

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Aaron Hair, MCIP, RPP, Division Leader – Community Planning

Date: June 17, 2022

Subject: Zoning By-law Amendment ZBA-8-2020 – 1477 County Rd. 22

Recommendation

Approve Zoning By-law Amendment Application ZBA-8-2020 (By-law 63-2022) Municipality of Lakeshore (By-law 2-2012, as amended), to rezone the subject property from Residential Type 1 (R1) zone and Mixed Use (MU) zone to Site Specific Mixed Use (MU-35) zone (indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 63-2022 during the “Consideration of By-laws”, all as presented at the June 28, 2022 Council meeting.

Background

The applicant has applied for a zoning by-law amendment as part of an ongoing Development Application (File: S-A-01-2020) for a site specific exemption to rezone the subject land, 1477 County Rd. 22 from Residential 1 (R1- refer to Zoning By-law 4170-ZB-94) and Mixed Use (MU) zone to a site specific Mixed-Use zoning category in order to permit the proposed mixed-use development; consisting of town homes, and apartment dwellings. The subject land currently contains four residential dwellings and two garage structures, to be removed, with the remainder of the lands to the south being vacant.

The Development Application will also be subject to further reviews and approvals under the Planning Act, including a consent to sever application to sever the school site; a draft plan of subdivision application and site plan applications.

Proposal

The subject lands are located on the southwest corner of the Rourke Line and County Rd 22 intersection as shown on Attachment 1. The subject land neighbours residential units to the North, West and South of its position. The eastern surroundings include a mix of residential and commercial buildings. The subject land encompasses 6.27 hectares (15.49 acres) and the zoning by-law amendment will allow for town homes, apartment buildings and institutional land for a school in the future. The proposal also includes a

stormwater management pond that is 0.58 hectares, located on the eastern portion of the property (Attachment 2, Concept Map).

Subject Land: (1477 County Rd 22)	6.27 Ha (15.49 acres) Existing Use – Vacant Property with existing single dwelling units and garage structures Proposed Use – Residential Dwelling, Apartment Dwelling, and Institutional (school) Access — Girard Drive, Rourke Line Road, County Road 22 Services — Municipal water, municipal sanitary, storm drainage: sewers.
Neighbouring Land Uses:	North: Low Density Residential South: Low Density Residential East: Mixed Use – including the Denis St. Pierre Pollution Control Plant. The proposed sensitive land uses are sufficiently set back from the treatment plant. West: Low Density Residential
Official Plan:	Mixed Use
Existing Zoning:	Residential Type 1 (R1- refer to Zoning By-law 4170-ZB-94) Zone and Mixed Use (MU) Zone

Comments

Provincial Policy Statement

The proposed application was reviewed under the building strong healthy communities policies of the 2020 Provincial Policy Statement (PPS) and it was determined that the development is consist with the below policies:

1.1.3 Settlement Areas

1.1.3.1 “Settlement areas shall be the focus of growth and development;”

1.3 Employment

1.3.1 “Planning authorities shall promote economic development and competitiveness by:”

- a) *Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*

1.4.3 Housing

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

- b) *“permitting and facilitating:*
 - 1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;”*

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- c) *“promote water conservation and water use efficiency;*
- d) *integrate servicing and land use considerations at all stages of the planning process;”*

1.6.6.7 Planning for stormwater management shall:

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

County of Essex Official Plan

The subject site is located in the Settlement Area in the County of Essex Official Plan. The following uses are permitted and encouraged within the Settlement Areas designation:

a.2 Settlement Areas

3.2.6 General Settlement Area Policies

- a) *“Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing,*

to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections for local municipalities are to be in accordance with the population projections contained within this Plan.”

The proposal conforms with the policies of the County Official Plan.

Lakeshore Official Plan

The subject lands is designated as Mixed Use in the Municipality’s Official Plan. The following applies for a Mixed-Use Designations:

6.9 Mixed Use Designation

“The Mixed-Use Designation provides for a range of commercial and residential uses characteristic of a transit supportive and higher intensity mixed use corridor”.

The proposal provides for a mix of uses, institutional and residential uses including town homes and apartment units. The proposal conforms with the policies of the Lakeshore Official Plan regarding mixed use, residential intensification and provides a mix of residential types.

The proposed development will be serviced by the Denis St. Pierre Pollution Control Plant, once the expansion has been completed. Due to the proximity of the site to the Plant, conveyance will not be an issue.

Zoning By-law

The property is currently zoned R1 and MU, and permits the current use of single detached dwellings, townhouse dwellings, apartment dwellings
It is proposed that the lands be rezoned to MU-35 to appropriately permit Apartment dwelling uses and regulations

BY-LAW RESTRICTIONS	REQUIRED (Mixed Use (MU) Zone)	PROVIDED (AS SHOWN ON PLAN)
Minimum Lot Area	N/A	12240.8m ²
Minimum Lot Frontage	15.0m	192.4m
Maximum Lot Coverage	50%	2455.8m ² /12240.8m ² = 20%
Minimum Landscaped Open Space	20%	3065.6m ² /12240.8m ² = 25%
Maximum Building Height	10.5m	6-storey *assumed 3.3m per storey = 19.8m
Minimum Front Yard Depth	Where the lot fronts any of road: 4.5m	

	*Where the lot fronts on County Road 22 setbacks shall be in accordance with the County's minimum building setback requirements	26m setback from center of County Road 22
Maximum Front Yard Depth	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of section 6.17	10.9m
Minimum Interior Side Yard Width	7.5m (where the yard abuts a residential, institutional or parks and open space zone)	46.7m
Minimum Exterior Side Yard Width	4.5m	12.5m
Minimum Rear Yard Depth	10.5m	24.1m
Parking Rate	1.25 per dwelling unit (150) + 0.25 per unit for exclusive use by visitors (30) = 180	171 spaces
Accessible Parking	4	4
Loading Spaces	2	2
Buffer Strip	4.5m shall be provided in a yard abutting a residential, institutional or the parks and open space zone	1.8m

Zoning Regulations for Townhouse Dwellings

BY-LAW RESTRICTIONS	REQUIRED (Residential – Medium Density (R2) Zone)	PROVIDED (AS SHOWN ON PLAN)
Minimum Lot Area	223m ²	294.8m ²
Minimum Lot Frontage	8.0m for interior units; 9.5m for exterior units; and 12.5m for exterior units on a corner lot	9.3m for interior units; 12.9m for exterior units; and 12.9m for exterior units on a corner lot
Maximum Lot Coverage	40%	147.8m²/294.8m² = 50%
Minimum Landscaped Open Space	30%	146.5m ² /294.8m ² = 49%
Maximum Building Height	10.5m	10.5m
Minimum Front Yard Depth	6.0m	6.0m
Minimum Interior Side Yard Width	1.5m (where a private garage is attached or detached from the main building)	1.5m
Minimum Exterior Side Yard Width	4.5m	1.6m to storm easement 7.6m to site boundary (* due to 6m storm easement from Girard Drive)
Minimum Rear Yard Depth	7.5m	5.7m
Parking Rate	1.5 spaces per dwelling unit	1.5 spaces per dwelling unit

Accessible Parking
Loading Spaces

N/A
N/A

N/A
N/A

Correspondence from external and internal agencies

The application was circulated to various commenting parties including Lakeshore Engineering, Building, and Fire departments. As of the writing of this report, the comments received can be addressed through the conditions of site plan or subdivision approval.

Conclusion

Based on the foregoing, administration recommends approval of ZBA-8-2020 (By-law No. 63-2022), as it is consistent with the Provincial Policy Statement, conforms to the County of Essex and the Lakeshore Official Plans.

Others Consulted and Studies Conducted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations.

Studies Conducted Included:

- Stormwater Management Report, dated November 2021;
- Functional Servicing Report, dated November 2021;
- Transportation Impact Study, dated December 2021;
- Stage 1&2 Archaeological Assessment, dated October 2019;
- Species at Risk Screening, dated December 2019;

The summarized studies are included in the Planning Justification Report found in the Attachment 3.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments:

Attachment 1 – Key Map
Attachment 2 – Concept Map
Attachment 3 - Planning Justification Report
Attachment 4 – Shadow Study

Report Approval Details

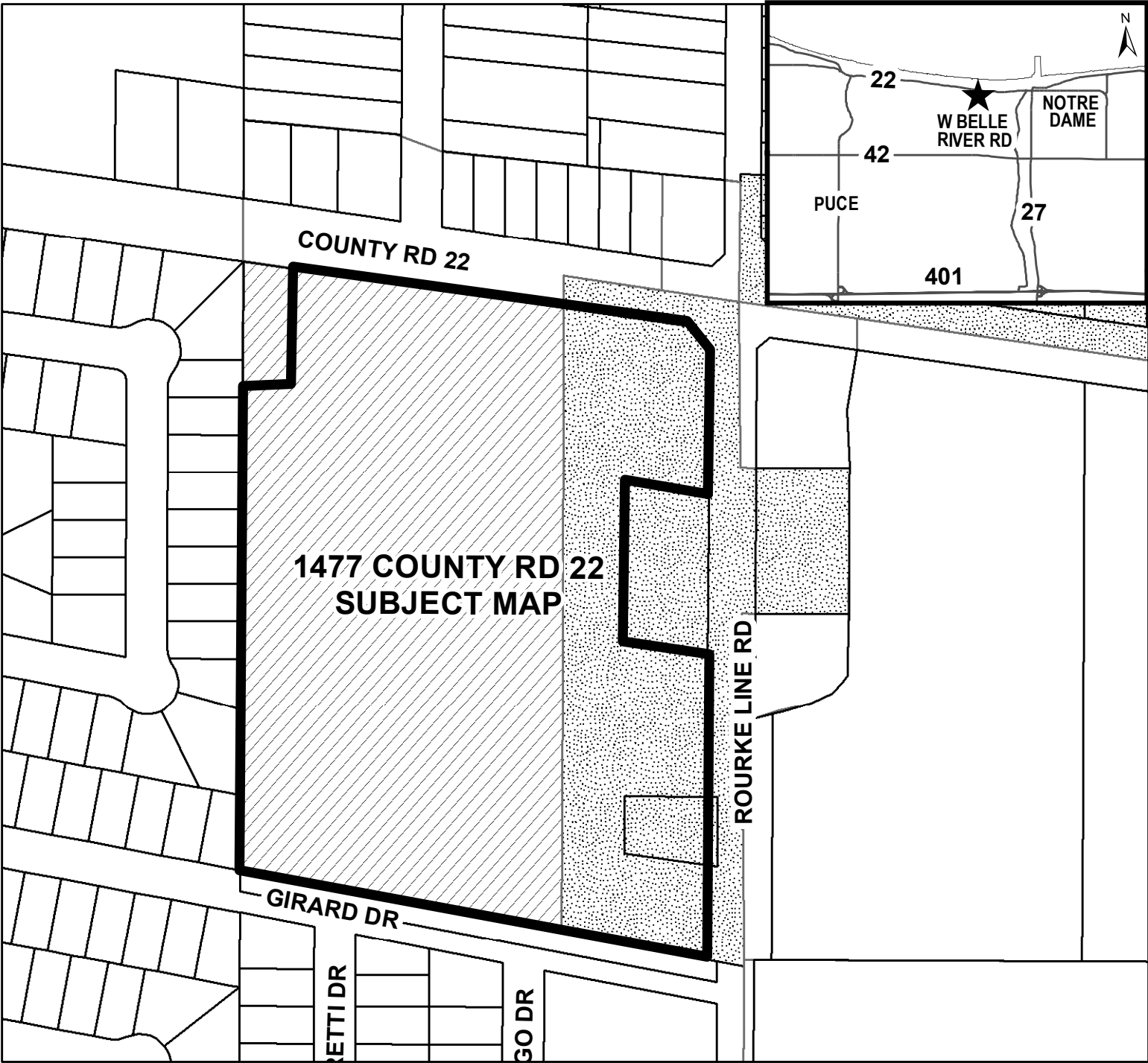
Document Title:	Zoning By-law Amendment ZBA-8-2020 – 1477 County Rd. 22.docx
Attachments:	- Attachment 1 - Key Map.pdf - Attachment 2 - Concept Map MGV - Rourke and County Road 22 (May 2022).pdf - Attachment 3 - Planning Justification Report.pdf - Attachment 4 - Shadow Study.pdf
Final Approval Date:	Jun 23, 2022

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

Prepared by Aaron Hair

Submitted by Tammie Ryall

Approved by Justin Rousseau and Truper McBride



ZONING



Refer to By-Law



MU



MGV DEVELOPMENT
ROURKE LINE

CONCEPTUAL DEVELOPMENT PLAN



SUBJECT SITE
± 6.27 ha (± 15.49 ac)



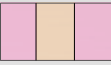
26m COUNTY ROAD SETBACK



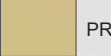
PROPOSED INSTITUTIONAL
±2.39ha (± 5.91 ac)



PROPOSED SIDEWALK



TOWNHOUSE



PROPOSED WALKWAY



APARTMENT DWELLING



PROPOSED POND
±0.58 ha (± 1.44 ac)



FLEXIBLE BOLLARDS



LANDSCAPED AREA

File Location:
c:\pw working directory\projects 2020\dillon_32mru\dms44244\203323 - concept
plan - may 2022.dwg
May, 25, 2022 10:22 AM

SOURCE: COUNTY OF ESSEX AERIAL MAP (2019)

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

SCALE: 1:2000





PROJECT: 20-3323

STATUS: DRAFT

DATE: 05/25/2022

SCHOOL SITE PARKING:
PROVIDED SPACES: 112
REQUIRED SPACES: APPROX. 47*
*AMOUNT OF ASSEMBLY SPACE
AVAILABLE TBD

Page 18 of 343



MGV DEVELOPMENT INC.

Zoning By-law Amendment & Draft Plan of Subdivision

Planning Justification Report

Rourke Line Road & County Road 22 Development, Town of
Lakeshore

Table of Contents

1.0	INTRODUCTION	1
1.1	Purpose	1
1.2	Description of Site	2
1.3	Essex Region Conservation Authority Regulation (ERCA)	12
1.4	Proposed Development	2
2.0	EXISTING LAND USE	4
2.1	Subject Site	4
2.2	Surrounding Land Use	4
3.0	PLANNING EVALUATION	5
3.1	Provincial Policy Statement	5
3.2	The County of Essex Official Plan	6
3.3	The Town of Lakeshore Official Plan	7
3.4	The Town of Lakeshore Zoning By-law	8
3.5	Planning Analysis and Considerations	12
3.5.1	Location	13
3.5.2	Land Use	14
3.5.3	Transportation System	15
3.5.4	Infrastructure	15
3.5.5	Urban Design.....	16
3.5.6	Site Plan Control.....	17
3.5.7	Economic Prosperity.....	17
3.5.8	Energy Conservation, Air Quality and Climate Change	17
3.6	Background Studies	17
3.6.1	Stormwater Management Report.....	17
3.6.2	Functional Servicing Study	17
3.6.3	Transportation Impact Study	17

MGV DEVELOPMENT INC.

*Zoning By-law Amendment & Draft Plan of Subdivision –
Rourke Line Road & County Road 22 Development, Town of Lakeshore
Updated January 2022 - 20-3323*



3.6.4	Stage 1 & 2 Archaeological Assessment	18
3.6.5	Phase 1 Environmental Site Assessment	18
3.6.6	Species at Risk Assessment.....	18
3.6.7	Shadow Study.....	18

4.0 CONCLUSIONS

19

Figures

Figure 1.0	Location Map
Figure 2.0	Existing County of Essex Official Plan Designations
Figure 3.0	Existing Town of Lakeshore Official Plan Designations
Figure 4.0	Existing Town of Lakeshore Zoning By-law Designations
Figure 5.0	ERCA Regulation 1:100 Year Floodline
Figure 6.0	Proposed Concept Plan
Figure 7.0	Proposed Draft Plan of Subdivision
Figure 8.0	Surrounding Land Use

Appendices

A	Development Applications
B	Provincial Policy Statement Policies
C	County of Essex - Official Plan Policies
D	Town of Lakeshore – Official Plan Policies
E	Town of Lakeshore – Zoning By-law Policies

1.0 INTRODUCTION

1.1 Purpose

Dillon Consulting Limited (Dillon) has been retained by MGV Developments Inc., herein referred to as the “Applicant”, to assist in obtaining the necessary planning approvals associated with a proposed residential development located at the south-west corner of County Road 22 and Rourke Line Road, in the Municipality of Lakeshore (refer to **Figure 1.0 - Location Map**). There is an associated Institutional development within the site which is subject to on-going due diligence and negotiations with the school board.

The property is designated accordingly in the County of Essex Official Plan, Town of Lakeshore Official Plan, and Town of Lakeshore Zoning By-law 2-2012 as follows:

County of Essex Official Plan – Schedule A1: Land Use Plan

- Settlement Area

(Refer to **Figure 2.0 - Existing County of Essex Official Plan Designations**).

Town of Lakeshore Official Plan – Schedule C.11: Land Use (County Road 22 Special Planning Area)

- Mixed Use

(Refer to **Figure 3.0 - Existing Town of Lakeshore Official Plan Designations**).

Town of Lakeshore Zoning By-law 2-2012 – Schedule “A”: Zoning Map 17 & 20

- Residential Type One (R1) Zone (By-law 4170-ZB-94); and
- Mixed Use (MU)

(Refer to **Figure 4.0 – Existing Town of Lakeshore Zoning By-law Designations**).

The applicant is requesting that Council approve an amendment to the Town of Lakeshore Zoning By-law 2-2012 to permit a residential and institutional development on the site. The applicant is requesting that the zoning of the subject site be amended to a site-specific Mixed Use Zone (MU-XX) that permits the townhouse dwellings, apartment dwellings and an institutional use. The site-specific zone provisions to accommodate the overall proposed development are for:

- A reduced minimum lot frontage to 10.9 metres;
- An increased in the maximum lot coverage to 60.3%;
- A reduced minimum front yard to 6 metres;
- An increased in maximum height to 6 storeys; and
- A reduced parking ratio to 1.05 spaces per apartment dwelling unit.

1.2 Description of Site

The subject site is located on the southwest corner of the intersection between County Road 22 and Rourke Line Road, in the Town of Lakeshore (refer to **Figure 1.0 - Location Map**). The subject site consists of one (1) irregular-shaped parcel of land (PIN 750311531) described as:

PART LOT 1 CONCESSION BETWEEN RIVER PUCE & BELLE RIVER, MAIDSTONE AS IN R461078; AS IN R1147481; AS IN R835781; AS IN R408705; AS IN R784448 (FIRSTLY & SECONDLY) EXCEPT R787196, R787551 & PART 5 PLAN 12R25029; AS IN R557524 EXCEPT PART 1 PLAN 12R25029; BEING PART 2 PLAN 12R16113 EXCEPT PART 3 PLAN 12R25029 & PART 1 PLAN 12R25107; BEING PARTS 1 & 2 ON 12R21086, EXCEPT PART 1 12R28586 TOWN OF LAKESHORE

The total site area under application is approximately 6.29 hectares (15.54 acres) having approximately 217 metres (712 feet) of frontage on Rourke Line Road, 192.4 metres (631 feet) of frontage on County Road 22, & 228.8 metres (751 feet) of frontage on Girard Drive.

1.3 Proposed Development

The applicant wishes to develop the site with apartment, townhouses, an institutional use and a stormwater management pond. Specifically the proposed development consists of the following:

- Townhouses (39 units);
- Two (2), six (6) storey, 60 dwelling unit apartment buildings for a total of 120 dwelling units, with associated surface parking at a rate of 1.05 spaces per apartment dwelling unit;
- One (1) institutional use building with an amenity area and the associated surface parking area; and
- A stormwater management pond.

Please refer to **Figure 6.0 – Proposed Concept Plan**.

A Zoning By-law Amendment application is required to permit the proposed development. The applicant is requesting an amendment from the existing Residential Type One (R1) Zone (By-law 4170-ZB-94) and Mixed Use (MU) Zone, to a site-specific Mixed Use zoning category which would include site-specific zone provisions in order to permit the proposed development.

The proposed development will be developed through the Draft Plan of Subdivision and Site Plan Control Approval processes. The proposed Draft Plan of Subdivision will create 10 low density residential blocks, one (1) apartment block, one (1) institutional use block, and one (1) stormwater management pond block (refer to **Figure 7.0 – Proposed Draft Plan of Subdivision**). The apartment buildings will have an above ground parking area with 126 spaces.

The proposed development is an infill development opportunity which promotes increased density in the Municipality of Lakeshore. The proposed unit types (townhouse and apartment dwelling units) are new to the surrounding area, but intended to be designed and integrated in manner that makes the presence

compatible with the adjacent residential and commercial uses. The applicant's intent is to introduce a new housing product options to the surrounding neighbourhood based on the growing demand for a variety of housing types in the Town and County.

Access to the proposed development will be provided from Rourke Line Road to the east, Girard Drive to the south, and County Road 22 to the north. Sidewalks will be provided throughout the development and will connect to the existing sidewalk network located on Rourke Line Road and Girard Drive.

A Site Plan Control Approval application package will be submitted following the approval of the Zoning By-law Amendment and Draft Plan of Subdivision Applications.

The following reports will be included, under separate cover, in support of the proposed development, as requested by the Municipality of Lakeshore and the County of Essex:

- Functional Servicing Study, prepared by Dillon Consulting Limited, dated December 2021;
- Stormwater Management Report, prepared by Dillon Consulting Limited, dated December 2020;
- Transportation Impact Study, prepared by Dillon Consulting Limited, dated December 2021;
- Stage 1 & 2 Archaeological Assessment, prepared by Amick Consultants Limited, dated October 2019;
- Species-at-Risk Screening, prepared by Anthony Goodban of Goodban Ecological Consulting Inc., dated December 2019;
- Phase 1 Environmental Site Assessment, prepared by CT Soil & Materials Engineering Inc., dated March 2019; and,
- Shadow Study, being prepared by Dillon Consulting Limited, will be provided in early 2022.

The applicant is requesting that the zoning of the subject site be amended to a site-specific Mixed Use Zone (MU-XX) that permits the proposed unit types (townhouse dwelling and apartment dwellings), and has site-specific provisions (refer to **Appendix A – Development Applications**). The site-specific zone provisions are included as part of **Table 1** found in Section 3.4 of this report.

Refer to **Figure 6.0 – Proposed Concept Plan**, **Figure 7.0 – Proposed Draft Plan of Subdivision** and **Appendix A – Development Applications**.

2.0 EXISTING LAND USE

2.1 Subject Site

The physical attributes of the site are as follows:

- A total site area of 6.29 hectares (15.54 acres);
- Irregularly shaped parcel within frontage on County Road 22 (192.4m), Rourke Line Road (217m), & Girard Drive (228.8m);
- Generally flat topography; and
- Maintained property with sparsely populated trees.

2.2 Surrounding Land Use

The surrounding land uses are varied as shown in **Figure 8.0 - Surrounding Land Uses** and are described as follows:

North

- Single detached dwellings (Zoned R1-H8);
- One, two (2) storey apartment building (Zoned MU-22); and
- Naples Pizza (Zoned MU-22).

West

- Single detached dwellings (Zoned R1)

South

- Single detached dwellings (Zoned R1); and
- Stormwater management facility (Zoned R1).

East

- Joe's Car & Truck Service (Zoned MU);
- Walt's Paint & Body Shop (Zoned MU-24);
- A-Lift Industrial Inc. (Zoned MU); and
- One (1) single detached dwelling (Zoned MU-23).

3.0 PLANNING EVALUATION

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

- Provincial Policy Statement 2020;
- County of Essex Official Plan policies and criteria;
- Lakeshore Official Plan policies and criteria;
- Zoning By-Law regulations; and
- Visual inspections of the site and surrounding lands.

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

3.1 Provincial Policy Statement

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

Our analysis suggests that the following policies of the PPS are relevant to the application:

Policy 1.1.1, relating to healthy, livable and safe communities;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.4.1, relating to mix of housing types;

Policy 1.4.3, relating to housing;

Policy 1.5, relating to active transportation;

Policy 1.6.6, relating to municipal sewage and water services;

Policy 1.6.7, relating to transportation systems;

Policy 1.7.1, relating to long term economic prosperity; and

Policy 1.8.1, relating to active transportation and energy conservation.

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

3.2 The County of Essex Official Plan

The County of Essex is the upper tier municipality for the Municipality of Lakeshore. The County Official Plan (County OP) contains a holistic set of goals, objectives and policies to manage and direct the growth of Settlement Areas such as the Town of LaSalle's urban area. The primary goals of the County OP include:

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

The subject site is currently designated *Primary Settlement Area* in the County of Essex Official Plan, which provides for a broad range of land uses. The Official Plan policies state that settlement areas are directed to be the focus of growth and development in lower tier municipalities.

Our analysis suggests that the proposed development is consistent with the County of Essex Official Plan in the following ways:

Section 1.5, relating to goals for a healthy County;

Section 2.2, relating to growth management;

Section 2.7, relating to archaeological resources;

Section 2.8, relating to transportation;

Section 2.8.4, relating to active transportation;

Section 2.10, relating to sewage & water systems;

Section 2.12, relating to noise;

Section 2.13, relating to energy, air quality and green infrastructure;

Section 3.2, relating to Settlement Areas;

Section 3.2.7, relating to intensification & redevelopment;

Section 3.4, relating to natural environment;

Section 4.6.1, relating to draft plan of subdivision; and

Section 4.7, relating to site plan control.

In reviewing the County of Essex Official Plan Policies related to Primary Settlement Areas and residential intensification, it is our professional opinion that the proposed Plan of Subdivision and Zoning By-law Amendment conforms to County Official Plan Policies. As a result, no County of Essex Official Plan Amendment is required.

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

3.3 The Town of Lakeshore Official Plan

The local policy context in the Town of Lakeshore is outlined in the Official Plan (Lakeshore OP) which contains a holistic set of goals, objectives, and policies to manage and direct growth in the Municipality.

The subject lands are currently designated Mixed Use in the Official Plan. In accordance with Section 6.9 of the OP, the Mixed Use designation provides for a range of commercial and residential uses characteristic of a transit supportive and higher intensity mixed use corridor. A portion of the subject lands are designated as County Road 22 Corridor Special Planning Area (Lakeshore OP, 3.4.3). The County Road 22 Corridor Special Planning Area policies provide guidance in the preparation of a Corridor Study for the County Road 22 Special Planning Area.

The proposed land uses are permitted under the existing zoning and the proposal is consistent with the intent of the Mixed Use Official Plan designation and will not require an Official Plan Amendment.

Our analysis suggests that the proposed development is consistent with the following policies found in the Official Plan:

Section 2.3.1, relating to economic progress and success;

Section 2.3.2, relating to active transportation;

Section 2.3.3, relating to neighbourhood character;

Section 3.3.9, relating to County Road 22 Mixed Use Corridor;

Section 4.2.1, relating to community design;

Section 4.2.2, relating to community improvement;

Section 4.2.3.4, relating to archaeological resources;

Section 4.3.1.2, relating to residential intensification;

- Section 4.3.3.3, relating to parkland dedication;
- Section 5.2.2, relating to endangered species act;
- Section 5.4.2.3, relating to noise;
- Section 6.9, relating to the mixed use designation;
- Section 7.2.2, relating to transportation system;
- Section 7.3, relating to sewage and water;
- Section 8.3.3, relating to draft plan of subdivisions; and
- Section 8.3.4, relating to site plan control.

The proposed land uses are permitted and are consistent with the intent of the existing Mixed Use designation in the Official Plan and will not require an Official Plan Amendment. These policies are included in **Appendix D** and will be referenced throughout the remainder of this report.

3.4 The Town of Lakeshore Zoning By-law

The Town of Lakeshore Zoning By-law defines the subject lands as Residential Type One (R1) Zone (By-law 4170-ZB-94) and Mixed Use (MU) (refer to **Appendix E** for a full copy of the R1 and MU zoning regulations and **Figure 4 – Town of Lakeshore Zoning Designations**).

The applicant seeks to amend the Zoning By-law to a site-specific Mixed Use Zone (MU-XX) shown in **bolded** below:

Table 1: Proposed Site-Specific Zone Standards

Zone Standard	Existing R1 Zone	Existing MU Zone	Proposed Site Specific MU-XX Zone	
			Townhouse	Apartment
Minimum Lot Area	500m ²	N/A	323.32m ²	N/A
Minimum Lot Frontage	15m	15m	10.9m	69.8m
Maximum Lot Coverage	35%	50%	60.3%	25.45%

Zone Standard	Existing R1 Zone	Existing MU Zone	Proposed Site Specific MU-XX Zone	
			Townhouse	Apartment
Minimum Landscaped Open Space	30%	20%	39.7%	36.03%
Minimum Front Yard	7.5m	Where the lot fronts on County Road 22: Shall be in accordance with the County's minimum building setback requirements: 26m from County Road 22 centre line; Where the lot fronts on any other road: 4.5m	6m	7.5m
			Note: Where the lot fronts on County Road 22: Setbacks shall be in accordance with the County's minimum building setback requirements.	
Minimum Rear Yard	7.5m	N/A (where a yard abuts a commercial zone or employment zone and access is available to the rear yard by a public lane or private road); or 7.5 m (where the yard abuts a commercial or employment zone and no access is available to the rear of the said building except by means of a yard); or 10.5 m (where the building contains residential dwelling units of one or more storeys in height); or 10.5 m (where the yard abuts a	8m	27.3m

Zone Standard	Existing R1 Zone	Existing MU Zone	Proposed Site Specific MU-XX Zone	
			Townhouse	Apartment
		residential, institutional or parks and open space zone)		
Minimum Interior Side Yard	1.5 m (where a private garage is attached or detached from the main building); or 3.0 m on one side and 1.5 m on the other side (where no private garage is attached or detached from the main building)	N/A (where a yard abuts a commercial zone and access is available to the rear yard by a public lane or private road); or 4.5 m on one side (where the yard abuts a commercial zone and no access is available to the rear yard except through the side yard); or 7.5 m (where the yard abuts a residential, institutional or parks and open space zone)	1.5m	27.3m
Minimum Exterior Side Yard	4.5m	4.5m	4.5m	14.3m
Maximum Front Yard	N/A	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17	
Maximum Exterior Side Yard	N/A	Shall be in accordance with Schedule B and the County Road 22	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17	

Zone Standard	Existing R1 Zone	Existing MU Zone	Proposed Site Specific MU-XX Zone	
			Townhouse	Apartment
		Street Frontage requirements of Section 6.17		
Maximum Height	10.5m	10.5m	10.5m	6 storeys
Parking Requirements	1.5 parking spaces per Townhouse dwelling unit	1.25 parking spaces per apartment dwelling unit plus 0.25 parking spaces per dwelling unit for exclusive use by visitors	2 per dwelling unit	1.05 parking spaces per apartment dwelling unit

The provisions where relief is being requested from the MU zone include minimum lot frontage, maximum lot coverage, minimum front yard, maximum height and on the parking spaces per apartment dwelling unit.

The MU zoning provision for the minimum lot frontage for an apartment building is 15m. The proposed site specific provision for the subject site is 10.9m. The requested frontage reduction is for 4.1m. The site layout of the proposed development has the buildings located to optimize site circulation. The proposed parking must be located at the rear of the buildings. The frontage reduction will allow for the buildings to create an improved streetscape on County Road 22. The site access from the property will be County Road 22 and onto Rourke Line Road.

The MU zoning provision for maximum lot coverage is 50%. The proposed site specific provision for maximum lot coverage related to the townhouses is 60.3%. The requested increase is for 10.3%. The proposed increase in lot coverage for the townhouses is to accommodate blocks of 4 units along Street A. The proposed development intends to bring a greater diversity for built form types and increase the housing supply in the Town.

The MU zoning provision for minimum front yard is 7.5m. The proposed site specific provision for the townhouses front yards is 6m. The requested reduction is for 1.5m. The site layout requires the reduction in front yards to allow for the desired townhouse built form type. The townhouses are situated to best utilize the lot sizes in this configuration.

The MU zoning provision for the maximum height is 10.5m. The proposed site specific provision for the maximum building height is 6 storeys for the apartment buildings. The proposed building height increase will allow for the two (2), six (6) storey apartment buildings fronting onto County Road 22. The proposed increased height will allow for more residential units in order to meet the market demand in the area. The suggested site specific MU rezoning is appropriate for the proposed residential development as it allows for a greater variety of residential building types in the area and increased densities in a location well suited for residential intensification and infill development.

The MU zoning provision for parking is 1.25 spaces per apartment dwelling unit. The proposed parking rate is 1.05 spaces per apartment dwelling unit. The reduced parking standard will be supported by the connectivity of sidewalks in the area, and route connectivity to the multi-use path. Options for carpooling or ridesharing can be integrated into the apartment buildings at a later stage as County Road 22 was indicated as a prime candidate for carpooling in the Town according to the Transportation Master Plan.

It is our planning opinion that the proposed Zoning By-law Amendment is reasonable for the subject site, facilitates a high density residential development that is appropriate and desirable for the area, and is in keeping with the policies of the Official Plan. The proposed development is in keeping with the permitted uses of the zone and surrounding developments, and can be suitably designed to ensure compatibility with all surrounding land uses.

3.5

Essex Region Conservation Authority Regulation (ERCA)

A portion of the subject site is located within the 1:100 year flood line. The flood line runs closely along both the interior and exterior lot lines, while a large section of the southeastern portion of the subject site is within the flood line. The flood line, as indicated by ERCA, does not currently overlap with the proposed apartment buildings. All required ERCA permits will be completed as required.

(Refer to **Figure 5.0 – ERCA Regulation 1:100 Year Flood Line Delineation**).

3.6

Planning Analysis and Considerations

Municipalities in Ontario are required under Section 3 of the Planning Act to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The PPS includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns. According to the PPS, healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns, while accommodating a range and mix of housing, including affordable housing, which sustain the financial well-being over the long term, and promote cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(f)). This proposed infill development is consistent with these policies by encouraging the use of underutilized lands, by proposing an intensification of land uses that can exist in harmony with the surrounding land uses, and by creating opportunities for increased municipal taxes.

The proposed development provides the potential for 39 townhouse units, two (2) 6-storey, 60 unit apartment buildings with 126 surface parking spaces, and one (1) institutional use building. The surrounding area consists of a diverse mix of uses, including single detached dwellings to the west, north and south, commercial uses to the north and east, and a stormwater management facility to the south. The proposed development is compatible, and fits well in the surrounding neighbourhood and provides additional housing and increased density in the Town of Lakeshore.

3.6.1 Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. According to the PPS, settlement areas should be the focus of growth and development and that their regeneration shall be promoted (PPS, 1.1.3.1). The subject site is located within a primary settlement area (County OP, 3.2.4.1 (a), (b)).

The proposed development promotes growth and vitality within the Settlement Area (County OP, 2.2 (a)) as well as a dense land use pattern which efficiently uses land and resources, and supports active transportation (PPS, 1.8.1). The applicant intends to acquire the parcel of land fronting on Rourke Line Road owned by the Town of Lakeshore which is surrounded by the subject site. The town owned lands are underutilized, and vacant at this time. The proposed development is in alignment with the objective of infill and intensification on vacant and underutilized lands in the County Road 22 Corridor (Lakeshore OP 3.3.9).

The proposal provides for an opportunity for the intensification of lands and presents an appropriate location for intensification due to the availability of suitable, existing infrastructure and public service facilities to accommodate projected needs (County OP, 3.2.7). The proposed development will build on the community character of the area, providing diversity to the mix of built form and unit types in the area. The layout and orientation of the proposed development promotes good community design appropriate to the local character of the area (Lakeshore OP 2.3.3).

The subject site has frontage on County Road 22, an urban arterial road which provides linkages to Tecumseh to the west and Belle River to the east. These urban centres are approximately 10 km and 2 km from the subject site respectively, and offer a number of commercial, and recreational opportunities. Additionally, the subject site is within walking distance to Maidstone Park, Naples Pizza Restaurant, École Élémentaire Catholique Pavillon des Jeunes, and a short drive from Atlas Tube Centre, Optimist Park, and Lakeview Park.

A Stage 1 & 2 Archaeological Assessment was completed for the subject lands, and it was determined that there is no archaeological potential on the subject site (County OP 2.7, Lakeshore OP 4.2.3.4). The results of the Stage 1 & 2 assessments satisfy the County and OP policies relating to the determination of archaeological significance.

3.6.2 Land Use

The PPS states that major facilities and sensitive land uses should be planned to ensure they are buffered and/or separated from each other (PPS, 1.2.6.1). This is to ensure that adverse effects from odour, noise and other contaminants are prevented or mitigated, and that the risk is minimized for public health and safety. The Denis St. Pierre Water Pollution Control Plant is located southeast of the proposed development site. To ensure that potential impacts related to noise, and odour are mitigated, the proposed stormwater management facility is planned to be located in the southeast corner of the site to provide further buffer from the pollution control plant. This buffer will separate the residential uses from the existing plant.

A Transportation Impact Study analyzing the road networks was required and completed for the proposed development and has been provided under separate cover in support of the proposed development (County OP, 2.12 (a) (b); Lakeshore OP, 5.4.2.3 (a), (b), (e)). A Species-At-Risk screening was also completed determining that the proposal will not be in contravention with the Endangered Species Act (County OP, 3.4.3 (a), (e); Lakeshore OP, 5.2.2 (b), (c)).

The subject site is currently vacant and underutilized, as there are existing service connections available at the property line. The proposed development supports compact form by introducing a variety of medium density unit types to the area, cost-effective development by developing lands with existing service connections, and helps minimize land consumption by developing vacant underutilized lands (Lakeshore OP, 4.2.1 (b) (ii)).

3.6.2.1 Housing

The PPS speaks to providing for an appropriate range and mix of housing types and densities in order to meet projected needs of current and future residents within the regional market (PPS, 1.4.1). The proposed development provides 39 townhouse units and two (2) 6-storey 60 unit apartment buildings, which will allow for a mix of additional housing options to the residents of the Municipality of Lakeshore. The growth of housing in this area supports a mix of housing types and residential intensification within the urban area (Lakeshore OP 4.2.2, 4.3.1.2). Infill development on vacant land is supported by the OP through urban residential intensification of vacant and underutilized land in existing neighbourhoods (Lakeshore OP 4.3.1.2, (ii)).

The introduction of medium density housing types (39 townhouse units, & 120 apartment units) to the existing neighbourhood will help intensify the area by introducing denser housing forms. It is anticipated that the proposed dwelling units will provide needed housing for aging residents looking to downsize to smaller properties, and remain in the neighbourhood. The proposed development will also provide needed housing for young families looking for their first home in the neighbourhood. The applicant intends to provide lawn care and snow removal services to purchasers offering a unique housing product in the Municipality of Lakeshore. The applicant intends to create a homeowners association similar to some of their other projects throughout Essex County.

The proposed building lots will be created through the Draft Plan of Subdivision process, with the apartment and mixed use buildings to proceed through the Site Plan Control process (County OP, 4.6.1; Lakeshore OP, 8.3.3 (a)). The proposed townhouse units will be further subdivided through the Part-lot Control process at the appropriate time in the building permitting stage of the development. The proposed development will support medium density housing, by developing 120 apartment unit dwellings (Lakeshore OP, 3.3.9 (f)). Additionally, the proposed development supports a gradual transition in building height, and massing (Lakeshore OP, 3.3.9 (i)). The height, and density proposed will gradually increase from the existing single detached dwellings to the west, to townhouses and then to the proposed apartment buildings on the eastern half of the subject site.

The proposed development supports a denser and more compact residential development, on underutilized land by introducing 259 residential units to an existing neighbourhood. The proposal is a form of residential intensification that meets the social, health and well-being needs of current and future residents, promotes increased densities which efficiently use land, resources, infrastructure and public service facilities and supports the use of active transportation (PPS, 1.4.3 (b)(d)).

3.6.3 Transportation System

The PPS encourages developments that promote a dense land use pattern which minimizes the length and number of vehicle trips, and encourages the use of transit and active transportation methods (PPS, 1.6.7.4 & 1.8.1 (b)). The proposed development will have frontage onto County Road 22, Rourke Line Road, and Girard Drive. The developer intends to create an extension of Coretti Drive north to provide access to the site from Girard Drive, and create two (2) new driveways with access from Rourke Line Road and County Road 22 (Lakeshore OP, 7.2.2 (m)). The development will include sidewalks which will connect to the existing sidewalk on Girard Drive and the multi-use trail on Rourke Line Road (PPS, 1.5 (a); County OP, 2.8.4 (d)).

A Traffic Impact Study was prepared for the proposed development and is provided under separate cover. The associated Traffic Impact Study analyzes the existing and anticipated traffic flow rates to ensure that the existing and proposed road network can accommodate the proposed development (County OP, 2.8.1 (b), (i); Lakeshore OP, 7.2.2 (j), (k)). The Transportation Impact Study demonstrates that the Rourke Line Road and County Road 22 intersection will require signalization at the time of development of the institutional use.

3.6.4 Infrastructure

The proposed development promotes the efficient use and optimization of existing municipal sewage and water service connections. The development will ensure that sewage and water services will comply with all regulatory requirements and protect human health and the natural environment (PPS, 1.6.6 (a) (b)). The proposed infill development will take advantage of existing servicing connections and will not require an extension of municipally owned or operated infrastructure (PPS, 1.6.6.2; County OP, 2.10 (a); Lakeshore OP, 3.3.9, (e), 7.3.1.1, (a), (c), (d)). Sanitary capacity may be limited for development in this area. The Town

may wish to apply a holding symbol on a portion of the proposed development until such time as municipal sewage capacity is available (Lakeshore OP, 7.3.1.1 (f)).

Sustainable site design and pedestrian network policies have also been considered in the proposal. The proposed development will also incorporate a barrier-free pedestrian sidewalk network that will connect residents throughout the development to the existing sidewalks and trails in the neighbourhood (PPS 1.5 (a)). The subject site is located adjacent to a multi-use path located on Rourke Line Road, which will further encourage residents to use active transportation methods when traveling throughout the area (Lakeshore OP 2.3.2).

A Functional Servicing Report and Stormwater Management Report have been prepared for the proposed development and is provided under separate cover. The applicant intends to phase the proposed development based on the available sanitary capacity. The Municipality of Lakeshore will need to confirm the phases that will be able to proceed at this time. The Denis St. Pierre Water Pollution Control Plant is currently being redesigned for expansion, which will include capacity for the balance of the proposed development. Once constructed the future phases of the development can proceed.

3.6.5 Urban Design

The proposed infill development is compatible with the surrounding land uses in the area and will fit with the character of the neighbourhood. The proposed landscaped boulevards will help enhance the character of the streetscape while the sidewalks will provide safe, barrier free, convenient and direct pedestrian connections with the existing sidewalk network. The proposed sidewalk network will provide connections to pedestrian linkages encouraging active transportation throughout the proposed development and the surrounding neighbourhood (PPS, 1.8.1).

Design features of the proposed development will encourage a sense of place for all residents (Lakeshore OP, 2.3.3). The intent of the design is to provide a residential living experience not presently available in the area. The applicant intends to provide lawn care and driveway maintenance services to ensure that the appealing aesthetic of the newly constructed dwellings is maintained.

The proposal supports the development of street fronting buildings along a main street by fronting the apartment buildings on County Road 22, promoting vitality along the urban arterial road (Lakeshore OP, 2.3.1 (b)). A Shadow Study will be submitted under separate cover that further reviews the buildings features and anticipated shadow impacts.

Specific design aspects of the proposed development will be addressed more thoroughly during the Site Plan Approval stage.

3.6.6 Site Plan Control

The OP designates the whole of the municipality as a Site Plan Control Area. The proposed development is subject to site plan control and will be further reviewed upon approval of the Zoning By-law Amendment and Draft Plan of Subdivision (County OP, 4.7; Lakeshore OP, 8.3.4 (a)).

3.6.7 Economic Prosperity

The proposed development promotes opportunities for economic development and investment within the Municipality of Lakeshore. It also optimizes the use of vacant lands, infrastructure, and public service facilities available to the subject site; and enhances the vitality of the neighbourhood (PPS, 1.7.1 (b) (c)).

By introducing 159 total residential units to the area, future growth and demand for additional residential options along the County Road 22 corridor will be stimulated. The proposed development offers residential uses within a designed corridor (Lakeshore OP, 3.3.9).

3.6.8 Energy Conservation, Air Quality and Climate Change

The proposed development promotes compact form, increased density, and enables the use of active transportation for residents of the proposed development. Increased active transportation will help limit vehicle trips for residents (PPS, 1.8.1 (a) (b); County OP, 2.13 (a), (d)). The higher density built form also contributes to a compact neighbourhood design and reduces the future residents' physical housing footprint.

3.7 Background Studies

As identified through discussions with the Municipality of Lakeshore and County of Essex, the following background studies are required as part of the proposed Zoning By-law Amendment and Draft Plan of Subdivision.

3.7.1 Stormwater Management Report

A Stormwater Management Report was completed by Dillon Consulting Limited, dated December 2021 and is provided under separate cover.

3.7.2 Functional Servicing Study

A Functional Servicing Study was completed by Dillon Consulting Limited, dated December 2021 and is provided under separate cover.

3.7.3 Transportation Impact Study

A Transportation Impact Study was completed by Dillon Consulting Limited, dated December 2021 and is provided under separate cover.

3.7.4 Stage 1 & 2 Archaeological Assessment

A Stage 1 & 2 Archaeological Assessment was prepared for the subject site by Amick Consultants Limited, dated October 23, 2019 to assess the archaeological potential of the subject site, and provided under separate cover.

3.7.5 Phase 1 Environmental Site Assessment

A Phase 1 Environmental Site Assessment was prepared for the subject site by CT Soil & Materials Engineering Inc., dated March 8, 2019 to assess the potential contamination of the subject site, and has been provided under separate cover.

3.7.6 Species at Risk Assessment

A Species-at-Risk screening was completed for the subject site by Anthony Goodban, dated December 19 2019. It was determined that there are no species at risk on the subject site, and has been provided under separate cover.

3.7.7 Shadow Study

A Shadow Study is being prepared by Dillon Consulting Limited for the proposed development will be provided under separate cover by early 2022.

4.0 CONCLUSIONS

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

1. The proposed development is “consistent” with the Provincial Policy Statement for the reasons identified in Section 3.5 of this report.
2. The proposed residential development conforms to the Residential policies of the County of Essex Official Plan as identified in Section 3.5 of this report.
3. The proposed residential development conforms to the Residential policies of the Town of Lakeshore Official Plan as identified in Section 3.5 of this report.
4. The proposed development will add to the vitality of the area while supporting the efficient use of land and existing infrastructure.
5. The proposed Zoning By-law Amendment will help support a more dense and compact residential development.
6. Through urban design and site layout, the proposed development will promote a sense of place and will serve the residents while fitting in the character of the neighbourhood.
7. The proposed development will fulfill the need for additional residential units within the Municipality of Lakeshore in an already designated area.
8. The proposed townhouse and apartment dwellings will help support the residential needs of an aging population in Lakeshore who are looking to downsize, as well as a growing population of young families looking for their first homes.
9. The proposed connectivity to the existing sidewalk network on Girard Drive and multi-use trail on Rourke Line Road will help promote active transportation.
10. The proposed infill development promotes compact form and intensification along a Mixed Use Corridor.
11. The introduction of townhouse and apartment dwellings to the area will help provide the neighbourhood with a greater mix of housing types and options.
12. It is understood that sanitary capacity may not be available in the Municipality of Lakeshore until spring of 2023. Processing the Zoning By-law Amendment and Draft Plan of Subdivision applications at this time represents good planning and allows for the following to be incorporated as part of the approvals:
 - A holding provision may be placed on the site requiring sanitary sewer capacity to be available prior to development; and
 - A condition of approval for the proposed Draft Plan of Subdivision, requiring sanitary sewer capacity to be available prior to the issuance of building permits.

13. The proposed site specific Zoning By-Law Amendment of the subject site will be consistent with the proposed site-specific Mixed Use (MU) policies:

- Site specific provisions related to townhouse and apartment dwellings for minimum lot frontage, maximum lot coverage, minimum front yard, maximum height, and a reduced parking rate have been proposed as identified in detail in Table 1 of Section 3.4.
- The site is physically suitable & strategically located to support the proposed uses;
- Full municipal and emergency services are available;
- New site access is proposed from Girard Drive, Rourke Line Road, and County Road 22, which together will facilitate a strong site flow and will not compromise the integrity of the local road network; and
- The proposed development is compatible with the surrounding land uses (land use, scale, massing, landscaping, etc.) and is consistent with the mix of land uses that characterize the area.



Karl Tanner, MCIP RPP

Figures



MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

PROJECT LOCATION
FIGURE 1.0



SUBJECT SITE
± 6.29 ha (± 15.54 ac)

File Location:
c:\pw working directory\projects 2020\dillon_10amc\dms44244\203323-pjr
figures.dwg
November, 22, 2021 3:55 PM

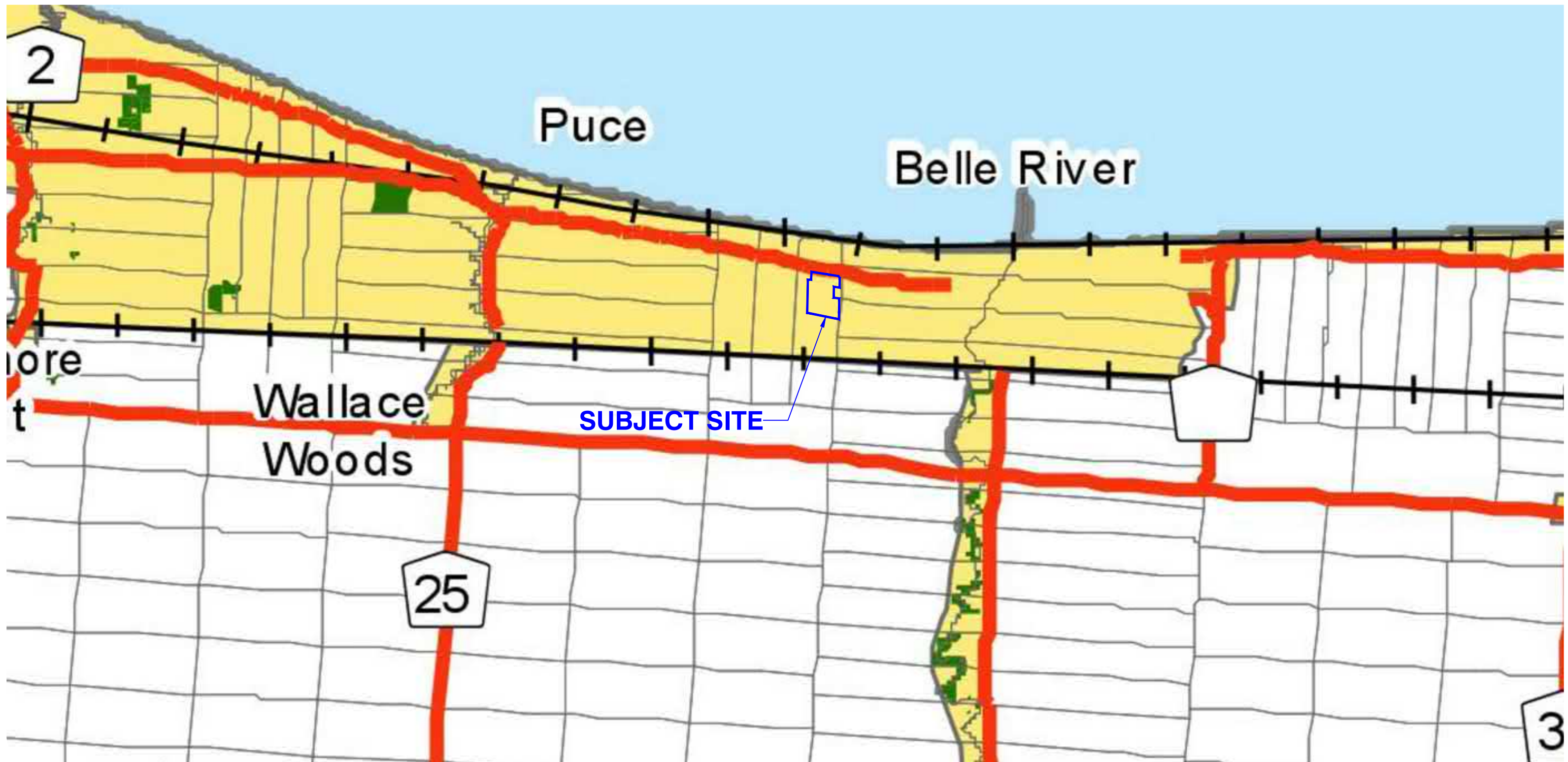
SOURCE: COUNTY OF ESSEX AERIAL MAP (2019)

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

SCALE: N.T.S



PROJECT: 20-3323
STATUS: DRAFT
DATE: 11/22/2021



MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

**EXISTING COUNTY OF ESSEX
OFFICIAL PLAN DESIGNATIONS**
FIGURE 2.0

 SUBJECT SITE
± 6.29 ha (± 15.54 ac)  SETTLEMENT AREA  AGRICULTURAL  NATURAL ENVIRONMENT

File Location:
c:\pw working directory\projects 2020\32esb\dms44244\203323-pjr figures.dwg
November, 19, 2021 2:06 PM

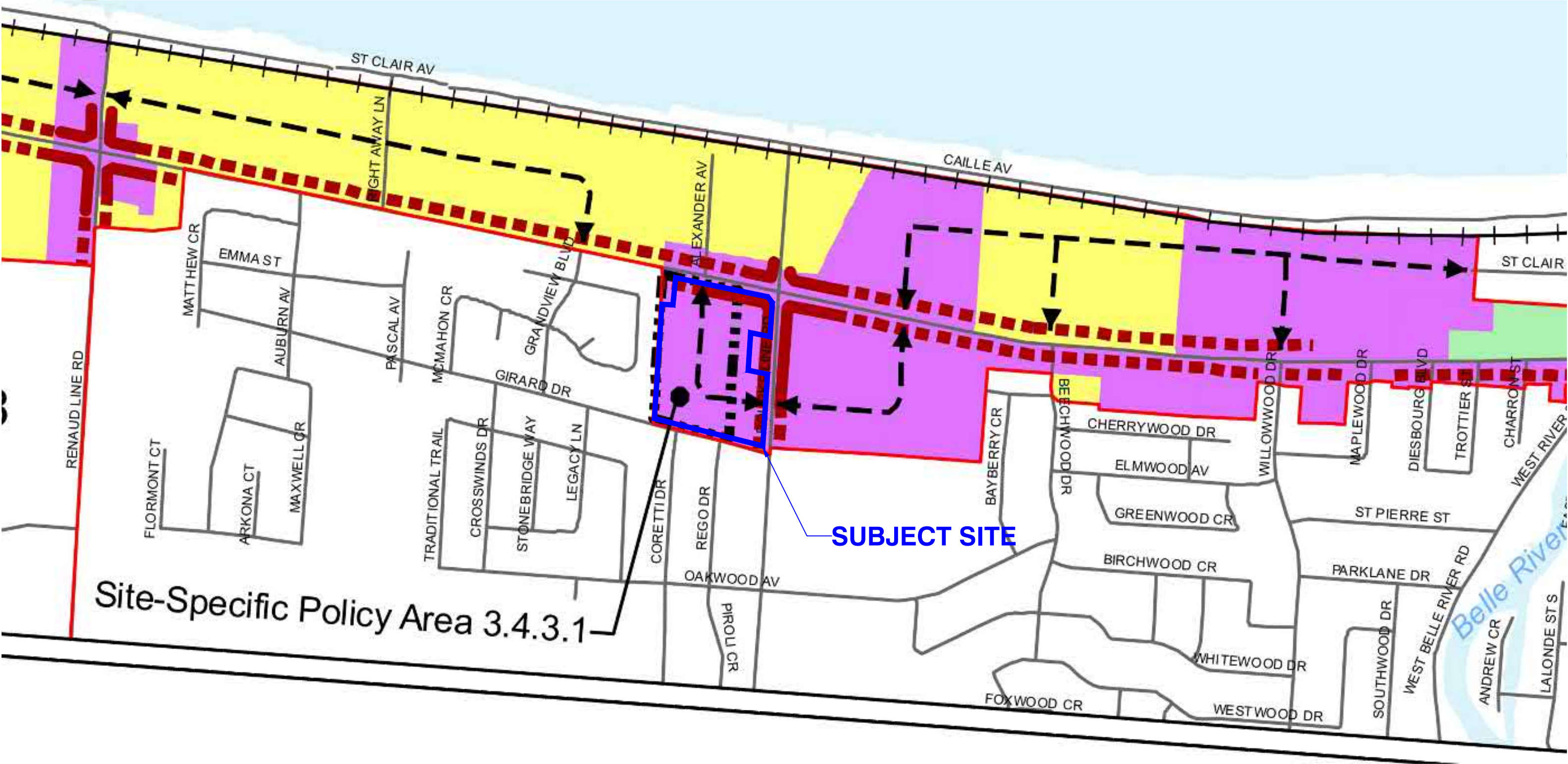
SOURCE: COUNTY OF ESSEX OFFICIAL PLAN
SCHEDULE A1 LAND USE PLAN (2013)

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

SCALE: N.T.S



PROJECT: 20-3323
STATUS: DRAFT
DATE: 19/11/2021



Site-Specific Policy Area 3.4.3.1

SUBJECT SITE

MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

**EXISTING TOWN OF LAKESHORE
OFFICIAL PLAN DESIGNATIONS
FIGURE 3.0**



File Location:
c:\pw working directory\projects 2020\32esb\dms44244\203323-pjr figures.dwg
November, 19, 2021 2:07 PM

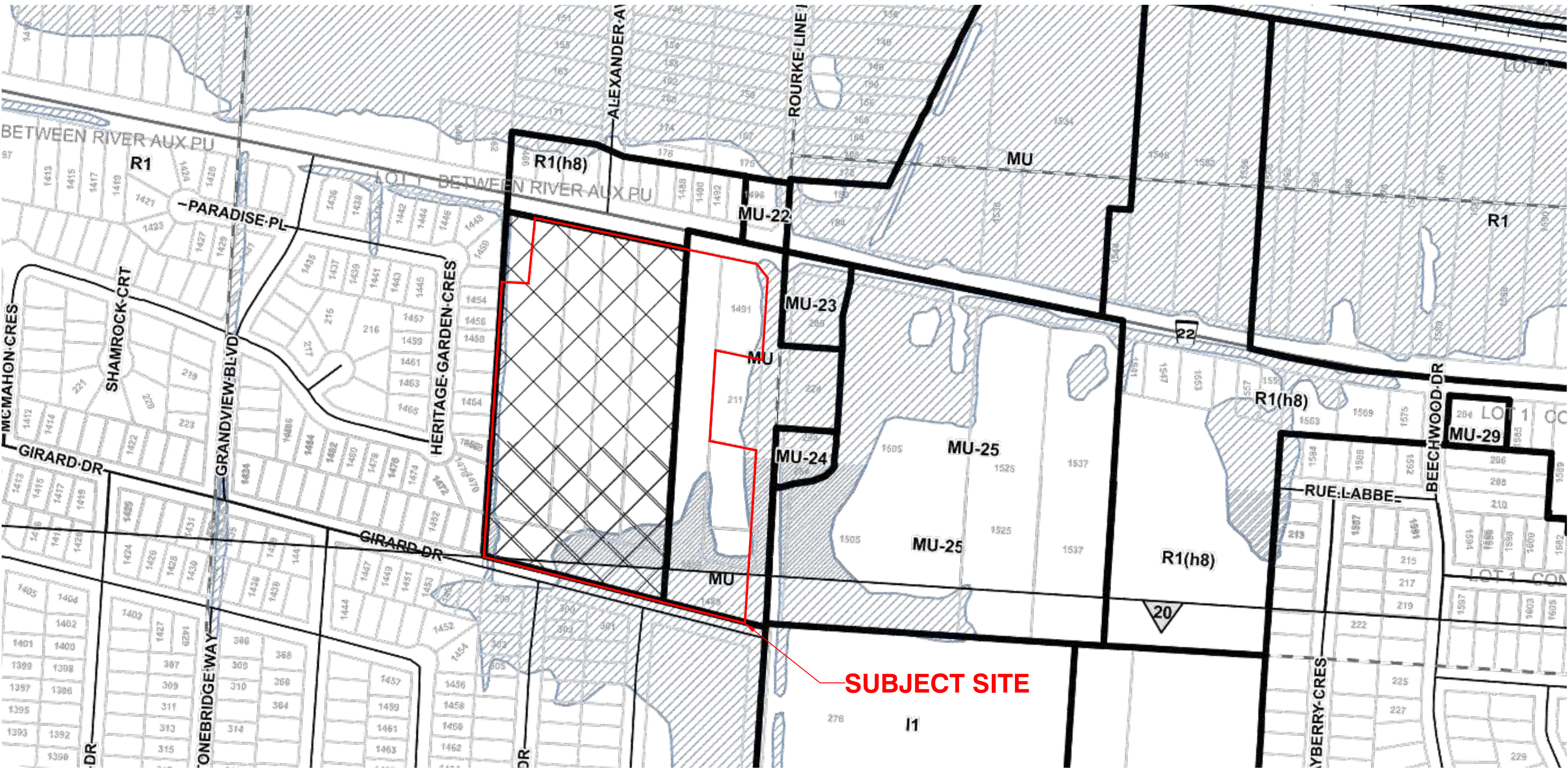
SOURCE: TOWN OF LAKESHORE OFFICIAL PLAN
SCHEDULE C-11 LAND USE PLAN (2012)

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

SCALE: N.T.S



PROJECT: 20-3323
STATUS: DRAFT
DATE: 19/11/2021



MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

**EXISTING TOWN OF LAKESHORE
ZONING BY-LAW DESIGNATIONS
FIGURE 4.0**



SUBJECT SITE
± 6.29 ha (± 15.54 ac)



LAKE St Clair
FLOODPRONE AREAS

R: RESIDENTIAL
MU: MIXED USE

I: MAJOR INSTITUTIONAL
(H): HOLDING SYMBOL

File Location:
c:\pw working directory\projects 2020\32esb\dms44244\203323-pjr figures.dwg
November, 19, 2021 2:07 PM

SOURCE: TOWN OF LAKESHORE COMPREHENSIVE
ZONING BY-LAW SCHEDULE 'A' - MAP17 (2019)

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

SCALE: N.T.S



PROJECT: 20-3323
STATUS: DRAFT
DATE: 19/11/2021



MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

**ECRA REGULATION 1:100
YEAR FLOODLINE
FIGURE 5.0**



SUBJECT SITE
(± 6.27 ha)



1:100 YEAR FLOOD LINE



LIMIT OF REGULATED AREA

File Location:
c:\pw working directory\projects 2020\dillon_10amc\dms44244\203323-pjr
figures.dwg
November, 22, 2021 3:51 PM

SOURCE: ESSEX REGION CONSERVATION AUTHORITY
MAP YOUR PROPERTY (2021)

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

SCALE: N.T.S



PROJECT: 20-3323
STATUS: DRAFT
DATE: 11/22/2021



MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

CONCEPT PLAN
FIGURE 6.0



EXISTING ZONING PROVISIONS
FRONT YARD DEPTH - 6.0m
BACK YARD DEPTH - 7.5m
SIDE YARD DEPTH
- INTERIOR - 1.5m
- EXTERIOR - 4.5m

File Location:
c:\pw working directory\projects 2020\32esb\dms44244\203323 - concept plan -
dec. 2021.dwg
December, 15, 2021 3:45 PM

SOURCE: COUNTY OF ESSEX AERIAL MAP (2019)

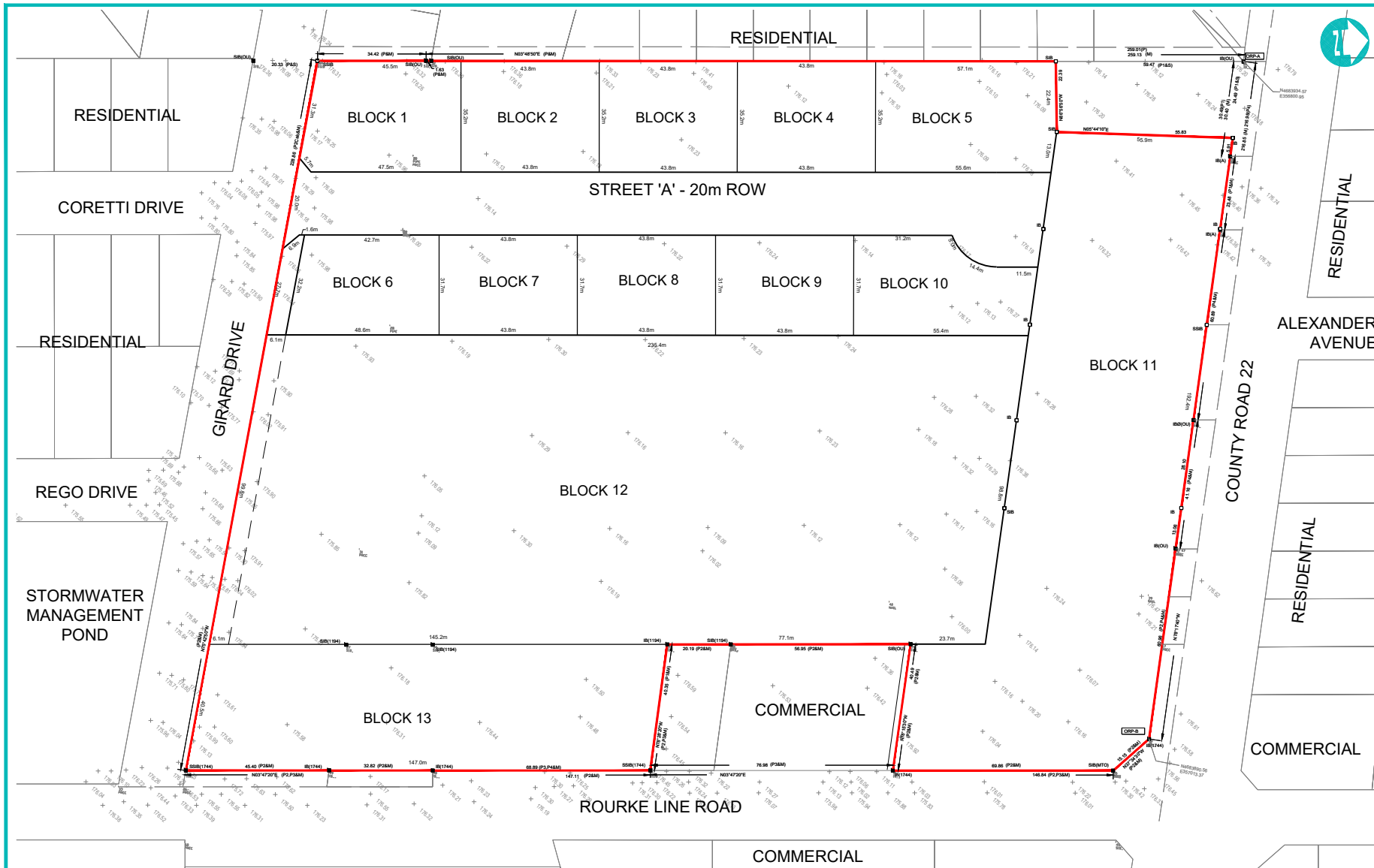
MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: ESB
CHECKED BY: ZCS
DESIGNED BY: ESB

SCALE: 1:2000



PROJECT: 20-3323
STATUS: DRAFT
DATE: 30/11/2021

Jan 04, 2022 - 5:07pm C:\pw working directory\projects 2020\32esb\dms44244\2033230 - dps.dwg



KEY PLAN
N.T.S.

SOURCE: COUNTY OF ESSEX INTERACTIVE MAPPING (2019)

LEGEND AND NOTES:

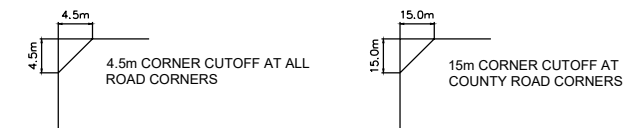
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99983027

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10		
POINT ID	NORTHING	EASTING
CRP-A	N4683934.57	E356800.95
CRP-B	N4683890.56	E357013.37
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

FOR BEARING COMPARISON, A ROTATION OF 0°15'40" CLOCKWISE WAS APPLIED TO (P1) AND (P1) TO CONVERT TO GRID BEARINGS.

■	DENOTES SURVEY MONUMENT FOUND	CLF	DENOTES CHAIN LINK FENCE
□	DENOTES SURVEY MONUMENT SET		ALL SET SSB AND PS MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O. REG. 36/91.
SSB	DENOTES STANDARD IRON BAR		
IB	DENOTES SHORT STANDARD IRON BAR		
PS	DENOTES PLASTIC BAR	(OU)	DENOTES ORIGIN UNKNOWN
CP	DENOTES STEEL PIN	(P)	DENOTES PLAN 12M-427
WIT	DENOTES WITNESS	(P1)	DENOTES PLAN 12R-21086
M	DENOTES MEASURED	(P2)	DENOTES PLAN 12R-25029
J	DENOTES PERPENDICULAR	(P3)	DENOTES PLAN 12R-25107
S	DENOTES SET	(P4)	DENOTES M.T.O. PLAN P-2966-33
M	DENOTES MEASURED	(1744)	DENOTES VERHAEGEN LAND SURVEYORS
CRP	DENOTES OBSERVED REFERENCE POINT	(MTO)	DENOTES MINISTRY OF TRANSPORTATION, ONTARIO
BF	DENOTES BOARD FENCE	(1194)	DENOTES JOHN B. SMEETON INC., O.L.S.
WF	DENOTES WIRE FENCE		DENOTES C.G.R. ARMSTRONG, O.L.S.



"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

STATISTICS

TOWNHOMES RESIDENTIAL	=	BLOCK	1 TO 10 (INCL.)
MULTI UNIT RESIDENTIAL	=	BLOCK	11
INSTITUTIONAL	=	BLOCK	12
STORMWATER MANAGEMENT POND	=	BLOCK	13
EASEMENT	=	BLOCK	14

AREAS

TOWNHOMES RESIDENTIAL	=	1.56 ha (3.84 acres)	=	24.9%
MULTI UNIT RESIDENTIAL	=	1.22 ha (3.01 acres)	=	19.4%
STORMWATER MANAGEMENT POND	=	0.58 ha (1.44 acres)	=	9.3%
INSTITUTIONAL	=	2.39 ha (5.90 acres)	=	38.1%
RIGHT-OF-WAY	=	0.51 ha (1.25 acres)	=	8.1%
	=	0.01 ha (0.05 acres)	=	0.2%

TOTAL AREA = 6.27 ha (15.49 acres)

Draft Plan of Subdivision

PLAN OF SURVEY OF PART
OF LOT 1 LAKESHORE RANGE
BETWEEN PUCE RIVER AND BELLE RIVER
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
NOW IN THE TOWN OF LAKESHORE
COUNTY OF ESSEX, ONTARIO



NOVEMBER 22, 2021
Project No. 20-3323

37-T-XXXXXX

Scale: N.T.S.

OWNER'S CERTIFICATE

I CERTIFY THAT:
I HEREBY CONSENT TO THE FILING OF THIS PLAN FOR DRAFT APPROVAL.

DATE: _____ SIGNED: _____
MGV DEVELOPMENT INC.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE: _____ SIGNED: _____
ROY A. SIMONE
ONTARIO LAND SURVEYOR

ADDITIONAL INFORMATION REQUIRED UNDER S. 51(17) OF THE PLANNING ACT

- (a) SHOWN ON PLAN
- (b) SHOWN ON PLAN
- (c) SHOWN ON PLAN
- (d) RESIDENTIAL
- (e) SHOWN ON PLAN
- (f) SHOWN ON PLAN
- (g) SHOWN ON PLAN
- (h) PIPED WATER TO BE INSTALLED BY DEVELOPER
- (i) WAUSEON SANDY LOAM
- (j) SHOWN ON PLAN
- (k) SANITARY & STORM SEWERS TO BE INSTALLED BY DEVELOPER
- (l) SHOWN ON PLAN

SUBJECT SITE
(±6.27ha)

File Location:
c:\pw working directory\projects 2020\32esb\dms44244\2033230 - dps.dwg
January, 04, 2022 5:07 PM

SOURCE: COUNTY OF ESSEX AERIAL MAP (2019)

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

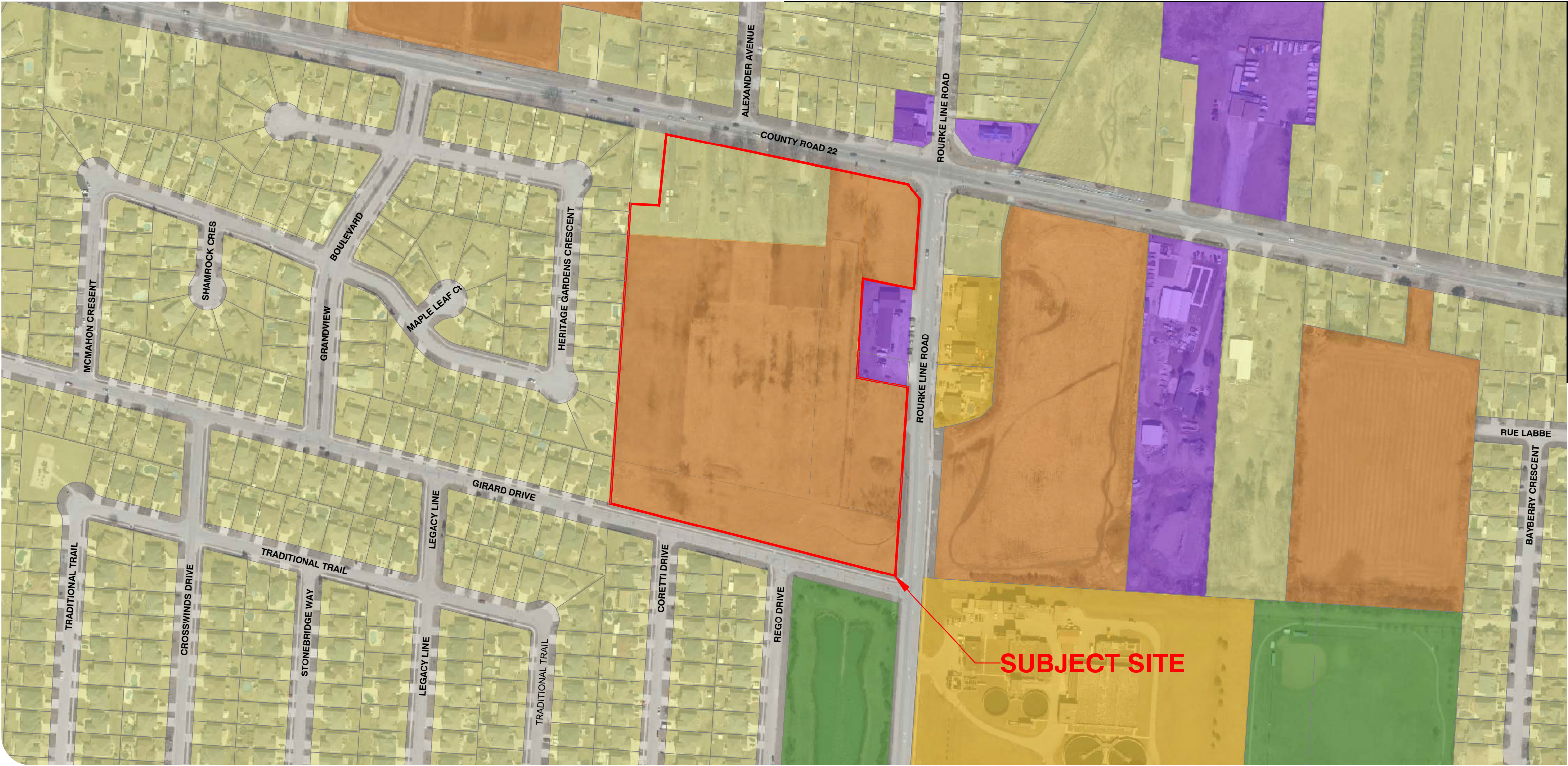
SCALE: N.T.S.



PROJECT: 20-3323

STATUS: DRAFT

DATE: 04/01/2023



MGV DEVELOPMENTS INC.
1489 COUNTY ROAD 22
PROJECT JUSTIFICATION REPORT

SURROUNDING LAND USE
FIGURE 8.0



SUBJECT SITE
± 6.29 ha (± 15.54 ac)



RESIDENTIAL



VACANT



PARKLAND



INDUSTRIAL



COMMERCIAL

File Location:
c:\pw working directory\projects 2020\dillon_10amc\dms44244\203323-pjr
figures.dwg
November, 22, 2021 4:00 PM

SOURCE: COUNTY OF ESSEX AERIAL MAP (2019)

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

SCALE: N.T.S



PROJECT: 20-3323
STATUS: DRAFT
DATE: 11/22/2021

Appendix A

Development Applications



Application No. _____
City View No. _____

Town Of Lakeshore
Application for Zoning By-Law Amendment

1. Name of approval authority: Town of Lakeshore
2. Date application received by municipality _____
3. Date application deemed complete by municipality _____
4. Name of registered owner MGV Developments Inc. c/o Mike McMahon
Telephone number 519-818-5336 Fax number _____
Email mike@lakeland-homes.ca
Address 25 Amy Croft Drive, Unit 22, Tecumseh, ON
Name of registered owner's authorized agent (if any) Dillon Consulting Limited c/o Zoe Sotirakos
Telephone number 613-217-4923 Fax number 519-571-7424
Email zsotirakos@dillon.ca
Address 3200 Deziel Drive, Suite 608, Windsor, ON
Please specify to whom all communications should be sent:
☐ Registered Owner
☐ Authorized Agent
☐ Both
5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:
N/A

Location and description of subject land:

PART LOT 1 CONCESSION BETWEEN RIVER PUCE & BELLE RIVER, MAIDSTONE AS IN R461078; AS IN R1147481; AS IN R835781; AS IN R408705; AS IN R784448 (FIRSTLY & SECONDLY) EXCEPT R787196, R787551 & PART 5 PLAN 12R25029; AS IN R557524 EXCEPT PART 1 PLAN 12R25029; BEING PART 2 PLAN 12R16113 EXCEPT PART 3 PLAN 12R25029 & PART 1 PLAN 12R25107; BEING PARTS 1 & 2 ON 12R21086, EXCEPT PART 1 12R28586 TOWN OF LAKESHORE

Street Address PIN 750311531 Assessment Roll No.

6. Size of subject parcel:

Frontage 217m (Rourke Line Road) Depth Irregular Area 6.29 ha

7. Access to subject parcel:

☒ Municipal Road

☒ County Road

☐ Provincial Highway

☐ Private Road

☐ Water

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

N/A

8. Current Official Plan Land Use designation of subject land Mixed Use and Mixed Use (Site Specific Policy Area 3.4.3.1)

9. Current Zoning of subject land Residential 1 (R1 - refer to Zoning By-law 4170-ZN-94) and Mixed Use (MU)

10. Nature and extent of rezoning requested

The applicant is looking to rezone the subject land to a site specific mixed use zoning category in order to permit the proposed mixed use development. Please refer to the attached Planning Justification Report.

11. Reasons why rezoning is requested

Please refer to the attached Planning Justification Report.

12. Current use of subject land Vacant

13. Length of time current use of subject land has continued +25 years

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

There are two garage structures that are partially on the subject land following the severance (B/20/21/22/23/2020). These structures will be demolished.

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

~ 25 years ago

16. Date subject land acquired by current registered owner February 3rd, 2020

17. Proposed use of subject land

Residential and institutional development. Please refer to Planning Justification Report for details.

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

Please refer to the attached Planning Justification Report for details related to the proposed development.

19. Type of water supply:

☒ Municipally owned and operated piped water supply

☐ Well

☐ Other (specify) _____

20. Type of sanitary sewage disposal:

☒ Municipally owned and operated sanitary sewers

☐ Septic system

☐ Other (specify) _____

21. Type of storm drainage:

☒ Sewers

☐ Ditches

☐ Swales

☐ Other (specify) _____

22. Were there or are there any above ground fuel tanks on the subject land?

☐ Yes ☒ No

23. Are the subject lands within 1000 metres (3,280 feet) of an existing livestock facility?

☐ Yes ☒ No

If yes, provide details on the type and size of the livestock facility.

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

☒ Consent to sever

☒ Approval of a plan of subdivision *Draft Plan of Subdivision is being submitted concurrently

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

Consent file B/20/21/22/21/2020

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

N/A

Dated at City of Windsor in the
County Essex of Essex this 23rd day of
November, 2021.



Signature of applicant or authorized agent

Consent of the Owner/Authorized Applicant to the Use and Disclosure of Information and Supporting Documentation

I, Zoe Sotirakos of Dillon Consulting Limited, am the Authorized Applicant for the owner of the land (if owner is applying directly strike out reference to the "authorized applicant") that is the subject of this planning application and for the purposes of the Municipal Freedom of Information and Protection of Privacy Act I authorize and consent to the use by

dissemination or the disclosure to any person or public body of any personal information, and any reports/studies and supporting documentation submitted in support of this application, that are collected under the authority of the Planning Act for the purposes of processing this application. I acknowledge being advised that should I have any questions about this collection of information or its release I may contact the Clerk of the Town of Lakeshore, 419 Notre Dame Street, Belle River, ON N0R 1A0, (519) 728-2700

November 23, 2021

Date



Signature of Owner/Authorized Applicant

Owner's/Authorized Applicant's Acknowledgements

Owners/Authorized Applicants are advised that there may be additional approvals (i.e. building permit etc.) and additional fees and charges associated with any development approved in conjunction with this application.

Owners/Authorized Applicants may be required to provide additional information that will assist the Town of Lakeshore in assessing the application.

The Owner/Authorized Applicant agrees to cooperate fully with the Town of Lakeshore and all of its staff in allowing and facilitating the inspection of the subject lands by Town of Lakeshore staff.

The applicant acknowledges and agrees that the Town of Lakeshore reserves the right to request additional deposits/ monies for expenses (i.e. engineering fees etc.) incurred by the Town of Lakeshore in reviewing this application.

Declaration

I, Zoe Sotirakos of Windsor
in the ~~County/District/Regional~~ Municipality of Essex
solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act. I also agree to allow the Town of Lakeshore its employees and agents to enter upon the subject property for the purpose of conducting inspections, surveys and tests that maybe necessary to this application. I fully understand and agree to comply with all of the Owner's/Authorized Applicant's Acknowledgements set out above.

Declared before me at

City of Windsor in the County of Essex

this 23 day of November, 2021.



Owner/Authorized Applicant


A Commissioner, etc.
Melanie Anne Muir,
a Commissioner, etc., Province of Ontario
for Dillon Consulting Limited.
Expires May 3, 2022.

Authorization

If the applicant is not the owner of the land that is subject of this application, written authorization by the owner must be attached or the authorization set out below must be completed by the owner.

I, Mike McMahon of MGV Developments Inc. am the owner of the land that is subject of this application for approval and I authorize Dillon Consulting Limited (the "Authorized Applicant") to make this application on my behalf. I acknowledge and agree that I am bound by all acknowledgements, declarations, agreements and statements made on my behalf in this application by my Authorized Applicant including those made in reference to Municipal Freedom of Information and Protection of Privacy Act authorizing the use by dissemination or the disclosure to any person or public body of any personal information, and any reports/studies and supporting documentation submitted in support of this application, that are collected under the authority of the Planning Act for the purposes of processing this application.

Date: November 23, 2021

Signature of Owner: 

Notes:

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

- the boundaries and dimensions of the subject land;
- the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of

the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;

- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

Required Sketch (use separate sheet if necessary)



**APPLICATION FOR APPROVAL OF A
DRAFT PLAN OF SUBDIVISION OR CONDOMINIUM DESCRIPTION**

(under Section 51(17) of the Planning Act, RSO 1990, c. P. 13 or Section 9 of the
Condominium Act, SO. 1998 C. 19.)

For Town Use Only	
File Number	Date of Receipt

Pre-consultation: It is recommended that the applicant and / or the applicant's designated agent meet with Town planning and engineering staff before submitting a draft plan of subdivision / draft plan of condominium, in order for the applicant to become familiar with the Town's Official Plan policies, development standards and zone regulations and to discuss the applicant's proposed lot and road pattern.

Application Submission: The application form, including all required fees, plans and all other supporting material must be submitted (as a complete package) in order for your application to be considered complete. The application and other materials may be dropped off in person or mailed to the Town of Lakeshore, Planning Department at 419 Notre Dame Street, Belle River, ON N0R 1A0.

General Requirements:

- ☐ 2 copies of the completed application form.
- ☐ 5 copies of the draft plan completed as required under Section 51(17) of the Planning Act.
 - stamp and initials of a registered / licensed Ontario Land Surveyor;
 - boundaries, dimensions, and relevant statistics for the site and for all individual parcels/lots/blocks/units depicted on the draft plan, prepared in accordance with the prescribed requirements of the applicable legislation (i.e. the Planning Act), the local land registry office, County of Essex Planning Department and the Ministry of Municipal Affairs and Housing.
- ☐ 1 copy of the draft plan on a 11" by 17" reduction.
- ☐ Application fee in accordance with the Town of Lakeshore Tariff of Fees By-law.
- ☐ A CD or an electronic file containing the draft plan (AutoCAD native format (.dwg) and PDF format).
- ☐ Required Studies identified at pre-consultation (3 copies of each).

1. Owner / Applicant Information

	Mailing Address	Telephone	Facsimile	E-mail
Owner*	MGV Developments Inc. c/o Mike McMahon	519-818-5336		mike@lakeland-homes.ca
Applicant or Primary Consultant**	Dillon Consulting Limited c/o Zoe Sotirakos	613-217-4923		zsotirakos@dillon.ca
Agent or Solicitor	N/A			
Ontario Land Surveyor	N/A			

*If there is more than one owner, please attach a list of each owner. If the owner is a numbered company, please provide the name and address of each principal owner.

**An Owner's authorization (see below) is required if the applicant is not the owner.

Matters relating to this application should be sent to (select one only):

☐ Owner ☐ Applicant or Primary Consultant ☒ Agent

The applicant is:

☒ Owner ☐ Lessee of Land or tenant ☐ Prospective Owner

If the applicant is not the owner, the owner must consent to the proposed draft plan of subdivision or condominium description.

☐ Separate Letter of Authorization attached

Owner's Signature: _____ Date: _____

Are there any mortgagees, holders of charges or other encumbrances affecting the subject land?

☐ Yes ☒ No ☐ Don't know

If yes please indicate their names and addresses:

2. Details of the Subject Lands

Location and Description:

Municipal Address _____

Lot/Part # _____ PART LOT 1 CONCESSION BETWEEN RIVER PUCE & BELLE RIVER, MAIDSTONE AS IN R461078; AS IN R1147481; AS IN R835781; AS IN R408705; AS IN R784448 (FIRSTLY & SECONDLY) EXCEPT R787196, R787551 & PART 5 PLAN 12R25029; AS IN R557524 EXCEPT PART 1 PLAN 12R25029; BEING PART 2 PLAN 12R16113 EXCEPT PART 3 PLAN 12R25029 & PART 1 PLAN 12R25107; BEING PARTS 1 & 2 ON PLAN 12R21086, EXCEPT PART 1 12R28586 TOWN OF LAKESHORE

Assessment Roll # & PIN # 750311531

Site Characteristics:

Frontage (m) 217m (Rourke Line Road)

Land Area (ha) 6.29 ha

Buildable Area (m²) 6.29 ha

Average Depth (m) Irregular

Average Width (m) Irregular

3. Interests and Encumbrances

Are there any existing easements, rights-of-way, restrictive covenants or Aboriginal land claims negotiations affecting the subject lands, or is it covered by a Provincial/Aboriginal co-management agreement?

If yes, please describe: No

Are there any easements, rights-of-way or other rights over adjacent properties affecting the subject lands? If yes, please describe and illustrate on the submitted plan:

No

Does the Owner have an interest in nearby or adjoining lands? If yes, please indicate the location and area of adjoining or nearby land in which the Owner has an interest:

The owner also owns the adjacent property 1467 County Road 22, as well as the severed parcels (1469, 1477, 1481, 1483 County Road 22) fronting County Road 22.

4. Current Planning Status

Existing Land Use Designation – County of Essex Official Plan Settlement Area

Existing Land Use Designation – Town of Lakeshore Official Plan Mixed Use and Mixed Use (Site Specific Policy Area 3.4.3.1)

Existing Zoning R1 (refer to Zoning By-law 4170-ZN-94)/MU *
*Zoning by-law amendment application being submitted concurrently

5. Current and Previous Use of Subject Lands

Current Use of the Subject Lands

Vacant

Previous and Historic Use of the Subject Lands, if different than the above

Residential and agricultural

6. Other Planning Applications or Approvals Required

Indicate whether the subject land, or land within 120 metres of the subject land, is or has ever been, the subject of the following planning applications:

Application Type	Not Applicable	Submitted	Not Submitted	File No.	Status
County Official Plan Amendment	X				
Official Plan Amendment	X				
Zoning By-law Amendment		X			Being submitted concurrently
Site Plan			X		Site plan application to be submitted following ZBA approval
Land Division (Severance)		X		B/20/21/22/23/2020	Applicant is in the process of clearing conditions of severance
Minor Variance or Other (Specify)	X				

7. Consistency with Provincial Policies and Plans

Please provide the information outlined below:

Provincial Policies, Plans and Interests	Applies	Does not Apply	Explain
Indicate whether the requested amendment is consistent with the Provincial Policy Statements issued under subsection 3(1) of the Planning Act.	Yes		Please see the attached Planning Justification Report
Is the subject land within an area of land designated under any provincial plan or plans?	No		
If the answer to the above question is "yes", does it conform to, or does it not conflict with the provincial plan or plans?	N/A		

Is a separate document(s) providing the above information attached?

☒ Yes

☐ No

If yes, please indicate the date of the report(s) and the author(s):

Planning Justification Report, Dillon Consulting Limited, dated November 2021

8. Site Contamination

A Phase 1 Environmental Site Assessment or a Completed Site Screening Questionnaire (attached) is required for all applications. Please indicate the date of the report and the author in the space provided. A Phase 2 or Phase 3 Environmental Site Assessment may be required depending on site conditions.

Author CT Soil & Materials Engineering Inc.

Date March 8, 2019

9. Minimum Distance Separation Requirement

Is there a livestock barn or manure storage facility located within 500 metres (1,640 ft.) of the boundary of the subject land? If yes, please complete the attached "Minimum Distance Separation Data Sheet".

☐ Yes

☒ No

10. Above Ground Fuel Tanks

Were there or are there any above ground fuel tanks on the subject property?

☐ Yes ☒ No

11. Proposed Land Uses

Proposed Land Use	Proposed No. of Dwelling Units	Proposed No. of Lots and/or Blocks on Draft Plan	Land Area (hectares)	Net Density (Dwelling Units per hectare)	Total Parking Spaces	Description of Proposed Use
Single Detached Residential						n/a
Semi-detached Residential						n/a
* Multiple Attached Residential	39	39	2.1	18.6	78	n/a
Apartment Residential	120	1	1.23	97.6	126	n/a
Seasonal Residential						n/a
Mobile Home						n/a
Other Residential (Specify)						
Commercial	Nil			Nil		
Industrial	Nil			Nil		
Parks	Nil			Nil	n/a	
Open space/ Environmental Protection/ Hazard	Nil			Nil	n/a	
Institutional (Specify)	Nil	1	2.38			

*Includes mixed use building

				Nil		
Roads	Nil			Nil	n/a	n/a
Other (Specify)	Nil	1	0.58	Nil		SWM Facility
Total	159	42	6.29		204	n/a

12. Servicing and Infrastructure

Please provide the following information:

Are the water, sewage, storm water and/or road works associated with the subject application subject to the provisions of the Environmental Assessment Act?

☐ Yes ☒ No

If yes, please explain, and attach a statement prepared by a qualified engineer explaining the nature of the works and class(es) of Environmental Assessment required.

n/a

Is the development proposed to be serviced by a municipal owned and operated piped sewage system? ☒ Yes ☐ No

Is the development proposed to be serviced by a privately owned and operated individual septic systems?* ☐ Yes ☒ No

Is the development proposed to be serviced by a privately owned and operated individual or communal septic system?* ☐ Yes ☒ No

Is the development proposed to be serviced by a municipal piped water system? ☒ Yes ☐ No

Is the development proposed to be serviced by a privately owned and operated individual or communal well, a lake or other water body?* ☐ Yes ☒ No

Is the development proposed to be serviced by other sources of potable water?* ☐ Yes ☒ No

*All developments proposed on individual, on-site servicing systems or tanks will require a Geotechnical Report and a Hydrogeological Report.

13. Servicing Options

A proposed development of more than five (5) lots or units on privately owned and operated individual or communal wells? ☐ Yes ☒ No

A proposed development of five (5) or more lots or units on privately owned and operated individual or communal septic systems? ☐ Yes ☒ No

A proposed development of fewer than five (5) lots or units on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed
☐ Yes ☒ No

A proposed development of fewer than five (5) lots or units on privately owned and operated individual or communal septic systems, and 4500 litres or less would be produced per day as a result of the development being completed? ☐ Yes ☒ No

If the answer to any of the first three questions is yes, please provide:

- A Servicing Options Report
- A Hydrogeological Report

If the answer to the last question is yes, please provide:

- A Hydrogeological Report

14. Storm Drainage

Please indicate the method of storm drainage:

- ☒ Storm Sewers ☐ Drainage Swales
☐ Ditches ☐ Other Means (specify) _____

15. Archaeological Potential

Please answer the following regarding archaeological potential: * Please see the attached Stage 1 & 2 Archaeological Assessment

Does the subject land contain any areas of archaeological potential? ☐ Yes ☒ No

If the plan permits development on land that contains known archaeological resources or areas of archaeological potential, please provide:

☐ An archaeological assessment prepared by a person that is effective with respect to the subject land, issued under Part VI (Conservation of Resources of Archaeological Value) of the Ontario Heritage Act; and

* Please see the attached Stage 1 & 2 Archaeological Assessment Report

- ☐ A conservation plan for any archaeological resources identified in the assessment

16. Access

Please specify the nature of the access to the subject lands

- ☐ Provincial Highway
- ☒ County Road
- ☒ Municipal Road
- ☐ Water
- ☐ Other Public Road or Right-of-way (specify) _____

If by water, please specify the parking and docking facilities to be used and the approximate distance from the subject land and the nearest public road:

17. Supporting Documentation

(For Further Information Please Refer to the Town of Lakeshore Official Plan)

	Required	Not Required
Deed and/or Offer of Purchase		X
Topographic Plan of Survey	X	
Site Plan (Conceptual)	X	
Floor Plan and/or Elevations		X
Approved Class Environmental Assessment		X
Geotechnical Study		X
Tree Study		X
Draft Plan of Subdivision	X	
Condominium Description		X
Other materials relevant to the development	X	
Retail Market Impact Study - Section 4.4.3.1		X
Urban Design Study - Section 4.2.1		X
Archaeological Assessment - Section 4.2.3.4	X	

	Required	Not Required
Hydro- geological Study- Section 5.1		X
Groundwater Impact Assessment- Section 5.1.1		X
Environmental Impact Assessment (EIA) - Section 5.2.6		X
Record of Site Condition (RSC) - Section 5.4.2.1.1		X
Site Screening Questionnaire- Section 5.4.2.1.1		X
Phase 1 Environmental Site Assessment (ESA) - Section 5.4.2.1.1	X	
Noise and/or Vibration Study- Section 5.4.2.3	X	
Transportation Impact Study- Section 7.2.2	X	
Functional Servicing Report- Sections 7.3.1.1 or 7.3.1.2	X	
Stormwater Management Plan- Sections 7.3.3 and 5.	X	
Planning Rationale Report - Section 8.2.1 a) and 8.3.1.3 j)	X	
Master Environmental Servicing Plan (MESP) - Section 8.3.1.3		X
Agricultural Impact Assessment		X
Built Heritage Impact Study		X
Light Study		X
Parking Study		X

18. Other Information

Although not required by this application submission, if there is additional information or documentation submitted, please list by Title, Author and Date:

Dated at City of Windsor this
23rd day of
November, 2021.



(Signature of Owner or Authorized Applicant)

Consent of the Owner/Authorized Applicant to the Use and Disclosure of Information and Supporting Documentation

I, Zoe Sotirakos, am the Authorized Applicant for the owner of the land (if owner is applying directly strike out reference to the "authorized applicant") that is the subject of this planning application and for the purposes of the Municipal Freedom of Information and Protection of Privacy Act I authorize and consent to the use by dissemination or the disclosure to any person or public body of any personal information, and any reports/studies and supporting documentation submitted in support of this application, that are collected under the authority of the Planning Act for the purposes of processing this application. I acknowledge being advised that should I have any questions about this collection of information or its release I may contact the Clerk of the Town of Lakeshore, 419 Notre Dame Street, Belle River, ON N0R 1A0, (519) 728-2700

November 23, 2021

Date



Signature of Owner/Authorized Applicant

Owner's/Authorized Applicant's Acknowledgements

All vegetation on the lands that are subject of this application must be maintained during the processing of this application.

No re-grading is permitted on site during the processing of the application.

Applicants are advised that there may be additional approvals (i.e. building permit etc.) and additional fees and charges associated with any development approved in conjunction with this application.

Applicants may be required to provide additional information that will assist the Town of Lakeshore in assessing the application.

The applicant and owner agree to cooperate with the Town of Lakeshore and all of its staff in allowing Town staff to inspect the property.

The applicant agrees that the municipality reserves the right to request additional deposits/ monies for expenses (i.e. engineering fees etc.) incurred by the municipality in reviewing your application.

I, Zoe Sotirakos of Dillon Consulting Limited of
City of Windsor in the
County/~~District/Regional Municipality~~ of Essex solemnly
declare that all the statements contained in this application are true, and I make this
solemn declaration conscientiously believing it to be true, and knowing that it is of the
same force and effect as if made under oath and by virtue of the Canada Evidence Act.
I also agree to allow the Town of Lakeshore its employees and agents to enter upon the
subject property for the purpose of conducting inspections, surveys and tests that
maybe necessary to this application. I fully understand and agree to comply with all of
the Owner's/Authorized Applicant's Acknowledgements set out above.

Declared before me at

City of Windsor in the County of Essex
this 23 day of November, 2021.



Owner/Authorized Applicant



A Commissioner, etc.

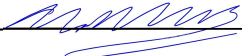
Melanie Anne Muir,
a Commissioner, etc., Province of Ontario
for Dillon Consulting Limited.
Expires May 3, 2022.

Authorization

If the applicant is not the owner of the land that is subject of this application, written
authorization by the owner must be attached or the authorization set out below must be
completed by the owner.

I, Mike McMahon of MGV Developments Inc. am the owner of the land that is subject of this
application for approval and I authorize Dillon Consulting Limited
(the "Authorized Applicant") to make this application on my behalf. I acknowledge and
agree that I am bound by all acknowledgements, declarations, agreements and
statements made on my behalf in this application by my Authorized Applicant including
those made in reference to Municipal Freedom of Information and Protection of Privacy
Act authorizing the use by dissemination or the disclosure to any person or public body
of any personal information, and any reports/studies and supporting documentation
submitted in support of this application, that are collected under the authority of the
Planning Act for the purposes of processing this application.

Date: November 23, 2021

Signature of Owner: 

Appendix B

Provincial Policy Statement Policies

Part V: Policies

1.0 Building Strong Healthy Communities

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

Accordingly:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

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

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

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

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

1.1.3 Settlement Areas

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

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

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

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

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

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

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

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

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

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

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

1.1.4 Rural Areas in Municipalities

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

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

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

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

- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

1.1.6 Territory Without Municipal Organization

- 1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).
- 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.6.3 The establishment of new permanent townsites shall not be permitted.
- 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:
 - a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
 - a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
 - b) economic development strategies;

- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
 - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
 - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
 - f) natural and human-made hazards;
 - g) population, housing and employment projections, based on *regional market areas*; and
 - h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.
- 1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.
- 1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.
- 1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:
- a) identify and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect *provincial plans* where these exist and informed by provincial guidelines;
 - b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes;
 - c) identify targets for *intensification* and *redevelopment* within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8;
 - d) where major transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors and stations, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8; and
 - e) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.
- 1.2.5 Where there is no upper-tier municipality, planning authorities shall ensure that policy 1.2.4 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

1.2.6 Land Use Compatibility

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

1.3 Employment

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

1.4 Housing

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

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

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

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

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

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

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

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

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

1.5.1 Healthy, active communities should be promoted by:

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

1.6.6 Sewage, Water and Stormwater

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

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

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

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

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

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

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

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

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

1.6.6.7 Planning for stormwater management shall:

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

1.6.7 Transportation Systems

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

1.6.8 Transportation and Infrastructure Corridors

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

1.6.11 Energy Supply

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

1.7 Long-Term Economic Prosperity

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

1.8 Energy Conservation, Air Quality and Climate Change

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

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

Appendix C

County of Essex - Official Plan Policies

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

1.3.4 Cultural Heritage

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

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

1.4 PLANNING PERIOD

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

1.5 GOALS FOR A HEALTHY COUNTY

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

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

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

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

SECTION 2 - PLANNING FRAMEWORK & GENERAL POLICIES

2.1 PLANNING CONTEXT

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

2.2 GROWTH MANAGEMENT

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

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

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

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

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

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

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

Table 2: 20 Year Population Projections to 2031

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

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

2.3 MANAGEMENT OF MINERAL RESOURCES

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

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

2.5.2 Groundwater

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

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

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

2.5.3 Stormwater Quality and Quantity

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

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

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

2.6 HUMAN-MADE HAZARDS

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

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

As a condition of approving *development*, the *local municipality* will require that improperly abandoned wells that are known or discovered on the lands during *development* will be properly plugged in accordance with Provincial regulations.

In locations or areas of known historic salt solution mining activity, proponents are required to submit with any *development* application, a geo-technical study, completed by a qualified engineer that concludes the site is safe for the proposed *development*. Any associated wells shall be plugged according to Provincial regulations and standards.

2.7 Cultural Heritage and Archaeological Resources

It is the policy of this Plan that the County will identify, recognize, and conserve *archaeological and built heritage resources*, and *cultural heritage landscapes*. To achieve these goals, and to encourage the restoration, protection and maintenance of the County's heritage resources, all new *development* or *redevelopment* shall be consistent with the Provincial Policy Statement on cultural heritage resources. Cultural heritage resources include archaeological sites and/or *areas of archaeological potential*, buildings, structures, and landscapes of cultural heritage value or interest.

- a) Local Official Plans shall include policies to implement the identification, recognition and conservation of *built heritage resources* and *cultural heritage landscapes* of cultural heritage value or interest.
- b) Where practical, those heritage resources that contribute to the identity and character of the County may be protected through heritage designations, planning policies, easements or incentives to convert and restore. The County will encourage restoration and enhancement of buildings, structures, areas or sites that are considered to be of cultural heritage value or interest. The County will encourage new *development*, *redevelopment* and public works to be sensitive to and in harmony with cultural heritage resources. The County will encourage *local municipalities* to establish Municipal Heritage Committees that can then develop inventories of cultural heritage resources and advise *local municipalities* on how best to conserve *significant* heritage resources.
- c) *Development* and *site alteration* may be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if *significant archaeological resources* have been *conserved* by removal and documentation or preservation on site. Where *significant archaeological resources* must be preserved on site, only *development* and *site alteration* which maintain the heritage integrity or the site, as outlined in the assessment, will be permitted.

- d) Marked and unmarked private family burial plots, where known, should be registered with the Provincial Cemeteries Registrar and with *local municipalities* and identified in the local Official Plans.
- e) The appropriate First Nations shall be provided notification with regard to the identification of burial sites and *significant archaeological resources* relating to the activities of their ancestors. If the County initiates the preparation of an archaeological master plan, the appropriate First Nations shall be notified and invited to participate in the process.
- f) The County may prepare a Cultural Heritage Management Plan, in consultation with First Nations, to assist in identifying sensitive cultural heritage resources, including cemeteries and burial sites. This Plan would provide comprehensive inventories of *significant* heritage buildings, heritage districts, *cultural heritage landscapes*, archaeological sites, and *areas of archaeological potential*. The Cultural Heritage Management Plan would include:
 - i) Comprehensive cultural heritage resource mapping, archaeological potential mapping and inventories.
 - ii) Identification and evaluation of cultural heritage resources, cultural facilities and organizations.
 - iii) Strategies for conserving and enhancing these identified resources.
 - iv) Programs to foster interpretation and promotion.
 - v) Education and public participation in cultural heritage conservation.

2.7.1 Canadian Heritage River Designation

The Canadian Heritage River System identifies and celebrates unique rivers within our country that best reflect Canadian history, recreation and environment. Established in 1984, this cooperative Federal-Provincial-Territorial program was developed to help preserve the future of *significant* national rivers through community efforts. As part of the nomination and designation process, a Management Strategy was prepared by a community based committee consisting of representation along the Detroit River Corridor. This strategy was supported by a number of signatories including mayors from each of the municipalities along the Detroit River.

It is the policy of this Plan to support the natural heritage, human heritage and recreational initiatives as described in the Management Strategy dated June 21, 2001 for the Detroit River as a designated Canadian Heritage River. Local Official Plans are encouraged to include policies which the initiatives described in the Management Strategy.

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

2.8 TRANSPORTATION

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

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

2.8.1 Roads

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

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

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

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

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

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

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

2.8.1.1 Right-of-Way Widths and Road Widenings

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

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

- a) Lauzon Parkway Extension from Highway 401 to Highway No. 3 (new 50m ROW roadway alignment proposed).
- b) County Road 42 Widening to 4-lanes from:
 - City/County Boundary to County Road 43 from 24m ROW to 40m ROW.
 - County Road 43 to Shiff Drive from 26m ROW to 35m ROW.
 - Shiff Drive to St. Alphonse Avenue from 27m ROW to 30m ROW.
 - St. Alphonse Avenue to County Road 19 from 25m ROW to 35m ROW.
 - County Road 19 to W. Puce Road from 30m ROW to 36m ROW.
 - W. Puce Road to Puce River Bridge from 30m ROW to 36m ROW.
- c) County Road 43 – widen to four lanes from:
 - City Boundary at CPR tracks to Shields Avenue from 30m ROW to 50m ROW.
 - Shields Avenue to County Road 42 – new 50m ROW.
 - County Road 42 to 760m south of CR42 from 20m ROW to 50m ROW.
- d) County Road 19 – widen to 4 lanes from CPR south to Highway No. 3 from 20-30m ROW to 40m ROW.
- e) County Road 22 – 4 lanes from CR 25 to West Belle River Road from 20m ROW to 36m ROW.
- f) County Road 3 – 5 lanes from Todd Lane to Cahill Drain from 20m ROW to 30m ROW.
- g) County Road 3 – 3 lanes from Cahill Drain to Meagan Drive from 20m ROW to 23m ROW.
- h) County Road 7 – 4 lanes from Cousineau Road to Sandwich W. Parkway from 28m ROW to 35m ROW.

As a condition of a *development* approval, land for road widenings or daylight triangles shall be conveyed at no expense to the County in accordance with the provisions of the Planning Act.

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

2.8.4 Active Transportation

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

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

The vision for the CWAT Master Plan is as follows:

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

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

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

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

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

2.9 SOLID WASTE MANAGEMENT

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

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

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

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

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

2.10 SEWAGE AND WATER SYSTEMS

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

The County encourages new *development* to proceed on the basis of full municipal sewage services and municipal water services and *local municipalities* are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.

The following servicing policies apply:

- a) Full municipal sewage services and municipal water services are the preferred form of servicing for all *settlement areas*.
- b) The use of private communal sewage services and private communal water services or individual on-site sewage services and individual on-site water services must be consistent with the Provincial Policy Statement, and shall only be used when municipal sewage and municipal water services are not available.
- c) The use of partial services shall only be used where necessary to address failed individual on-site sewage services and individual on-site water services in existing development, within *settlement areas*, to allow for infilling and rounding out of existing development on partial services provided the following is met:
 - i) the development is within the reserve *sewage and water system* capacity; and
 - ii) site conditions are suitable for the long-term provision of such services.
- d) Public or private investment in upgrading or expanding municipal sewage services or municipal water services should be focused within the *Primary Settlement Areas* identified on Schedule “A2” of this Plan. The County recognizes that circumstances may warrant *infrastructure* investment in *Secondary Settlement Areas*.
- e) *Local municipalities* will encourage monitoring and proper maintenance of private sewage treatment systems in the County in order to protect water resources and the *natural heritage system*.

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

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

2.11 UTILITY CORRIDORS

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

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

- iii) Stripping, treatment and disposal of surplus materials from trenching in an acceptable manner.
- iv) The repair of all damage.
- f) Access points to existing roads will be reviewed with the proper road authority.
- g) Design, construction, site restoration and maintenance should be carried out in accordance with relevant environmental guidelines regarding watercourses, sedimentation control, environmentally *significant* areas, natural heritage corridors and agricultural lands.
- h) Consideration will be given to ensuring that above-ground facilities or structures are aesthetically pleasing and visually harmonious with the surrounding area.
- i) The design, planning and maintenance of the corridor will consider the effects on the *natural heritage system* and will implement restoration techniques consistent with natural heritage policies.
- j) The utility company will maintain and be ultimately responsible for the corridor and the decommissioning and/or removal of facilities upon the abandonment of the utility line.

2.12 NOISE, VIBRATION AND SAFETY

Prior to permitting *development* that may be affected by noise, vibration and/or safety, a study may be required to assess the impact of the noise, vibration and safety on proposed residential or other *sensitive land uses*. Noise, vibration and/or safety attenuation measures will be implemented to reduce the impact to levels recommended by the Ministry of the Environment. Local Official Plans are also encouraged to include specific policies to address requirements where *development* of a *sensitive land use* is proposed in proximity to rail lines and other sources of noise, vibration and/or safety, and those policies shall include:

- a) Prior to the approval of any applications for Official Plan amendments, Zoning By-law amendments, plans of subdivision or condominium, land division, committee of adjustment approval or any *development* that is subject to site plan control on lands that are within 100 metres of a railway line right-of-way, Provincial Highway, or stationary sources of noise, a noise feasibility study shall be completed and submitted to the appropriate agencies and appropriate railway companies for review and comment. Appropriate measures to mitigate any adverse impacts from noise and or vibration that were identified shall be undertaken.

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

2.13 ENERGY, AIR QUALITY & GREEN INFRASTRUCTURE

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

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

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

SECTION 3 - LAND USE POLICIES

3.1 INTRODUCTION

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

3.2 SETTLEMENT AREAS

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

3.2.1 General Directive

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

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

3.2.2 Goals

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

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

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

3.2.3 Settlement Structure Policies

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

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

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

3.2.3.1 Local Comprehensive Review

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

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

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

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

fragmented ownership, and incompatible surrounding land uses. *Local municipalities* may identify additional constraints.

- e) Determine the population and/or employment, depending on the focus of the review, that could be accommodated in each “*Settlement Area*” under existing conditions given the site and area characteristics and constraints.
- f) Identify and analyze the *intensification* opportunities within the built-up and greenfield areas of each “*Settlement Area*”.
- g) Prepare a Master Servicing Report outlining the method of servicing available and planned for all “*Settlement Areas*”. This Report must include an analysis of costs and efficiencies associated with expanding any *Primary Settlement Area*.
- h) In the event that the review concludes that one or more “*Settlement Area*” boundaries should be altered, then any adjustment must meet the following tests:
 - i) That there are no reasonable alternatives which avoid *prime agricultural areas*.
 - ii) There are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*.
 - iii) The lands do not comprise *specialty crop areas*.
 - iv) The expansion of any area shall be limited to only *Primary Settlement Areas*.
 - v) The aggregate amount of land within all “*Settlement Areas*” shall be maintained or reduced as a result of the “*Settlement Areas*” boundary adjustment(s). For example, if a *Primary Settlement Area* is recommended for expansion, then the corresponding area within an existing *Secondary Settlement Area* shall be reduced. The areas removed from the *Secondary Settlement Area(s)* shall be redesignated to “Agriculture” in this Plan and the local Official Plan.
 - vi) That the *Primary Settlement Area(s)* to be expanded are fully serviced with municipal water services, municipal sewage services and stormwater management facilities subject to policy 3.2.4.1 d).
 - vii) The *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long-term and protect public health and safety.

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

3.2.4 Primary Settlement Areas

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

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

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

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

i) Oldcastle Hamlet (Town of Tecumseh)

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

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

3.2.4.1 Policies

The following policies apply to *Primary Settlement Areas*:

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

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

3.2.5 Secondary Settlement Areas

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

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

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

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

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

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

- g) *Secondary Settlement Areas*, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:
 - i) They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these *Secondary Settlement Areas*, provided the *Primary Settlement Area(s)* in the municipality remains the focus of growth.
 - ii) New *development* will generally be limited to infilling, *redevelopment* on existing lots of records, and limited *residential intensification*.
 - iii) *Residential intensification*, outside of infilling, shall only occur on full municipal sewage services and municipal water services.
- h) *Secondary Settlement Areas*, or portions thereof, that generally consist of employment uses are subject to the following additional policies:
 - i) Cost effective *development* patterns and those which reduce servicing costs are encouraged.
 - ii) Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
 - iii) New *development* shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.
 - iv) New *development* on private or partial sewage services and water services shall generally be limited to dry industrial uses.
 - v) Local Official Plan policies will ensure the orderly and appropriate development of these areas.
- i) Cost effective development patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

3.2.6 General Settlement Area Policies

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

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

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

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

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

3.2.7 Intensification & Redevelopment

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

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

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

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

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

3.2.8 Affordable Housing

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

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

- iv) there are no reasonable alternative locations in the “Agricultural” designation with a lower priority Canada Land Inventory soils classification; and
 - v) impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands should be mitigated to the extent feasible.
- d) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated “Agricultural”.
 - e) Normal farm practices, including but not limited to, agroforestry and spraying, are permitted on all lands designated “Agricultural”. If tree harvesting is to occur it should be based on acceptable forest management practices. Advice from a qualified specialist and the use of woodlot management plans by landowners are recommended.

3.4 NATURAL ENVIRONMENT

This section contains the general directive, goals and policies for the County of Essex *natural heritage system*. The components of the *natural heritage system* are listed in Table 3, and where appropriate, mapped on the Schedules to this Plan. For ease of review, the *natural heritage system* is found on the following Schedules to this Plan:

- a) Lands designated “Natural Environment” are mapped on Schedule “A1”, while Schedule “B1” contains a breakdown of the features within this designation. Lands designated “Natural Environment” are a Provincially *significant wetland* or are *significant* terrestrial features that are designated as a *natural heritage feature* in a local Official Plan, or meet 5 out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.
- b) Schedule “B2” contains an overlay of secondary priority *natural heritage features* in the County that meet 1 to 4 of the 11 criteria outlined in the ERNHSS report.
- c) Schedule “B3” contains an overlay of Restoration Opportunities including priority and secondary restoration lands that meet either 3 to 5 (Priority) or 1-2 (Secondary) of the 11 criteria outlined in the ERNHSS report.

Table 3: Natural Environment Types

	Natural Heritage Feature	Agencies determining significance	Criteria and methods used to determine significance	Schedule	Policy
1	<i>Significant wetlands and significant coastal wetlands</i>	MNR	Delineating <i>wetlands</i> or reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System.	High Priority Existing Feature within the “Natural Environment” designation on Schedule “A1” and Provincially <i>significant wetlands</i> designation on Schedule “B1”.	<i>Development and site alteration shall not be permitted.</i>
2	<i>Significant habitat of endangered species and threatened species</i>	MNR	Delineating/ describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable	Not specifically mapped on Schedules.	<i>Development and site alteration shall not be permitted.</i>
3	<i>Lands adjacent to significant wetlands and significant coastal wetlands and significant habitat of endangered species and threatened species</i>	County of Essex or local municipalities	A 120 metre <i>adjacent lands</i> width is identified from the extent of the identified feature.	Not specifically mapped on Schedules.	<i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</i>
4	Lands designated in local Official Plans for natural	County of Essex	Identified in local Official Plans.	High Priority Existing Feature within the “Natural Environment”.	<i>Development and site alteration shall not be permitted.</i>

	Natural Heritage Feature	Agencies determining significance	Criteria and methods used to determine significance	Schedule	Policy
	heritage protection			designation on Schedule "A1" and within the <i>Significant Terrestrial Features</i> designation on Schedule "B1".	
5	Other High Priority Existing Natural Features	County of Essex through <i>ERCA</i> & <i>LTVCA</i>	Existing natural features that satisfied between 5 and 11 criteria in the Essex Region Natural Heritage System Strategy.	High Priority Existing Feature. Designated "Natural Environment" on Schedule "A1" and as categorized on Schedule "B1".	<i>Development and site alteration</i> shall not be permitted.
6	<i>Fish habitat</i>	Appropriate <i>Conservation Authority</i> and Fisheries and Oceans Canada	Identified through pre-consultation with appropriate <i>Conservation Authority</i> and Fisheries and Oceans Canada.	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1", "B2", and "B3".	Pre-consultation with local <i>Conservation Authority</i> based on approved criteria.
7	<i>Significant woodlands</i>	County of Essex through <i>ERCA</i> and <i>LTVCA</i>	All <i>woodlands</i> 2 hectares in size or larger using the size criteria recommended in the Natural Heritage Reference Manual (MNR, 2010) and as per the Essex Region Natural Heritage System Strategy. Smaller <i>woodlands</i> may be considered <i>significant</i> if they exhibit	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .

	Natural Heritage Feature	Agencies determining significance	Criteria and methods used to determine significance	Schedule	Policy
			composition, age or quality that is uncommon in the municipality or the region.		
8	<i>Significant areas of natural and scientific interest</i>	MNR	In accordance with the <i>areas of natural and scientific interest</i> confirmation process. Policies apply to both Earth and Life science <i>areas of natural and scientific interest</i> .	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
9	<i>Significant wildlife habitat</i>	County of Essex through ERCA and LTVCA	Using criteria recommended in the Natural Heritage Reference Manual (MNR, 2010), the Significant Wildlife Habitat Technical Guide and the Eco-Region Criteria Schedules and using Ecological Land Classification. <i>Significant wildlife habitat</i> has been divided into four broad categories (1) seasonal concentration areas, (2) rare vegetation communities or specialized habitats for wildlife, (3) habitat of species of conservation concern (excluding the habitat of <i>endangered</i> and <i>threatened species</i>), and (4) animal movement corridors.	Not specifically mapped on Schedules.	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .

	Natural Heritage Feature	Agencies determining significance	Criteria and methods used to determine significance	Schedule	Policy
10	<i>Significant valleylands</i>	County of Essex through ERCA and LTVCA	<i>Significant valleyland</i> features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNR, 2010) and are based on the following features: A) more or less continuous natural areas providing connections within the <i>watershed</i>; B) contains a diversity of native species, natural communities and landscapes; C) provides <i>ecological functions</i> such as habitat, passage, refuge, hydrological flow, and buffering from <i>adjacent</i> areas.	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
11	Identified significant existing natural heritage feature	County of Essex through ERCA and LTVCA	Existing natural feature that satisfied between 1 and 4 of 11 criteria in the Essex Region Natural Heritage System Strategy.	Secondary Priority Existing Feature. Located within designations on Schedule "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
12	Adjacent lands to significant woodlands, significant valleylands, Provincial and regional ANSIs,	County of Essex through ERCA and LTVCA	A 120 metre <i>adjacent lands</i> width is identified and referenced for all <i>natural heritage features</i> with the exception of Earth Science ANSI which have a recommended 50 metre <i>adjacent lands</i> width.	Not specifically mapped on Schedules.	<i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage feature</i> and areas unless the <i>ecological function</i> of the <i>adjacent lands</i> has been evaluated and it has been demonstrated that there

	Natural Heritage Feature	Agencies determining significance	Criteria and methods used to determine significance	Schedule	Policy
	and <i>significant wildlife habitat</i> and lands designated in local Official Plans for natural heritage protection and other high priority existing natural features				will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i> .
13	Unevaluated wetlands	MNR	Unevaluated <i>wetlands</i> can be identified using ELC or OWES. Unevaluated <i>wetlands</i> can be identified through processes such as EIA's or candidate natural heritage studies. Once an unevaluated <i>wetland</i> is identified, the next step is to complete a <i>wetland</i> evaluation. The <i>wetland</i> evaluation will result in a determination of significance for the <i>wetland</i> , i.e., Provincially or locally <i>significant</i> . The methodology used to determine significance of <i>wetlands</i> is the Ontario Wetland Evaluation System. <i>Wetlands</i> can be identified and evaluated by MNR staff or other qualified professionals provided that they use the approved OWES	Not specifically mapped on Schedules.	<i>Development</i> and <i>site alteration</i> will not be permitted until the significance of the feature has been determined using OWES. For <i>wetlands</i> determined to be Provincially <i>significant</i> see Item #1 of this table for the policies that will apply. For <i>wetlands</i> that have been determined to be locally <i>significant</i> , <i>development</i> and <i>site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .

	<i>Natural Heritage Feature</i>	Agencies determining significance	Criteria and methods used to determine significance	Schedule	Policy
			methodology and have received MNR training in the use of the Province's <i>wetland</i> evaluation system. All <i>wetland</i> evaluations must be sent to MNR regardless of the preliminary determination of significance. The MNR is responsible for reviewing and approving all <i>wetland</i> evaluations.		
14	Prioritized Restoration Opportunities	County of Essex through <i>ERCA</i> and <i>LTVCA</i>	Prioritized Restoration Opportunities that satisfied between 3 and 5 criteria in the Essex Region Natural Heritage System Strategy.	Prioritized Restoration Opportunity on Schedule "B3".	Provide for a focused approach towards the implementation of the <i>natural heritage system</i> . Supported options may include focused land securement, stewardship activities, and volunteer restoration.
15	Prioritized Restoration Opportunities	County of Essex through <i>ERCA</i> and <i>LTVCA</i>	Prioritized Restoration Opportunities that satisfied 1 or 2 criteria in the Essex Region Natural Heritage System Strategy.	Prioritized Restoration Opportunity on Schedule "B3".	Provide for a focused approach towards the implementation of the <i>natural heritage system</i> . Supported options may include focused land securement, stewardship activities, and volunteer restoration.

3.4.1 General Directive

This Plan acknowledges the importance of *natural heritage features* and considers them as integral parts of a healthy and vibrant community. Once destroyed, *natural heritage features* are difficult, if not impossible, to replace. The vision for lands designated “Natural Environment” and other areas with *natural heritage features* and lands *adjacent* to areas with *significant natural heritage features* is one which includes a strong commitment to protect, preserve and enhance those areas that exist within the County. Because many natural areas have been converted into farm land over the years (approximately six percent of the land in Essex County continues to contain *natural heritage features*) those areas that remain are relatively few in number. Accordingly, the protection of all *natural heritage features* and the consideration of priority and secondary restoration opportunity areas will enhance the ecological form and function of the County’s *natural heritage system*.

Lands identified as Provincially *significant wetlands*, *significant* habitat of *endangered* and *threatened species*, lands designated in local Official Plans for natural heritage protection, and other high priority existing *natural heritage features* meeting 5 of the 11 criteria in the County of Essex Natural Heritage System Strategy shall be designated as “Natural Environment” in this Plan as identified on Schedule “A1” and further detailed in Schedule “B1”. These lands shall also be identified in a comparable designation in local Official Plans and Zoning By-laws.

Existing Secondary Priority *natural heritage features* that meet between 1 to 4 of the 11 criteria in the Essex Region Natural Heritage System Strategy shall be identified in an overlay designation on Schedule “B2” of this Plan. Land uses follow the underlying designation; however, specific policies apply to these lands when subject to *development* review of a Planning Act application. These existing features, such as *woodlands/woodlots*, *areas of natural and scientific interest*, *valleylands* and *wildlife habitat* have, at a minimum, local or regional significance and they should be identified in local Official Plans. The County encourages *local municipalities* to undertake Candidate Natural Heritage Studies to identify additional Provincially, regionally and locally *significant natural heritage features* and to incorporate those areas into their Official Plan and Zoning By-law.

Priority and Secondary restoration opportunity areas have been identified in an overlay designation on Schedule “B3” of this Plan. The intent of this overlay designation is to promote opportunities to enhance the County’s *natural heritage system* through policy, stewardship and education.

The goals and policies below are considered the minimum standards necessary to protect the County’s *natural heritage features* and *natural heritage system*. *Local municipalities* are encouraged to go beyond the policies contained within this Plan and Provincial Policy to preserve, protect and enhance the natural environment of Essex County.

3.4.2 Goals

The County encourages and supports the enhancement of the *natural heritage system*. The *natural heritage system* contains potential linkages and corridors as well as expansions to the core existing *natural heritage features*. Further information on the County's *natural heritage system* can be found in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

The following goals apply to the County's *natural heritage system*:

- a) To facilitate and support the preservation, protection and enhancement of existing *natural heritage features*.
- b) To recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction towards the location and establishment of the County's *natural heritage system* as per 2005 Provincial Policy 2.1.2.
- c) To establish the framework with which the County and *local municipalities* will incorporate comprehensive and innovative policies in local Official Plans in an attempt to work with private property owners toward preserving and enhancing natural features. The County encourages *local municipalities* to develop implementation mechanisms to protect high priority restoration opportunity areas (as outlined in the Essex Region Natural Heritage System Strategy). The most appropriate implementation mechanism is the local Official Plan and Zoning By-law; however, other mechanisms include, but are not limited to, voluntary landowner stewardship policies, financial programs, bonusing policies, and attaching conditions to *development* approvals.
- d) To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked *natural heritage system* connecting *wildlife habitat* areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.
- e) Support partnerships with local *Conservation Authorities*, *local municipalities*, and other partners, that result in plans to appropriately manage ecologically *sensitive* lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.
- f) The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the *natural heritage system*.

- g) To recognize that vegetated buffers along municipal drains enhances the *natural heritage system* and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act that includes vegetated buffers for new municipal drains and updates that are within the “Restoration Opportunities Overlay” Schedule “B3”.
- h) The County supports the creation of new or expanded linkages between *natural heritage features*, where feasible. Corridors link isolated *natural heritage features* or enhance existing linkages, improve or enhance the *ecological functions* of designated *natural heritage features*, and strengthen the overall *natural heritage system*. Corridors and linkage areas will be identified in consultation with the *Conservation Authorities*, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects.

3.4.3 Natural Environment Policies

The following policies apply to those lands designated as “Natural Environment” on Schedule “A1” as further detailed on Schedule “B1” of this Plan.

- a) *Development and site alteration* is not permitted on lands designated “Natural Environment”.

These lands include Provincially *significant wetlands* and *significant* habitat of *endangered species* and *threatened species*, lands designated in local Official Plans, and high priority existing *natural heritage features* that meet five out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. Lands designated “Natural Environment” may also contain *fish habitat*, *significant woodlands*, *areas of natural and scientific interest*, *significant wildlife habitat*, and *significant valleylands*.

- b) Permitted uses on lands designated “Natural Environment” shall be limited to passive recreational uses, and activities that create or maintain *infrastructure* authorized under an environmental assessment process or work subject to the Drainage Act.
- c) Nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on lands within the “Natural Environment” designation as well as lands designated “Agricultural” and that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*. However, the construction of greenhouses and other agricultural buildings within areas designated “Natural Environment” is prohibited.

- d) Some natural environment areas may contain features and/or functions that result in the area meeting the qualifications of more than one of the classifications in Table 3. In those instances where an area qualifies as being in more than one of the classifications, the environmental impact assessment that requires the higher level of detail shall be required and the larger *adjacent lands* setback shall apply.
- e) The *significant* habitat of *endangered species* and *threatened species* is not shown on the Land Use Schedules; however, it can occur in *natural heritage features and areas* mapped on the Official Plan Schedules.

Species at Risk are identified as extirpated, *endangered*, *threatened* or species of special concern on the Species at Risk in Ontario List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNR is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement, 2005 (PPS). For the purposes of the PPS, MNR is responsible for approving the delineation of *significant* habitat of *endangered species* and *threatened species*.

Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of *endangered species* and *threatened species*.

The *significant* habitat of *endangered species* and *threatened species* will be based on a consideration of the following:

- i) Assessments reviewed and approved by the Ministry of Natural Resources regarding the extent of the species' habitat;
- ii) Habitats or areas delineated by MNR and/ or regulated under the ESA; and,
- iii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

3.4.4 Natural Environment Overlay Policies

The following policies apply to those lands identified as "Natural Environment Overlay" on Schedule "B2" of this Plan.

- a) *Development and site alteration* is not permitted on lands within the “Natural Environment Overlay” unless it has been demonstrated to the satisfaction of the approval authority and/or the *local municipality*, in consultation with the relevant *Conservation Authority*, that there will be no *negative impacts* on the natural features or their *ecological functions*.

These lands may be *adjacent* to lands designated “Natural Environment” and/or may contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, significant valleylands*, and secondary priority existing natural features that meet 1 to 4 of the 11 *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

Adjacent lands are defined as generally those lands within 120 metres of the “Natural Environment” designation and “Natural Environment Overlay”. Assessment of *negative impact* is to be determined by conducting an environmental impact assessment in accordance with Appendix Three to this Plan which will be required prior to consideration of any Planning Act application.

- b) Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.
- c) The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.
- d) Harrow Site Esker ANSI

Earth science features are the physical elements of the natural landscape created by geological processes. These features are classed into geological themes and the best representative sites, not occurring in Provincial Parks, are considered Provincially *significant areas of natural and scientific interest* (ANSI). The Harrow Site Esker ANSI occurs in Lot 11, Concession II and Lot 14, Gore Concession and contains ill-defined esker-like ridges. The exact relationships of these features are not fully known; however, they may represent the oldest in Ontario. Earth ANSI’s are generally less sensitive to disturbance than Life ANSI’s. *Ecological functions* do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features for which the area was identified. The approval authority will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.

3.4.5 Restoration Opportunity Overlay Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule “B3” to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The “Restoration Opportunities Overlay” applies to lands that do not contain existing *natural heritage features*; however, they have been identified as potential areas to enhance the fragmented system in the County.

- a) Prior to the approval of any local Official Plans, Official Plan amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for *infrastructure*, an Environmental Impact Assessment shall be undertaken that evaluates the following:
 - i) Opportunities to restore and enhance the *natural heritage features* in the area, including the establishment of linkages.
 - ii) The incorporation of Low Impact Development elements into the project.
 - iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
 - iv) Opportunities to set aside strategic areas for restoration and enhancement.
 - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area’s *natural heritage system*.
 - vi) Public acquisition.
 - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the “Restoration Opportunities Overlay” as shown on Schedule “B3” of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the *natural heritage system*.

3.4.6 General Policies

The following general policies apply to those lands designated as “Natural Environment” on Schedule “A1” of this Plan as well as areas designated “Agricultural” and “Settlement Areas” and that have *significant natural heritage*

features or are *adjacent* to areas containing *significant natural heritage features* as shown on Schedules “B1” and “B2”.

a) Environmental Impact Assessments

- i) The purpose of an environmental impact assessment is to:
 - i. collect and evaluate information to provide a more complete understanding of the boundaries, attributes and functions of *natural heritage features* and associated ecological and hydrological functions that exist;
 - ii. determine whether there are any additional *natural heritage features* on the lands and *adjacent lands*; and,
 - iii. make an informed decision as to whether the proposed *development* and/or *site alteration* will have an impact on the *natural heritage features* and ecological and hydrological functions.
- ii) The preparation of all environmental impact assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The environmental impact assessment is to be prepared in accordance with the guidelines in Appendix 3 of this Plan and on the basis of the natural features or the *ecological function* for which the area has been identified in Table 3 and the Schedules to this Plan. For example, if this Plan identifies a site as an ANSI or a *significant woodland*, the environmental impact assessment shall be prepared on the basis of that environmental classification.
- iii) When conducting the environmental impact assessment, the environmental professional must acknowledge in the report any new information, such as findings of rare or *significant* species not previously known to exist on the site, and the impact which may result from any proposed *development*. The County, *local municipality* and/or other approval authority shall have regard to such new information in its decisions regarding planning applications. If, based on the new information, the approval authority, in consultation with the relevant *Conservation Authority*, concludes that the “Natural Environment” classification should be altered, this Official Plan and/or the local Official Plan depending on the significance of the change and its impact on the ability of the County to meet the goals of this Plan, will require amendment to implement the change.
- iv) Before *development* is approved in the area subject to the environmental impact assessment, the environmental impact

assessment shall demonstrate that the relevant policies of this Plan and the local Official Plan are met. The environmental impact assessment should also demonstrate that the *development* and *site alteration* will not have an impact on *significant natural heritage features* and related *ecological functions*.

- v) Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no *negative impacts* on the natural features or their *ecological functions*.
- vi) A site inspection may be needed where there is insufficient natural heritage data to determine whether an environmental impact assessment is triggered. The purpose of the site inspection is to identify potential *significant natural heritage features* and areas that may require further study and evaluation. Once the significance is determined, the appropriate policies of this Plan apply.
- vii) If a site is identified as having a higher or lower classification by the Province or relevant *Conservation Authority*, or by a *local municipality* through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as “Natural Environment” on Schedule “A1” of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with *natural heritage features* and/or functions.
- viii) Removal of a *natural heritage feature* for the purpose of lowering the “Natural Environment” classification in this Plan and/or otherwise affecting the Environmental Impact Assessment, will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the Environmental Impact Assessment.
- ix) In areas other than those designated “Natural Environment” on Schedule “A1” of this Plan, altering the state of the *natural heritage features* as a result of conducting permitted uses, i.e., clearing lands for *agricultural uses*, will not be considered negatively by the approval authority. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April

2000 and 2010 aerial photography as one of the tools to establish the alteration in relation to the enlargement or retraction of a feature.

- x) The extent and diversity of *natural heritage features* in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. *Local municipalities* are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.
- b) In addition to the above policies, *local municipalities* are also encouraged to undertake the following in consultation with the relevant *Conservation Authority*:
 - i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.
 - ii) Establish goals and strategies to increase the amount of *natural heritage area*. One way to achieve this is to have a “State of the Environment Report” prepared and presented to Council on a regular basis.
 - iii) Require that when considering *development* proposals, the approval authority may require the land owner to enter into an agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a *development* approval, the use of a variety of indigenous species of vegetation is encouraged.
- c) To recognize woodlots as viable components of farming operations.
- d) On lands designated “Agricultural” that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*, the construction of greenhouses and other agricultural buildings is strongly discouraged. In most instances the construction of greenhouses and large agricultural buildings within such areas will have *negative impact* and therefore would not be permitted. Other locations on the farm can be used for such purposes.

- e) The participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts, the Managed Forest Tax Incentive Program and the Conservation Land Tax Incentive Program will be encouraged.
- f) The natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by a *Conservation Authority* or any other conservation group or agency.
- g) The County will encourage the development of policies and programs to support *local municipalities* and partners to protect and enhance *natural heritage features* and *natural heritage systems*.
- h) During the preparation of local Official Plans, the County encourages additional refinement of the *natural heritage system* and the implementation of tools to enhance the system such as more detailed land use designations, overlay designations, promotion of stewardship and voluntary landowner actions.

The modifications may be part of the statutory review process although it is the policy of this Plan that local plans should be brought into conformity with the County Official Plan within two years of its approval date. In the event of a conflict between the policies of a local Official Plan and the policies of this Plan in the interim period, the policies of the County Official Plan shall prevail to the extent of that conflict, unless the proposal involves lands already designated in the local Plan to permit the proposed *development*. Any amendment to a local Official Plan must be in conformity with the policy direction contained within this Plan.

Nothing in this Plan shall prevent the *local municipalities* from adopting more restrictive policies or standards than those outlined herein.

The County encourages local Official Plans to contain policies promoting meaningful First Nations consultation.

4.5 DEVELOPMENT CHARGES

The County will explore the establishment of a Development Charges By-law in order to finance growth related costs associated with the road network and contributing to the development of the *Active Transportation System* as depicted on Schedule "D2" of this Plan.

4.6 LOT CREATION

The County is the approval authority for plans of subdivision/condominium, condominium conversions and part lot control exemption by-laws. Applications for consent to sever will continue to be the County delegated responsibility of *local municipalities*. When considering the appropriateness of future applications, the following policies shall be considered.

4.6.1 Plans Of Subdivision/Condominium

The plan of subdivision process is required for lot creation where four or more new lots result from the application or where a service extension is required except where lot frontages for the new lots currently exist on a public road. Notwithstanding, in existing registered plans of subdivision, relotting can occur through the use of deeming by-laws in conjunction with the consent process.

It shall be the policy of the County to approve only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the County, can be supplied with adequate public utilities, power transmission and street lighting, and services such as water supply, sanitary sewage treatment and transmission and storm drainage facilities as required by this Plan. The County shall approve only those plans of subdivision or condominium which comply with the provisions of this Plan and the local municipal Official Plan.

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

4.6.2 Condominium Conversions

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

4.6.3 Part Lot Control Exemption By-Laws

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

4.6.4 Consent To Sever

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

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

4.7 SITE PLAN CONTROL

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

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

4.8 MUNICIPAL PLAN (ONE WINDOW) REVIEW

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

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

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

4.9 PUBLIC, FIRST NATIONS & METIS CONSULTATION

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

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

Appendix D

Town of Lakeshore – Official Plan Policies

2.3 Planning Objectives & Strategies

The Community Strategic Plan identifies six Planning Objectives that have a relationship to land use planning and frame this Official Plan. From those Planning Objectives, there are a number of specific strategies that were used to derive the planning framework and specific policies of this Plan.

The six Planning Objectives will ensure that the Town of Lakeshore:

- ***is economically progressive and successful (Economy);***
- ***is on the move (Transportation);***
- ***has character and sense of place (Community);***
- ***is responsible, accountable and influential (Administration);***
- ***is well served and well equipped (Servicing and Facilities); and***
- ***is naturally inviting and environmentally aware (Environment).***

2.3.1 ***Is Economically Progressive and Successful (Economy)***

“Lakeshore will ensure that our Town is economically progressive and successful.”

Balanced and diverse economic growth is required to ensure the long-term sustainability of the Town. The Official Plan will promote diverse employment and commercial activities and economic development through the following strategies:

- a) Maintain/strengthen the Town’s commercial structure in the form of Primary Nodes, and Mixed Use Nodes. Primary Nodes are envisaged as higher intensity, mixed use nodes which accommodate a range of community services, residential and higher order commercial uses. Mixed Use Nodes are envisaged as major concentrations of residential uses, community uses, commercial and business uses serving the Town and the region;
- b) Ensure the viability and long-term health of the Town’s main streets, such as County Road 22, Notre Dame Street in Belle River, Main Street in Comber, Tecumseh Road in Stoney Point, and Belle River Road in North/South Woodslee;
- c) Use the economic development opportunities associated with the Highway 401 exposure;
- d) Promote balanced and diversified economic opportunities;
- e) Promote value-added agricultural industries to ensure the viability of agricultural operations;
- f) Promote sustainable energy consumption and green technologies through energy conservation, building design, and other means;

- g) Direct employment and commercial growth to appropriate locations which provide sufficient existing and planned infrastructure;
- h) Promote the Town as a tourist and recreational destination. Support the preparation of a tourism strategy to investigate opportunities for accommodation development, in addition to opportunities for special events programming;
- i) Promote local and regional economic development opportunities, through the coordination of economic activities among municipalities, agencies, landowners and local groups; and
- j) Promote the interconnectedness of the Town's multiple communities through innovative and leading-edge telecommunications infrastructure.
- k) Strongly encourage the County to develop a County-wide Employment Lands Strategy, as part of the County's five-year review of the County Official Plan, to provide a plan and policies for the development of a regional serving Employment Area within the Highway 401 corridor, in the Town of Lakeshore; and
- l) Promote orderly growth through the implementation of appropriate development phasing policies to address the cyclical nature of the local, regional and provincial economies in order to allow the Town to appropriately respond to changing market demands.

2.3.2 *Is On the Move (Transportation)*

“Lakeshore will ensure that our Town is on the move.” Well connected and efficient multi-modal transportation choices are important to connect the Town's communities and services, and facilitate the movement of people and goods. The Official Plan will promote the creation of an efficient multi-modal transportation system through the following strategies:

- a) Promote efficient and reliable modes of transportation;
- b) Promote sustainable development that supports public transit and is oriented to pedestrians;
- c) Promote transit connections within Lakeshore and the County, including a VIA rail station in Belle River, transit connections to the City of Windsor and transit links between Primary Nodes and the various communities;
- d) Improve the movement of goods and people, including improvements to County Roads 22 and 42, and improved connectivity between residential communities;
- e) Strongly encourage the County to develop a regional plan and policy directing heavy industrial uses, manufacturing and logistics to Highway 401 locations to avoid land use

conflicts and take advantage of the inter-regional attributes and international border crossings accessed from Highway 401;

- f) Provide a framework for consistent road classifications and development standards; and
- g) Improve and promote a connected trails and pathways system through appropriate land acquisition and securement strategies.

2.3.3 Has Character and a Sense of Place (Community)

“Lakeshore will ensure that our Town has character and a sense of place.” Growth must be managed appropriately to create a sense of place and overall community belonging while maintaining and enhancing unique community characteristics. The Town of Lakeshore will promote improved quality of life for Lakeshore residents by making the Town a desirable place to live, work and enjoy recreational opportunities. The Official Plan will enhance the Town’s character and sense of place through the following strategies:

- a) Promote community identity and preserve unique community characteristics;
- b) Provide appropriate community services and amenities;
- c) Establish a new Primary Node with a unique mix of amenities and experiences;
- d) Promote public access to the waterfront and enhanced recreational opportunities;
- e) Protect agricultural lands for a variety of agriculture and agriculture-related activities and limit non-agriculture related uses within agricultural areas;
- f) Promote the preservation of cultural and heritage features;
- g) Support the reinvestment in and rehabilitation of communities through the use of Community Improvement Plans; and
- h) Promote good community design appropriate to the local character.

2.3.4 Is Responsible, Accountable and Influential (Administration)

“Lakeshore will ensure that our Town is responsible, accountable and influential.” The Official Plan will provide a consistent planning framework and shared governance structure across the Town to ensure equitable and accountable planning decisions. The Official Plan will ensure that the Town is responsible, accountable and influential through the following strategies:

- a) Provide a consistent and equitable land use planning framework across the entire Town;

- xi) the proposed expansion will not negatively impact cultural heritage resources.

3.3.8.1 Lakeshore West Mixed Use Node

The Lakeshore West Mixed Use Node is conceptually identified near the intersection of County Road 22 and Manning Road. The Lakeshore West Mixed Use Node is envisaged as a major concentration of commercial, retail, office and entertainment uses serving the Town and region. The node will also function as a gateway to the Town and create a sense of community identity.

The following additional specific policies will apply to the Lakeshore West Mixed Use Node:

- a) The location of the Lakeshore West Mixed Use Node is conceptually illustrated on Schedule “A” and defined by the Mixed Use site-specific Designation in Section 6.9.3.1 as illustrated on Schedule “C”. The Lakeshore West Mixed Use Node will primarily accommodate a major concentration of commercial, retail, office and entertainment uses serving the Town and the region, subject to the land use policies of Section 6.9. This may include a range and mix of commercial and retail uses including Large Format Retail, restaurants, entertainment uses, and professional offices.
- b) The expansion of the Lakeshore West Mixed Use Node on lands within the Lakeshore West/Manning Road Special Planning Area will only be considered through the preparation of a Secondary Plan for the Planning Area in accordance with the policies of Section 3.4.5.
- c) The development of the Lakeshore West Mixed Use Node will reflect the existing character and function of the area.
- d) The Lakeshore West Mixed Use Node will provide a gateway to the Town and create a sense of community identity through the implementation of the community design policies of Section 4.2.1 of this Plan, at the time of development approval.

3.3.9 County Road 22 Mixed Use Corridor

Country Road 22 is envisaged as a higher intensity mixed use corridor extending across the Maidstone and Belle River Urban Areas. The Mixed Use Corridor provides a strategic corridor and connection between the Belle River Historic Downtown, the proposed Wallace Woods New Primary Node, and the Lakeshore West Mixed Use Node. Growth within the corridor will occur through infilling, intensification and redevelopment and the development of vacant and/or underutilized lands.

The following policies will apply to the County Road 22 Mixed Use Corridor:

- a) The County Road 22 Mixed Use Corridor is conceptually illustrated on Schedule “A”. The County Road 22 Mixed Use Corridor is intended to accommodate a mix of commercial, retail and residential uses.

- b) The County Road 22 Mixed Use Corridor is identified as a Special Planning Area and the preparation of a Corridor Study may be undertaken to address land use and transportation issues, as outlined in Section 3.4.
- c) Where lands within the County Road 22 Corridor are identified as a Primary Node, the policies of Section 3.3.6 will apply.
- d) Where lands within the County Road 22 Corridor are identified as a Mixed Use Node, the policies of Section 3.3.8 will apply.
- e) The Town will encourage infill, intensification and redevelopment and the development of vacant and/or underutilized lands.
- f) The Town will encourage medium density residential uses and mixed use buildings in a variety of built forms.
- g) Subject to the approval of the County, and in consultation with the Town, direct access to the corridor will be limited in favour of shared/consolidated access points.
- h) The Town will promote future public transit opportunities along the corridor by encouraging transit supportive densities, transit supportive land uses and transit supportive site design. The Town will pursue opportunities for a local and regional public transit system with neighbouring municipalities, the County and transit providers.
- i) The Town will ensure appropriate land use and built form compatibility between adjacent uses through transitions in building heights, massing, siting, landscaping and buffering measures.
- j) The Town will ensure a high quality of urban design along the corridor which may include special boulevard treatments, streetscaping, plantings, signage controls and the provision of street furniture, in consultation with the County as appropriate and necessary.
- k) The Town will work with the Business Improvement Association in Belle River to evaluate extending the boundaries of the Central Area Designation to match the boundaries of the Business Improvement Area in Belle River.

4.2 Built Environment

4.2.1 Community Design

Safe and attractive neighbourhoods contribute to the overall community health of the Town. Community design is essential for creating a physical environment where people have the appropriate places to interact, live, work, recreate and learn. The policies of this Section relate to the built form and physical design of communities.

Excellence in community design will be promoted through the review of new development applications in the Town, including plans of subdivision, infill development proposals, site plans and through community improvement.

The following will be the policy of the Town:

- a) The Town will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form.
- b) Through the review of development applications, including plans of subdivision, site plans and other development proposals, the Town:
 - i) will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Town;
 - ii) will promote efficient and cost-effective development design patterns that minimize land consumption;
 - iii) will promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;
 - iv) will encourage tree retention or tree replacement;
 - v) will encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighbourhood structure; and
 - vi) may require, at the Town's sole discretion, that proponents submit design guidelines with development applications establishing how the policies of this Plan have been considered and addressed. Such guidelines may also be required to address related issues of residential streetscaping, landscaping, setbacks, signage, garage placement, and architectural treatment.
- c) Measures will be taken to ensure that the permitted uses address compatibility with adjacent land uses. Adequate separation buffering or screening will be provided between any uses where land use conflicts might be expected, such as the provision of grass strips and appropriate planting of trees and shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also represent appropriate buffering measures.

- d) Wherever possible, new development will be oriented toward streets or parks. Development design that establishes reverse lotting on Town roads or requires features such as noise attenuation or privacy fencing will generally be discouraged. However, reverse-lotting may be permitted along Urban Residential Collector Roads, Urban Industrial Collector Roads, Urban Arterial Roads, Rural Regional Roads and Rural Secondary Roads at the discretion of the Town and subject to the provision of uniform noise attenuation or privacy fencing and a suitable maintenance program to the satisfaction of the Town.
- e) The Town will require that infill developments be compatibly scaled and designed to enhance the character of the area.
- f) Streetscaping that reflects the intended character of the Settlement Area will be encouraged. In particular, contextually appropriate streetscaping in the Primary Nodes, Secondary Nodes and, Mixed Use Corridor will be encouraged.
- g) The Town, in consultation with a development proponent(s) and the local Heritage Committee, will define a style of street furnishing that should include shared and accessible bicycle racks, garbage receptacles, benches and street lamps to be used in a new development.
- h) A high quality of architecture and site design for institutional uses such as schools, places of worship, community centres, libraries and other public service buildings will be encouraged.
- i) A high quality of park and open space design will be strongly encouraged. The land for parkland dedication will be carefully selected to facilitate their use as a central focal point for new or existing neighbourhoods.
- j) Public art in the Town will generally be encouraged to incorporate themes supporting and promoting local history, civic pride, businesses and technology. The provision of public art in Primary Nodes will be encouraged, particularly with larger development proposals. The Town may consider granting increases in height or density for a particular development proposal in exchange for the provision of public art, in accordance with Section 8.3.2.4.
- k) The Town will promote the integration and accessibility of community uses including schools, municipal facilities, institutional uses, parks and open spaces and recreational uses through pedestrian, cycling and trail linkages. The Town will require the provision of certain pedestrian, cycling and trail linkages through the development approvals process, in accordance with the policies of this Plan and associated master plans as approved by Council.
- l) The Town may undertake the preparation of urban design guidelines to achieve the policies of this Section for all or parts of the Town, particularly Primary Nodes, Secondary Nodes, Mixed Use Nodes, Special Planning Areas, and the County Road 22 Mixed Use Corridor.

- m) The Town will encourage development design that considers the principles of Crime Prevention Through Environmental Design (CPTED). Specifically, the Town will encourage proponents of new development to situate buildings on lots to maximize natural surveillance and to use appropriate lighting to deter crime.
- n) The Town will consider locating utilities within the public rights of way as well as on private property. Utilities will be clustered or grouped where possible to minimize visual impact. The Town encourages utility providers to consider innovative methods of containing utility services on, or within streetscape features such as gateways, lamp posts, transit shelters, etc., when determining appropriate locations for large utility equipment and utility cluster sites.
- o) The Town will review the design and layout of parking areas in accordance with the Town's parking guidelines.
- p) An Urban Design Study, as required in several sections of this Plan, will consider the community design policies of Section 4.2.1.

4.2.2 Community Improvement

The Community Improvement provisions of the *Planning Act* give the Town a range of tools to proactively stimulate community improvement, rehabilitation and revitalization. In designated Community Improvement Project Areas, the preparation of Community Improvement Plans will provide the Town of Lakeshore with various powers to maintain and promote attractive and safe living and working environments through community improvement. This includes the authority to offer incentives to stimulate or leverage private and/or public sector investment.

- a) It will be the policy of the Town that community improvement will be accomplished through the:
 - i) ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings and social, community or recreational services, land use conflicts, deficient municipal hard services, or economic instability;
 - ii) establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs;
 - iii) designation by by-law of Community Improvement Project Areas, the boundaries of which may be the entire Town, or any part of the Town; and
 - iv) preparation, adoption and implementation of Community Improvement Plans, pursuant to the *Planning Act*.
- b) The designation of Community Improvement Project Areas will be based on one or more of the following conditions being present:

- i) buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;
 - ii) brownfield or derelict properties in need of remediation and redevelopment;
 - iii) non-conforming, conflicting, encroaching or incompatible land uses or activities;
 - iv) deficiencies in physical infrastructure including, but not limited to, the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes, and/or street lighting;
 - v) poor road access and/or traffic circulation;
 - vi) deficiencies in community and social services including, but not limited to, public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
 - vii) inadequate mix of housing types;
 - viii) known or perceived environmental contamination;
 - ix) poor overall visual quality, including but not limited to, streetscapes and urban design;
 - x) high commercial vacancy rates;
 - xi) shortage of land to accommodate widening of existing rights-of-ways, building expansions, parking and/or loading facilities;
 - xii) other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings;
 - xiii) any other environmental, social or community economic development reasons.
- c) Community Improvement Plans will be prepared and adopted to:
- i) encourage the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;
 - ii) encourage the remediation and redevelopment of brownfield or derelict properties and/or buildings;
 - iii) encourage residential and other types of infill and intensification;
 - iv) upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
 - v) encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings;
 - vi) encourage the construction of a range of housing types and the construction of affordable housing;
 - vii) improve traffic circulation within the Community Improvement Project Areas;
 - viii) encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
 - ix) promote the ongoing viability and revitalization of the downtowns and main streets in the Primary and Secondary Nodes as the focus of pedestrian-oriented retail, civic, cultural, entertainment and government uses;
 - x) promote sustainable development and energy efficiency;
 - xi) improve environmental conditions;
 - xii) improve social conditions;

- xiii) promote cultural development;
 - xiv) facilitate and promote community economic development; and
 - xv) improve community quality, safety and stability.
- d) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans will be given to those areas where:
- i) the greatest number of conditions (as established in Subsection b)) are present; and/or
 - ii) one or more of the conditions (as established in Subsection b)) are particularly acute; and/or
 - iii) one or more of the conditions (as established in Subsection b)) exist across the Municipality.
- e) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the Town may undertake a range of actions, including:
- i) the municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent:
 - clearance, grading, or environmental remediation of these properties;
 - repair, rehabilitation, construction or improvement of these properties;
 - sale, lease, or other disposition of these properties to any person or governmental authority; and
 - other preparation of land or buildings for community improvement.
 - ii) provision of public funds such as grants, loans and other financial instruments;
 - iii) application for financial assistance from senior level government programs;
 - iv) participation in any senior level government programs that provide assistance to private landowners for the purposes of community improvement;
 - v) provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
 - vi) supporting heritage conservation through the *Ontario Heritage Act* and the Heritage Committee;
 - vii) supporting the efforts of the Chambers of Commerce and Business Improvement Associations to revitalize the downtowns and main streets in the Primary and Secondary Nodes, through the implementation of various programs; and
 - viii) encouraging off-street parking and providing municipal parking facilities where feasible and appropriate.
- f) All developments participating in programs and activities contained within Community Improvement Plans will conform with the policies contained in this Plan, the Zoning-By-law, Property Standards By-laws, and all other related municipal policies and by-laws.
- g) The Town will be satisfied that its participation in community improvement activities will be within the financial capabilities of the Town.

- iii) the integrity and present condition of the heritage resource; and
- iv) the natural and built environmental condition of the site.

- c) The Town may also seek the advice of local historical societies and genealogical societies in addressing cultural heritage matters.

4.2.3.3 Heritage Properties or Districts

The Town may choose to designate certain properties or districts under the *Ontario Heritage Act*. The following will be the policy of the Town:

- a) The Town may utilize the *Ontario Heritage Act* to conserve, protect and enhance the cultural heritage resources of the Town through the designation of individual properties, heritage conservation districts containing significant cultural heritage landscape characteristics and archaeological sites.
- b) The Town may pass by-laws providing for the making of a grant or loan to the owner of a property designated under the *Ontario Heritage Act* for the purpose of paying for the whole or any part of the cost of maintenance, preservation, restoration or alteration of such designated property, on such terms and conditions as Council may prescribe.
- c) The Town may choose to designate a Heritage Conservation District or Districts. Council may pass a by-law defining an area to be examined for future designation as such a district, or may prepare a study for the area to determine the feasibility and appropriateness of such a designation. Such a study should be prepared in accordance with the Province's Heritage Conservation District Guidelines. The Town may prepare District Planning Guidelines, which may include policies to advise Council as to the approval of applications for new development and building alterations on properties located within a Heritage Conservation District.
- d) The preservation of cultural landscapes in the rural area such as hedgerows, stone fences or tree lines are encouraged.

4.2.3.4 Archaeological Resources

The Town recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the Town.

The following will be the policy of the Town:

- a) Areas of archaeological potential will be determined through the use of Provincial screening criteria, or criteria based on known archaeological records with the Town and developed by a licensed archaeologist.
- b) For a proposed development within an area of archaeological potential, an archaeological assessment will be required prior to final planning approval, or as a condition of final planning approval. Archaeological assessment reports conducted by

licensed archaeologists will be in compliance with guidelines set out by the Ministry of Culture, as well as licensing requirements developed under the *Ontario Heritage Act*.

- c) Where archaeological resources are identified, the Town recognizes that there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources as a result of development proposals. The Town may consider archaeological preservation on site to ensure that the integrity of the resource is maintained. The Town may also maintain the integrity of archaeological resources by enacting a Zoning By-law to prohibit incompatible land uses and/or the erection of buildings or structures on land that is a site of a significant archaeological resource.
- d) The Town, on the advice of the Ministry of Culture, may undertake the preparation of an Archaeological Master Plan for all or a portion of the Town. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Town having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.
- e) The Town will ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Government Services, when an identified, marked or unmarked cemetery is impacted by development. The provisions of the *Ontario Heritage Act* and the *Cemeteries Act* will apply.

~~4.2.3.5 Development Policies~~

~~The following will be the policy of the Town when considering development applications which will have an impact on cultural heritage resources:~~

- ~~a) New development and redevelopment will have regard for heritage resources and will, wherever feasible, incorporate these resources into any plan that may be prepared for such new development or re-development within the Town.~~
- ~~b) The Town will encourage the conservation and protection of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources through conditions of consent and subdivision approval and agreements.~~
- ~~c) In areas considered to be of architectural or historical value, the Town will encourage the preservation of the architectural or historical buildings or sites to be included in proposals for redevelopment, intensification or infill.~~
- ~~d) The Town may consider amendments to the Zoning By-law, including increased density provisions, which would facilitate the restoration of a historical facility.~~
- ~~e) The Town will, when appropriate for specific development proposals, consider excluding designated heritage resources from the parking requirements of the Zoning By-law to facilitate the retention of heritage resources.~~

- c) The distribution of forecasted population growth over the planning horizon will generally be in accordance with Table 4.1.

Table 4.1 – Population Forecast by Growth Area

Growth Area	2031
Combination of Maldstone and Belle River	34,985
Waterfront Residential Area	5,470
Stoney Point	3,370
Lighthouse Cove	1,980
Rochester Place/Deerbrook and St. Joachim	1,720
Comber	1,195
North/South Woodslee	1,025
Urban Fringe Area	650
Sub-Total Urban	50,385
Agricultural Area/Small Hamlets	8,710
Total Forecast Population Growth	59,095

Note: Numbers may not add up precisely due to rounding

- d) The Town will ensure that a full range of housing types and densities are provided to meet the anticipated demand and demographic change. All forms of housing required to meet the social, health and well-being of current and future residents, including those with special needs will be encouraged.

4.3.1.2 Residential Intensification

The intensification of urban residential development reduces the need to use vacant designated land on the periphery of the Urban Areas. It also reduces the need for urban expansions encroaching into the Agricultural Area. Urban residential intensification, infilling and redevelopment of existing areas allows for the efficient provision of urban services, thereby helping to minimize the costs of providing services while meeting an important component of the Town's housing needs.

The following will be the policy of the Town:

- a) Housing will, in part, be provided through urban residential intensification, which may include any of the following:
- i) small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;
 - ii) infill development and residential development of vacant land or underutilized land in existing neighbourhoods; and/or
 - iii) redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a high density or the

replacement of non-residential uses with compatible residential or mixed use development with a residential component.

- b) The Town may undertake a residential intensification study to determine what percentage of residential growth will be targeted through infill, intensification and redevelopment of Urban Areas. The study will assess the potential for increasing the housing supply within the existing designated Urban Areas. The study would investigate matters such as potential land use conflicts, development standards for intensification, availability of vacant land for infill development, adequacy of municipal services, condition of the housing stock and significant physical constraints.
- c) The Town will consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:
 - i) the development proposal is within an Urban Area, and is appropriately suited for intensification in the context of the community;
 - ii) the existing water and sanitary sewer services can accommodate the additional development;
 - iii) the road network can accommodate the traffic generated;
 - iv) the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
 - v) the proposed development is consistent with the policies of the appropriate land use designation associated with the land.
- d) The Town will monitor intensification activity and, through the development approvals and building permitting process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. Land use compatibility and urban design assessments may be required as a component of the planning rationale report accompanying development applications, as outlined under Section 8.3.1 of this Plan.
- e) Small scale intensification will be permitted in all areas designated for urban residential use, except where infrastructure is inadequate or there are significant physical constraints.
- f) The Town will support appropriate urban residential infill and intensification proposals in Community Improvement Project Areas, provided the proposal conforms to the policies of this Plan and the applicable Community Improvement Plan.
- g) The Town recognizes that Urban Areas are not static, and will support appropriate redevelopment, infill and intensification proposals that:
 - i) respect and reinforce the existing physical character of the buildings, streetscapes and open space areas;
 - ii) is compatible with the surrounding development;

- iii) provide heights, massing and scale appropriate to the site and compatible with adjacent lands;
 - iv) provides adequate privacy, sunlight and sky views for existing and new residents; and
 - v) screens loading and service areas.
- h) The Town will work with the County of Essex in identifying opportunities and targets for intensification, infill and redevelopment, and the Plan will be amended to incorporate such targets.

4.3.1.3 Affordable Housing

- a) The provision of housing that is affordable and accessible to low and moderate income households will be a priority. 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.
- b) The Town will encourage the provision of affordable housing through:
 - i) supporting increased residential densities in appropriate locations and a full range of housing types, adequate land supply, redevelopment and residential intensification, where practical;
 - ii) the timely provision of infrastructure in the Urban Areas;
 - iii) supporting the reduction of housing costs by streamlining the development approvals process;
 - iv) negotiating agreements with the public and private sectors to address the provision of affordably priced housing through the draft plan of subdivision and condominium approval process;
 - v) considering innovative and alternative residential development standards that facilitate affordable housing and more compact development form; and
 - vi) possibly developing a Municipal Housing Strategy with annual housing targets, mixes of housing types, affordability thresholds and related data.
- c) The Town may adopt a Municipal Housing Facilities By-law to develop affordable housing as a “community facility” under the *Municipal Act*. In an effort to facilitate affordable housing the Town may:
 - i) enter into capital facility agreements and/or partnerships with both private and non-profit organizations for affordable housing;
 - ii) use available grants and loans, including tax-equivalent grants or loans to encourage the construction of affordable housing; and
 - iii) enter into public/private partnerships for the provision of new affordable housing.
- d) The Town will encourage innovative and appropriate housing development that exhibits design and adaptability characteristics, and may represent non-traditional additions to the Town’s housing stock.

4.3.3.3 Parkland Dedication

The Town will secure the maximum benefit of the *Planning Act* with respect to land dedication for park development and will strive to meet the policies of Section 4.3.3 of this Plan relating to park development. The following policies will apply to parkland dedication:

- a) Parkland dedication will be calculated based on the total gross area of the land within the plan of subdivision and/or site plan.
- b) Where land is to be developed for residential purposes, the Town may require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the maximum of the following criteria or combination thereof:
 - i) five percent (5%) dedication of the gross area of the land proposed for development; and/or
 - ii) dedication at a rate of one hectare per 300 units.
- c) Where land is developed or redeveloped for industrial or commercial purposes, the Town may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the gross area of the land proposed for development.
- d) Where land in a draft plan of subdivision is to be used for any use other than residential, industrial or commercial purposes, the Town may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the gross area of the land proposed for development.
- e) The Town will only accept parkland dedication land resources under the following circumstances:
 - i) the lands meet the park and open space classification and hierarchy standards and provision requirements of Section 4.3.3;
 - ii) the lands effectively support the development of park and open space based facilities and amenities in accordance the Section 4.3.3; and
 - iii) the lands are not identified as hazard lands, significant woodlots, ravine lands, stormwater management ponds and related undevelopable lands.
- f) The Town may accept cash-in-lieu of the land dedication to be paid into a special account and used as specified in the *Planning Act*. The Town will consider cash-in-lieu of parkland dedication under the following circumstances:
 - i) where the required land dedication fails to provide an area of suitable shape, size or location for development as public parkland to meet the intended park and opens space requirements in accordance with Section 4.3.3;
 - ii) where the required dedication of land would render the remainder of the site unsuitable or impractical for development;
 - iii) the area is well served with park and open space lands and no additional parks and open spaces are required; and/or

5.2 Natural Heritage Features & Functions

Natural Heritage Features and areas are those lands identified as Provincially Significant Wetlands, Significant Habitat of Endangered Species and Threatened Species, and Other Natural Heritage Features and Functions, which include: Significant Woodlands, Environmentally Significant Areas, Significant Valleylands, fish habitat, locally significant wetlands, significant natural areas and wildlife habitat, and Areas of Natural and Scientific Interest.

The Town will work to conserve, restore and enhance Natural Heritage Features and functions, wherever possible. The Plan divides Natural Heritage Features into four categories:

- a) Provincially Significant Wetlands are identified by the Ministry of Natural Resources (MNR) as provincially significant features. Provincially Significant Wetlands are within the Natural Conservation Designation, described in Section 6.13 of this Plan and described in Section 5.2.1;
- b) The Significant Habitat of Endangered Species and Threatened Species, are described in Section 5.2.2;
- c) Fish Habitat, as described in Section 5.2.3; and
- d) Other Natural Heritage Features and functions include areas that are identified as significant natural heritage features and maintain their underlying land use designation. Other Natural Heritage Features and functions are described in Section 5.2.4.
- e) Subject to Provincial and Federal statutes, the policies of this Plan will not prevent the continuation of existing agricultural uses within or adjacent to Natural Heritage Features. New agricultural uses or the expansion of agricultural uses into Natural Heritage Features will not be permitted.

Delineation of certain Natural Heritage Features is based on data provided by the MNR, the Essex Region Conservation Authority and the Lower Thames Valley Conservation Authority. These features will be protected for the long-term and given due consideration in the development, redevelopment and alteration of land within the identified areas. The delineation of these features may be determined and/or refined through the preparation of a detailed Environmental Impact Assessment (EIA), as described in Section 5.2.5.

~~5.2.1 Provincially Significant Wetlands~~

~~Provincially Significant Wetlands (PSWs) are designated Natural Conservation on Schedule "C". PSWs are identified and delineated by the MNR. Schedule "B.2" delineates the PSWs and the lands approximately 120 metres adjacent to the PSWs. The contiguous lands adjacent to PSWs represent an area where it is likely that development or site alteration would have a negative impact on the feature or area. The following will be the policy of the Town:~~

~~until a wetland evaluation is completed by a qualified wetland evaluator to the satisfaction of the Ministry of Natural Resources. An Official Plan Amendment will be required to implement the findings of the wetland evaluation to reflect the appropriate classification and boundaries of the Natural Heritage Feature.~~

5.2.2 *Significant Habitat of Endangered Species & Threatened Species*

In accordance with common practices to protect the features from disturbance, the Significant Habitat of Endangered Species and Threatened Species are not illustrated on the schedules of this Plan. The following will be the policy of the Town:

- a) Significant Habitat of Endangered Species and Threatened Species are not illustrated on either Schedules "B" or "C", and will be defined based on data from Provincial and Federal authorities. The Ministry of Natural Resources approves the identification of Significant Habitat of Endangered Species or Threatened Species. The Town will refer to the Natural Heritage Information Centre database and, in consultation with the Province and the appropriate Conservation Authority, will determine where the policies of Section 5.2.2 will apply.
- b) Development and site alteration will not be permitted in the Significant Habitat of Endangered Species and Threatened Species.
- c) Development and site alteration will not be permitted on land adjacent to the Significant Habitat of Endangered Species and Threatened Species, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land will be defined as 120 metres. An Environmental Impact Assessment (EIA) in accordance with Section 5.2.5 will be required for all development proposals within 120 metres or abutting areas identified as being the Significant Habitat of Endangered Species and Threatened Species. Prior to considering development and/or site alteration on within 120 metres or abutting areas, the Town, in consultation with the Ministry of Natural Resources, will be satisfied that the EIA demonstrates that there will be no negative impacts on the habitat values upon which the species depend directly and indirectly, and any related ecological functions

~~5.2.3 *Fish Habitat*~~

~~The Town recognizes that the health of the aquatic environment is a fundamental indicator of the health of the overall ecosystem. Fish habitat protection and restoration opportunities throughout the Town are significant due to the number of subwatersheds which outlet into Lake St. Clair. Fish habitat restoration opportunities may be implemented through subwatershed studies, Secondary Plans, and on an individual lot basis. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*.~~

~~When considering impacts to fish habitat areas, the following will be the policy of the Town:~~

- e) The Town is committed to a program of replacing trees that must be removed from Town road allowances. The Ministry of Transportation is encouraged to enact a similar program along Provincial Highways.
- f) The Town will strive to create a transit-supportive, compact and walkable urban form consisting of mixed uses and efficient transportation networks, encouraging cycling and walking.

5.4.2.3 Noise, Vibration, Odour & Other Contaminants

Noise, vibration, odour and other contaminants resulting from industrial activity can impact adjacent land uses, and the residents, businesses and visitors of the Town. Managing noise, vibration and odour levels in the Town is important to ensuring the health and well-being of the Town, and in managing appropriate relationships between sensitive land uses, land uses that emit noise, vibration and/or odour, and certain elements of the transportation network.

The following will be the policy of the Town:

- a) New residential or other sensitive uses will not be located in noise sensitive areas unless noise abatement techniques are employed to reduce the noise to comply with the Ministry of the Environment sound level criteria/guidelines.
- b) New residential or other sensitive uses will not be permitted in any area where it is anticipated that noise, vibration, odour or other contaminants from vehicular traffic or from the nature of the use will exceed Ministry of the Environment sound level criteria and/or guidelines.
- c) Only those new commercial or employment uses that can meet the Ministry of the Environment's sound level criteria will be permitted.
- d) The development of new industrial/business park uses will have regard for the MOE guidelines respecting separation distances between industrial uses and sensitive uses. In locating any sensitive land use in the vicinity of any established or approved employment use, the Town will have regard for the relevant MOE guidelines.
- e) For any proposed development of a sensitive land use in proximity to a railway right-of-way, Provincial Highway, County Road and/or Town Road, a noise and vibration study may be required to be prepared by a proponent through a qualified acoustical consultant in accordance with the appropriate Provincial guideline to the satisfaction of the Town, and/or other jurisdiction prior to development approval. The recommendations of the approved noise and vibration report will be incorporated in the development agreement for implementation, as approved. The cost of noise and vibration studies and any other required supporting documentation will be borne by the proponent. Costs incurred by the Town in engaging peer review consultants to evaluate the proposal and supporting submissions will be reimbursed by the proponent.

- f) The Town will support initiatives of agencies to develop standards, regulations and procedures to prevent spillage of toxic materials. The Town will support agencies and firms in the development of appropriate methods and capability to deal with spills with due speed and diligence. Additional safety measures for the storage, transportation and use of toxic materials will be encouraged.
- g) Development proposals for uses that involve the storage or processing of hazardous materials must demonstrate, to the satisfaction of the Town, that they will comply with all relevant Provincial and/or Federal regulations.

~~5.4.2.4 Waste Disposal Sites~~

~~The location of new waste disposal sites and the expansion of existing waste disposal sites will require an amendment to this Plan. Development within proximity to waste disposal sites will be carefully regulated to minimize land use conflicts and the potential for any adverse impacts.~~

~~The following will be the policy of the Town:~~

- ~~a) Active and closed Waste Disposal Sites are identified on Schedule "B.3" to this Plan. Notwithstanding the general nature of the identification of Waste Disposal Sites in this Plan, new or expanding Waste Disposal Sites will proceed by way of a site-specific Official Plan Amendment, in accordance with Section 8.2.1 of this Plan, and subject to the relevant policies of this Plan. Prior to approval of the Official Plan Amendment, new Waste Disposal Sites or expansions, will obtain a Certificate of Approval from the Ministry of the Environment.~~
- ~~b) Development proposals within 500 metres of the perimeter of the fill areas of either an active or closed Waste Disposal Site will be accompanied by a study prepared by the proponent that satisfies the Town and the requirements of the MOE guidelines related to land uses on or near landfills and dumps. The study will address any mitigation measures required.~~
- ~~c) Redevelopment of closed Waste Disposal Sites may be permitted by way of Official Plan and Zoning By-law amendments, upon the Town consulting with the Ministry of the Environment and/or other appropriate jurisdictions, and subject to the following policies:
 - ~~i) written confirmation, and written approval if Section 46 of the *Environmental Protection Act* is applicable, has been received from the Ministry of the Environment or the Minister of the Environment (as applicable) and/or other appropriate jurisdiction, that the development satisfies the provisions of the *Environmental Protection Act*;~~
 - ~~ii) the studies required by the Town, and the Town and the Ministry of the Environment should Section 46 of the *Environmental Protection Act* apply, will be carried out to the satisfaction of the Town, and the Town and the Ministry of the Environment respectively should Section 46 of the *Environmental*~~~~

6.9 Mixed Use Designation

The Mixed Use Designation applies to lands within the Mixed Use Nodes, including the Lakeshore West Mixed Use Node, and certain lands with frontage along County Road 22, which are located within the County Road 22 Mixed Use Corridor. The Mixed Use Designation provides for a range of commercial and residential uses characteristic of a transit supportive and higher intensity mixed use corridor. The policies provide for a transition of density, height and built form to ensure land use compatibility with adjacent uses.

6.9.1 Permitted Uses

Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated Mixed Use Designation on Schedule "C".

- a) Low density residential uses may be permitted on an existing lot of record.
- b) Residential uses will be permitted provided that the uses do not negatively impact the planned function of the area and subject to the following provisions:
 - i) in a building of a commercial character, residential uses will only be permitted above the ground floor; and
 - ii) in a building of a residential character, either single detached or multiple dwelling, residential and/or commercial uses will be permitted, provided the residential character of the building is maintained.

For the purposes of this Policy, the residential or commercial character of a building may be determined in consultation with the Chief Building Official of the Town.

- c) Existing single detached dwellings may be converted to multiple dwelling units or to commercial buildings provided the external design of the building does not substantially change.
- d) Commercial uses such as business and professional offices, eating establishments, service and convenience retail and similar types of uses are permitted.
- e) Commercial and retail establishments which are destination oriented or are intended to serve the travelling public will be permitted, including automobile service stations, vehicle sales and service, public garages, repair service and rental establishments, motels, hotels, restaurants, animal hospitals, commercial recreation uses, private clubs, funeral homes, day care centres, food stores, drug stores, personal service shops, hardware, automotive and highway commercial uses.
- f) Light employment uses are permitted, exclusive of industrial-related uses such as manufacturing, warehousing, processing, assembly, trucking and storage uses.

- g) Large Format Retail uses are defined as any retail use, including supermarkets, home improvement stores, department stores and specific category retail uses over 3,000 square metres. Large Format Retail uses may be permitted in the Mixed Use Designation provided they are located within a Mixed Use Node in accordance with the policies of Section 3.3.8, site-specific land use policies are established in Section 6.9.3 and implemented through a site-specific amendment to the Zoning By-law, and provided the following criteria are met to the satisfaction of the Town:
- i) a planning rationale report will be completed to assess the impact of the Large Format Retail use in relation to the planned function of the Mixed Use and Central Area Designation and impacts on adjacent uses, as well as any other matters determined by the Town;
 - ii) a retail market impact study will be completed in accordance with the policies of Section 4.4.3.1 of this Plan;
 - iii) a traffic impact study will be completed in accordance with the specific requirements of the Town, the County and the Province, as appropriate;
 - iv) a servicing and stormwater management plan will be completed in accordance with the specific requirements of the Town, the County and the Province, as appropriate;
 - v) an Urban Design Study and guidelines will be completed, subject to the policies of Section 4.2.1 of this Plan; and
 - vi) a comprehensive development master plan addressing the total gross floor area, location of buildings, parking, landscaping, pedestrian amenities, phasing and other site elements, will be required when dealing with a development comprised of multiple buildings, irrespective of the proposed size and use of the buildings.
- h) Medium density residential uses will be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments, hotels, motels and similar medium profile residential buildings, subject to the following criteria:
- i) the residential use is located within the Urban Area;
 - ii) the density, height and character of the development will be compatible with adjacent uses;
 - iii) the height and massing of the buildings at the edge of the medium density residential development will have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate transition;
 - iv) the development will be encouraged to have direct access to an arterial or collector road, where possible and appropriate;
 - v) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the Town;
 - vi) the development is adequately serviced by parks and school facilities;

- vii) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - viii) all required parking will be provided on the site, and cash-in-lieu of required parking in accordance with the policies of Section 7.2.2.2 of this Plan, will not be accepted by the Town;
 - ix) in developments incorporating walk-up apartments, block townhouse dwellings and similar medium profile residential buildings, on-site recreational facilities or amenities such as private open space or playground equipment may be required;
 - x) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the Town; and
 - xi) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 8.3.4 of this Plan.
- i) Places of worship, neighbourhood community and cultural centres and institutional uses of similar scale will be permitted, provided the following criteria are met:
 - i) the use will have direct access to an arterial or collector road;
 - ii) the use will have an overall site area of up to a maximum of 2 hectares;
 - iii) the density, height and character of the development will be compatible with adjacent uses;
 - iv) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the Town, save and except where private septic systems will be permitted;
 - v) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - vi) all required parking will be provided on the site, and cash-in-lieu of required parking in accordance with the policies of Section 7.2.2.2 of this Plan, will not be accepted by the Town;
 - vii) driveway access will be approved by the Town or County; and
 - viii) the use will be subject to site plan control, in accordance with the policies of Section 8.3.4 of this Plan.
- j) Special needs housing, senior citizens' homes or similar housing facilities for senior citizens including nursing homes will be permitted to develop in accordance with the medium density residential policies of Section 6.9.1 (h).
- k) Uses accessory to any of the permitted uses in the Mixed Use Designation are permitted.
- l) The specific uses permitted and accessory uses will be established in the Zoning By-law.

6.9.2 *Land Use Policies*

The following policies apply to land designated Mixed Use Designation.

- a) Development within the Mixed Use Designation will be further subject to the policies of Section 3.3.8 of this Plan. Servicing within the Mixed Use Designation is dependent upon the particular Settlement Area and will be subject to the policies of Section 7.3.
- b) Development within the Mixed Use Designation will also be subject to the policies of Section 5.0 and Schedule “B” to determine any natural resources, Natural Heritage Features and functions, which may be a constraint to development.
- c) The Town will encourage the consolidation of land to create large and more comprehensive development blocks. Consents are not permitted for the purposes of dividing land into smaller parcels for the creation of low density residential uses.

6.9.3 *Site-Specific Policy Areas*

6.9.3.1 *Lakeshore West Mixed Use Node*

The following policies apply to the lands designated Mixed Use within the Lakeshore West Mixed Use Node Site Specific Policy Area 6.9.3.1 on Schedule “C”:

- a) The Lakeshore West Mixed Use Node policies of Section 3.3.8.1 of this Plan will apply.
- b) Permitted uses will include a full range of commercial, retail, Large Format Retail, office and entertainment uses as permitted in the Mixed Use Designation.
- c) The specific uses permitted and accessory uses will be established in the Zoning By-law. The type and amount of retail commercial facilities will be limited by the policies of this Plan and the Zoning By-law provisions applicable to each specific site, including restrictions with respect to permitted uses, definitions and numerical limits.
- d) Where lands are zoned with a holding symbol, the holding symbol will not be removed by the Town, on any part of the land zoned with a holding symbol, until such time as uncommitted reserve capacity for sanitary disposal, water and storm drainage is assigned to these lands(s) to the satisfaction of the Town and approval authority having jurisdiction, and subject to the policies of Section 8.3.2.1 and the site-specific policies of Section 6.9.3.1. Such servicing arrangements must address the provision of water, storm drainage and sanitary sewage disposal.

7.2 Transportation System

Transportation plays an important role in determining the quality of life within a community through the level of service and accessibility to employment, social, recreational and shopping opportunities provided by the transportation network.

The Transportation Plan, set out in Schedule “D” is based on the inter-relationship of land use and transportation. The transportation system is intended to be compatible with and supportive of the land use pattern.

In addition to all the applicable Town requirements, all proposed development located in the vicinity of a Provincial Highway within the Ministry of Transportation’s permit control area under the *Public Transportation and Highway Improvement Act*, will be subject to Ministry of Transportation approval.

7.2.1 Movement of Goods & People

The Town provides for a range of systems and networks for the movement of goods and people, including roads, cycling and trails, water transportation and rail corridors. The Town has excellent access to higher-order transportation systems including major Provincial Highways such as Highway 401 and rail corridors. Every effort will be made to ensure an efficient and effective transportation system to encourage and support economic development in the Town.

The following will be the policy of the Town:

- a) The Town will ensure the co-ordination between growth management and the transportation systems.
- b) The Town will work with transportation industries to facilitate the efficient movement of goods by improving the level of service while maintaining community safety and minimizing risk.
- c) The Town will ensure that appropriate transportation service is provided to Employment Areas.
- d) The Town will ensure that designated commercial areas are serviced by roads with appropriate traffic capacity.
- e) Through the passing of by-laws, the Town may establish truck routes along Provincial Highways, arterial roads and non-residential collector roads, thereby avoiding local roads in residential neighbourhoods, in order to protect residents from noise and corridor emission pollutants.
- f) The Town will maintain and encourage the protection of rail corridors for other linear uses should they become abandoned.

- g) The Town will support the provision of a new border crossing and work with the Ministry of Transportation, County of Essex and City of Windsor to provide for efficient cross-border travel.

7.2.2 Road System

Roads have different characteristics, depending on the nature of the surrounding land use and the intended function that they serve. For instance, rural roads within the agricultural areas will differ greatly in their function, design, right-of-way widths and character than roads within the Urban Areas and Hamlet Areas.

The roads also facilitate the safe and efficient movement of both people and goods through the Town at minimal economic, environmental and social cost. Additionally, the network is intended to promote the development pattern in the Town and be supportive of economic activity.

The following will be the policy of the Town:

- a) The efficiency of the transportation network should be maximized by coordinating transportation planning initiatives and activities with other levels of government and transportation agencies.
- b) All transportation services will be planned and constructed in a manner that supports the policies of this Plan. Upgrades to transportation services may be required to be approved in accordance with the *Environmental Assessment Act*.
- c) Corridors and rights-of-way for significant transportation facilities will be planned for and protected to serve the long-term needs of the Town. Development that could preclude the use of a corridor or right-of-way for its long-term purpose will not be permitted.
- d) The preservation and reuse of abandoned transportation corridors for purposes that maintain the corridor's continuous linear characteristics will be encouraged, whenever appropriate and feasible.
- e) Connectivity of the transportation network within the Town and crossing into adjacent jurisdictions will be maintained and improved, where possible and feasible.
- f) The Town will ensure that adverse environmental effects, such as noise, vibration and air quality deterioration, will be mitigated in the planning, design, and construction of elements of the transportation network in accordance with the policies of Section 5.4.2.
- g) The automobile will continue to be the main mode of transportation within the Town due to its predominantly rural character and Urban Area and Hamlet Area clusters, and dispersed population. Notwithstanding this, a land use pattern, density and mix

of uses will be promoted in the Urban Areas, particularly along the County Road 22 Mixed Use Corridor that reduces the length and number of vehicle trips.

- h) The Town will encourage the creation of a viable public transit system and other sustainable transportation modes such as walking and cycling.
- i) Safe and convenient pedestrian interfaces with roads will be encouraged.
- j) The impact of a development proposal on the transportation system, including the means of access, will be examined through a multimodal transportation impact study. Only those development proposals that can be accommodated in the existing system will be permitted. Where the transportation system is not adequate, the Town will require, as a condition of development approval, that the proponent of the development:
 - i) improve the transportation to accommodate the proposed development to the satisfaction of the Town, without the Town incurring any costs;
 - ii) make the necessary financial contributions for the required improvements; and/or
 - iii) dedicate rights-of-way for the development of roads.

The cost of traffic impact studies and any other required supporting documentation will be borne by the proponent. Costs incurred by the Town in engaging peer review consultants to evaluate the proposal and supporting submissions will be reimbursed by the proponent.

- k) Transportation impact studies will be undertaken in accordance with the Town's Transportation Impact Study Guidelines.
- l) New development will have regard to the Town's Corridor Management and Access Control Policy.
- m) New developments will have frontage on and access to a public road which is maintained on a year-round basis or to a private road which is developed and maintained to a standard acceptable to the Town. The Town will not be responsible in any way for the maintenance, upkeep or any other matter associated with the private road.

7.2.2.1 Hierarchy & Classification of Roads

Public roads in the Town will be classified into a hierarchy on the basis of jurisdiction, function, user characteristics, speed and interconnections. The Transportation Master Plan and Development Manual provide further guidance with respect to the transportation network and road hierarchy and classifications. The classification of roads and the existing and proposed road system is shown on Schedule "D".

7.2.4 *Walking, Cycling & Trail Systems*

A shift towards active lifestyles and increasing demands for sustainable modes of transportation presents a need for a useful and accessible walking and cycling network in the Town. This Plan recognizes that bicycle and pedestrian trails and paths contribute to healthy communities and supports such sustainable modes of travel. The Town encourages the development and enhancement of pedestrian and shared use of non-motorized trails and bicycle routes.

The following will be the policy of the Town:

- a) The Town will work towards providing safe bicycle and pedestrian paths, both separated from the roadway, on existing and proposed roads, on abandoned rail corridors, on utility corridors, and within parks and open spaces, as appropriate and in accordance with Section 7.2.5.
- b) The Town will consider adapting roads to provide safer travel for bicycles and pedestrians on road pathways, where feasible and appropriate.
- c) The Town will undertake to interconnect existing walking trails and bicycle paths, where feasible and appropriate to provide continuous trail system linkages. Routes should provide continuous access between neighbourhoods, parks, schools, recreation facilities, the waterfront, business areas and other public buildings and services.
- d) The Town will promote accessible and convenient trail systems within a reasonable distance from the target neighbourhoods and major destinations.
- e) The Town will promote aesthetically pleasing trail systems, particularly for recreational purposes. Particular attention will be given to trail systems associated with natural assets including the waterfront, parks, and natural features.
- f) The implementation of trail systems should be feasible given the consideration of the costs and benefits associated with the route selection. This should take into consideration the costs of healthy living, environmental sustainability, and the quality of neighbourhood character.
- g) The Town will encourage the integration of bicycle path and walkway systems into the design of transportation facilities by including facilities such as sufficient and protected bicycle storage areas, places of employment and major community, institutional, educational, cultural and shopping locations, where appropriate.
- h) The Town will implement and operate an effective trail system maintenance program.

- i) The Town will promote opportunities for public access to the waterfront and the development of a waterfront trail system and open space linkages along Lake St. Clair and major waterfront areas throughout the Town.
- j) The Town will explore opportunities for the reuse of abandoned rail corridors for potential trail systems.
- k) Throughout the Town there are a number of navigable waterways flowing into Lake St. Clair. The Town supports the provision of recreational trail opportunities and access along these waterways.
- l) The Town will support the creation of the primary bicycle network as identified in the Town's Transportation Master Plan.

7.2.5 Rail Corridors

The Town supports the continuation of a safe and efficient railway network within the Town. Development adjacent to railways will be carefully controlled to eliminate land use conflicts and ensure the safe and continued operation of the rail line.

The following will be the policy of the Town:

- a) Any proposed new residential or other sensitive use within 300 metres of an active railway right-of-way will be supported by noise and compatibility studies, completed to the satisfaction of the Town, in consultation with the appropriate railway company.
- b) Any proposed new development within 75 metres of an active railway right-of-way will be supported by a vibration impact study, completed to the satisfaction of the Town, in consultation with the appropriate railway company.
- c) For development adjacent to a railway right-of-way, appropriate safety measures such as setbacks, berms and security fences will be provided to the satisfaction of the Town in consultation with the appropriate railway company.
- d) Proponents of development within 300 metres of an active railway right-of-way are encouraged to consult with the appropriate railway company prior to filing formal development applications.
- e) The Town supports the reuse of abandoned rail corridors for potential trail systems, in accordance with the policies of Section 7.2.4.
- f) The Town will encourage economic development opportunities associated with the rail transportation system, which may include rail yards associated with employment uses, and the accommodation of future inter-modal facilities.
- g) The Town will encourage the provision of a VIA rail station in Belle River.

7.3.1.1 *Municipal Water & Sewage Services*

The following policies will apply to community structure policy areas serviced by municipal sewage and water services:

- a) The Town will ensure that both municipal water supply and sewage systems perform within permitted operating standards. Prior to development approval involving significant lot creation and/or development, the Town may require the preparation and approval of a functional servicing report. Notwithstanding any land use designations, limitations on the capacity or operating performance of the municipal potable water and sewage systems will be a constraint to further development. The Town will continue to monitor treatment capacities and operational effectiveness of these municipal systems.
- b) Development in proximity to any water pollution control plant (WPCP) or sewage treatment plant will adhere to the separation distances of the appropriate Ministry of the Environment guidelines. Prior to the approval of any development of a sensitive land use in proximity to a WPCP, the MOE will be consulted, and its guidelines will be satisfied.
- c) Priority will be given to the development of land that is presently serviced by piped water and sewer systems, or those areas that can most easily be serviced, at minimal expense.
- d) Infilling of vacant areas which are already provided with full municipal services is encouraged, and will be a criterion when evaluating proposed plans of subdivision and consents, with respect to the extension of services, utilities or the associated construction.
- e) In order to ensure the efficient use of land and municipal services, development, including lot creation, on private servicing systems (water and/or sewage disposal) will generally not be permitted. However, exceptions will be considered in areas not serviced by municipal water and/or sewage services on the basis of a site-specific amendment to the Zoning By-law, and satisfaction of the following criteria:
 - i) a water and sewage servicing master plan is in place to provide future municipal water and sewage systems to service the lands;
 - ii) the development of the land and accommodation of a private servicing system will not preclude the ultimate extension of municipal water and sewage systems to service the lands;
 - iii) at such time as municipal water and/or sewage services become available, the landowner, at their expense, will be required to connect to municipal water and/or sewage services;
 - iv) the topography, soil and environmental characteristics of the land is able to accommodate an appropriate private water and sewage system that will minimize adverse environmental impacts;

- v) water and sewage servicing systems will satisfy the applicable development standards of the Town and approval of the authority having jurisdiction; and
 - vi) the proposed development is consistent with this Plan and Town objectives.
- f) The application of a holding symbol in accordance with the policies of Section 8.3.2 of this Plan may be implemented until such time as municipal water and sewage systems are available.
- g) Where a wastewater treatment plant and a collection system is not currently proposed, as indicated in Table 7.1, limited lot creation may be permitted to allow for infilling and rounding out of existing development provided that:
- i) there is sufficient uncommitted reserve water system distribution and treatment capacity available in the Town's water distribution and treatment works;
 - ii) where piped municipal water services are not available, hydrogeologic conditions (quality and quantity) for the establishment of a private well are suitable without causing well water interference; and
 - iii) site conditions are suitable for the long-term provision of private on-site potable water and sanitary sewage collection and treatment to the satisfaction of the applicable statutory approval authority.
- h) Where a wastewater treatment plant is available however a collection system is not currently available as indicated on Table 7.1, lot creation may be permitted conditional on the need to contribute to the development of the collection system and the application of a Holding symbol, provided the feasibility of extending the collection system has been established.

7.3.1.2 Municipal Water & Private Sewage Services

The following will be the policy of the Town:

- a) Municipal piped potable water supply in the absence of municipal sanitary sewers will only be permitted in the following circumstances:
 - i) where they are necessary to address failed individual on-site sewage services in existing development; and
 - ii) within Settlement Areas, to allow for infilling and rounding out of existing development on partial municipal services provided that:
 - the development is within the reserve water system capacity of the Town's potable water system; and
 - site conditions are suitable for the long-term provision of such services.
- b) The Town will ensure that municipal water systems perform within permitted operating standards. Prior to development approval involving significant lot creation

and/or development, the Town may require the preparation and approval of a functional servicing report. Notwithstanding any land use designations, limitations on the capacity or operating performance of the municipal water systems will be a constraint to further development. The Town will continue to monitor treatment capacities and operational effectiveness of this municipal system.

- c) Priority will be given to the development of land that is presently serviced by piped water systems, or those areas that can most easily be serviced, at minimal expense.
- d) The Town may consider extension of municipal sanitary sewer services to address an existing sewage disposal or water quality problem that represents a hazard to public health and safety and provided that the Town is satisfied that there is positive public benefit from such action for residents of the Town.
- e) Private sewage disposal may be provided by the septic tank and weeping tile system. The installation of septic systems is subject to the approval of the authority having jurisdiction.
- f) The Town and/or the appropriate agency is responsible for the approval of all new septic tank and tile or leaching bed systems. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.
- g) Communal servicing systems to service new development will not be permitted except under specific circumstances outlined in this Plan. Communal servicing systems may only be considered to resolve existing servicing malfunctions, physical constraints and/or deficiencies posing potential public health risks.

The Town will not assume any communal servicing systems, and will generally not execute responsibility agreements in relation to such systems, unless required to resolve existing servicing malfunctions, physical constraints and/or deficiencies posing potential public health risks. In the case of freehold tenure, the Town will assume ownership and maintenance of the communal servicing system into perpetuity. In the case of condominium tenure, the Town may enter into a municipal responsibility agreement.

Prior to assuming a communal servicing system or entering into a responsibility agreement, as a result of circumstances outlined in this Subsection, the Town will be satisfied with the design and economic sustainability of the system and will require that certain financial securities and assurances be posted, and that a separate financial and maintenance agreement be executed between the owner of the system and the Town.

- h) Holding tanks will not be permitted for new development. Holding tanks will only be permitted for existing development where the Town is satisfied that there is no other alternative to solving a deficiency with an existing septic system. Should a holding tank be permitted, the Town will ensure that appropriate provisions are in place for

disposal of hauled sewage at a facility that has received statutory approval from the applicable approval authority to receive hauled sewage, or that there is treatment capacity for hauled sewage at a municipal facility that has received statutory approval from the applicable approval authority. Holding tanks, if permitted to be used, must obtain necessary statutory approvals from the applicable approval authority.

- i) Any lot affected by an application for consent or plan of subdivision will be sized such that there is sufficient area for attenuation of nitrates, space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply.
- j) Development in proximity to any water pollution control plant (WPCP) or sewage treatment plant will adhere to the separation distances of the appropriate Ministry of the Environment (MOE) guidelines. Prior to the approval of any development of a sensitive land use in proximity to a WPCP, the MOE will be consulted, and its guidelines will be satisfied.
- k) The application of a holding symbol in accordance with the policies of Section 8.3.2 of this Plan may be implemented until such time as:
 - i) municipal water systems with sufficient uncommitted reserve treatment and distribution capacity are available; and
 - ii) the appropriate permits are received for the provision of private sanitary sewage systems.

7.3.1.3 Private Water & Sewage Services

The following will be the policy of the Town:

- a) The primary means of sewage disposal is the septic tank and weeping tile system. It is anticipated that private sewage disposal systems will continue to be the principal means of sewage disposal. The installation of septic systems is subject to the approval of the appropriate authority having jurisdiction.
- b) In areas outside of the established municipal sanitary sewer and potable water service areas, the Town may consider the extension of municipal sanitary sewer or water services, but only to address an existing sewage treatment/disposal or water quality problem that represents a hazard to public health and safety and provided that the Town is satisfied that there is positive public benefit from such action for residents of the Town. The Town will undertake any extensions, in accordance with the applicable requirements of the *Environmental Assessment Act*.
- c) The Town and the appropriate statutory approval authority are responsible for the approval of all new septic tank and tile or leaching bed systems. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.

- a) An environmental impact assessment to determine environmental protection and natural heritage areas;
- b) A master servicing plan;
- c) A stormwater management study;
- d) A traffic impact analysis;
- e) An urban design study;
- f) A parks and open space study;
- g) A community services and facilities study;
- h) A cultural heritage and archaeological resource study;
- i) An agricultural impact assessment; and
- j) A planning rationale report. The planning rationale report will address the following:
 - i) The integration of proposed new development with the existing development;
 - ii) The distribution of proposed land uses;
 - i) The range of housing styles and densities;
 - ii) Neighbourhood commercial uses to service the residential and employment areas;
 - iii) Linkages between the residential and employment areas, parks, schools, recreational areas and institutional facilities; and
 - iv) The impact on adjacent agricultural operations, including consideration of Minimum Distance Separation Formulae.

The requirements of Subsections (a) through (g) may be embodied in an integrated and comprehensive study known as a Master Environmental Servicing Plan (MESP).

8.3.2 Zoning By-law

The Town will prepare, and Council will adopt, a Comprehensive Zoning By-law that will be in conformity with the principles, policies and land use designations contained in this Plan. The By-law will include adequate development standards consistent with the policies of this Plan. The By-law will establish specific zones and permitted uses that reflect the policies and land use designations of this Plan and may regulate minimum and maximum height and density requirements. Within each land use designation, more than one zone may be established to ensure that the policies of this Plan are properly implemented. It is not the intent of this Plan to necessarily zone all land for uses designated in this Plan. Existing uses may be recognized in the implementing Zoning By-law, notwithstanding the policies of this Plan.

The Town will consider all applications to amend the Zoning By-law and will provide notice of such application in accordance with the provisions of the *Planning Act*.

8.3.2.1 Holding Zones

Holding zones may be incorporated into the Town's Zoning By-law in order to achieve orderly development and ensure that policies established in this Plan have been met. The Town may place a holding symbol on the zone that prevents development from occurring until the Town is satisfied that certain conditions have been met, allowing the Town to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding. Specific actions or requirements for the lifting of the holding provision will be set out in the Town's Zoning By-law or the amendment thereto. Once the required conditions are met, a by-law removing the holding symbol will be passed.

These actions or requirements include, but are not necessarily limited to, the following:

- a) The timing of the provision of municipal services;
- b) The phasing and logical progression of development;
- c) The provision of adequate service or road infrastructure and works;
- d) The completion and confirmation that environmental contamination remediation has occurred on site, or that satisfactory verification of suitable environmental site condition is received by the Town;
- e) The completion of the appropriate supporting study(ies) to the satisfaction of the Town, in consultation with other agencies, as required;
- f) Confirmation that the requisite permits and approvals from external authorities have been received;
- g) The completion of a development or the subdivision of land, including the negotiation of a development or subdivision agreement;
- h) That site plan approval has been granted by the Town, and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*;
- i) That the specific policies of this Plan have been complied with; and/or
- j) Additional actions or requirements may be identified in the Official Plan through a site-specific or general amendment, at the discretion of the Town.

8.3.2.2 Temporary Use By-laws

The Town may pass a temporary use by-law to allow the temporary use of land, buildings or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of

- b) The preservation of built or cultural heritage features;
- c) The provision of sustainable design features;
- d) The protection and/or enhancement of Natural Heritage Features;
- e) Parkland greater than that required by this Plan;
- f) The provision of community centres, day care facilities or other public service facility;
- g) The provision of urban spaces or private development sites in the Primary Nodes or Mixed Use Nodes;
- h) Public art; and/or
- i) Development charge credits, subject to the Development Charge By-law.

8.3.3 *Draft Plan Approval (Subdivisions and Condominium)*

Applications for approval of a draft plan of subdivision or condominium will be considered on the basis of the underlying land use designation and the associated policies of this Plan. While the County and the Town will deal with all applications for draft plan approval in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan will not be approved.

The following policies will apply to plans of applications for approval of a draft plan of subdivision or condominium subdivision:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements and part-lot control, will be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision or plan of condominium, the Town will confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 7.3.3, waste collection and disposal services, and roads, pedestrian pathways and public transit right-of-ways in accordance with Section 7.2
- c) Applications for plan of subdivision or plan of condominium approval will be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.
- d) The review of plans of subdivision or plan of condominium will be based in part on the consideration of the community design policies included in Section 4.2.1 of this Plan.

- e) All lots within a plan of subdivision will have frontage on a public road maintained on a year round basis, constructed to an acceptable Town standard. Plans of condominium will have access to a public road maintained on a year round basis, however, it is recognized that development within the condominium plan may occur on private roads.
- f) Natural Heritage Features and functions will be protected and preserved in the design of any plan of subdivision or condominium. The Town will explore opportunities to implement the policies of Section 5.2.4 relating to the establishment of Natural Heritage linkages. The Town may require the dedication of lands that it determines to be part of the natural heritage system as part of the conditions of approval.
- g) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision will be subject to a subdivision agreement between the Town and the development proponent.
- i) All plans of condominium will be subject to a development agreement between the Town and the development proponent.
- j) Parkland dedication will be provided pursuant to Section 4.3.3.3 of this Plan. Land to be dedicated for park purposes must be acceptable to the Town. Under no circumstances will the Town be obligated to accept parklands being offered in a proposed plan of subdivision.
- k) The Town will consult with the appropriate Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.
- l) In recommending approval to a draft plan of subdivision, the Town may request that the approval lapses at the expiration of a specified time period, being not less than 3 years. The County, in consultation with the Town may extend the approval time period, prior to its expiration.
- m) The Town may request that the County, withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before the final approval of the plan of subdivision.
- n) The Town may consider passing a By-law under the provisions of the *Planning Act* deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.
- o) The Town will consider the policies of this Plan in totality to determine the information required by an applicant to form a complete application for approval of a plan of subdivision.

8.3.4 *Site Plan Control*

The Town will use site plan control as provided for in the *Planning Act*. The following policies will apply to site plan control:

- a) Subject to the policies of this Plan, the site plan control area will apply to the entire Town.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control will not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Land areas.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control will not apply, except in cases where specifically required by this Plan, such as where an on-farm secondary business is proposed.
- d) The Town may require proponents to execute a site plan agreement under circumstances where there is construction of more than one building or structure, where the size of a building is to be substantially increased, where the intensity of a use is to increase, where there is the development of a parking lot, and/or in other circumstances deemed appropriate by the Town.
- e) The Town will consult the appropriate Conservation Authority and any other relevant agency when considering applications for site plan approval, where applicable.
- f) The Town may require consultation with neighbouring landowners or a public meeting, when considering applications for site plan approval, where applicable.
- g) The Town may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.
- h) The Town will require financial security through bonding letters of credit or other financial arrangement prior to development.

8.3.5 *Committee of Adjustment*

8.3.5.1 *Minor Variances*

The Committee of Adjustment will deal with all applications for minor variances to the provisions of the Zoning By-law and other by-laws, as delegated by Council. The Committee of Adjustment will deal with such applications in accordance with the relevant provisions of the *Planning Act*. The decisions of the Committee of Adjustment will also comply with the general intent of this Plan and the Zoning By-law.

Appendix E

Town of Lakeshore – Zoning By-law Policies

Table 7.1 – Permitted Uses

	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR
(a) Residential Uses																								
Single detached dwelling	•	•			•	•	•					• ^E		• ^E	• ^E								•	• ^E
Semi-detached dwelling		•					•					• ^E			• ^E									
Duplex dwelling		•										• ^E			• ^E									
Triplex dwelling		•										• ^E			• ^E									
Townhouse dwelling		•										• ^E			•									
Apartment dwelling			•									•			•									
Secondary dwelling unit												•			•									
Seasonal dwelling					•	•																		
Accessory dwelling unit(s) in combination with a non-residential use								•		•	•	•	•	•	•									
Converted dwelling		•	•									•			•								•	• ^E
Mobile home park				•																			• ^E	
Mobile home				•																			• ^E	• ^E
Group home dwelling	•	•	•		•	•	•								•								•	• ^E
Home occupation	•	•			•	•	•					• ^E											•	•
(b) Agricultural and Rural Uses																								
Agricultural use															• ^E	• ^E			• ^E				•	•
Agricultural use – Value Added																							•	
Abattoir																							•	• ^E
Agricultural commercial and/or industrial establishment									•		•												• ^E	
Agricultural processing establishment									•		•				•									
Agricultural service and supply establishment									•		•													
Farm produce outlet									•		•												•	•
Farm winery																							•	
Forestry use																							•	•
Greenhouse farm																							•	• ^E
Home occupation, agricultural																							•	•
Home industry																							•	• ^E
Kennel																							•	
Mushroom farm																							•	• ^E

Table 7.1 – Permitted Uses																										
	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR		
Organic soil conditioning																							•	• ^E		
Resource extraction operation																							•	• ^E		
Secondary farm dwelling																							•	• ^E		
(c) Commercial Uses																										
Animal clinic										•	•	•			•											
Animal shelter											•															
Auction establishment										•	•															
Automobile rental establishment										•					•											
Automobile repair establishment								•	•	•		• ^E			•	•										
Automobile sales and service establishment										•	• ^E				•											
Automobile service station								•		•	•	• ^E			•											
Automobile washing establishment								•									•									
Automobile washing establishment, Automatic								•		•	•	•			•											
Bed and breakfast establishment	•	•			•	•	•	•				•			•								•	• ^E		
Bake shop												•	•		•											
Building supply outlet								•	•	•					•	•										
Commercial school										•		•			•											
Day care centre								•				•	•		•			•	•							
Dry cleaning establishment								•		•		•	•		•											
Eating establishment								•		•	• ^E	•		•	•											
Financial institution								•		•		•			•											
Fitness centre								•		•		•			•											
Funeral home								•		•		•			•											
Greenhouse											•												•	• ^E		
Hotel										•		•		•	•											
Laundromat								•		•		•	•		•											
Motel										•				•	•											
Nursery and garden store										•	•				•											

Table 7.1 – Permitted Uses

	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR
Parking lot or structure, public												•			•									
Personal service shop								•		•		•	•		•									
Pharmacy								•		•		•			•									
Place of entertainment								•		•		•		•	•									
Printing establishment								•		•						•								
Private club								•				•		•	•				•			•		
Public club								•				•		•	•				•			•		
Public storage									•						• ^E	•								
Recreational vehicle sales, service, and storage establishment										•	•			•										
Retail establishment								•		•		•			•									
Retail establishment, convenience								•		•		•	•		•									
Retail and service uses related to recreation														•										
Retail use, accessory									•							•	•							
Service and repair establishment								•		•		•			•									
Shopping Centre								•		•		•	•		•									
Supermarket								•		•		•			•									
Taxi establishment										•														
(d) Employment Uses																								
Batching or recycling plant, concrete or asphalt																•								
Bus terminal										•														
Call centre																•	•							
Contractor's yard									•							•								
Laboratory or scientific research facility																•	•							
Landing strip																							•	
Manufacturing, heavy																•								
Manufacturing, light									•							•	•							
Office								•		•	•	•	•		•		•							
Propane transfer facility																•								

Table 7.1 – Permitted Uses																										
	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR		
Service trade establishment										•	•					•	•									
Studio								•		•		•			•											
Transport terminal									•		•					•										
Utility yard																•										
Warehouse																•										
Wholesale establishment									•	•					•	•										
(e) Institutional Uses																										
Assembly hall								•				•			•			•	•				• ^E			
Community centre								•				•			•			•	•			•				
Cultural facility								•				•			•			•	•							
Hospital																		•								
Library								•							•			•	•							
Medical office								•		•					•			•	•							
Place of worship								•				•			•			•	•				• ^E			
Private school								•				•			•			•	•							
Public school								•				•			•			•	•							
Retirement home							•								•			•	•							
(f) Parks, Open Space and Outdoor Recreation Uses																										
Campground								• ^E						•								•				
Cemetery																		•	•				• ^E			
Conservation area																				•	•	•	•	• ^E		
Fairs or exhibition grounds																		•				•				
Golf course								• ^E			•			•								•				
Hunting, trapping and fishing or Hunting, game and wildlife preserve																				•	•		•	• ^E		
Marina								• ^E			•			•								•				
Park, Public or Private														•						•		•				
Tourist information services												•		•												

8.0 Zone Regulations

8.1 Urban Residential Zone Regulations

The following regulations shall apply to the Residential – Low Density (R1), Residential – Medium Density (R2), and Residential – High Density (R3) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Residential – Low Density (R1)	Residential – Medium Density (R2)	Residential – High Density (R3)
Permitted Uses	As indicated in Table 7.1		
Minimum Lot Area	500 m ²	500 m ² (<i>single detached dwelling</i>); or 270 m ² (<i>semi-detached dwelling</i>); or 223 m ² (<i>townhouse dwelling</i>); or 550 m ² (<i>duplex dwelling</i>); or 600 m ² (<i>triplex dwelling</i>)	165 m ² per <i>dwelling unit</i>
Minimum Lot Frontage	15.0 m	15.0 m (<i>single detached dwelling</i>); or 9.0 m, except on a <i>corner lot</i> where it shall be 12.0 m (<i>semi-detached dwelling</i>); or 8.0 m for interior units, 9.5 m for exterior units and 12.5 m for exterior units on a <i>corner lot</i> (<i>townhouse dwelling</i>); or 18.0 m (<i>duplex dwelling</i>); or 20.0 m (<i>triplex dwelling</i>)	20.0 m

Zone Regulations	Residential – Low Density (R1)	Residential – Medium Density (R2)	Residential – High Density (R3)
Maximum Lot Coverage (including accessory buildings)	35%	35% (<i>single detached dwelling and semi-detached dwelling</i>); or 40% (<i>townhouse dwelling, duplex dwelling and triplex dwelling</i>)	35%
Minimum Landscaped Open Space	30%	30%	35%
Minimum Setbacks (main buildings):			
Front Yard	7.5 m	6.0 m	7.5 m
Rear Yard	7.5 m	7.5 m	7.5 m
Interior Side Yard	1.5 m (where a private garage is attached or detached from the main building); or 3.0 m on one side and 1.5 m on the other side (where no private garage is attached or detached from the main building)	1.5 m (where a private garage is attached or detached from the main building); or 3.0 m on one side and 1.5 m on the other side (where no private garage is attached or detached from the main building) 0.0 m where two dwellings share a common wall	6.0 m
Exterior Side Yard	4.5 m	4.5 m	6.0 m
Maximum Height of Buildings and Structures	10.5 m	10.5 m	10.5 m
Other Provisions			Maximum Gross Density: 62.0 dwelling units per gross

Zone Regulations	Residential – Low Density (R1)	Residential – Medium Density (R2)	Residential – High Density (R3)
			hectare. <i>Buffer Strip:</i> 4.5 m where the zone abuts any Residential Zone.

8.6 Mixed Use Zone Regulations

The following regulations shall apply to the Central Area (CA) and Mixed Use (MU) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Central Area Commercial (CA)	Mixed Use (MU)
Permitted Uses	As indicated in Table 7.1	
Minimum Lot Area	N/A	N/A
Minimum Lot Frontage	N/A	15 m
Maximum Lot Coverage (including accessory buildings)	80%	50%
Minimum Landscaped Open Space	N/A	20%
Minimum Setbacks (main buildings):		
Front Yard	N/A (subject to any required County setbacks)	Where the lot fronts on County Road 22: Shall be in accordance with the County's minimum building setback requirements Where the lot fronts on any other road: 4.5 m
Rear Yard	4.5 m	N/A (where a yard abuts a commercial zone or employment zone and access is available to the rear yard by a public lane or private road); or 7.5 m (where the yard abuts a commercial or employment zone and no access is available to the rear of the said building except by means of a yard); or 10.5 m (where the building contains residential dwelling units of one or more storeys in height); or 10.5 m (where the yard abuts a residential, institutional or parks and

Zone Regulations	Central Area Commercial (CA)	Mixed Use (MU)
		open space zone)
<i>Interior Side Yard</i>	N/A (where a <i>yard</i> abuts a commercial zone and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or 4.5 m on one side (where the <i>yard</i> abuts a commercial zone and no access is available to the <i>rear yard</i> except through the <i>side yard</i>); or 4.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space zone)	N/A (where a <i>yard</i> abuts a commercial zone and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or 4.5 m on one side (where the <i>yard</i> abuts a commercial zone and no access is available to the <i>rear yard</i> except through the <i>side yard</i>); or 7.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space zone)
<i>Exterior Side Yard</i>	4.5 m	4.5 m
Maximum Setbacks (main buildings):		
<i>Front Yard</i>	3.0 m (subject to any required County setbacks)	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17
<i>Exterior Side Yard</i>	3.0 m (subject to any required County setbacks)	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17
Maximum Height of Buildings and Structures	10.5 m (Exception: Minimum <i>height</i> of 10.5 m [3 storeys] on the south side of Notre Dame Street in Belle River and maximum <i>height</i> of 7.5 m [2 storeys] on north side of Notre Dame Street)	10.5 m
Other Provisions	<i>Buffer Strip</i> : 3.0 m shall be provided in a <i>yard</i> abutting an R1 Zone.	Maximum Gross Floor Area: 3,000 m ² ; and <i>Buffer Strip</i> : 4.5 m shall be provided in a <i>yard</i> abutting a residential, institutional or the parks and open space zone.

Zone Regulations	Central Area Commercial (CA)	Mixed Use (MU)
		Zone regulations for <i>townhouse dwellings</i> will be in accordance with the R2 Zone.



MGV DEVELOPMENTS INC.

Shadow Study

Rourke Line Road & County Road 22 Development, Municipality
of Lakeshore

Table of Contents

1.0	Introduction	1
2.0	Methodology	3
3.0	Shadow Impact Analysis	4
3.1	March 21.....	4
3.2	June 21.....	5
3.3	September 21.....	6
3.4	December 21.....	7
4.0	Summary	8

Appendices

A	Proposed Draft Plan of Subdivision
B	Shadow Diagrams: March 21
C	Shadow Diagrams: June 21
D	Shadow Diagrams: September 21
E	Shadow Diagrams: December 21

Introduction

The following Shadow Study has been prepared by Dillon Consulting Limited (Dillon) to illustrate the shadow impacts of the proposed residential development. The development is to be located at the south-west corner of County Road 22 and Rourke Line Road, in the Municipality of Lakeshore in the County of Essex.

The proposed development includes the creation of 10 low density residential blocks, one (1) apartment block, one (1) institutional use block, and one (1) stormwater management pond block.

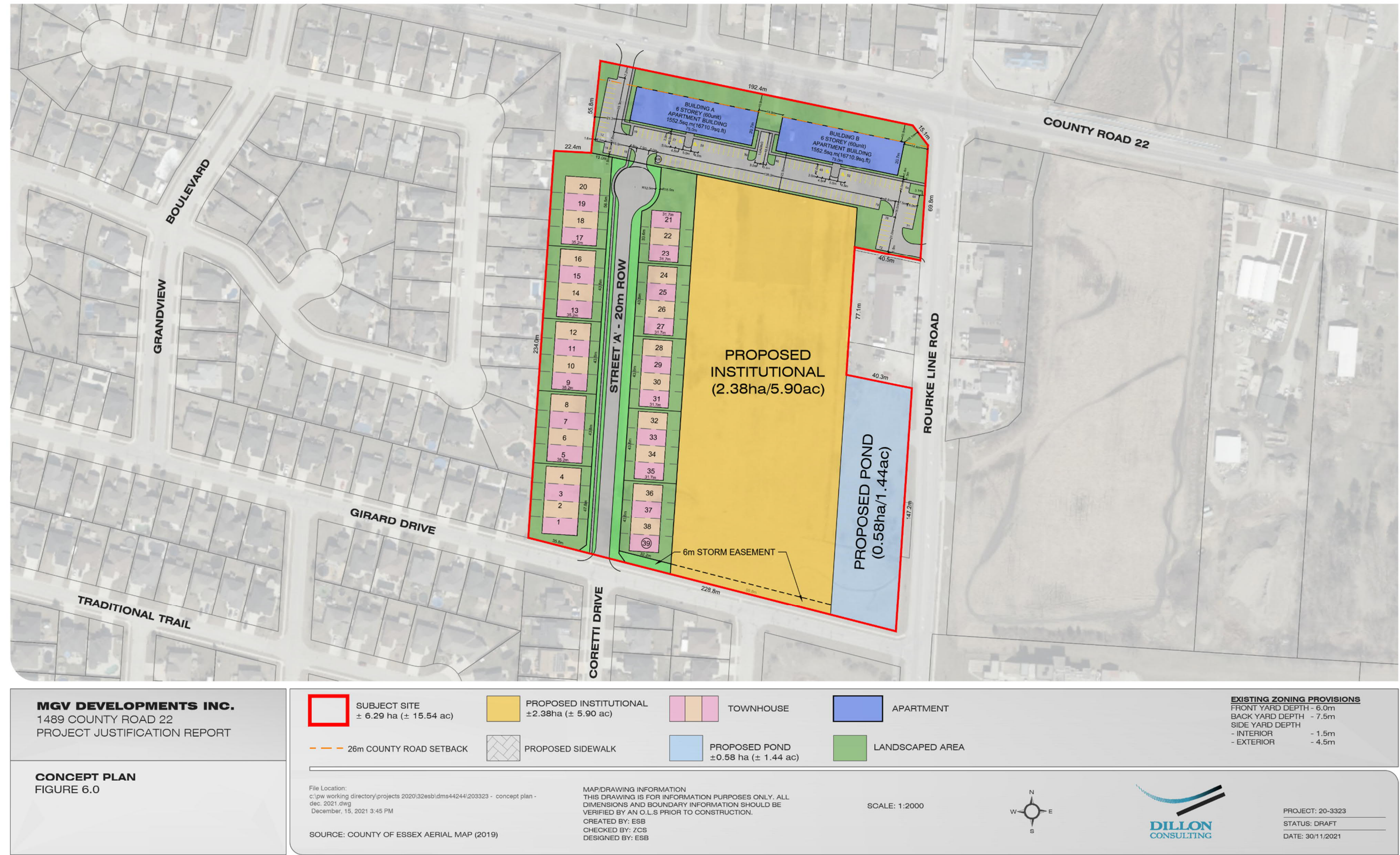
The apartment buildings will be located on the north portion of the subject site, fronting onto County Road 22 and will have an above ground parking area with 126 spaces. Each apartment building is proposed to be six (6) storeys, with 60 dwelling units for a total of 120 units. On the southwestern portion of the subject site, 39 townhouse units are proposed. The remainder of the subject site includes a proposed institutional use building with an amenity area and the associated surface parking area as well as a stormwater management pond.

The site is irregular in shape with frontages on County Road 22, Rourke Line Road, and Girard Street. The proposed Draft Plan of Subdivision contemplates a future street connection from Girard Street, directly north from Coretti Drive, into the subject site, providing the proposed townhomes with a street frontage on a public road prior to, or during, construction of the development. The Draft Plan of Subdivision is attached as Appendix A of this study.

This Shadow Study is in support of the applications for a Zoning By-law Amendment and Draft Plan of Subdivision application. The purpose of the study is to analyze and evaluate shadow impacts from the proposed development onto neighbouring properties and the public realm. Within the immediate vicinity of the subject site are predominantly low-rise residential uses and some commercial uses.

See Figure 1.0 below for the concept plan of the proposed development.

Figure 1: Concept Plan



Methodology

The Shadow Study was prepared in accordance with the following methodology:

- Dillon utilized Google Sketch Up for the shadow simulations;
- Shadows for the typical Spring equinox on March 21 are included. The shadow impacts of March 21 are also used to evaluate the shadow impacts of the Fall equinox or September 21;
- Shadows for the typical Winter equinox December 21 are included. The shadow impacts of December 21 are also used to evaluate the shadow impacts of the Summer equinox or June 21;
- Dillon generated the surrounding massing data, sourced from municipal Land Fabric data and by using municipal aerial imagery;
- Dillon prepared the preliminary massing of the proposed development using Google Sketch Up;
- Surrounding context building heights and proposed building heights were determined through standardized floor to floor heights:
 - o Residential (single storey): 4.5 metres;
 - o Residential (two storey): 7.5 metres;
 - o At this time, Dillon has not provided an analysis of the potential shadow impact from the school proposed to be located on a portion of the subject site.
- Dillon prepared the shadow simulations based on the Eastern Time Zone standard;
- Test Times include: March 21st, June 21st, September 21st, and December 21st; and
- Hourly shadow impacts are prepared ranging from 6:00am in the morning to 7:00pm in the evening, with different ranges for the different dates to show shadowing.

The shadow diagrams include the following features:

- The subject site identified in a red outline with the proposed building footprints;
- Surrounding existing and approved building footprints;
- Underlying parcel fabric;
- Shadows from proposed development are colour coded dark grey;
- Shadows from existing and approved buildings are colour coded light grey; and
- All streets, blocks, open spaces, and existing building structures are shown to a distance that shows the shadow impacts during the requested times.

The shadow analysis and impact assessment is based on the following criteria:

- Impact on surrounding residential properties and the duration of shadows;
- Impact on the public realm,
- Impact on any parks and open spaces; and
- Impact on outdoor amenity areas of the proposed development.

3.0

Shadow Impact Analysis

3.1

March 21

At 7:00am there is a potential impact for a short period of time to two residential properties at the northwest corner of the subject site, 1467 County Road 22 and 1450 Heritage Garden Crescent, with the entirety of both residential dwellings and the private outdoor amenity areas covered by the shadow from the proposed apartment buildings. It is noted, that a low rise multi-residential building is proposed at 1467 County Road 22 which is adjacent to the west lot line of the subject site. As a result, the shadow impacts on this property and the dwelling may be different in the future. Given the proposed built form of the low rise multi-residential building, future shadow impacts may be more moderate compared with the current projected shadow impacts to the existing single detached dwelling. There is also some impact for a short period of time on other properties at the northwest corner of the subject site, including 1442, 1444, 1446, 1448, and 1452 Heritage Garden Crescent, as the shadow covers a smaller portion (less than 50%) of the residential dwellings as well as some front and rear yards. The remainder of the shadow covers the parking area on the subject site.

By 8:00am, the shadow still covers the entire adjacent residential property at 1467 County Road 22, as such, there is some impact during the morning hours.

At 9:00am, although decreasing overall, there is still a limited impact on the residential dwelling at 1467 County Road 22 as the shadow covers a limited (less than 50%) portion of the residential dwelling and the front yard.

Beginning at 10:00am, the shadow is largely contained within the subject site along the lot line fronting onto County Road 22.

At 3:00pm, the shadow begins to have a moderate impact on the southern side of County Road 22, with less than half of the roadway's width covered by the shadow from the proposed apartment buildings.

By 5:00pm the shadow extends across over half of County Road 22, directly north of the proposed apartment buildings, having some impact on the public realm. At this time, the shadow does not impact any properties on the northern side of County Road 22.

Shadow impacts upon the public realm are anticipated for the longest duration during daytime hours. The public realm along County Road 22 adjacent to the subject site is comprised largely of the road itself, with one lane of traffic in each direction. In the late afternoon to early evening during this time of year, this area will experience some shadow coverage from the proposed apartment buildings. As noted, the private outdoor amenity space of some neighbouring properties is impacted; however, impacts are limited in duration.

Refer to Appendix B.

3.2 June 21

Leading up to sunrise, at 6:00am, the residential properties adjacent to the southwest corner of the proposed apartment building, located at 1452 and 1454 Heritage Garden Crescent, are entirely covered by a shadow, as such this shadow will have some impact (over 50% coverage) for a short duration. At 6:00am, there is also a moderate impact for some of the proposed townhomes on the subject site, located along the west side lot line adjacent to the proposed parking area for the apartment buildings, and the residential properties located at 1467 County Road 22 and 1456 Heritage Garden Crescent with a shadow covering limited (less than 50%) portions of each neighbouring dwelling. It is noted, that a low rise multi-residential building is proposed at 1467 County Road 22 which is adjacent to the west lot line of the subject site. As a result, the shadow impacts on this property and the dwelling may be different in the future. Given the proposed built form of the low rise multi-residential building, future shadow impacts may be more moderate compared with the current projected shadow impacts to the existing single detached dwelling. In addition, at 6:00am, the shadow also covers the proposed rear surface parking area, having some impact within the subject site.

At 7:00am through to 8:00am, the property located at 1467 County Road 22 is impacted by a limited shadow covering less than half of the residential dwelling. During this time, the shadow largely covers the proposed parking area at the rear of the apartment buildings on the subject site.

By 9:00am, and through to the evening, there is no shadow impact to any surrounding properties adjacent to or within the subject site.

Starting at 4:00pm, the shadow begins to have some impact on Rourke Line Road, as it begins to expand across a smaller section of the right-of-way.

By 7:00pm, there is a shadow extending across the entirety of Rourke Line Road, and the shadow has a limited impact on the residential dwelling located at 200 Rourke Line Road, covering less than half of the detached garage for a limited period of time.

Shadow impacts upon the public realm are anticipated to be limited as the shadow from the proposed apartment buildings is contained within the subject site during daytime hours and only a small section of Rourke Line Road is covered by the shadow in the evening, for a limited period of time. This section of Rourke Line Road contains three (3) lanes for vehicular traffic, one for each direction with one for a dedicated left turn lane onto County Road 22, and sidewalks along both sides of the roadway. Users will only experience the shadow in the evening hours, when the shadow will extend across the width of a small section of Rourke Line Road and the sidewalks. Some private outdoor amenity space of nearby properties will be impacted by the shadow at this time of year; however, impacts are limited due to the short duration that the adjacent residential dwellings are covered by a shadow in the morning hours.

Refer to Appendix C.

3.3

September 21

At 7:00am there is some impact on the two residential properties at the northwest corner of the subject site, 1467 County Road 22 and 1450 Heritage Garden Crescent, as the entirety of the residential dwellings are encompassed within the shadow. It is noted that a low rise multi-residential building is proposed at 1467 County Road 22 which is adjacent to the west lot line of the subject site. As a result, the shadow impacts on this property and the dwelling may be different in the future. Given the proposed built form of the low rise multi-residential building, future shadow impacts may be more moderate compared with the current projected shadow impacts to the existing single detached dwelling. There is a moderate impact anticipated at 7:00am on the residential properties nearby the northwest corner of the subject site, with the shadow covering less than half of the residential dwellings, predominately along the front yards and street facing facades of the dwellings. The impacted properties include 1442, 1444, 1446, 1448, and 1452 Heritage Garden Crescent.

By 8:00am, there is a moderate shadow anticipated to cover the front yard and approximately half of the residential dwelling at 1467 County Road 22.

At 9:00am, although decreasing, there continues to be a limited shadow impacting the property at 1467 County Road 22, as the shadow still covers a small (less than 50%) portion of the residential dwelling and some of the front yard.

From 10:00am onwards, the shadow begins to encroach onto County Road 22. Throughout the day, the right-of-way will experience some shadow coverage.

By 5:00pm, the shadow is anticipated to encompass the full width of County Road 22. This section of County Road 22 is auto-oriented with two lanes for vehicles, one lane for each direction of traffic.

At 6:00pm, and until sunset, there is some impact on the adjacent roadways as a large shadow is cast easterly across the entirety of the County Road 22 and Rourke Line Road intersection. In addition, at 6:00pm, the shadow covers approximately half of the neighbouring residential dwelling and front yard located at 200 Rourke Line Road and covers less than half of the drive aisle of the Self Car Wash located at 184 Rourke Line Road, having some impact on these properties. The impact is limited in duration and anticipated immediately prior to sunset.

Shadow impacts upon the public realm during this time of year are potentially the most common as the shadow is anticipated to cover an increasingly larger area throughout the daytime hours, ending with over half of the adjacent sections of County Road 22 and Rourke Line Road covered by the shadow. Some private outdoor amenity spaces are impacted; however, impacts are of a limited duration and area covered.

Refer to Appendix D.

3.4 December 21

During sunrise at 8:30am, there is potential for the residential properties to the northwest of the subject site, including 1460, 1462, 1466, 1470, and 1472 County Road 22, and the residential dwellings directly north of the subject site at 1480 and 1482 County Road 22, to be impacted by a shadow. The shadow is anticipated to cover over half, and in some cases the entirety, of each above noted residential dwelling. At this time, the shadow also covers the entire width of County Road 22 across from the subject site, impacting the public realm.

By 9:00am, although the impact is decreasing, a shadow covers over half or the entirety of each dwelling located on the properties north and northwest of the subject site, now including 1486 County Road 22. The entire width of County Road 22, north of the proposed apartment buildings is covered by the shadow at this time.

From 10:00am onwards, there are limited impacts on the residential properties north of the subject site, with the shadow predominantly covering the front yards. None of the residential dwellings are anticipated to be impacted by a shadow at this time. The shadow continues to cover the entire width of County Road 22 across from the subject site.

At 2:00pm, there is a moderate impact on the properties north of the subject site that front onto County Road 22, between Alexander Avenue and Rourke Line Road, with the shadow covering the front yards and some private outdoor amenity space. This shadow also covers the entire width of County Road 22 at this time.

By 3:00pm the shadow has some impact towards the north, with the shadow covering over half, or the entirety, of each residential dwelling and the commercial establishment on the properties fronting onto County Road 22, between Alexander Avenue and Rourke Line Road. The properties include 1480, 1482, 1486, 1488, 1490, 1492, and 1496 County Road 22. The shadow continues to impact the entire width of County Road 22 north of the subject site at this time.

Between 4:00pm and sunset at 4:30pm, the shadow grows significantly and continues to impact the above noted properties fronting onto County Road 22, as well as additional shadow coverage on the residential dwellings farther north along Rourke Line Road.

Shadow impacts upon the public realm are anticipated to include shadow coverage for the extent of the daytime hours. As noted, there are no formal sidewalks for pedestrians along County Road 22, meaning that mainly drivers of automobiles will be impacted by the shadow across the roadway during this time. Some private outdoor amenity spaces beyond the subject site are impacted by the shadow for a prolonged period of the daytime hours. These impacts are largely due to the angle of the sun throughout the winter.

Refer to Appendix E.

Summary

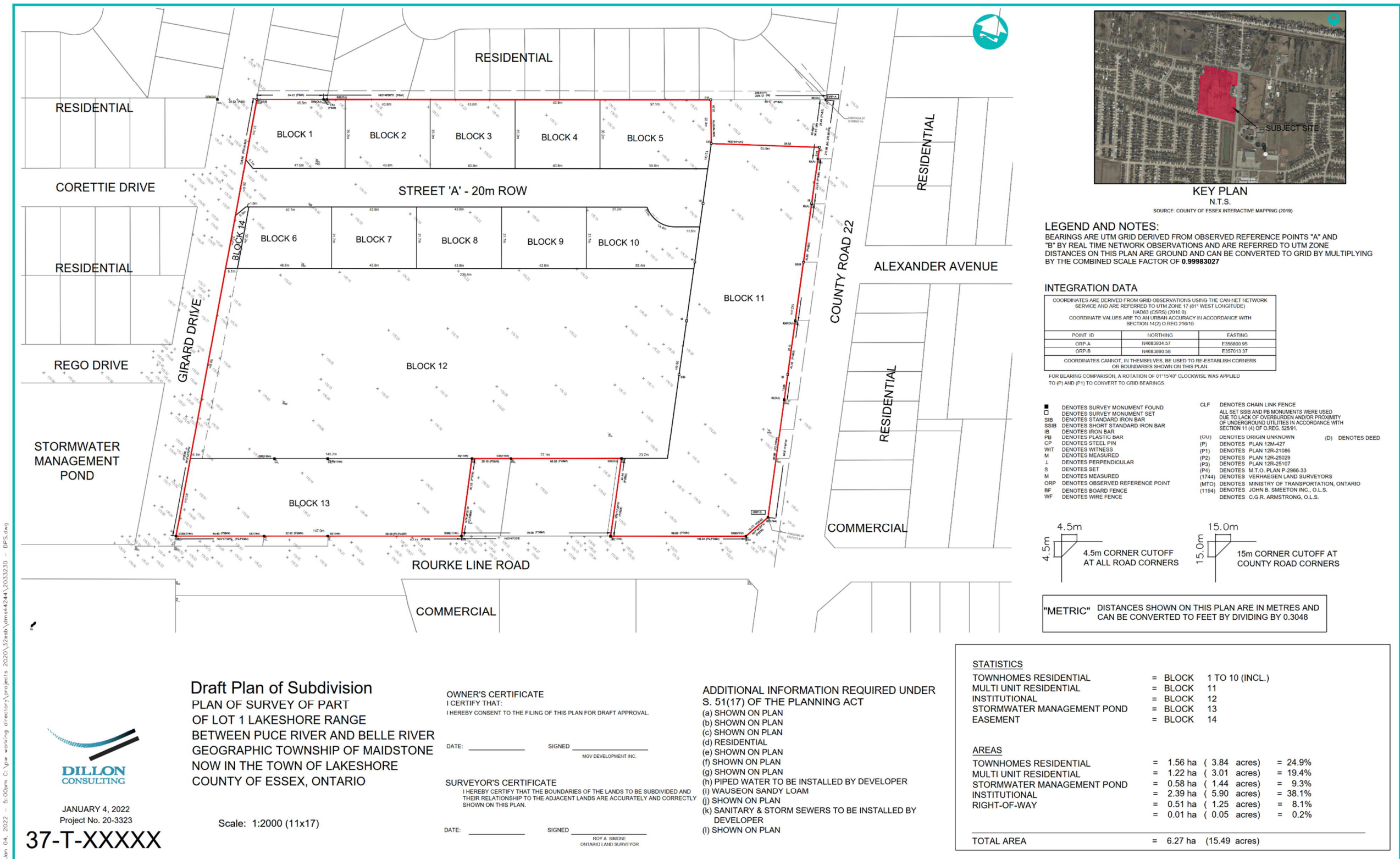
In summary, it is our opinion that the shadow impacts from the proposed development upon the neighbouring residential properties and the public realm are overall limited and short in duration. The shadows have a limited level of impact for the following reasons:

- The majority of cumulative shadowing impacts are moderate and shorter in duration, with shadow impact falling primarily away from residential properties;
- Of the shadowing impacts identified, the majority occur around sunrise or sunset, meaning that the neighbouring residents will continue to retain full sunshine access in their respective amenity areas during the daytime and in the warmer months;
- The public realm is anticipated to experience some shadow coverage; however, the shadowing is limited in duration and by time of year. The portion of the public realm impacted by the shadow includes two auto-oriented roadways and one small section of a formalized sidewalk network for pedestrians. As such, it will not cause unreasonably negative impacts for, or deter from, the ability for community members to use the public realm in these particular areas.

In conclusion, it is our opinion that shadow impacts from the proposed development are limited overall. This is due to the duration that the shadows are anticipated to last and because the shadows caused by the proposed apartment buildings will predominantly cover approximately 50% or less of neighbouring residential dwellings and private outdoor amenity spaces.

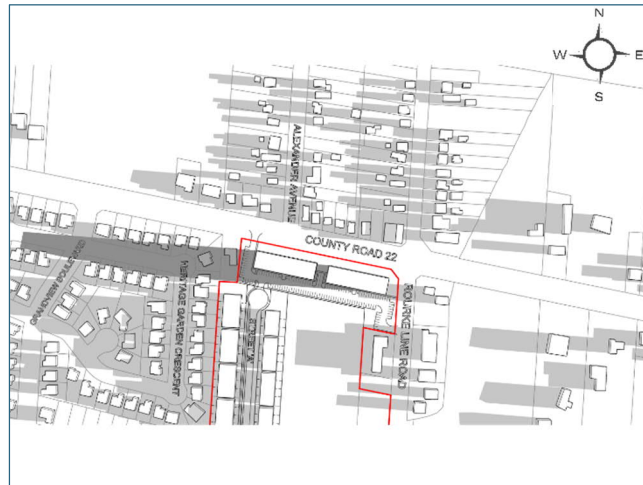
Appendix A

Proposed Draft Plan of Subdivision

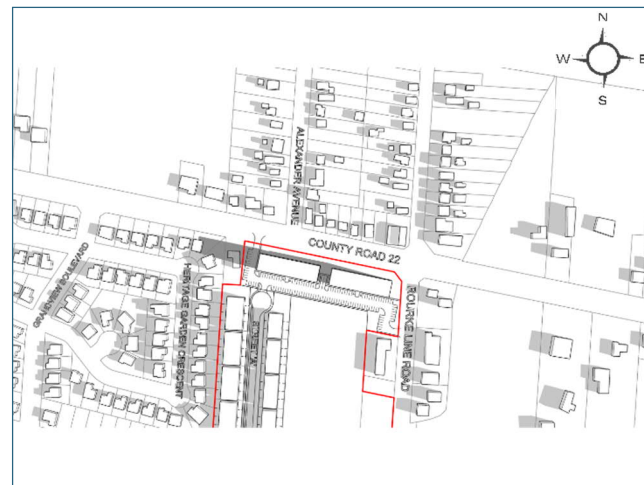


Appendix B

Shadow Diagrams: March 21



March 21 7:00 am



March 21 8:00 am



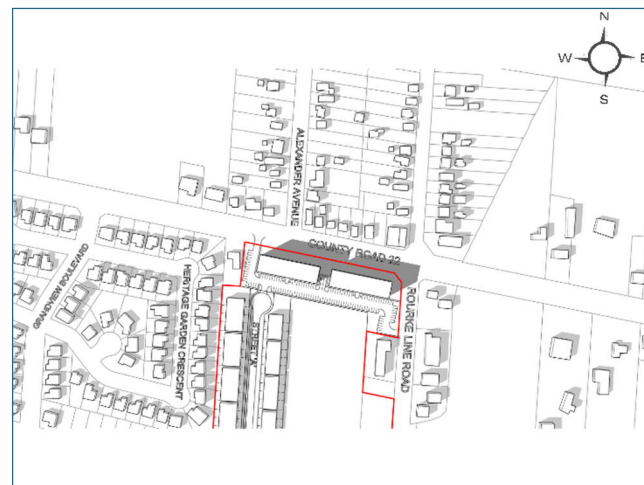
March 21 9:00 am



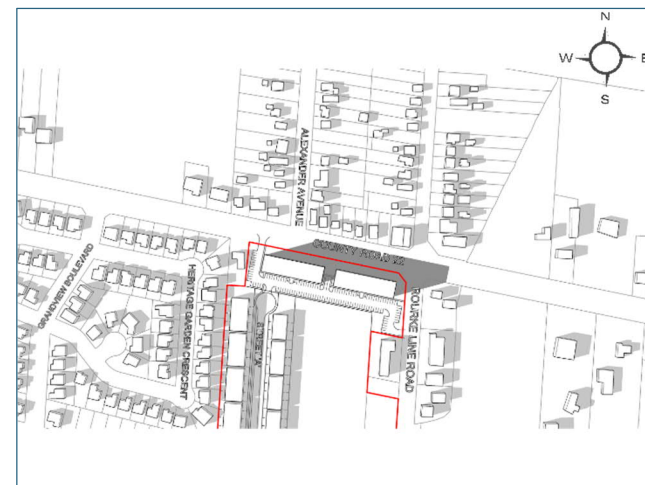
March 21 10:00 am



March 21 3:00 pm



March 21 4:00 pm

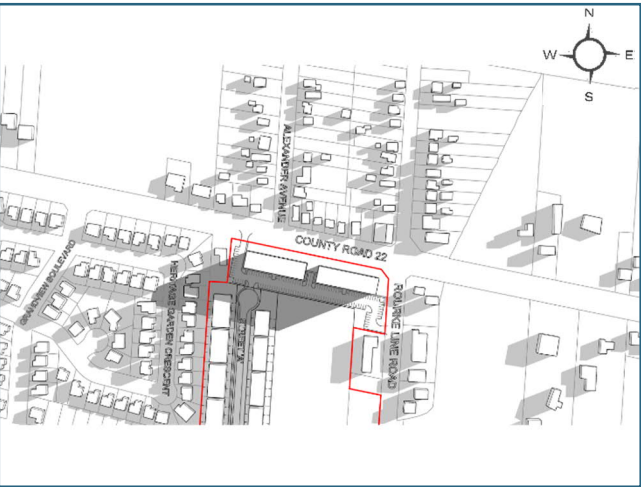


March 21 5:00 pm

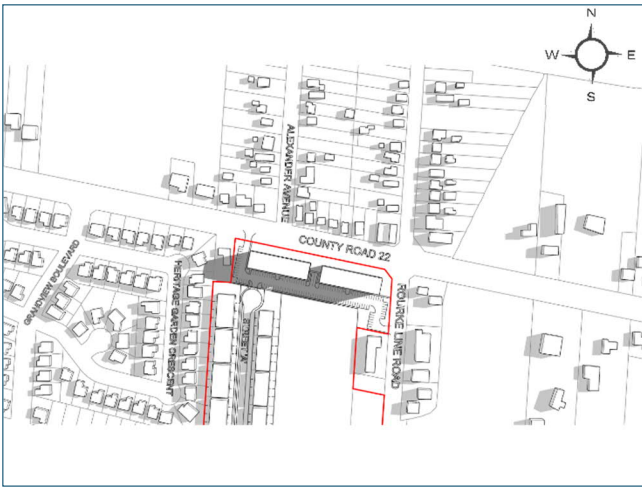


Appendix C

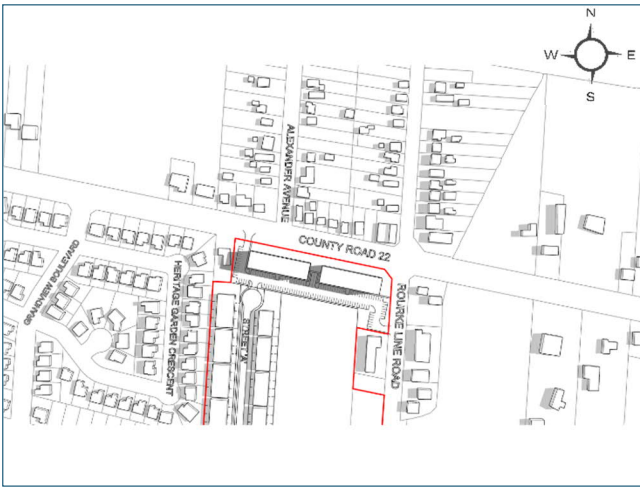
Shadow Diagrams: June 21



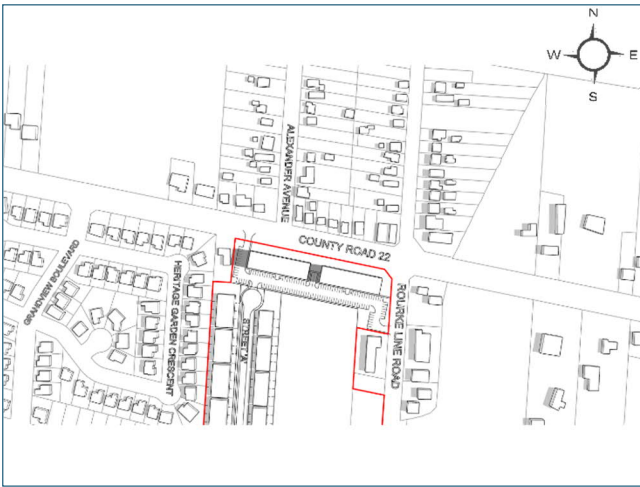
June 21 6:00 am



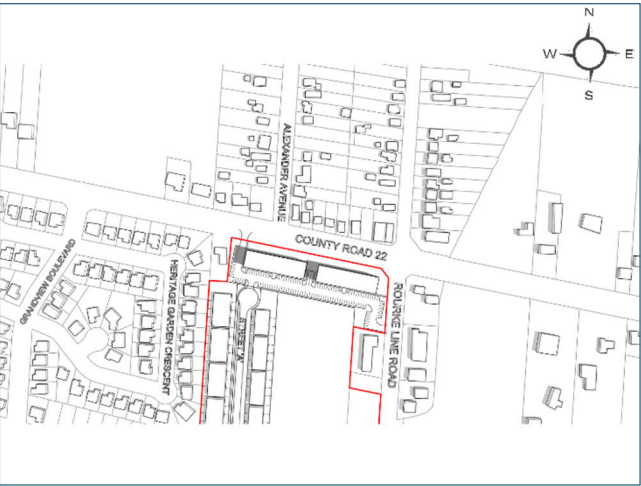
June 21 7:00 am



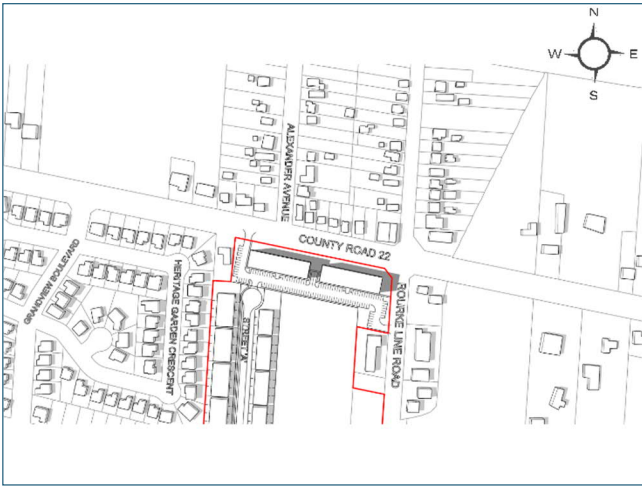
June 21 8:00 am



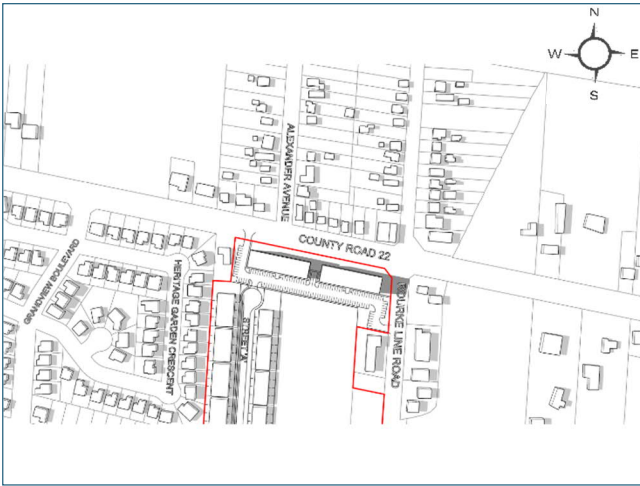
June 21 9:00 am



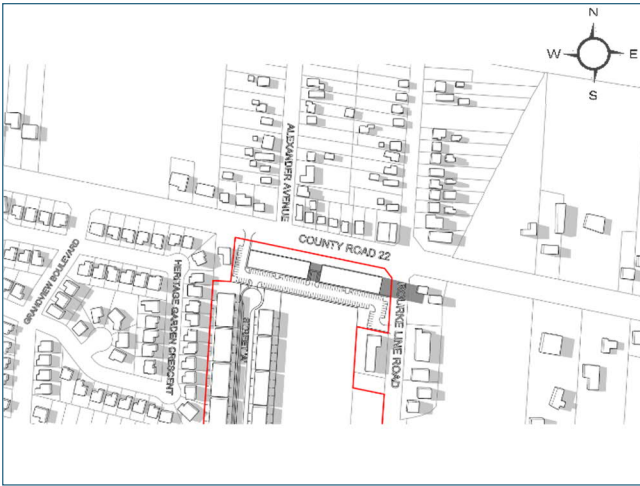
June 21 10:00 am



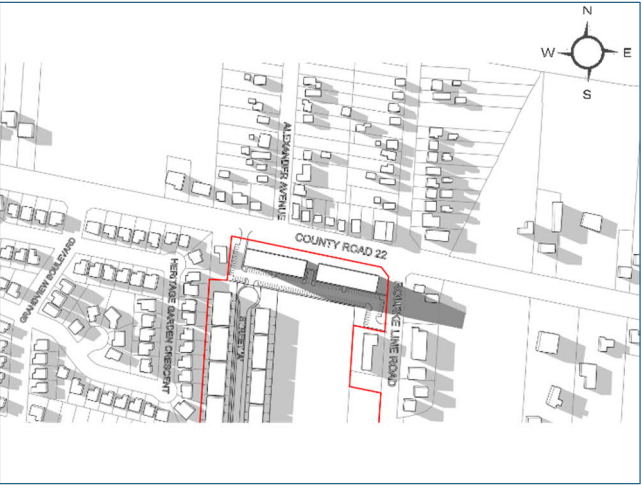
June 21 4:00 pm



June 21 5:00 pm



June 21 6:00 pm



June 21 7:00 pm



SUBJECT SITE



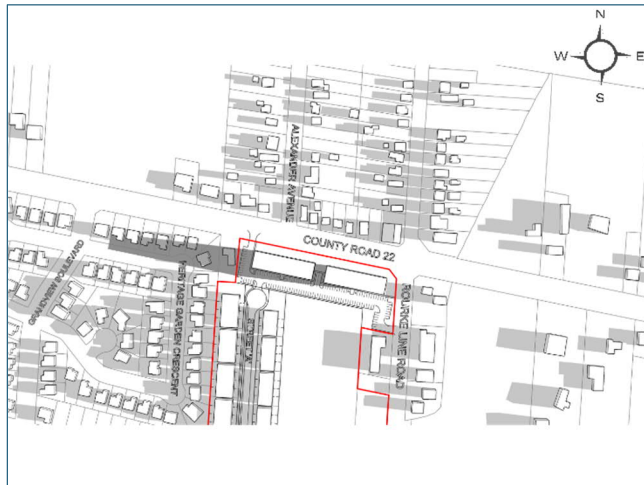
PROPOSED SHADOW



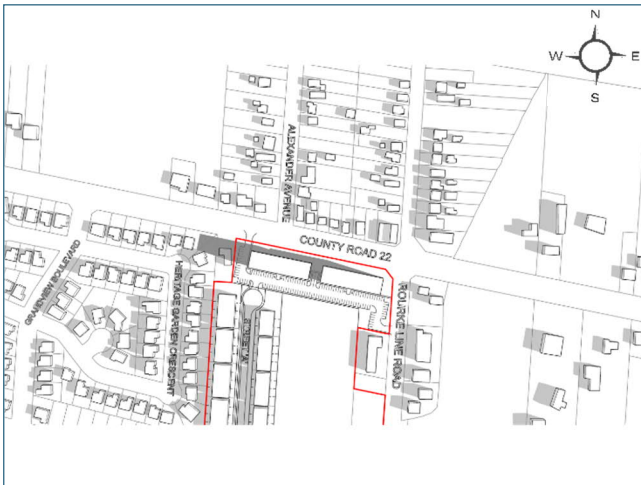
EXISTING SHADOW

Appendix D

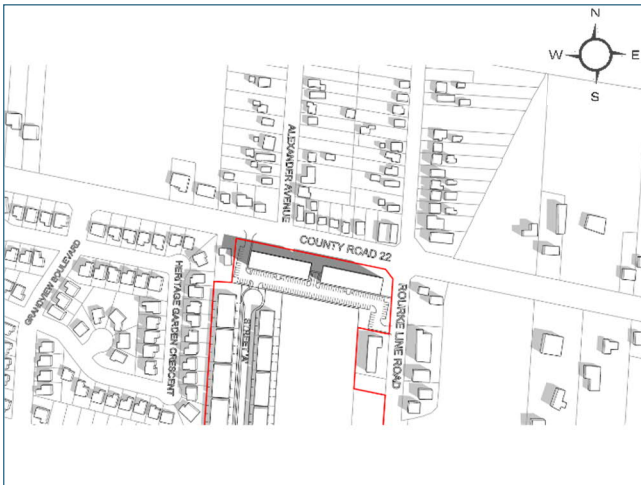
Shadow Diagrams: September 21



September 21 7:00 am



September 21 8:00 am



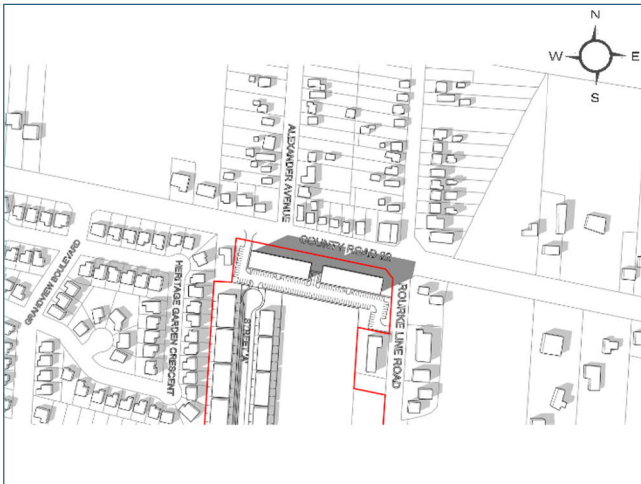
September 21 9:00 am



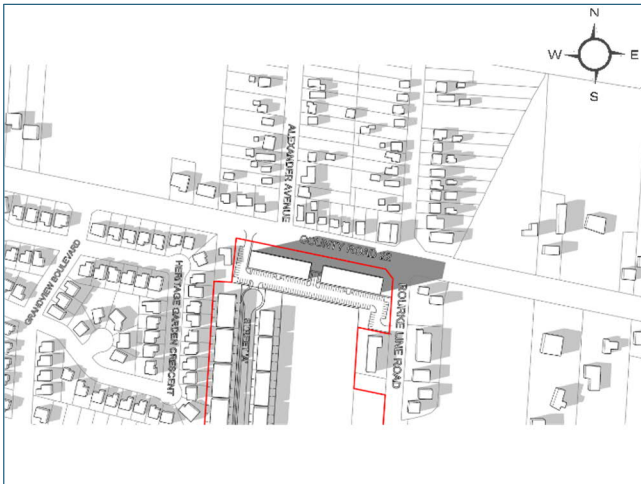
September 21 10:00 am



September 21 3:00 pm



September 21 4:00 pm



September 21 5:00 pm



September 21 6:00 pm

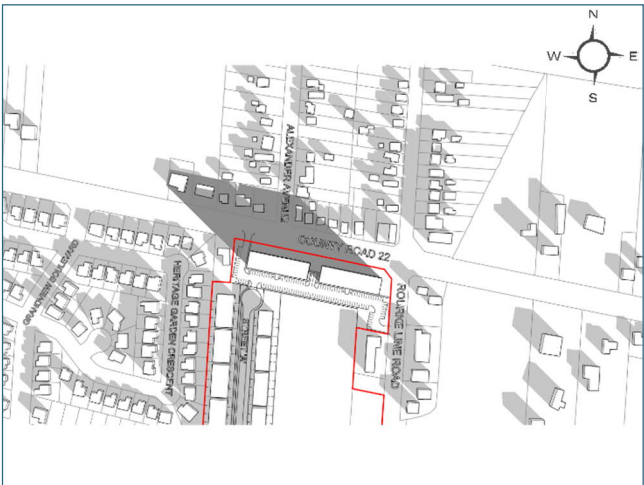


Appendix E

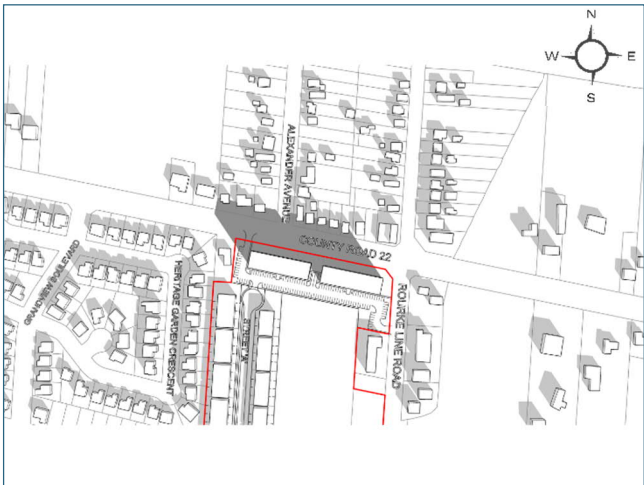
Shadow Diagrams: December 21



December 21 8:30 am



December 21 9:00 am



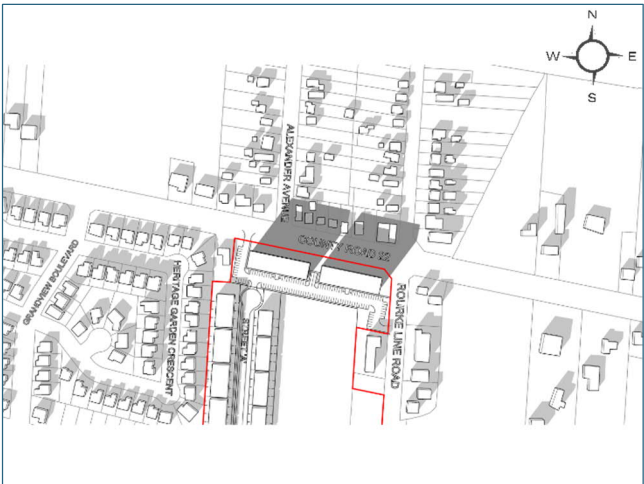
December 21 10:00 am



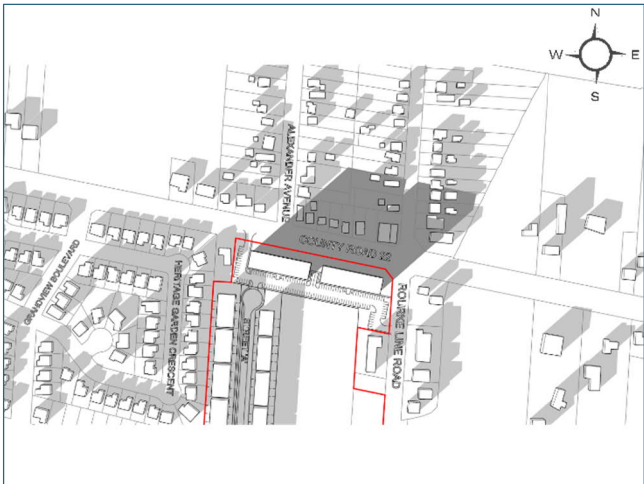
December 21 11:00 am



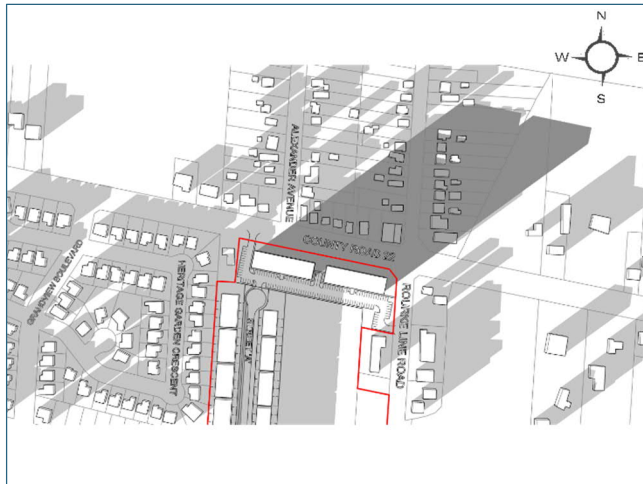
December 21 2:00 pm



December 21 3:00 pm



December 21 4:00 pm



December 21 4:30 pm

