxviii) nursing home;
- (xxxix) office;
- (xl) parking lot;
- (xli) personal service shop;
- (xlii) pharmacy;
- (xliii) place of entertainment;
- (xliv) printing shop;
- (xlv) public use;
- (xlvi) recreational establishment;
- (xlvii) repair and rental establishment;
- (xlviii) restaurant;
- (xlix) restaurant, fast-food;
- (l) retail store;
- (li) retirement lodge;
- (lii) studio
- (liii) supermarket;
- (liv) tavern;
- (lv) theatre;
- (lvi) taxi establishment;
- (lvii) vehicle repair shop;
- (lviii) veterinarian clinic;
- (lix) video rental establishment;
- (lx) wholesale use accessory to a permitted CG use;
- (lxi) any existing automotive use.

(3) ZONE REQUIREMENTS

No person shall within any CG 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) | No minimum |
| (c) | Front Yard Depth (Minimum) | No Minimum
except as pro-
vided in Section
3(23) thereof |

- (d) Interior Side Yard Width (Minimum) No Minimum
provided that where the interior side lot line abuts land in a zone other than a Commercial or Institutional Zone, the minimum interior side yard width shall be 7 m.
- (e) Exterior Side Yard Width (Minimum) No Minimum
- (f) Rear Yard Depth (Minimum) 7.5 m
- (g) Dwelling Unit Area (Minimum) 55 m²
- (h) Height (Maximum) 10 m
(By-law 2012-65)
- (i) Heritage Buildings
If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.
- (j) Open Storage
No open storage of goods, materials or waste shall be permitted.
- (k) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

(a) CG-1 (BUILDING SUPPLIES)

(i) Uses Permitted

1. a building supply yard;
2. any use permitted in the CG Zone.

(b) CG-2 (SUPERMARKET AND ASSOCIATED RETAIL)

Notwithstanding any provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-2 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

- | | | |
|--------|--|-------------------------|
| (i) | Frontage on Sandwich Street | 30 m contiguous |
| (ii) | Front Yard Depth (Minimum)
Sandwich | 6 m from the street |
| (iii) | Interior Side Yard Width (Minimum) | 7 m |
| (iv) | Exterior Side Yard Depth (Minimum) | 3 m from Fort
Street |
| (v) | Rear Yard Depth (Minimum) | 7 m |
| (vi) | Minimum Widths for Landscaped Planting
Strips | |
| | Abutting Sandwich Street | 6 m |
| | Abutting Fort Street | 3 m |
| | Abutting East Boundary | 0 m |
| | Abutting existing residential Interior Side
Yards | 6 m |
| | Abutting all other boundaries | 3 m |
| (vii) | Loading Spaces Required | 1 |
| (viii) | Location of Parking | |
| | Access and limited front yard parking shall be permitted on Part
Lots 14 and 15, subject to the required landscaped planting strips
as provided for in Subsection (vi) of By-law 2001-58. No access
will be permitted from Part Lot 12. | |
| (ix) | Lot Area | 1.5 hectares |

(By-law 2001-58)

(By-law 2002-14)

(c) CG-3 (AUTOMOBILE SERVICE STATION)

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

(i) Uses Permitted

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

(d) CG-4 (PARKING SPECIAL PROVISION)

Notwithstanding the parking requirements of Section 21(a) (b) or (c), the parking requirements for any area zoned CG-4 on Schedule "A" for residential units shall be 0.33 per unit and there shall be not parking requirements for non-residential land uses. All other parking regulations shall apply.

(By-law 2002-51)

The minimum height shall be 7 metres and the maximum height shall be 18 metres.

(By-law 2012-65)

(e) CG-5 (DEPARTMENT STORE AND ASSOCIATED RETAIL)

1. Zone Requirements

Notwithstanding any provision of this By-law to the contrary including Section 3(23), within any area zone CG-5 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

- (i) *Frontage on Sandwich Street* 30 m contiguous
- (ii) *Front Yard Depth (Minimum)* 6 m from Sandwich St, however, at least 25% of buildings fronting on to Sandwich Street shall not be setback further than 25 metres maximum
- (iii) *Interior Side Yard Width (Minimum)* 7 m
- (iv) *Exterior Side Yard Depth (Minimum)* 3.0 from Brunner Ave.
- (v) *Rear Yard Depth (Minimum)* 7 m
- (vi) *Minimum Widths for Landscaped Planting Strips*
 - Abutting Sandwich Street* 6 m
 - Abutting Brunner Ave* 3 m
 - Abutting East Boundary* 0 m

Abutting all other boundaries

0 m

(vii) Restricted Build Area

The land area at the north east corner of Sandwich Street and Brunner Ave., within the CG-5 zone, shall be a Restricted Build Area. Such "Restricted Build Area" shall not be used for a restaurant or a restaurant, fast-food. Parking for uses permitted within the "Restricted Build Area" shall be prohibited within the front yard and exterior side yard. The "Restricted Build Area" shall extend northward a minimum of 18 m from the Brunner Ave. property line and extend a minimum of 138 m eastward from the Sandwich Street property line.

(viii) Restricted Uses

Notwithstanding Section 15(2) no lands zoned CG-5 may be used for a continuum of care facility, day care, home for the aged, hotel or motel, nursing home, retirement home, a dwelling unit or any land use involving overnight accommodation.

Notwithstanding Section 15(2) or the provisions of Section 15(4)(e)(ix), a department store will not be permitted until such time as the site plan has been approved and a building permit issued for the use.

(ix) Gross Floor Area

Maximum gross floor area for all permitted uses within the CG-5 Zone shall be 9000 square metres.

Individual retail uses shall have a minimum gross floor area of not less than 250 square metres, with the exception of a car wash accessory to a convenience store which shall have a minimum gross floor area of not less than 150 square metres.

Supermarkets, home and auto supply stores shall not be permitted unless support for such use is substantiated by a retail market study that has determined to Council's satisfaction that no negative impact on the planned function of established commercial development will result.

(x) Height

Maximum building height for a department store shall be 15 metres.

(xi) *Permitted Uses*

Notwithstanding Section 15(2) or 15(4)(viii) additional uses permitted in the CG-5 Zone include automobile service, business/professional office and convenience store.

(By-law 2004-80)

(By-law 2015-119)

(f) CG-6

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-6 on Schedule 'A' hereto, the following special provisions shall apply:

(i) *Uses Permitted*

- (a) Any use permitted in a CG zone;*
- (b) A maximum of 14 dwelling units including units on the first floor.*

(ii) *Other Provisions*

- (a) Rear Yard Depth (minimum)
4.5 m*
- (b) Building Height to roof peak 14 m maximum and 10 m minimum*
- (c) Heritage Building replacement shall be as approved on a site plan under Section 41 of the Planning Act with Council approval to drawings being required as per Section 41(4) of the Planning Act.*
- (d) Access to Parking Area and Required Spaces*
Notwithstanding Section 3(21)(i)(i) access to the underground parking structure may be provided from a right of way that does not access an improved street and notwithstanding Section 3(21)(a)(b)or(c) the parking requirement for a residential unit shall be 0.33 spaces per unit and there shall not be parking requirements for non-residential land uses. All other parking requirements shall apply.

(By-law 2005-16)

(g) CG-7

Notwithstanding any other provisions of Section 15(3) and Section 3(23) to the contrary, within any area zoned CG-7 on Schedule "A" hereto, the minimum setback from the front lot line shall be 6 metres and the maximum setback from the front lot line shall be 15 metres. The minimum building height shall be 6 metres and the maximum building height shall be 10 metres. All other general provision and regulations of By-law 1999-52, as amended from time to time shall apply.

(By-law 2005-36)

(h) CG-8 (Sandwich at Crownridge)

- (i) The following special provisions shall apply to lands zoned (CG-8):

<i>Height (Maximum)</i>	<i>29 metres</i>
<i>Maximum residential density</i>	<i>50 units</i>
<i>Maximum hotel units</i>	<i>70 bedroom units</i>

All other provisions under Subsection 15(3) Zone Regulations shall apply to lands zoned (CG-8).

(By-law 2010-28)

(i) CG-9 (SPECIAL PROVISION- FRONT YARD DEPTH/ PARKING)

The following special provisions shall apply to lands zoned (CG-9):

Notwithstanding Section 15(3)(c), the front yard depth within the CG-9 zone shall be a minimum of 14m and a maximum front yard depth of 34m.

Notwithstanding Section 3(21)(g) parking may be provided in the front yard in the CG-9 zone.

All other provisions under Section 3 and Section 15, as amended from time to time shall apply.

(By-law 2012-79)

(j) CG-10

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-10 on Schedule 'A' hereto, the following special provisions shall apply:

(i) *Uses Permitted*

- (a) *Any use permitted in a CG zone;*
- (b) *A maximum of 17 dwelling units including dwelling units on the first floor.*

(ii) *Notwithstanding the parking requirements of Section 3(21)(a), (b), or (c), the parking requirements for any area zoned CG-10 on Schedule "A" for residential units shall be 0.33 per unit and there shall be no parking requirements for non-residential land uses. All other parking regulations shall apply.*

(iii) *The minimum height shall be 7 metres and the maximum height shall be 18 metres.*

(iv) *Other Provisions*

- (a) *Rear Yard Depth (minimum)* Northwest corner 1.8
m Southwest corner 3.2
m

(By-law 2014-79)

(k) *CG-11 (274-286 Dalhousie Street)*

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-11 on Schedule 'A' hereto, the requirements of Subsection 15 of this By-law shall apply with the exception of the following special provisions:

(i) *Parking Provision*

Notwithstanding the parking requirements of Section 3(21), the parking requirements for any area zoned CG-11 on Schedule "A" for the residential units shall be 0.33 per unit and there shall be no parking requirements for non-residential land uses. All other parking regulations shall apply (By-law No. 2002-51).

(ii) *Height of Building*

The minimum building height shall be 7 metres and the maximum height shall be 18 metres.

(iii) *Rear yard for commercial uses*

0m minimum rear yard is permitted for commercial uses.

(iv) *Residential Units*

The location of residential units is restricted to above the commercial units. Entrances and stairways for the residential units are permitted to be located on the ground floor of the structure. The residential units may have road frontage associated with the units.

(By-law 2015-63)

(l) CG-12 (83 Sandwich Street South)

(i) Uses Permitted

Notwithstanding Section 15(2) additional uses permitted within the CG-12 Zone include a drive-through restaurant as defined in the definitions section of the by-law.

Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-12 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

- | | | |
|-------|--|-----------------------------|
| (ii) | <i>Frontage on Sandwich Street</i> | <i>30 m contiguous</i> |
| (iii) | <i>Front Yard Depth (Minimum)</i> | <i>6 m from the street</i> |
| (iv) | <i>Interior Side Yard Width (Minimum)</i> | <i>6 m</i> |
| (v) | <i>Exterior Side Yard Depth (Minimum)</i> | <i>3 m from Fort Street</i> |
| (vi) | <i>Rear Yard Depth (Minimum)</i> | <i>7 m</i> |
| (vii) | <i>Minimum Widths for Landscaped Planting Strips</i> | |
| | <i>Abutting Sandwich Street</i> | <i>6 m</i> |
| | <i>Abutting Fort Street</i> | <i>3 m</i> |
| | <i>Abutting East Boundary</i> | <i>0 m</i> |
| | <i>Abutting Existing Residential Interior Side Yards</i> | <i>3 m</i> |

- Abutting all other boundaries* 3 m
- (viii) *Loading Spaces Required* 1
- (ix) *Notwithstanding Section 3(21)(c) the minimum number of parking spaces required shall be 190.*
- (x) *Location of Parking*
Access and limited front yard parking shall be permitted on Lot 14 and Part Lot 15, subject to the required landscaped planting strips as provided for in Subsection (vi). No access will be permitted from Part Lot 12.
- (xi) *An outdoor patio associated with a restaurant shall be permitted on lands adjoining a residential zone class with a maximum gross area of 44 sq m. All other provisions in Section 3(20) shall apply.*
- (xii) *Lot Area* 1.5
hectares
- (xiii) *The exit of the drive-thru lane be a minimum of 25 metres from the western property line.*

(By-Law 2019-030)

(m) *CG-13 (253, 257-265 Dalhousie Street)*

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-12 on Schedule "A" hereto, the zone requirements of Section 16 of the By-law shall apply with the addition of the following special provisions:

- (viii) *Uses Permitted*
- (d) *a brewery accessory to a main use;*
- (e) *any use permitted in a CG Zone.*
- (ix) *Notwithstanding the parking requirements of Section 21(a) (b) or (c), the parking requirements for any area zoned CG-12 on Schedule "A" for residential units shall be 0.33 per unit and there shall be not parking requirements for non-residential land uses. All other parking regulations shall apply.*
- (x) *The minimum height shall be 7 metres and the maximum height shall be 18 metres.*

(n) h-3 CG-14 (305, 319 and 327 Dalhousie Street)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-14 on Schedule 'A' hereto, the requirements of Subsection 15 of this By-law shall apply with the exception of the following special provisions:

(i) Height (Maximum) 16 m

(ii) Parking Provision

Notwithstanding Section 3(21)(c) the minimum number of parking spaces required shall be 75 with three barrier free parking spaces. Additional parking may be required on the vacant lot on Ramsey Street.

(2019-044)

Memo



To: Chris Aspila, Manager of Planning Services, Town of Amherstburg
From: Amy Farkas, Dillon Consulting Limited
cc: Kurt Barr, Toad One Inc.
Date: June 20, 2022
Subject: 51 & 57 Sandwich Street S, Amendment to Site Specific Zoning Request
Our File: 22-3779

Dillon Consulting Limited (Dillon) has been retained by Toad One Inc. (the Applicant) to assist with the planning approvals in support of the Official Plan and Zoning By-law Amendments for the proposed development located at 51 and 57 Sandwich Street South, southeast of the intersection of Alma Street and Sandwich Street South (Subject Site). This addendum has been prepared to include a 'multiple dwelling' as a permitted use in the proposed site specific zone.

The applicant wishes to develop the site for a Dairy Queen (DQ) restaurant and drive-through on the western portion of the site, adjacent to Sandwich Street S (County Road 20). A three-storey mixed-use building is currently being proposed on the southeast quadrant of the site, with commercial uses on the ground floor, and residential units on the upper two floors.

In keeping with the policies of the General Commercial land use designation of the Town of Amherstburg Official Plan, the subject site will require an Official Plan Amendment to permit a drive-through due to its location on Sandwich Street South. The subject site will also require a site specific Zoning By-law Amendment to facilitate the proposed development. More specifically, a site specific Commercial General (CG-X) Zone is being sought for the subject site that would include the following:

- A drive-through restaurant as a permitted use;
- A reduction in the minimum interior side yard width for buildings and structures associated with a drive-through abutting a residential use;
- A reduction in the minimum rear yard depth;
- A reduction in the minimum width of a landscaped planting strip abutting a residential interior side yard;
- An outdoor patio associated with a restaurant as a permitted use on lands adjoining a residential zone; and
- All other building requirements for the commercial and mixed use building to be in accordance with the requirements of the Commercial General (CG) zone.

The development proposal as submitted will not be changing at this time, however the applicant would like to request the addition of 'multiple dwelling' to the site specific Commercial General (CG-X) Zone. This request will allow for more flexibility during the Site Plan Control (SPC) approval process as the plans for the building in the southeast quadrant of the site are in the preliminary stage of development. The applicant would like to have the option to develop a three-storey residential building should it be more appropriate from a market demand and housing needs perspective.

To determine the feasibility and appropriateness of a 'multiple dwelling' on the subject site, a comprehensive evaluation of the potential planning issues and impacts has been undertaken.

Provincial Policy Statement (PPS, 2020)

According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns while accommodating a range and mix of housing. This includes affordable housing, which sustains financial well-being over the long term, and promotes cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(f)). This proposed infill development is consistent with these policies by encouraging the use of underutilized lands, and by proposing an intensification of land uses that can exist in harmony with the surrounding land uses. It also allows for new development to take place in a designated growth area in a compact form, with an increase in density and variability of tenures that allow for the efficient use of land, infrastructure and public service facilities (PPS, 1.1.3.6).

The proposed amendment and residential use would be consistent with the PPS.

County of Essex Official Plan

The subject lands are designated Primary Settlement Area in the County of Essex Official Plan. As per Section 3.2.7, the County specifically encourages redevelopment and residential intensification within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, and efficiently use land to optimize the use of infrastructure and public facilities. In addition, the County requires 15% of all new residential development within each municipality to occur through intensification and redevelopment. Additional residential units on the subject site would be in keeping with these policies.

The proposed amendment and residential use would be in conformity with the County of Essex Official Plan.

Town of Amherstburg Official Plan

The subject lands are designated General Commercial in the Official Plan. Section 4.4.2 of the Official Plan provides general policy direction for General Commercial development, which recognizes that it should be directed to appropriate locations and provide a broad range of commercial forms and services. The General Commercial designation also includes residential uses above the first floor and states that multi-family residential development will be considered as an alternative form of land use. It is noted in the policy that residential units abutting Richmond Street or Dalhousie Street are not permitted to occupy the first floor. This restriction is not specified for Sandwich Street South.

Should the development include a three-storey multiple dwelling, the intent of the Official Plan is still being achieved with the commercial use (Dairy Queen), fronting onto the Sandwich Street South corridor. It will also bring additional residential units to the Town Core (Section 1.7.5).

The proposed amendment and residential use would be in conformity with the Town of Amherstburg Official Plan.

Town of Amherstburg Zoning By-law No. 1999-52

The subject lands are currently zoned Residential Office (RO) Zone. A Zoning By-law Amendment application has been submitted to rezone the subject site to a site specific Commercial General (CG-X) Zone. In addition to the site specific provisions that have been requested in the ZBA submission, the applicant is also requesting the addition of a 'multiple dwelling' as a permitted use. The Commercial General zone permits residential dwelling units however they are restricted to above the first floor. The applicant is requesting the addition of 'multiple dwelling' as a permitted use for the three-storey building at the rear of the site.

The proposed change is not anticipated to have an impact on the adjacent or nearby land uses. The existing zoning on the subject site, Residential Office (RO), already permits a wide range of residential uses. In addition, the removal of ground floor commercial would result in a reduction in the number of parking spaces required for the development, with more parking being available for the Dairy Queen.

The proposed development has given consideration to the potential impact of the built form in relation to the existing residential, commercial, and institutional uses, and is a complimentary and efficient use of the land. The proposed infill intensification and redevelopment will provide an increased diversity of housing types, options for affordable housing, and an opportunity for the completion of a neighbourhood-orientated site.

The proposed infill intensification and redevelopment is compatible with the surrounding area in terms of scale, massing, architectural proportions, siting, orientation, setbacks, and parking.

Conclusion

We are of the opinion that the revision to the Zoning By-law Amendment is reasonable for the subject site, and that the development can be designed to be compatible and complementary to surrounding residential and commercial uses.



Amy Farkas, MCIP, RPP
Associate

Memo



To: Chris Aspila, Town of Amherstburg
From: Tim Kooistra, C.E.T., Dillon Consulting Limited
cc: Amy Farkas, MCIP, RPP, Dillon Consulting Limited
Mike Walters, P.Eng., Dillon Consulting Limited
Date: June 1, 2022
Subject: 51 & 57 Sandwich Street South, Amherstburg, Driveway Location and Parking Requirements
Our File: 22-3779

1.0 Introduction

Following the submission of the transportation impact study (prepared by Dillon Consulting Limited) to support the mixed-use development proposed at 51 and 57 Sandwich Street South in the Town of Amherstburg, Ontario, it was advised that two additional items needed to be assessed: 1) a review of the proposed site driveway's proximity to an existing residential driveway located to the immediate south (vis-à-vis potential conflicts), and 2) confirmation that the proposed number of parking spaces on site will be sufficient as per the Amherstburg Zoning By-law No. 1999-52.

2.0 Proposed Driveway Location

A single driveway to the mixed-use development is proposed. As per the concept plan, there would be a slight separation between the proposed driveway and the existing residential driveway serving 61 Sandwich Street South. The southerly limits of the proposed driveway, and associated drive aisle, are approximately 1.50 metres north of the property line. As per the Town of Amherstburg's Design criteria, it is noted that any driveway curb cut should have a 0.3 metre wide taper on both sides of the driveway. This is provided the driveway is more than 6.0 metres in width, noting that a 7.0 metre wide driveway is proposed. Should a 0.3 metre taper be provided, the south edge of the proposed driveway would be approximately 1.2 metres north of the property line. This would provide some separation (albeit minimal, less than 1.5 metres) between the edges of the proposed and existing driveways. The portions of the boulevard between the driveways would remain as a landscaped area (grassed).

TAC's *Geometric Design Guide for Canadian Roads* discusses the typical spacing requirements for driveways to any public streets in *Chapter 8 - Access*. Within TAC's *Geometric Design Guide*, *Figure 8.9.2* outlines the suggested minimum spacing for any driveway that would link to a local or collector street. For a commercial driveway, the suggested minimum spacing between two driveways is 3.0 metres while a residential driveway only needs to have a 1.0-metre separation. As there is minimal separation (less than 1.5 metres) between the edges of the proposed and existing driveways, the proposed separation does not meet the suggested TAC spacing for a commercial driveway but would meet the suggested separation for a residential driveway.

On-Site Parking Requirements

The proposed concept plan includes 49 parking spaces (46 general use, and three (3) accessible) on site. As well, two additional on-site layby spaces are proposed for motorists using the Dairy Queen drive-through who may need to wait for their food to be delivered after passing by the pick-up window (in the case the order is not ready at the pick-up window). However, as these spaces would only be used by vehicles in the drive-through, they are not considered for general use on site.

As per the Amherstburg Zoning By-law No. 1999-52, the Dairy Queen restaurant and patio require one (1) parking space per 10 m² of gross floor area (GFA). As the proposed restaurant is 211.2 m² and the patio in front of the restaurant is approximately 50 m², the Dairy Queen restaurant is required to provide 26 parking spaces (5 spaces for the patio and the remaining 21 spaces for the restaurant). The proposed drive-through lane includes space to stack/queue ten (10) vehicles.

Each of the four residential units proposed on site are required to have one (1) parking space, resulting in the need for four (4) parking spaces for the residential component of the mixed-use development.

On the ground floor of the mixed-use building, 377 m² of commercial (retail) GFA is proposed. The retail use parking rate within Zoning By-law No. 1999-52 calls for one (1) parking space per 25 m² of GFA. Using this parking rate would require 15 parking spaces for the commercial (retail) component of the development. Should a medical/dental office land use be introduced in some or all of the ground floor of the mixed-use building, the Zoning Bylaw No. 1999-52 calls for a slightly higher parking requirement, where one (1) parking space per 20 m² of GFA is required. Using this separate parking rate would require up to 19 parking spaces (noting the number of required parking spaces would vary dependant on the percentage of GFA utilized for medical/dental land uses).

Altogether, a total of 49 parking spaces are required (26 spaces for the Dairy Queen restaurant, four (4) spaces for the residential units and 19 spaces for the commercial space in the mixed-use building) for the site based on the assumption that the commercial space within the mixed-use building is supplied at a rate of one parking space per 20 m² of GFA (the medical/dental parking rate). As 49 spaces are proposed, the proposed mixed-use development is in line with the parking requirements as found in the Amherstburg Zoning By-law No. 1999-52, even if the entire commercial floor area is developed with medical and/or dental land uses.

Sincerely,



Tim Kooistra, C.E.T.
Transportation & Traffic Technologist



MEMO

TO: Toad One Inc.
FROM: Aakash Bagchi, P.Eng., Dillon Consulting Limited
DATE: April 4, 2022
SUBJECT: Stormwater Management for Mixed-Use Development at 51 and 57 Sandwich Street South, Town of Amherstburg
OUR FILE: 22-3779

1.0 Introduction

Dillon Consulting Limited (Dillon) has been retained by Toad One Inc. to complete the planning approvals for a proposed Mixed-Use development in the Town of Amherstburg.

This Stormwater Management (SWM) memo has been prepared to support the conceptual design of the proposed development. The total site area is 0.42 ha and is located south east of the intersection of Alma Street and Sandwich Street South, and north-east of the Elm Avenue and Sandwich Street South intersection, in the Town of Amherstburg.

The proposed development will drain into the existing 0.6 m diameter storm sewer along Sandwich Street South that conveys flows south and eventually drains to the Detroit River through the outfall along Rankin Avenue. Under existing conditions, the site is developed and consists of a single-detached residential development on each of the two lots, 51 and 57 Sandwich Street South. The general slope of the ground directs flows westwards. The proposed development consists of two buildings. One of the buildings is primarily commercial while the second building is a multi-storey mixed-use development consisting of both commercial and residential.

This memo summarizes the SWM measures proposed to restrict the peak outflow from the site to an allowable release rate from the proposed development.

1.1 SWM Criteria

The following items were referred to while conducting the current analysis to evaluate the condition of the existing and proposed SWM infrastructure:

- Windsor-Essex Region Stormwater Management Standards Manual (ERCA, 2018) [WERSMSM]; and
- Pre-consultation through e-mail with the Town of Amherstburg to identify allowable release rate.

The criteria for SWM is to control flows from proposed developments to the estimated allowable release rate for all design storm event simulations, up to and including the 1:100 year return period event.

In addition, the maximum depth of ponding on site during the governing 1:100 year return period event simulation should not exceed 0.30 m above the lowest CB grate elevation.

The Urban Stress Test (approximately 1.4 times more volume than the 1:100 year event) design storm event is to be simulated to assess the proposed SWM infrastructure's resiliency to adapt to impacts of climate change.

The following design storm events, as recommended in the WERSMSM, were used to assess the on-site storage requirements under post-development conditions:

- 1:5 year, 4 hour design storm using Chicago distribution with a 15 minute time interval and a total rainfall depth of 49.5 mm;
- 1:2 year, 4 hour design storm using Chicago distribution with a 15 minute time interval and a total rainfall depth of 32 mm (Water Quality Storm);
- 1:100 year, 4 hour design storm using Chicago distribution with a 15 minute time interval and a total rainfall depth of 81.6 mm to determine the required 100 year design on-site storage;
- 1:100 year, 24 hour design storm using SCS distribution with a 2 hour time interval and a total rainfall depth of 108 mm to determine the required 100 year design on-site storage, and;
- 1:100 year, 24 hour design storm using Chicago distribution with 15 minute time interval and an additional 42 mm uniformly distributed, with a total rainfall depth of 150 mm. (Urban Stress Test Storm)

1.2 Hydrologic and Hydraulic Modelling Tool

Hydrologic and hydraulic modelling for both existing and proposed conditions was undertaken using the PCSWMM 2020 software distributed by CHI. PCSWMM is a modelling software for stormwater, wastewater, and watershed systems which provides a graphic user interface (GUI) for the United States Environmental Protection Agency's Stormwater Management Model (EPA SWMM).

The following information was used to populate the necessary subcatchment parameters for the site.

Based on the soil survey of Essex County (Richards et al, 1949) and the Ontario Ministry of Agriculture, Food, and Rural Affairs' (OMAFRA) soil mapping data, the stormwater catchment's soils are composed of Brookston Clay which has a hydrologic soil group (HSG) D classification.

The stormwater assessment for this development was completed using the Horton infiltration method for hydrologic calculations. With the soil group as class D, the following parameters were used in the PCSWMM model. The values below are recommended in the WERSMSM for hydrologic soil type D.

- Max. Infiltration rate = 75 mm/hr
- Min. Infiltration rate = 0.5 mm/hr
- Decay Constant = 4 /hr

For hydraulic conveyance, the stormwater assessment for this development was completed using the dynamic wave routing method.

2.0 Allowable Release Rate

Dillon conducted an analysis to estimate the allowable release rate for the development. The existing conditions modelling parameters and results of the analysis are represented in Table 1. Figure 1 shows the drainage area used for the existing conditions analysis to estimate allowable release rates for the development, in comparison to the total development area.

The Town of Amherstburg was consulted during this analysis. The Town identified that allowable release rates needed to be estimated based on a runoff coefficient ('c') value of 0.20, considering a drainage area from the property line along Sandwich Street South to the centre of the existing homes. This corresponds to a drainage area of 0.04 ha, while the total site area is 0.42 ha. A 'c' value of 0.20 is approximately equal to a percentage imperviousness of 0% (no paved or impervious area) for the purposes of the modeling analysis.

TABLE 1: EXISTING CONDITIONS SUBCATCHMENT PARAMETERS AND RELEASE RATE

Catchment	Area (Ha)	Percent Impervious (%)	Other Subcatchment Parameters	Design Storm Event	Release Rate (L/s)
Existing Development Site	0.04	0	Flow Length = 37 m Slope = 0.3% Impervious Depression Storage = 2.5 mm Pervious Depression Storage = 7.5 mm Manning's N Impervious = 0.013 Manning's N Pervious = 0.24 Subarea Routing = Outlet (100%) <u>Horton Infiltration Parameters:</u> Max. Infiltration = 75 mm/hr Min. Infiltration = 0.5 mm/hr Decay Constant = 4 /hr	1:5 year, 4 hour (Chicago)	1.4

For estimation of on-site storage required during post-development conditions, 1.4 L/s was estimated to be the allowable release rate for this development, for all design storm events up to and including the 1:100 year return period event. In order to prevent any adverse impacts on the downstream system due to the increased imperviousness level on the proposed development area, the maximum flow rate from the site is expected to be maintained at or below the allowable release rate for all events up to and including the 1:100 year event.

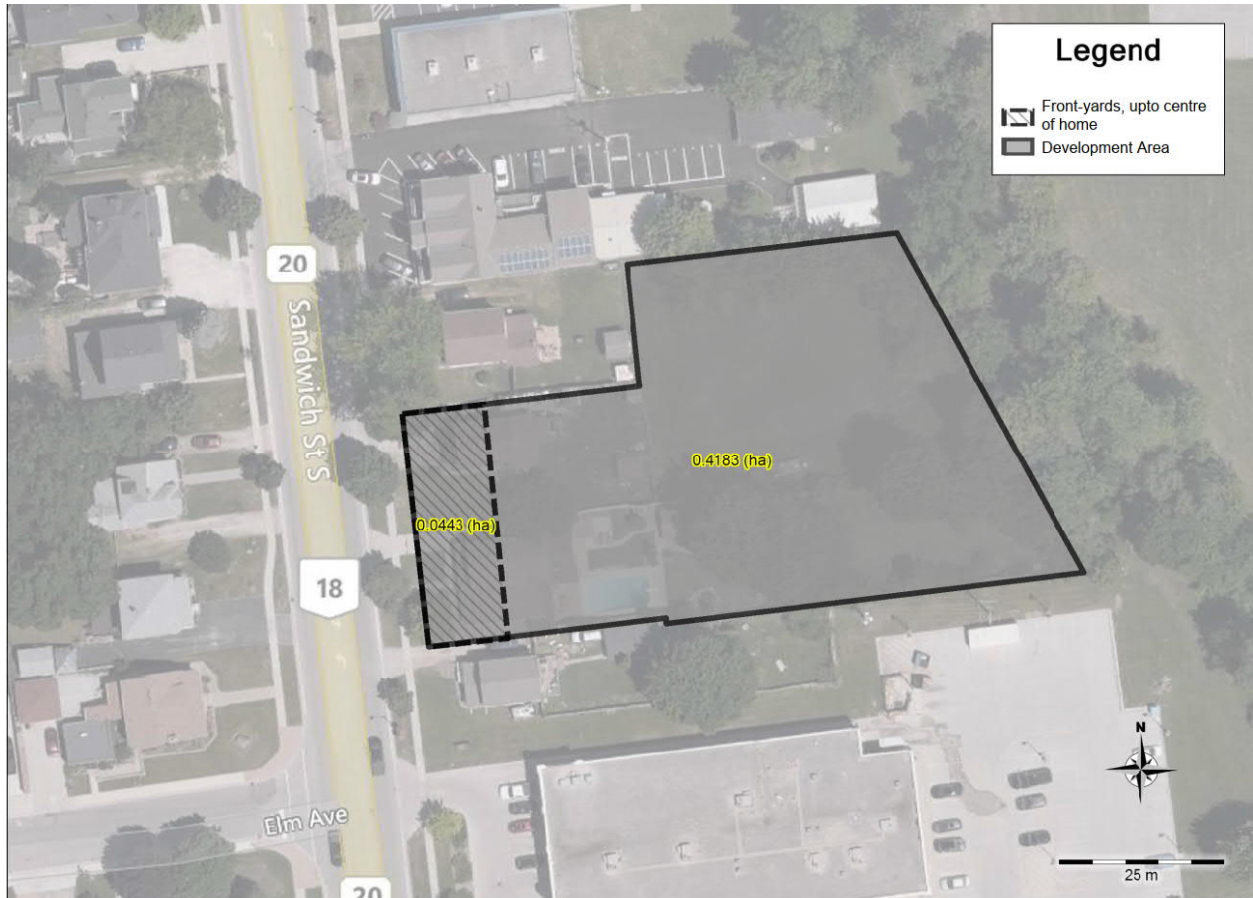


FIGURE 1: EXISTING CONDITIONS ANALYSIS DRAINAGE AREA COMPARED TO TOTAL DEVELOPMENT AREA

3.0 Proposed Conditions Analysis

For the proposed conditions analysis, a lumped modelling approach was used. The site was modelled as one lumped subcatchment in PCSWMM. A plan view of the post-development modeling schematic is shown in Figure 2 as attached. A consolidated storage node was used to represent both the on-site surface stormwater storage above catch basins and in sub-surface chambers. The volume of storage on the surface, around catch-basin (CB) locations in the parking lot area was estimated based on the available parking lot area (Appendix B) and Dillon's experience with similar developments in the past. Any additional storage volume required for peak flow attenuation will need to be accommodated in sub-surface storage. Sub-surface storage can be through oversized storm sewers, or in underground storage chambers, or a combination of both. A more accurate estimate of total available storage on the surface and sub-surface storage required to meet allowable release rate criteria will be completed during detailed design. Outflow to the downstream 0.6 m diameter storm sewer along Sandwich Street is restricted using a 0.025 m diameter orifice.

A fixed head was applied at the model outfall location to simulate tailwater conditions downstream, in the 0.6 m diameter storm sewer, during the 1:5 year, 1:100 year and UST events. The downstream head was fixed at 179.55 m based on a review of existing topography in the region. The Ontario Digital Terrain Model (Lidar-Derived) made available online by the Ontario Ministry of Natural Resources and Forestry was used to review the topography around the site. A review of the existing topography shows that maximum water surface elevation on the Sandwich Street South roadway is expected to be approximately 179.55 m before it spills further west towards Detroit River.

The modelling parameters for the lumped catchment under proposed conditions are represented in Table 2.

TABLE 2: PROPOSED CONDITIONS ANALYSIS: SUBCATCHMENT PARAMETERS

Catchment	Area (Ha)	Percent Impervious	Other Subcatchment Parameters
Proposed Development Site	0.42	90	Flow Length = 107 m Slope = 1.0% Impervious Depression Storage = 2.5 mm Pervious Depression Storage = 10 mm Manning's N Impervious = 0.013 Manning's N Pervious = 0.24 Subarea Routing = Outlet (100%) <u>Horton Infiltration Parameters:</u> Max. Infiltration = 75 mm/hr Min. Infiltration = 0.5 mm/hr Decay Constant = 4 /hr

Stormwater runoff is proposed to be contained within the site boundaries and is proposed to drain towards various catch basins around the site. Through a network of storm pipes, stormwater will be ultimately discharged to the 0.60 m diameter storm sewer along Sandwich Street South. A 0.025 m diameter orifice is required to restrict flows to the allowable release rate. Since smaller diameter orifices are susceptible to clogging, flow restriction is recommended using a vortex flow regulator. A specific product will be recommended during detailed design.

Our analysis revealed a storage requirement of 375 m³ during the 1:100 year, 24 hour design storm simulation, which corresponds to a maximum 0.30 m storage depth above the lowest catch basin lid, in addition to storage underground in sub-surface chambers. A flap gate is recommended to be installed to prevent backflow from the Sandwich Street South storm sewers.

3.1 Peak Flow Attenuation and Stormwater Storage

Peak flows into the municipal storm sewers through the 0.03 m diameter orifice, and stormwater storage on-site, for all design storm events analyzed, are represented in Table 3.

TABLE 3: PROPOSED CONDITIONS MODEL RESULTS (PEAK OUTFLOW AND STORMWATER STORAGE)

Design Storm Events	Peak Flow Rate (L/s)	Storage on Site				Fixed Tailwater Condition Elevation (m)
		Total Volume (m ³)	Surface Storage (m ³)	Subsurface Storage (m ³)	Max. depth of surface storage at CB locations (m)	
Water Quality Test	1.1	103	0	103	0	(Free Outfall)
1:5 year, 4 hour (Chicago)	1.0	180	15	165	0.02	179.55
1:100 year, 4 hour (Chicago)	1.1	311	146	165	0.21	179.55
1:100 year, 24 hour (SCS)	1.2	375	210	165	0.30	179.55
Urban Stress Test	1.4	532*	367*	165	0.53*	179.55

* Total volume and maximum depth of storage on-site during the UST simulation will be confirmed during detailed design after site-grading design is completed.

For the 1:100 year 24 hour event (SCS Type-II) simulation, approximately 375 m³ is required to be stored on site. The peak flow rates through the orifice restriction into the 0.6 m diameter storm sewer are less than the estimated allowable release rates during all design storm events in the proposed conditions analysis, which considers the effects of tail-water conditions. The total volume of stormwater on site includes surface ponding and subsurface storage.

3.2 Site overflow during storms more intense than 1:100 year event

The proposed conditions PCSWMM model was simulated using the Urban Stress Test design storm event to analyze response during storm events more intense than the 1:100 year return period events. The Urban Stress Test design storm has a total rainfall depth of 150 mm and a total duration of 24 hours. This is approximately 40% higher intensity and volume than a 1:100 year, 24 hour Chicago storm event.

During this simulation, approximately 532 m³ is proposed to be stored on site. This volume includes storage around CB locations as surface ponding and subsurface storage in underground chambers. It corresponds to a maximum depth of water at surface storage locations around CBs of 0.53 m.

It is to be noted that the maximum possible depth of ponding on-site will be determined at the detailed design stage once site grading design is completed. The spillover elevation, which is the maximum possible elevation of stored stormwater on-site, will be estimated at the detailed design stage. The maximum

volume of water stored on-site and the maximum ponded depth, during the UST simulation, will be confirmed at the detailed design stage.

4.0 Flood-proofing Elevation

All buildings in the development are to be built with a finished floor elevation that is 0.30 m higher than the 1:100 year water surface elevation on site, and higher than the maximum water surface elevation on site during the UST simulation. The ultimate build-out lowest finished floor elevation will be confirmed during the detailed design.

5.0 Stormwater Quality Control

Since the impervious area on the subject site is increasing as compared to existing conditions, measures have to be undertaken to treat the quality of the stormwater runoff being discharged into receiving watercourses/sewers. Stormwater quality treatment will be provided using an oil-grit separator (OGS) positioned upstream of the Sandwich Street storm sewer. The 1200 mm diameter, FD-4HC unit supplied by ADS, or an approved equivalent, is recommended for this application.

The OGS unit is designed to meet the Ministry of Environment, Conservation and Parks (MECP) design requirements for 70% TSS removal (normal level of protection). Sizing details for the Water Quality Unit (WQU) recommended for the proposed development, provided by the supplier, are included in Appendix A.

5.1 Erosion and Sediment Control During Construction

Erosion and sediment control measures are to be implemented during construction in accordance with the "Guidelines on Erosion and Sediment Control for Urban Construction Sites" (Government of Ontario, May 1987) and "Construction Specification for Temporary Erosion and Sediment Control Measures" (OPSS 805).

6.0 Summary and Conclusions

This SWM Memo has been prepared to support planning approvals for the mixed-use development at 51 and 57 Sandwich Street South.

The PCSWMM software package was used for hydrologic and hydraulic modelling of the development.

The proposed development will drain into the existing 0.6 m diameter storm sewer along Sandwich Street South, which eventually drains into the Detroit River through the Rankin Avenue outfall.

The findings for the subject site are summarized below:

- The maximum allowable release rate from the site is 1.4 L/s. The peak discharge from the site will be restricted to this value for all events up to and including the 1:100 year return period rainfall event.

- It has been demonstrated through a modelling analysis that the peak outflow from the site during all proposed conditions simulations was less than the allowable release rate.
- Outflow from the site is controlled using a 0.025 m diameter orifice in the modelling analysis. A vortex flow regulator is recommended to restrict flows and prevent clogging of the outlet.
- Stormwater runoff storage on site was provided using surface ponding around CB locations in the parking lot area and underground storage chambers.
- During the 1:100 year, 24 hour (SCS Type-II), proposed conditions simulation, a maximum surface ponding depth of 0.30 m was observed. The total on-site storage provided was approximately 375 m³ during this simulation. This included surface storage around CB locations in the parking lot area and underground storage chambers.
- During the Urban Stress Test rainfall event, a maximum surface ponding depth greater than 0.30 m was observed. The total on-site storage and maximum water surface elevation during the UST simulation will be confirmed at the detailed design stage.
- A flood-proofing elevation of 0.30 m higher than the 1:100 year water surface elevation on-site, and the maximum water surface elevation during the UST event simulation, is required as the minimum finished floor elevation of the proposed building.
- Stormwater quality control will be provided on site using an OGS unit, providing 70% TSS removal. The 1200 mm diameter, FD-4HC unit supplied by ADS, or an approved equivalent, is recommended.

We trust that our findings provide you with the information that you require at this time. We would be pleased to meet with you to review our findings in further detail.

If you have any questions in the interim, please feel free to contact the undersigned.

Yours sincerely,

DILLON CONSULTING LIMITED

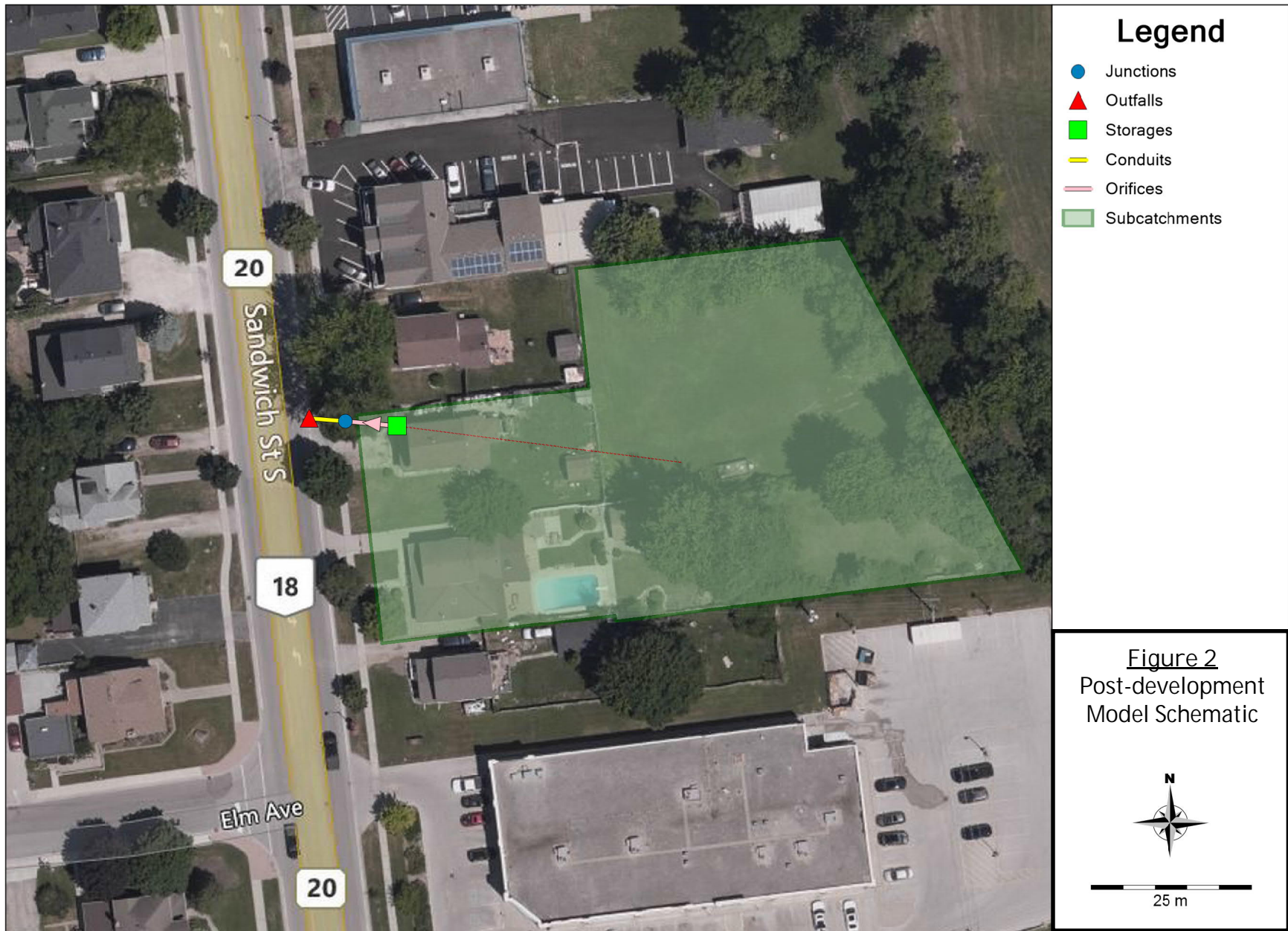


Aakash Bagchi, P.Eng.
Water Resources Engineer



Amal Siddiqui
Principal Modeler

Figures



Appendix A



ADS OGS Sizing Summary

Project Name:	Dillon Amherstburg Project	
Consulting Engineer:	Dillon Consulting	
Location:	Amherstburg, ON	
Sizing Completed By:	C. Neath	Email: cody.neath@ads-pipe.com

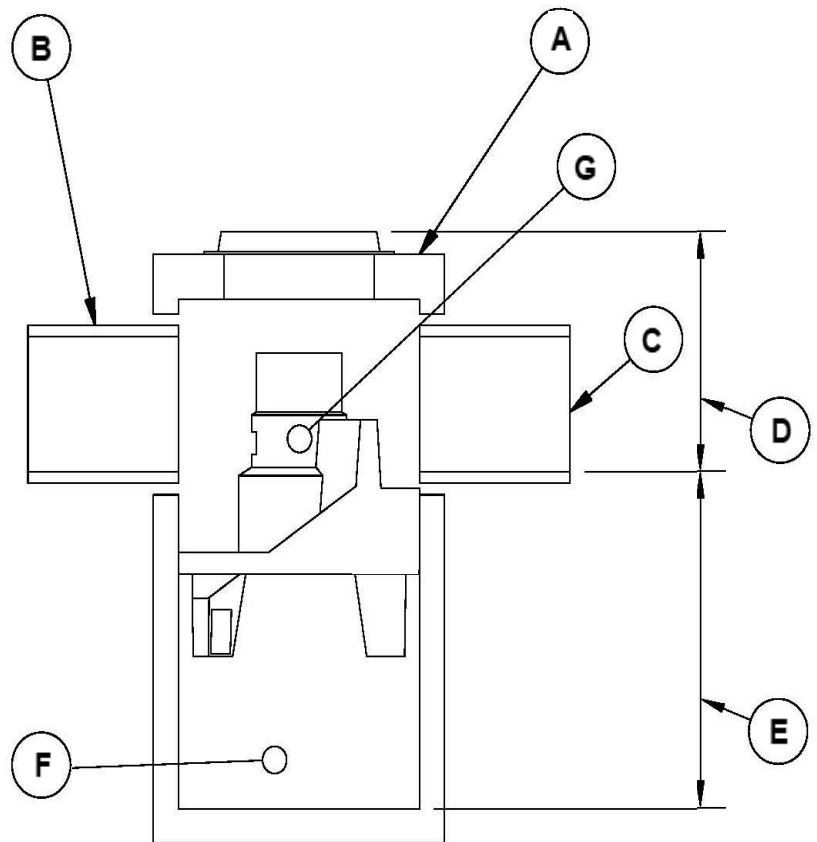
Treatment Requirements		
Treatment Goal:	Normal (MOE)	
Selected Parameters:	70% TSS	90% Volume
Selected Unit:	FD-4HC	

Site Details	
Site Area:	0.42 ha
% Impervious:	90%
Rational C:	0.84
Rainfall Station:	Windsor, ONT
Particle Size Distribution:	Fine
Peak Flowrate:	---

Summary of Results		
Model	TSS Removal	Volume Treated
FD-4HC	84.0%	>90%
FD-5HC	88.0%	>90%
FD-6HC	90.0%	>90%
FD-8HC	94.0%	>90%
FD-10HC	96.0%	>90%

FD-4HC Specification	
Unit Diameter (A):	1,200 mm
Inlet Pipe Diameter (B):	300 mm
Outlet Pipe Diameter (C):	300 mm
Height, T/G to Outlet Invert (D):	2000 mm
Height, Outlet Invert to Sump (E):	1515 mm
Sediment Storage Capacity (F):	0.78 m ³
Oil Storage Capacity (G):	723 L
Recommended Sediment Depth for Maintenance:	440 mm
Max. Pipe Diameter:	600 mm
Peak Flow Capacity:	510 L/s

Site Elevations:	
Rim Elevation:	100.00
Inlet Pipe Elevation:	98.00
Outlet Pipe Elevation:	98.00



Notes:

Removal efficiencies are based on NJDEP Test Protocols and independently verified.
 All units supplied by ADS have numerous local, provincial, and international certifications (copies of which can be provided upon request). The design engineer is responsible for ensuring compliance with applicable regulations.



Project Name: Dillon Amherstburg Project
 Consulting Engineer: Dillon Consulting
 Location: Amherstburg, ON

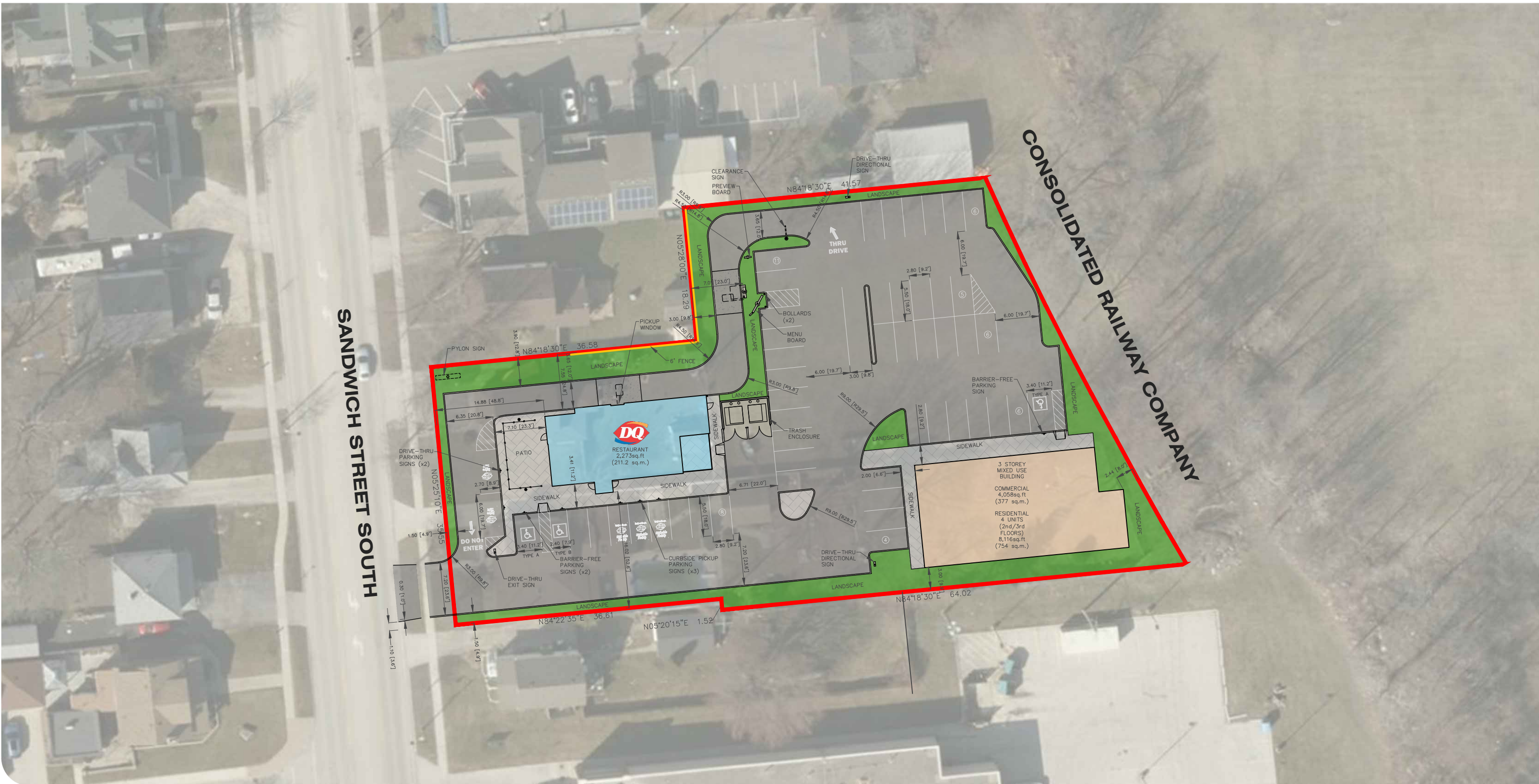
Net Annual Removal Efficiency Summary: FD-4HC

Rainfall Intensity ⁽¹⁾	Rational Equation Flowrate	Surface Loading Rate	Fraction of Rainfall ⁽¹⁾	FD-4HC Removal Efficiency	Weighted Net-Annual Removal Efficiency
mm/hr	L/s	L/min/m ²	%	%	%
3.00	2.9	156	13.2%	94%	12.4%
4.00	3.9	208	9.6%	92%	8.8%
5.00	4.9	260	7.5%	90%	6.7%
6.00	5.9	312	6.0%	88%	5.3%
7.00	6.9	364	4.8%	87%	4.2%
8.00	7.8	416	4.1%	86%	3.5%
9.00	8.8	468	3.6%	85%	3.1%
10.00	9.8	520	3.2%	84%	2.7%
11.00	10.8	572	2.8%	83%	2.3%
12.00	11.8	624	2.5%	83%	2.1%
15.00	14.7	780	6.6%	81%	5.3%
20.00	19.6	1040	8.3%	79%	6.5%
25.00	24.5	1300	5.8%	77%	4.5%
30.00	29.4	1560	4.6%	76%	3.5%
35.00	34.3	1820	3.8%	75%	2.8%
40.00	39.2	2080	2.9%	74%	2.1%
45.00	44.1	2340	2.4%	73%	1.8%
50.00	49.0	2600	1.8%	72%	1.3%
65.00	63.7	3379	6.6%	71%	4.7%
Total Net Annual Removal Efficiency:					84.0%
Total Runoff Volume Treated:					99.9%

Notes:

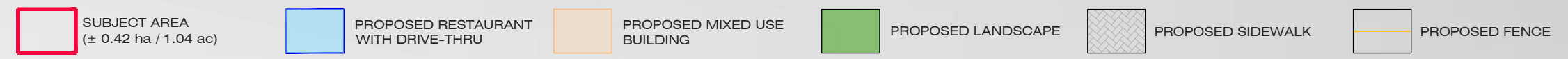
- (1) Based on Windsor/Essex Region Stormwater Manual 2018, Table 3.4.1.5
- (2) Based on third party verified data and approximating the removal of a PSD similar to the STC Fine distribution

Appendix B



TOAD ONE INC.
51 & 57 SANDWICH ST. S., AMHERSTBURG, ON

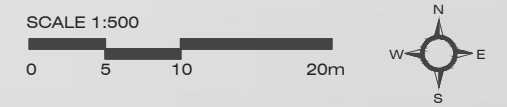
MIXED USE DEVELOPMENT
CONCEPTUAL DEVELOPMENT PLAN



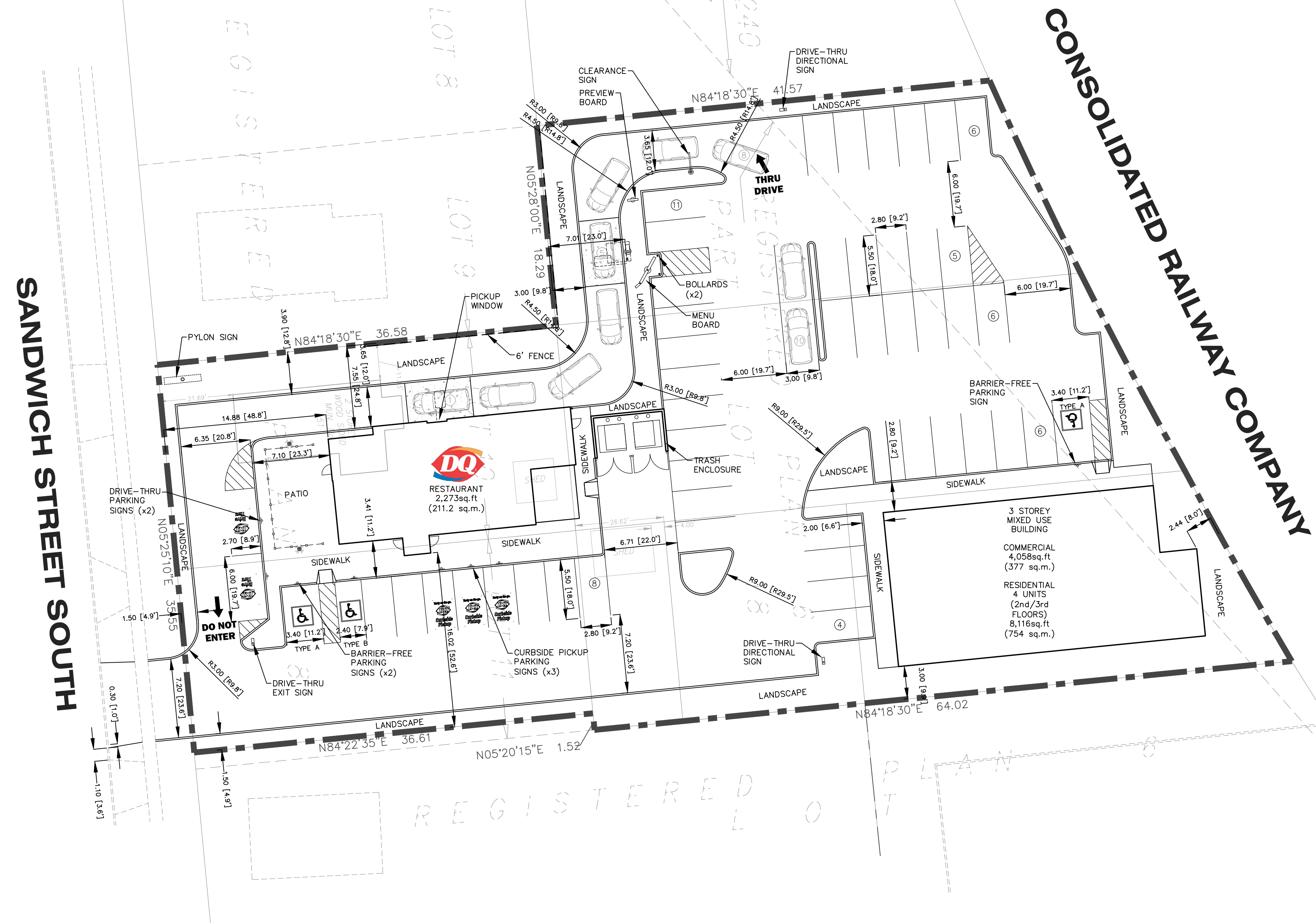
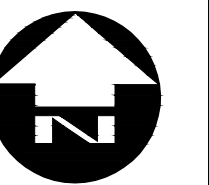
File Location:
c:\pw working directory\projects 2022\dillon_34\jmm\dms13189\dq conceptual development plan.dwg
June, 01, 2022 10:54 AM

MAP/DRAWING INFORMATION
Base mapping from County of Essex Interactive Mapping.

CREATED BY: JMM
CHECKED BY: AMF



PROJECT: 22 3779
STATUS: FOR SUBMISSION
DATE: 22.05.31



Conditions of Use Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited. Do not scale dimensions from drawing. Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.		DESIGN	REVIEWED BY	PROJECT NO. 22 3779		
		DRAWN JMM	CHECKED BY		 Site Plan	
		DATE	April 2022			SHEET NO. SP
		SCALE	1:250			
2 ISSUED FOR OPAZBA 22.05.31 JMM 1 ISSUED FOR REVIEW 22.04.04 JMM	DESIGN REVIEWED BY DRAWN CHECKED BY DATE SCALE 1:250	PROJECT NO. 22 3779				
No. ISSUED FOR DATE BY	DESIGN REVIEWED BY DRAWN CHECKED BY DATE SCALE 1:250	SHEET NO. SP				

FORM 1
PLANNING ACT
APPLICATION FOR OFFICIAL PLAN AMENDMENT
TOWN OF AMHERSTBURG

Application No. OPA No. 17

- 1. Name of approval authority County of Essex
- 2. Date application received by municipality May 5, 2022
- 3. Date application deemed complete by municipality May 25, 2022
- 4. Name of registered owner Ross Esposito & Matt Esposito
 Telephone number [REDACTED]
 Address [REDACTED]
 Email [REDACTED]
 Name of registered owner's solicitor or authorized agent (if any) Dillon Consulting Limited c/o Amy Farkas
 Telephone number [REDACTED]
 Address [REDACTED]
 Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

- 5. Location and description of subject land:
 Municipality Amherstburg
 Concession No. _____ Lot(s) No. _____
 Registered Plan No. RP 8; RP 6 Lot(s) No. Lots 10 & 11; Part Lot 18
RP 240 Pt Lt 3
 Reference Plan No. 12R-7896 Part(s) No. 3,4,5
 Street Address 51 & 57 Sandwich St S Assessment Roll No. 372926000000800
372926000000900

- 6. Existing Size of Subject Parcel:
 Frontage 35.5 m Depth Irregular Area ± 4,121 m²

- 7. Current use of subject land Residential

- 8. Proposed change to Official Plan land use **designation** affecting subject land:
 Current Official Plan designation General Commercial
 Current land use(s) permitted Includes retail commercial, eating establishments, second storey residential
 Proposed Official Plan designation General Commercial (Site Specific)
 Proposed land use(s) permitted Add Drive-through as a permitted use

Note: If a change in land use designation is proposed, the applicant is to provide a copy of the Map Schedule from the Official Plan with the proposed change and accompanying text indicated thereon.

9. Proposed change to Official Plan land use **policy** affecting subject land:

Existing land use policy to be deleted or amended General Commercial

Section 4.4.2

Land use policy to be added Drive-through restaurant as a permitted use.

Drive-through restaurants are currently not permitted on Sandwich Street S south of Alma Street.

Purpose of new or amended land use policy To allow the development of a

Dairy Queen restaurant with a drive-through and a patio, in addition to a mixed use building and associated parking lot on the subject site

New land uses permitted by change in land use policy Drive-through restaurant permitted on Sandwich Street S, south of Alma Street.

Text of proposed land use policy change being applied for A drive-through restaurant will be permitted at 51/57 Sandwich Street South.

(use a separate sheet of paper if necessary)

10. Current land use of abutting property:

North Residential dwelling, commercial plaza

South Residential dwelling, commercial plaza, Wendy's with drive-through

East Amherstburg Community Church, vacant residential land

West Low density residential

11. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or establish a new area of settlement in the municipality?

Yes No

If yes, state the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.

12. Type of water supply:

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

13. 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

14. Type of storm drainage:

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

15. Please indicate whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of one of the following:

- an official plan amendment
- a zoning by-law amendment
- a Minister's zoning order amendment
- a minor variance
- a plan of subdivision
- a consent
- a site plan

Please provide the following with respect to the application(s):

File number Concurrent ZBA application; SPC to follow OPA/ZBA approvals

Name of the approval authority _____

Lands affected _____

Purpose _____

Status _____

Effect on the amendment proposed by this application _____

16. 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.

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

- Yes
- No

Comments: Refer to Planning Justification Report

18. 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?

19. 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 City of Windsor this 2nd day of May, 2022.

Amy Farkas

(signature of applicant, solicitor or authorized agent)

I, Amy Farkas of the City of Windsor 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 City of Windsor in the County of Essex this 3rd day of May, 2022.

Amy Farkas

Applicant, Solicitor or Authorized Agent

Melanie Anne Muir

A Commissioner, etc.

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

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

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

51 & 57 Sandwich Street S, Amherstburg

Plan 8 Lots 10 & 11; Plan 6 Part Lot 18; Plan 240 Pt Lt 3; 12R7896 Parts 3,4,5

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

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

Dated at the Town of Amherstburg in the County of Essex, this 3rd day of May, 2022.

Ken Shuckley
Signature of Witness

[Signature]
Signature of Owner

Ken Shuckley
Signature of Witness

[Signature]
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.

Application No. ZBA/11/22

**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 May 5, 2022
- 3. Date application deemed complete by municipality May 25, 2022
- 4. Name of registered owner Ross Esposito & Matt Esposito
- Telephone number [REDACTED]
- Address [REDACTED]
- Email [REDACTED]

- Name of registered owner's solicitor or authorized agent (if any) Dillon Consulting Limited, c/o Amy Farkas
- Telephone number [REDACTED]
- Address [REDACTED]
- Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

- 5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

- 6. Location and description of subject land:

Concession No. _____ Lot(s) No. _____
 Registered Plan No. RP 8; RP 6 Lot(s) No. Lots 10 & 11; Part lot 18
RP 240 Pt Lt 3
 Reference Plan No. 12R-7896 Part(s) No. 3,4,5
 Street Address 51 & 57 Sandwich St S Assessment Roll No. 37292600000800
37292600000900

- 7. Size of subject parcel:

Frontage 35.5 m Depth Irregular Area ± 4,121 m²

- 8. Access to subject parcel:

- Municipal Road
- County Road
- Provincial Highway
- Private Road
- Water

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

- 9. (a) Current Official Plan Land Use designation of subject land General Commercial
- (b) Explanation of how application conforms to the Official Plan _____
Concurrent OPA application; Refer to PJR

(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 Residential Office

11. Nature and extent of rezoning requested Rezone to Commercial General

12. Reasons why rezoning is requested Site specific ZBA to permit a drive-through, patio, and reduction in rear yard, landscape buffer, and drive-through setbacks

13. Current use of subject land Residential

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

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 Refer to Planning Justification Report

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:

51 Sandwich St S: Single-detached dwelling; 2 storey; Front ±11.5m; Rear ± 86 m; South ±8.5 m; North ± 3m

51 Sandwich St S: Accessory Structure; Front ±38m; Rear ± 70m; South ± 4 m; North ± 11.5m

57 Sandwich St S: Single-detached dwelling; 2 storey; Front ±13m; Rear ± 86 m; South ± 4m; North ± 11.5m

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

Unknown

18. Date subject land acquired by current registered owner Oct 11, 2018 (51 Sandwich St S)
July 15, 2013 (57 Sandwich St S)

19. Proposed use of subject land Dairy Queen drive-through restaurant and mixed use building

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:

See attached Conceptual Development 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) _____

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:

N/A

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.

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

- Yes
- No

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

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

Yes No

Comments Refer to Planning Justification Report

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

Yes No

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

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

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

Dated at the City of Windsor this 3rd day of May, 2022.

Amy Farkas

(signature of applicant, solicitor or authorized agent)

I, Amy Farkas of the City of Windsor

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 City of Windsor in the County of Essex this 3rd day of May, 2022.

Amy Farkas

Applicant, Solicitor or Authorized Agent

Melanie Anne Muir

A Commissioner, etc.

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

NOTES:

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

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

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

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

51 & 57 Sandwich Street S, Amherstburg

Plan 8 Lots 10 & 11; Plan 6 Part Lot 18; Plan 240 Pt Lt 3, 12R7896 Parts 3,4,5

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

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

Dated at the Town of Amherstburg in the County of Essex, this 3rd day of May, 2022.

Ken Shuckley
Signature of Witness

[Signature]
Signature of Owner

Ken Shuckley
Signature of Witness

[Signature]
Signature of Owner

Signature of Witness

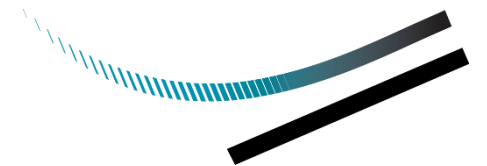
Signature of Owner

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

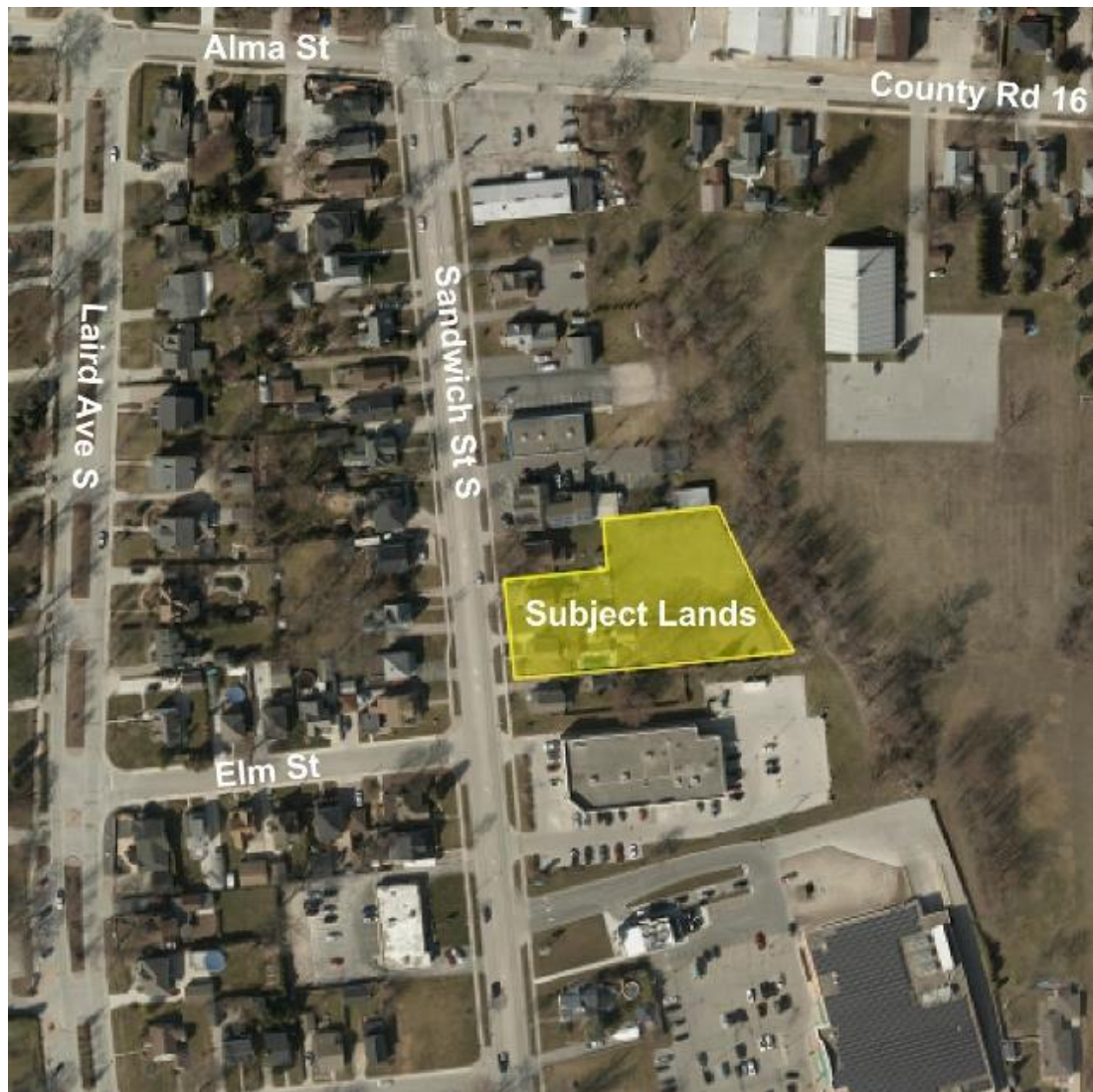
51 & 57 Sandwich Street South

Statutory Public Meeting

June 27, 2022

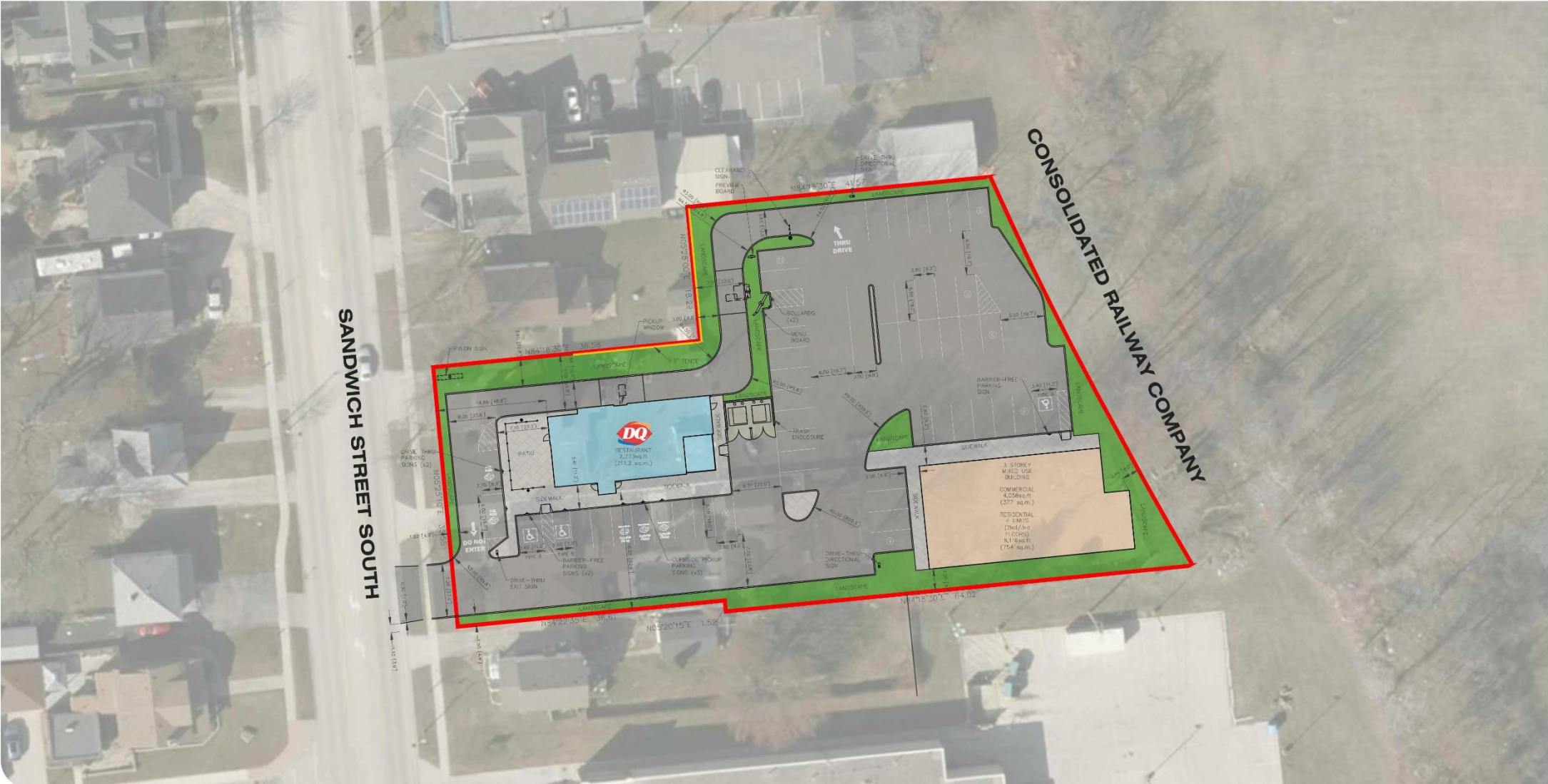


Project Overview



- Dairy Queen (DQ) with restaurant on the western portion of the site
 - Drive-through - Accommodates 10 passenger vehicles
 - Restaurant - 221.2 m² (2,273 ft²)
 - Patio – 50 m² (538 ft²)
- Three-storey mixed use building on southeast quadrant
 - 397.0 m² (4,273 ft²) of ground floor commercial
 - Four residential units on upper two floors
- Forty-six (46) parking spaces
 - Plus three (3) barrier free spaces
 - Two additional drive-through standby spaces

Conceptual Development Plan

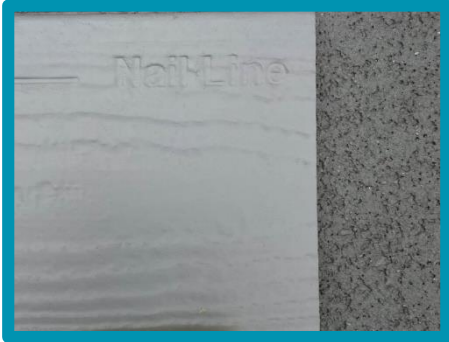


Proposed Dairy Queen

Proposed Restaurant Model



Proposed Hardi Board Façade Treatments



Proposed Mixed Use Building



- OPA/ZBA submission proposes a mixed use building with ground floor commercial and two-storey residential
- Applicant would like flexibility for a multiple dwelling without commercial uses
- To be determined during the Site Plan Control process



Application submitted to amend the Town of Amherstburg Official Plan

- Designated **General Commercial** in the Town of Amherstburg Official Plan
- OPA required to include 'drive-through' as a permitted use
 - Section 4.4.2 currently restricts drive-through restaurants to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street
 - The proposed development is 175 m south of Alma Street
- OPA permits multiple dwellings in General Commercial zone

Proposed Zoning By-law Amendment

Application submitted to amend the Town of Amherstburg Zoning By-law from:

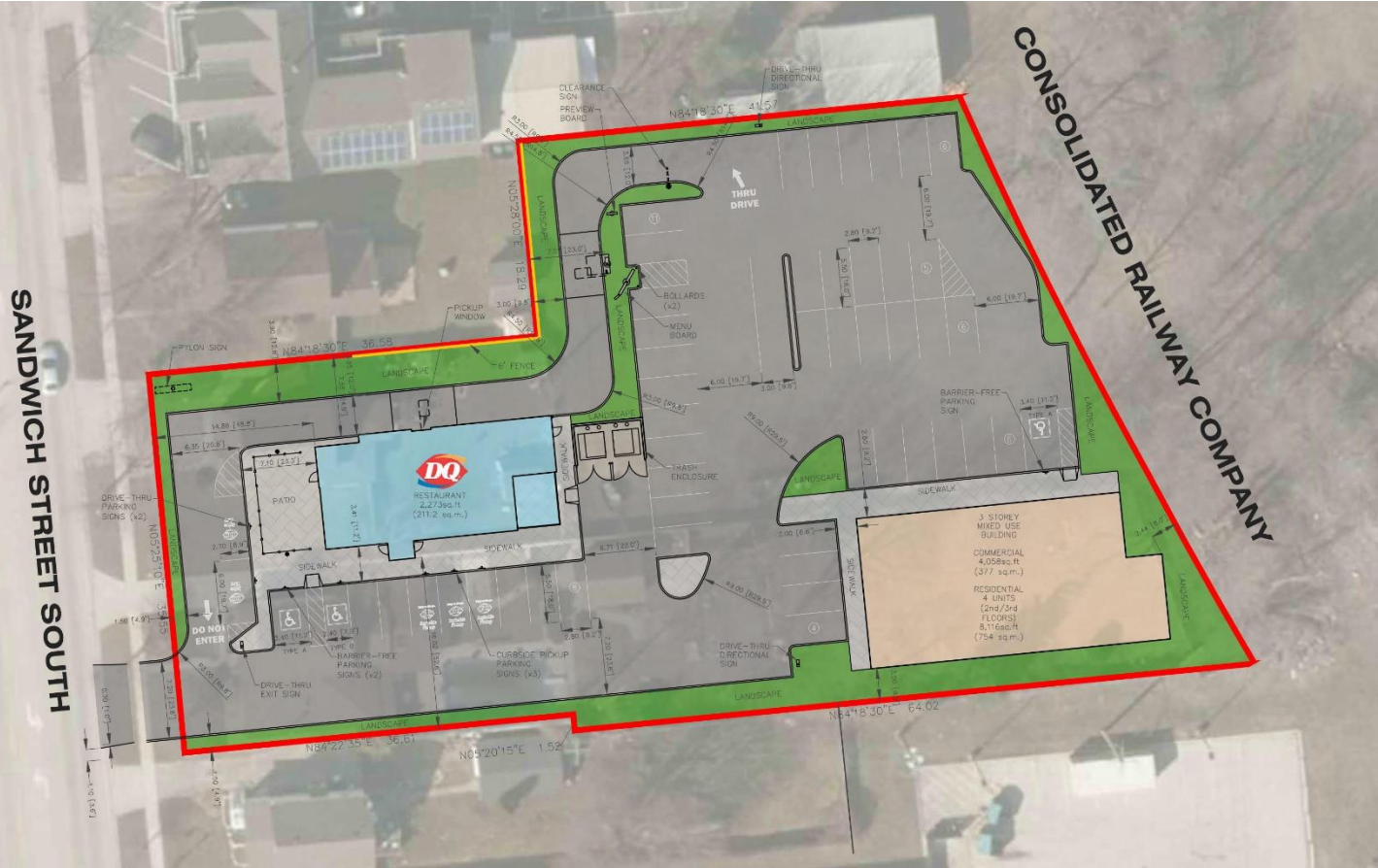
- Residential Office (RO) to a site specific **Commercial General (CG-X)**

- A drive-through restaurant as a permitted use;
- A multiple dwelling as a permitted use;
- A reduction in the minimum interior side yard width for buildings and structures associated with a drive-through abutting a residential use;
- A reduction in the minimum rear yard depth;
- A reduction in the minimum width of a landscaped planting strip abutting a residential interior side yard;
- An outdoor patio associated with a restaurant as a permitted use on lands adjoining a residential zone; and
- All other building requirements for the commercial and mixed use building to be in accordance with the requirements of the Commercial General (CG) zone.

Proposed Site Specific Zoning Provisions

Provision	Existing CG Zone	Proposed CG-X
Permitted Uses	<ul style="list-style-type: none"> Commercial Uses Drive-through facility Residential above first floor 	<ul style="list-style-type: none"> Restaurant, Drive-through Outdoor patio adjoining residential use Multiple dwelling
Minimum Front Yard	5.5 m (as per Section 3(26)b)	6 m (14.8 provided)
Minimum Interior Side Yard	7.0 m	7.0 m
Minimum Rear Yard	7.5 m	2.0 m
Minimum Setback from Residential Use (Drive-through)	10.0 m	3.0 m
Parking	DQ, including patio = 26 spaces Retail – 1 per 25 m ² = 15 spaces or Office, Medical = 1 per 20 m ² = 19 spaces Apartment – 1 per unit = 4 spaces Total – 45-49	49 Provided (including 3 barrier-free spaces) Plus 2 “pull ahead” standby spaces
Drive-through Stacking	6 vehicles	10 vehicles
Landscaped Planting Strip Abutting a Residential Zone	Abutting Sandwich Street - 1.5m	1.5 m
	Abutting Residential Interior Side Yard (North) – 3.0 m	3.0 m
	Abutting Residential Interior Side Yard (South) – 3.0 m	1.5 m

Background Studies and Reports



- Planning Justification Report (PJR)
- Stormwater Management (SWM) Report
 - Proposed development can accommodate peak outflow from the site
- Transportation Impact Study (TIS)
 - The study area intersections and the proposed driveway are projected to operate in an acceptable manner through to the 2028 horizon year and that no modifications to off-site infrastructure or traffic control are needed to support this development.

Conclusions

- Consistent with the Provincial Policy Statement (PPS), County of Essex Official Plan, and Town of Amherstburg Official Plan
- The site is physically suitable and well located to support the proposed commercial and residential uses
- Respects land use compatibility and site suitability directives which support healthy, complete neighbourhoods
- The design of the development will be done in accordance with the site specific zoning provisions agreed upon with the Town, and will be further reviewed during the Site Plan Control process
- Adds to the vitality of the area while supporting the efficient use of land and existing infrastructure
- Promotes a sense of place and will serve the neighbouring residents while fitting in the character of the neighbourhood and Town
- Promotes compact form and intensification; its location will encourage residents to use active transportation, minimizing the number and length of vehicle trips
- Compatible with the surrounding land uses (land use, scale, massing, landscaping, etc.) and is consistent with the mix of land uses along Sandwich Street South
- Provides desirable employment opportunities and supports the ability of residents to live and work in their local neighbourhood.

Questions?

Amy Farkas, MCIP RPP
Dillon Consulting Limited
afarkas@dillon.ca