

The Corporation of The Town of Amherstburg OFFICIAL PLAN



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

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



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

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

April 20, 2009
Date


Pamela Malott- CAO/Clerk

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

April 20, 2009
Date


Pamela Malott- CAO/Clerk

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2009-30

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

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

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

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

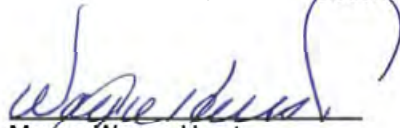
AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it advisable to repeal By-law No. 2008-82 of the Town of Amherstburg which adopted a new Official Plan;

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

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

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

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


Mayor- Wayne Hurst


CAO/Clerk- Pamela Malott

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

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

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

NOTICE OF DECISION

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

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

Purpose and Effect of the Official Plan Amendment

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

When and How to File an Appeal

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

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

Who Can File an Appeal?

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

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

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

When the Decision is Final

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

Getting Additional Information

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

Mailing Address for Filing a Notice of Appeal:

County of Essex
360 Fairview Avenue West
Essex, ON NBM1Y6

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

DECISION

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

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

Modification #1

Section 1.5 is modified by adding thereto the following paragraph:

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

Modification #2

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

Modification #3

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

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

Modification #4

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

Modification #5

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

Modification #6

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

Modification #7

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

Modification #8

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

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

Modification #9

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

Modification #10

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

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

Modification #11

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

Modification #12

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

Modification #13

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

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

Modification #14

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

Modification #15

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

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

Modification #16

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

Modification #17

Section 3.6.3 (1) is modified as follows:

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

Modification #18

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

Modification #19

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

The balance of the Official Plan is approved as submitted.

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

ORIGINAL SIGNED

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

ISSUE DATE:

Feb. 16, 2010



PL090789

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

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

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

APPEARANCES:

Parties

Counsel

Town of Amherstburg

A. DeLuca

Minister of Municipal Affairs and Housing

M. Singh

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

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

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

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

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

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

It is so Ordered.

“ S.J. Stefanko ”

S.J. STEFANKO
MEMBER

Town of Amherstburg Official Plan

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

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

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

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proposed

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

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

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

Extractive Industrial Policies is deleted in its entirety and the remainder of the subsection is renumbered sequentially.

shall protect Salt Solution Mining Sites from incompatible land uses which would preclude or hinder future mining.

development would not significantly preclude or hinder future mining.

<p>31</p>	<p>Subsection 3.3.4(1) Special Policy Area 1 is deleted in its entirety and replaced with the following: “3.3.4 (1) Special Policy Area 1 Lands identified on Schedules A or B as Special Policy Area 1 have been designated on the Land Use Schedules as Extractive industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 1 to the North Sideroad have not been actively farmed and are lands that abut an extensive natural environment area. In addition to brine well extraction the lands south of North Sideroad may be used for agricultural land used in accordance with the policies of Section 3.2 of the Plan.</p> <p>Redevelopment of the lands south of North Sideroad for agricultural purposes shall be permitted by this Plan in addition to the brine well extraction.</p> <p>Redevelopment of the lands used as a solar generating facility north of North Sideroad for light industrial or recreational purposes shall be permitted by this Plan in addition to the brine well extraction. Permitted recreational uses shall be limited to passive uses such as golf courses, campgrounds, or parks and shall be subject to Site Plan Agreements and a site-specific Zoning By-law amendment that specifically identifies the type of facility permitted, including the area of the site to be used for what activities, road access, parking, lighting, drainage, screening and landscaping and any other matters that may be deemed appropriate under Section 34 and 41 of the Planning Act. In addition, the portion of these lands located to the north of North Sideroad shall also be considered to have a dual designation of Light Industrial which shall allow the lands to develop as one or the other designation but not of both designations and the appropriate policies of the Official Plan would apply. Development of the lands as Light Industrial or Recreational shall be serviced with municipal sewer and water services. In locations or areas of know historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards.”</p>	<p>2.5.4.1-on prime agricultural land extraction of minerals aggregate resources is permitted as an interim use provided that rehabilitation is carried out so that substantially the same areas and same average soil quality for agriculture are restored. Section 2.4.4- Rehabilitation Salt Brine operation.</p>	<p>?</p> <p>-Rehabilitation to light industrial or recreational use was not consistent with the PPS- Rehabilitation to agricultural uses is.</p> <p>-Part of SPA #1 (north part) will be used for a solar generation facility. Rehabilitation of that part will be recreation or light industrial, subject to the Official Plan policies, including the need to service with municipal water and sewer services.</p>
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Section 4 - Settlement Area Policies

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

	private boat docks shall be permitted on each lot. Access to the subject lands shall be by the Detroit River;"		place. No need for the policy.
	Section 6 of Official Plan – Development Policies		
35	<p>Section 6.1.2 (9) (g) Development Policies: Land Severances is hereby deleted in its entirety and replaced with the following policy:</p> <p>"6.1.2 (10)</p> <p>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."</p>	<p>Section 2.3.4.2</p> <p>Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. And Section 2.3.4.1 c) – severances for a residence surplus to a farming operation.</p>	<p>- lot adjustments (lot additions) are permitted.</p> <p>- surplus dwelling severances must be as a result of farm consolidation. Municipalities must ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by surplus dwelling severances</p>
36	<p>Section 6.6.3 Housing Policies: Housing Supply is hereby amended with the addition of the following statement following Section 6.6.3 (15):</p> <p>"6.6.3 (16)</p> <p>The Town will work with the County of Essex to identify targets for housing that is affordable to low and moderate income households and the Plan will be amended to incorporate such targets."</p>	<p>Section 1.4.3 – Planning Authorities</p> <p>policy commits the Town to do the targets in cooperation with the County. revision of housing which affordable to low and moderate income households.</p>	<p>shall establish and implement minimum targets for the provision of housing which affordable to low and moderate income households.</p>

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- A, B **LAND USE PLAN**
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APPENDIX

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

SECTION 1 GENERAL

1.1 TITLE AND COMPONENTS

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

1.2 THE PLANNING AREA

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

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

1.3 PLANNING HISTORY

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

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

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

1.4 LEGISLATIVE AUTHORITY

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

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

1.5 TIME PERIOD OF THE PLAN

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

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

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

1.6 PURPOSE OF THE PLAN

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

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

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

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

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

1.7 BASIS OF THE PLAN

1.7.1 Studies Completed, Previous Amendments and Consultation

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

Since 1999 a number of studies have been prepared including:

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

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

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

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

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

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

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

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

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

1.7.2 The Ontario Planning Act

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

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

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

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

1.7.3 Ontario Smart Growth

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

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

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

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

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

1.7.4 Growth and Development

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

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

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

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

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

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

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

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

1.7.5 Identified Areas for Residential Development

The main areas identified for residential development are:

- (1) the old Town of Amherstburg;

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

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

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

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

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

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

1.7.6 Agriculture

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

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

1.7.7 Natural Environment

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

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

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

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

1.7.8 Servicing

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

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

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

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

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

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

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

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

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

1.7.9 Industrial and Commercial Lands

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

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

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

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

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

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

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

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

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

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

1.7.10 Other

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

SECTION 2 LAND USE MANAGEMENT STRATEGY FOR DEVELOPMENT

2.1 GENERAL

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

The Town of Amherstburg will endeavour to ensure that:

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

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

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

2.2 LOCATION OF DEVELOPMENT

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

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

2.3 SITE SUITABILITY

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

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

2.4 DEVELOPMENT CHARGES

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

2.5 INDUSTRIAL AND COMMERCIAL SERVICES

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

2.6 WATER SUPPLY AND SEWAGE DISPOSAL

2.6.1 Public Piped Systems

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

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

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

2.6.2 Communal Systems

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

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

2.6.3 Private Individual On-Site Services

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

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

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

2.6.4 Servicing Strategy/Full Municipal Services

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

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

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

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

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

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

2.7 STORMWATER MANAGEMENT POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

2.8 SOLID WASTE MANAGEMENT

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

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

2.8.1 Former Waste Disposal Sites

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

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

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

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

2.8.2 Waste Settling Beds

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

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

2.9 SEWAGE TREATMENT PLANTS

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

2.9.1 Measuring Separation Distances

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

2.9.2 Acquisition of Buffer Areas

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

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

2.10 PUBLIC PARKLAND

2.10.1 Public Parkland Standards

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

2.10.2 Parkland Dedication

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

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

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

2.10.3 Cash-in-Lieu of Parkland

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

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

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

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

2.11 BUFFERING (*Modification #4*)

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

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

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

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

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

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

2.12 HERITAGE CONSERVATION

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

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

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

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

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

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

2.13 ENERGY CONSERVATION

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

2.14 UTILITIES

2.14.1 Electric Power Facilities

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

2.14.2 Wind Turbines

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

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

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

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

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

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

2.14.3 Other Utilities

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

All buildings and facilities not used directly for the transmission or reception of an electrical current or signal, a liquid or gas or similar substance, shall comply with all other provisions of this Plan and the Zoning By-law.

2.14.4 Renewable Energy

The following policies 2.13.4 apply to three specific sites identified as:

Site 'A' is located at the southeast corner of the intersection at North Side Road and Concession 2. Site 'A' is more specifically described as Part of Northwest 1/4 of Lot 9, Concession 2 in the former Township of Anderdon designated as Part 1 on Plan 12R-12958; Part of North 1/2 of Lot 10, Concession 2 in the former Townships of Anderdon designated as Part 4 on Plan 12R-12958 and Part 1 on Plan 12R-13638; and Part of Southwest 1/4 of Lot 10, Concession 2 in the former Township of Anderdon designated as Part 2 on Plan 12R-12958, Town of Amherstburg, County of Essex.

Site 'B' is located at the northwest corner of the intersection at North Side Road and Concession 2. Site 'B' is more specifically described as Part of Lots 31, 32, 33, 35 and 36, Concession 1 in the former Township of Anderdon, designated as Parts 4 and 5 on Plan 12R-5308, Town of Amherstburg, County of Essex.

Site 'C' is located at the northeast corner of the intersection at Alma Street and Concession 3 (Fox Road). Site 'C' is more specifically described as Part of Lots 1 and 2, Concession 3 in the former Township of Anderdon, designated as Parts 1 to 3 on Plan 12R-14374, Town of Amherstburg, County of Essex.

- (1) No Energy Systems shall be permitted on lands designated Provincially Significant Wetland and the Essex Region Biodiversity Conservation Strategy area of restoration 240 metres adjacent thereto.
- (2) The development of new or expanded renewable energy systems shall be subject to the permit requirements of the Ontario Ministry of Transportation (MTO) if applicable.
- (3) Sites proposed for new or expanded renewable energy systems on lands regulated by Ontario Regulation 158/06 for the Essex Region Conservation Authority, as amended, will be subject to the provisions, policies and regulations there under.
- (4) The development of renewable energy systems shall be prohibited where they may cause a potential aviation safety hazard. The development of new or expanded renewable energy facilities within the Areas of Influence of airports and aerodromes, shall be sited to the satisfaction of Transport Canada and Navigation Canada if applicable and shall require consultation with airport and aerodrome operators. An Aeronautical Obstruction Clearance form must be approved by Transport Canada and a Land Use Proposal Submission form must be approved by NavCanada if applicable.
- (5) Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- (6) The intent of this Plan is not to duplicate any requirements of a proponent under the Environmental Assessment Act if applicable. Wherever possible, these

policies seek to integrate the Ontario Environmental Assessment Act(s) and Planning Act through:

- i) The scope of any documentation required under the Environmental Assessment Act(s) will be expanded to include any information requirements required to assess the proposal under the Planning Act and the Provincial Policy Statement.
- ii) It is expected that the proponent will coordinate its activities regarding timing of notices, public information sessions, release of reports and assessment of reports.
- iii) A Zoning By-law Amendment or site plan control agreement will not be approved until the following has been met:
 - a) The application is consistent with the Provincial Policy Statement;
 - b) The application conforms to the County Official Plan and this Plan;
 - c) A Notice of Completion has been issued under the Environmental Screening Process (Environmental Screening Report and/or Environmental Review Report) and the minimum 30-day public and agency review period has been completed.
 - d) Copies of all comments and any elevation requests received during the minimum 30-day public and agency review period have been provided to the Town and the County, and the Town and the County are satisfied there are no fundamental planning issues that remain unaddressed.
 - e) Once the above tests have been met, a holding provision shall be added to any zoning and shall be removed once all final applicable Federal and Provincial approvals have been obtained.

(7) The development of renewable energy systems in areas adjacent to or on known deposits of mineral, aggregate, or petroleum resources shall be permitted where it has been demonstrated that the energy system serves a greater long-term public interest during the lifetime of the renewable energy system than the resources noted above and does not compromise the future extraction of the aggregate, mineral or petroleum resource.

(8) The Town shall generally require a peer review of any supporting information at the applicant's cost. Exemption to all or part of the peer review requirement may be considered during pre-consultation based on the nature and scale of the proposal and the extent of any concurrent reviews of the supporting information.

All required supporting reports and studies and their peer review are to be prepared and signed by qualified individuals.

(9) Renewable energy systems shall be designed and constructed to be buffered and/or separated from sensitive land uses to prevent adverse effects such as but not limited to noise, odor and other contaminants and to minimize the risk to public health and safety.

(10) Applications to construct more than one renewable energy system per property shall be considered with regard to any cumulative impacts (for both existing and proposed facilities) that may result to adjacent landowners, the general area, the municipality, or the County.

- (11) Prior to the development of new or expanded renewable energy systems in Wetlands or Natural Environment Lands or Hazard Lands an amendment to the Official Plan and Zoning By-law will be required which conforms with the Natural Hazards policies in the Provincial Policy Statement 2005 and the requirements for permits by the respective Conservation Authority under Ontario Regulation 158/06,
- (12) Prior to the approval of a medium or large, new or expanded, renewable energy system, the proponent must demonstrate that the lands affected by the project do not exhibit characteristics suitable for, and are not used for, specialty crop areas.
- (13) Prior to the approval of a new renewable energy system, the proponent shall ensure that where there is a vacant lot of record in the vicinity of the project upon which a point of reception could be built in accordance with the local zoning for the property, the proponent must model and demonstrate that the receptor could be built on the property without being subjected to adverse effects. This shall be accomplished by demonstrating that a suitable building envelope exists on a portion of the property that would reasonably be expected to contain the use.
- (14) Preliminary consultation shall occur for new or expanded renewable energy systems between the applicant, the Town, County and Conservation Authority prior to the submission of any Planning Act applications and the commencement of any environmental assessment process.
- (15) Notification and circulation for large scale projects may be expanded beyond the minimum requirements in the Planning Act. Depending on the scale of the project the Town may require the posting of notices on each property that is subject to the applications as well as posting the notice in area newspapers.
- (16) Prior to adoption of a Zoning By-law Amendment, the by-law text and schedule will include UTM coordinates identifying the location (within a 50 metres radius) of proposed renewable energy systems.
- (17) Where an application contains more than one property, a single official plan amendment and/or zoning by-law amendment application will be processed for the renewable energy system proposal.
- (18) All new or expanded renewable energy systems shall be subject to site plan control approval.

The requirement to prepare a site plan by a qualified professional illustrating the location of the proposed renewable energy system(s) (including make, model and power output), the location of all buildings, structures, works, access roads, supporting infrastructure, and property lines, as well as municipal roads, trails, vegetation, elevations, adjacent buildings and structures to a distance of 100 metres for every 10 metres of renewable energy system height from the property proposed for the renewable energy system. The level of detail may be simplified as determined through a pre-consultation meeting with the Town depending upon the nature and scale of the proposal.

2.14.5 Solar Energy Systems/Renewable Energy Systems

- (1) For the purposes of this Official Plan **Solar Energy System:** Means a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure, and outbuildings.

Small scale solar energy systems shall mean any solar energy system that is mounted to an existing building or any ground installed facilities that occupy a maximum lot coverage of 10% up to a maximum of 1 hectare.

Large scale solar energy systems shall mean any solar energy system with ground installed facilities that occupy 1 hectare or more of land.

- (2) The development of Solar Energy Systems in suitable locations in the Town of Amherstburg is a sound planning objective. Solar Energy Systems will be regulated by this Plan including the policies noted above under Section 2.2.13, the Zoning By-law, Site Plan Control and by the requirements of the Ministry of the Environment.
- (3) Ground mounted small and/or large-scale solar energy systems are not permitted on lands which are designated Wetlands or for large scale solar energy systems contained within a Settlement Area except lands within the Settlement Area that are in an Industrial designation.
- (4) Subject to the Policies of this Plan the determination of the appropriate land use provisions for small scale solar energy systems in terms of height, location, lot coverage, setbacks and any other land use planning matter shall be implemented through the comprehensive zoning by-law. Large scale solar energy systems will be subject to site plan control in addition to appropriate zoning regulations.
- (5) For all large-scale solar energy, the following technical reports will be required system proposals, after preliminary consultation and scoping with the County, Town and the Conservation Authority:
- i) **Scoped Environmental Impact Assessment** that addresses the following:
 - a) Natural heritage requirements of the Provincial Policy Statement.
 - b) Address Natural Environment Areas of this Plan.
 - ii) **Aggregate Assessment** if located in an area of high aggregate potential the applicant must demonstrate that the solar energy system serves a greater long-term public interest during the lifetime of the system than the aggregate resources and does not compromise future extraction of the aggregate resource.
 - iii) **Growth management assessment** is required for all large-scale solar energy systems. This assessment will demonstrate:
 - a) That sufficient land is available through intensification and redevelopment and designated growth areas to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for up to 20 years.
 - b) That the location of the solar energy system will not negatively impact on:
 - 1) The orderly progression of development and the timely provision

- of the infrastructure and public service facilities required to meet current and projected needs.
- 2) Settlement orientation and layout to ensure efficiency and convenient access to retail facilities, schools, recreational facilities and services.
- iv) **Noise report** demonstrating compliance with Ministry of the Environment requirements concerning any required transformers and other mechanical noises. This report shall demonstrate compliance with applicable Ministry requirements regardless of exemptions that may be afforded for particular land uses.
- v) **Agricultural Impact Study:** If proposed in designated Agricultural Areas, a report must assess the following:
- a) The quality of the agricultural land proposed for the use and whether lower quality lands are available on or off-site. In addition, this study will assess the impacts on any existing agricultural operations.
 - b) Agricultural land, infrastructure (i.e. artificial filed tiles, drainage ditches, culverts, field entrances, fences etc.) operations and activities shall be avoided to the greatest extent possible.
 - c) If unavoidable, the amount of agricultural land to be used shall be minimized to the greatest extent possible and disruption to the above-mentioned agricultural functions and features shall be minimized to the greatest extent possible and appropriately repaired and restored.
 - d) That in prime agricultural areas:
 - 1) The lands do not comprise specialty crop areas.
 - 2) There are no reasonable alternatives which avoid prime agricultural areas.
 - 3) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
 - 4) Any work on prime agricultural lands that is in addition to the land directly needed for the renewable energy system, shall be conducted according to appropriate construction standards such that substantially the same areas and same average soil quality for agriculture are restored after such work is completed.
- vi) **Reflectivity analysis** which demonstrates that sensitive land uses and public roads will not experience adverse effects and public safety is not compromised.
- vii) **Stormwater management report** assessing quality and quantity runoff during and post construction.
- viii) **Management Plan and Site Plan Control Agreements** including but not limited to:
- a) Procedures for rehabilitation/reinstatement of temporary disturbance areas and the site post-decommissioning and substantially the same areas and same average soil quality for agriculture.
 - b) Construction details concerning staging, access, silt control, construction areas, hours of construction, and any temporary structures.
 - c) Traffic management which details volumes, frequencies and haul routes of construction and supply vehicles. Haul routes should minimize impacts on existing services/infrastructure and local residents.
 - d) Decommissioning details where the proposed energy system has a set lifespan and which should include the method of removal, reinstatement

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

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

2.15 ACCESSORY USES

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

2.16 MOBILE HOMES/TRAILERS/GARDEN SUITES

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

2.17 BARRIER FREE ACCESS

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

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

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

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

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

2.18 BROWNFIELDS REDEVELOPMENT POLICIES

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

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

redevelopment policies.

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

2.19 SMART GROWTH POLICIES

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

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

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

2.20 BONUSING

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

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

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

2.21 DEVELOPMENT ALONG INLAND WATERCOURSES

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

applications for lands adjacent to any watercourse, drain or marsh, the municipality in consultation with the Essex Region Conservation Authority, may require the proponent to establish appropriate flood proofing elevations, and/or mitigation measures to ensure no adverse effects on the natural environment, and such flood proofing requirements and/or mitigation measures shall be implemented through the Zoning By-Law and/or Development Agreements.

2.22 MINIMUM DISTANCE SEPARATION

Because livestock operations and other types of land uses can have compatibility problems if located too closely to one another, the Zoning By-Law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing livestock operations shall comply with the appropriate minimum distance separation (MDS) formula. To ensure that appropriate separation occurs, setbacks shall be used reciprocally such that livestock operations will also be protected from encroachment by residential and other types of uses in the Zoning By-Law through the use of the appropriate minimum distance separation (MDS) formula except for development within the Settlement Area boundaries.

2.23 INSTITUTIONAL USES

In addition to the utilities permitted in accordance with Section 2.13 of this Plan, and lands that are explicitly designated "Institutional", the development of institutional uses that serve the local community shall be permitted in all Settlement Areas without an amendment to this Plan. Uses that are deemed to serve the local community include neighbourhood-oriented institutional uses such as elementary schools, churches, community halls and/or a hall associated with either a school or a church if less than 500 square metres in floor area, cemeteries, public utilities, neighbourhood recreation facilities and parks, libraries, and facilities for special population groups (including homes, centres or elementary schools for the care, boarding or teaching of children, interval houses for the physically abused, daycare facilities, and senior citizen centres).

Secondary schools, nursing homes, hospitals, arenas, community halls greater than 500 square metres in floor area, correctional facilities and other major institutional uses will require an "Institutional" or "Open Space" designation.

Both the development of new and the expansion of existing institutional uses shall be subject to the following policies:

- (1) the institutional uses shall be appropriately zoned in the Town's Zoning By-Law;
- (2) adequate precautions shall be taken to ensure that the institutional uses have no adverse effects on adjacent land uses;
- (3) adequate parking, vehicular access, landscaping, tree planting, buffering and site and building design shall be required where necessary to create an attractive appearance and ensure compatibility with surrounding land uses;
- (4) suitable arrangements will be made for water supply, sewage disposal, storm drainage and all other similar services.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided the subject property has been successfully rezoned. The Zoning By-law implementing this Plan will specify particular uses that would be permitted and those areas where such activities would most appropriately be located.

New institutional development or redevelopment in the "Residential" designation shall satisfy all of the following location and design criteria:

- (1) the site shall have frontage or flankage on an arterial or collector street as indicated on Schedule "D" of this Plan;
- (2) building design shall be compatible with the residential neighbourhood, maintaining the scale, density and character of existing land uses;
- (3) adequate buffering and transition shall be provided to protect surrounding existing development;
- (4) adequate off-street parking shall be provided to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area; and
- (5) on those streets which have been designated "no stopping" areas by the Town, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

2.24 WAYSIDE PITS and QUARRIES

A wayside pit or wayside quarry means a temporary pit or a quarry opened and used by a public road authority or their contractor or agent, solely for the purpose of a particular project or contract of road construction. Wayside pits and quarries are permitted in the Agricultural and Extractive Industrial designations without an amendment to this Plan or the Zoning By-Law. On good agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system) wayside pits and quarries may occur, if agricultural rehabilitation of the site is carried out, and substantially the same acreage and average soil capability for agriculture are restored.

Wayside pits or wayside quarries will be prohibited on lands constrained by Natural Environment or *Provincially Significant Wetland (Modification #6)* designations as identified on Schedules A and B of this Plan unless supported by recommendations and conclusions from an approved Environmental Impact Assessment.

When reviewing applications for wayside pits or quarries, Council will consider the following matters in commenting to the Ministry of Natural Resources (the approving authority under the Aggregate Resources Act) and Ministry of Transportation:

- (1) negative impacts upon natural heritage features or areas will be avoided or fully mitigated;
- (2) impacts on the right of property enjoyment of nearby residences will be avoided or fully mitigated;
- (3) impacts upon livestock operations will be avoided or fully mitigated;
- (4) groundwater and surface water resources will not be affected;
- (5) full compliance with Ministry of Environment requirements shall be assured; and
- (6) the site, if on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system), shall be rehabilitated to its former agricultural use and substantially the same acreage and average soil capability for agriculture shall be restored.

2.25 PORTABLE ASPHALT PLANTS

Portable asphalt plants used on public authority contracts may be permitted without the need for an Official Plan amendment, re-zoning or development permits under the Planning Act in all areas except for those areas of existing development, lands that are part of the Natural Environment or *Provincially Significant Wetland (Modification #7)* designations, lands that are constrained by a natural hazard (e.g., flood plains, steep slopes etc.) or lands which have been determined to be incompatible with extraction and associated activities. Where possible, portable asphalt plants will be located and operated within permitted wayside pits or quarries.

When reviewing applications for portable asphalt plants, Council will consider the following matters in commenting to the Ministry of Transportation:

- (1) negative impacts upon natural heritage features or areas will be avoided or fully mitigated;
- (2) impacts on the right of property enjoyment of nearby residences will be avoided or fully mitigated;
- (3) impacts upon livestock operations will be avoided or fully mitigated;
- (4) groundwater and surface water resources will not be affected;
- (5) full compliance with Ministry of Environment requirements including a Certificate of Approval under Section 9 of the Environmental Protection Act for emissions is assured, but in no case shall a portable asphalt plant be located closer than 400 metres to an existing residence;
- (6) the plants will be dismantled and the sites declared environmentally clean upon completion of the public road project; and
- (7) *the site, if on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system) shall be rehabilitated to its former agricultural use and substantially the same acreage and average soil capability for agriculture shall be restored. (Modification #8)*

2.26 WOODLOTS

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

2.27 DECOMMISSIONING

Where a change in land use is proposed and the previous and existing use has the potential to have caused environmental contamination, the site shall be decommissioned and/or cleaned up to the satisfaction of the Town of Amherstburg. The decommissioning/clean up shall be undertaken in accordance with O. Reg. 153/04 as amended from time to time under the Environmental Protection Act. Obtaining a Record of Site Condition is recommended to determine if the land is suitable for the proposed use.

Section 168.3.1 of the Environmental Protection Act, which came into effect on October 1st, 2005, makes it compulsory for a property owner to file a Record of Site Condition in the Brownfields Environmental Site Registry prior to changing property use from Industrial, Commercial or Community Use to Residential, Institutional, Parkland or Agricultural use. Definitions of various property uses are defined in Part I of O. Reg 153/904 of the Environmental Protection Act. Section 11 of O. Reg 153/04 specifically states a change in zoning under a municipal by-law does not constitute a change in property use. The use is the “actual use(s)” made of the property, or if vacant, the “actual use(s)” that preceded it. Section 168.3.1 is applicable law under the Building Code Act. Section 14 of Ontario Regulation 153/04 stipulates which specified changes in land use make obtaining a Record of Site Condition compulsory.

Even if the property use change does not legislatively require the provision of a Record of Site Condition (i.e. not specifically addressed by Section 14 of Regulation 153/04) where a change in land use is proposed, and the previous and existing use had the potential to have caused environmental contamination, it is the policy of this Official Plan that a Record of Site Condition must be obtained prior to the change in use occurring, so as to confirm whether the site is in fact suitable *for (Modification #9)* the change in land use being proposed.

2.28 SECONDARY DWELLING UNITS

Secondary dwelling units can help to achieve intensification targets and increase the availability of affordable housing choices for residents. Secondary dwellings units may also assist with aging in place concepts. Secondary dwelling units, also referred to as additional residential units, are ancillary and subordinate to the primary dwelling unit. Secondary dwellings units may be contained within the main building and/or within an accessory building located on the same lot,

- (a) In accordance with the *Planning Act*, as amended, secondary dwelling units are permitted in detached, semi-detached and rowhouse dwellings or in the accessory structures related to these uses,
 - the use of two residential units in a detached house, semi-detached house or rowhouse; and
 - the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.
- (b) A secondary dwelling unit will be permitted in an existing or new dwelling where a permanent single detached, semi-detached or rowhouse residential use is permitted under the zoning by-law. For greater clarity, a secondary dwelling unit will not be permitted in a seasonal dwelling unit or an accessory dwelling unit;
- (c) The secondary dwelling unit is to be incidental to the main permitted residential use and shall not change the general appearance of the dwelling or negatively impact the character of the neighbourhood; pursuant to this policy, the implementing zoning by-law may regulate the second units having regard for exterior alterations; parking; access; secondary unit areas; and locational criteria.
- (d) A secondary dwelling unit shall not be permitted on a lot subject to hazards such as flooding or erosion, as regulated by the conservation authority having jurisdiction for that area.
- (e) No severances for new lots will be permitted to separate a secondary dwelling unit from a primary dwelling.
(OPA#11)

SECTION 3 RESOURCE-BASED LAND USE POLICIES

3.1 GENERAL

The intent of this Official Plan is to develop policies and to define, through Schedule “A” - Land Use Plan and the more detailed Schedule “B” - Land Use Plan - Settlement Areas, the nature and extent of future growth and to determine the use of land in an orderly, attractive and economically viable manner. The objectives of the Land Use Policies and Plan portion of the Official Plan are:

- (1) To maintain an appropriate balance between areas to be used for Agricultural, Natural Environmental features, Residential, Commercial, Industrial, Open Space, and Institutional activities;
- (2) To designate major land use areas to ensure the proper functioning of each use, and desirable spatial distribution based on sound planning principles and analysis;
- (3) To establish a land use pattern that ensures that services and utilities are efficiently utilized;
- (4) To ensure that the central area/ “old Town” is strengthened as the focal point of community life and commerce;
- (5) To ensure that areas that have been identified as environmentally sensitive, having scenic value or hazardous potential are sufficiently protected; and
- (6) To ensure that sufficient areas have been set aside for employment opportunities.

The policies of Section 3 of this Plan deal with lands that are resource-based, including the Agricultural, Extractive Industrial and Natural Resources such as provincially significant wetlands, environmentally sensitive areas, woodlots and lands with development limitations within the Town of Amherstburg. Development activities within these designations are restricted to uses that protect the resource, its economic viability and its sustainability. Section 4 of this Plan will deal with the Settlement Areas of the Town of Amherstburg. It is within the Settlement Areas that development intended to accommodate the anticipated population increases, industrial and commercial growth will be directed. It is the intent of this Plan to direct non-resource-based development to the Settlement Areas of this Plan.

3.2 AGRICULTURAL LAND USES

Good agricultural lands and viable farming operations are non-renewable resources essential to the economic wellbeing of Amherstburg, Essex County and the Province of Ontario. These non-renewable resources need to be protected, preserved and enhanced to ensure that productive agricultural land continues to exist and is not undermined by non-agricultural activities. The Agricultural policies provide a framework for the protection and maintenance of the agricultural industry not only as a producer of food and other products but also as a foundation for a rural way of life.

The policies will ensure that good agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to or compatible with agriculture away from the agricultural area. The policies will also ensure that the minimum agricultural operation unit size or farm parcel size is maintained equal to the typical agricultural operation while also permitting farming operations to adjust to changing economic and technological conditions. In the Agricultural area of Amherstburg, agriculture is the primary long- t e r m land use. The main purpose of the designation is to provide a secure land base for agricultural activities and to support the concept of “right-to-farm”.

3.2.1 Goals

The following goals are established for the Agricultural area:

- (1) To preserve and enhance good agricultural land for agricultural purposes;
- (2) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;
- (3) To restrict the type and amount of non-farm development in the agricultural area;
- (4) To encourage the retention and enhancement of existing windrows, hedgerows, and small woodlots in order to protect the high quality of landscape, provide habitat for wildlife, mitigate wind erosion and protect surface and groundwater resources; and
- (5) To direct non-agricultural development to Settlement Areas and to control the development of agriculturally related commercial and agriculturally related industrial uses.

3.2.2 Policies

The following policies shall apply to those lands designated “Agricultural” on Schedules “A” and “B” of this Plan:

- (1) (a) *The ‘Agricultural’ designation on Schedules ‘A’ and ‘B’ shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The agricultural uses permitted include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;*
- (b) *Secondary uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture, such as farm occupations and home occupations as per Section 3.2.2. (18) of this Plan, bed and breakfast establishments or agricultural trucking establishments;*
- (c) *Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted;*
- (d) *Wayside pits and quarries are permitted in the ‘Agricultural’ designation subject to Section 2.24 and other applicable policies of this Plan;*
- (e) *Portable asphalt plants are permitted in the ‘Agricultural’ designation subject to Section 2.25 and other applicable policies of this Plan. (Modification #20)*
- (2) *Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation. However,*

the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions;

- (a) A site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 41 of the Planning Act;*
 - (b) Minimum setbacks for the establishment of new or the expansion of an existing mushroom operation shall be required in the Comprehensive Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses. (Modification #21)*
- (3) All new and expanding livestock facilities are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the implementing Zoning By-Law;
- (4) Tree farms and retail nursery outlets are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided that all goods and materials for sale are grown or produced on site. Those establishments that have goods and materials for sale that are not grown or produced on site will require an amendment to the Town's Zoning By-Law to place the subject property in an agricultural defined area that specifically outlines the type of facility permitted including the area of the site and/or buildings that may be used for retail/display purposes, and to address appropriate setbacks, building size and location, parking, loading, road access, lighting, drainage, buffering, screening and landscaping and any other matters under Section 34 and 41 of the Planning Act;
- (5) *number left for future use; (Modification #22)*
- (6) *Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites are permitted uses within the Agricultural designation subject to further considerations and policies of this Plan. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion; (Modification #23)*
- (7) Greenhouse operations shall be permitted provided that lands developed for greenhouse activities or agricultural operations that require extensive structures may be subject to on-site stormwater management as a condition of development. Impacts of light pollution on abutting land uses will also be assessed. If a greenhouse operation is located on a site with municipal water supply, limitations may be applied to the utilization of the water for agricultural purposes and/or the farm/greenhouse development may be required to upgrade the water system to accommodate the demand and/or the water usage may be metred and recycling of irrigated water may be required. If the greenhouse is developed on a private individual water supply system, a ground water study shall be required to assess the potential for groundwater interference and groundwater supply and if applicable, a Permit to Take Water under the Ontario Water Resources Act will be required. Recycling of water may also be required. Any goods and material offered for sale shall be limited to small-scale retailing of products grown and produced on site. Where the proposed use would involve the sale of goods and materials that are not grown and produced on the site, a Zoning By-law amendment shall be required to place the subject

property in a site-specific agricultural zone that identifies the type of facility permitted including the area of the site and/or buildings that may be used for retail/display purposes and to address any other matters under Section 34 of the Planning Act;

- (8) Wineries are permitted in the Agriculture designation, provided that any proposed new development, and any expansion of an existing winery, shall meet all of the following conditions:
- a) Wineries shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed winery or expansion to an existing winery and not the creation of new lots;
 - b) A winery shall not be severed from the winery farm parcel;
 - c) A minimum of 2 hectares (5 acres) of the winery farm parcel shall be capable of and committed to the production of grapes or other produce used in the winery;
 - d) A winery shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required;
 - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
 - f) The maximum size of a winery shall not exceed 1.5 percent coverage of the winery farm parcel, to a maximum of 2,323 square metres (25,000 square feet) of gross floor area aboveground, whichever is less;
 - g) The display, retail sale and/or tasting of wine produced on the winery farm parcel shall be permitted accessory to a permitted winery, provided the area dedicated to this purpose is limited to a maximum of 25 percent of the winery gross floor area aboveground which may be in addition to the total size of the winery. The retail sale of gifts, promotional and other non-local material shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
 - h) Educational and/or historical displays directly related to the wine and grape producing industry shall be permitted accessory to a permitted winery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery gross floor area aboveground;
 - i) A restaurant may be permitted accessory to a winery, subject to an amendment to the Zoning By-law; and,
 - j) Banquet halls and conference facilities shall not be permitted at wineries;
- (9) *Existing, new and expanded aquaculture or fish farming, including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted. However, the establishment of a new fish farm or the expansion to an existing operation is subject to Site Plan Control. When considering an application for Site Plan Control, Council shall be satisfied that: (Modification #10)*
- a) approvals have been obtained from the Ministry of the Environment for the issuance of a “permit to take water” for water draw down from ground or surface sources and that the volumes of water are not adverse to the long-term planning of the community;
 - b) approvals have been obtained from the Ministry of the Environment for a “certificate of approval” for sewage treatment works and water discharge from the fish farm operation;
 - c) approvals have been obtained from the Ministry of Natural Resources for an

- d) *Aquaculture license (Modification #11);*
any discharge into a municipal drain is not harmful to the function of the drain and downstream users and that an engineering study has been conducted, to the satisfaction of the Town, to determine the potential effects, outline the steps to be taken to ensure no adverse effects will occur and prepare, if necessary, an area assessment of the drain;
 - e) any discharge into a watercourse subject to the control of a Conservation Authority has been approved by the Conservation Authority;
 - f) *the use meets the provisions in the Zoning By-Law; (Modification #24)*
 - g) any alteration to an existing watercourse which may impact water quality and quantity has been approved under the Conservation Authorities Act, the Lakes and Rivers Improvement Act, and where applicable, the Federal Fisheries Act;
 - h) if in the development of a pond for a fish farm there is the removal of material that can be processed as sand or gravel, a license under the Aggregate Resources Act shall be required; and
 - i) *in the creation of ponds for a fish farm, development agreements may be required that address the staged removal of top soil. (Modification #25)*
- (10) Consents for the division of lands in the Agricultural designation shall be discouraged. Consents will not be allowed which have the effect of creating lots that are not primarily related to agriculture as specified by this Plan;
- (11) *The minimum lot size within the 'Agricultural' Designation for newly created lots shall be 40 hectares for both the severed and retained parcels. Specialty farm operations and greenhouse operations may be established on existing smaller lots. Lot size requirements of the Agricultural designation may also include lands designated as Wetland or Natural Environment; (Modification #26) (Modification #12 becomes redundant)*
- (12) Minimum lot size within the Agricultural designation for non-farm permitted uses identified in this section shall be restricted to the minimum size required for the active aspect of the operation with as little acreage as possible taken out of productive agricultural land;
- (13) Consents may be permitted to correct lot boundaries or to add land to an adjacent property for the purposes of consolidating farm parcels/operations. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot other than for an existing dwelling unit with the remaining parcel such that no new building lots have been created.
- (14) *Where a habitable farm house existing as of January 1, 1978 is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation), a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:*
- a) *the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;*
 - b) *the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and*

As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that 'no additional dwelling units shall be permitted on the remnant parcel' shall be registered on title. (Modification #27)

- (15) The creation of new lots in the Agricultural area shall only be allowed in accordance with the policies of this Section (3.2) and with the land division policies contained in Section 6.1 of this Plan.
- (16) Residential uses on existing lots of record shall be permitted in the Agricultural designation. The Zoning By-Law shall only permit one residence per lot (lot as defined in the Zoning By-Law). More than one residence on a lot for the purposes of housing farm help, however, may be allowed in those instances where the need for such housing has been adequately demonstrated, the farm help is primarily devoted to (but not exclusively) the farm operation and a minor variance has been obtained. This additional residence should use the same access as the principal residence and will not be severable in the future. In those instances where a second home is required on a lot on a temporary basis, for example because the existing home is to be replaced, the Town may include a general provision in the Zoning By-Law or pass a temporary use by-law allowing both homes for a specified period of time. The intention however, is that the original home be removed within a specified period of time.
- ~~(17) Farm occupations and home occupations carried out for remuneration and as defined in the Zoning By-Law are permitted in the Agricultural designation. However, the implementing Zoning By-Law shall establish those farm and home occupations that will be permitted without an amendment to the Zoning By-Law and those that will require a site-specific amendment to permit the use by way of a defined area.
 - a) ~~In general, farm occupations that are clearly required to be located in the Agricultural area and provide a service primarily to the agricultural community, such as a tile drainage contractor or a seed corn dealership, will be permitted without a by-law amendment.~~
 - b) ~~All other types of farm occupations that are carried out for remuneration such as welding shops, repair shops, etc., will be permitted if they meet all of the regulations/provisions of the Zoning By-Law.~~
 - c) ~~Because farm occupations and other types of land uses on adjacent lots may have compatibility problems if located too closely to one another, the Zoning By-Law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing farm occupations shall comply with the setback criteria established in the Zoning By-law.~~
 - d) ~~Existing farm occupations that do not comply with the requirements of the Zoning By-law will be allowed to continue but will not be permitted to expand without a minor variance or Zoning By-law amendment.~~
 - e) ~~Home occupations that are totally contained within the dwelling unit, including attached garages, will be permitted without an amendment to the Zoning By-law. However, any home occupation that requires the use of anything on the subject property other than the dwelling, except for parking and a sign will require a Zoning By-law amendment.~~
 - f) ~~The municipality may decide to require a business license for all farm and home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in~~~~

accordance with the provisions of the by-law.

- ~~g) The development of any new, or expansion of a legally existing commercial or Industrial use which are not farm or home occupations, as defined in the Zoning By-law, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with the PPS, that the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the Town's Zoning By-law, that any proposed expansion of an existing use shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion and that the application satisfies the criteria included in Section 8.4 of this Plan. (Modification # 28)~~
- ~~h) Applications to sever farm or home occupations from the balance of the subject property shall not be allowed. (AMENDED/DELETED by OPA#11, DATE 2019 11 25)~~
- (18) Agri-tourism, including occasional demonstration events, temporary attractions (e.g. corn field mazes) and farm tours are permitted in the Agricultural designation and may be subject to a temporary use by-law.
- (19) The exploration and extraction of petroleum, natural gas or other similar materials shall be permitted in the Agricultural designation and shall be a permitted use in the Agricultural zones of the Zoning By-Law provided the exploration and extraction is in accordance with the Oil, Gas and Salt Resources Act. In addition, plugging of abandoned oil and natural gas wells and the storage of oil and natural gas shall be in accordance with the Oil, Gas and Salt Resources Act. In addition, this Plan requires that:
- a) Prior to any drilling being permitted, hydrology studies shall be prepared to the satisfaction of the Town, the Ministry of Mines and Northern Affairs and the Ministry of Natural Resources identifying water supplies and water levels for all property within the area of exploration to establish a pre-exploration benchmark for water supply and water levels. Reductions in water supply shall be the responsibility of the exploration and extraction operators;
 - b) Salt water, drilling fluid, oil refuse and any flammable products from a well shall not be handled or disposed of so as to create a hazard to public health or contaminate any fresh water horizons;
 - c) Waste of oil field brine must not be disposed of underground without the approval of the Ministry of Natural Resources;
 - d) Collection, storage and surface disposal of oil field brine shall be in accordance with the standards of the Ministry of Environment regarding water quality, where applicable;
 - e) The operation of wells shall not exceed the noise and vibration pollution standards of the Ministry of Environment; and
 - f) Oil contaminated soil shall be properly disposed of at a site certified by the Ministry of Environment to receive such waste;
- (20) This Plan recognizes the importance of trees in maintaining the natural environment and ecological balance in areas designated Agriculture, as well as their importance in maintaining the long-term viability of agricultural lands. Where possible, woodlots and forests are encouraged to be protected and expanded. To achieve this objective, the Town may consider making use of the Forestry Act, the Municipal Act, and any other relevant legislation;
- (21) Notwithstanding any other policies of this Plan to the contrary, an automobile sales establishment may be permitted on Part of Lot 11, Concession VIII, located on the

west side of County Road 11 (Walker Road) and designated Agriculture. The implementing Zoning By-Law shall restrict the number of automobiles allowed on display as well as establish other development standards for the property.

- (22) *On an existing lot of record in the Agricultural designation when an existing habitable residential dwelling has been destroyed, in whole or in part by a catastrophe, the dwelling may be repaired and/or reconstructed at the same location as the dwelling existed prior to the catastrophe. Further, the repair or reconstruction of the dwelling shall only occur when the size of livestock facility and the operation existed in the same location and intensity prior to the catastrophe and the separation distance or intensity of use has not been modified. The Minimum Distance Separation 1 will not apply to the reestablishment of the previously existing dwelling in the same location under the above noted conditions. (Modification #13)*
- (23) Micro-processing Cannabis Production Facilities are permitted in the Agricultural designation, provided that any proposed new development, and any expansion of an existing Cannabis Production facility shall meet all of the following conditions:
- a) Micro-processing Cannabis Production Facilities shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed Cannabis Production Facility or expansion to an existing Cannabis Production Facility and not the creation of new lots;
 - b) A Cannabis Production Facility shall not be severed from the Cannabis Production Facility farm parcel;
 - c) A Micro-processing Cannabis Production Facility shall be limited in size to 200 m² of production floor area and will only be permitted to sell or distribute up to 600 kg of dried cannabis or equivalent, as per the Federal Government “Cannabis Act” definition. A Standard Processing Cannabis Production Facility will not be permitted in the Agricultural designation;
 - d) A Micro-processing Cannabis Production Facility shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required. A Cannabis Production Facility shall be required to be located a maximum of 100 meters of an arterial or collectors road;
 - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
 - f) The retail selling of cannabis produced on the Cannabis Production Facility farm parcel shall be permitted accessory to the Cannabis Production Facility provided the area dedicated to this purpose is limited to a maximum of 25% of the Cannabis Production Facility gross floor area aboveground. The retail sale of cannabis accessories shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
 - g) The Micro-processing Cannabis Production Facility shall comply with all Federal Government regulations regarding security, fencing, loading and shipping.

3.2.3 Agricultural Special Policy Areas

Lands designated Agricultural and noted as Special Policy Area 8 on Schedules A and B may be developed as a golf course adjacent to the Settlement Area of McGregor subject to an Environmental Impact Assessment in accordance with Section 6.9 of this Plan.

3.3 NON-RENEWABLE RESOURCES

3.3.1 General

Non-renewable resources include aggregate resources and mineral resources including salt and petroleum resources.

Existing aggregate operations have been recognized within the Extractive Industrial designation of this Plan. Existing brine well operations have also been designated Extractive Industrial.

To date, very little petroleum resources production has occurred within Amherstburg but the possibility is real that future exploration work could lead to renewed petroleum and gas production in some locations. A separate land use designation has not been created for petroleum or gas production. The policies of this Plan and the Federal and Provincial regulations will govern the location and production of petroleum operations in this municipality. All extraction operations shall be planned to mitigate or prevent land use conflicts and ensure appropriate progressive rehabilitation.

3.3.2 Goals

- (1) To protect existing and future licensed aggregate and petroleum and gas operations and known deposits from activities or proposed land uses that would preclude or hinder their operation or possible expansion;
- (2) To require that extraction sites are operated in an orderly fashion so that extraction operations do not cause unacceptable adverse impacts on the agricultural land base or on the *natural heritage system (Modification #14)* or on existing areas of development;
- (3) To ensure that aggregate extraction and petroleum sites are rehabilitated to leave the sites amenable for uses that are compatible and consistent with surrounding land uses;
- (4) To encourage the continuance of agricultural operations on lands having deposits of aggregate resource until such time as the actual extraction occurs;
- (5) To require abandonment and plugging of wells to be in accordance with the standards set by the Oil, Gas and Salt Resources Act when wells cease production; and
- (6) To ensure that new development proposals address any historical hazards from former salt extraction or petroleum or gas extraction operations prior to the development proceeding.

3.3.3 Extractive Industrial Policies

The predominant use of land designated Extractive Industrial shall be the extraction of minerals such as sand, gravel, and limestone together with the ancillary uses of aggregate storage, stone crushing plant, overburden storage, administrative office, scales and accessory uses. Agriculture and salt solution mining are also permitted uses.

Quarry operations are currently situated on Part of Lot 8, Lots 9 and 10, Concession VI, both north and south of the North Sideroad and including the portion of the closed road allowance of North Sideroad between the 6th Concession Road and County Road 9 (Howard Avenue) of the former township of Anderdon. Quarry operations also exist in the former Town of Amherstburg west of Meloche Road south of County Road 18 (Simcoe Street/ Pike Road). These lands are designated Extractive Industrial on Schedule "A" of this Plan. Blasting frequently occurs at these locations. The resultant noise and vibration due to quarry operations may negatively impact on development within the influence area of these operations. Accordingly, to ensure the safety of any person and enjoyment of use of

surrounding lands, any new development within 600 metres of a quarry operation, excluding the limited development permitted by virtue of the Agricultural and Natural Environment designations which surround the quarry, shall be required to carry out a noise and vibration assessment/study and to implement the attenuation and mitigation measures as recommended by the study.

When a quarry operation ceases, and rehabilitation of the site to agriculture is not possible due to the height of the water table, redevelopment of the site for recreational land uses will be permitted subject to an official plan amendment, site plan agreement, and rezoning. (Modification #29)

In addition to the lands actively used for Extractive Industrial on Schedule "A" of this Plan, there continues to exist other areas of usable aggregate within the Town. The prime area is generally described as east of Howard Avenue south of North Sideroad and is also identified as an area for future extraction. Until such time as extraction occurs this area may be used for agriculture, forestry, conservation and recreation. Development and lot creation that could preclude future access to the aggregate resource areas shall not be permitted.

The Extractive Industrial areas fall under the regulations of the Aggregate Resources Act and the Oil, Gas and Salt Resources Act (OGSRA). All Extractive Industrial uses must also satisfy the requirements of the Ontario Ministry of the Environment or its designated agents as to water supply, disposal of liquid waste, pumping operations, the control of air and noise pollution and vibration where blasting is involved.

As the aggregate resources of the site are depleted, the site shall be rehabilitated in accordance with the Special Policies descriptions set out in Subsection 3.3.4 of this Plan and to the satisfaction of the Ministry of Natural Resources. If other land use activities are proposed, an amendment will be required to this Plan.

The Extractive Industrial uses shall be included in a separate zoning classification in the implementing Zoning By-Law.

Other operations designated as Extractive Industrial include Salt Solution Mining sites involved in the production of salt from brine wells which are regulated by the OGSRA, its regulations and its Provincial Operating Standards. For the purposes of this Plan, Salt Solution Mining Sites are mining operations and associated facilities, or past mining operations with remaining mineral potential that have not been permanently rehabilitated and restored to another land use. Council shall protect Salt Solution Mining Sites from incompatible land uses except where it can be shown that:

- (1) continued mining is no longer feasible;
 - (2) the proposed use or development serves a greater long-term interest to the public than does the mining;
 - (3) Issues of public health, public safety and environmental impact are addressed.
- (Modification #30)*

3.3.4 Special Policy Areas

- (1) *Special Policy Area 1*
Lands identified on Schedules A or B as Special Policy Area 1 have been designated on the Land Use Schedules as Extractive Industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 1 to the north of North Sideroad have not been actively farmed and are lands that abut an extensive natural environment area. In addition to brine well extraction the lands

south of North Sideroad may be used for agricultural land uses in accordance with the policies of Section 3.2 of this Plan.

Redevelopment of the lands south of North Sideroad for agricultural purposes shall be permitted by this Plan in addition to the brine well extraction.

Redevelopment of the lands used as a solar generating facility north of North Sideroad for light industrial or recreational purposes shall be permitted by this Plan in addition to the brine well extraction. Permitted recreational uses shall be limited to passive uses such as golf courses, campgrounds, or parks and shall be subject to Site Plan Agreements and a site-specific Zoning By-law amendment that specifically identifies the type of facility permitted, including the area of the site to be used for what activities, road access, parking, lighting, drainage, screening and landscaping and any other matters that may be deemed appropriate under Sections 34 and 41 of the Planning Act. In addition, the portion of these lands located to the north of North Sideroad shall also be considered to have a dual designation of Light Industrial which shall allow the lands to develop as one or the other designation but not of both designations and the appropriate policies of the Official Plan would apply. Development of the lands as Light Industrial or Recreational shall be serviced with municipal sewer and water services. In locations or areas of known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards. (Modification #31)

(2) Special Policy Area 2

Lands identified on Schedules A and B as Special Policy Area 2 have been designated on the Land Use Schedules as Extractive Industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 2 have been actively farmed and are lands that abut other lands that are actively farmed. In addition to brine well extraction these lands may be used for agricultural land uses in accordance with the policies of Section 3.2 of this Plan. In locations or areas of known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards.

In addition to the uses permitted in the Extractive Industrial designation, a solar energy development may also be permitted by site specific Zoning By-law amendment subject to:

1. demonstration as to how the proposal is consistent with Provincial Policy;
2. demonstration as to how the agricultural land will be preserved;
3. demonstration that disturbances to agricultural operations will be minimal;
4. an assessment of the effects of reflectivity of the solar panels;
5. an evaluation of visual impact;
6. an assessment of anticipated noise levels;
7. an assessment of grading and drainage;
8. an evaluation of impacts on the environment; and
9. geo-technical report.

(3) Special Policy Area 5

The resultant noise and vibration due to quarry operations within the Settlement Area may negatively impact on development within the influence area of these operations. Accordingly, to ensure the safety of any person and enjoyment of the use of

surrounding lands, any new developments within 600 metres of a quarry operation, excluding the limited development permitted by virtue of the Agricultural and Natural Environment designations which surround the quarry, shall be required to carry out a noise and vibration assessment/study and to implement the attenuation and mitigation measures as recommended in the study, to the satisfaction of the Town. All new development within 600 metres of a quarry operation shall be serviced by municipal piped water.

3.4 NATURAL ENVIRONMENT

3.4.1 Goals

The following goals are established for the Natural Environment area:

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

3.4.2 Policies

Lands designated Natural Environment are lands that have been identified as ANSIs (Areas of Natural and Scientific Interest) by the Ministry of Natural Resources, or as significant valleylands, wooded areas, wildlife habitat, or Environmentally Significant Areas (ESAs) by the Essex Region Conservation Authority (ERCA). The following policies shall apply to those lands designated "Natural Environment" on Schedules "A" and "B" of this Plan:

- (1) The predominant use of land shall be wildlife management including hunting and fishing, natural environment management, passive outdoor recreation, conservation, and associated facilities;
- (2) Buildings and structures associated with passive uses are also permitted in addition to those directly related to the management of the natural environment;
- (3) Lands designated "Natural Environment" shall be retained in their natural state and for conservation or wildlife habitat enhancement. Site alteration and/or development of these areas shall not be permitted unless it has been demonstrated to the satisfaction of Council and E.R.C.A. that there will be no negative impacts on the natural features and or their ecological functions. However, no development and or site alteration shall be allowed in the habitat of endangered and threatened species.
- (4) "Negative impact" means:
 - a) *in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss or*

- productive capacity; and*
- b) *in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities. (Modification #15)*
- (5) Site alterations and/or development on lands within 50 metres of the “Natural Environment” designation may only be permitted if it can be demonstrated that there will be no negative impacts on the adjacent natural environment features or their associated ecological functions.
 - (6) For the determination of whether or not negative impacts will occur, an Environmental Impact Assessment shall be undertaken in accordance with the County of Essex Official Plan *Guidelines for Environmental Impact Assessments*, as amended from time to time, contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.
 - (7) All-Natural Environment lands will be placed in an Environmental Protection Zone in the implementing Zoning By-Law.

3.5 WOODLOTS

3.5.1 General

Woodlots are forested wooded lands of Amherstburg that have been identified as having an area of 2 hectares or greater. The Woodlots are treed areas that provide environmental and economic benefit to both the private land owner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products.

3.5.2 Goals

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

- (1) To identify and protect significant woodlots within the Town of Amherstburg that are 2 *hectares or greater (Modification #16)* in area or meet the requirements for significance based on Provincial Natural Heritage guidelines;
- (2) To recognize the special environmental features that relate to one another and protect areas as component parts of a larger landscape feature or system;
- (3) To prevent incompatible development within and adjacent to this environmental feature;
- (4) To encourage private land owners to seek the advice and cooperation of the Essex Region Conservation Authority or a registered professional forester in the management of woodlots;
- (5) To enhance linkages between woodlots and other natural habitat;
- (6) To increase interior forest habitat;
- (7) To increase public awareness and appreciation for woodlots; and,
- (8) To increase native biodiversity within woodlots.

3.5.3 Policies

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

- (1) The predominant use of land shall be wildlife management including hunting and

- fishing, natural environment management, passive outdoor recreation, conservation, and associated facilities;
- (2) Buildings and structures associated with passive uses are also permitted in addition to those directly related to the management of the natural environment;
 - (3) lands designated as “Woodlots” shall be retained in their natural state and for conservation or wildlife habitat enhancement. Site alteration and/or development of these areas shall not be permitted unless it has been demonstrated to the satisfaction of Council and the E.R.C.A. that there will be no negative impacts on the features or their ecological functions;
 - (4) Site alterations and/or development on lands within 50 metres of the “Woodlots” with a “Natural Environment” underlying designation may only be permitted if it can be demonstrated that there will be no negative impacts on the adjacent natural environment features or their associated ecological functions;
 - (5) Site alternation and/ or development on lands with a “Woodlots” designation with no underlying Natural Environment designation may only be permitted if it can be demonstrated that the Woodlot was not significant by regional standards and appropriate conditions may be applied to mitigate any negative impacts;
 - (6) For the determination of whether or not negative impacts will occur, an Environmental Impact Assessment shall be undertaken in accordance with the County of Essex Official Plan *Guidelines for Environmental Impact Assessments*, as amended from time to time, contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

3.6 PROVINCIALY SIGNIFICANT WETLANDS

3.6.1 General

Areas designated “Provincially Significant Wetlands”, as depicted on Schedules “A” and “B” of this Plan, are wetlands which have been identified by the Ministry of Natural Resources as being provincially significant. The majority of the provincially significant wetlands within the Town of Amherstburg are generally located at the mouth of the Canard River (consisting of the Canard River Marshes and the Detroit River Marshes), and lands associated with Big Creek (including Mann’s Marsh and Big Creek Marsh). Significant portions of the waterways associated with these marshes are also provincially significant wetlands and have been mapped as wetland to assist in determining which lands are adjacent to the water-based wetland features.

3.6.2 Goals

The following goals are established for the “Provincially Significant Wetlands” designation:

- (1) To identify and designate provincially significant wetlands on the land use schedule;
- (2) To preserve and protect provincially significant wetlands;
- (3) To prohibit development within any provincially significant wetlands; and
- (4) To prohibit development of lands adjacent to (within 120 metres) of any provincially significant wetland unless it can be demonstrated that there will be no negative impacts on the natural features and ecological functions of the wetland.

3.6.3 Policies

The following policies shall apply to lands designated “Provincially Significant Wetlands” on Schedules “A” and “B” of this Plan:

- (1) Development and site alterations as defined in the Provincial Policy Statement shall be prohibited within any "Provincially Significant Wetlands" designation as depicted on Schedules "A" and "B" of this Plan. *Development and site alteration includes, but is not necessarily limited to:* the construction, erection, or placing of a building or structure, save and except buildings and structures used in conjunction with a permitted conservation, fish and wildlife management or public passive open space purposes (such as boardwalks, observation decks, viewing platforms or other similar structures); activities such as site grading, excavation, removal of topsoil or peat and the placing or dumping of fill; and drainage works, save and except works subject to and approved under the Drainage Act; (*Modifications #17*)
- (2) Notwithstanding the above, activities to create or maintain infrastructure authorized under an environmental assessment process are not to be considered development or site alteration. However, all efforts should be made to ensure that projects of this nature occur outside of wetland areas wherever possible;
- (3) Permitted land uses within a Provincially Significant Wetlands designation shall be limited to conservation uses, fish and wildlife management areas, passive open space uses, and existing agricultural uses;
- (4) The dykes of these lands are not within the Provincially Significant Wetlands designation and the existing structures are permitted. For the purposes of interpretation, these lands shall be within a Natural Environment designation;
- (5) Development and site alteration shall not be permitted on any adjacent lands within 120 metres of an identified provincially significant wetland feature or area unless the natural features and ecological functions of the adjacent lands have been evaluated through an Environmental Impact Assessment in accordance with the *County of Essex Official Plan Guidelines for Environmental Impact Assessments* contained in Appendix I to this Plan which effectively demonstrates that there will be no negative impacts on the wetland or its ecological functions. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.
- (6) "Ecological function" shall mean the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems, and landscapes. These may include biological, physical and socio-economic interaction;
- (7) "Negative impact" means:
 - a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
 - b) in regard to other natural heritage features and areas including Provincially Significant Wetlands, degradation or loss that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities, the loss of the natural features or ecological functions for which the area is identified;
- (8) Policy (5) shall not apply to existing zoned properties which do not require any further approvals under the Planning Act, R.S.O. 1990 c.P.13, as amended, and to existing agricultural activities. In addition, the above shall not apply in those instances where further approvals under the Planning Act, R.S.O. 1990 are required, but that the E.R.C.A. and/or the Ministry of Natural Resources *have been consulted by the Town and it has been determined (Modification #18)* that a formal Environmental Impact Assessment is not required;
- (9) The wetland boundaries illustrated on Schedules "A" and "B" are approximate and serve adequately for the purposes of evaluating applications for new land uses or development. The Environmental Impact Assessment process identified in Section 6.9 in consultation with the Ministry of Natural Resources will provide an accurate

definition of the boundary within and/or near to the proposal. An amendment is not necessarily required to this Plan for a boundary adjustment where the boundary refinement is minor, however, all boundary adjustments require the verification and approval by the Ministry of Natural Resources (MNR) and provided the refinement fits generally within the geographical application of Plan policies indicated by the designations provided on Schedules "A" and "B",

- (10) Schedule "C" of this Plan depicts the limits of the Fill Line which is now known as the Limit of the ERCA Regulated Area and which encompasses Provincially Significant Wetlands;
- (11) Permits will have to be obtained from the Essex Region Conservation Authority in advance of any fill being placed or removed and/or the construction of structure within the Limit of the Regulated Area or the Detroit River Flood prone Area. In addition, permits may be required from E.R.C.A. for works to be undertaken in off-shore areas along the Detroit River shoreline;
- (12) As part of the review process associated with such permits, the Essex Region Conservation Authority will be assessing the impact of the works proposed on existing wetland areas and, consequently, will not issue permits that adversely impact existing wetland areas;
- (13) All provincially significant wetland areas will be placed in a Wetland Zone in the Zoning By-Law.

3.7 DEVELOPMENT CONTROL AREAS

3.7.1 General

The general intent of the "Development Control Areas" identified on Schedules "C" to the Official Plan is to reduce the risk to life and the risk of property damage and social disruption from flooding and other natural hazard processes and to ensure new development does not add to or create conditions that might lead to increased natural hazards.

In some instances, natural hazards to development may be overcome through site engineering, special site servicing requirements and/or lot grading and drainage works. Proposals to develop lands with inherent physical constraints shall be dealt with on a case by case basis. Should all other requirements of this Plan be met, new development may be able to proceed through an amendment to this Plan. Minor adjustments to the boundaries of the natural hazards may take place without an amendment to this Plan, provided that any changes are recognized through the Comprehensive Zoning By-Law.

In Amherstburg, hazardous lands are associated with both inland waterways and the Lake Erie/Detroit River shoreline. The term "hazardous" means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of Lake Erie and the Detroit River, this means lands which are impacted by flooding, erosion and/or dynamic beach hazards. Along inland river and stream systems, this means the land, including that covered by water, to the farthest landward limit of the flooding or erosion hazard limit.

Hazard mapping and monitoring of hazards associated with the rivers, streams and shorelines within the Town of Amherstburg is the responsibility of the Essex Region Conservation Authority (E.R.C.A.). New, more detailed and up to date hazard (fill and flood line) mapping has been provided to the Town by the E.R.C.A. for use in the Official Plan update. Minor adjustments and corrections were made to the previous Official Plan mapping to reflect new source data in an effort to improve map accuracy.

3.7.2 Detroit River and Lake Erie Shorelines

Lands fronting on the Detroit River and Lake Erie shorelines (including the Islands in the Detroit River), are potentially susceptible to erosion, flood hazards and/or wind damage and will be subject to minimum building setbacks to be specified in the Zoning By-Law.

3.7.3 Lake Erie and Detroit River Flood Prone Area

Schedule "C" of this Plan depicts the limits of the Floodplain Development Control Area and the Detroit River and Lake Erie Flood Prone Areas. The delineation of the Flood Line on Schedule "C" is based upon mapping supplied by the Essex Region Conservation Authority. In the absence of more detailed mapping regarding hazard lands, the lands lying between the Flood Line as shown on Schedule "C" and either the Detroit River or Lake Erie shall be subject to further restrictions and controls. An amendment to this Plan will not be required for changes in the Flood Line boundary where it is deemed to be suitable for development after consultation with the Essex Region Conservation Authority. Requests for changes will be given consideration after taking into account:

- (1) the existing environmental hazards;
- (2) the potential impacts of these environmental hazards;
- (3) the proposed methods by which impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
- (4) the costs and benefits in monetary terms of any engineering works and/or resource management practices needed to overcome these impacts.

There is no public obligation, however, either to change the delineation of or to purchase any area within the Flood Line, particularly if the environmental hazard would be difficult or costly to overcome. If development is deemed appropriate the development shall also be in accordance with the policies of the underlying designation.

Development within the Flood Line will be subject to minimum building setbacks and flood protection elevations to be identified in the implementing Zoning By-Law. The requirements may vary with the shore protection works in place and will be determined in consultation with the Essex Region Conservation Authority. These lands are also subject to Regulations administered by the Essex Region Conservation Authority under Section 28 of the Conservation Authorities Act.

Installation of shoreline protection works as approved by the Essex Region Conservation Authority shall be encouraged for all new development on lots with Detroit River frontage.

Permits will have to be obtained from the Essex Region Conservation Authority in advance of any site alteration or fill being placed or removed and/or the construction of any building or structure within the Floodplain Development Control Area or the Detroit River and Lake Erie Flood prone Area. In addition, permits may be required from E.R.C.A. for works to be undertaken in off-shore areas along the Detroit River and Lake Erie shoreline.

3.7.4 Stream Floodway

The floodway is typically defined as the area of the watercourse subject to deeper, faster flows which acts as the channel in times of flooding, and as an area where development other than buildings and structures required for flood and erosion control are prohibited. The floodway is delineated on a site-specific basis through consultation with the E.R.C.A.

Permitted uses within the Stream Floodway may include:

- (1) Agriculture uses such as crop land, grazing, nurseries and forestry. Accessory uses directly related to livestock and crop production located in proximity to farm operations may also be permitted and include such facilities as livestock assembly points, animal husbandry services and storage for fresh produce. These uses do not include the construction of buildings or structures and services which must be located outside the Stream Floodway lands and those where proximity to farm operations is not critical. However, activities associated with animal husbandry should not be permitted within the stream channel;
- (2) Outdoor recreation, excluding buildings and structures;
- (3) Open space;
- (4) Uses which assist in managing or preserving natural features, including facilities for erosion and flood control;
- (5) Uses pertaining to essential municipal services and public utilities, excluding buildings and structures.

In cases where there is any doubt as to whether or not a particular parcel of land is within the Stream Floodway, verification with the Essex Region Conservation Authority (E.R.C.A.) will be required. If development is deemed appropriate it must also be in conformity with the underlying or adjacent land use designation to be exempt from an amendment to this Plan.

Where the boundary of the Stream Floodway is altered due to approved engineered works, satisfactory to Council and the E.R.C.A., the abutting Official Plan designations will guide development. An Official Plan amendment will generally not be required in these instances but the implementing Zoning By-Law will be amended accordingly.

There is no public obligation to re-designate or purchase any area designated Stream Floodway.

All buildings and structures existing as of the date of adoption of this plan shall be recognized for that specific use in a special zoning category. Expansions of existing buildings are permitted by application to the Committee of Adjustment. The committee shall circulate such applications to the E.R.C.A.

With the exception of buildings and structures existing as of the date of adoption of this plan, all lands identified as Stream Floodway shall be zoned in an appropriate hazard category in the implementing Zoning By-Law. The lands are subject Regulations administered by the Essex Region Conservation Authority under Section 28 of the Conservation Authorities Act.

3.7.5 Stream Flood Fringe

The Stream Flood Fringe area is the area between the Floodway and the Fill Line (now known as the Limit of the Regulated Area). The permitted uses are established by the underlying designations. Development may be permitted within this area subject to meeting minimum provincial standards for flood protection. Such flood protection to at least the regulatory flood level shall consist of minimum elevations for openings to buildings and structures and typically placement of fill surrounding all external walls for a minimum horizontal distance of two (2) metres.

All new development in the Stream Flood Fringe must meet minimum flood protection standards to the satisfaction of Council and E.R.C.A.

All existing buildings and structures as of the date of adoption of this Plan which lie in the Flood Fringe shall generally be zoned as permitted uses in the implementing Zoning By-Law.

The implementing Zoning By-Law will establish minimum elevations for openings for all buildings and structures for all development in the areas shown on Schedule "C" within the Flood prone Area.

3.7.6 Fill Line

The delineation of the "Fill Line" (now known as the Limit of the Regulated Area) on Schedule "C" is based upon mapping supplied by the Essex Region Conservation Authority. Development within the Fill Line will be subject to minimum building setbacks and minimum building elevations to be identified in the implementing Zoning By-Law in consultation with the Essex Region Conservation Authority. The lands are also subject to Regulations administered by the Essex Region Conservation Authority (E.R.C.A.) under Section 28 of the Conservation Authorities Act which, along with the above, control the placement and grading of fill associated with development and other construction activities.

SECTION 4 SETTLEMENT AREAS - LAND USE POLICIES

4.1 GENERAL

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

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

4.2 RESIDENTIAL USES

4.2.1 General

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

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

4.2.2 Goals

The following goals are established for the various Residential areas:

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

4.2.3 Policies – Applicable to All Residential Designations

- (1) Residential Lot Creation
The creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Section 6.1 of this Plan, and in accordance with the requirements and guidelines of the Town and/or its designated agent under the Building code or Ministry of Environment under the Ontario Water Resources Act.
- (2) Supply
It shall be a policy of this Plan that residential proposals be evaluated with the intent being to achieve a housing mix. The provision of a ten (10) year supply or at least 1700 residential dwelling units or individual lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Section 5.1 of this Plan shall be maintained and developed as permitted by the capacity of the Town's services.
- (3) Established Low Density Residential Areas
In established low-density residential areas, the indiscriminate mixing of different housing types shall not be permitted, in the interest of protecting the stability of existing neighbourhoods. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.
- (4) Vacant Residentially Designated Areas
In vacant areas proposed for residential development, a suitable mix of housing types should be provided while ensuring that the overall density restrictions are not exceeded and that conflicts do not occur between housing types. Internal road networks should be designed to ensure good access to the major road network while discouraging through traffic. Section 4.3.1, Low Density Residential outlines the criteria that must be met to allow lands designated Low Density Residential to be developed as Medium or High Density Residential without an amendment to this Plan.

The Town shall ensure that an adequate supply of land designated for residential development to meet the demand for housing for a twenty-year period is maintained.

The Town shall review annually the supply of vacant land designated for residential development in draft approved and/or registered lots and blocks on plans of subdivision against the objective to maintain a minimum continuous ten-year supply.

The planning of new residential areas shall make provisions for a range of housing types, sizes, price and tenure arrangements in order to provide accommodation for households of differing socio-economic characteristics.

Consideration shall be given to the orientation of streets, lots and buildings to make full use of solar energy, as well as energy efficient construction techniques. In order to achieve this aim, the following design techniques should be considered when evaluating new plans of subdivision:

- a) east-west street orientation so facing walls and windows of houses may orient south;
- b) angle lots;

- c) the development of pedestrian and bicycle pathways that bisect the community, providing the shortest distance between community and commercial facilities and the residential area.

In general, Council shall maintain a flexible attitude toward carefully designed experimental housing. Energy efficient construction of housing shall be encouraged in the Municipality, provided it meets the requirements of the Ontario Building Code.

New plans of subdivision within the Residential designation shall be designed so that continuous interior access roads will result between adjacent subdivisions. For larger blocks of lands adjacent to arterial roads, direct access to the arterial road may be limited.

Undeveloped lands that are designated Residential may be placed in a holding zone in the implementing Zoning By-Law. The holding symbol will be removed when appropriate sanitary sewage, water and any other necessary arrangements are made to the satisfaction of the Town and the Ministry of Environment and a plan of subdivision is approved, where required. Existing uses shall be permitted in the interim.

- (5) Conservation and Rehabilitation of Existing Housing Stock

The conservation and rehabilitation of the existing housing stock shall be encouraged in order to maintain the supply of older housing and to preserve the physical, social, and economic character of stable residential areas.

In existing residential neighbourhoods, the applicable Residential land use policies shall serve as guidelines for actions aimed at improving the neighbourhood and amenities and the housing and living conditions of residents.

- (6) Residential Development on Lots with Less Than the Minimum Frontage and/or Area In those cases where development is proposed on existing lots with less than the minimum frontage and/or area required, the development shall be regulated by either the Committee of Adjustment or by site specific zoning by-law amendment if the proposed development is compatible with existing surrounding development in terms of site coverage, housing size, and character, as well as lot size and building setback.

- (7) Government Assisted Housing

The municipality, in cooperation with the senior levels of government, shall encourage the provision of such amounts and types of housing that are necessary to meet the needs of households unable to find adequate housing through the private market. Such programs, which may be provided through either the public or private sector, may include programs such as senior citizens and low-income family rented units, as well as rental subsidy programs or other similar programs. The design of any assisted rental housing will be sensitive to the characteristics of the surrounding existing development.

The municipality will continue to monitor on regular intervals the housing needs of senior citizens and low-income families. Should a project become warranted, the Town would work with the Essex County Housing Authority and the Ontario Housing Corporation to provide the necessary facilities.

(8) Condominium Housing Developments

It is a policy of Council to recognize and as appropriate, encourage condominium housing as an acceptable form of housing tenure and as a means of providing opportunities for home ownership.

In cases where an application is made for a building permit or an amendment to the Zoning By-law involving residential development, it is the policy of Council that the applicant(s) is required to declare in writing, prior to the issuance of the building permit, whether or not such residential accommodation is to be provided on a condominium basis.

It is a policy of this Plan that the desire of citizens to participate in the joint ownership of a residential project shall be subject to the terms and conditions of the Condominium Act whereby a Condominium Corporation will be formed to administer the common elements of the project. This provides the owner-shareholder with assurance that the project will be maintained and competently administered on a long-range basis.

Plans of Condominium development are to show such things as: the location of all buildings and building setbacks, the nature and location of all amenity areas and/or facilities, the location and layout of driveways and parking areas, the walkways, the type and location of all existing and proposed landscape material, and the exterior treatment of the building(s).

Wherever possible the proposed draft plan of condominium will be considered together with and at the same time as the requested amendment to the Zoning By-Law. The Council may recommend draft plan approval.

Wherever draft plan approval is granted, the applicant is required to enter into a Condominium Agreement with the Town. The Condominium Agreement is to include any or all of the Town requirements imposed as conditions to the draft plan approval. A Development Control Agreement may also be required along with the Condominium Agreement.

The Town Council's consent to the registration of a condominium plan will be given only after signing of all required agreements, posting of all required guarantees, the payment of all monies required by such agreements, and the filing of "as built" construction plans with the Town, all such plans to be made accessible to representatives of the Condominium Corporation.

(9) Conversion of Existing Residential Developments to Condominium Tenure

The conversion of existing residential accommodation to condominium tenure presents a different, as well as a somewhat more difficult, situation than does new construction. In some cases, existing residential developments were constructed under standards and conditions that were different and, in some cases, lower than those that prevail at the time of the conversion. As a result, problems may be encountered in attempting to upgrade existing developments in accordance with present policies, standards and criteria. Problems may also be encountered in a situation where rental housing vacancy rates are low and, although tenants in existing projects cannot be legally displaced, condominium improvements may result in rent increases that result in current tenants being faced with finding suitable alternate accommodation in a housing market that provides little choice and opportunity.

Additionally, shortages may occur in certain types of housing as a result of a number of conversions. In view of these possibilities, the policies contained in the following sections may apply to the conversion of existing residential developments to condominium tenure.

In general, each application for the conversion of an existing residential development is to be considered on its own merits. Applications for such conversion are subject to the same standards and policies as for new condominium construction. The policies, standards and criteria for municipal services, building construction and aspects of site design and layout, as adopted by Council from time to time, apply. Only those developments which are able to substantially comply, or can be upgraded to an acceptable degree of compliance with the municipality's policies, standards and criteria may be approved. Those developments which cannot be upgraded to an acceptable degree are to be refused.

The design, layout and standard features of the development to be converted are to be considered within the framework of development standards and criteria of the municipality. The development standards and criteria contained in the municipality are subject to amendment from time to time by Council without a formal amendment to the Official Plan.

The applicant is to submit a draft plan of condominium prepared in accordance with the requirements of Section 51 of the Planning Act, R.S.O., 1990 c.P.13. In addition, the Plan (Plans) submitted is (are) to show such things as: the location of all buildings and building setbacks, the nature and location of all amenity areas and/or facilities, the location and layout of driveways and parking areas, the walkways, the type and location of all existing and proposed landscape material and the exterior treatment of the building(s).

Further, the applicant is required to submit a report prepared by a professional engineer or architect, outlining the structural condition of the building(s) involved. Such report is to include an analysis of the building(s) compliance or non-compliance with prevailing building and fire codes.

In evaluating a proposed conversion, regard is to be had to the following:

- a) any or all of the matters contained in Section 51 of the Planning Act, as amended from time to time;
- b) the overall mix of residential housing types in the Town;
- c) the most current vacancy rate for rental accommodation in the Town;
- d) the suitability of the development for conversion in terms of the policies, standards and criteria adopted by the Town from time to time; and
- e) the effect on the provision of affordable housing and the provision of information on the effect on vacancy rates.

Where draft plan approval is granted the applicant is required to enter into a Condominium Agreement with the Town. The Condominium Agreement is to include any or all of the Town's requirements imposed as conditions to the draft plan approval.

The Town's consent to the registration of the condominium plan is to be given only after the completion of all construction work and compliance with all other requirements of the Condominium Agreement, except that in certain cases of hardship or unforeseen circumstances such things as the provision of paving, demolition of

existing buildings, or provision of landscaping may be deferred with approval of Council provided that the applicant deposits with the Town security in the amount sufficient to cover the cost of the works deferred.

(10) Home Occupation Uses

Home occupation uses which are not disruptive to the neighbourhood are also permitted within Residential areas. Hair dressing and other personal service shops, small goods repair shops, insurance and other office type uses, ceramic and other home craft type uses shall be permitted with specific regulations outlined in the Zoning By-Law. Home occupations, in conjunction with a dwelling in a residential area, are subject to the following conditions:

- a) Home occupations shall be totally contained within the dwelling unit, including an attached garage. However, any home occupation that requires the use of anything on the subject property other than the dwelling, except for parking or a sign, will require an amendment to the Zoning By-Law.
- b) No external alteration to the dwelling which is not customary in residential buildings shall be permitted.
- c) No exterior advertising of these activities or display of goods visible from outside the dwelling is permitted.
- d) No storage of commercial vehicles shall be permitted on the premises. No parking of commercial vehicles over 3000 kilograms shall be permitted on the premises.
- e) No unreasonable use of lights, or night time operations shall be permitted.
- f) No such home occupation shall result in volumes of vehicular traffic which cause disruption of normal activities of adjacent residential uses.
- g) No such home occupation shall create a safety hazard for the existing residential activities on the site or in the area.
- h) No outdoor storage of materials or goods in support of such home occupation is permitted.

The implementing By-Law may create further restrictions for home occupations and may prohibit home occupations within certain residential zones or dwelling types. The municipality may decide to require a business license for all home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in accordance with the provisions of the By-Law.

There are portions of the municipality that are designated Residential where home occupations exist of a more "Rural Occupation" nature such as on Texas Road, the 2nd Concession, etc. Where existing home occupations do not meet the policies of this Plan, they may be placed in a separate zone in the implementing Zoning By-Law.

(11) Institutional Uses in Residential Areas

Certain community-oriented Institutional uses, such as churches, recreation facilities, branch libraries, and facilities for special population groups (including daycare facilities, homes, centres or schools for the care, boarding or teaching of children, and interval houses for the physically abused, nursing homes and senior citizen centres) are permitted within areas designated for Residential purposes on Schedules "A" and "B" if they can satisfy all of the following location and design criteria:

- a) frontage or flankage on an arterial or collector street as indicated on Schedule "D" of this Plan;

- b) design which is residential in character, maintaining the scale, density and character of existing land uses;
- c) provision of adequate buffering and transition to protect surrounding existing development;
- d) provision of adequate off-street parking to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area and to permit the expected activities of a Residential area to be carried out;
- e) on those streets which have been designated “no stopping” areas, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

The Zoning By-law implementing this Plan will specify particular uses which would be permitted and those areas where such activities would most appropriately be located.

(12) Group Homes

Group homes are permitted in all areas designated Residential.

For the purpose of this Section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or the receiving family) live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and in compliance with municipal by-laws.

The applicant must be prepared to demonstrate that the proposal will meet the Provincial criteria for licensing based on an assessment of the following factors requiring him to:

- a) Define its program and demonstrate the need for the service within the municipality;
- b) Demonstrate a knowledge of the community and its resources, to ensure that the needs of its residents can be met within a climate of community acceptance consistent with the objectives of its program requirements;
- c) Demonstrate the suitability of the proposed facility as required by Provincial and Municipal legislation as to its construction and compliance with local health, safety and fire regulations;
- d) Show how the particular proposal provides sufficient indoor and outdoor space and facilities for prospective residents and staff.

All such Group Homes shall be properly licensed and registered by the Province of Ontario and the Town shall be provided the opportunity to review and comment on the application for a license before a final decision regarding its approval has been made.

In order to prevent an undue concentration of group homes in specific areas of the municipality, standards requiring a minimum distance separation between these facilities will be incorporated in the implementing Zoning By-law.

Facilities existing on the date the Zoning By-Law comes into effect but not complying with the requirements of the by-law will be allowed to continue in operation but will not be permitted to extend or expand without municipal approval.

4.3 RESIDENTIAL LAND USE DESIGNATIONS

The Residential classification of land shall mean that the predominant use of land so designated shall be for varying densities and types of residential land uses. Under the Residential classification, there are six Residential designations.

- (1) Low Density Residential
- (2) Medium Density Residential
- (3) High Density Residential
- (4) Office Residential
- (5) Heritage Residential
- (6) Modular Home Residential.

Within areas under the various Residential designations, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted. Elementary educational facilities, religious facilities, parks, recreational facilities, day care, and home occupations and uses pertaining to municipal services and utilities are also permitted uses within Residential designations subject, however, to specified location and design criteria. Such uses may also require selective use specific zoning. The establishment of new schools, churches, and similar institutional uses must be in accordance with the provisions for Institutional Uses set out in Subsection 2.22.1.

4.3.1 Low Density Residential Areas

Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.

Notwithstanding the above policy, vacant tracts of land greater than 5 hectares in size and designated Low Density Residential may be developed for Medium or High-Density Residential uses if they can meet the criteria outlined in Subsection 4.3.1(3).

(1) Maximum Density

Although the existing densities within areas designated Low Density Residential are in the order of 6 to 12 units per hectare, smart growth encourages a more cost-effective development pattern to better utilize services and the land base. In a desire to promote more efficient use of the land, the maximum density for single detached developments shall be 15 units per hectare and the maximum density for semi-detached development and conversions shall be 22 units per hectare. The overall maximum density shall not exceed 19 units per gross hectare.¹ In keeping with the Provincial Policy Statement regarding intensification, in the older established portions of Amherstburg, a reduced lot frontage may be considered in the Zoning By-law where sufficient lot depth is available to accommodate new low-density residential units/lots.

In areas where the criteria of Subsection 4.3.1(3) have been achieved, the density policies for the Medium Density Residential designation or the High-Density Residential designation shall apply.

Low Density Residential may be placed in separate zoning categories in the implementing Zoning By-Law.

¹For the purpose of this Plan, a “gross hectare of land” means residential building land plus the required landscaping, off-street parking, road allowances, and required amenities.

- (2) **Converted Dwellings**
Existing dwellings may be converted to contain additional units if the following conditions are met:
- a) the required number of parking spaces can be provided on the site;
 - b) with the exception of required fire escapes or permitted additions there is no change to the exterior character of the dwelling;
 - c) adequate buffering and transition can be achieved to surrounding lower density development;
 - d) the minimum floor area per dwelling unit and lot area per dwelling unit can be achieved.
- (3) **Medium and High-Density Residential Policies for areas Designated Low Density**
As outlined in Subsection 4.2.3(4) a variety of residential building types and densities are desired to meet the needs of all residents and future residents of the Town. Vacant tracts of land that are of sufficient size and location but designated Low Density on Schedule "A" or "B" may be considered for development as medium or high-density residential uses subject to the criteria of this subsection. For proposals of Medium Density Residential and High-Density Residential development in areas presently undeveloped and designated on Schedule "B" as Low Density Residential, at least two of the location criteria listed below shall be present before such a site would be considered to have acceptable location characteristics.
- a) Frontage on an arterial street as indicated on Schedule "D" of this Plan;
 - b) Abutting major public parks as indicated on Schedules "A" and "B" of this Plan;
 - c) Abutting a commercial area as indicated on Schedules "A" and "B" of this Plan;
 - d) The vacant parcel is at least 5 hectares in size.

The following additional items will be considered when reviewing the appropriateness of applications to amend the comprehensive Zoning By-Law to permit medium or high-density residential uses in an area designated Low Density Residential:

- a) general compatibility with existing uses in close proximity to the proposed development;
- b) the capacity of the roads affected and their ability to handle the expected increases in traffic;
- c) the adequacy of services to serve the proposed development;
- d) the adequacy of off-street parking facilities to serve the proposed development;
- e) the provision of landscaping, buffering and building setbacks adequate to protect the privacy of surrounding residential properties; and
- f) the proposal's conformity with the Provincial Policy Statement on Housing.

All Medium and High-Density Residential development will be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13 or a plan of subdivision under Section 51 of the Planning Act, R.S.O. 1990 c. P.13 in the case of street townhouses or street multiples.

If the proposed site can satisfy the criteria listed above, and, in addition, can provide adequate buffering and transition for adjacent lower density residential uses, no Official Plan amendment would be required. The proposal will be analyzed to

determine if it will alter the character of existing development, using existing land uses within a 120 metre radius of the subject property as a guide to the nature of existing development characteristics.

If the proposed development does not satisfy the location criteria, or if it will increase the scale or density of existing development, an Official Plan amendment will be required. A comprehensive study would be required to determine if the Official Plan policies in this regard are no longer appropriate. A public hearing will also be required.

The design considerations for Medium Density and High-Density Residential development should include provisions for the following:

- a) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area;
- b) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses;
- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas;
- d) Service areas shall be required on the site of each development (e.g. garbage storage);
- e) The design, construction, and maintenance of the vehicular, pedestrian, and amenity areas of residential developments will be subject to regulations by the Town.

The municipality shall seek the co-operation of private developers in providing a variety of indoor and outdoor recreation facilities in the design of medium and high-density developments. Where such developments cannot be designed with adequate open space or recreation facilities, developers shall be encouraged to reduce the density or find alternative building sites in close proximity to schools, parks or other open spaces.

The provision of private open space and recreation facilities in medium and high-density developments will be in addition to the requirements for parkland dedication. Exceptions, however, may be made in the case of senior citizen or other specific use housing projects in situations where amenity areas are provided on-site and the amenities satisfy municipal standards and the Town is satisfied the said amenity area will be available to the public.

- (4) Exceptions to Low Density Residential Policies
 - a) Notwithstanding any other policies of this Plan to the contrary, on that Part of Lot 6, Concession III, on the south side of County Road 10 (Middle Sideroad) that is designated Low Density Residential, only single unit dwellings, home occupations in accordance with subsection 4.2.3 (10), agricultural uses excluding intensive livestock operations and mushroom farms, and accessory uses shall be permitted. All new residential lots created within this area shall front onto County Road 10 (Middle Sideroad) (resulting in a "single tier" of development);
 - b) Notwithstanding any other policies of this Plan to the contrary, lands identified as Special Policy Area 8 will be considered for a golf course adjacent to the Settlement Area of McGregor, subject to appropriate Environmental Impact Assessment in accordance with Section 6.9.

4.3.2 Medium Density Residential Areas

The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, low-rise apartment buildings with a maximum height of five stories are permitted.

The maximum density shall not exceed 70 units per gross hectare.

The general location shall be in conformity with Schedules "A" and "B". The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law.

Where a large dwelling would be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard;
- (2) There is no change in the exterior character of the dwelling;
- (3) Adequate buffering and transition can be provided to surrounding lower density development; and,
- (4) There is no change in the character of existing development, using the criteria outlined above to determine the effect of the proposal.

If the proposed development will result in a change in the character, an Official Plan amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.

4.3.3 High Density Residential Areas

The uses permitted in areas designated High Density Residential shall include horizontal multiples, apartments, limited home occupation uses, and public uses.

The maximum density shall not exceed 150 dwelling units per gross hectare.

The general location shall be in conformity with Schedules "A" and "B". The High-Density Residential areas may be placed in separate zoning categories in the implementing Zoning By-Law.

4.3.4 Office Residential Areas

The Office Residential designation is intended to preserve and utilize existing residential buildings that are either no longer appropriate for Residential use due to their size or location and to provide a specialty type of Commercial service in proximity to the existing commercial areas. The Office Residential areas are located on Sandwich Street, Fort Street and Simcoe Street. Any portion of this land use category which abuts a Residential land use designation in this Plan should be developed in a manner that is compatible with the adjacent Residential Area.

The permitted uses may include residential (including medium or high density residential), all forms of offices, clinics, studios, and service commercial establishments. Minor institutional uses such as day care centres, nurseries, churches, clinics and clubs are also permitted alone or combined with other permitted uses.

The Zoning By-Law may place the permitted uses in separate zone categories. The By-Laws of the Corporation may also contain requirements dealing with matters such as dedications of property for road widening, access points, parking, height, setbacks and permissible amounts of hard surface cover.

Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, density and character. Height limitations will be applied in the Zoning By-Law.

4.3.5 Heritage Residential

Adjacent to the Central Business District of the old Town is a residential area where many of the homes date back to 1850. The small frame homes on narrow streets are a visible reminder of Canada's beginnings. The Heritage Residential area lies within a portion of the Town of Amherstburg that has been studied as a Heritage Conservation District.

The uses permitted within the Heritage Residential area shall include single detached, semi-detached, duplex, and converted dwellings as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses.

Due to the size of many of the lots and the location of the units almost on the front property line, there should be no minimum lot area or frontage, while front yard depth should be in keeping with adjacent properties in order to maintain a uniform streetscape.

The height of any new development must also be sensitive to adjacent properties.

Several of the structures within the Heritage Residential area have been designated as "Heritage" buildings under the *Ontario Heritage Act*. Every effort should be made by both the owner and the Corporation to ensure the continued existence of that structure in its historically significant form.

4.3.6 Modular Home Residential

A Modular Home Residential area for the purpose of this Official Plan shall mean a parcel of land under one ownership or individual ownerships for the exclusive use of modular homes/mobile homes, and their associated families.

A modular Home Residential area may be located in any Residential area shown on Schedules "A" or "B" as long as the location criteria as set out below, are met:

- (1) New Modular Home Residential areas should be developed as an integrated part of a planned development and shall not be located within established built up areas unless there is an amendment to this Plan;
- (2) The development shall have access to arterial or collector roads without the necessity of passing through areas of lower density. The area shall have full urban services, including adequate municipal water supply, sanitary sewers, and storm drainage, paved roads, and street lighting. Services may be in the form of a communal system approved by the Ministry of the Environment;
- (3) A Modular Home Residential area must have a minimum site of 4 hectares, and have a density of not more than 17 units per gross hectare;
- (4) The site shall be developed in accordance with a site plan approved by the municipality.

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

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

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

4.3.7 Residential Special Policy Areas

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

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

4.4 COMMERCIAL LAND USE DESIGNATIONS

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

4.4.1 Neighbourhood Commercial

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

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

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

No open storage shall be permitted in Neighbourhood Commercial areas.

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

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

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

4.4.2 General Commercial Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4.3 Commercial Special Policy Areas

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

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

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

- c) The area on the north side of Fort Street to Alma Street, between the abandoned railway line and the rear of the lots on Sandwich Street, has the dual designation of “High Density Residential” and “General Commercial”;
 - d) The area fronting on the south side of Fort Street, between the abandoned railway line and the rear lots on Sandwich Street, currently designated as “Low Density Residential” and shown as Special Policy Area 11 on Schedules “A” and “B-1”, shall also have the dual designation of “Office Residential” and “General Commercial”; and,
 - e) The area south of the properties fronting on the south side of Fort Street, between the abandoned railway line and the rear of the lots on Sandwich Street, has the dual designation of “Medium Density Residential” and “General Commercial.”
- (2) In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town’s Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg’s Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small-town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.
- Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres clear stem and head room for pedestrians and cyclists. In addition, Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed. Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.
- (3) Lands located on Dalhousie Street at Rankin and designated as General Commercial will require the provision of perspective drawings to Council’s satisfaction prior to any building permits being issued for development or redevelopment of the site and/or buildings in order to ensure preservation of compatibility to the heritage elements of Amherstburg’s Richmond/Dalhousie Commercial area. A holding provision may be applied in the Zoning By-law to require such approval of drawings prior to development or redevelopment.
 - (4) Lands located south of Lowes Side Road on the east side of County Road 20, being the former Boblo Island parking lot and abutting lands and identified as Special Policy Area 12, shall have a dual designation of Medium Density Residential and General Commercial. Development shall be subject to an approved concept plan by Council.

- (5) For lands designated as Special Policy Area 10 on Schedules A and B, Council may restrict the land uses permitted under the Commercial General zoning to prohibit any land use that would involve overnight accommodation, grocery stores, supermarkets, automotive, tire and battery stores and the size of the permitted retail uses. Within this General Commercial designation, Council may restrict the maximum permitted gross floor area of a department store to 8000 square metres (85,000 square feet) until such time as a retail market study is completed. Should a department store be constructed elsewhere within Amherstburg prior to a department store building on this site, no department store will be permitted without justification from a market study. The maximum combined gross floor area of all retail uses shall be 9000 square metres (96,878 square feet). Individual retail uses within this area shall be greater than 250 square metres (2,690 square feet). No supermarket, grocery store or automotive, tire and battery store shall be permitted without supporting justification from a market study. No vehicular access to the site shall be permitted on Brunner Ave. Any closure of roads within this area will be conditional on any nonresidential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west over the subject lands and not via Brunner Ave. Notwithstanding Policy 4.4.3 (2), setbacks for buildings may be increased to a maximum of 25 metres.

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

- (6) Lands known as 274-286 Dalhousie Street may be developed with a strata title plan with a mixed use development containing commercial main floor freehold commercial units and second floor freehold residential units. The residential units may have frontage and main floor street access to Dalhousie Street.(OPA#3)
- (7) Lands known as 305, 319 and 327 Dalhousie Street, located at the east side of Dalhousie Street and south of Gore Street, shall be developed in accordance with the General Commercial policies with the addition of a four-storey hotel with access permitted from Dalhousie Street and Gore Street. Development shall be subject to site plan control. (OPA#9)
- (8) For lands designated under Special Policy Area 17 in the Town of Amherstburg Official Plan located at the municipal addresses known as 51 Sandwich Street South and 57 Sandwich Street South, a drive through restaurant having a total gross floor area of approximately 211m² with an additional three storey, 12-unit medium-density residential building at the rear of the property shall be permitted uses. (OPA#17)
- (9) Lands designated as Special Policy Area 19 on Schedules "A", "B" and "B-2" of the Official Plan, located at the municipal addresses known as 131 and 135 Sandwich Street South, shall be developed in accordance with the General Commercial policies, with the addition of a drive-through restaurant as a permitted use with a commercial unit. A minimum of 4.8 meters shall be permitted for commercial development from the front lot line. Development shall be subject to site plan control.

4.5 INDUSTRIAL LAND USE DESIGNATIONS

The Industrial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Light Industrial; Special Industrial; and Heavy Industrial. In addition, such non-industrial uses shall also be permitted where specified as such under the Industrial sub-classification definition. In certain locations, added Special Policies may be created to deal with a site-specific situation. The general

principles to be considered in the development and control of the use of such lands are as follows.

The following policies apply to all three Industrial designations:

- (1) New Industrial uses may be permitted in areas designated Industrial, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odors and other particulates, water quality control and waste control including the quality of discharge and run-off.
- (2) Site Plan Control shall be applied to all Industrial development.
- (3) Industrial uses that are proposed to be developed adjacent to existing Industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- (4) Traffic generated by Industrial uses will be discouraged from penetrating designated Residential areas.
- (5) In order to enhance the viability of Industrial areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of Industrial areas through the provision of highways, arterial roads, and rail services.
- (6) Council will promote industrial development by preparing and implementing an economic development strategy for the Town of Amherstburg. Council will encourage the Windsor-Essex County Development Commission to promote Industrial areas in the Town.
- (7) Council may encourage, and where feasible, assist in the relocation of uses not permitted in areas designated for Industry and in the relocation of existing industries into such areas.
- (8) Council may encourage, and where feasible, assist in programs for the improvement of the appearance and amenity of Industrial areas.
- (9) Industrial development may be permitted in areas abutting Residential uses, provided that:
 - a) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers, and plantings;
 - b) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and
 - c) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable.
- (10) Where existing Industrial and Residential uses are located in close proximity to each other, new Industrial buildings may be permitted if adequate separations between uses, buffering, barriers, and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council.
- (11) Council may encourage, and where feasible, assist in programs to acquire Industrial lands and develop serviced Industrial sites and/or to provide services to privately owned Industrial lands so as to ensure an adequate supply of serviced and available Industrial lands within the Planning Area.
- (12) Standard Processing and Micro-processing Cannabis Production Facilities are permitted in the Industrial designations, provided that any proposed new development, and any expansion of an existing Cannabis Production facility shall meet all of the following conditions:
 - a) Micro-processing Cannabis Production Facilities shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed Cannabis Production Facility or expansion to an existing Cannabis Production Facility and not the creation of new lots;
 - b) A Cannabis Production Facility shall not be severed from the

- Cannabis Production Facility farm parcel;
- c) A Micro-processing Cannabis Production Facility shall be limited in size to 200 m² of production floor area and will only be permitted to sell or distribute up to 600 kg of dried cannabis or equivalent, as per the Federal Government “Cannabis Act” definition. A Standard Processing Cannabis Production Facility will not be permitted in the Agricultural designation;
 - d) A Micro-processing Cannabis Production Facility shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required. A Cannabis Production Facility shall be required to be located a maximum of 100 meters of an arterial or collectors road;
 - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
 - f) The retail selling of cannabis produced on the Cannabis Production Facility farm parcel shall be permitted accessory to the Cannabis Production Facility provided the area dedicated to this purpose is limited to a maximum of 25% of the Cannabis Production Facility gross floor area aboveground. The retail sale of cannabis accessories shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
 - g) The Micro-processing Cannabis Production Facility shall comply with all Federal Government regulations regarding security, fencing, loading and shipping.

4.5.1 Light Industrial

The uses permitted in the Light Industrial designation shall be limited to those industrial uses which have limited or restricted open storage and may include workshops, warehousing, service shops, processing, manufacturing and assembling operations, offices, medical/dental clinics, laboratories and research facilities, communication facilities, and printing and publishing plants. This designation does not allow, however, for major bulk storage operations such as grain elevators, fuel storage, etc., which are included in the Heavy Industrial category. Agricultural uses may continue to exist until the area is ready for Industrial uses.

Depending on the location and the associated industrial use, the implementing Zoning By-law may permit a dwelling unit associated with the industrial uses.

The type of Light Industrial use permitted shall be such that there are minimal adverse effects on adjoining Residential land uses as the result of the emission of noise, smoke, dust, or odor.

Adequate off-street parking facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.

Adequate off-street loading and unloading facilities shall be provided.

Adequate buffer planting shall be provided between the Industrial areas and any adjacent Residential areas and such buffer planting may include provisions for grass strips, berms, screening, appropriate planting of trees and shrubs, or distance.

All new developments in the Light Industrial category shall be subject to site plan control as provided for by The Planning Act.

The Light Industrial uses may be placed in a separate zoning classification(s) in the implementing Zoning By-Law.

4.5.2 Special Industrial

Within the Special Industrial designation, the uses permitted shall include all uses set out in the Light Industrial designations subject to the policies of that designation, as well as accessory commercial uses primarily serving the Light Industrial area. In addition, commercial land uses that possess a warehouse aspect such as office supplies, home furnishings and appliances, veterinarian offices, funeral homes, assembly halls, etc., are permitted but shall be established in the implementing Zoning By-Law under separate commercial zones. Within this designation an accessory residential use is permitted to provide an opportunity for persons to establish a business beyond the scope of home occupation.

4.5.3 Heavy Industrial

The uses permitted in the Heavy Industrial designation shall include those industrial uses which are permitted in the Light Industrial area as well as production and processing of primary metal, wood and paper products, non-metallic mineral products, chemical products, waste settling ponds, construction yards, truck or transportation terminals, railway uses and motor vehicle body shops which may involve bulk open storage of goods or materials. In addition, recreational uses both indoor and outdoor may also be permitted subject to appropriate zoning and adequate setbacks from abutting industrial uses. Agricultural uses may continue to exist until the area is ready for Industrial development.

Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses.

The type of Heavy Industrial use permitted shall be such that there is no adverse effects on adjoining Residential and other sensitive land uses as the result of the emission of noise, vibration (*Modification #19*), smoke, dust, or odor.

The type of Heavy Industrial uses permitted and the form or location of such uses shall also have regard for heritage features and functions. This will be of particular importance for the lands designated Heavy Industrial in the north-eastern portion of the Town as well as for lands adjacent to Big Creek.

Lands designated Heavy Industrial associated with the former General Chemical site shall undergo an environmental cleanup prior to any redevelopment of the site for new industrial uses. Setbacks for new development shall have regard to the Ministry of the Environment guidelines for setbacks between industrial uses and sensitive land uses. The zoning by-law may employ a holding provision to ensure both appropriate site cleanup and adequate setbacks based on activity levels and the nature of the proposed use. In no case shall the setback be less than 50 metres to an abutting non-industrial zone. Access to these lands shall be from Sandwich Street or Thomas Road.

In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the gateway to Amherstburg, additional policies will apply to development established along the east side of Sandwich Street. This policy will provide additional landscaping requirements at the time of site plan approval. Special attention will be given to lighting, fencing, loading facilities and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in a zoning by-law.

Prior to the finalization of any site plan for development, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of adjoining properties, (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for and required accumulation of water on the site. Site plan approval will also require clearance of archeological reports, environmental reports and traffic reports. (OPA #1)

The lands lying to the north of Brunner Avenue and designated Heavy Industrial on the Land Use Schedules "A" and "B" shall have no access to Brunner Ave and appropriate buffers as required by Section 2.10.4 shall be applied to any development of these lands. Any closure of roads within this area will be conditional on any nonresidential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west.

The lands designated Heavy Industrial located between the Detroit River and County Road 20 (Sandwich Street) shall be restricted to the existing uses. No buildings or structures are anticipated in this portion of the Town.

Adequate off-street parking areas and loading and unloading facilities shall be provided for all permitted uses.

Heavy Industrial uses shall be screened from any adjacent Residential and other sensitive land uses by buffer planting which shall include provisions for grass strips, appropriate planting of trees and shrubs, or distance.

The Heavy Industrial uses shall be placed in a separate zoning classification(s) in the implementing Zoning By-Law.

4.5.4 Industrial Special Policy Areas

Certain industrial areas exist or may develop that do not fit the standard classifications or designations and will be covered with Special Policies as follow:

- (1) The lands lying between the Detroit River and Sandwich Street (County Road 20) south of Texas Road, and noted as Special Policy Area 4 on the Land Use Schedules "A" and "B", although designated Special Industrial, may not be used for the purpose of erecting buildings. Permitted uses will be limited to stockpiling of material associated with the industrial activities located on lands to the east of County Road 20 and accessory uses such as conveyor belts.
- (2) The lands lying to the north of Alma Street east of Sandwich Street, known as the former SKD Site, and noted as Special Policy Area 13 shall have a dual designation of Light Industrial and General Commercial in order to encourage redevelopment in accordance with the policies of one or the other designation.

4.6 INSTITUTIONAL LAND USE DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose.

The general principles to be considered in the development and control of the use of such land are as follows:

The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

4.7 RECREATIONAL DEVELOPMENT DESIGNATION

The predominant use of land in areas designated Recreational Development shall be recreational facilities including parks, marinas, golf courses, residences and offices associated with the recreational uses, and other public or private commercial recreational facilities including restaurants, snack bars, parking areas and auxiliary buildings and uses.

Uses permitted on Bois Blanc Island, known locally as Boblo Island and designated Recreational Development, shall be for a combination of residential, commercial recreational and entertainment establishments such as, but not limited to, restaurants, hotels, motels, taverns and marinas. Residential development on the island shall be at a range of densities and dwelling types in accordance with the policies of this Plan and the standards, regulations, policies and guidelines of the Ministry of Environment. Marina development and shoreline work will be subject to the standards, regulations, policies and guidelines of the federal government.

4.7.1 Goals

The following goals are adopted for recreational development:

- (1) To bolster the economy of the area by developing the Town's recreation and tourist potential;
- (2) To set aside certain areas for recreational development which have a high recreation capability and do not deter from agriculture;
- (3) To ensure that the design of recreation facilities is in harmony with nature;
- (4) To utilize Bois Blanc/Boblo Island to its fullest potential as both a recreational attraction and as a desirable residential development and provide appropriate flexibility to permit uses in order to ensure creative redevelopment.

4.7.2 Policies

Recreational development will be permitted in accordance with the following policies/criteria:

- (1) Intensive recreational activities are to be provided with adequate setbacks from adjacent properties;
- (2) All uses should have adequate access roads and be situated on a County Road or on Boblo Island;

- (3) Water supply and septic or sewage disposal facilities must satisfy the requirements of the Town or its designated agent under the Building Code or the Ministry of Environment under the Ontario Water Resources Act whichever is applicable;
- (4) New recreational uses will be allowed to proceed subject to an amendment to the Zoning By-Law and to a Site Plan Control agreement stipulating the height and siting of buildings, landscaping, parking, location of services, access, grading and methods of protecting and enhancing the shoreline, etc.
- (5) *All existing recreational uses at the date of adoption of this Plan shall be allowed to expand provided the expansion is limited to within the boundaries of the existing Recreational Development Designation, and the uses are able to conform to the policies of this subsection and to the zoning requirements. (Modification #33)*
- (6) Campgrounds shall be permitted in accordance with the following criteria:
 - a) the minimum lot area shall be 1 hectare;
 - b) the minimum lot frontage shall be 60 metres;
 - c) the use shall be of a seasonal nature;
 - d) The use shall be subject to municipal licensing controls.
- (7) Notwithstanding any other policies of this Plan to the contrary, a maximum of 5 single unit residential dwellings may be constructed on Part of Lots A to O, inclusive, Registered Plan 703, consisting of approximately 1.6 hectares of land to the north end of Bois Blanc Island (known locally as Boblo Island). Such severances shall only be granted once the consent granting authority is satisfied to the following:
 - a) Each lot is able to be serviced to the satisfaction of the Ministry of Environment;
 - b) Each lot will have frontage on the Detroit River;
 - c) Each lot will provide its own individual potable water supply however, should municipal water supply become available connection to the municipal system shall be required;
 - d) *The plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including private boat docks shall be permitted on each lot. Access to the subject lands shall be by the Detroit River; (Modification #34) and*
 - e) The implementing Zoning By-Law shall establish such things as the maximum lot coverage and minimum building setbacks.

4.7.3 Recreational Special Policies

Certain Recreational Development areas exist or may develop that do not fit the standard classifications or designations and will be covered with Special Policies as follows:

- (1) Boblo Island has been designated Recreational on Schedules A and B and has been noted as Special Policy Area 6. This is a unique parcel of land located in the Detroit River between Canada and the United States and was the former site of a major amusement park that brought its patrons to the park by paddle wheel boats. The redevelopment of this area in accordance with the permitted uses established in this subsection will be permitted provided the development can be adequately serviced to the satisfaction of the Town and the Ministry of Environment and subject to site plan control. It is anticipated that the residential component of development will take the form of a combination of dwelling types ranging from single detached dwellings to multi-family dwellings. Subject to servicing capabilities, approximately 1800 units are anticipated as part of the development as well as commercial and recreational uses to serve the residents of the island. Development will be subject to the following conditions:
 - a) Recreational resort accommodation and residential units shall be of an appropriate density and height. Development within 150 metres of the eastern

shoreline of the island will be limited in height to 6 stories. Multi-family development elsewhere on the island shall be limited to 10 stories until such time as a suitable firefighting solution has been resolved to the satisfaction of the Town. Development will proceed in phases.

- b) The owner will undertake archaeological assessment, where required, of those lands that will be altered by development to the satisfaction of the Town and the appropriate Ministry;
 - c) The implementing Zoning By-Law and Site Plan Control agreement shall address, but not be limited to the location of buildings, including accessory residences and structures; the location of water, sanitary sewage, and stormwater works and solid waste storage facilities; the location and standards of access (ingress/egress) facilities both on the island and the mainland, including ferry docks, landings and mooring boats, as well as roads, walkways and parking areas; grading, erosion and sedimentation control; landscaping, planting, buffering and fencing; the protection and enhancement of natural areas, including woodlots and shorelines; road maintenance, snow clearance, garbage collection and general maintenance of the island.
 - d) Marina development will be permitted subject to the requirements of the federal government.
 - e) The owner will prepare, to the satisfaction of the municipality, the Ministry of Environment and/or the Essex Region Conservation Authority, a comprehensive stormwater management plan for all phases of construction and the completed development, in accordance with the best management practices prescribed in provincially sanctioned guidelines and interim guidelines.
- (2) Lands designated Recreation and located between County Road 20 (Sandwich Street/Front Street) and the Detroit River and identified as Special Policy Area 7 are restricted to marinas and associated facilities including snack bar, gasoline sales, parking areas, and auxiliary buildings and uses.
- (3) *Lands designated Recreation and located between County Road 20, Sandwich Street North, and the Detroit River and identified as Special Policy Area 15 are restricted to the existing marina and associated facilities including a snack bar, gas bar, and auxiliary buildings. It is recognized that the land does not have frontage on a public street and that access to the site may be by way of an easement. Consent to sever this parcel from the remaining holding may be permitted notwithstanding the fact that the site does not have frontage on a public street. Building height shall be restricted in the zoning by-law to ensure continued views and vistas of the Detroit River and in recognition of the existing low-profile development. (OPA#1)*

The lands identified as Recreational Development Special Policy may also be subject to an Environmental Impact Assessment in accordance with Section 6.9 as determined by Council in consultation with the Essex Region Conservation Authority.

4.8 OPEN SPACE

The Official Plan Policies for parks, open space and recreation are intended to provide a guiding framework for parks and recreation planning, the allocation of municipal resources and the co-ordination of public and private actions affecting the supply of recreation services and facilities to Amherstburg residents.

Many groups and agencies contribute significantly to the overall supply of recreation opportunities throughout the community. It is not the intent of the municipality to duplicate these services and

facilities, but to focus upon those areas of community recreation need which are economically difficult or impossible for other groups and agencies to provide.

It is the purpose of this Plan to define the areas of municipal responsibility through the identification of goals, objectives and implementation strategies for the development of municipal parklands and the provision of recreation services and facilities throughout the community. The translation of these goals and objectives into action-oriented policy statements provides the means of achieving the stated goals and objectives within the limits of legislative, economic and physical constraints.

4.8.1 Goals

- (1) To ensure that a wide range of recreation opportunities and facilities are provided throughout the Town to meet the needs and interests of community residents.
- (2) To further the creation of an attractive urban environment, through the development and maintenance of a parks and recreation system consistent with the Historic Town image and Wayfinding Study.
- (3) To ensure that natural environment features are protected, preserved and enhanced for the benefit and enjoyment of existing and future residents.
- (4) To ensure that adequate parks, open spaces and recreation facilities are provided for people of all ages.
- (5) To identify and respond to the needs and interests of the community through an ongoing program of parks and recreation planning.
- (6) To encourage and maintain open channels of communication with community groups, sport organizations and public agencies in the planning and development of parks and recreation facilities.
- (7) To increase public awareness regarding the availability of existing recreational services and facilities.
- (8) To progressively eliminate the deficiencies in parks and recreation facilities through programs of land acquisition and park development.
- (9) To identify and preserve land for future community use in advance of urban development.
- (10) To ensure that urban development patterns do not encroach upon areas of significant recreational, cultural or environmental significance.
- (11) To pursue the development of an integrated and physically continuous open space system readily accessible to the majority of the residents.
- (12) To encourage the initiatives of private individuals and groups in the development of municipal parklands and the provision of complementary services and facilities throughout the community.
- (13) To maximize the use of external revenue sources and assistance programs in furthering the development of the Town's parks and recreation system.

4.8.2 Parks and Recreation Hierarchy

In order to accommodate the needs and interests of different age groups, a hierarchy of parks will exist within the Open Space designation. This hierarchy shall be comprised of special purpose parks, neighbourhood parks and playgrounds, community parks and playgrounds, and linear parks, as well as private developments that supply campgrounds, golf courses and/or other outdoor recreational activities. The Open Space land uses shall be developed in accordance with the following standards:

- (1) **Special Purpose Parks**
The purpose and function of Special Purpose parks are intended as public open space associated with unique physical amenities such as the Detroit River or Lake Erie and

are not intended for a full range of recreational opportunities. The purpose of these parks is to provide for civic beautification, greening, passive leisure, seating areas and similar amenities in built-up areas. The parks may also be established for unique public recreational functions such as marinas and/or boat launching or camping or provide for development opportunities such as the provision of accommodation. Examples include the K. Walter Ranta Marina and King's Navy Yard Waterfront Park and the Conservation Authority's Holiday Beach.

The size of Special Purpose parks should be provided on the basis of opportunity, need and the uniqueness of the location. Variations to the size may occur based on facility requirements and user needs of specific services offered by the park.

Facilities within Special Purpose parks should be of sufficient size to accommodate a variety of recreation facilities.

Special Purpose parks and open spaces should be developed to take advantage of prominent land forms and natural environment features. These include shoreline areas, ravine lands, watercourses, significant tree stands, canals, wet lands and marshes. Other sites with limited topographical variations and natural environment features may be more suitably developed for major sports activities and special events.

(2) Neighbourhood Parks and Playgrounds

Neighbourhood level parks and recreation facilities should be designed primarily for children's activities, opportunities for youth and limited recreational opportunities for adults. Where there is a preponderance of a specific user group such as young families and/or senior citizens in an area, facilities and programs should be tailored more specifically to the particular needs of these groups.

Neighbourhood parks and playgrounds should be readily accessible to the majority of neighbourhood residents. The optimum service radius of these types of facilities is 800 metres or 10 minutes walking distance, uninterrupted by major thoroughfares and/or other major physical barriers, respecting the limited mobility of the service population.

Neighbourhood parks and playgrounds should be provided on the basis of 1 ha/1000 population up to 3 ha per park site. 0.8 ha/1000 should be devoted primarily to active recreation uses of an informal, casual and non-capital intensive nature. 0.2 ha/1000 should be devoted to passive recreation uses with major emphasis on natural environment features, shaded areas and low maintenance landscaping. Variations to the size may occur based on facility requirements and user needs of specific service areas of the park.

Neighbourhood parks and playgrounds should be predominantly flat and well-drained in order to accommodate a variety of neighbourhood active recreation activities. Up to 20% of each site may be developed with contour variations in order to create an attractive park-like setting and to provide opportunities for passive recreation.

Neighbourhood parks and playgrounds should be centrally located, within safe and convenient walking distance of the majority of neighbourhood residents. Such facilities should be designed with extensive street frontage for visibility and safety and should be coordinated with public or separate elementary school sites where possible.

Neighbourhood parks and playgrounds should be of sufficient size to accommodate a variety of recreation facilities. Some examples include: paths, benches, playground equipment for children of all ages, open space/fields for unstructured sports (soccer,

baseball), paved areas for informal games/basketball/tennis, horticultural plantings, shaded areas for passive recreation, and parking areas where appropriate.

(3) Community Parks and Playfields

Community parks and playfields should be designed primarily for children, youth and adults of all ages with major emphasis on facilities for both organized and non-organized sports. Smaller areas should also be set aside for landscaping, beautification and passive recreation.

As the majority of facilities at the community park level cannot be supported by a neighbourhood population and as youth and young adults are much more mobile than neighbourhood park users, greater travel distances to community parks and playfields can be justified. A 20-minute walking distance or 1.6 km service radius is the optimum for community parks and playfields.

Community parks and playfields should be large and spacious in order to accommodate a wide variety of senior calibre recreation facilities. Community parks and playfields should be provided on the basis of 1.5 ha/1000 population and should range in size from 4 to 8 hectares. Variations in sizes may occur based on facility requirements and user needs of specific service areas of the park.

Community parks and playfields should be reasonably flat, with peripheral contour variations and landscaping provided for visual effect and passive recreation. Berms and plantings may also be effectively utilized in separating children's playground facilities from athletic and sports facilities or other incompatible uses.

Community level parks and recreation facilities should be situated in a manner which is reasonably central to the service population and directly accessible by public transit, automobile and bicycle. Frontage on a major traffic route is desirable with facilities provided for off-street parking. The provision of community level parks and recreation facilities should also be coordinated with secondary school sites where possible, in order to maximize the use of public open space and to achieve a complementary integration of recreation facilities.

Community parks and playfields should be developed as focal points for organized and non-organized team sports, athletic activities and casual recreation which require the provision of fairly expensive and sophisticated facilities. Some examples of facilities at the community park level are: regulation-sized playing fields, with or without lights, swimming pools, arenas, community centres, parking facilities, spray pads, small scale skateboarding, medium to large playgrounds, passive open space, trails, picnic pavilions, and horticultural plantings.

Where land acquisition and development strategies cannot be carried out effectively to accommodate all levels of the park hierarchy requirements, the criteria respecting lower levels of the hierarchy may be satisfied by higher level provision, such as Community or Special Urban parks.

(4) Linear Park

Linear parks are intended to provide public access to trail facilities and link neighbourhoods and recreation facilities together through a comprehensive trail system. They are an important component of an integrated and interconnected system of public parks and open spaces.

Linear parks should be provided to ensure community-wide access to a connected parks, open space and trails system.

Linear parks should be a minimum of 15 metres in width to accommodate trail-related activities and green space. The size/length of Linear Parks may vary depending on physical characteristics of the location and trail linkage requirements.

Linear parks may have variable topography and should be designed with sensitivity to natural heritage features. The local topography of each Linear park location should be a factor in determining appropriate trail uses, surface treatment, and pathway widths.

The location of Linear parks should be determined on an opportunity-basis with consideration given to linkage requirements and public accessibility to the parks, open space and trails system in each location.

Linear parks should provide a range of amenities/facilities suitable to the size and linkage requirements of the location. Examples of Linear park facilities include: multi-purpose paved trails, multiple access points from adjacent communities, benches, play areas, soft surface trails, water access, picnic facilities and natural areas.

4.8.3 Park Acquisition and Development Priorities

The hierarchy of parks, open spaces and recreation facilities set out in this Section of the Plan shall be used as the basis for measuring the adequacy of existing services and facilities and the assignment of land acquisition and development priorities.

In newly developing residential areas, every attempt will be made to ensure that a full complement of parks, open spaces and recreation facilities is provided according to the standards prescribed in this Plan.

In existing residential areas, deficiencies in parks and recreation facilities will be progressively eliminated through a program of land acquisition and park development.

4.8.4 Park Development

Where existing parks, open spaces and recreation facilities are determined to be inadequate, the municipality will attempt to bring these areas and facilities up to desirable standards through an ongoing program of park development.

In the development and improvement of individual park sites, consideration shall be given to the problems of public accessibility, park identification and the private encroachment onto municipal property. The municipality shall attempt to alleviate these problems whenever possible.

Accessibility will be improved through the provision of pedestrian walkways wherever practical.

The identity of municipal parks and open spaces will be improved through a program of park identification and signing.

Private property encroachments on municipal parklands and natural environment areas will not be permitted and should be progressively eliminated in order to maximize the use of these areas for public recreation purposes.

4.8.5 Parkland Dedication and Cash-in-Lieu of Parkland

While a program of land acquisition and park development is required to alleviate outstanding deficiencies and needs, it is important to ensure that an adequate level of recreation services and facilities is also provided in newly developing areas in order to accommodate the needs of incoming residents and to avoid creating further deficiencies. As a condition of land development or approval of a plan of subdivision, the municipality will require that a portion of the land proposed to be developed or redeveloped be conveyed to the Town of Amherstburg for park or other public recreational purposes in accordance with the policies of Subsection 2.10.2 of this Plan, or will require cash-in-lieu of all or part of the land conveyance in accordance with the policies of Subsection 2.10.3 of this Plan.

4.8.6 Parkland Acceptability

Where land, as opposed to the cash value of land is required for parkland dedication purposes, the municipality must be satisfied as to the location, size, configuration and general topography of the proposed park site within the development or redevelopment area. More specifically:

- (1) Park sites should be of sufficient size and shape to accommodate the development of standard neighbourhood park facilities;
- (2) Park sites should be reasonably central to the service population and should feature extensive street frontage for visibility, safety and accessibility;
- (3) Park sites should have a minimum street frontage of 30 metres increasing in size by 40 metres per hectare;
- (4) Where required, secondary accesses in the form of pedestrian walkways shall be provided by the developer in accordance with the following design criteria:
 - a) 3.65 metre minimum right-of-way;
 - b) durable walking surface materials;
 - c) fencing to municipal specifications.
- (5) Lands required for park dedication purposes shall not be susceptible to major flooding, poor drainage, erosion, steep slopes or other environmental or physical conditions which would interfere with their potential development or use as public recreation areas. Lands subject to these conditions will be integrated, where possible, with the development of municipal parks and open spaces in order to form pedestrian walkways, linear trail systems and passive recreation areas;
- (6) Where possible and desirable, park sites should be oriented to take advantage of favorable topography, vistas and mature stands of trees;
- (7) Lands dedicated to the municipality for public park purposes shall be covered with an adequate layer of topsoil and shall be graded to establish finished contours by those responsible for dedicating the lands;
- (8) Where required and appropriate, park sites will be integrated in design with appropriate storm water management programs; and,
- (9) Parks sites should be free and clear of all abandoned structures, building materials and debris and left in a condition which is generally satisfactory to the municipality.

4.8.7 Park Development Procedures

In order to accommodate the needs for neighbourhood park facilities in newly developing areas or areas of redevelopment, lands will generally be acquired at the time when development or redevelopment proposals are being made so that these parks may be closely integrated into the design of the area.

The detailed design of the neighbourhood parks will be carried out as soon as possible after the boundaries of the land to be acquired for park purposes are known, so that landscaping and topographical modifications may be coordinated to the advantage of both the Town and Developer. Community Park land may be acquired through the pooling of park land dedications from a number of subdivisions within an area in order to create a meaningful park site capable of accommodating playing fields and more active recreational activities while maintaining adequate buffers to adjoining residential development.

The Town will endeavour to provide a basic level of recreation services and facilities in newly acquired parks so that immediate benefit may be derived from these parklands. Generally, this shall include seeding, sodding and the establishment of appropriate plant materials. Subsequent development will occur once major deficiencies and priorities in other parts of the town are resolved.

Notwithstanding the policies of this Section to the contrary, consideration shall be given to altering the priorities for park development, where citizen group donations, cost-sharing programs or capital grants are made available for the development of specific projects. In this regard, the Town must be satisfied that:

- (1) The project is in reasonable harmony with the policies and park development standards established in the Official Plan;
- (2) Manpower and time can be allocated to the project without adversely affecting the provision of other services and facilities.

While sufficient lands are presently available in the form of Town-wide parks and regional open spaces to accommodate the needs of the existing population, the majority of these lands require further development and improvement in order to facilitate greater public recreational use.

4.8.8 Linear Park Development

The growing popularity of physical fitness activities such as walking, jogging, bicycle riding and cross-country skiing has resulted in increased demands for linear park development and the provision of bicycle paths, hiking trails and pedestrian walkways.

In order to accommodate these needs, the municipality shall actively pursue the development of an integrated and interconnected system of public parks and open spaces system. Views and vistas of the Detroit River and Lake Erie shorelines should be integrated into a linear park system as well as opportunities along Big Creek and lands associated with natural corridors that can form a continuous system of open space and is accessible to the majority of community residents. The former railway right of way's development as the Greenway should be added and linked to other pathway/trails in this system.

Minor watercourses, utility corridors, surplus railway lands and other open spaces should also be considered as opportunities to add to the system wherever possible in order to maximize the opportunities for linear park development.

Where any of the lands involved are in their natural state, they should be protected and preserved in their natural state as far as possible except for the purposes of general maintenance and provision of linear park facilities.

The following principles shall be used to guide the development of the bicycle path and pedestrian walkway system and to ensure consistency in design standards.

- (1) That a continuous trail system be developed, suitable for the use of pedestrians and cyclists.
- (2) That the system be developed to take advantage of significant historical, cultural and environmental features.
- (3) That the system be separated as much as possible from vehicular traffic routes.
- (4) That the system be constructed wide enough to permit two-way pedestrian and cycling traffic and the access of maintenance and emergency vehicles.
- (5) That the system be constructed according to proper engineering standards including asphalt surfaces, compacted granular base and adequate drainage.
- (6) That appropriate warning signs and pavement markings be established enroute for the safety and convenience of both pedestrians and cyclists.
- (7) That secondary routes and pull-overs be incorporated into the overall design concept in order to provide rest areas and places for scenic observation.

The continuation of the rails to trails route across Amherstburg is supported as a desirable objective. When the trail system reaches Concession 2 N, Council may consider a number of options in assisting in the completion of the trail. The options may include negotiating with a variety of land owners along the south side of Texas Road to develop a trail to the rear of property owner on Texas Road, or it may include enhancing a sidewalk along Texas Road to accommodate walkers and bikers and /or it may include working with land owners to utilize the former rail line and develop a more secure interface with industrial uses to the south of the trail or it may be a combination of the above options. Consultation with abutting land owners will occur prior to the trail system being developed westerly to Sandwich Street.

Linear trails will also be encouraged to run in a north south direction in the vicinity of Big Creek and along the Detroit River. North south linkages will also take the cooperation of the Town, ERCA and property owners to allow hikers and bikers to reach destinations such as the downtown, King's Navy Yard Park, or Larry Bauer Park or other points of interest. (OPA#1)

4.8.9 Institutional Lands and Facilities

Public and private institutions contribute significantly to the overall supply of recreational services and facilities available throughout the Town of Amherstburg. Where possible, the municipality shall seek the co-operation of these various institutions in extending the use of their lands and facilities to the general public, at such times as they are not being used exclusively for their own activities and programs.

Close co-operation between the Town and the area School Boards shall be maintained for the purpose of achieving a complementary integration of and optimum utility of public parklands and community service facilities. Where possible:

- (1) The establishment of neighbourhood parks will be coordinated with public or separate elementary school sites.
- (2) The establishment of community parks will be coordinated with secondary schools or other appropriate senior education facilities.

- (3) Where required, the provision of indoor facilities in the form of community recreation centres shall also be coordinated with appropriate elementary or secondary schools in order to maximize the use of facilities and to take advantage of economies of construction, operations and maintenance.

The standards for neighbourhood and community parkland set out in this Plan will be used to guide the development of school playgrounds and the provision of associated recreation facilities. Portions of school playgrounds shall be credited and listed in parkland inventories for park purposes where adequate opportunities are provided for neighbourhood or community use.

Where playground facilities are inadequate according to the standards set out in this Plan, the municipality in co-operation with the appropriate school board shall attempt to develop and improve these facilities where possible. In particular:

- (1) A program of landscaping and tree planting shall be initiated in order to provide greater opportunities for passive recreation in the design of school playgrounds.
- (2) An expanded range of playground facilities should be provided in highly populated areas in order to accommodate the needs of preschooler's as well as elementary school age children.
- (3) Playground signs should be established in order to improve the identity of these areas as public open space.
- (4) In combined park/school sites, except where required for safety or the protection of adjacent properties, perimeter fencing should be eliminated between school playgrounds and park sites in order to provide an inviting park-like atmosphere and to encourage public use and accessibility between the two (2) sites.

4.8.10 Private Recreational Facilities

The Open Space Designation also contains a number of private recreational developments such as golf courses, campgrounds and ethnic clubs. Limitations on the range of permitted uses that may occur on lands designated Open Space but in private ownership will be regulated by the Zoning By-law.

The municipality recognizes the importance of the private sector in the supply of these complementary services and facilities and shall continue to support and encourage the efforts of these groups wherever possible. The range of uses will generally be limited to the existing uses and detailed impact studies will be required should more commercial facilities or activities be considered for these private sites.

While the development of certain recreation facilities can best be met by the private sector, the municipality may consider a joint venture with a private organization provided that there is a demonstrated need for a particular facility and that appropriate agreements can be reached with respect to design, construction, operation, maintenance and public use.

4.8.11 Open Space Special Policy Areas

Certain Open Space areas exist or may develop that do not fit the standard classification of designation and will be covered by a Special Policy as follows:

- (1) Lands noted as Special Policy Area 3 on the Land Use Schedules are restricted to use as golf course, driving range and associated restaurants or pro shops.

- (2) *Lands designated Open Space on the former Soda Ash Settling Bed and identified as Special Policy Area 14, shall be redeveloped and rehabilitated as a form of open space development. Once rehabilitated to the Town and the Ministry of the Environment's satisfaction land uses may include forestry including harvesting of trees. Further amendments may be required to this area as a result of the Big Creek Watershed Study currently being conducted by the Town and ERCA. It is possible, that as a result of that study, additional lands may be identified as Provincially Significant and warrant designation as Natural Environment or Provincially Significant Wetland or Woodlots. (OPA #1)*

SECTION 5 TRANSPORTATION POLICIES

5.1 GENERAL

The road network indicated on Schedule “D” is based on the inter-relationship of land use and transportation. The primary objective shall be to provide optimum conditions for the movement of people and goods from one portion of the Planning Area to another as well as facilitating the traffic movement through the Planning Area. Every attempt should be made to ensure that the Planning Area road pattern is in harmony with the County Road System as well as those of adjoining municipalities and linkage to the Provincial Road System.

5.2 CLASSIFICATION

Each road within the Planning Area is not designed nor intended to serve the same function. The roads within the Planning Area have been classified according to the anticipated ultimate function that each road would fulfil. Where additional land is required for widenings, extensions, or intersection improvements, such land shall be obtained wherever possible in the course of approving plans of subdivision, development applications, or by conditions attached to individual consents.

5.2.1 Arterial Roads

Arterial roads are existing roads of 2 to 4 traffic lanes. Due to existing development, desired right-of-way widths may not always be achievable. Wherever possible, Sandwich Street/County Road 20 right-of-way width shall be 30 metres. Alma Street, Simcoe Street, Lowes Sideroad, Meloche Road, Fryer Street, Fox Road and County Roads 9 and 10 shall be 26 metres wherever possible. The number of access points from abutting properties should be restricted in number. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control. The function of the arterial roads is to facilitate the inter-municipal and through municipal movement of high volumes of traffic to and from major traffic generating sectors in the Planning Area.

New industrial, commercial, institutional, and multiple family residential uses may have access to arterial roads but in each instance an attempt shall be made to group developments, in order to reduce the number of access points which could hinder the movement of traffic. Strip or linear development shall be discouraged. Where such conditions exist, the number of access points shall be reduced wherever possible.

It is not the intention of this Plan that arterial roads existing in a built-up area will necessarily be widened, or that direct access will be eliminated or restricted, except where redevelopment is taking place.

5.2.2 Collector Roads

Collector roads are existing and proposed roads with a minimum of two traffic lanes and a right-of-way width of 20 to 26 metres, which are designed to collect and carry medium volumes of local traffic to arterial roads or distribute traffic to the local roads as well as provide access to abutting properties.

Collector roads shall include Essex County Roads 3, 5, 8, 11, 18, 41 and 50.

5.2.3 Local Roads

Local roads are existing and proposed roads with two traffic lanes and a right-of-way width of 20 metres which are designed primarily to provide access to abutting properties. They should be designed so as to discourage the movement of through traffic and function as local distributors of traffic to the local roads, as well as to provide access to abutting properties.

5.2.4 Private Roads

There are several private roads in the municipality that service development along the lakeshore.

It is the intention of the Municipality that no further development will take place on the Private Roads known as Bingham Road, Goodchild Beach Road, Lake Erie Country Club Road, or Erie View Road, until such time as they have been upgraded to Ministry of Transportation standards.

5.3 INTERSECTION IMPROVEMENTS

It is the intention of this Plan that, as traffic conditions warrant, improvements in the form of jog eliminations, regulation of turn movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization construction will be undertaken at the intersections as required.

5.4 OFF-STREET PARKING

This Plan proposes that sufficient off-street parking facilities be established as are required to serve the needs of the central business area. Whether an off-street parking program is developed entirely by the Town of Amherstburg, by private enterprise, or jointly by the Town and private enterprise, reasonable parking facilities should be established, consistent with demand, and in accordance with the following general principles:

- (1) The parking facilities within the Central Business District should be a combination of short-term parking for shopping and business purposes and long-term for those employed in the area.
- (2) The area behind the stores and businesses that line Richmond Street, Murray Street and Dalhousie Street should be developed in such a manner as to provide landscaped off-street parking areas for customers.
- (3) The cash-in-lieu of parking policy and by-law, as provided for under Section 40 of the Planning Act R.S.O. 1990, c.P.13, may be implemented and the funds used to provide public parking facilities within the Central Business District in accordance with the policies of Subsections 4.4.2 and 6.2.

SECTION 6 DEVELOPMENT POLICIES

6.1 LAND DIVISION

6.1.1 Plans of Subdivision

With the exception of land severances granted by the consent-granting authority, all land divisions in the Planning Area shall take place by registered plan of subdivision. It shall be the policy of the municipality to recommend only those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision for approval, the municipality will ensure that the area to be subdivided can be provided with necessary services and amenities, and that the proposed development would not adversely affect the economy of the Planning Area. Reference should also be made to Section 2 of this Plan.

6.1.2 Land Severances

Should the consent-granting authority establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to a land severance may be allowed. Generally, the consent process would only be considered for the creation of five or less lots. In considering an application for a consent, the consent-granting authority shall be guided by the relevant objectives and policies of this Plan, including the following:

- (1) The division of land will only be allowed when all parcels involved abut a public road of a standard of construction acceptable to the Town (and the County of Essex when applicable) and safe and suitable access is available;
- (2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;
- (3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:
 - a) to permit the proper siting of a building;
 - b) to obtain a sufficient and potable water supply; and
 - c) to permit the installation of an adequate means of sewage disposal. In areas where no piped municipal services are available and the installation of a septic tank system or other private sewage disposal system is therefore required, the standards established by the Ministry of Environment and/or its designated agent shall be met;
- (4) The division of land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law. The Zoning By-Law shall establish minimum lot frontages and areas in accordance with the requirements of the Town and/or its designated agent for septic systems approved under the Building Code or the Ministry of Environment for systems approved under the Water Resources Act. Where a by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;
- (5) The division of land may be prohibited if development would occur on lands subject to severe flooding, provincially significant wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the Town in consultation with the Essex Region Conservation Authority;
- (6) Notwithstanding any other section of this Plan, consents for the creation of easements or rights-of-way are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the

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

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

6.2 POLICIES FOR DOWNTOWN REVITALIZATION

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

6.2.1 Description

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

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

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

6.2.2 Role and Function

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

6.2.3 Residential Uses

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

6.2.4 Traffic and Parking

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

6.2.5 Downtown Improvement and Revitalization

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

6.3 POLICIES FOR COMMUNITY IMPROVEMENT

6.3.1 Designation of Community Improvement Areas

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

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

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

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

6.3.2 Conservation, Rehabilitation, and Redevelopment

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

6.3.3 Goals and Objectives

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

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

6.3.4 Criteria for Selecting Community Improvement Areas

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

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

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

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

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

6.3.5 Phasing of Improvements

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

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

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

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

6.3.6 Implementation

Implementation of the Community Improvements will occur through;

- (1) implementation of the Property Standards By-Law;
- (2) the support of the local Heritage Conservation committee and the application of Heritage designations;
- (3) the acquisition of lands through Town expenditures;
- (4) the sale of public lands for commercial redevelopment;
- (5) the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise.
- (6) the support of the Business Improvement Area;
- (7) consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- (8) encouragement of private initiatives regarding conservation, rehabilitation, redevelopment and environmental remediation;
- (9) 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 endeavor to preserve existing heritage buildings or sites, and discourage their demolition.
- (3) **Demolition Control**
A demolition Control By-Law has been enacted to include heritage, to protect residential properties, and to maintain the character of residential areas. Within the area of demolition control, the demolition of any residential property is prohibited unless Council has issued a Demolition Permit.
- (4) **Site Plan Control**
A Site Plan Control By-Law shall be enacted to require an owner of property within a heritage area as a condition of development or redevelopment to enter into an agreement with the Town of Amherstburg. This agreement establishes conditions which shall be met by the property owner with regard to site development or redevelopment, and any other matters (permitted by the Planning Act) which the Town of Amherstburg deems necessary to achieve certain objectives of this Plan.
- (5) **Minimum Maintenance and Occupancy Standards By-Law**
This By-Law will be amended, as appropriate, to provide special provisions for heritage.
- (6) **Committee of Adjustment**
Applications for severances and minor variances to the Zoning By-Law's Heritage Zones will be carefully considered by the Committee of Adjustment and will only be approved where they are desirable to achieve the heritage objectives and policies of this Plan.
- (7) **Public Acquisition of Land**
The Town of Amherstburg will, wherever desirable and economically feasible, purchase or otherwise acquire an interest in land to affect the implementation of the heritage policies of this Plan.
- (8) **Sign By-law**
The Town of Amherstburg shall enact a Signs By-Law to regulate signs in heritage zones. This legislation will allow the Town of Amherstburg to control the visual impact of advertising and sign design and/or placement within the Heritage Area.

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

6.5 ECONOMIC DEVELOPMENT

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

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

6.5.1 Economic Development Policies

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

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

6.6 HOUSING POLICIES

6.6.1 General

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

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

6.6.2 Housing Objectives

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

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

6.6.3 Housing Supply

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

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

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

6.7 PLANNING IMPACT ANALYSIS

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

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

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

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

6.8 AREA STUDY

It is a policy of this Plan that area studies may be prepared to assist in the implementation of the policies of this Plan and to provide guidance for the preparation and evaluation of regional facility and community facility development proposals. Area studies may deal with:

- (1) Land use type and intensity;
- (2) On-site and off-site parking;
- (3) Road network and traffic circulation;
- (4) Pedestrian movement;
- (5) Municipal services;
- (6) Amount and location of neighbourhood open space;
- (7) Landscaping;
- (8) Presence of buildings of architectural and/or historical significance;
- (9) The identification any areas requiring an Environmental Impact Assessment.

6.9 ENVIRONMENTAL IMPACT ASSESSMENT

For those remaining natural features not identified as Natural Environment or Wetland on Schedule "A" or "B", Council may, in consultation with the E.R.C.A., require the proponent to undertake a biological evaluation to determine if the site is significant with respect to the Natural Environment goals (Section 3.4) and may also require an Environmental Impact Assessment to be undertaken by the proponent prior to any Planning Act approvals being granted for such lands. The Environmental Impact Assessment shall be completed in accordance with the County of Essex *Guidelines for Environmental Impact Assessments*, which may be amended from time to time, contained in Appendix I to this Plan as amended from time to time. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

All development or site alterations proposed within or adjacent to a natural area identified as potentially significant will only be permitted once it has been demonstrated to the satisfaction of Council and the E.R.C.A. that the significant natural heritage features and functions of the site will be protected, and the Environmental Impact Assessment has been approved by the Town and E.R.C.A in accordance with the County of Essex *Guidelines for Environmental Impact Assessments* contained in Appendix I to this Plan. When Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

SECTION 7 IMPLEMENTATION

7.1 GENERAL

This Official Plan shall be implemented by means of the powers conferred upon the Town of Amherstburg Council, by The Planning Act, The Municipal Act, The Ontario Heritage Act, and such other statutes as may be applicable. In particular, this Plan shall be implemented by a Zoning By-law, a maintenance and occupancy standards by-law, legislation pursuant to The Municipal Act, subdivision and part-lot control by-laws, the construction of public works, and a capital works program.

7.2 ZONING BY-LAW

7.2.1 By-Law to Conform to Plan

It is intended that a comprehensive Zoning By-Law shall be brought into effect in accordance with the provisions of the Planning Act by the Council of the Town of Amherstburg. Such by-law shall zone land in accordance with the designations and policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures. No application may be approved or by-law passed that does not conform to this Plan, save and except a by-law pursuant to Section 24 of the Planning Act, R.S.O. 1990. Lands designated on Schedules "A" and "B" may be zoned to a "Holding" or "Agricultural" Zone pending their appropriate timing for their respective uses in accordance with the designations as shown on the Land Use Plan and policies related thereto, when Council is satisfied that the resulting development is desirable and appropriate.

7.3 NON-CONFORMING USES

A "non-conforming use" as referred to in the Plan, means an existing land use which is not permitted in the land use designation in which it is located. While it would be better if such uses would cease to exist in the long run and be replaced by uses which are permitted, such action may be an unnecessary hardship on the owner. Accordingly, where there is a reasonable degree of harmony with neighbouring conforming uses, in Council's judgment, such offending or non-conforming uses unless a policy of the relevant land use designation provided to the contrary, the land area occupied by such a non-conforming use may be expanded, by zoning amendment adopted by Council and without an amendment to this Plan, according to the review process described hereunder.

A "non-conforming use" within the context of a Zoning By-Law is an existing use which is not permitted in the zone within which it is located. The Planning Act allows Council and/or the Committee of Adjustment to approve of extensions and enlargements to such non-conforming uses.

As a general guide to assist in the administration of this Plan and the Zoning By-Law, as the case requires, where a non-conforming use ceases to exist for a continuous period of two years, it shall be deemed to have lost its status as a non-conforming use.

7.3.1 Applications for Enlargements or Extensions of Non-Conforming Uses

In dealing with applications for the enlargement or extension of a non-conforming use, Council or the Committee of Adjustment, as the case may be, shall first determine that

unnecessary hardship would result if the application was not approved, then, the following procedures will be followed:

(1) Possible Acquisition

The Amherstburg Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing, or redeveloping the property, in accordance with the provisions of The Planning Act. Special attention will be given to the chances for the re-establishment of the use under consideration in a different location where it would be able to perform and produce under improved conditions, in accordance with the policies of this Official Plan.

(2) Amending By-Law or Committee of Adjustment

If acquisition or relocation at this time does not appear to be feasible and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, the Council of the municipality may consider the passing of a Zoning By-Law pursuant to Section 34 of the Planning Act and such by-law may then be passed without necessity to amend this Plan providing it complies with the policies of this Plan, in particular as set out in the following subsection. The individual may also apply to the Committee of Adjustment for a minor variance from the provisions of the by-law, in respect of the land, building or structure or use thereof as long as the variance is desirable for the appropriate development or use of the land, building or structure and provided that in the opinion of the Committee of Adjustment, the general intent and purpose of the by-law and this Official Plan are being maintained. The guidelines set out below should be considered.

(3) Considerations

Prior to making any decision on the application, the Council will investigate such application on the various aspects of the matter. The Council, before passing such a by-law, shall be satisfied that each of the following requirements which are relevant to the specific application for the extension or enlargement of the use are, or will be, fulfilled in order to safeguard the wider interests of the general public. The Committee of Adjustment in reaching its decision on an application under Section 45 of the Planning Act should also be satisfied that the following relevant requirements have been met.

- a) That the proposed extension or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-Law applying to the area.
- b) That the proposed extension or enlargement shall be minor in nature.
- c) That an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under these policies, if it can be considered as a "minor adjustment" permitted under the flexibility clause of Section 8.1 and 8.3 of the Official Plan without the need for an amendment. Any major variances will require an amendment to the Official Plan.
- d) The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to environmental adverse effects, noise, vibration, fumes, smoke, dust, odors, lighting, and traffic-generating capacity. No amendment to the implementing By-Law shall be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area. If there is any doubt in this regard, Council or the Committee of Adjustment shall consult

with the Ontario Ministry of Environment prior to deciding on the compatibility of any proposed extension or enlargement.

- e) That the neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area.
- f) That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections.
- g) That adequate provisions have been, or will be, made for off-street parking and loading facilities.
- h) That applicable municipal services such as water supply and roads, etc. are adequate or can be made adequate.

7.4 PROPERTY STANDARDS BY-LAW

The Council of the Town of Amherstburg may pass a by-law to establish minimum standards of maintenance and occupancy to conserve, sustain and protect existing and future development of the municipality. The Property Standards By-Law applicable to all property shall contain requirements with respect to:

- (1) garbage disposal;
- (2) pest prevention;
- (3) structural maintenance of buildings;
- (4) safety of buildings;
- (5) cleanliness of buildings;
- (6) services to buildings - plumbing, heating, and electricity;
- (7) keeping land and waterfront properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- (8) maintaining yards, lands, parking, and storage areas;
- (9) maintaining fences, swimming pools, accessory buildings, and signs; and
- (10) occupancy standards.

If a maintenance and occupancy standards by-law is passed, the Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-Law.

The Council shall also appoint a Property Standards Committee, in accordance with Section 31 of the Planning Act, for the purpose of hearing appeals against an order of the Property Standards Officer.

The measures to be used generally in achieving the property maintenance program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

Complementary to the enforcement of standards on private properties, the municipality will undertake to keep in a fit and well-mannered condition all municipally owned properties and

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

7.5 SITE PLAN CONTROL

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

7.6 INTERIM CONTROL BY-LAW

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

- (1) In accordance with Section 38 of the Planning Act, R.S.O. 1990, where the Council has by by-law or resolution directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area or areas, the Council may pass an Interim Control By-Law. The By-Law may specify a time period (less than one year) prohibiting the use of land, buildings or structures for, or except for such purposes as set out in the By-Law.
- (2) Once the time period of the By-Law has expired, the period of time during which the Interim Control By-Law may remain in effect may be extended to a maximum of two years from the date of initial passing of the By-Law. If the Council has not passed a By-Law under Section 34 subsequent to the completion or review of the study within the period of time specified in the Interim Control By-Law, the provisions of any by-law passed under Section 34 that applied to the subject lands immediately prior to the coming into force of the Interim Control By-Law again come into force. Where an Interim Control By-Law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-Law that applies to any lands to which the original Interim Control By-Law applied.

7.7 BONUSING

Council may pass a By-Law in accordance with Section 37 of the Planning Act, R.S.O. 1990, to authorize increases in height and density of development in return for the provisions of certain facilities, services or other matters outlined in the By-Law. Such a By-Law shall identify areas or Zone categories where the bonus provisions would apply, and shall specify the amount by which the height or density of the development would be permitted to increase.

Council will give consideration to proposals to increase the height and/or density for a specific site, but such proposals may not necessarily be granted. When considering such proposals, Council shall have due regard to the compatibility and scale of the proposed development in relation to the existing land uses, and to the cumulative impact resulting from granting bonuses in the general area.

The facilities, services, or other matters that are required in the By-Law may include, but shall not be limited to, the provisions of affordable housing units to meet established housing targets, day care centres/facilities, parkland beyond the legislated requirements, hard servicing facilities (sanitary and storm sewers and watermains) above and beyond those required to service the development, increased buffering or landscaping, the use or re-use of vacant land and/or buildings (particularly in the commercial core area), the provisions of community or recreational facilities, open space, and the redevelopment of blighting land use.

Generally, the use of this Section shall only be considered in conjunction with medium and high-density residential developments, and mixed-use commercial/residential projects.

7.8 HOLDING

A Holding Zone, as provided for under Section 36 of the Planning Act, R.S.O. 1990, may be applied. Not all lands will necessarily be zoned immediately in the implementing By-Law to permit the uses as designated on Schedule "A" - Land Use Plan. Lands may be zoned only to conform to and wherever possible, to implement policies of this Plan and where municipal services, roads and community facilities are or will be available as required.

The Council may, in a Zoning-By-Law, by the use of the symbol "h" as a prefix or a suffix, in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-Law. This procedure will enable the holding of lands designated for specific land uses in this Plan until

such time as the land is required for that use for phasing purposes or until necessary concept plans or subdivision design have been prepared. Removal of the Holding Symbol from a parcel of land shall be conditional upon the developer of the land satisfying specific requirements of the municipality. Such conditions may include, for example, satisfying financial and servicing requirements of the Town, obtaining concurrence from the Town on the availability of sewage treatment plant capacity to service the proposed development, the provisions of a suitable stormwater management plan, and any additional criteria identified by Council resolution. The use of holding provisions for services will be utilized when the issue is one of timing and not one of municipal servicing feasibility.

Although notice will be given by By-Law, there may be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending by-law to remove the holding symbol, if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner. While the "h" is on, the following uses shall be permitted: agriculture, conservation, wildlife and forest management and the existing uses, or as otherwise set out in the holding zone provisions of the Zoning By-law.

7.9 TEMPORARY USE BY-LAWS

The Council may, in a by-law passed under Section 39 of the Planning Act, R.S.O. 1990, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-Law. Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Any temporary use permitted shall comply with the general development standards contained in Section 2 of this Plan.

A by-law authorizing a temporary use shall define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the by-law for all temporary uses except "garden suites". Garden suites, as defined by the Planning Act, may have by-laws passed to be in effect for up to ten years from the date of passage. For uses other than garden suites the three-year time period may, by by-law, be extended for a maximum additional three-year term. The temporary use shall not become a legal non-conforming use at the date of expiry of the By-Law. The type of uses envisaged by Council as using a temporary use by-law include, but not limited to, parking lots, fairs, ploughing match, temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

7.10 LEGISLATION PURSUANT TO THE MUNICIPAL ACT

It is intended that the Town shall review existing legislation pursuant to The Municipal Act governing such uses as automobile wrecking yards and signs, and where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

7.11 ENACTMENT OF MISCELLANEOUS BY-LAWS

Council will review legislation pertaining to or affecting the use or redevelopment of land and where necessary amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled. Examples of such by-laws include sign control and "deeming" by-laws which effectively de-register old plans of subdivision, the development of which could frustrate the objectives and policies of this Plan.

Fence and Sign By-laws are other techniques that will be used to assist in implementing the Official

Plan objectives. The authority to enact by-laws that regulate the erection of signs and fences is provided by the Municipal Act. While the enactment of by-laws to regulate fences and signs are specifically referenced in the Municipal Act, variances to those regulation may well be in the best interest good land use planning for the Town. The Municipal Act does not provide for variances. However, Section 45(3) of the Planning Act clearly empowers the Committee of Adjustment to grant variances to any by-law of the municipality that implements the Official Plan. The establishment of fences and the regulations associated with fences can also be an important component in achieving the objectives of the Official Plan. Signs impact significantly on the character of an area and are also an important component in achieving the objectives of the Official Plan.

It is desirable in all land use categories of the Official Plan to regulate the height, material and location of fences. Slight increases in height to a fence while obtaining concessions on the material to be utilized may be advantageous to the appearance and objectives of a specific area. Increases in height may also be advantageous for safety reasons depending on the land use in question. The height and material of a fence may, on occasion, need to be varied from the heights and materials established in the Fence By-law. When it is desirable for the appropriate development of the land, the Committee of Adjustment may vary the regulations of the Fence By-law enacted under the Municipal Act.

The Town of Amherstburg's Sign By-law, enacted under the Municipal Act, sets out regulations affected the location, height, type and illumination permitted for signage. The regulations are cross referenced to the regulations of the Zoning By-law. Specifically, there are different regulations for different Zones. Strict adherence to the sign by-law may not result in the sign being in a more preferred location on a site which in turn would not be advantageous to the appearance of the neighbourhood. The appearance of the commercial, industrial, institutional and residential areas of the Town is an integral part of the Official Plan's objective of achieving a visually pleasing community with minimal signage pollution. When it is desirable for the appropriate development of the land, the Committee of Adjustment may vary the regulations of the Sign By-law so long as the general intent and purpose of the Official Plan policies for the area in which the sign is located are maintained.

7.12 PLANS OF SUBDIVISION

It shall be the policy of the Council to recommend to the County of Essex for approval, only those plans of subdivision which comply with the proposals of this Plan and which, to the satisfaction of Council, can be supplied with adequate public utilities and services such as schools, fire protection, water supply, sanitary sewers, (including treatment facilities), and storm drainage facilities as required by this Plan, and which by reason of such approval, would not adversely affect the economy of the Town.

7.13 CONSTRUCTION OF PUBLIC WORKS

It is intended that the construction of public works, within the Amherstburg Planning Area, shall be carried out in accordance with the policies of this Plan.

7.14 CAPITAL WORKS PROGRAM

It is intended that this Plan will enable the Town of Amherstburg to prepare and adopt successive five-year capital works programs based upon the policies of this Plan.

7.15 GENERAL REVIEW OF PLAN

It is intended this Plan will be reviewed from time to time in light of changing conditions and that a general review of the whole Plan shall take place at least once every five years.

7.16 PUBLIC NOTICE OF DEVELOPMENT APPLICATIONS

Council shall actively seek the views and participation of the public prior to making any decisions regarding amendments to this Official Plan or the Zoning By-Law for the Town of Amherstburg. In each case involving such planning matters, at least one public meeting will be called and the public will be encouraged to offer their opinions and suggestions.

Calling and holding public meetings on planning matters shall be the responsibility of the Council or, in cases where Council has delegated the responsibility, to a formal Committee of Council.

In order to provide ample opportunity to the general public to review and discuss proposed Official Plan and or Zoning By-Law amendments and to prepare their comments, an open house may be held in addition to the holding of a public meeting. All notifications and meetings shall be in accordance with the Planning Act and shall include at least 20 days advance notice of the public meeting for site specific Zoning By-Law amendments and 20 days for site specific Official Plan amendments. Notice of the public meeting shall be given by the clerk in the following manner:

- (1) By personal service or prepaid first-class mail, to every owner of land,
 - a) in the area to which the proposed amendment would apply, and
 - b) within 120 metres of the area to which the proposed amendment would apply,
- (2) As shown on the last revised assessment roll of the municipality, at the address shown on the roll, but, where the clerk of the municipality has received written notice of a change of ownership of land, notice shall be given only to the new owner at the address set out in the written notice.
- (3) Notice of a public meeting for the purpose of informing the public in respect of a site-specific Official Plan amendment or site-specific Zoning By-Law amendment shall be given by personal service or prepaid first-class mail to every person and agency that has given the clerk of the municipality a written request for such notice in respect of the proposed official plan or plan amendment.
- (4) A written request given under subsection (3) shall show the person's or agency's address.
- (5) The notice of public meeting shall contain the following information:
 - a) date, time, and place of meeting
 - b) a key plan showing the location of the subject site
 - c) a description of the proposal, or a description of the matters which may be addressed in an amendment to the Official Plan or Zoning By-Law in the event that the application is approved.

In addition to the notice of public meeting, the applicant in the case of a site-specific amendment to the Official Plan or Zoning By-Law shall be required to post a sign on the property to the satisfaction of the Municipality, clearly visible to the general public, which would briefly describe the development proposal. The sign shall be in place at least thirty (30) days in advance of the public meeting.

Notwithstanding the notice period prescribed in this Section, a 20-day notice period as set out in Section 17(17) and 34(13) of the Planning Act, shall apply in instances of a general Official Plan or Zoning By-Law amendment, Official Plan or by-law amendment where there is no public notice sign placed on the subject property or where Council considers a development proposal to be of a scale

which may impact significantly on neighbouring properties.

The provisions of this subsection shall be implemented by the Municipal Clerk giving notice in the manner prescribed in this amendment.

7.16.1 Open House Policies

The applicant may be required to host an open house as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium and produce a report summarizing the results of the open house. The open house and the report will be provided at the applicant's expense.

7.16.2 Purpose

The purpose of the open house is to provide opportunity for consultation by the applicant with the area residents/property owners who may be impacted by the proposal before the application is deemed complete.

7.16.3 Components of Open House

The open house should be held at a location that is accessible to the public and may be accessed by walking, bicycling and public transit and should be located within 1km of the site of the proposed development when practical. The location should be in a structure that meets or exceeds the requirements of the Accessibility for Ontarians with Disabilities Act. The pre-consultation open house should be comprised of the components:

- a) Notice to the area residents/property owners, as required by the Director of Development Services or designate;
- b) Attendance of assigned municipal planner(s);
- c) Display boards which provide the primary details of the application;
- d) Copies of any reports or studies that have been prepared as part of the application; and
- e) The availability of the applicant or the applicant's agent to answer any questions that the public may have about the application.

7.16.4 Report Contents

The open house report shall be comprised of the following contents:

- a) A summary of the results of the open house including issues and responses provided;
- b) A copy of the Notice provided;
- c) A copy of any presentation(s) and graphics;
- d) A copy of written questions from the public and written responses to these questions by the applicant; and
- e) A copy of the attendee sign-in sheet.

7.17 EXCEPTIONS

The following items are excepted and may be changed or deviated from, to the extent stated without an amendment. When minor deviations to the Plan are made, however, in accordance with the rules outlined below, these deviations shall be incorporated in the next amendment in order to show the up-to-date situation.

- (1) Boundaries between designated land uses may be adjusted where such boundaries are not affected by roads, railways or other similar barriers, so long as the intent and purpose of the Official Plan is maintained and the adjustments are of a minor nature.

- (2) In undeveloped areas, school sites, parks and neighbourhood commercial areas may be incorporated into subdivision designs in a manner most suitable to topography and layout, so long as they conform to the details and intent shown in the Schedules of this Plan.
- (3) In the text and when shown on the Schedules, locations relating to parks, roads, services and other public works are not intended to be exact or rigid but to be close approximations. It is intended that reasonable latitude will be available to Council in the interpretation and application of this information when actually establishing or approving the size and exact location of such facilities, so long as the intent and purpose of the Official Plan are maintained.
- (4) When more detailed studies reveal a development, constraint has been incorrectly mapped such as a Wetland or Natural Environmental feature or flood plain, the more detailed mapping shall apply and an amendment to the Plan shall not be required.

7.18 CREATION OF COMMITTEES

In order to assist Council in dealing with various community issues advisory committees may be created:

- (1) To assist in the program for preservation of the Town's heritage, Council shall under Section 28 of The Ontario Heritage Act, establish an Amherstburg Heritage Committee. It is recommended that members of this Committee be selected from local organizations, historical groups, architectural societies, and other appropriate bodies where they exist. This will provide a combination of diverse skills and interests to complement the general heritage preservation goals and objectives. The Committee's primary purpose will be to advise and assist Council on all specified matters relating to The Ontario Heritage Act. The Committee shall be responsible for other special heritage concerns of the Town.
- (2) To assist in the program of identifying and preserving the natural environment, Council shall establish an "Advisory Committee on the Environment (A.C.E.)". It is recommended that members of this Committee be selected by Council from a balanced representation of the local public at large, the local hunting and fishing community, naturalists, large landowners, and persons with an interest in the preservation and enhancement of wetlands, woodlots and other areas of natural heritage landscape. The Committee will assist Council with technical expertise, advice and the identification of issues related to the environment. Council will ensure the effective function of this advisory committee by adopting terms of reference for their mandate and operation, appointing one or more members of Council to the Committee and providing support services through staff. Where an Environmental Impact Assessment (EIA) is required by this Plan, the Town may refer the EIA to the ACE Committee for review and comment to assist in evaluation of the study.

7.19 PRE-CONSULTATION BY-LAW

Council may adopt a Pre-Consolation By-law for the purposes of requiring potential applicants to consult with the Town of Amherstburg prior to submitting an application under in the Planning Act R.S.O. 1990, c.P.13.

7.20 COMPLETE APPLICATION

An application submitted to the Town of Amherstburg under the Planning Act R.S.O. 1990, c.P.13 shall only be deemed complete when a letter is issued to the applicant indicating that the application is complete. This shall be referred to as the "Complete Application Letter". The Complete Application Letter shall contain the signature of the Director of Development Services or designate.

SECTION 8 INTERPRETATION

8.1 LAND USE BOUNDARIES

The boundaries of the land use designations on the Schedules are approximate and shall be considered as absolute only where bounded by roads, railways, rivers, or similar geographical barriers. Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved.

All numerical figures in the Plan are not to be interpreted as absolute and rigid. Minor variations from the figures will be permitted providing the intent of the Plan is preserved.

8.2 ACCESSORY USES

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

8.3 LAND AREAS, POPULATION ESTIMATES, ETC.

It is intended that all figures and quantities shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.

8.4 AMENDMENT PROCEDURES

The Town of Amherstburg shall be responsible for the preliminary review of all proposed Official Plan and Zoning By-Law amendments, plans of subdivisions, and all other planning related activities in the municipality.

An amendment to this Plan is required to permit the establishment of uses other than those provided for. Pre-consultation with staff is recommended prior to the submission of any application for an amendment to this Plan. In considering an amendment to this Plan, Council shall have due regard to the following:

- (1) the desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives of the Official Plan;
- (2) the goals and policies of this Plan and the goals and policies of the County of Essex Official Plan;
- (3) the need for the proposed use;
- (4) the effect on the economy and financial position of the Town;
- (5) the compatibility of the proposed use with uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;
- (6) the location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required;
- (7) the physical suitability of the land for the proposed use;
- (8) the effect on the provision of affordable housing in the Town of Amherstburg;
- (9) whether the lands are within or adjacent to any natural heritage features and the results of an Environmental Impact Assessment as outlined in Section 6.9; and

It is also acknowledged that whenever a new or updated County of Essex Official Plan is approved, if necessary the Town of Amherstburg will amend this Plan to bring it into conformity to the County Plan within one year of the new or updated County Plan coming into force.