

# TOWN OF ESSEX

## OFFICIAL PLAN



Colchester Centre, Harrow Centre, McGregor Centre, Essex Centre

**WHERE YOU BELONG**

## Table of Contents

|                                                                                                      |           |
|------------------------------------------------------------------------------------------------------|-----------|
| <b>Section 1 – General Provisions .....</b>                                                          | <b>8</b>  |
| 1.1 Title and Components .....                                                                       | 8         |
| 1.2 The Planning Area .....                                                                          | 8         |
| 1.3 Planning Authority .....                                                                         | 8         |
| 1.4 Relationship With Provincial Policies And The County Official Plan .....                         | 12        |
| <b>Section 2 – The Plan .....</b>                                                                    | <b>13</b> |
| 2.1 Purpose of This Plan .....                                                                       | 13        |
| 2.2 Planning Basis .....                                                                             | 14        |
| 2.3 A Sustainable Community (added by OPA1, August 31, 2010) .....                                   | 14        |
| 2.4 Time Period of The Plan .....                                                                    | 15        |
| <b>Section 3 – Community Description .....</b>                                                       | <b>17</b> |
| 3.1 Community Profile .....                                                                          | 17        |
| 3.2 Forecasted Residential Demand .....                                                              | 20        |
| 3.3 Forecasted Agricultural Demand .....                                                             | 22        |
| 3.4 Forecasted Commercial Demand .....                                                               | 22        |
| 3.5 Forecasted Industrial Demand .....                                                               | 23        |
| 3.6 Land Use Needs Review .....                                                                      | 24        |
| <b>Section 4 – General Development Policies .....</b>                                                | <b>25</b> |
| 4.1 General Provisions .....                                                                         | 25        |
| 4.2 Planning Principles .....                                                                        | 28        |
| 4.3 Site Suitability .....                                                                           | 29        |
| 4.4 The Staging of Development .....                                                                 | 30        |
| 4.5 Cultural Heritage and Archeological Resources .....                                              | 30        |
| 4.6 Visual Amenity (amended by OPA 6, July 27, 2017) .....                                           | 32        |
| 4.7 Buffering .....                                                                                  | 32        |
| 4.8 Air Quality .....                                                                                | 34        |
| 4.9 Energy Conservation .....                                                                        | 34        |
| 4.10 Significant Habitat of Endangered Species, Threatened Species, Fish Habitat and Woodlands ..... | 35        |
| 4.11 Minimum Distance Separation Requirements - Agriculture .....                                    | 36        |
| 4.12 Management of Mineral, Mineral Aggregate and Petroleum Resources .....                          | 38        |

|                                            |                                                                      |           |
|--------------------------------------------|----------------------------------------------------------------------|-----------|
| 4.13                                       | Wayside Pits, Quarries And Portable Asphalt Plants .....             | 39        |
| 4.14                                       | Human Made Hazards.....                                              | 40        |
| 4.15                                       | Waste Disposal Sites .....                                           | 42        |
| 4.16                                       | Development Abutting Provincial Highway Number 3 .....               | 43        |
| 4.17                                       | Municipal and Institutional Uses .....                               | 44        |
| 4.18                                       | Utility Facilities Exclusive of Power Generation Facilities .....    | 45        |
| 4.19                                       | Traditional Power Generation Facilities .....                        | 46        |
| 4.20                                       | Alternative and Renewable Energy Facilities .....                    | 46        |
| 4.21                                       | Brownfield Redevelopment.....                                        | 47        |
| 4.22                                       | Residential Intensification and Affordability.....                   | 47        |
| <b>Section 5 – The Land Use Plan .....</b> |                                                                      | <b>50</b> |
| 5.1                                        | Lands Within The “Floodplain Development Control Area Overlay” ..... | 50        |
| 5.2                                        | Lands Within The “Lake Erie Flood prone Area Overlay” .....          | 51        |
| 5.3                                        | Lands Within The “Natural Heritage Overlay” .....                    | 52        |
| 5.4                                        | Lands Designated “Agricultural” .....                                | 55        |
| 5.5                                        | Lands Designated “Natural Environment” .....                         | 59        |
| 5.6                                        | Lands Designated “Wetlands” .....                                    | 60        |
| 5.7                                        | Lands Designated “Residential” .....                                 | 61        |
| 5.8                                        | Lands Designated “Mobile Home Park” .....                            | 66        |
| 5.9                                        | Lands Designated “Lakeshore Residential” .....                       | 67        |
| 5.10                                       | Lands Designated “Estate Residential” .....                          | 71        |
| 5.11                                       | Lands Designated “Rural Residential” .....                           | 73        |
| 5.12                                       | Lands Designated “Hamlet” .....                                      | 74        |
| 5.13                                       | Lands Designated “Town Centre” .....                                 | 77        |
| 5.14                                       | Lands Designated “Highway Commercial Corridor Development” .....     | 81        |
| 5.15                                       | Lands Designated “Highway Commercial” .....                          | 83        |
| 5.16                                       | Lands Designated “Industrial” .....                                  | 85        |
| 5.17                                       | Lands Designated “Parks and Open Space” .....                        | 88        |
| 5.18                                       | Lands Designated “Community Service Facility” .....                  | 89        |
| 5.19                                       | Lands Designated “Landfill” .....                                    | 91        |

|                                                                                      |            |
|--------------------------------------------------------------------------------------|------------|
| <b>Section 6 – Property Division Policies.....</b>                                   | <b>92</b>  |
| 6.1 General Provisions .....                                                         | 92         |
| 6.2 Existing Lots of Record.....                                                     | 93         |
| 6.3 Plans of Subdivision .....                                                       | 94         |
| 6.4 Consents .....                                                                   | 95         |
| 6.5 Consents in Areas Designated “Agricultural” .....                                | 96         |
| 6.6 Lot Creation in Proximity of Sewage Treatment Facilities .....                   | 97         |
| 6.7 Restricted Development Near A Landfill.....                                      | 98         |
| 6.8 Part Lot Control and Deeming Policies.....                                       | 98         |
| 6.9 Conservation Easements .....                                                     | 98         |
| 6.10 Condominium Policies.....                                                       | 99         |
| <b>Section 7 – Community Improvement.....</b>                                        | <b>101</b> |
| 7.1 Criteria For A Community Improvement Area Designation.....                       | 101        |
| 7.2 Selection of Community Improvement Areas.....                                    | 102        |
| 7.3 Community Improvement Policies .....                                             | 103        |
| 7.4 The Phasing of Improvements .....                                                | 103        |
| 7.5 Implementation.....                                                              | 104        |
| 7.6 Eligible Costs.....                                                              | 105        |
| <b>Section 8 – Municipal Services .....</b>                                          | <b>106</b> |
| 8.1 Servicing Standards.....                                                         | 106        |
| 8.2 Servicing Requirements .....                                                     | 106        |
| 8.3 Water Supply and Distribution.....                                               | 107        |
| 8.4 Electricity Provision.....                                                       | 108        |
| 8.5 Sanitary Sewage Collection and Treatment (Amended by OPA 6, July 27, 2017) ..... | 108        |
| 8.6 Stormwater Management (Amended by OPA 6, July 27, 2017) .....                    | 109        |
| 8.7 Ground Water and Source Water Protection (Amended by OPA 6, July 27, 2017) ..... | 112        |
| 8.8 Transportation Network.....                                                      | 113        |
| 8.9. Schools (Amended by OPA 6, July 27, 2017).....                                  | 119        |
| 8.10 Parkland Acquisition and Development.....                                       | 119        |
| <b>Section 9 – Implementation and Interpretations .....</b>                          | <b>122</b> |
| 9.1 General Mandates.....                                                            | 122        |

|                                                                      |                                                            |            |
|----------------------------------------------------------------------|------------------------------------------------------------|------------|
| 9.2                                                                  | Interpretation.....                                        | 122        |
| 9.3                                                                  | Planning Review Committee.....                             | 123        |
| 9.4                                                                  | The Implementing Zoning By-Law .....                       | 123        |
| 9.5                                                                  | Existing Land Uses.....                                    | 124        |
| 9.6                                                                  | Committee of Adjustment .....                              | 124        |
| 9.7                                                                  | Non-Conforming Uses .....                                  | 125        |
| 9.8                                                                  | Minor Variance Policies.....                               | 126        |
| 9.9                                                                  | Holding Zones.....                                         | 126        |
| 9.10                                                                 | Temporary Use By-Laws .....                                | 127        |
| 9.11                                                                 | Interim Control By-Laws .....                              | 128        |
| 9.12                                                                 | Bonusing Policies.....                                     | 128        |
| 9.13                                                                 | Site Plan Control .....                                    | 129        |
| 9.14                                                                 | Amendment Procedures.....                                  | 131        |
| 9.15                                                                 | Complete Application Submission .....                      | 133        |
| 9.16                                                                 | Public Participation.....                                  | 135        |
| 9.17                                                                 | Legislation Pursuant To The Municipal Act.....             | 136        |
| 9.18                                                                 | The Development Charges Act .....                          | 136        |
| 9.19                                                                 | Guidance and Advice.....                                   | 136        |
| 9.20                                                                 | Official Plan Review .....                                 | 137        |
| <b>Section 10 – Schedules .....</b>                                  |                                                            | <b>138</b> |
| <b>Section 11 – Special Provisions In Certain Areas .....</b>        |                                                            | <b>146</b> |
| <b>Section 12 – Guideline Plans.....</b>                             |                                                            | <b>147</b> |
| 12.1                                                                 | Colchester Hamlet Guideline Plan .....                     | 147        |
|                                                                      | <i>Appendix GP-1 Colchester Hamlet Guideline Plan.....</i> | <i>148</i> |
| <b>Section 1 – Colchester Hamlet Guideline Plan Background .....</b> |                                                            | <b>150</b> |
| 1.1                                                                  | Introduction.....                                          | 150        |
| 1.2                                                                  | Community Consultation - General Overview .....            | 152        |
| <b>Section 2 – Colchester Secondary Plan .....</b>                   |                                                            | <b>158</b> |
| 2.1                                                                  | Development Strategy .....                                 | 158        |
| 2.2                                                                  | Community Vision.....                                      | 158        |
| 2.3                                                                  | Planning Directions.....                                   | 158        |

|                                                           |            |
|-----------------------------------------------------------|------------|
| <b>Section 3 – Land Use Designation and Policies.....</b> | <b>160</b> |
| 3.1 General Policies:.....                                | 160        |
| 3.2 Main Street Area.....                                 | 163        |
| 3.3 Waterfront Area.....                                  | 166        |
| 3.4 Hamlet Residential Area.....                          | 167        |
| 3.5 Recreationway.....                                    | 169        |
| <b>Section 4 – Tourism and Recreation .....</b>           | <b>173</b> |
| 4.1 General Policies.....                                 | 173        |
| 4.2 Accommodations.....                                   | 173        |
| 4.3 Cultural Heritage.....                                | 173        |
| 4.4 Lakeshore Access.....                                 | 174        |
| <b>Section 5 – Infrastructure.....</b>                    | <b>175</b> |
| 5.1 Policies.....                                         | 175        |
| <b>Section 6 – Implementation.....</b>                    | <b>176</b> |
| 6.1 Site Plan Control.....                                | 176        |
| 6.2 Community Improvement.....                            | 177        |
| 6.3 Community Design Guidelines.....                      | 177        |
| 6.4 Bonusing.....                                         | 177        |
| <b>Section 7 – Main Street Design Guidelines .....</b>    | <b>178</b> |
| 7.1 Building Forms.....                                   | 180        |
| 7.2 Building Heights.....                                 | 180        |
| 7.3 Building Orientation.....                             | 181        |
| 7.4 Heritage Preservation.....                            | 182        |
| 7.5 Signage.....                                          | 182        |
| 7.6 Setbacks.....                                         | 182        |
| 7.7 Landscaping.....                                      | 182        |
| 7.8 Streetscape.....                                      | 183        |
| 7.9 Parking and Access.....                               | 183        |

**Section 8 – Waterfront Area Design Guidelines .....185**

8.1 Parks .....188

8.2 Streetscape .....188

8.3 Landscaping .....188

8.4 Parking and Access .....188

**Section 9 – Public Realm Design Guidelines .....189**

9.1 Gateways.....189

9.2 Views and Vistas .....190

## Section 1 – General Provisions

**This Official Plan came into force and took effect on July 15, 2009. Modifications to this plan, as requested by the Planning Approval Authority for the County of Essex, have been incorporated herein. At the Town's discretion, subsequent key modifications and additions, according to an approved Official Plan Amendment(s), are duly noted in the relevant sections.**

### 1.1 Title and Components

The following text and Schedules "A", "A-1", "A-2", "A-3", "A-4", "B", "C" and "D" inclusive and all Appendices constitute the Official Plan of the Town of Essex. The policies and land use designations described in this Plan should not be considered static and will be reviewed and altered by way of review and amendment as required. A major review of all policies and land use designations will be undertaken every five years.

### 1.2 The Planning Area

The following text and schedules constituting the Official Plan for the Town of Essex, hereinafter referred to as the Town, apply to all lands within the Town's corporate limits. The restructured municipality was incorporated on January 1st, 1999, and comprises the former Towns of Essex and Harrow and the former Townships of Colchester North and Colchester South. The new Town of Essex has a land area of 28, 734 hectares and a 2001 population of 20,085. Essex is located in the middle and south part of Essex County bordered by the Town of Amherstburg to the west, the Towns of Tecumseh and Lakeshore to the north, the Town of Kingsville to the east and Lake Erie to the south. Map 1.1 shows the location of the Town of Essex in the Essex County-City of Windsor region.

### 1.3 Planning Authority

#### Provincial Policy Statement

Ontario's long term prosperity and social well-being, and that of its local municipalities, is dependent on the maintenance of strong communities, a clean and healthy environment and a strong economy.

The Provincial Policy Statement (PPS), sanctioned under Section 3 of The Planning Act, provides

policy direction on matters of Provincial concern regarding land use planning and development. It sets the regulatory foundation and framework for comprehensive, long term planning and sustainable development.

Local planning decisions “shall be consistent with” the policy statements in the PPS. Municipal decision makers and land developers must read the PPS in its entirety and take note of the interrelationships amongst all of the policies set out therein.

The three principles of the PPS are:

- a) Building Strong Communities - Efficient land use and development patterns that support healthy communities protect natural environments and public safety and promote economic growth will be established and maintained.
- b) Wise Use and Management of Resources - In order to maintain the long term prosperity of the Province and its communities, environmental health and social well-being, which depend on the protection of natural heritage, water, agriculture, mineral and cultural heritage and archaeological resources must be protected.
- c) Protecting Public Health and Safety Development shall be directed away from areas of natural or man-made hazards that pose the risk of public cost, safety and property damage.

Official Plans will contain goals, objectives and policies to manage and direct physical change and its effects on the social, economic and natural environment. Co-ordination with the County of Essex, its local communities and the Province will be undertaken to achieve these goals in a comprehensive manner. This Official Plan, hereinafter referred to as the Plan, is intended to ensure conformity with the provisions of the PPS in regard to local land use planning decision-making in the long term.

#### County of Essex Official Plan

- a) General Policies

The County of Essex Official Plan, which came into effect on July 19, 2005, implements Provincial policy at the County level and establishes a planning framework and direction to the County and its seven local municipalities. The County planning principles are found in Section 1.5 of its Official Plan.

The County Official Plan promotes population and employment growth that is managed in a way that will:

- i. minimize adverse impacts on agricultural and natural heritage features;
- ii. be phased in accordance with the availability of appropriate types and levels of service; and

- iii. implement the County's planning principles as outlined in its plan.

Local Official Plans are encouraged to establish land requirement needs to accommodate projected growth for a time horizon of up to 20 years. Residential growth projections are to be in accordance with the population projections contained in the County Plan (3.2.3 d), as summarized in the following table. The table also includes the actual 2006 census data populations from Statistics Canada. Growth management strategies are encouraged to establish the type, amount, location and timing of growth and development including a servicing strategy in keeping with the County's servicing and growth projection policies (3.23 j).

Figure 2.2 – County of Essex Population Projections

|               | 1996    | % of Growth | 2006 Actual | 2016 Low Scenario | 2016 Medium Scenario | 2016 High Scenario |
|---------------|---------|-------------|-------------|-------------------|----------------------|--------------------|
| Town of Essex | 19,437  | 8%          | 20,032      | 22,528            | 22,931               | 24,818             |
| County        | 152,352 | 100%        | 176,929     | 190,992           | 196,305              | 219,612            |

The Essex County Official Plan contains three general land use designations and associated policies applicable to the Planning Area, these designations include: Settlement Areas; Agricultural Area; and Natural Environment Areas. The Official Plan provides for a range of permitted uses within the Plan's land use designations.

#### **b) Settlement Areas**

Future growth is directed to Settlement Areas. The Settlement Areas are conceptually represented on Schedule A – Land Use Plan and the detailed extent of these settlement areas and the range of permitted uses are to be identified in the local Official Plans. Settlement Areas are to support and promote healthy, diverse and vibrant areas where all residents can live, work and enjoy recreational opportunities. The Plan supports cost effective development patterns which minimize land consumption, avoid the unnecessary/uneconomical extension of infrastructure, minimize environmental impacts, promote heritage preservation and mitigate public health and safety concerns.

Local Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization of areas with sufficient existing and planned infrastructure. A full range of housing types and densities are encouraged including affordable housing designed to meet the needs of special needs groups such as seniors and physically challenged individuals.

### c) **Agricultural Areas**

Agricultural Areas are to be protected for agricultural purposes which include the growing of crops (including nursery and horticulture crops) the raising of livestock (including poultry and fish), forestry and conservation uses and small scale farm-related commercial and industrial operations. Essex County is recognized as one of the most active agricultural areas in Ontario with 90% of the agricultural lands falling within the Province's definition of prime agricultural areas.

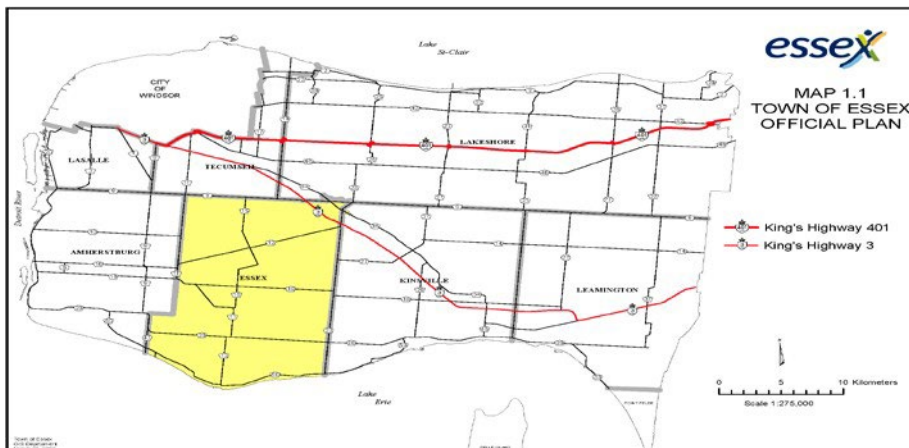
It is recognized that development pressures will occur in prime agricultural areas and such development will only be allowed subject to adequate growth management justification. Lot creation in Agricultural Areas is discouraged and will only be permitted in strict accordance with the PPS and the policies of this Plan.

### d) **Natural Environment Areas**

The Natural Environment Area designation includes lands that are within or adjacent to areas with significant heritage features, for example, the habitat of endangered and threatened species and some environmentally significant areas as identified by the Essex Region Conservation Authority. Development and site alteration is prohibited within these areas, unless it relates to infrastructure projects authorized under an environment assessment process or to work subject to the Drainage Act.

## **Town Of Essex Official Plan**

In accordance with Section 17 of the Planning Act, R.S.O. 1990, the Council of the Town of Essex has prepared a plan suitable for adoption as the Official Plan of the municipality. An Official Plan is defined in the Planning Act as a document, approved by the Approval Authority, containing objectives and policies established primarily to provide guidance for the physical development of a municipality while having regard to relevant social, cultural, economic and environmental matters.



## **1.4 Relationship With Provincial Policies And The County Official Plan**

As required by the Planning Act, the policies contained within this Plan are deemed to be consistent with the policy directives of the Provincial Policy Statement (PPS) and in conformity with the applicable provisions of the Official Plan for the County of Essex. Where, in the course of application of this Plan, it is determined that its objectives, policies and guidelines are deemed to be inconsistent with the directives of the PPS or the County of Essex Official Plan, consultation with the County to address such discrepancies will be undertaken and the consensus will be adopted by amendment to this Plan.

## Section 2 – The Plan

### 2.1 Purpose of This Plan

Section 24 of the Planning Act provides that, where an Official Plan is in effect, no public work shall be undertaken or by-law passed, unless it conforms to this Plan.

This Official Plan sets out in general terms the future pattern of development for the

Town. The Plan's purpose is:

to designate sufficient lands to accommodate future development and to establish and maintain a desired land use pattern that ensures compatibility between and amongst various land uses within the Town;

to further enhance the Town as a desirable place for living, working and leisure by helping to create healthy, safe, attractive and vibrant communities;

to maintain the largely rural character of the open spaces between urban areas by directing development to compact, fully-serviced settlement areas;

to protect and enhance cultural heritage and natural heritage landscapes and resources, biological and ecological functions;

to identify the present level of services available within the Town, the capacity of these services with respect to their expansion and the service extensions required to facilitate future development in an energy efficient and sustainable manner;

to guide the location, type and sequence of all new development to provide it with efficient public services based on reasonable and sound standards;

to ensure that new development proceeds at a pace that is within the financial capabilities of the Town to accommodate such development;

to ensure that transportation facilities required for the movement of people and goods provide viable choices in a balanced transportation system, meet the goals proposed by this Plan and satisfy the needs of residents for sustainable, accessible, safe and efficient movement;

to improve accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society;

a) to ensure that prime agricultural lands, being Class 1, 2 and 3 soils, as established by the Canada Land Inventory, and specialty crop lands, are preserved and protected for

- agricultural use in areas designated "Agricultural";
- b) to inform the general public and the private sector of the type and standard of development that will be permitted within the Town in the future;
  - c) to guide Council, the Committee of Adjustment, municipal staff and other regulatory agencies in their decisions regarding the future development of the Town;
  - d) to provide for the necessary capital works programs and municipal legislation to implement the Plan's goals;
  - e) to provide a frame of reference for future detailed land use studies when considered necessary by Council;
  - f) to establish a framework for public involvement in the implementation and review of the Plan's goals and policies;
  - g) to implement the policy directions of the Provincial Policy Statement and the County of Essex Official Plan at the local level.

## **2.2 Planning Basis**

The policies contained within this Plan are based on conclusions that emerged from research, analysis and public participation in the Official Plan review, past development patterns, practises and decisions, the mandates of the Provincial Policy Statement and other Provincial legislation, the policies of the County of Essex Official Plan and development legislation established by the pre-amalgamated municipalities. If in time, any of the objectives and policies of this Plan lose their relevance or are in need of revision, they will be amended at such time and as considered appropriate by the Town or the County.

## **2.3 A Sustainable Community** ( added by OPA1, August 31, 2010)

The Town of Essex is committed to the incorporation of sustainability and resilience principles in its operations and activities.

### **a) Vision Statement**

The Town of Essex is a community which provides for the long term social, environmental, economic and cultural needs of its residents, while respecting the natural environment, our natural resources and the natural processes that sustain us.

## **b) Our Goals**

We will:

- i) respect and enhance our community values, the health of our residents and the natural environment;
- ii) strive to meet the basic needs of our residents in a healthy and safe environment where people can easily connect with each other and day to day services at the neighbourhood level, have access to adequate food, affordable, accessible and good quality housing, opportunities for employment and access to education, balanced transportation that incorporates a diversity of transportation modes, prioritizing active transportation and access to affordable recreation;
- iii) maintain an environmentally sustainable community, minimize our contribution to waste and natural degradation and use our land, resources and energy most efficiently;
- iv) show civic leadership through green, eco-friendly practices and the responsible management of our resources and procurement strategies;
- v) support the principles of smart growth when considering major transportation and land use submissions;
- vi) foster public awareness of the need to adopt sustainable core values and principles.

In order to achieve this vision and to satisfy these goals, the Town will adopt a Sustainability Action Plan, as a working document, to set objectives and determine actions that are intended to make sustainability thinking an integral part of all municipal activities. Throughout this Official Plan are more specific guidelines and objectives devoted to the achievement of a sustainable community.

The Town will show to the community by example, through the application of the Official Plan, through its day to day operations and in its long term strategic planning, the merits of adopting sustainability principles. Over time, by way of such actions and through public outreach and education, it is expected that our citizens will incorporate sustainability thinking into their lives and activities for the benefit of the entire community and the generations who follow us.

## **2.4 Time Period of The Plan**

This Plan is intended to guide future development within the Town of Essex until the year 2021. All forecasts of growth and related land use requirements correspond to this planning period. The Plan will be reviewed as mandated by Provincial policy to ensure that:

- a) it generally conforms with Provincial mandates, and County of Essex Official Plan and does not conflict with them;
- b) it has regard to matters of provincial interest stated in Section 2 of the Planning Act;
- c) it is consistent with the Provincial Policy Statements of the Planning Act;
- d) its employment and settlement area land policies remain relevant; and it is still appropriate given the Town's development circumstances and the desired policy directions of Council.

## Section 3 – Community Description

### 3.1 Community Profile

The restructured Town of Essex has a land area of approximately 28 734 hectares. Within that area, there are five urban communities identified as “Settlement Areas” in the County of Essex Official Plan. They include the Essex Urban Centre, generally referred to in this Plan as Essex Centre, the Harrow Urban Centre, generally referred to as Harrow, the McGregor, Gesto and Colchester Hamlets, all as depicted on Map 1.2.

The rural landscape of the Town is predominantly agricultural, which includes rich fertile soil in the southern part of the municipality well-suited for fruit, vegetable and cash crop production, coupled with heavier cash crop production in the northern part of the municipality. There is expanding vineyard activity and associated wineries.

Most of the Town’s housing stock is single unit detached with a somewhat greater range in variety and types of housing within Essex Centre and Harrow. Approximately 50 percent of the population is located within these two centres. The other significant settlement areas include the Hamlets of McGregor, Gesto and Colchester and extensively developed lakeshore areas.

Although there are some major employers within the Town’s two main settlement areas, much of the local labour force remains directly employed at establishments in the City of Windsor. Industrial development within the Town is centred in the fully serviced urbanized areas of Essex Centre and Harrow.

Both Essex Centre and Harrow have active and relatively vibrant traditional downtown core areas and have experienced development pressures on the periphery adjacent to regional arterial roads. Essex Centre, given its central position in the County and location along King’s Highway No. 3, attracts city and county shoppers to its established commercial areas and recently approved highway corridor commercial development. It is expected that Harrow and the other commercial development areas will continue to primarily satisfy the local shopping needs of residents within each urban area and its hinterland.

The Town of Essex also accommodates the Regional Landfill Site and the Town wants to ensure that it continues to have appropriate policies in place to minimize potential compatibility problems between the landfill operation and any nearby land uses.

Natural Heritage areas in the Town of Essex make up 7.3% of the landscape, similar to the 7.1% coverage in the County of Essex in general. There are no woodlands larger than 100 hectares in size that are exclusively within the municipality. The largest contiguous forest area within the Town

is 90.93 hectares in size and is part of Cedar Creek drainage area.

Cedar Creek has been identified as an Area of Natural and Scientific Interest (ANSI) and as a Provincially Significant Wetland (PSW) by the Ontario Ministry of Natural Resources (OMNR), as an Environmentally Significant Area (ESA) by the Essex Region Conservation Authority (ERCA) and as a Carolinian Canada Site.

Cedar Creek has an upland Carolinian forest that provides the best representation of a creek valley system with adjoining uplands in southern Ontario. It is located both in the Town of Essex and the Town of Kingsville. Cedar Creek is forested from about one kilometre north of Lake Erie to the northern boundary of the ESA, a distance of more than three kilometres. This forested corridor allows for the movement of wildlife from one area to another.

The Carolinian forest at Cedar Creek is of extremely high quality and is the most extensive forest of its kind in Essex County. The southern nature of the vegetation at Cedar Creek and the presence of several southern animal species highlight the significance of Cedar Creek. Cedar Creek ESA/ANSI is also relatively undisturbed. Hiking trails are only found in a few areas, particularly at the Scout Camp. About 100 species of trees and shrubs have been identified, a very high diversity.

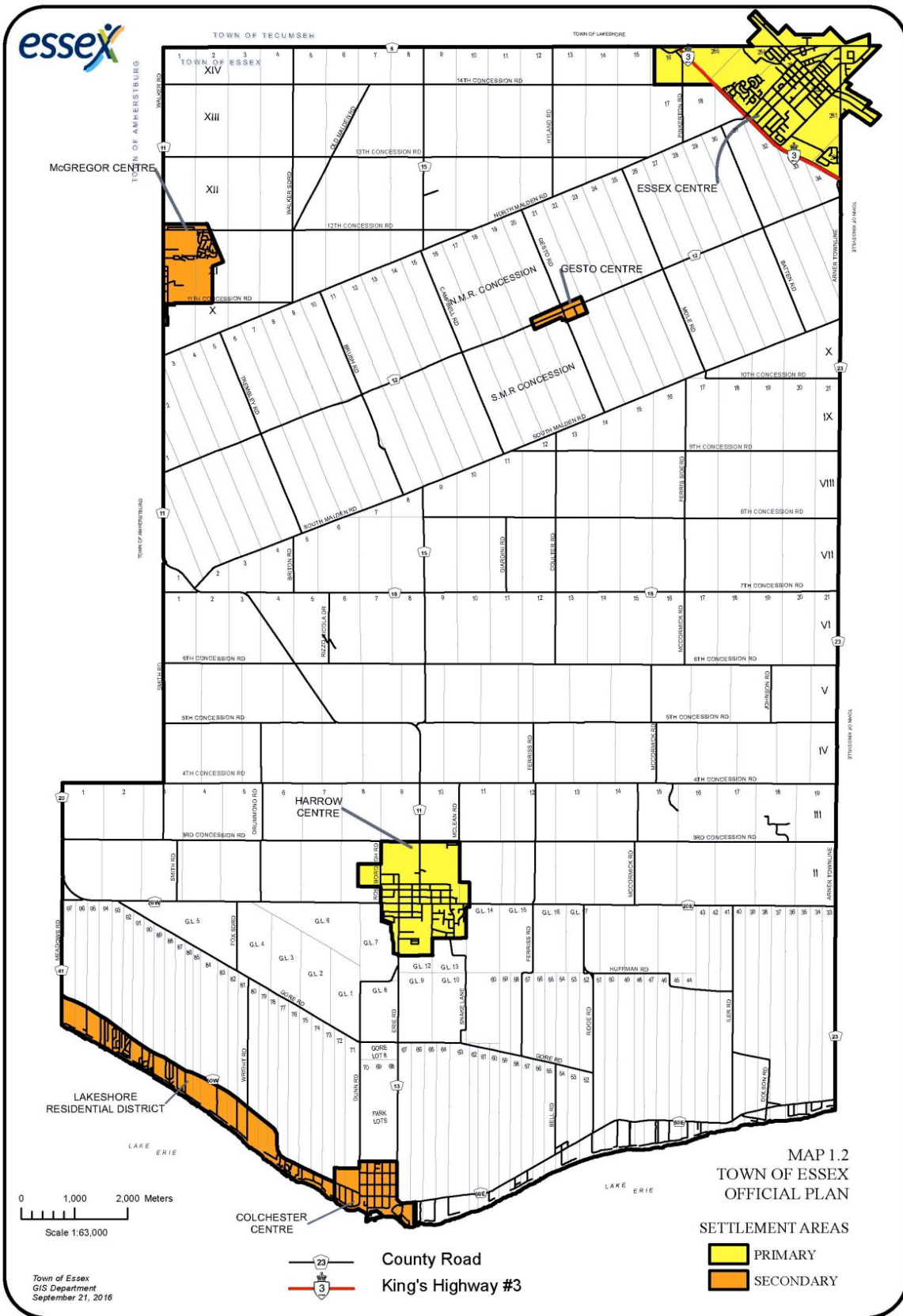
The unique character of Cedar Creek has prompted the Province to establish a provincial parks master plan for it to identify the contribution it makes to heritage appreciation, recreation and tourism and protect and enhance its natural heritage and systems.

There are other natural areas in the Town of Essex which are larger than 50 hectares. They are the Marshfield Woods PSW/ESA, ERCA owned Arner Woods, New Canaan Valley ESA, and the Barrettville Clayplain Forest woodland located near the intersection of County Road 15 and 8th Concession Road.

There are five other specific PSWs within the Town of Essex. These include: Lypps Beach, Marshfield Woods, most of Oxley Poison Sumac Swamp, Fox Creek PSW and portions of Cedar Creek.

Oxley Poison Sumac Swamp is low-lying and swampy and unique in the Region, as it is the only swamp of its type left in Essex County. Such areas were more widespread prior to land clearing and drainage for agriculture. Two swamp-inhabiting woody plants, Poison Sumac and Swamp Birch, occur there, and nowhere else in the Region, in addition to a high number of other rare species. Oxley Poison Sumac Swamp has also been identified as a Carolinian Canada site.

New Canaan Valley ESA is the longest stretch of natural forested valley land in the region. It contains the Canard River, its associated wetlands and the forested vegetation on the valley slopes and adjacent uplands.



### 3.2 Forecasted Residential Demand

The residential policies contained in this Plan are based on the following population assumptions:

- a) Annual growth rates peaked at 3.14% in the late 1970's. The Town is projected to continue growing although at a slower pace through to 2021. It will be necessary to reassess these projections during the requisite five-year review as the Town has recently added increased capacity to the sewage treatment facilities serving the Essex and Harrow Urban Centres. These improvements have effectively removed a major constraint to growth in these settlement areas;
- b) The three tables that follow outline the anticipated population and household growth to be experienced in the Town of Essex:

**Table 1.1**  
**20 Year Population**  
**Projections 2001 - 2021**

|        | 2011   | 2016   | 2021   |
|--------|--------|--------|--------|
| Low    | 20,875 | 22,528 | 23,471 |
| Medium | 21,178 | 22,931 | 24,008 |
| High   | 23,074 | 24,318 | 25,857 |

*Source: County of Essex Population and Employment Projections, 1998 and Prince and Associates Ltd. for 2021.*

**Table 1.2**  
**20 Year Household**  
**Projections 2001 – 2021**

|        | 2011  | 2016  | 2021  |
|--------|-------|-------|-------|
| Low    | 7,731 | 8,344 | 8,693 |
| Medium | 7,844 | 8,493 | 8,892 |
| High   | 8,546 | 9,007 | 9,577 |

*Source: County of Essex Population and Employment Projections, 1998 and Prince and Associates Ltd. for 2021.*

**Table 1.3**  
**Additional Households Projected Per Five Year**  
**Period 2001 - 2021**

|               | 2007-2011 | 2012-2016 | 2016-2021 | Total |
|---------------|-----------|-----------|-----------|-------|
| <b>Low</b>    | 297       | 613       | 349       | 1,368 |
| <b>Medium</b> | 267       | 649       | 399       | 1,571 |
| <b>High</b>   | 463       | 461       | 570       | 1,928 |

Source: Prepared by Prince and Associates Ltd.

- c) There were 494 new residential units constructed in the Town of Essex between 1993 and 1997, inclusive. The average number of new households in a five-year period using the average of the low, medium and high projections throughout the projection period is 81. Using the high projection only, the average annual number of new units projected is 96, just less than the 99 unit annual average actually constructed between 1993 and 1997. It is assumed that the 99 unit annual average is representative of what can be expected for the future, so it is estimated that there will be a demand for approximately 2,000 additional dwelling units over the next 20 years.
- d) Assuming an average density of ten units per hectare, a total of 200 hectares of land will be required to properly plan for the residential development anticipated during the planning period of this Plan.
- e) The Settlement Areas identified in this Plan have sufficient lands to accommodate the projected population and corresponding land requirements, in accordance with the policies of this Plan, for the life of this Plan. In accordance with the stated policies of this Plan, the principle focus of residential growth will be in the settlement areas where full municipal services and support facilities are available.
- f) This Plan recognizes that past liberal development policies have permitted residential expansion outside of the settlement areas, creating a development pattern that has existed for many years. While the Plan recognizes this historical pattern, it does not permit its expansion beyond present boundaries. Provision is made on a strictly limited basis for residential infilling subject to a level of service satisfactory to the Town and the statutory approval authorities having jurisdiction.

### **3.3 Forecasted Agricultural Demand**

It is expected that agriculture will remain the primary economic activity of the Town. Agriculture in Essex is quite diversified and includes the growing of field crops, market gardening, fruit and vegetable farming, some greenhouse farming and expanding winery and vineyard agriculture and agri-tourism. This part of the County has a unique combination of climate, moderated by the Great Lakes, growing season and soils conducive to viticulture.

The policies of this Plan are intended to ensure that agricultural activities, in areas designated "Agricultural" can continue to flourish within the Town with minimum competition from or restriction by incompatible land uses in the agricultural area, in accordance with the provisions of the PPS.

### **3.4 Forecasted Commercial Demand**

The Town can expect new commercial development to meet the demands of the growing residential component of the Town. Essex Centre, which offers quick access to the City of Windsor, has an adequate amount of commercially designated land to accommodate the anticipated growth in commercial development.

Any major extension of commercial areas beyond those in the existing hierarchy will not be supported without a needs study and comprehensive analysis of the impact that the proposed commercial development would have on the existing commercial areas, particularly the downtown core area.

The commercial facilities and land use designations in Harrow are considered adequate to serve the needs of the local market trade area and it is expected that the demand for additional commercial facilities will be minor.

Outside of Essex Centre and Harrow urbanized areas, the commercial demand is expected to be of the following three types:

- a) highway commercial uses concentrated along the main roads adjacent to the urban centres;
- b) farm related and farm supportive commercial uses and home occupations;
- c) recreational and tourist related activities located along or in close proximity to the lakeshore and to Colchester Hamlet along County Road 50.

### **3.5 Forecasted Industrial Demand**

Designation of additional industrial land is required in Essex Centre and Harrow urbanized areas to ensure an adequate land supply to provide employment opportunities for the local population. Further study is necessary to determine the appropriate amount and location of industrial land to meet the expected demand and also to provide reasonable market choice and competition.

Careful attention must be paid to the development of industrial areas with good access and transportation links, appropriate sanitary sewage, stormwater, and potable water services, while minimizing potential conflicts with sensitive land uses and commercial areas. Consideration will be given to the establishment of a knowledge based business park and the special provisions needed to maintain and buffer it from Ministry of Environment designated Class 3 industries.

Potentially, lands immediately west of Highway 3 are suitable for industrial and business park uses if proper services and controlled access points are made available. The ongoing review of the future expansion of Highway 3, as part of a transportation needs assessment for Essex Centre, should result in a better integration of these lands with lands in the settlement area. If an employment area needs study supports expansion, an amendment to this Plan will be required to integrate these lands into the settlement area and establish design guidelines and servicing provisions for development.

The Town will work in conjunction with the Ontario Ministry of Transportation (MTO) to determine the areas along Highway 3 best suited for industrial and business park development. MTO requirements for stormwater management will be considered and the proponent will be required to submit a stormwater management plan to MTO for approval to ensure that stormwater runoff does not affect the highway drainage system or right of way. Any recommended policy arising from this study will be incorporated into this Plan.

MTO will advise the Town of any future patrol yards contemplated for this area to ensure that land use compatibility is maintained.

### **3.6 Land Use Needs Review**

The designated settlement areas, at their present sizes, should accommodate new residential growth for the next 20 years. But there will be a need to provide for employment land expansion beyond the current settlement area boundaries. Given the present state of the regional economy, which is experiencing a loss of manufacturing jobs, and the projected limited employment needs of the County at this time, no provision is being made for the general expansion of settlement areas or employment lands in this Plan at this time. However this will be re-assessed when:

- a) the County of Essex undertakes its 5 year Official Plan review and regional needs are identified, and
- b) a comprehensive review of the Town's employment land and settlement area long term needs is completed. This review could be undertaken at any time and, if the need for expansion is identified, the Town will initiate discussions with the County as part of the 5 year County Official Plan review.

## Section 4 – General Development Policies

### 4.1 General Provisions

The policies in this Section apply to development proposals in all land use designations throughout the Town of Essex. It is the intent of this Plan to ensure that development takes place in an orderly and sustainable fashion in accordance with the PPS. It is important to note that the following planning principles are inter-related and will be considered collectively. This Plan contains the necessary goals and policies to ensure that the intent of these principles is realized.

Provincial, County and/or local agency consultation will be undertaken where mandated and/or where appropriate. In the event of a conflict between a policy(s) of the County of Essex Official Plan and any policy of this Plan, the County of Essex Official Plan policy(s) shall prevail.

#### 4.1.1 A Sense Of Place (added by OPA 6, July 26, 2017)

Many factors contribute to making our Town an attractive, unique and welcoming place. Practising good urban design, valuing our agricultural economy and rural communities, preserving and enhancing our cultural and natural heritage, identifying with our past and encouraging physical forms of development that positively influence the quality of our community and the welfare of our residents, in a resilient and sustainable manner, build our sense of community and sense of place.

##### a) Our Urban Places:

Good urban design contributes to the health and welfare of our community. New development and redevelopment shall:

- i) be compatible with existing land uses, our natural heritage and built forms;
- ii) provide mixed land use that offers access to a variety of services, employment opportunities, housing, amenities and physical activities;
- iii) support the use of alternative transportation options;
- iv) conserve or enhance our heritage resources;
- v) contribute to a safe pedestrian environment through barrier free, age friendly design;
- vi) provide universal access to all public spaces outside and within buildings;

- vii) provide a building scale, massing and density compatible with existing land uses and activities within street rights of way, while minimizing the urban sprawl and maximizing compact urban forms;
  - viii) minimize discomfort from environmental conditions;
  - ix) facilitate the development of diverse, attractive and walkable neighbourhoods and enhanced connectivity with efficient and safe networks;
  - x) provide high quality spaces for multi-generational play and recreation;
  - xi) have design features and physical characteristics that help to reduce our carbon footprint.
- b) Our Rural Landscape:

Our rural landscape, consisting of the natural environment and the lands altered primarily by agricultural and residential development, form prominent and economically significant components of our community.

This Plan shall:

- i) balance competing needs that place demands on our lands, resources and services, in accordance with the mandates of the Provincial Policy Statement (PPS) and applicable Provincial Acts;
- ii) commit the Town to working with Provincial ministries, the County of Essex and various farm organizations on the development of agricultural policies that will help sustain farming activities, farm services and a strong agricultural community;
- iii) restrict residential development in accordance with the mandates of the PPS;
- iv) help to protect and enhance natural heritage lands and natural processes in accordance with the PPS and other applicable policies and objectives under County, Provincial and Federal legislation;
- v) recognize that the preservation of our cultural landscapes and heritage assets help to maintain a sense of time and place. Cultural heritage landscapes incorporate prominent activities, buildings, neighbourhoods, open spaces and vistas, archaeological and historical sites and natural elements, the combination of which give the community its own unique character and depth.

c) A Sustainable and Resilient Community

A sustainable, resilient community meets the needs of the present without compromising the needs of future generations. Sustainable development balances social and economic initiatives with environmental and resource conservation.

The Town of Essex commits to actions that:

- i) encourage low impact development, where feasible;
- ii) maximize energy and water use efficiency and emphasizes the use of renewable energy systems and energy and water conservation features;
- iii) minimize waste, maximize the re-use of resources and materials and prioritize recycling and modern waste management activities;
- iv) maximize the use of existing infrastructure and municipal services;
- v) use environmentally friendly building materials and encourage Leadership in Energy and Environmental Design (LEED) practices in building and neighbourhood design;
- vi) utilize green infrastructure, namely, the use of natural elements and features to enhance community livability, soil and water conservation and management, biodiversity and to help mitigate climate change;
- vii) preserve and connect open space and environmentally vulnerable areas to maintain biodiversity, improve water quality, soil health and pollination, and to protect and enhance the natural environment and processes;
- viii) maximize opportunities to access and engage with the natural environment to maintain personal health and our connection to the natural environment;
- ix) increase access to healthy foods and improves the community scale local food infrastructure and related services;
- x) are cycling and pedestrian friendly;
- xi) encourage compact urban form, the preservation and protection of our cultural heritage and the integration of cultural heritage features and components into new developments;
- xii) use soft measures, such as landscaping and distance separation, to mitigate negative impacts on our natural environment and processes;

- xiii) stimulate the local economy and supports “buy local” initiatives;
- xiv) meet Provincial objectives and goals under the Ontario Climate Change Action Plan, Waste Free Ontario Act and such successive plans to improve agricultural resiliency and encourage carbon capture practices and to reduce waste, soil degradation, surface water contamination, air pollution, urban heat islands and greenhouse gas emissions;
- xv) utilize smart technologies in a wide variety of activities related to web-based public services, our physical infrastructure and governance.

The Town will apply such measures in Town projects, where feasible, and encourage and support other private and public initiatives that reduce resource consumption, benefit the local economy and promote environmentally sustainable and resilient practices.

## **4.2 Planning Principles**

- a) to create more compact development within designated and fully serviced settlement areas;
- b) to provide a broad range of housing forms and tenure types, employment and leisure opportunities for the increasing population in sustainable, affordable and energy efficient manner;
- c) to limit or preclude new urban type development outside of designated settlement areas;
- d) to create and maintain a balance between residential and employment growth;
- e) to maintain and enhance developed urban centres as focal points where a broad range of community and commercial facilities, services, housing form and tenure and employment opportunities and walkable neighbourhoods are available;
- f) to maintain and attract manufacturing and agricultural and agri-tourism activities that can provide employment opportunities to existing and future residents;
- g) to protect prime agricultural areas for agricultural, agricultural-related and supportive land uses, in areas designated “Agricultural”;
- h) to protect and encourage the restoration and enhancement of remaining natural heritage features and other natural resources and, where possible, to enhance and expand them by exploring opportunities for linkages through innovative means that may include public/private partnerships;
- i) to encourage cultural heritage preservation and restoration efforts;

- j) to provide land reserves or corridors for future linear transportation and utility facilities and services and an accessible, sustainable and multifaceted transportation infrastructure enabling mobility for all ages and abilities;
- k) to accommodate future job creation and employment opportunities in an environmentally sustainable, energy efficient and cost effective manner;
- l) to formulate and adopt a growth management policy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to the urban areas;
- m) to provide cost effective, sustainable and environmentally sound municipal services that promote energy efficiency, reuse and recycling;
- n) to ensure that development does not exceed the limits of the reserve sewage system capacity, including capacity for treating hauled sewage from private communal sewage systems and individual on-site sewage facilities;
- o) to buffer development, particularly sensitive land uses, from identified landfill sites, sewage treatment works and other land uses which would have an adverse effect;
- p) to direct development away from natural and manmade hazard areas;
- q) to continue work on long term servicing strategies for sanitary sewage treatment, the provision of potable water and stormwater management;
- r) to encourage energy efficient designs and the adoption and use of alternative and renewable energy sources;
- s) to ensure co-operative inter-municipal consultation and co-ordination in the provision of joint services.

### **4.3 Site Suitability**

Prior to the approval of any amendments to this Plan and/or the Town's Zoning By-law, it will be established to the satisfaction of Council that:

- a) soil and drainage conditions are suitable to permit the proper siting of buildings;
- b) the necessary services are available to adequately accommodate the proposed development;
- c) no traffic hazards or significant conflicts amongst vehicle operators, pedestrians or cyclists will result because of improper site design, unregulated traffic generation or restricted sight lines;

- d) the land fronts on a public road which is of a reasonable standard of construction to accommodate both existing and anticipated future traffic volumes;
- e) adequate measures will be taken to properly mitigate or prevent any adverse effects that the proposed use may have upon any proposed or existing adjacent use.

#### **4.4 The Staging of Development**

It is the policy of this Plan to control the sequence of development within the Town where necessary, so that the financing and construction of public works can be undertaken without undue financial hardship on the part of the Town.

Generally, for any new development, the proponent must provide and pay for all internal services within a development, in accordance with this Plan, and satisfy the municipal servicing requirements in effect. In addition, it will be the developer's responsibility to finance any required extension of existing services or the oversizing of on-site services. Front end financing agreements will be used where necessary.

The "holding zone" designation may be applied to any specific area to restrict new development until such time as adequate municipal services and suitable facilities are available or where remedial or mitigated measures are necessary.

#### **4.5 Cultural Heritage and Archeological Resources**

Significant built heritage resources and cultural heritage landscapes will be identified, recognized and, where proper management of these resources is possible, efforts will be made to ensure their conservation. Built heritage resources include buildings, structures, monuments and cemeteries associated with architectural, social, political, economic or military history. Cultural heritage landscapes are defined geographical areas of heritage significance, which have been modified by human activities, such as agricultural lands, road corridors, parks and gardens, trails and golf courses.

To encourage the restoration, protection and maintenance of the Town's heritage resources, proponents of new development or redevelopment permitted by this Plan shall have regard to heritage resources located on site. The Town will integrate heritage conservation into the planning approval process to facilitate the retention of heritage resources and to ensure compatibility between the proposed new development and the identified heritage resource.

A designated heritage property will meet one or more of the following criteria for determining whether it is of cultural heritage value or interest:

- a) the property has **design value or physical value** because it:
  - i) is a rare, unique, representative or early example of a style, type, expression, material or construction method;
  - ii) displays a high degree of craftsmanship or artistic merit, or
  - iii) demonstrates a high degree of technical or scientific achievement and
  - iv) exhibits sufficient features of architectural and/or historical value to merit designation in its present condition or with only such restoration work as an owner of the building or structure might reasonably be expected to undertake;
- b) the property has **historical value** or associative value because it:
  - i) has direct association with a theme, event, belief, person, activity, organization or institution that is significant to the community;
  - ii) yields or has the potential to yield information that contributes to an understanding of the community or an earlier culture, such as an archaeological site, or
  - iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community;
- c) the property has **contextual value** because it:
  - i) is important in defining, maintaining or supporting the character of an area;
  - ii) is physically, functionally, visually or historically linked to its surroundings, or
  - iii) is a long-standing municipal landmark.

In an effort to know where heritage resources exist and to foster awareness and involvement in the conservation of cultural heritage resources, Council will consider the establishment of a Municipal Heritage Committee to prepare and maintain a heritage inventory, promote heritage conservation and enhancement and advise Council accordingly. Council also recognizes that

there may be archaeological remains of prehistoric or historic interest and areas containing archaeological potential within the Town. Council will require archaeological assessments to be conducted by archaeologists, licensed under the Ontario Heritage Act, as a condition of development in areas of known archaeological potential. Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential and interest, 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 maintains the heritage integrity of the site, as outlined in the assessment, will be permitted. Any alterations to known archaeological sites shall only be performed in consultation and the active involvement of a licensed

archaeologist, as required by the Ontario Heritage Act. With the assistance of the Ministry of Culture and as resources permit, Council will undertake the preparation of an Archaeological Master Plan to identify and map known archaeological sites and areas of archaeological potential.

Once an inventory has been prepared, any site proposed for alteration or redevelopment that is included in the inventory must have an archaeological assessment completed. The specific content of the assessment will be identified by Council in consultation with the Ministry of Culture or, if completed, the Archaeological Master Plan. Mitigative measures and/or alternative development approaches may be required by Council in order to conserve the heritage attributes of the property. Marked and unmarked private family burial plots, where known, should be registered with the Provincial Cemeteries Registrar and with local municipalities and identified on Schedule "A" of this Plan as Community Service Facility.

#### **4.6 Visual Amenity** ( amended by OPA 6 , July 27, 2017)

A memorable and liveable community instils comfort and pride and a sense of community. Council is committed to urban design principles which enhance community enjoyment and attractiveness.

The visual amenity of the Town will be preserved and enhanced wherever possible to create a positive visual impression for both residents and visitors and to provide the work and residential environment attractive to new businesses. This will be achieved by such efforts as the placement of telephone and power distribution lines underground in urban centres, wherever financially feasible and permitted by legislation in effect, the enforcement of minimum property and site plan control standards, the regulation of signs and through good urban and landscape design in new development.

The PPS mandates that significant cultural heritage landscapes shall be preserved. The Town has benefited from its long agricultural history, in terms of the economic stability it provides, but also from the cultural heritage landscape created. The latter is particularly notable along County Road 50 east and west of Colchester, where traditional field crop farming has changed to more diverse agricultural production, most visible in the form of vineyards and wineries, combined with new facilities for agri- tourism and alternative transportation.

The Town will maintain the Agricultural land use designation and zoning for most lands on the north side of County Road 50 and limit new development primarily to farming and farm production support uses that are of a scale and type compatible with the cultural heritage landscape existing today.

#### **4.7 Buffering**

Adequate buffering will be required between land uses where there may be a conflict so that one use will not detract from the enjoyment of amenities and/or hinder the proper functioning of the adjoining use(s). Such buffering may include landscaping, screening and greater separation distances between incompatible uses.

The proponent will satisfy Council that there is:

- a) appropriate buffering to reduce the adverse effect or negative impact of new or expanded land uses on sensitive land uses, cultural heritage lands and natural heritage features, and
- b) appropriate buffering to reduce the impact of new sensitive land uses on existing uses that, through their operation, can cause adverse effects or negative impacts.

Council will:

- a) require the proponent of a development in proximity to existing or proposed sources of noise, vibration and/or other nuisance or contaminate to evaluate the potential adverse or negative effects on the proposed land use and identify mitigative measures. In determining the exact distances for the application of this policy, the Town shall have regard to Provincial legislation, policies and appropriate guidelines;
- b) require that such mitigative measures will be implemented by the proponent as a condition of development approval;
- c) require all proponents of new development abutting a rail corridor to incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Town, the relevant public agency and the railway company;
- d) site and zone sensitive land uses to mitigate adverse impacts.

Required minimum distance separations may be established in the Zoning By-law and will reflect Ministry of the Environment guidelines and/or other policies established by this Plan or authority having jurisdiction.

## **4.8 Air Quality**

It is the policy of this Plan that the Town strive to reduce air pollution by:

- a) requiring where feasible the provision of non-automotive forms of transportation infrastructure for walking and cycling as part of development proposals;
- b) locating various land uses in such a manner that reduces the average distance and number of vehicular trips;
- c) supporting the protection and/or enhancement of treed and natural areas as part of development proposals;
- d) preparing and adopting an urban forestry program and, at its discretion, a by-law for the preservation, maintenance and planting of trees. The Town is committed to a program of replacing trees that must be removed from municipal road allowances. It acknowledges that trees in urban settings improve air quality and reduce energy use through shading and protection as well as having an aesthetic value;
- e) considering the adoption of an anti-idling by-law and an educational programme for promoting the reduction of idling.

## **4.9 Energy Conservation**

The Town will promote the use of energy conservation and alternative and renewable energy sources. In all types of development proposals, designs which attempt to minimize energy costs for future residents, businesses and agriculture through transportation design, lot layout, building location, material usage and design, solar orientation and sun exposure, will be encouraged.

In both development and redevelopment, innovative building designs and construction techniques that conserve energy and lead to a reduction of energy consumption will be encouraged. Energy conservation lighting and heating systems will also be promoted.

Programs which would assist in the reduction of energy use within existing municipal buildings will be identified. Council will encourage the application of Leadership in Energy and Environmental Design (LEED) standards in building and neighbourhood design. The landscaping and siting of buildings on a lot to provide wind shelter and maximize sunlight exposure and its energy potential will be encouraged. Where feasible, the Town will require an alternative transportation infrastructure such as sidewalks, recreationways and bicycle lanes, or a combination thereof, within new developments and will also consider the provision of bicycle lanes, recreation ways and sidewalks along streets within existing built-up areas throughout the Town.

#### **4.10 Significant Habitat of Endangered Species, Threatened Species, Fish Habitat and Woodlands**

The Town will work with the Ministry of Natural Resources (MNR) and ERCA to identify significant Habitat of Endangered Species and Threatened Species and Species of Special Concern. MNR will approve Significant Habitat of Endangered Species and Threatened Species. Habitat of Species of Special Concern can be identified as Significant Wildlife Habitat. In co-operation with ERCA, this Plan will be updated from time to time to maintain or enhance policies for their preservation and protection.

Development and site alteration shall not be permitted in significant habitats of endangered and threatened species or in significant wetlands, lands and bodies of water subject to the provisions of the Endangered Species Act or such other statute related to species protection and habitat preservation, until such time as formal clearance or certification of approval has been obtained by the authority having jurisdiction.

The Town supports the objective of and initiatives for achieving a net gain in the quality, productive capacity and distribution of fish habitat. Limited development and site alteration may occur in areas adjacent to fish habitats, generally that area within 30 meters of the fish habitat, if it has been demonstrated to the satisfaction of the Town, in consultation with the Department of Fisheries and Oceans, that there will be no negative impacts on the fish habitat itself.

Assessment of negative impact is to be determined by conducting a fish habitat study in accordance with Provincial guidelines, prior to consideration of any Planning Act application. Any development and site alteration proposed must be in accordance with the underlying land use designation shown in Schedules "A" to this Plan.

When considering development proposals, the Town may require the land owner to enter into a site plan agreement for 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.

It is the policy of this Plan to encourage restoration and tree planting. Areas which have been specifically planted in trees in the future will not be subject to development controls as natural significant areas except as specified through voluntary agreements. The participation of landowners in voluntary stewardship agreements with respect to natural heritage features, and where eligible, in conjunction with compensation programs such as Ecogifts, will be encouraged.

#### **4.11 Minimum Distance Separation Requirements - Agriculture**

Because livestock operations can be incompatible with other types of land use located too closely to them, proper distance separation should be maintained. Livestock operations will be protected from encroachment by residential and other types of uses deemed to be incompatible therewith through the use of specific Minimum Distance Separation I (MDS I) requirements, of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

MDS I will be applied where livestock facilities are reasonably expected to be impacted by a proposed development, a new lot creation or a vacant lot of record for which a building permit is requested or a rezoning or redesignation. For Type A applications, MDS I shall apply on lands where livestock facilities are within a 1000 metre radius. For Type B applications MDS I shall apply on lands where livestock facilities are within a 2000 metre radius.

MDS I, Type A land uses are uses where planning applications to rezone or redesignate agricultural lands for industrial, agricultural-related or low intensity recreational use are required and existing cemeteries that are closed or receive low levels of visitation. Type A land uses also include planning applications to permit the construction of a dwelling on an existing vacant lot or the creation of up to three new residential lots either by consent or plan of subdivision.

MDS I, Type B land uses are uses for which planning applications to rezone or redesignate agricultural lands for residential (greater than 3 building lots), institutional, high intensity recreational use, commercial use or settlement area purposes are required. Type B land uses include uses for which applications to permit the creation of residential subdivisions in rural areas, the expansion of a settlement area, the creation of multiple residential development, or the creation of a lot which results in a rural residential cluster are required.

MDS I, provisions do not apply to accessory buildings or structures separate from or attached to the main use.

MDS I, setbacks should not be reduced except in accordance with these implementation guidelines. Where MDS I provisions apply to development on existing lots, minor variances to MDS I distances may be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distance measures of MDS I, and otherwise mitigate environmental impacts, may be given further consideration.

MDS I, setbacks will not apply to the replacement of a dwelling damaged in whole or in part by a catastrophic event, provided that the new dwelling is located no closer to a livestock facility than the dwelling it replaces.

A new livestock operation and the expansion of an existing livestock operation, where a change in the type of livestock or in the type of manure storage where the potential for an increase in

odours is a consequence, shall comply with the Minimum Distance Separation II (MDS II) formula of the Minimum Distance Separation Guidelines of the Ministry of Agriculture, Food and Rural Affairs for Type A and Type B land uses.

MDS II, Type A land uses include lands zoned or designated for industrial, agricultural-related or low intensity recreational use. Type A land uses also include residential dwellings on lots zoned agriculture, rural residential, estate residential, residential or other similar zoning. This includes existing residential uses on separate lots not in a Residential designation or zoning.

MDS II Type B land uses include areas zoned or designated in an Official Plan for residential subdivisions and multiple residential.

MDS II setbacks will not apply to the replacement of a livestock facility destroyed by a catastrophic event provided that there are no increases in the values of Factors A, B or D compared to what they were prior to the event.

Minor variances to MDS II distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distance measures of MDS II, and otherwise mitigate environmental impacts, may be given further consideration.

MDS Formulae are based on 5 Factors:

- Factor A - Odour Potential Factor (i.e. how 'smelly')
- Factor B - Nutrient Units Factor (i.e. how many livestock)
- Factor C - Orderly Expansion Factor (i.e. % increase)
- Factor D - Manure or Material Form (i.e. solid vs. liquid)
- Factor E - Encroaching Land Use Factor (i.e. what's

nearby) MDS I & II Formulae:

- Calculating building base distance, 'F'
- **For MDS I**
  - 'F' = Factors A x B x D x E
    - Factor C is not used in MDS I
- **For MDS II**
  - 'F' = Factors A x B x C x D
    - Factor E is not used in MDS II

Building Base Distance:

- Building Base Distance 'F' is used in MDS I and II
  - In MDS I, 'F' is the setback from a livestock barn

- In MDS II, 'F' is the value from which MDS II setbacks are derived for the livestock barn from neighbour's dwellings, Type A Land Uses, Type B Land Uses, lot lines, and road allowances

For both MDS I and II, 'F' is then used to calculate 'S', Permanent Manure Storage Base Distance, based on relative amount of odour that storage will produce.

#### **4.12 Management of Mineral, Mineral Aggregate and Petroleum Resources**

It is the policy of this Plan that petroleum and salt resources/deposits, as generally depicted in Schedule "C" to this Plan, will be protected for long term use. It is expected that extraction will be undertaken in a manner which minimizes social and environmental impacts in accordance with the PPS. While activities associated with petroleum resources rarely involve Planning Act controls, the policies of this Plan address new development encroaching on known deposits and existing producing wells. Exploration activity for salt and other commodities is constantly changing due to economic factors, which could result in more exploration and production over time.

New development, which may preclude or hinder their expansion or continued use, shall be setback a minimum of 75 metres from existing wells, the same setback required under the Oil, Gas and Salt Resources Act for new wells in proximity to existing development. Lesser setbacks may be considered after consultation with the Provincial agency(s) having jurisdiction. Where development is proposed adjacent to or above pools or deposits, shown on Schedule "C" as "Petroleum Resources", the Province will be consulted regarding measures to allow possible future access for resource production purposes.

Petroleum exploration and production under the Oil, Gas and Salt Resources Act is a permitted activity anywhere within the municipality, except in Residential designations. Should the exploration and production involve lands designated "Natural Environment" in Schedule "B" to this Plan, the Province will be consulted regarding mechanisms to evaluate the competing resources and ensure that, if drilling occurs, there is minimal conflict.

Extraction of petroleum resources is permitted in prime agricultural areas provided that the site is rehabilitated to restore the agricultural use.

Mineral exploration, extraction and production under the Mining Act are permitted activities in areas designated "Agricultural". Extraction in prime agricultural areas is permitted subject to site rehabilitation, in accordance with an approved site rehabilitation plan on record with the municipality. Rehabilitation of the site shall take place to a level that the original land area and former average soil quality is restored, in a manner satisfactory to MNR.

Mineral aggregate resources shall be protected and their locations conserved for long term use. Mineral aggregate operations shall be protected from development that would hinder their continued use or preclude their accessibility.

Expansion of mineral aggregate operations or new operations will not be hindered unless it can be demonstrated that the extraction of resource would not be feasible, the alternative land use serves a greater public purpose and/or issues of public health and safety and environmental impact cannot be addressed.

Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards, former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. For larger operations, progressive rehabilitation is encouraged and a transitional or staged plan will be required.

#### **4.13 Wayside Pits, Quarries And Portable Asphalt Plants**

Wayside pits and quarries, which are defined as pits and quarries opened and used by a public road authority for the purposes of a particular road construction project, are permitted without an amendment to this Plan or the Zoning By-law, except on lands in the Residential and Natural Environmental designations.

On specialty crop lands and on prime agricultural lands designated as Class 1, 2 or 3, according to the Canada Land Inventory classification, wayside pits and quarries are permitted, if subsequent agricultural rehabilitation of the site is carried out, in accordance with an approved rehabilitation plan, and substantially the same acreage and average soil capability for agriculture are restored.

Complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of mineral aggregate below the water table warranting extraction;
- b) the depth of the planned extraction in a quarry makes restoration of pre-extraction agricultural capability infeasible;
- c) other alternatives have been considered by the proponent and found unsuitable, and
- d) agricultural rehabilitation in remaining areas is maximized;

Portable asphalt plant means a facility designed to temporarily store, heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material. It includes the stockpiling and storage of bulk materials used in the process. The facility is not of permanent

construction, but is designed to be dismantled and relocated as required.

Portable asphalt plants used by a public road authority or its designate, will be permitted in the Agricultural designation without amendment to this Plan or the Zoning By-law, subject to the following provisions. The portable asphalt plant facility will:

- a) have a certificate of approval from the Ministry of the Environment (MOE);
- b) meet MOE minimum separation distance requirements, but be not closer than 400 metres to an existing dwelling;
- c) be removed from the site upon completion of the project;
- d) sites used for a portable asphalt plant in the agricultural areas, will be rehabilitated to return the lands back to their former agricultural use.

#### **4.14 Human Made Hazards**

Human made hazards refer to lands where contaminants may be present due to previous industrial, transportation, utility or similar activities. Site contamination can result from the disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses, such as fuelling stations and automotive repair garages, have a similar potential for contamination.

Development on or adjacent to lands where contaminants are known or anticipated will be permitted, subject to land use restrictions, only if acceptable rehabilitation measures to identify, quantify and mitigate known or suspected hazards are underway or have been completed, in accordance with Provincial guidelines

Contaminated sites must be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. In particular, any development application to redevelop a contaminated or hazardous site or develop lands adjacent to a contaminated or hazardous site must include information pertaining to the following:

- a) past and present uses of the site;
- b) a soil report prepared in accordance with Provincial guidelines for the decommissioning and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. New residential development will not be permitted until the site has been restored in accordance with the relevant Provincial guidelines and legislation;
- c) an acknowledgement of the requirement that site restoration is to occur in accordance

with the Record of Site Condition Regulation O.Reg 153/04, of the Environmental Protection Act; and

- d) where contamination has been identified and remediated, a letter from MOE acknowledging receipt of a "Record of Site Condition" prior to development approvals being granted.

Development on or adjacent to lands affected by mine hazards or former mineral resource extraction operations will be permitted, subject to land use restrictions, only if rehabilitation measures to address and mitigate known or suspected hazards have been completed in full conformity with a technical report prepared by a qualified professional in this field and with the approval of the Ministry of Northern Development and Mines.

If any unplugged petroleum wells or associated works are identified, the Petroleum Resources Centre of MNR shall be notified. The well must be plugged and the surface rehabilitated according to the Provincial Standards of the Oil, Gas and Salt Resources Act. The plugging of abandoned oil and natural gas wells and the storage of oil and natural gas will be done in accordance with the Petroleum Resources Act.

Well operators shall ensure that:

- a) salt water, drilling fluid, oil refuse and any flammable products from a well are handled and disposed of so as not to create a hazard to public health or contaminate any fresh water horizons;
- b) waste of oil field brine is not disposed of underground without the approval of the Ministry of Natural Resources;
- c) collection and storage of oil field brine is in accordance with the standards of MOE and MNR regarding water quality, where applicable; and
- d) the operation and drilling of wells does exceed the noise and vibration pollution standards of the Ministry of the Environment;
- e) oil contaminated soils are disposed of by a Ministry of the Environment certified waste carrier and at a waste disposal site certified by MOE to receive such waste.

It is recommended that no structures be built immediately over a plugged petroleum well.

No rezoning to permit a new sensitive land use or an increase in permitted dwelling unit density will be permitted within 400 metres of a lot on which a sewage lagoon is located or within 500 metres of a lot on which a landfill is situated, unless, it can be demonstrated to the satisfaction of the Town, in accordance with MOE guidelines, that the facility will not have a significant adverse effect on the sensitive land use or that mitigation through remedial measures satisfactory to the

Town, according to MOE guidelines, is feasible.

The Zoning By-law will include provisions related to land use separation from man-made hazards in accordance with Provincial policies and mandates.

#### **4.15 Waste Disposal Sites**

The Town will work with the Ontario Ministry of Environment to identify, classify and inventory inactive and closed waste disposal sites within the limits of the Town and within 500 metres of the Town boundaries and establish buffer zones where appropriate, in accordance with Section 46 of the Environmental Protection Act and MOE Guideline D-4.

A sensitive land use shall not be permitted on a non-operating or closed landfill or waste disposal site. Any development proposed within 500 metres of the fill area associated with any active or former waste disposal site, identified in Schedule "B" to this Plan, shall be subject to land use restrictions, unless it has been demonstrated that there is no evidence of leachate, landfill generated gas migration, including but not necessarily limited to methane gas, or other contaminants present in the soils or groundwater supply.

Proponents of development within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site may be required to submit a report, prepared by a qualified professional to the satisfaction of the Town, in accordance with Ministry of the Environment guidelines, that demonstrates that there is no evidence of leachate, landfill generated gas migration, including, but not necessarily limited to methane gas, or other contaminants present in the soils or groundwater, surface runoff, vermin or ground settlement.

Development will be restricted if the active and/or former waste disposal site poses any adverse environmental effects or risk to public health and safety. If significant impacts are encountered at 500 metres, the study area within which an assessment is undertaken will be expanded as deemed appropriate.

In exceptional hydrogeologic situations, such as areas of fractured rock or sand, where it is anticipated that leachate or landfill generated gas, including, but not necessarily limited to methane gas, could migrate beyond 500 metres and pose a problem, hydrogeologic and/or engineering studies beyond 500 metres of the perimeter of the fill area will be conducted.

Where development is located or proposed on a waste disposal site, no official plan amendment, zoning by-law amendment or building permit will be adopted or granted until the Ministry of the Environment is appropriately consulted, and Section 46 Approval under the Environmental Protection Act is obtained, from MOE, if in fact it is determined to be applicable.

#### 4.16 Development Abutting Provincial Highway Number 3

Highway 3 is the only Provincial highway within the Town of Essex which is under the jurisdiction and control of the Ministry of Transportation of Ontario (MTO). All development which falls within the MTO's permit control areas under the Public Transportation and Highway Improvement Act is subject to the requirements of the Ministry of Transportation.

The following table summarizes the MTO's permit control areas under the Public Transportation and Highway Improvement Act:

| <b>An MTO permit is required to ...</b>                                                                                                                   | <b>Within this distance ...</b>                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Place a building, structure, entrance or any road</b>                                                                                                  | i) 45 m of the limit of any highway<br>ii) 180 m of the centre point of any intersection (on King's highways)<br>iii) 395 m of the centre point of any intersection or interchange (on controlled-access highways) |
| <b>Place a sign</b>                                                                                                                                       | 400 m of the limit of the highway                                                                                                                                                                                  |
| <b>Change the use of land in a way that will generate large amounts of traffic</b><br><br><b>All roads are considered to be large traffic generators.</b> | 800 m of the limit of the highway                                                                                                                                                                                  |

New entrances or the upgrading of entrances and the location of buildings, signs and encroachments within the MTO's permit control area of a provincial highway shall be subject to the approval of the MTO.

For major development proposals for large traffic generators within the permit control area of a provincial highway, the MTO will require the applicant to prepare a transportation impact assessment in accordance with its "General Guidelines for the Preparation of Traffic Impact Studies". The main purpose of a Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of the MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related highway improvements or measures to be included as a condition of access approval, including funding, for the development or redevelopment.

The Town and the MTO will work cooperatively with respect to the planning of land development and associated access connections within the MTO's permit control area adjacent to all provincial highways within the Town, in order to protect for the future safety, operation and capacity of both the provincial highway network and the Town's transportation corridors for the movement of people and goods.

Direct access to Highway 3 is prohibited.

Any new proposed access (e.g. public road, commercial/industrial entrance or signalized intersection) located on a municipal crossroad and within 800 m of a provincial highway intersection shall meet the MTO's access management policies, standards and requirements.

The Town is currently partnering with MTO to conduct a transportation study, the focus of which is to assess the transportation network within the urban area of Essex Centre with particular emphasis on the intersections along Highway 3. Any recommended policy changes arising from this study will be incorporated into this Official Plan through a future amendment.

#### **4.17 Municipal and Institutional Uses**

Any facility or activity directly related to the operations of the Town or County is permitted in all land use designations, subject to the provisions of clauses a) and b) below and the PPS.

Most existing municipal and institutional uses are identified as "Community Service Facilities" in the Land Use Schedules to this Plan and their expansion or reconstruction are subject to the applicable provisions of subsection 5.18 of this plan.

For existing institutional uses located in any other land use designation, unless otherwise specifically provided in this Plan, expansions will be permitted without an amendment to this Plan and existing institutional uses, wherever they may be, may be recognized as permitted uses in the Zoning By-law.

However, the expansion of an existing institutional use on lands designated "Agricultural" will be restricted to expansions solely within the limits of the existing lot of record or, if such area closely coincides with the area actively used for the institutional use, the area zoned for such use under the zoning by-law in effect at the time.

Unless otherwise specifically provided in this Plan, the development of new institutional uses, such as schools and churches, will be permitted in all land use designations, without an amendment to this Plan, except on lands in the Natural Environment and Agricultural designations; however, such uses may be subject to rezoning approval on a site specific basis.

Rezoning to permit a new institutional use will be subject to the following specific measures, as well as to any general policies in this Plan applicable thereto:

- a) the location and design of onsite parking and vehicular access to minimize their impact on abutting residential development, the use of tree planting, other landscaping, buffering and compatible building design elements to create an attractive appearance in harmony with surrounding land uses;
- b) suitable provision of potable water supply, sanitary sewage treatment and disposal, storm drainage and all other necessary services;
- c) if on residentially designated lands, demonstration by the proponent that the proposed location is necessary for the proper functioning of the proposed use and the area it serves.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided that:

- a) the subject use and consent conform to the Official Plan and PPS;
- b) adequate potable water supply, sanitary sewage treatment and disposal and stormwater management can be provided for the severed and retained lots to the satisfaction of the Town and the statutory approval authority having jurisdiction.

#### **4.18 Utility Facilities Exclusive of Power Generation Facilities**

Where the Town has the authority to require such restrictions, all existing facilities and the development of any new distribution facilities associated with a utility, telephone, cable transmission, fibre optics or other communications company or a gas distribution or a transmission company will be permitted in any land use designation without an amendment to this Plan, but will be subject to height restrictions in Residentially designated areas.

The utility or company involved should inform the Town regarding the relocation of any existing and all new facilities.

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

Where the Town has the authority to require such restrictions, non-linear facilities not contained underground will require an amendment to the Zoning By-law, if proposed to be located within a Residential designation. When above ground non-linear facilities are proposed in an Agricultural designation, the need must be justified in accordance with Provincial policy, including justification as to why lower capability or marginal land cannot be used.

Wherever practicable, single footing narrow base tower construction and existing rights-of-way should be used for new electrical power transmission lines. Secondary land uses may be permitted on utility company lands where deemed by Council to be compatible with adjacent land uses and by agreement with the respective utility company.

#### **4.19 Traditional Power Generation Facilities**

All existing power generation facilities are permitted uses in any land use designation, provided that such development has been approved under the provisions of the Environmental Assessment Act, where applicable, and any other relevant statutes.

Hydro One and E.L.K. Energy Inc. (being local hydro utility companies operating within the Town) and their successors should consult with the Town regarding the location of any and all new facilities including new transformer stations. However, any use of a utility company that is subject to approval under the Environmental Assessment Act will be exempt from the policies of this Plan.

Other electric power facilities, including buildings and facilities not used directly for the generation, supply or distribution of electric power, shall conform to the relevant policies of this Plan and the provisions of the implementing Zoning By-law for the zoning district in which they are located.

The above policies, however, do not preclude the Town's right to participate in discussions on the location of new power facilities, within the context of the PPS. Wherever practical, single footing narrow base tower construction and existing rights-of-way should be used for new electrical power transmission lines. Secondary land uses may also be permitted on utility company lands

where deemed by Council to be compatible with adjacent land uses and the principal function of the property.

#### **4.20 Alternative and Renewable Energy Facilities**

This Plan adopts the objectives, policies and mandates of Official Plan Amendment 1, as the same may be amended from time to time, to the County of Essex Official Plan (2005). The development of wind, solar and biomass energy systems and their ancillary and support facilities and their approval by planning application will be consistent with these policies.

Official Plan Amendment 1, in part, establishes a settlement area buffer zone comprising part of Management Area 2, which will be maintained around designated settlement areas, with the precise boundary limits to be determined by the local municipality. This provides for their future expansion, if such expansion is justified by PPS mandated supporting employment land or settlement area expansion needs studies.

However, the buffer zone does not apply to the Lakeshore Residential or Gesto Settlement Areas, because their expansion beyond their existing boundaries will not be permitted within the life of this Plan, in order to protect agriculturally designated lands north of County Road 50 and surrounding the Gesto Hamlet.

Settlement area expansion beyond the designated boundaries of the Essex and Harrow Urban Centres and the Colchester and McGregor Hamlets, is a possibility, within the life of this Plan. As such the Management Area 2 provisions of the County of Essex Official Plan apply to these settlement areas, subject to further assessment through the County of Essex Official Plan review and the adoption of a settlement area and/or employment land expansion study demonstrating the need for such expansion.

Commercial wind energy generation systems and associated wind turbines placed within MTO's permit control area require all necessary permits prior any construction taking place on the site. Wind turbines shall be setback a minimum distance measured from the right-of-way limit of a Provincial Highway, equal to the distance of the height of the wind turbine structure plus the length of one blade.

#### **4.21 Brownfield Redevelopment**

While no specific inventory of brownfield sites has been undertaken by the Town, it is generally known that such sites that do exist are scattered and of small size. As time permits the Town will undertake a formal inventory of brownfield sites, determine site condition and what remedial actions will be required and what are the potential redevelopment options within the land use designation they are situated. Such studies may also be undertaken as part of a Community Improvement Program initiative or through OPA/site specific rezoning.

#### **4.22 Residential Intensification and Affordability**

The predominant residential land use within the Town is single detached dwellings. Most recent subdivision development has also been focused on low density residential land uses. The PPS provides that settlement areas shall have densities and a mix of residential land uses which efficiently use land and resources, are appropriate for the infrastructure and public service facilities, promote energy efficiency and opportunities for intensification and redevelopment.

##### **Intensification**

Planning authorities must establish and implement minimum targets for intensification within built- up areas, in accordance with Provincial intensification targets. The Provincial minimum target requires that not less than 20 percent of new dwelling unit construction be in the form of

residential intensification, namely at a density level greater than what has traditionally been the normal density level for the settlement area.

Much of the town is rural in character and designated Agricultural in the Plan and/or lacks adequate municipal services and facilities, which precludes new residential development except on a very restricted basis.

The best opportunities for residential intensification and affordable dwelling units lie primarily in the Essex and Harrow Urban Centres and secondarily in the hamlets of Colchester and McGregor.

It shall be the policy of this Plan that, where the level of municipal services and public facilities permit, a minimum of 20 percent of new housing stock will be in the form of affordable semi-detached, townhome and multiple dwellings or a combination thereof with a priority placed on housing for the homeless, elderly, low income groups and people with disabilities.

New plans of subdivision requiring planning approval, in particular, will reflect this requirement, unless it is demonstrated that this provision cannot be met because of the limitations of physical services and the consequent inability to provide for such density levels.

An annual target goal of 25 dwelling units in the form of semi-detached, townhome or multiple dwellings will be set. Within the 5 year period prior to mandatory review of the Plan, it is expected that 125 new affordable dwelling units will be constructed in accordance with the Town's intensification target.

Where feasible, where lands are designated Residential or Hamlet by this Plan the Zoning By-law will be used to pre-zone large vacant and underutilized lands for future residential use. The resultant holding (H) zone will incorporate provisions for residential intensification and the intensification targets set by this Plan.

### **Affordability**

The average median family income for the Town is \$66,000 and the average housing cost is 2.4 times the median income. It is important that a minimum of 25 percent of new housing be affordable and this will be implemented, where feasible, through zoning/plan of subdivision approval conditional on the satisfaction of this objective and the provision of compatible land use zoning in mixed use areas.

Affordability goals must work hand in hand with those related to residential intensification and accessibility. This will be achieved by ensuring that a wide variety of housing types are made available throughout the settlement areas, where adequate infrastructure and a suitable level of support services exist or will be made available.

## **Second Dwelling Units**

In accordance with the mandates of the Planning Act and the objectives of the More Homes, More Choice Act (2019), the Town supports the opportunity for its residents to create second dwelling units. Second dwelling units will help to provide affordable rental housing, accessibility to municipal and support services and job opportunities and accommodation for the elderly and other persons wanting independent living in a secure residential environment. One second dwelling unit will be permitted in a single-detached dwelling, semi-detached and townhome dwelling unit, and, in a building accessory to them, at general locations and in such manner, as specifically set out in the land use designations of this Plan and the Zoning By-law.

Generally, however, the adequacy of municipal services and off-street parking and access to support services and facilities will be determining factors in Council's determination of appropriate locations and the type of residential accommodation. These parameters will be incorporated into the Zoning By-law.

Where permitted by this Plan, the reasonableness of a site to accommodate a second dwelling unit in an accessory building will also be determined on the basis of the site's location, preferably, in a primary settlement area, the physical size of the property and its ability to provide on-site amenities, the adequacy of municipal and utility services for the occupants of both dwellings, accessibility of the second dwelling unit from a public right-of-way for resident access and emergency services, the degree of separation from off-site dwellings, measures to protect the amenities of the adjacent residents and the proximity of support services.

Lands subject to restrictive zoning, servicing limitations or such other limitations identified in the Provincial Policy Statement and avoiding natural hazards and/or areas subject of natural heritage overlays will not be deemed appropriate to contain second dwelling units in an accessory structure or a garden suite.

## Section 5 – The Land Use Plan

This Section contains the goals and policies that pertain to the various land use designations depicted in Schedules "A-1", "A-2", "A-3", "A-4" and "B" to this Plan. Reference must also be made to the overlay land use provisions in subsections 5.1, 5.2 and 5.3 for lands identified in Schedule "B" and Schedule "C", to this Plan and the applicable policies within the other Sections of this Plan when determining the appropriateness of a development proposal.

### **5.1 Lands Within The "Floodplain Development Control Area Overlay"**

Lands within the "Floodplain Development Control Overlay" in Schedule "B" to this Plan, being lands along inland watercourses, are areas that have been identified as being susceptible to flooding. They are subject to flooding under regulatory flood conditions (1:100 year or maximum observed) and are subject to Ontario Regulations 158/06, as amended and implemented by the Essex Region Conservation Authority (ERCA).

As such, permits from the Essex Region Conservation Authority are required in advance of any development or site alteration occurring.

Development setbacks are the preferred method for protecting new development as opposed to relying on structural or non-structural protection measures that require maintenance and upgrading over time.

Under the two-zone approach to floodplain management, Council will, to the satisfaction of ERCA, identify the floodway (that area subject to deeper, faster flows, which acts as the channel in times of flooding), as a zone where development is prohibited.

The Floodway Zone is the floodway, plus a physical setback from the floodway satisfactory to ERCA, which is generally, but not restricted to, a setback of 8 meters plus the depth of the watercourse or municipal drain, to a maximum of 15 meters from the top of bank.

Development within the floodway zone is restricted exclusively to facilities and undertakings used for flood control purposes, approved by ERCA.

Development on those lands outside the Floodway Zone but within the Floodplain Development Control Area shall only be permitted if:

- a) issues relative to natural hazards, flood-proofing and erosion are addressed to the satisfaction of ERCA. This area is subject to the Development Interference with Wetlands and Alteration to Shorelines and Watercourses regulations of the Essex Region Conservation Authority, and as such, a permit allowing construction and / or the placement

- of fill is required from the Authority;
- b) all development must be in accordance with the underlying land use designations.

In evaluating development applications for lands adjacent to any watercourse, drain or marsh, the Town will work in consultation with ERCA to establish appropriate flood proofing elevations and

other measures, and such flood proofing requirements, where feasible, will be implemented through the Zoning By-law and development agreements.

These measures will vary depending on whether or not approved protection works have been installed in addition to addressing other issues relative to hazards, in a manner satisfactory to ERCA.

## **5.2 Lands Within The “Lake Erie Flood prone Area Overlay”**

Lands within the “Lake Erie Flood-prone Area Overlay” in Schedule “B” to this Plan are areas that have been identified as being susceptible to flooding. As such, additional study and permits are required in advance of any development occurring.

The land uses permitted within the flood-prone area are determined by the underlying designations identified in Schedules “A” but are subject to the 1:100 Year Flood conditions and erosion information associated with Lake Erie.

Where feasible, the implementing Zoning By-law will prescribe certain setback and minimum flood- proofing elevation requirements for development within the flood-prone area and setbacks from the top of bank for erosion prone areas.

Such setbacks and minimum flood-proofing elevation requirements will vary depending on whether or not approved shore protection works are installed in addition to addressing other issues relative to the hazard. The required setbacks and minimum elevations will be determined in consultation with the Essex Region Conservation Authority (ERCA).

Development and site alteration in the Lake Erie Flood-prone Overlay Area will only be permitted if, in consultation with the ERCA, it is determined that:

- a) the hazard can be safely addressed; and
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required);

- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies, and
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Zoning By-law mapping will identify the flood prone areas and, where feasible, the by-law will incorporate regulations that provide development setbacks, elevations and shoreline protection measures as well as the requirement to obtain a permit from ERCA pursuant to Regulations under the Conservation Authorities Act prior to development and/or site alteration.

Flood-proofing is to be provided to the regulatory flood elevation. Where the area is subject to the ERCA's regulations, a permit allowing for such activities as home construction, grading of fill and break wall and other shoreline construction works will be obtained from ERCA prior to the issuance of a building permit.

### **5.3 Lands Within The "Natural Heritage Overlay"**

It is intended that the Plan will facilitate and support the preservation, protection and enhancement of remaining areas with significant natural heritage features.

Lands with a "Natural Heritage Overlay" in Schedule "B" to this Plan are areas that maintain their underlying land use designation, but have been identified as being an Area of Natural and Scientific Interest (ANSI), Regionally Significant Woodland, Significant Woodland, Significant Wildlife Habitat or Significant Valley land.

In order to protect the ecological functions and biological diversity of these areas, additional study is to be undertaken in advance of any Planning Act application that will enhance or alter the development rights provided by the underlying land use designation. Any alterations, development and redevelopment shall be consistent with the PPS for areas within the Natural Heritage Overlay.

The diversity and connectivity of natural features in an area and the long term ecological function and biodiversity of natural heritage systems should be maintained, restored and, where possible, improved, in recognition of the linkages between and among natural heritage features and areas, surface water features and ground water features.

#### **Goals**

- a) To facilitate and support the preservation, protection and enhancement of remaining areas with significant natural heritage features;

- b) To allow development and site alteration within and adjacent to the “Natural Heritage Overlay” when it has been demonstrated to the satisfaction of the Town that there will be no negative impacts on the natural features or their ecological functions.

## **Policies**

- a) the extent and diversity of natural features in an area and the natural connections between them should be preserved and, wherever possible, enhanced. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other areas with physical characteristics that create hazards and will also generally follow the woodlots in the rural areas of the Town;
- b) the preservation of the natural heritage features is encouraged. Development and site alteration may only occur within the “Natural Heritage Overlay” if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions;
- c) development and site alteration as defined in the PPS can only occur on lands adjacent to those areas with a “Natural Heritage Overlay”, if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined as generally those lands within 120 metres of the “Natural Heritage Overlay”;
- d) assessment of negative impact is to be determined by conducting an Environmental Impact Assessment (EIA) in accordance with the Essex County Official Plan which will be required prior to consideration of any Planning Act permission. The Town will consult with the Ontario Ministry of Natural Resources and/or the Essex Region Conservation Authority when it determines such consultation to be appropriate;
- e) some lands may contain natural heritage features and/or functions that result in the area meeting the qualifications of more than one of the natural heritage classifications. In those instances, the Environmental Impact Assessment that requires the higher level of detail shall be undertaken and the larger adjacent land area provision of the County of Essex Plan will apply;
- f) the preparation of all Environmental Impact Assessments referred to in this Plan will 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 on the basis of the natural features or their ecological functions in the manner identified in the County of Essex Official Plan. In the event that the environmental professional finds new information, when conducting the Environmental Impact Assessment, which would alter the natural

heritage significance classification of the area, the Town must be advised accordingly;

- g) if the Town, after consulting with the Ontario Ministry of Natural Resources and/or the Essex Region Conservation Authority, concludes that the natural heritage significance classification should be altered based on this new information, this Official Plan will be amended in order to reflect the change;

Similarly, if a site is identified as having a higher or lower classification by the Province or the Essex Region Conservation Authority, or by the Town through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan will be amended in order to reflect the change;

- h) removal of a natural heritage feature that, in the opinion of the approval authority was for the apparent purpose of lowering the natural heritage significance classification and/or otherwise affecting the Environmental Impact Assessment process, will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the Environmental Impact Assessment;
- i) altering the state of significant natural heritage features as a result of conducting permitted uses (i.e., clearing lands for agricultural purposes) will not be considered negatively by the approval authority but shall not be deemed to facilitate future development proposals. To assist with determination of any alteration of a natural environment area over time, the approval authority will use the April, 2000 aerial photography as one of the tools to establish the baseline from which the alteration will be assessed;
- j) nothing in this plan is intended to limit the ability of existing agricultural uses to continue on lands within the Natural Environment Overlay or on adjacent lands. New agricultural uses that require approval under the Planning Act will be permitted within a Natural Environmental Overlay or on adjacent lands, if it has been demonstrated to the satisfaction of the municipality, in consultation with ERCA, that there will be no negative impact on the natural heritage features or their ecological functions.
- k) the plan recognizes woodlands as a viable component of agricultural operations; agro-forestry and spraying are permitted in all areas 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;
- l) hunting, fishing and trail use activities by the property owner or with the permission of the property owner are permitted in all areas, in accordance with Federal and Provincial regulations;

- m) the natural areas under private ownership will continue to be private and their identification as natural areas does not increase their accessibility to the public or their eligibility for acquisition by the Essex Region Conservation Authority or any other conservation group or agency;
- n) the participation of landowners in voluntary stewardship agreements with respect to natural heritage features, and where eligible, in conjunction with compensation programs such as Ecogifts, will be encouraged;
- o) notwithstanding the foregoing policies, for the area identified as the Harrow Site Esker ANSI situated on Part of Lots 11 and 12, Concession 2 and Part of Lots 14 and 15, Gore Concession, ecological functions do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features.

This area contains ill-defined esker-like ridges and, although the exact relationship of these features is not fully known, they may represent the oldest in Ontario. Earth ANSIs are generally less sensitive to disturbance than Life ANSIs. The Town will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.

#### **5.4 Lands Designated “Agricultural”**

Areas designated “Agricultural” in Schedules “A-1” and “A-3” to this Plan occupy most of the land area in the Town of Essex and agricultural activities are an important component of the Town’s land use. The goals and policies of this Section are intended to protect prime agricultural areas to help ensure that the Town grows and prospers in an orderly and responsible manner while preserving a key component of its economic base.

It is acknowledged that all of the agricultural land in the Town of Essex is classified prime agricultural. In accordance with Provincial policy, non-agricultural related development in this area, permitted in accordance with the goals and policies of this Plan, is strictly controlled and monitored.

Favourable climatic conditions have permitted the development of specialty crop areas for the growing of fruits and vegetables, greenhouse and organic crops and other specialty crops, which require a higher level of skills and capital investment for production, storage and processing.

The Town of Essex, in conjunction with the County of Essex and a land resource specialist, will identify specialty crop areas in accordance with the evaluation procedures established by the Province, as amended from time to time.

These specialty crop areas will be identified by amendment to this Plan. The identification of new, or expansion of existing, settlement areas will not be permitted in these specialty crop areas. In

addition, non-residential uses, not related to farming operations, will also not be permitted in these specialty crop areas.

## **Goals**

- a) to preserve prime agricultural land for agricultural purposes;
- b) to permit farm operators to engage in a wide range of agricultural activities, on farm diversified uses and agricultural related uses;
- c) to restrict the type and amount of non-farm development;
- d) to increase access to healthy foods and to improve the community scale local food infrastructure and related services.

## **Policies**

### **Permitted**

#### **Uses:**

- a) agricultural and associated uses, including the growing of crops including nursery, horticultural crops and vineyards, the raising of livestock and other animals, the raising of poultry and fish, aquaculture, agro-forestry, maple syrup production and conservation uses; agricultural research and testing facilities;
- b) commercial greenhouse farming, including packaging and shipping facilities and on-site housing for labourers, subject to the availability of a long-term, viable source of water and access to a municipal road of a reasonable standard;
- c) mushroom farming, including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production, subject to site plan control buffering provisions in accordance with subsection 4.7, of this Plan and a minimum 350 meter separation from a lot in a Residential zoning district;
- d) horse training and riding facilities, subject to compliance with the MDS II provisions of subsection 4.11 of this Plan;
- e) wineries, breweries and associated uses in combination with and secondary to an agricultural operation on the same lot therewith;
- f) dwellings on existing lots of record and on lots created by consent in accordance with the land division policies contained within subsection 6.5 of this Plan.

Only one dwelling unit will be permitted per lot, except:

- i) where a property owner seeks to construct a replacement dwelling, the existing dwelling may remain on the lot until the new dwelling is determined by the Town to be suitable for occupancy, provided that, prior to the issuance of a building permit for the new dwelling, the property owner submits to the Town a legally binding undertaking stating specifically when the original dwelling will be removed;
- ii) by site-specific Zoning By-law amendment and site plan control approval, one or more ancillary dwellings on an operating farm for the purposes of housing farm help, where:
  - 1. the farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm, and
  - 2. the ancillary dwelling(s), whether temporary or permanent, are located on the lot and accessed in such a way to preclude the creation of a severable residential lot in the future.
- iii) one second dwelling unit in the main dwelling and in an accessory building to a main dwelling;
- g) farm-related commercial and farm-related dry light industrial uses that are of small scale, directly related to the farming operation and located with or in close proximity to it;
- h) the exploration and extraction of all mineral resources, provided that these activities are carried out in accordance with subsection 4.12 of this Plan;
- i) farm serving and supplemental occupations that are clearly required to be located in the agricultural area to provide a service to the agricultural community, such as a drainage contractor or a seed or fertilizer dealership.
- j) on-farm diversified uses that are secondary to the principal agricultural use, including home occupations carried out for remuneration, private home day care facilities providing care for not more than five children; small goods repair shops, office and home craft type uses; a veterinary clinic, with or without provision for the onsite care and boarding of animals; kennels and small animal husbandry, and, subject to maximum lot coverage regulations in the Zoning By-law to ensure that the farm operation is the main use of the property, agri-tourism uses that promote the enjoyment, education or activities associated with the farm operation;

On-farm diversified uses, home occupations and craft type uses are permitted in the dwelling or in an accessory building, unless otherwise specifically provided in the zoning by-law. The Town may require a business licence for all secondary farm and home occupations.

- k) an existing dry industry which is inappropriate within a settlement area and is to be relocated as part of a municipal initiative, to be permitted by site-specific Zoning By-law amendment. A dry industry is defined as a use that does not require water for cooling, washing and processing and whose subsurface sewage disposal systems are used solely for the domestic waste generated by employees. Such uses will be encouraged to locate along main roads and if possible on less productive agricultural land; an emergency medical facility;
- l) roadside stands, retail nursery outlets and retail floral shops that are secondary to and directly related to the principal agricultural use of the property;
- m) institutional and other non-residential uses lawfully existing prior to the adoption of this Plan, conservation areas and uses which aid in the preservation of or promotion of natural heritage resources.

**Provisions:**

- a) Natural Heritage and Floodplain Development Control Overlay Areas depicted in Schedule "B" affect the use and alteration of some lands designated "Agricultural". Use of these lands will be in accordance with the Agricultural land use policies, but are subject to the policies pertaining to the applicable overlay;
- b) for agriculturally designated lands located on the south side of County Road 50, east of Colchester Hamlet, the following uses are not permitted: mushroom farm; livestock operations;
- c) existing uses permitted under clause 5.4, Permitted Uses m), shall be restricted to the boundaries of the existing lot of record on which the use is located;
- d) all development must be serviced with potable water, stormwater management and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- e) the following uses will be subject to site plan control approval under Section 41 of the Planning Act: an ancillary dwelling; commercial and industrial uses; floral outlets and larger roadside stands; commercial greenhouses; commercial horse training and riding facilities; mushroom farm facilities; wineries; retail nursery outlets;
- f) new development parcels will conform to the land division policies contained in Section 6

of this Plan. The severance of a home occupation from the balance of the subject property will not be allowed. All dwelling lots shall have frontage on an existing public road of a standard of construction acceptable to the Town and/or the County of Essex and the Ministry of Transportation.

## **5.5 Lands Designated “Natural Environment”**

Lands designated “Natural Environment” on Schedules “A-1” and “A-3” to this Plan are areas that have been identified as Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), Significant Woodlands, Significant Valley lands, and/or Significant Wildlife Habitat, that are being designated for protection and preservation by the landowner or by the Town.

### **Goals**

- a) to facilitate and support the preservation, protection and enhancement of natural environment areas with significant natural heritage features;
- b) to prohibit development and site alteration as defined in Provincial Policy on those lands designated as “Natural Environment”;
- c) to protect lands adjacent to natural environment areas with significant natural heritage features from land uses that would negatively impact the area designated “Natural Environment”.

### **Policies**

- a) Development and site alteration as defined in the Provincial Policy Statement is not permitted within those areas designated as “Natural Environment”

The lands so designated include Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), Significant Woodlands, Significant Valley lands, Significant Habitat of Endangered and Threatened Species and Significant Wildlife Habitat;

- b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas designated “Natural Environment”, unless it has been demonstrated to the satisfaction of the municipality, in consultation with ERCA, that there will be no negative impacts on the natural features or their ecological functions. Demonstration of negative impact on adjacent lands will only be required for uses that require approval under the Planning Act.

Adjacent lands are defined as generally those lands within 120 metres of the “Natural Environment” designation. Assessment of negative impact is to be determined by

conducting an Environmental Impact Assessment (EIA) in accordance with the Essex County Official Plan which shall be required prior to consideration of any Planning Act

application or the issuance of any building permit. The Town will consult with the Ontario Ministry of Natural Resources and/or the Essex Region Conservation Authority when it determines such consultation to be appropriate.

## **5.6 Lands Designated “Wetlands”**

Lands designated “Wetlands” in Schedule “A-3” to this Plan are areas that have been identified as Provincially Significant Wetlands by the Ontario Ministry of Natural Resources.

### **Goals**

- a) to facilitate and support the preservation, protection and enhancement of Provincially Significant Wetlands;
- b) to prohibit development and site alteration as defined in Provincial Policy on those lands designated as “Wetlands”;
- c) to protect lands adjacent to Provincially Significant Wetlands from land uses that would negatively impact the area designated “Wetlands”.

### **Policies**

- a) development and site alteration as defined in Provincial Policy is not permitted within those areas designated as “Wetlands”;
- b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas designated “Wetlands”, unless it has been demonstrated to the satisfaction of the municipality, in consultation with ERCA, that there will be no negative impacts on the natural features or their ecological functions. Demonstration of no negative impact on adjacent lands will only be required for uses that require approval under the Planning Act.
- c) adjacent lands are defined as generally those lands within 120 metres of the “Wetland” designation. Assessment of negative impact is to be determined by conducting an Environmental Impact Assessment (EIA) in accordance with the Essex County Official Plan. The Town will consult with the Ontario Ministry of Natural Resources and/or the Essex Region Conservation Authority when it determines such consultation to be appropriate.

## **5.7 Lands Designated “Residential”**

Areas designated “Residential” in Schedules “A-2” and “A-4” to this Plan are either currently developed for residential uses or have been determined to be appropriate for future residential development.

If the level of municipal services permits, it is the intent of this Plan that a broad range of residential uses be permitted on lands designated “Residential” in order to meet the needs of all households within the planning period of this Plan. In addition, other uses which are considered to be ancillary or necessary to serve the day to day needs of a residential community will also be permitted in accordance with the policies of this Plan.

The following land use goals and policies apply to new residential development and redevelopment in the Town. These policies will be implemented through regulations enacted in the Town’s Zoning By-law, the development review/approval process and through individual site plan control and development agreements.

### **Goals**

The following goals are established for the areas designated “Residential”:

- a) to provide areas in which residential development and neighbourhood serving support services may developed and maintained in a controlled, sustainable and energy efficient manner and to recognize existing residential development and areas presently designated for residential purposes;
- b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;
- c) to encourage infilling within the existing developed areas;
- d) to encourage the construction of a greater variety of housing types;
- e) to restrict the encroachment of non-residential development into older residential neighbourhoods;
- f) to provide an adequate supply of draft approved and/or registered lots and blocks in new plans of subdivision and/or registered lots which have been created in accordance with the land division policies contained in Section 6 of this Plan;
- g) to provide an adequate supply of new fully serviced building lots to meet the projected demand for additional housing units over the planning period of this Plan.

## **Policies**

### **Permitted**

#### **Uses:**

- a) single detached dwellings, two unit dwellings, three unit dwellings, townhomes, multiple dwellings, residential care facilities and other housing designed to accommodate persons with special needs;
  - b) public parks; day care facilities and essential buildings and structures for public services and utilities, walkways and non-motorized recreationways;
  - c) home occupations subject to size, location, signage and user limitations set out in the Zoning By-law;
  - d) institutional uses, by site-specific amendment to the Zoning By-law. When considering the appropriateness of a new site for a particular institutional use, the criteria contained in subsection 4.17 of this Plan shall apply;
  - e) a group home dwelling, defined as residential accommodation for 6 to 12 persons who require on-site supervision, in a high density residential zone and by specific Zoning By-law amendment, if proposed in a low or medium density residential zone. In such instances, Council will have regard to the following:
    - i) the compatibility of the proposed use in its physical scale and form with the surrounding residential uses;
    - ii) the physical separation of the proposed group home from like uses so as not to create an undue concentration of group homes in the area;
- Notwithstanding any other provision of this Plan or a specific land use designation, residential accommodation for up to 5 persons who require on-site assistance for day to day living is deemed to be a dwelling unit and for 6 or more persons, a residential care facility.
- f) dwelling units through residential intensification, as set out in subsection 4.22 of this Plan;
  - g) one garden suite, defined as an ancillary dwelling for the accommodation of a person or persons for a fixed time period, by specific Zoning By-law amendment provided that:
    - i) it is designed to be portable or is easily convertible to a permitted non-residential use accessory to the main use of the property;
    - ii) there is no secondary dwelling unit existing on the lot;

- iii) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use is adopted by Council;
- i) neighbourhood commercial uses by site-specific Zoning By-law amendment if:
  - i) the proposed use(s) is deemed to be compatible in its scale, form and height with the surrounding land uses;
  - ii) there is a demonstrated need for the proposed uses(s) for the existing neighbourhood;
  - iii) the building and parking areas have adequate setbacks or other buffering from existing residential uses and adequate onsite parking;
  - iv) adequate municipal services and facilities are available;
  - v) the uses or combination of uses serve the walk in public and no drive through facilities are provided;
- j) uses that are lawfully existing on the date of adoption of this Plan may also be permitted, subject to Zoning By-law limitations on expansion or reconstruction and the provisions of the Existing Land Use policy in subsection 9.5 of this Plan;
- k) uses accessory to the foregoing uses.

**Provisions:**

- a) the regulations for the uses permitted in the "Residential" designation will be established in the Zoning By-law;
- b) unless otherwise specifically provided by the Zoning By-law, generally only one dwelling shall be permitted per lot.

Where a property owner seeks to construct a replacement dwelling, the existing dwelling may remain on the lot until the new dwelling is occupied, provided that, prior to the issuance of a building permit for the new dwelling, the property owner provides to the Town a legally binding undertaking stating when the original dwelling will be removed;

- c) open space and recreational amenities must be provided in all future residential development in accordance with the provisions of the Zoning By-law;
- d) in general, development will be free of barriers to persons with disabilities and will permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- e) areas for low, medium and high density residential development are not specifically identified in this Plan. Low, medium and high density residential zoning categories are described as follows:

- i) Low Density Residential
 

The low density residential zones permits single unit dwellings, two unit dwellings, and secondary dwelling units generally to a maximum density of 20 units per gross hectare and townhomes generally to a density of 30 dwelling units per gross hectare. The maximum building height should not exceed two storeys. Greater height and density may be permitted on a site-specific basis;
- ii) Medium Density Residential
 

In addition to permitting low density residential development, the medium density residential zone permits multiple dwellings, residential care facilities and special needs dwellings. The maximum density and building height should not exceed 45 dwelling units per gross hectare and three storeys respectively, although greater height and density may be permitted on a site-specific basis.
- iii) High Density Residential
 

In addition to permitting medium density residential development, higher density residential development is permitted. The maximum density and building height should not exceed 125 units per gross hectare and six storeys respectively, although greater height and density may be permitted on a site specific basis;
- f) when considering applications to amend the Zoning By-law to permit new medium or high density residential development, the Town will have regard to the following:
  - i) the need for the proposed development as identified through an analysis of housing supply and demand and residential intensification goals;
  - ii) the density, height and form of adjacent development;
  - iii) the adequacy of the municipal potable water supply system, municipal sanitary sewage collection and treatment system, municipal storm drainage and roads to serve the proposed development;
  - iv) the adequacy of school, park and community facilities to serve the proposed development;
  - v) the adequacy of off-street parking facilities and or public transit to serve the proposed development;
  - vi) the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses;
  - vii) accessibility in relation to the location of arterial and collector roads; and
  - viii) the proximity of the proposed medium or high density residential development to employment and commercial areas;

- ix) the level of uncommitted sewage treatment reserve capacity is sufficient to accommodate new residential development.
- g) townhome development, exclusive of street townhomes, medium and high density residential development, institutional and neighbourhood commercial uses will be subject to site plan control pursuant to Section 41 of the Planning Act;
- h) undeveloped lands that are designated "Residential" may be placed in a holding zone in the Zoning By-law. Existing uses may be permitted in the holding zone in the interim, provided such uses are permitted within the Residential designation or conform to the relevant provisions of the Existing Land Use policy in subsection 9.5 of this Plan.  
The holding (H) symbol will be removed in accordance with the provisions of subsection 9.9 of this Plan;
- i) at the time of submission of a draft plan of subdivision or consent to sever for the creation of new residential lots, the proponent shall show that the development:
  - i) is feasible in regard to the extension and provision of municipal services and is in conformity with the general provisions of this Plan and the PPS;
  - ii) is not on or adjacent to a site of nuisance or contamination for which mitigation in accordance with Provincial standards and guidelines is not possible;
  - iii) is consistent with the Natural Environment or Floodplain Development Control Area Overlays and the natural features and ecological functions of the area;
  - iv) does not negatively impact upon a heritage resource, unless mitigation is possible;
  - v) has access to municipal roads capable of accommodating the development;
  - vi) is compatible with the surrounding residential area in terms of scale, height, parking, orientation and setbacks;
  - vii) is in keeping with the subdivision and consent policies of this Plan;
  - viii) incorporates sustainable and energy efficient design elements and is designed, where feasible, to maximize solar gain;
  - ix) conforms with or does not conflict with the Town's residential intensification targets and strategies;
  - x) the level of uncommitted sewage treatment reserve capacity is sufficient to accommodate new residential development.
- j) the provision of a three year supply of at least 300 residential lots through a combination

of draft plan approved, registered lots and blocks on existing plans of subdivision and/or consent shall be maintained within areas designated "Residential", "Lakeshore Residential" and "Hamlet" and distributed in proportion to the size of the settlement area, with consideration of the land use/zoning mix, the adequacy of municipal services and market conditions;

- k) new development parcels will conform to the land division policies contained in Section 6 of this Plan.

## **5.8 Lands Designated " Mobile Home Park"**

The areas designated "Mobile Home Park" in Schedules "A-1" and "A-2" to this Plan are existing mobile home park communities located in Essex Centre and McGregor Hamlet. These are the only locations where mobile homes are permitted without an amendment to this Plan. The following land use goals and policies establish the manner in which new development and/or redevelopment may occur within this designation. These policies will be implemented through regulations enacted in the Town's Zoning By-law, the development review/approval process, and through development agreements.

### **Goals**

- a) to recognize the existing mobile home park;
- b) to ensure that any further development or expansion of the mobile home park is completed in an orderly and properly serviced manner.

### **Policies**

#### **Permitted**

#### **Uses:**

- a) mobile homes and accessory uses, including a manager's office and on-site recreational and service facilities.

#### **Provisions:**

- a) the implementing Zoning By-law will establish the zone and site provisions for the mobile home park;
- b) the maximum permitted density is 20 mobile homes per hectare;
- c) minor expansion of the mobile home park will be permitted subject to an amendment to

the Zoning By-law and the availability of sufficient uncommitted reserve capacity to service the expansion within the municipality's sanitary sewage, potable water and stormwater drainage systems.

## **5.9 Lands Designated "Lakeshore Residential"**

The area west of the Colchester Hamlet, between County Road 50 and Lake Erie, is designated "Lakeshore Residential" in Schedule "A-3" to this Plan. These lands historically developed as independent enclaves of seasonal dwellings, the majority of which have been converted to permanent dwellings over the years under the residential zoning in effect. Large vacant parcels have been placed in residential holding zones pending plan of subdivision approval.

Much of the residential development in this area continues to be serviced by private roads and there is a low degree of connectivity between neighbourhoods. There are also a limited number of commercial and employment establishments related primarily to tourism and seasonal uses. The area lacks residential support facilities such as neighbourhood commercial, day care and institutional uses.

In the 1990s, through the assistance of the Provincial government, municipal sanitary sewers were extended to this area to address environmental problems related to the failure of private sewage systems. Accordingly, this area had access to municipal sanitary sewers and municipal water and, as such, residential development was permitted under the previous Colchester South Official Plan and related Zoning By-law (R2 zoning).

Given the limitation on development imposed by the design capacity of the sanitary sewer and the Plan's objective to protect agriculturally designated lands, no expansion of the Lakeshore Residential District shall be permitted north of County Road 50, which represents the current north limit of the Lakeshore Residential Settlement Area west of Colchester Hamlet.

Future settlement area boundary expansion will only be considered at the time of a comprehensive review and only where it has been demonstrated that the PPS criteria for expansion have been addressed.

The residential lakefront area east of the Colchester Hamlet is designated "Lakeshore Residential" in Schedule "A-3" to this Plan. Under the previous Colchester South Official Plan, this area was designated "Lakeshore Residential" which provided for large lot (1860 square meters minimum lot area) low density residential development, subject to the provision of sewage disposal systems satisfactory to the Ministry of Environment.

The area was zoned for single unit detached dwellings (R2), primarily along the lakefront, while the balance was zoned for recreational/commercial uses on a site specific basis and for restricted

agriculture. Unlike the Lakeshore Residential lands west of Colchester, these lands do not have municipal sanitary sewers, because of the fragmented distribution of the existing dwellings along the lakefront, separated by agricultural parcels and other non-residential uses, along the south side of County Road 50, some of which extend to the lake.

Due to its microclimatic conditions, the area is well-suited for agricultural purposes, particularly vineyards for wine production and several wineries have recently opened. They are part of a large collection of popular local wineries and support activities, which over time have made a significant contribution to the cultural heritage of the County.

Overall, the lands on the south side of County Road 50, east of Colchester Hamlet have a mix of older and newer residential accommodation, designated and identified cultural and natural heritage properties, small scale commercial and agricultural uses that together have formed the pattern of development for many years.

Given the lack of full municipal services and the presence of agricultural uses interspaced with existing residential and non-residential uses, the Lakeshore Residential designation applies only to existing areas that are currently zoned for residential and non-residential, non-agricultural purposes. The balance of the lands south of County Road 50 are designated "Agriculture".

## **Goals**

- a) to recognize residential development and other non-residential uses that are in place along the lakeshore and to permit new residential development on full municipal services;
- b) to preserve, where feasible, the natural setting and aesthetic qualities of the lakeshore areas;

## **Policies**

### **Permitted**

#### **Uses:**

- a) one single-detached dwelling; except on a lot having a garden suite, one second dwelling unit may be an additional permitted use in the single-detached dwelling, subject, where applicable, to the development density limits established by the available sanitary sewer design capacity; existing agricultural uses.

As an alternative to a second dwelling unit in a single-detached dwelling, by site-specific rezoning, a second dwelling unit may be accommodated in a building accessory to it, subject to the availability of a municipal sanitary sewer connection for the second dwelling

unit and compliance with the applicable provisions of this Plan and the Zoning By-law, but not on a lot having a garden suite;

By site-specific rezoning, one garden suite, defined as an ancillary dwelling for the accommodation of a person or persons for a fixed time period, provided that:

- i) it is designed to be portable or is easily convertible to a non-residential use accessory to the main use of the property;
  - ii) there is no second dwelling unit on the lot;
  - iii) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use is adopted by Council;
- b) home occupations subject to size, location, signage and user limitations set out in the Zoning By-law; small scale tourist accommodation;
- c) the Town will entertain proposals for community serving institutional uses and the development of one neighbourhood commercial plaza, on lands fronting on the south side of County Road 50, between County Road 41 and Wright Road, without an amendment to this Plan, subject to a site-specific Zoning By-law amendment and site plan control approval;
- d) the following existing uses: public and private recreational use; institutional use; commercial use; trailer park; campground; uses accessory to the foregoing uses.

### **Provisions:**

- a) all development must have potable water, stormwater management, sanitary sewage collection and treatment services that meet with the approval of the Town and the statutory approval authority having jurisdiction;
- b) in general, new development will be free of barriers to persons with disabilities and will permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- c) west of Colchester Hamlet, new residential development will be apportioned at a density proportional to the permitted general development density established for the Lakeshore Residential district based on available sanitary sewer design capacity;

Large undeveloped parcels of land in the "Lakeshore Residential" designation, capable of subdivision, will be zoned Residential Holding in the Zoning By-law to reflect the existing zoning sanctioned under the previous Colchester South Official Plan and Zoning By-law.

The holding symbol will be removed once a plan of subdivision is registered and provision is made for municipal sanitary sewage collection, treatment and disposal, a stormwater management plan and a municipal potable water supply, in a manner satisfactory to the Town and the statutory approval authority having jurisdiction;

- d) east of Colchester Hamlet, until such time as full municipal services are available, residential development will be restricted to minor infilling within the currently established and zoned residential areas that meets the applicable provisions of MOECC and or the Ontario Building Code, as may be amended from time to time, for the provision of septic systems and to the replacement, renovation or reconstruction of existing dwellings, all subject to limitations placed by the Zoning By-law and the development control overlays;
- e) when the lot fronts on a private or public road where no provision has been made for the assumption and upgrading of that road by the Town, or the lot does not have access to full municipal services, new lot creation will not be permitted.

Existing dwellings may be expanded, renovated, replaced or reconstructed, where provision is made for sanitary sewage collection, treatment and disposal, stormwater management and potable water supply, in a manner satisfactory to the Town and the statutory authority having jurisdiction, subject further to limitations placed by the Zoning By-law and the development control overlays:

- f) where new lot creation is permitted, at the time of submission of a draft plan of subdivision or consent to sever to create new residential lots, the proponent shall show that the development:
  - i) is feasible in regard to the extension and provision of municipal services and is in conformity with the general provisions of this Plan and the PPS;
  - ii) is not on or adjacent to a site of nuisance or contamination for which mitigation in accordance with Provincial standards and guidelines is not possible;
  - iii) is consistent with the Natural Environment or Floodplain Development Control Area Overlays and the natural features and ecological functions of the area;
  - iv) does not negatively impact upon a heritage resource;
  - v) has access to assumed municipal roads capable of accommodating the development;
  - vi) is compatible with the surrounding residential area in terms of scale, height, parking, orientation and setbacks;
  - vii) is in keeping with the subdivision and consent policies of this Plan;
  - viii) is designed, where feasible, to maximize solar gain and energy efficiency;

- ix) does not conflict with the Town's residential intensification targets and strategies;
  - x) the extent of uncommitted reserve municipal sewage treatment and collection capacity and uncommitted reserve potable water treatment capacity is sufficient to accommodate new residential development.
- g) the provision of a three year supply of at least 300 residential lots, through a combination of draft plan approval, existing registered lots and blocks on plans of subdivision and consent, shall be maintained within areas designated "Residential", "Lakeshore Residential" and "Hamlet" and distributed in proportion to the size of the settlement area, with consideration of the land use/zoning mix, the availability of municipal services and market conditions;
- h) new development parcels will conform to the land division policies contained within Section 6 of this Plan.

#### **5.10 Lands Designated "Estate Residential"**

Areas designated "Estate Residential" in Schedule "A-3" to this Plan are either currently developed residentially or have historically been designated and zoned to accommodate future residential development on large, estate sized lots.

The majority of lots in this area range from 4.0 to 8.0 hectares in size, which reflects the 4.0 hectare minimum lot area required by the former Colchester South Official Plan and the corresponding Zoning By-law. Many lots, particularly those exceeding 8.0 hectares, continue to be used for agricultural purposes, at least in part, but are also generally occupied by a dwelling.

It is a policy of this Plan that existing agricultural uses will be recognized in the Zoning By-law, while such activities remain viable and are not in conflict with the surrounding residential land uses. As such, large lot residential regulations will be retained to help satisfy minimum distance separation guidelines, to limit new residential development and to encourage the continuation of agricultural activities.

No expansion of the designated Estate Residential District boundaries will be permitted.

The following land use goals and policies establish the manner with which new estate residential development may take place.

## **Goals**

- a) to recognize the historical pattern of residential development that has already taken place in the area;
- b) to direct low density residential development into areas that, because of lot size and existing adjacent residential development, are no longer well suited for agricultural uses;
- c) to recognize existing agricultural operations for as long as such activities remain viable.

## **Policies**

### **Permitted**

#### **Uses:**

- a) one single-detached dwelling; except on a lot having a garden suite, one second dwelling unit may be an additional permitted use in the single-detached dwelling;  
As an alternative to a second dwelling unit in a single-detached dwelling , by site-specific rezoning, a second dwelling unit may be accommodated in a building accessory to it, subject to compliance with the applicable provisions of this Plan and the Zoning By-law, but not on a lot having a garden suite;
- b) agricultural uses, excluding a mushroom farm;
- c) commercial greenhouse farming, subject to the availability of a long-term, viable source of water and access to a municipal road of a reasonable standard;
- d) home occupations subject to size, location, signage and user limitations set out in the Zoning By-law;
- e) one garden suite, defined as an ancillary dwelling for the accommodation of a person or persons for a fixed time period, provided that:
  - i) it is designed to be portable or is easily convertible to a non-residential use accessory to the main use of the property
  - ii) there is no second dwelling unit existing on the lot;
  - iii) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use is adopted by Council;
- f) uses accessory to the foregoing uses.

**Provisions:**

- a) the minimum lot area will be 4.0 hectares;
- b) should lands be acquired for the expansion and consolidation of farm operations, and, an existing dwelling on such land becomes surplus to the needs of the farm operation, the severance of the surplus dwelling and associated lot should satisfy the MDS I provisions.

Notwithstanding the minimum lot area provision of 4.0 hectares, in order to retain viable farm land, the minimum lot area for the severed residential lot may be reduced at the discretion of the Committee of Adjustment;

- c) all development must be serviced with potable water, stormwater management and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- d) the following uses will be subject to site plan control approval: commercial greenhouses; commercial riding stables and horse training facilities;
- e) new development parcels will conform to the land division policies contained within Section 6 of this Plan.

## **5.11 Lands Designated “ Rural Residential”**

Lands designated “Rural Residential” in Schedules “A-1” and “A-3” to this Plan recognize pockets of existing, zoned residential development situated throughout the agricultural area. Such locations were zoned for residential use under the former township zoning by-laws.

**Goals**

- a) to recognize contiguous areas of existing rural residential development generally without an agricultural component;

**Policies****Permitted****Uses:**

- a) one single-detached dwelling; except on a lot having a garden suite, one second dwelling unit may be an additional permitted use in the single-detached dwelling;

As an alternative to a second dwelling unit in a single-detached dwelling, by site-specific rezoning, a second dwelling unit may be accommodated in a building accessory to it,

subject to compliance with the applicable provisions of this Plan and the Zoning By-law, but not on a lot having a garden suite;

- b) home occupations subject to size, location, signage and user limitations set out in the Zoning By-law;
- c) by site-specific rezoning, one garden suite, defined as an ancillary dwelling for the accommodation of a person or persons for a fixed time period, provided that:
  - i) it is designed to be portable or is easily convertible to a non-residential use accessory to the main use of the property;
  - ii) there is no second dwelling unit on the lot;
  - iii) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use is adopted by Council;
- d) uses accessory to the foregoing uses.

**Provisions:**

- a) all development must be serviced with potable water, stormwater management and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- b) should an application be made to the Committee of Adjustment to sever an existing lot of record for lot expansion, boundary realignment or some other purpose, the minimum size of the new and retained lots should conform to the average size of the adjoining rural residential lots;
- c) new development parcels will conform to the land division policies contained within Section 6 of this Plan.

## **5.12 Lands Designated “Hamlet”**

Lands designated “Hamlet” in Schedules “A-1” and “A-3” to this Plan are rural service areas and include the McGregor, Gesto and Colchester Hamlet Centres. Residential uses, institutional uses, recreational uses and tourist accommodation, small scale commercial, business and professional offices and dry, light industrial uses are envisioned.

Non-residential development in these areas is primarily intended to serve the needs of the local residents and the agricultural area and, as well, in the case of the Colchester Hamlet, tourists

visiting the area.

As time permits, secondary plans may be undertaken for the various urban areas and hamlets. A secondary plan has been adopted for the Colchester Hamlet Area and it forms Appendix "B-1" to this Plan. This subsection outlines general policies for hamlets and Appendix "B-1" sets out more detailed land use planning policies for Colchester in particular.

## **Goals**

- a) to strengthen the identities of McGregor, Gesto and Colchester Hamlet Centres as settlement areas and service centres within the Town;
- b) to ensure that new development occurs in a manner in keeping with the capacity of the municipal potable water, sanitary sewage collection and treatment and stormwater management systems available and the financial capability of the Town;
- c) to continue to provide a location for future residential, institutional, recreational, small scale commercial and small scale dry light industrial uses where services are available;

## **Policies**

### **Permitted**

#### **Uses:**

- a) single detached dwellings, two to four unit dwellings and townhomes, residential care facilities, home occupations, tourist accommodations, institutional uses, recreational uses, mixed uses (commercial/residential), small scale commercial, business and professional offices and dry, light industrial uses and their expansion in accordance with the policies outlined below.
- b) an existing agricultural use;
- c) one garden suite, defined as an ancillary dwelling for the accommodation of a person or persons for a fixed time period, by specific Zoning By-law amendment provided that:
  - i) it is designed to be portable or is easily convertible to a non-residential use accessory to the main use of the property
  - ii) there is no second dwelling unit existing on the lot;
  - iii) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use is adopted by Council;
- d) except on a lot having a garden suite, one second dwelling unit may be an additional

permitted use in the single-detached dwelling;

As an alternative to a second dwelling unit in a single-detached dwelling, by site-specific rezoning, a second dwelling unit may be accommodated in a building accessory to it, subject to compliance with the applicable provisions of this Plan and the Zoning By-law, but not on a lot having a garden suite;

- e) a group home dwelling, defined as residential accommodation for 6 to 12 persons who require on-site supervision, in a high density residential zone and by site-specific Zoning By-law amendment if proposed in a low or medium density residential zone. In such instances, Council will have regard to the following:
  - i) the compatibility of the proposed use in its physical scale and form with the surrounding residential uses;
  - ii) the physical separation of the proposed group home from like uses so as not to create an undue concentration of group homes in the area;
- f) uses accessory to the foregoing uses.

**Provisions:**

- a) all development must be serviced with potable water, stormwater management and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- b) the Zoning By-law will zone all lands in the “Hamlet” designation according to their existing use or mix of uses, on a site specific or block by block basis;
- c) vacant infill parcels will normally be placed into a zoning category compatible with or the same as the abutting land uses;

Larger parcels, with mixed use or larger scale development potential, may be placed into a holding zone which reflects the best potential use(s) of the property based on local needs and market conditions, land use compatibility with adjacent uses, serviceability and policies of this Plan related to residential intensification and other land use goals set out herein;

- d) for larger parcels under c) above, the proposed use should satisfy the following criteria:
  - i) the proposed use is generally compatible with existing adjacent land uses in terms of use, scale and site layout and for commercial uses serves a demonstrated need;
  - ii) the existing roads can adequately serve the proposed use;

- iii) the existing services are adequate for the proposed use or can be provided to the satisfaction of the Town and the statutory approval authority having jurisdiction;
  - iv) the off-street parking provision is adequate for the proposed use;
  - v) for non-residential developments, the site plan provides suitable landscaping, buffering and building setbacks to protect the amenities of the surrounding residential properties;
- e) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner.
- f) the provision of a three year supply of at least 300 residential lots through a combination of draft plan approved and/or registered lots and blocks on plans of subdivision and/or registered lots shall be maintained within areas designated "Residential", "Lakeshore Residential" and "Hamlet" and distributed in proportion to the size of the settlement area, with consideration of the land use/zoning mix, the adequacy of municipal services and market conditions;
- g) non-residential development and townhome development, exclusive of street townhomes, medium and high density residential development, institutional and neighbourhood commercial uses will be subject to site plan control pursuant to Section 41 of the Planning Act;
- h) new development parcels will conform to the land division policies contained within Section 6 of this Plan.

### **5.13 Lands Designated "Town Centre"**

The areas designated "Town Centre" in Schedules "A-2" and "A-4" to this Plan are located in the Essex and Harrow Urban Centres. This Plan recognizes that the town centres are the focus of civic, institutional, cultural, leisure, recreational, retail, office, service commercial uses and residential accommodation.

In Essex Centre, shown in Schedule "A-2", there are three relatively distinct geographic areas which constitute the "Essex Town Centre". The first is the traditional commercial core focused on Talbot and Centre Streets, the second is located around the vicinity of the intersection of Talbot Street South and Gosfield Townline Road and the third extends northerly along Talbot Street North from Maidstone Avenue.

The areas designated "Town Centre - Harrow" in Schedule "A-4" form the traditional core commercial area of the Harrow Urban Centre.

It is the intent of this Plan to encourage a full range of commercial, mixed use (residential/commercial), cultural and public service uses within the areas designated "Town Centre". Over the planning period, it is anticipated that these areas will continue to evolve, mature and redevelop into a built form that is compact and cohesive with integrated shopping, recreational, cultural, leisure and civic functions.

## **Goals**

- a) to permit a full range of civic, institutional, cultural, leisure, recreational, and shopping experiences in a compact, convenient, safe and accessible environment;
- b) to strengthen and enhance the Town's economic base by promoting and encouraging planned development and redevelopment in these areas;
- c) to recognize that town centres are dynamic in nature, and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences, and retail trends change over time, and to provide a corresponding policy environment which will permit these changes to occur in a manner which is beneficial to the Town of Essex ratepayers;
- d) to create and maintain a town centre that includes civic components such as public squares, parkettes, shared parking facilities, cultural, recreational and administrative buildings, which will enhance and strengthen the civic identity of this community, and maintain a friendly, accessible, barrier free and visually attractive "gathering place" for a growing community;
- e) to assist and support public and private sector initiatives that will lead to the removal of buildings, activities and land uses which are not appropriate for a town centre;
- f) to promote mixed use redevelopment projects (commercial/residential);
- g) to promote accessibility to public spaces and buildings by persons with disabilities.

## **Policies**

### **Permitted**

#### **Uses:**

- a) retail, office and service commercial uses, places of entertainment and recreation, eating establishments, clinics, financial service establishments, institutional uses and other similar uses that serve the needs of the residents and visitors. Small scale automobile-related service and minor repair uses may also be permitted.

- b) municipal and public agency administrative offices, libraries, museums, cultural centres, performing arts centres, civic squares, parkettes and other similar public facilities;
- c) multiple dwelling units within a mixed-use commercial/residential development that:
  - i) has a height of not less than two stories and not more than six stories;
  - ii) will preserve, to the greatest extent possible, a strong and vibrant retail and office commercial presence at the street level;
  - iii) is designed in such a manner as to create and maintain safe and convenient pedestrian linkages and shared parking areas;
  - iv) incorporates architectural and design elements which are in keeping with the area and contribute to a built form which is compact and energy efficient.
- d) existing residential uses may be recognized in the Zoning By-law subject to the Existing Land Use policy in subsection 9.5 of this Plan;
- e) uses accessory to the foregoing uses.

#### **Provisions:**

- a) generally, the areas designated "Town Centre" are to be developed/redeveloped in a compact built form, where shared parking, loading and access facilities, accessible and barrier free movement should be provided and incorporated within and amongst individual developments where appropriate and feasible;
- b) where feasible, development should be coordinated and designed so that the sites will function in an integrated manner with internal access and parking areas being linked with one another to facilitate the free flowing and safe movement of pedestrians and vehicles between and amongst individual sites and in the public rights-of-way;
- c) the Town will encourage and contribute to the continued aesthetic and functional improvement of these areas;
- d) the Town, the Essex Business Improvement Area (BIA), the Harrow Chamber of Commerce and individual owners will work cooperatively to promote municipal, private and joint parking facilities, as necessary, to meet the needs of the area.

Council may consider the use of Section 40 of the Planning Act (cash in-lieu of parking) if it is satisfied that the proposal will not contribute to a serious shortage of off-street parking in the area.

All parking areas will be attractively designed and landscaped to enhance their appearance in keeping with the character of the Town and buffered from abutting residential uses;

- e) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- f) to maintain consistency and compatibility in function and design, new development will be required to conform to performance standards relating to parking, loading, lighting, landscaping, and buffering as set out in the implementing Zoning By-law and site plan control agreements;
- g) front yard parking and drive through facilities will not be permitted in mid block or other locations where a contiguous building setback at or close to the public street should be maintained;
- h) new development parcels will conform to the land division policies contained within Section 6 of this Plan;
- i) development will be subject to site plan control pursuant to Section 41 of the Planning Act;
- j) through site plan control Council will:
  - i) ensure that pedestrian movement is not obstructed by street furniture and other design elements which present a barrier to movement between buildings and within public spaces;
  - ii) encourage measures such as street furniture, awnings, canopies and recessed ground floor entrances to offer pedestrian convenience and protection;
  - iii) encourage development designed to maximize solar gain through building orientation, massing and the use of renewable energy systems and the preservation of sunlight in public spaces;
  - iv) where a new development is within or adjacent to an established area, Council will ensure that the new development is compatible with and complementary to the area in terms of its overall massing, setbacks, parking, landscaping, building location relative to the street, exterior signage and onsite lighting design and dispersion and the conservation of heritage elements or features.
- k) as resources permit, Council will consider the use of gateways, theme street designations, informative signage and decorative features to emphasize the entrances and main streets of the town centre or neighbourhoods;
- l) as resources permit and through site plan control, Council will enhance public rights-of-way consistent with the established character of the neighbourhood or streetscape by using streetscape elements such as special lighting, landscaping, decorative paving, street furniture and public art as complementary features.

## **5.14 Lands Designated “ Highway Commercial Corridor Development”**

The area designated “Highway Corridor Commercial Development” in Schedule “A-2” to this Plan is strategically located along Highway No. 3 at one of the westerly entrances to Essex Centre. This large area is ideally situated in terms of its accessibility, visibility and road capacity to accommodate highway commercial uses.

It is designated to accommodate the specialized uses and lot size requirements of large format retailers and other uses which require high visibility, large parking areas and may require drive through facilities, outdoor storage and display. It is the intention of Council to provide residents with more shopping opportunities without significantly compromising the commercial function of the town centre or severely impacting upon its viability and strengths.

### **Goals**

- a) to capitalize on the inherent strengths of this area to attract regional consumers;
- b) to strengthen and enhance the Town’s existing economic base by supporting automobile oriented commercial development;
- c) to recognize that commercial areas are dynamic in nature, and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences and retail trends change over time, and to provide a corresponding policy environment that will permit these changes to occur in a manner which is beneficial to the Town of Essex ratepayers;
- d) to facilitate retail and wholesale commercial uses, which require large sites for their operations, and other compatible uses primarily serving the motoring public;
- e) to provide existing and future residents in the vicinity of the “Highway Corridor Commercial Development” designation with a convenience commercial area that meets their daily service and retail needs;
- f) to incorporate design elements such as pedestrian/bicycling access, shared parking facilities, combined entrances and signage and landscaping that will minimize conflicts between automobile and non motorized traffic and create a visually attractive commercial area that is compatible with the surrounding residential area.

## **Policies**

### **Permitted**

#### **Uses:**

- a) there are three distinct commercial areas within the "Highway Corridor Commercial Development" designation. These areas, as shown in Schedule "A-2", generally represent different forms and types of commercial activity and will be zoned accordingly in the implementing Zoning By-law. The range of commercial development envisaged within each area is as follows:
  - i) Highway Corridor Commercial Area 1 (Neighbourhood Commercial Uses)  
small scale retail, office, day care and personal service uses and such other uses intended to serve the daily needs of the surrounding residential neighbourhood.
  - ii) Highway Corridor Commercial Area 2 (New Format Retail Commercial Uses)  
big box retail and wholesale commercial uses that require large sites and may require outdoor storage and display areas, such as general retailers, hardware and home improvement centres, building supply outlets, supermarkets, garden centres.  
  
The implementing Zoning By-law will generally restrict the building type to large, ground-oriented, commercial buildings with a minimum gross leasable floor area of 1,000 square metres.
  - iii) Highway Corridor Commercial Area 3 (Highway Commercial Uses)  
commercial uses primarily serving the motoring public, such as service centres, hotels, motels and restaurants, with or without meeting rooms or drive through facilities; emergency medical services;
- b) uses accessory to the foregoing uses.

#### **Provisions:**

- a) individual developments should function in an integrated manner, with shared access and parking areas designed to facilitate a free flow movement of non-motorized and motorized traffic;
- b) in Highway Corridor Commercial Area 1, pedestrian linkages will be provided between this neighbourhood commercial site and the surrounding residential and commercial areas and traffic calming measures will be incorporated into the site design;

- c) lands within the Highway Corridor Commercial Area 1 will be placed in an appropriate neighbourhood commercial holding zone category in the implementing Zoning By-law. The holding symbol will be removed when the necessary development and site plan control agreements are executed by Council.
- d) unless otherwise specifically provided, all development will conform to performance standards relating to parking, loading, lighting, landscaping and buffering, as set out in the implementing Zoning By-law and construction shall be in accordance with an executed site plan control agreement(s).
- e) the Town will encourage the use of architectural and design elements that are in keeping with the character of the planned new residential subdivision to the south of this area. Reasonable efforts should be made to ensure that free-standing signage pertaining to Highway Corridor Commercial Development uses is combined and has similar design characteristics to the related commercial building(s).
- f) all development will be serviced with municipal piped water and sanitary sewers;
- g) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- h) prior to development proceeding, the necessary entrance, setback and sign permits must be obtained from the Ministry of Transportation, the County of Essex and the Town of Essex. There shall be no direct access onto Highway Number 3;
- i) development will be subject to site plan control pursuant to Section 41 of the Planning Act.
- j) new development parcels will conform to the land division policies contained within Section 6 of this Plan.

### **5.15 Lands Designated " Highway Commercial"**

Lands designated "Highway Commercial" in Schedules "A-1", "A-2", "A-3" and "A-4" to this Plan are areas either presently used for highway commercial purposes or set aside for such future purpose. These areas are intended to accommodate commercial uses that will serve the travelling public and commercial uses that may not be suitably accommodated in the town centres.

#### **Goals**

- a) to identify areas within the town, outside of the town centres, for future highway commercial development;
- b) to ensure that the commercial needs of area residents are met.

## **Policies**

### **Permitted**

#### **Uses:**

- a) due to location, the mix of existing land uses and ease of access, the lands designated "Highway Commercial" are best suited for service commercial, retail commercial uses and other commercial activities that require good visibility, outdoor display areas, drive through facilities and large lot on-site parking.

Accordingly, permitted uses include:

- i) uses that generate moderate to heavy traffic volumes, require good vehicular access and onsite parking and may require drive through facilities;
  - ii) the sale of bulk goods or materials such as fuel, building materials and hardware, exclusive of sand and gravel or other such construction materials stored in bulk form in storage areas open to the sky;
  - iii) establishments which sell and/or service automobiles, trucks, recreational products including boats and recreational vehicles, and farm and garden vehicles and equipment;
  - iv) hotels, motels and related tourist facilities;
  - v) restaurants, convention facilities and banquet halls; recreational uses;
  - vi) retail and wholesale stores and personal service shops, including establishments requiring large lot outdoor areas to accommodate sales and storage activities;
  - vii) warehousing; general storage;
  - viii) printing establishments, workshops associated with an on site retail store;
  - ix) business, financial and professional offices; training facilities; emergency medical services; churches and other large scale institutional uses.
- b) uses accessory to the foregoing uses.

#### **Provisions:**

- a) landscaped yard setbacks, buffering, off-street parking and loading will be provided in accordance with regulations contained in the implementing Zoning By-law and/or through site plan control;

- b) buffering may include separation by distance, the provision of berms, screening fences, grass strips, appropriate landscaping or any combination thereof deemed necessary by Council;
- c) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- d) development within the Highway Commercial designation will be subject to site plan control pursuant to Section 41 of the Planning Act;
- e) new development parcels will conform to the land division policies contained in Section 6 of this Plan.

## **5.16 Lands Designated “Industrial”**

Lands designated “Industrial” in Schedules “A-1”, “A-2”, “A-3” and “A-4” to this Plan are areas presently used for industrial purposes, already set aside for such purpose or are lands, within the settlement areas, deemed to be suitable for industrial purposes.

It is acknowledged that there is a need for additional industrial lands to accommodate businesses that will provide employment opportunities for the residents of the Town. This need is most evident in Essex Centre and Harrow, where the existing industrial land supply has been fully absorbed. The Town is committed to providing employment opportunities for its residents through the designation of employment lands in appropriate locations.

Consideration of redesignation of additional lands for employment land purposes will be based on:

- a) a comprehensive review that supports the need for additional employment land;
- b) new industrial areas will be logical extensions of existing built-up and designated settlement areas;
- c) natural or recognizable man-made boundaries, such as transportation corridors, will be used to help define the extent of the new area;
- d) the Town must be able to provide for the extension of full urban services in an environmentally sound and fiscally responsible manner;
- e) wherever possible, lower capability agricultural lands should be used for urban expansion purposes;
- f) the transportation network should be able to accommodate the amount and type of traffic anticipated.

The Town and the Ministry of Transportation are undertaking a transportation study that will, in part, determine which areas along the Highway No. 3 corridor can best accommodate industrial development and access thereto. This study will assist the Town in determining appropriate locations for industrial purposes.

### **Goals**

- a) to identify and develop areas with good access and transportation links, where industrial development can take place in an orderly manner;
- b) to broaden and enhance the Town's assessment base and to provide additional local employment opportunities;
- c) to minimize conflicts with surrounding land uses.

### **Policies**

#### **Permitted**

#### **Uses:**

- a) manufacturing, fabrication, assembly and processing of goods and materials; warehousing; materials handling and recycling; storage; contractors' yards; workshops; transportation services; industrial training, product testing and research; communications facilities; small scale power generation and public utilities;
- b) the Zoning By-law that implements this Official Plan may also permit the establishment of commercial uses that are dependent upon, supportive of, incidental to or normally associated with industrial uses such as:
  - i) wholesale outlets;
  - ii) business offices, technical centres, industrial support services, major service and repair operations, including collision shops, health centres, emergency medical services and
  - iii) retail outlets, showrooms and merchandising centres directly related and secondary to the display and sale of products produced on the same property or the sale of products associated with production activities in the same general area;
- c) other commercial uses may be permitted by amendment to the Zoning By-law, if the Town is satisfied that:
  - i) the commercial use has similar requirements or characteristics to the industries permitted in the area, in terms of its land requirements or potential for creating adverse effect;

- ii) the site for the proposed commercial use is such that its development will not negatively impact on the activities of the existing Industrial use(s) in terms of their operations and expansion opportunities
- d) motor vehicle dealerships; clubs and banquet halls;
- e) residential dwellings existing at the date of adoption of this Plan, may be recognized in the implementing Zoning By-law;
- f) uses accessory to the foregoing uses.

**Provisions:**

- a) the amenities of adjacent non-industrial areas will be reasonably safeguarded and industrial development will not be allowed to adversely affect the surrounding areas, particularly areas where sensitive land uses predominate. Where the potential for adverse effect exists, mitigation in accordance with the provisions of this Plan will be provided.

All industries must meet the requirements of, and where necessary, obtain statutory approval(s) from the Ministry of Environment with respect to: water taking, the provision of potable water, waste water/sanitary sewage disposal, storm drainage, solid waste disposal, the mitigation of noise, vibration and all air emissions to the natural environment.

- b) the Zoning By-law implementing this Plan may divide the industrial areas into "heavy", "light" and "restricted" zones so that industrial activities likely to give rise to noise and other nuisances are located where they will not have an adverse effect on sensitive land uses and, where appropriate, are physically separated or otherwise buffered from sensitive land uses in accordance with Provincial guidelines;
- c) it is not expected that all lands designated "Industrial" will immediately be developed. Accordingly, it is the policy of this Plan that, in the interim, the implementing Zoning By-law may establish an appropriate Industrial Holding Zone in anticipation of and to direct new development;
- d) industrial development should proceed on the basis of an industrial park plan or through registered plans of subdivision rather than by consent, except where a plan of subdivision is deemed by the Town not to be necessary and the application is in accordance with the land division policies contained within Section 6 of this Plan;
- e) access roads and traffic circulation patterns for industrial traffic will be planned to minimize potential negative impacts on surrounding land uses. Industrial traffic will be generally directed away from residential neighbourhoods through road use restrictions, signage and the location and design of access areas;

- f) unless otherwise specifically provided, new industries will be required to conform to standards related to the location of parking, loading and access areas, lighting, landscaping, buffering and the possible prohibition or regulation of outdoor storage, as set out in the implementing Zoning By-law and/or site plan control agreement;
- g) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- h) development will be subject to site plan control pursuant to Section 41 of the Planning Act;
- i) new development parcels will conform to the land division policies contained in Section 6 of this Plan.

## **5.17 Lands Designated “ Parks and Open Space”**

The provision of a variety of recreational opportunities is critical to the maintenance of healthy communities in the Town of Essex. Through the designation of lands for “Parks and Open Space” purposes and by land acquisition, the Town strives to ensure that sufficient recreational, open space and park facilities are provided to meet the leisure needs and desires of present and future residents, businesses and visitors to the Town.

The following goals and policies apply to lands designated “Parks and Open Space” in Schedules “A-1”, “A-2”, “A-3” and “A-4” to this Plan.

### **Goals**

- a) to ensure that the Town maintains and acquires an adequate supply of open space;
- b) to ensure that open space areas are provided in suitable locations at an appropriate size and within reasonable walking distances so as to maximize their accessibility and usefulness for all area residents;
- c) to secure additional public beach, waterfront parkland, recreationways and linear park systems through the Town;
- d) to enhance natural heritage areas and promote connectivity between natural corridors.

## **Policies**

### **Permitted**

#### **Uses:**

- a) active and passive parks, public or private recreational uses and facilities, including but not limited to golf courses, golf driving ranges and picnic areas;
- b) uses accessory to the forgoing uses.

#### **Provisions:**

- a) unless otherwise specifically provided, all new uses will conform to standards related to parking, vehicular access, lighting, landscaping and buffering as established in the implementing Zoning By-law and through site plan control;
- b) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- c) development will be subject to site plan control pursuant to Section 41 of the Planning Act;
- d) new development parcels will conform to the land division policies contained in Section 6 of this Plan.

## **5.18 Lands Designated "Community Service Facility"**

Lands designated "Community Service Facility" in Schedules "A-1", "A-2", "A-3" and "A-4" to this Plan have existing community service uses.

### **Goals**

- a) to recognize existing community serving facilities and to provide for the future re-use of existing facilities and to provide for the future re-use of existing facilities.

## **Policies**

### **Permitted**

#### **Uses:**

- a) the predominant uses of land are publicly owned or operated community serving facilities such as municipal offices, police offices, fire halls, public works yards, government buildings, schools, as well as churches, cemeteries, private clubs and public halls;

- b) ancillary uses which benefit from close proximity to or complement community service uses; existing dwellings;
- c) uses accessory to the foregoing uses.

**Provisions:**

- a) unless otherwise specifically provided, all new uses within the "Community Service Facility" designation will conform to standards related to parking, vehicular access, lighting, landscaping and buffering as established in the implementing Zoning By-law for general commercial uses and through site plan control;
- b) in general, development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner;
- c) development will be subject to site plan control pursuant to Section 41 of the Planning Act;
- d) new development will conform with the land division policies contained in Section 6 of this Plan.

**Repurposing Initiatives:** (added by OPA 6, July 27, 2017)

From time to time existing community serving facilities become obsolete or redundant and are no longer needed to serve for the purposes for which they were intended. Where a proposed re-use plan focuses on the repurposing of the existing facilities, building(s) or parts of them for uses other than those permitted by the applicable zoning, an Official Plan Amendment is not required provided that:

- a) the lands are rezoned to a use or uses deemed by Council to be similar, complementary to or compatible with the predominate adjacent land uses; and
- b) the proposed use or uses satisfy an objective or mandate of the Official Plan to provide a broader land use mix or more services or facilities that are lacking or deficient in the community; or
- c) the repurposing is specifically intended to add to the supply of affordable housing or to broaden the range of available housing options, as mandated by the Official Plan and the Provincial Policy Statement.

## **5.19 Lands Designated “ Landfill”**

Lands designated “Landfill” in Schedule “A-1” to this Plan currently form the Regional Landfill Site serving both the County of Essex and the City of Windsor. This site is expected to be used for this purpose throughout the planning period of this Plan.

### **Goals**

- a) to permit a regional landfill site and associated uses, all of which are to be in keeping with the Certificate of Approval issued by the Ministry of the Environment;
- b) to ensure that the landfill site does not have an adverse impact or negative effect upon other land uses or natural functions in the vicinity of the site;
- c) to establish the uses to be permitted other than those directly associated with the landfill use.

### **Policies**

#### **Permitted**

#### **Uses:**

- a) a solid non-hazardous waste landfill site and buffer zone;
- b) uses accessory to the foregoing uses.

#### **Provisions**

- a) the establishment, use, operation, alteration, enlargement or extension of the landfill site shall be in accordance with the Certificate of Approval from the Ministry of Environment and the associated terms and conditions of compliance stated therein;
- b) the Zoning By-law will define and identify through the use of zoning districts the active waste disposal landfill site and the surrounding buffer zone;
- c) the buffer zone is intended to surround the waste disposal fill site and provide a distance separation between it and all land uses which may be impacted by the landfill activity. In consultation with the Ministry of Environment, Council will determine the uses acceptable within each of the two zoning districts, without further amendment to this Plan;
- d) the creation of additional lots within the Landfill Site designation shall not be permitted, unless deemed necessary by the municipality or other public agency to implement a public initiative;
- e) development will be subject to site plan control pursuant to Section 41 of the Planning Act.

## Section 6 – Property Division Policies

### 6.1 General Provisions

This section will form the basis for decisions on all applications for the division of land within the Town of Essex. Council will monitor the subdivision and consent review process and may amend approval procedures from time to time when deemed appropriate.

The division of lands will generally occur by registered plan of subdivision or the consent process in accordance with the policies of this Plan. A plan of subdivision will be required for development when 5 or more new lots are proposed or for any number of lots where service extensions are required.

The division of land will only be allowed if the proposed lots conform to the policies of this Official Plan and with the provisions of the Zoning By-law for the Town, unless otherwise specifically provided. The latter will generally establish minimum lot frontages and lot areas in accordance with existing lot patterns, Provincial and municipal guidelines and requirements of this Plan.

The division of land will not be allowed where development could occur on lands subject to flooding, erosion or other unstable conditions or any other physical limitation which makes the lands unsuitable for development, as determined by the Town after consultation with the Essex Region Conservation Authority and/or other approval agency having jurisdiction.

If Council or the Committee of Adjustment attach conditions of approval, the proponent will be required to fulfill these conditions within a prescribed time period and failure to do so may void the approval.

The division of land will only be allowed when it has been established that the severed and retained parcels involved are suitable:

- a) to permit the proper siting of a building and other mandated facilities and setbacks;
- b) to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of this Plan to the satisfaction of the Town and the statutory approval authority having jurisdiction and the necessary approvals are obtained.

When considering consent applications or reviewing plans of subdivision, Council and the Committee of Adjustment will give consideration to the following requirements:

- a) that all Realty and Business Taxes are to be paid in full;
- b) monies are paid to the Town in accordance with the Development Charges By-law;
- c) any land required for road widening or other public purpose are to be dedicated to the Town, County or Province;
- d) if no lands are required to be conveyed for parks purposes, five percent of the value of the residential lot and two percent of the value of the commercial or industrial lot is to be conveyed to the Town for its park fund;
- e) if a zoning amendment is required, the Town's implementing Zoning By-law is to be amended to permit the proposed use prior to the issuance of any certificate under Section 53(42) of the Planning Act;
- f) that the applicant enter into an Agreement to construct and/or maintain any drainage facilities, which traverse the subject property, in a manner satisfactory to the Town;
- g) that the applicant, if required, agrees to construct and/or maintain fences and/or other buffers around the proposed lot(s);
- h) that access to the properties be constructed to the satisfaction and requirements of the Town and other agencies having jurisdiction. An executed agreement, registered on title and establishing the proper access is an acceptable alternative;

## **6.2 Existing Lots of Record**

There are several existing lots of record in the Town of Essex which are under separate ownership and do not conform to the development standards of the Plan designation or the corresponding general zoning district requirements in the implementing Zoning By-law. Notwithstanding their non-compliance, it is the policy of this Plan that these lots may be developed for a use permitted under the applicable land use designation, provided:

- a) the lot fronts upon an existing public road of a standard of construction acceptable to the Town and/or the County of Essex or the Ministry of Transportation;
- b) the necessary approvals are obtained from the Ministry of the Environment and/or the applicable statutory approval authority having jurisdiction;
- c) there is an adequate means of providing potable water supply, sanitary sewage treatment

and disposal, and stormwater management in accordance with the provisions of this Plan to the satisfaction of the Town and the statutory approval authority having jurisdiction;

- d) new development is in compliance with the Minimum Distance Separation 1 (MDS 1) or 2 (MDS 2) requirements.

### **6.3 Plans of Subdivision**

In considering applications for proposed plans of subdivision, Council shall have regard to Section 51(24) of the Planning Act.

In addition, Council shall evaluate a plan of subdivision according to the following criteria:

- a) consistency with Provincial legislation, policies and guidelines and the relevant provisions of this Plan;
- b) the continuation of an orderly development pattern;
- c) the requirements and policies of this Plan and the comments of other public authorities and agencies;
- d) the adequacy of the potable water supply, sanitary sewage treatment and disposal and stormwater management provided in accordance with this Plan and to the satisfaction of the Town, Essex Region Conservation Authority (ERCA) and the statutory approval authority having jurisdiction;
- e) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy and the public infrastructure and services;

Council may require appropriate supporting technical studies to be completed as part of the Complete Application preparation and submission of a plan of subdivision in accordance with the provisions of this Plan.

All applicants will be required to address the Conditions of Draft Approval which may include entering into a plan of subdivision agreement with the Town in accordance with the Planning Act as a condition of final approval of the plan of subdivision by the Town.

All applicants will be required to post security or performance bonds to the satisfaction of Council, to ensure that the required works are completed, lands conveyed and conditions met, as set out in the Conditions of Draft Approval and the subdivision agreement.

In addition, the municipality may revisit existing draft plan approvals to either modify or add

conditions or withdrawal approval, in accordance with Section 51(44) of the Planning Act, to ensure that supporting studies meet their intended purpose and requirements should circumstances related to or external impacts affecting the development or the subdivision change. Such action could, for example, be the consequence of increased and persistent stormwater demands.

## **6.4 Consents**

In considering an application for consent, the Committee of Adjustment should have regard to:

- a) its consistency with Provincial legislation, policies and guidelines;
- b) the requirements and policies of this Plan and the comments of other public authorities and agencies;
- c) the continuation of an orderly development pattern;
- d) the adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consents should only be granted:

- a) when there are four or fewer lots proposed and only in areas where the premature extension of any major municipal service would not be required;
- b) when the land fronts on an existing public road which is of a reasonable standard of construction acceptable to the Town and/ or the Ministry of Transportation or the County of Essex;
- c) for mortgage purposes. The Committee of Adjustment will use Section 50(16) of the Planning Act to ensure that once the mortgage has been discharged, a further consent would be required to transfer or sell off the parcel that was subject to the mortgage;
- d) for infilling in existing built-up areas;
- e) for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing Zoning By-law or such variances granted through the Committee of Adjustment and the consent is granted in accordance with Section 50(3) of the Planning Act;

However:

- a) the size of any parcel of land created by consent should be appropriate for the proposed use, considering the public services available, the soil conditions and Zoning By-law provisions;
- b) consents should not be granted for lots abutting a road where the potential for traffic hazards due to limited sight lines on curves may arise or the site's proximity to an intersection(s) could create traffic/access conflicts;
- c) for the purposes of a consent, the provision of a survey of the smaller of the two lots may be acceptable provided it satisfies the requirements of the Registry Act R.S.O. 1990, and the regulations applicable thereto.

## **6.5 Consents in Areas Designated "Agricultural"**

In addition to the general provisions of subsection 6.4 not in conflict herewith, the following specific policies shall apply to those lands designated "Agricultural" in Schedules "A-1" and "A-3" to this Plan.

All division of land shall occur through the consent process, which shall only be permitted in accordance with the policies outlined below.

### **Divisions of Farm Land**

Generally the Town discourages the subdivision of viable farm lots in order to maintain a strong agricultural economy in the region and to limit consents for non-agricultural purposes. For that reason, the Committee of Adjustment must be satisfied that there is a demonstrated need for such consent. The division of farm lots to create lots of less than 40 hectares will be discouraged within the Agricultural designation, unless it can be demonstrated that the division will not result in loss of farm viability and operating efficiency.

In accordance with the provisions of the Provincial Policy Statement, one lot creating consent will be permitted for each farm parcel in the following situation:

- a) Surplus Dwellings

Where a lot has been acquired for consolidation with another farm operation and there is a dwelling on the acquired lot, a consent may be granted to permit a farmer to sever the dwelling and a surrounding portion of the acquired lot, if the dwelling is considered to be surplus to the needs of the farm operation, and:

- i) if not already proscribed by the Zoning By-law, as a condition of the consent, the retained farm parcel will be rezoned to preclude a residential dwelling from being constructed upon it;
  - ii) the size of the surplus dwelling lot should not be greater than one hectare nor should it be of such a size that would limit or hinder the provision of septic services acceptable to the Town. The protection of natural heritage features and systems, the integration of manmade features, such as windbreaks, and the choice of consolidating outbuildings with the surplus dwelling or retaining them with the farm will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent;
  - iii) the lot to be created shall have provision for sewage disposal, a potable water supply and stormwater management systems in a manner satisfactory to the Town and other statutory approval authority having jurisdiction;
  - iv) the severed dwelling lot will satisfy the Minimum Distance Separation 1 (MDS 1) provisions of this Plan;
  - v) the severed dwelling lot has frontage on a public road;
  - vi) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.
- b) In accordance with the Provincial Policy Statement, the granting of consent to separate two existing dwellings on two separate lots is not permitted within the Agricultural designation.
  - c) In accordance with the Provincial Policy Statement, the creation of a new undeveloped residential building lot is not permitted within the Agricultural designation.
  - d) A second dwelling, created under subsection 5.4 of this Plan, cannot be severed from the lands on which the main and second dwellings are located by means of an application for consent before the Town of Essex Committee of Adjustment

## **6.6 Lot Creation in Proximity of Sewage Treatment Facilities**

A consent to sever or plan of subdivision application for the purpose of creating a residential lot or a lot for any other sensitive land use shall not be granted, if it would result in the construction of a new dwelling or other sensitive land use within 400 metres of a lot on which a sanitary sewage lagoon or sanitary sewage treatment facility is located (shown in Schedule "B" to this Plan) , whether or not the facility is within the boundaries of the Town, unless the proposed development meets the guideline provisions of MOE Guideline D-2, Compatibility Between Sewage Treatment and Sensitive Land Use' which will serve to determine setbacks and buffering requirements between any treatment works and a sensitive land use.

## **6.7 Restricted Development Near A Landfill**

Consents to sever shall not be permitted in the overlay shown as "Restricted Development-Windsor/Essex Solid Waste Authority Regional Landfill Site" in Schedule "B" to this Plan, if it would create a building lot upon which a new dwelling or other sensitive land use could be constructed within 500 metres of the lot on which the landfill is located.

## **6.8 Part Lot Control and Deeming Policies**

In accordance with the applicable provisions of Sections 50, of the Planning Act, Council may pass a by-law exempting all or part of a plan of subdivision from part lot control to permit re-subdivision in accordance with the Planning Act. The exempting by-law will be in effect for a maximum of three (3) years.

Part lot control exemption will generally be limited to the splitting of lots upon which semi-detached or townhome dwellings are built and the resubdivision of older plans of subdivision where no new rights-of-way have been or must be created.

An adequate potable water supply, sanitary sewage treatment and disposal and stormwater management will be provided in accordance with the provisions of this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

In accordance with the provisions of subsection 50(4), of the Planning Act, Council may, by by-law, deem a registered plan of subdivision not to be a registered plan and no such lands can be subdivided and conveyed except in accordance with the provisions of subsections 6.3 or 6.4 of this Plan.

## **6.9 Conservation Easements**

The owner of land may convey, without consent or plan of subdivision, an easement or may enter into a covenant with the Town or lawfully recognized conservation body for the purposes of:

- a) the conservation, maintenance, restoration or enhancement of all or a portion of the land or wildlife on the land;
- b) the protection of water quality and quantity, including the protection of drinking water sources;
- c) watershed protection and management;

- d) access to the land for the purposes described above.

Where a conservation body that is party to an easement becomes the owner of the affected lands, the easement is suspended, but does not merge. If the conservation body afterwards conveys the lands, then the easement becomes effective again.

Where land is subject to such an easement or covenant, no person shall construct or demolish any building or structure without the written permission of the conservation body or its assigns.

## **6.10 Condominium Policies**

Council will consider condominium approval to provide for new residential and non-residential condominium development, to permit the conversion of rental housing to condominium ownership and to permit the division of non-residential buildings for condominium ownership.

Council may require the submission of support studies as part of the review and approval process and in its review will have regard to the following:

- a) Provincial legislation, policies and guidelines;
- b) the requirements and policies of this Plan and the comments of other public authorities and agencies;
- c) conformity of the condominium units and common elements with the provisions of the Zoning By-law.

In the matter of condominium conversion, Council will require that all tenants be given written notice by first class mail of the details and timing of the application and provided with a plan of relocation, if accommodation within the proposed condominium is not feasible. Council will be advised whether or not existing tenants have the right of first refusal to purchase their unit or comparable unit and whether or not a tenant who does not wish to purchase has the right to enter into a rental lease registered on title and binding to all subsequent owners.

Council will evaluate the merits of the conversion using the following criteria:

- a) the rental housing vacancy rate and impact of the conversion;
- b) the structural integrity of the building(s) and common elements as ascertained by a professional engineer;
- c) the condition of landscaped and parking areas;

- d) the condition of the development as it relates to the safety and security of the occupants;
- e) required improvements to the infrastructure, including sidewalks and sewerage systems;
- f) the conveyance of lands for municipal purposes or the payment of cash in lieu of parkland in accordance with the Planning Act.

Council may attach such conditions of approval as it deems appropriate and set a time limit for satisfying them. Failure to meet these conditions within the specified time period could result in withdrawal of the draft condominium plan approval.

## Section 7 – Community Improvement

Community Improvement generally encompasses those public and private initiatives that serve to maintain, rehabilitate and redevelop the existing physical environment in urban areas to accommodate social, cultural and economic priorities within the community.

It is important to recognize that declining public sector revenues, the cyclical performance of the region's economy and increasing demand for services require that all government levels plan for maximum efficiency and sustainability in the use and maintenance of public services and other resources. The need to improve infrastructure and to establish intergovernmental priorities make it essential that goals be set when allocating limited financial resources.

The adoption of community improvement policies is a prerequisite to the designation of specific Community Improvement Project Areas, the preparation of detailed Community Improvement Plans and municipal participation in Provincial and/or Federal funding programs. The Community Improvement process demands a strategic planning approach to ensure that potential projects fit community goals and objectives.

The inclusion of community improvement policies in this Plan represents the Town's commitment to the ongoing maintenance and upgrading of its built-up areas in a planned, coordinated, sustainable and fiscally prudent manner.

### 7.1 Criteria For A Community Improvement Area Designation

The criteria to be used in Community Improvement Area selection or modification should be established on the basis of a review of existing deficiencies and the identification of conditions within the Town that could benefit from enhancement activities. Considerations for improvement, redevelopment and revitalization are:

- a) deficiencies in hard services including roads, sidewalks, curbs, gutters, water distribution system, sanitary collection system and storm sewers;
- b) deficiencies in municipal services such as fire protection, lighting or other public utilities;
- c) the presence of substandard building conditions and housing in need of improvement and revitalization;
- d) the opportunity to expand the housing stock through the redevelopment or conversion of underutilized lands and/or buildings;

- e) the need to upgrade the streetscape, accessibility or aesthetics of an area;
- f) the need to upgrade the transportation system through improvements to road conditions and intersections as well as to enhance the transportation infrastructure serving non-motorized forms of transportation such as walking and cycling;
- g) the need to provide or improve recreational and cultural facilities and public open space, including parkland acquisition, facilities improvement and trails enhancement;
- h) the presence of incompatible land use activity;
- i) the presence of buildings or lands of architectural and/or heritage value that are in need of improvement, preservation or revitalization;
- j) the presence of points of interest and/or local amenities that provide an opportunity for tourism and which could benefit from protection and enhancement;
- k) the desire to improve energy efficiency and stimulate the use of renewable energy.

Areas selected for community improvement will not necessarily have all of the foregoing deficiencies. Criteria weighting will vary depending on funding availability, the severity of the problem and the relationship of community improvement to other policies in this Plan and capital expenditure priorities of the Town.

## **7.2 Selection of Community Improvement Areas**

By applying the criteria outlined in subsection 7.1 above, the potential Community Improvement Areas are shown on Schedule "D" and described below:

- a) the downtown core areas of Essex Centre, Harrow and McGregor and Colchester Hamlets;
- b) the older residential areas within the Essex Centre and Harrow;
- c) the Colchester Marina and immediately surrounding area;
- d) Harrow Fairgrounds and Pollard Park, Co-An Park and the Essex Memorial Park;

The actual boundaries of Community Improvement "Project" Areas will be established at the implementation stage of the community improvement process.

### **7.3 Community Improvement Policies**

It is the policy of the Town of Essex to:

- a) maintain and improve municipal services, public utilities and social and recreational facilities, natural features and public open space;
- b) encourage improvement activities that contribute to a strong economic base including tourism, commercial and industrial development;
- c) encourage the maintenance of the existing housing stock, particularly in older residential neighbourhoods, and promote infilling, residential intensification, housing rehabilitation, energy conservation and the renovation and repair of older buildings;
- d) preserve historically and/or architecturally significant buildings or areas;
- e) improve traffic corridors and parking patterns to make them more compatible with or to better serve surrounding uses, satisfy general public needs, be more accessible and part of a balanced transportation system;
- f) improve the overall streetscape and/or aesthetics of commercial areas within the Town;
- g) ensure improvements are consistent with the other goals, policies and objectives of this Plan;
- h) encourage energy conservation through energy efficient buildings and land uses;
- i) encourage public participation in the community improvement planning process;
- j) work with business groups to identify and facilitate improvements;

### **7.4 The Phasing of Improvements**

Community Improvement Areas are ranked as follows in terms of the areas chosen:

- a) the downtown core areas of the Essex Centre, Harrow and McGregor and Colchester Hamlets;
- b) the older residential areas within the Essex Centre and Harrow;
- c) the Colchester Marina and immediately surrounding area;
- d) Harrow Fairgrounds and Pollard Park, Co-An Park and the Essex Memorial Park;

This ranking is to be used as a guide only. Financial constraints, onsite project necessities and

funding may require a reordering of priorities. The ranking may be changed without an amendment to the Plan.

Council will give priority to:

- a) making improvements to publicly owned buildings, structures and facilities;
- b) integrating community improvement projects into other municipal improvement programs and capital works budgeting; and
- c) determining specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process.

## **7.5 Implementation**

Implementation of the Community Improvements will occur through:

- a) the designation of community improvement project areas and adoption of community improvement plans for the project areas;
- b) the acquisition of lands and/or buildings within a community project area through Town expenditures;
- c) the use of the Local Improvement Act, where appropriate, to upgrade municipal services;
- d) the sale of public lands for commercial and/or residential redevelopment;
- e) the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise;
- f) the support of the Essex Business Improvement Area and the Harrow Chamber of Commerce;
- g) consideration of more flexible approaches to the zoning when community improvement objectives are being considered;
- h) encouragement of private initiatives regarding conservation, rehabilitation, redevelopment and environmental remediation;
- i) enforcement of the Town's Property Standards By-law;
- j) partnering with local service clubs, community organizations and the County of Essex to secure funding and carry out projects particularly with respect to recreational, community facilities and the preservation and enhancement of natural heritage features and public open space;

- k) consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan.

## **7.6 Eligible Costs**

Municipal grants and loans may be made for:

- a) costs related to environmental assessment;
- b) environmental site assessment and remediation;
- c) acquisition, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes;
- d) for energy conservation, energy efficient heating and cooling systems and the provision of energy-efficient uses, buildings, structures, works, improvements and facilities.

The Town will work with the County of Essex on a joint funding model for the financing of such grants and loans.

## Section 8 – Municipal Services

### 8.1 Servicing Standards

All development within the Town of Essex shall be serviced in accordance with development policy requirements adopted by Council resolution and a development standards manual(s), as amended from time to time. It is intended that all public works and all capital works be carried out in accordance with the policies of this Plan.

### 8.2 Servicing Requirements

Sewage and water services will accommodate the expected growth in a manner that will ensure the sustainability of water resources, financial viability in the provisions and maintenance of water and sewer services, protect human health, promote water conservation and water use efficiency, integrate servicing and land use considerations in all stages of the planning process and permit lot creation only if it is demonstrated that sufficient sewage system capacity and reserve water system capacity is available.

In all cases, the adequacy of the potable water supply, sanitary sewage treatment and disposal and stormwater management will be determined and the necessary facilities/measures provided in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

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. Ministry of the Environment guidelines shall be used when determining the extent of remaining uncommitted reserve capacity for piped potable water supply and municipal piped sanitary sewage collection and treatment.

Confirmation of the availability of the required servicing capacity must be received prior to development being approved. For those developments that purchase services, in accordance with inter-municipal servicing agreements, from an abutting municipality, confirmation of the availability of the required capacity must be received prior to supporting or approving the development by the Town.

As required by the Provincial Policy Statement (PPS), this Plan prefers the use of full municipal services for all development. More specifically, the following policies apply to matters of water and sanitary sewage treatment. Development priority will be given in the following order:

- a) full municipal sanitary sewage and potable water services are the preferred form of servicing. In areas serviced by full municipal sewage and water services, lot creation will be permitted

only if sufficient uncommitted reserve water and sewage treatment capacity is available to accommodate the proposed development;

- b) communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not and cannot be provided at the present time, but where such services will be provided over the longer term.

Communal services will be municipally owned and operated where they are intended to service more than one property owner.

In those instances where the communal facility is to be privately owned, there must be a default agreement, including provisions related to financial commitments and assurances, requiring the Town to assume the communal system in the event of system failure or bankruptcy;

- c) for new developments of five lots or less, individual on-site sewage systems may be used where municipal or private communal systems are impractical and where site conditions are suitable for the long term provision of such services are impractical.

Partial services will be discouraged except where necessary to address failed services in existing developments or within settlement areas to allow for infilling and rounding out of existing development on partial services, if site conditions are suitable for the long term provision of such services.

### **8.3 Water Supply and Distribution**

Much of the Town of Essex is serviced with a municipal water supply. Any property not currently serviced by municipal water has private water facilities either in the form of dug or drilled wells or on- site cisterns. The area where municipal water is available will continue to expand during the planning period of this Plan.

Currently municipal water is provided as follows:

- a) Essex Centre receives water from the Union Water System which has capacity to meet present and future development demands anticipated during the planning period;
- b) Harrow receives water from the Harrow/Colchester South Water System which has capacity to meet present and future development demands anticipated during the planning period;

- c) much of the agricultural area receives water from either the Union Water Plant or the Harrow/Colchester South Water System. Some areas, including the McGregor Hamlet Area receive water from the Amherstburg Water Plant;

Presently the demand for a municipal water supply in the rural areas for field irrigation or greenhouse development has not yet become an issue, but further monitoring is necessary. Any future watermain extensions are expected to be used for residential and or commercial/industrial purposes.

## **8.4 Electricity Provision**

The Town has adequate service to provide electrical power to most new development areas. The electrical service may require some upgrading to provide effective service to specific new development areas throughout the Town of Essex.

The development of new electric power facilities will occur in an orderly manner to facilitate the efficient, sustainable and reliable provision of adequate electric power for future needs in accordance with the applicable provisions of Section 4 of the Plan.

## **8.5 Sanitary Sewage Collection and Treatment (Amended by OPA 6 , July 27, 2017)**

The Town of Essex presently has municipally operated sanitary sewage treatment facilities servicing all or parts of the Essex Centre, Harrow, the Colchester and McGregor Hamlet areas and the Lakeshore Residential area west of Colchester. All other lands are serviced with private septic facilities.

Upgrades to the treatment capacity for both the Essex and Harrow Urban Centres were completed in 2005. These upgraded facilities can accommodate the development anticipated during the planning period of this Plan.

All new development must be adequately serviced in accordance with the Town's requirements. Depending on the scale of development, prior to development approval, the developer will be required to enter into a servicing agreement with the Town for the provision of necessary services as determined by the Town and this Plan. Priority will be given to low impact development.

The Town has undertaken infrastructure projects intended to address impacts on our sanitary and stormwater systems resulting from intense rainfalls that overloaded both systems. With the predicted increases in storm intensity, duration and frequency, as a consequence of climate change, for example, facility improvements related to our physical infrastructure will continue.

Monitoring of evolving rainfall patterns and their potential impacts will be ongoing and development standards will be amended as necessary to mitigate negative impacts.

The Town will explore alternative methods of waste water treatment and sanitation. Environmentally sound technologies, such as Phytoremediation, using low cost techniques for the treatment and detoxification of environmental containments and human wastes will be considered.

## **8.6 Stormwater Management (Amended by OPA 6, July 27, 2017)**

The topography of the Town is very flat and is drained by an extensive network of inland watercourses and municipal covered and open drains. There is potential for flooding and nutrient discharge along the Lake Erie shoreline and along all inland watercourses.

Climate change is having measureable impacts on our physical infrastructure. Our ability to reliably predict the frequency, intensity and consequences of storm events is being compromised. It is expected that there will be increasing demands on our stormwater facilities, the protection and maintenance of our infrastructure and our development standards for a growing community.

The Town will prepare and update, when deemed necessary or appropriate, studies to assess Town- wide and area-specific stormwater drainage capacity and needs in order to determine requirements for future upgrades and maintenance.

### **Objectives and Mandates”**

- a) proper drainage of surface run-off;
- b) possibility to recharge groundwater and re-use precipitation water ad surface run-off as irrigation and household water;
- c) treatment of stormwater at an early stage;
- d) flood prevention and avoidance of damage to public and private facilities and infrastructure;
- e) enhancement of green and recreational areas and urban landscapes;
- f) utilize green infrastructure and low impact development techniques for the control and reuse of stormwater and to reduce the impact on downstream infrastructure.

Stormwater management will generally be required for new development, including greenhouse development, to ensure that runoff is controlled in such a manner that development does not increase peak flows and that potential pollution is mitigated, typically on site, to address potential negative and adverse effects downstream or into Lake Erie.

The Town will require developers to undertake stormwater management studies and works pursuant to the legislation, guidelines and municipal standards in effect in order to address these issues. Stormwater management plans, acceptable to the Town, Essex Region Conservation Authority (ERCA) and Ministry of the Environment and Climate Change (MOECC), will be required in advance of draft plan approval of all subdivisions and other applications involving significant lot creation and/or development.

Pre-submission consultation with the Town, MOECC and ERCA on matters of stormwater management works, pursuant to MOE guidelines, is encouraged. The preparation of stormwater management plans on a watershed or sub watershed basis is encouraged.

Stormwater management planning, engineering and design studies will be prepared by a licensed professional and conducted in accordance with the Town's specifications and development policies and applicable Provincial guidelines and policies, including the recommendations of any applicable watershed, sub watershed or master drainage plan.

Various types of SWM systems that will be considered, with an emphasis on green infrastructure methods such as:

- a) wet ponds;
- b) dry ponds;
- c) stormwater energy dissipation systems;
- d) surface and subsurface storage areas such as constructed wetlands; subsurface ground water recharge wells and tanks; green roofs; rain barrels;
- e) detention or retention channels such as vegetative swales, micro basins, field

trenches; along with grey infrastructure like:

- f) oversized stormwater pipes;
- g) oil grit separators.

The choice of system(s) will depend on a number of factors, including, but not limited to an urban or rural location, soil and land surface conditions, current SWM facilities and infrastructure, existing and proposed land uses and the potential for the reuse of stormwater. Priority will be given to SWM plans that generally meet the full range of objectives set out above, with an emphasis on the green infrastructure solutions and options.

Pre-submission consultation with the Town, ERCA and MOE on matters of stormwater management works pursuant to MOE guidelines is encouraged. The use of dry ponds, which can be located adjacent to parkland for the purpose of maximizing the space available for public use,

is encouraged. Wet ponds are to be designed as an aesthetic feature and incorporated into the subdivision plan.

The Town will, where appropriate, encourage development proponents to enhance vegetation, wildlife habitats and corridors in and along the stormwater management system and receiving watercourses.

In order to ensure that the location, size, configuration and grade of the land surrounding the facility can be efficiently incorporated as a component of a trail or open space system, the Town may require the proponent to prepare a landscaping plan prior to development approval.

The Town will ensure that the design of the stormwater management facility considers long term maintenance and safety requirements. It is the policy of this Plan that stormwater management ponds will be owned, operated and maintained by the Town for such time as the facility is necessary for the proper management and control of stormwater flows.

Stormwater management facilities shall not be located in areas comprising Provincially Significant Wetlands or Significant Habitat of Endangered Species and Threatened Species.

Permission to modify an existing watercourse will only be granted if natural features can be integrated into the optimal design ensuring that quantity and quality impacts are adequately mitigated. Modification does not include the incorporation of a stormwater detention pond into a watercourse.

In some areas, within the municipality, stormwater sewer oversizing and deepening may be necessary. This will be determined through a technical analysis as part of the development application submission or resubmission, review and approval process. Whether by modification of a watercourse or stormwater sewer, the improvements shall provide the capacity to serve all areas connected to the sewer or watercourse.

The Ministry of Transportation will be consulted where proposed stormwater management facilities are proposed in proximity to Provincial Highway No. 3.

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

## **8.7 Ground Water and Source Water Protection (Amended by OPA 6 , July 27, 2017)**

The Town recognizes the need for efficient and sustainable use of water resources and to ensure that stormwater management practices minimize stormwater volumes and containment loads and maximize the extent of vegetative and pervious surfaces. Impacts on the function of sensitive ground water recharge/discharge areas, aquifers and headwaters may also need to be addressed by proponents of new development and redevelopment.

The Town will require measures to limit potential negative impacts on ground water and source water resources, as part of planning approval for new development, including the expansion of existing development. Where necessary, restrictions and other mitigating measures will be placed on development and site alteration to protect municipal drinking water supplies, sensitive surface and groundwater features, natural heritage areas and their hydrological functions.

Schedules "B-3" and "B-4" delineate the locations of Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas respectively.

Development and site alteration which may threaten a Highly Vulnerable Aquifer or a Significant Groundwater Recharge Area will only be permitted where it has been demonstrated by way of a ground water impact assessment that there will be no negative impact upon it. Such assessment will be undertaken by a qualified person under the Professional Geoscientists Act of Ontario, with the level of study to be determined by the qualified person, in pre-consultation with the Town and the Risk Management Official, according to the scope of the proposed development and the determined degree of risk.

The study will examine existing conditions, assess the impact of the proposed development on the watershed and hydrologic functions and set out mitigation, satisfactory to the Town and ERCA.

The Town will assist the Essex Region Conservation Authority with the establishment of groundwater monitoring stations in key groundwater regions, identified in the Essex Region/Chatham Kent Groundwater Study (2002), particularly in areas of medium and high sensitivity. It will assist in the identification and remediation of potential groundwater and source water contaminant sources through such measures as land use restrictions, stormwater management and the support of watershed management plans.

The Essex Region Source Water Protection Plan, prepared for the Essex Region Source Protection Area under the mandates of the Clean Water Act, 2006, assists with the protection of drinking water sources from contamination and overuse. All municipal decisions made under the Planning Act and the Condominium Act shall be consistent with this Plan and the technical assessments stemming from it. Under the provisions of the Clean Water Act, 2006, and using developed boundaries that ensure watershed based jurisdiction, the Town, with the assistance of the Essex

Region Conservation Authority (ERCA), will enforce the mandates of this plan.

Schedule “B-2” delineates the Intake Protection Zones, where run-off from drainage systems could impact municipal drinking water intakes. The primary protection zone (IPZ-1) surrounds the intake system in Lake Erie near Colchester Center. The secondary protection zone (IPZ-2) is the larger boundary (buffer) area situated both in the surrounding watershed and waters within Lake Erie. The tertiary protection zones (IPZ-3) are the drains, drainage systems and lesser streams within the rural watersheds of the Town.

The Town may use site plan control or amend the Comprehensive Zoning By-law to incorporate land use zoning restrictions to assist with the implementation of the Source Protection Plan and to complement the mandates and objectives of the Town’s Risk Management Plan (RMP). Development applications involving fuel storage and the transportation of fuels will be directed to the Risk Management Official, if the fuel handling and or storage activity exceeds the minimum threshold levels set out in the RMP.

For the purpose of this subsection, “development” means the creation of a new lot, a change in land use or the construction of a building or structure requiring approval under the Planning Act, but does not include activities that create or maintain infrastructure authorized under an Environmental Assessment process or sanctioned under the Drainage Act. “Site Alteration” means activities, such as lot grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

## **8.8 Transportation Network**

### **8.8.1 Complete Streets: (Added by OPA 6, July 27, 2017)**

The Town of Essex is committed to the development of complete streets to:

- a) ensure safe and accessible streets enabling mobility for people of all ages and abilities;
- b) give people a range of transportation choices, including active and public transportation, making transportation convenient, accessible, affordable and safe;
- c) create healthy and livable neighbourhoods and utilize housing styles designed to encourage social interaction and permit eyes on the street;
- d) create vibrant and attractive public spaces;
- e) support economic prosperity, and
- f) improve environmental

sustainability, by:

- g) balancing the needs and priorities of the various users and uses within the right-of-way, including provision for:
  - i) the safe, low carbon and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles, and motorists across the network and
  - ii) space for other street elements, such as utilities and services, trees and landscaping, green infrastructure, snow and stormwater management, wayfinding, boulevard cafés, marketing and vending, and street furniture;
- h) improving the quality, safety and convenience of active transportation options within all communities by giving full consideration to the needs of pedestrians, cyclists, and public transit users;
- i) reflecting differences in local context and character;
- j) protecting view lines and view corridors;
- k) serving community destinations and public gathering places by providing choice and flexibility in transportation options.

### **8.8.2 Safe and Efficient:**

The road hierarchy for the Town of Essex is shown in Schedule “E”. This schedule will be updated from time to time, without an amendment to this Plan, to show changes to the road system. In this light, the extension of Hanlan Street, from Fairview Avenue to Gosfield Townline, has been approved and a preferred option established in accordance with an Environmental Assessment completed June 2019

In order to facilitate the efficient, convenient and safe movement of goods and people and create a balanced and sustainable transportation system:

- a) the Town will ensure the provision and maintenance of a managed network of interconnected streets with clear physical distinctions between arterial, collector and local routes based on function, convenience, traffic volume, vehicle speed, traffic calming, public safety, accessibility and amenity;
- b) minimum right-of-way widths and other special restrictions such as building setbacks and off site access limitations to protect adjacent uses and maintain traffic flows will be context sensitive and as prescribed by the Ministry of Transportation, the County Engineer or the

Town, depending on the agency having jurisdiction.

c) the Town's design requirements will be set out in its Development Standards Manual, which will be reviewed annually to ensure its relevance to existing and anticipated traffic circumstances and demands. Generally roads in the Town are organized as follows:

- i. Controlled Access Highways are designed to carry high volumes of interurban traffic at highway speeds and are managed and maintained by the Ontario Ministry of Transportation;
- ii. County Roads are designed to carry interurban and regional traffic and are managed and maintained by the County of Essex. County roads may be classified as arterial or collector roads;
- iii. Arterial Roads are designed to carry higher volumes of interurban and local traffic on a two to four lane road within a right of way of up to 36 metres, but not less than 30 metres, in width. Direct access is either not permitted or will be restricted, where alternatives exist.

Shared driveways and other measures will be used as part of consent, site control and/or zoning approval to limit the number of access points. Sidewalks or walkable paved shoulders will be provided on both sides of the right of way and commuter bicycle lanes will be considered and may be permitted or mandated;

- iv. Collector Roads are designed to carry moderate volumes of traffic within the community, generally on a two to four lane road within a right of way of up to 24 metres, but not less than 20 metres in width.

Shared driveways and other measures will be considered as part of site control and zoning approval to limit the number of access points. Sidewalks on both sides of the road and bicycle lanes or an off road recreationway within the right of way or combination of them will be considered or mandated;

- v. Local Roads are designed to carry lower volumes of traffic within a neighbourhood or community on a two lane road within a right of way 20 metres in width. At Council's discretion, a narrower right of way of 15 metres may be provided for minor roads, subject to the provision of complementary service easements of 2.5 metres on either side.

Direct access to properties is generally permitted. Sidewalks will be required on one side, except on cul-de-sac streets, at the discretion of Council, and bicycle lanes or a trail system within the right of way in new plans of subdivision will be considered or mandated.

- d) where new roads are required to serve a developing area, a hierarchy of roads will be determined on the basis of the needed capacity required for the development and the carrying capacity and state of the existing roads. Proponents of new development may be required to undertake a traffic needs/impact study to identify traffic needs, projected traffic volumes and traffic calming or other mitigation measures, where necessary, to reduce negative impacts on existing roads and neighbourhoods.
- e) for new development, including the expansion of existing development and redevelopment, Council will require land conveyances, where deemed necessary, to provide for road widening. The desirable maximum right of way widths set out above will form the basis for road widening dedications, but special provision will also be made for turning lanes and other area specific features necessary for the proper functioning of the road, public safety and accessibility.
- f) the implementing Zoning By-law and/or site plan control will make provision for adequate setbacks for all new developments, having regard for both the width and function of the abutting road and the need for future road widening and for the location and size of access areas;
- g) to ensure that the Town continues to maintain a road system of a reasonable standard, Council will continue a policy of having a defined Road Needs Study Program to improve and maintain roadway surfaces, highway bridges, road alignments, intersections and pavement widths in accordance with the Town's capital works programme;
- h) attractive streetscapes will enhance the amenity of the street and adjacent neighbourhood. On-street parking, including parking for people with special needs and as a traffic calming measure, will be encouraged in most cases. Street trees shall be provided within all urban area streets in a form and spacing to provide pedestrian shelter and streetscape amenity through the development of comprehensive shade policies.

Street/sidewalk networks will be designed to optimize walkability within and between neighbourhoods, to commercial centres, schools, recreation areas and other public destinations;

- i) traffic calming measures will be considered by the Town to assist in achieving targeted speeds. Such measures will be supported by the Town's engineering consultant and will consider the needs of cyclists and pedestrians;
- j) the adverse effects of truck traffic will be minimized by discouraging truck traffic in residential neighbourhoods and on pedestrian oriented streets, through road design, signage, restrictive hours for delivery and pickup, land use restrictions and such other measures as deemed appropriate;

- k) off street parking provision, including the provision of bicycle parking spaces and storage and for the accommodation of persons with disabilities, will be required as a condition of development approval, in accordance with the provisions of the Zoning By-law related thereto.
- l) parking requirements for motor vehicles may be reduced, at the discretion of Council, where:
  - i) public transportation, bicycle and high order pedestrian facilities are provided in lieu;
  - ii) Council wishes to encourage the use of alternative transportation;
  - iii) it is a mixed use development or multi-use development with shared parking
  - iv) the proponent demonstrates, through a parking study, that the reduced parking standard will not strain public parking provision, or
  - v) a municipal cash in lieu of parking policy is in place and the use is not considered by Council to be an over intensive use of the site relative to the availability of public parking or to lead to parking overflow into residential neighbourhoods;
- m) a parking area will be located and designed to:
  - i) permit safe movement on site and onto public rights of way for vehicle operators and pedestrians, including people with disabilities;
  - ii) maintain sight lines;
  - iii) minimize potential conflicts with other land uses, such as at railway corridors, and street intersections;
  - iv) provide safe and convenient pedestrian access to buildings on site and to public rights of way;
  - v) provide for onsite loading and refuse storage in a manner which does not conflict with the safe movement of pedestrians and other vehicles, and
  - vi) ensure the adequate provision of on-site stacking spaces or other temporary spaces associated with drive through facilities;
  - vii) accommodate or mandate through the zoning by-law the provision of electric vehicle charging stations;

- n) larger parking areas must be laid out in a hierarchy of collector and manoeuvring aisles, have landscaped islands to control vehicular movements and maintain sight lines and lighting to aid pedestrian use of the parking area. All lighting shall be of an intensity and orientation to serve its intended purpose without an adverse effect on adjacent sensitive land uses;
- o) the Zoning By-law will include standards for the provision of parking and associated facilities and the location and layout of parking areas. It may include special location or design restrictions for screening and buffering, to reflect and preserve existing streetscapes, to act as a heritage conservation measure or serve to enhance energy conservation and efficiency;
- p) while no public transit system currently serves the Town, nothing in this Plan shall preclude the provision of public transit in the future. The proponents of new developments may be required to design their development to provide for future transit access and on site movements, provide bus bays and shelters and such other facilities needed by the transit operator.

### **8.8.3 Active Transportation Initiatives (Amended by OPA 6, July 27, 2017)**

The active transportation system, both existing and planned, is shown in Schedule "E-1". This schedule will be updated from time to time to show the changes from "planned" to "existing", without an amendment to this Plan. The following objectives will determine the planning and timing of the various facility and policy initiatives associated with alternative transportation activities.

- a) The Town will endeavour to provide a safe, convenient and clearly delineated bicycle movement network to meet the needs of both experienced and less experienced cyclists. The network will comprise both on-road and off-road routes planned in accordance with local and regional walkways, bikeways and multi-use trails plans. New development will be required to conform to and to satisfy such plans and objectives.
- b) For new development, Council may require the dedication of lands for public multi-use trails, bikeways and walkways and other non-motorized travel. Such facilities shall be deemed to be public rights of way, to be conveyed in accordance with the provisions of this Plan and the Planning Act.
- c) The Town is committed to the development and ongoing enhancement of the County Wide Active Transportation System (CWATS) Master Plan in partnership with the County of Essex and our CWATS partners. The CWATS plan and the connecting links within the Town are shown in Schedule "E". In accordance with the timetable of the CWATS plan, as funding permits, the Town will continue to extend on and off road systems annually both

to complete the Town's portion of the CWATS system and to provide the linkages to it and the local communities and facilities it serves. The Town will embrace other opportunities and initiatives that will enhance active transportation in the Town.

- d) The Zoning By-law will include standards for the provision of bicycle parking and associated facilities and their location and layout.
- e) Plans of subdivision will include provision for the construction of sidewalks and or multi-use trails in accordance with the Town of Essex Development Manual and such other policies in effect.

### **8.9. Schools (Amended by OPA 6, July 27, 2017)**

Students throughout the Town of Essex attend one of five elementary schools under the jurisdiction of the Greater Essex County District School Board and three elementary schools under the jurisdiction of the Windsor-Essex Catholic District School Board. In addition, there is one school operated by the Conseil Scolaire de District Des Ecoles Catholiques Du Sud-Ouest as well as two secondary schools operated by the Greater Essex County District School Board.

Any new school site to be developed within the planning period should be located in a place that is conducive to building complete and compact neighbourhoods that enhance neighbourhood walkability and minimize the need for motorized transportation. New buildings should be designed for multi-use, intergenerational learning and activities to meet the needs of today and tomorrow. School sites should be near to any one or more of community facilities, nature and public recreational areas, walking trails to encourage interaction amongst various facilities, physical activities and the appreciation of the natural and urban environments.

### **8.10 Parkland Acquisition and Development**

The Town will acquire and develop land for parks purposes on the following basis:

- a) it is the policy of the Town to acquire additional neighbourhood parkland where necessary to maintain a ratio of 2.5 hectares of parkland per 1,000 population. In addition, the Town will promote the development of linear parks for multi-purpose trails and public access to the waterfront areas;
- b) parks will be appropriately located and sized in areas with convenient access and high visibility to provide natural surveillance and enhance safety. Where possible, parks should be flanked by roads on at least two sides to enhance visual supervision and accessibility;

- c) where practical, parks should be located adjacent to or in close proximity to schools to maximize their use and provide for shared use faculties and programmes;
- d) where practical, parkland should be located in combination with stormwater management facilities, particularly dry ponds, to maximize the use of land while achieving a greater area of open space;
- e) for the calculation of required park land, stormwater management facilities and lands conveyed for public walkways and recreationways will not form any part of the required parkland dedication, as they shall be deemed to be public services and public rights of way, as permitted by the Planning Act;
- f) the Town will require a 5% parkland dedication as a condition of the approval of new residential development and a 2% parkland dedication for new industrial and commercial developments;
- g) land to be conveyed to the Town for parks purposes will be accepted only if, at the discretion of Council, the property is suitable for park purposes, needed in the immediate area and at a location and of a configuration satisfactory to the Town;
- h) The Town may accept lands, which are located within a flood plain or other area identified as unsuitable for development or for which development is prohibited, as part of a required parkland conveyance provided such land is conveyed at a 2 (undevelopable land) to 1 (standard parkland) conveyance ratio;
- i) when acquiring parkland, the Town will require that the park be developed by the developer to at least a basic level of landscaping including grassing, tree planting, irrigation and maintenance, as set out in a development agreement;
- j) where lands are not required for parks purposes or the lands to be conveyed are too small and cannot be merged with other parcels, Council will require payment of cash in lieu of parkland equal to the appraised value of the standard parkland conveyance at the time of plan of subdivision or consent approval or, in the case of a plan of subdivision, accept serviced lots of equivalent value;
- k) any monies acquired through cash in lieu of parkland dedication or the sale of surplus parkland will be placed in a park land development/acquisition fund to be directed to areas deficient in park land or park facilities;
- l) the Town will continue to support the development and maintenance of recreational facilities, the acquisition, beautification and maintenance of public open space and the development of recreation programs in accordance with community needs and availability of resources;

- m) the Town will periodically assess the role of municipal parks and open spaces in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;
- n) the Town will endeavour to work with neighbourhood residents, service clubs and organizations, the Trails, Walkways and Bikeways Committee, other interested groups and government agencies to satisfy the parks and open space needs of the community;
- o) the Town will work with the Essex Region Conservation Authority, in co-operation with nature conservancy groups, to acquire and develop lands linking natural areas for the movement of wildlife and the preservation and enhancement of ecological and biological functions;
- p) the Town will seek the cooperation of the boards of education having jurisdiction in the community, to maximize the use of school facilities for recreational purposes during off-school hours.

## Section 9 – Implementation and Interpretation

### 9.1 General Mandates

This Plan will be implemented by means of the statutory powers conferred upon the Council and other municipal officials by the Planning Act, the Municipal Act, the Development Charges Act and any other powers as may be exercised through the implementing Zoning By-law, subdivision and consent agreements, site plan control, development agreements and such other provisions of the Acts of Ontario related to Official Plans and land use planning decisions.

### 9.2 Interpretation

This Plan applies to all lands within the Town of Essex. Its objectives and policies are intended to achieve the goal of balanced and sustainable development for the period that it is in effect.

The interpretation of its objectives and policies are flexible to the following degree:

- a) Section 6.0, Definitions, of the Provincial Policy Statement 2005, is the source of the definition of key words used in this Plan. Where definitions are not present in the PPS, reference shall be made to the specific Act or statutes associated with the word; otherwise, if not specifically defined in this Plan, the standard dictionary definition will apply;
- b) to correct grammatical, numerical or reference errors, adjust page numbering or formatting or update statistical information or projections, such changes may be authorized by the Town Clerk without public notice or formal amendment to this Plan;
- c) the boundaries of settlement areas are not subject to broad interpretation; the closest right of way or prominent physical feature to the boundaries shown on the Schedules to this Plan shall be deemed to be the actual boundary;
- d) Where no right of way or prominent physical feature exists, the boundary will be the nearest lot of record boundary which most closely approximates the line shown on the respective Schedule;
- e) the boundaries between various land use designations are approximate except where well defined physical or infrastructure features exist; Reference to the words “zone” or “zoning district” mean the land use zoning districts in the Town of Essex general zoning by-law(s);
- f) adjustments to the boundaries of future roads, recreation corridors and other linear features or the addition of public facility or infrastructure information for reference

purposes, in the Schedules, may be undertaken without an **Official Plan** amendment to this Plan. Where examples of permitted uses are provided, they are intended for illustrative purposes only and do not compromise the full range of permitted uses. Specific uses which are considered by Council to be similar to a stated use and to conform to the general intent and objectives of this Plan may be recognized without further amendment to this Plan;

- g) for the purpose of this Plan, a lot is defined as a contiguous area of land under one ownership, the boundaries of which are on record in the Land registry Office of the County of Essex in the Registry or Land Titles Division;
- h) general references to the Planning Act means The Planning Act of Ontario, R.S.O. 1990, as the same may be amended from time to time. Reference to all other Acts and portions thereof are more specifically noted, but also mean such Act as amended from time to time.

### **9.3 Planning Review Committee**

A Planning Review Committee, comprising members of the civic administration and such other agency representatives as deemed appropriate by Council and/or the Town Planner, will review planning applications for amendments to the Plan, rezoning, draft plan of subdivision, condominium and site plan approval, as well as general matters related to the application of this Plan.

The Committee has the option of hearing representations from the proponent and other persons/agencies whose attendance it considers to be relevant to the matters at hand. Such meetings will generally take place a minimum of one time each month or as warranted. All recommendations will be recorded and provided to the proponent and any other person/agency in attendance or other person who, in writing, requests such information, in accordance with the provisions of the Planning Act.

### **9.4 The Implementing Zoning By-Law**

The Town will produce a new Zoning By-law to zone all lands in accordance with the policies and designations contained within this Plan and will establish regulations to control the use of all lands within the Town and the character, siting and use of buildings and structures thereon.

All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the Planning Act and the procedural policies of this Plan.

## **9.5 Existing Land Uses**

Certain lawfully existing uses may, by their nature or location, not satisfy or conform to the land use policies or applicable land use designation in this Plan. They may have been established at their location for a long period of time and accepted as such within the neighbourhood or constructed as permitted uses in compliance with previous zoning.

Notwithstanding the applicable land use designation or other policies in conflict herewith, such uses may be zoned as conforming uses in the Zoning By-law provided that:

- a) the use does not constitute a danger, a nuisance or blight to the neighbourhood by virtue of its function or operational characteristics;
- b) the extension or enlargement of the use or change in its functionality would not be detrimental to nor pose a nuisance to the adjacent neighbourhood or such nuisances can be mitigated to the satisfaction of the Town or other authority having jurisdiction, or
- c) where the use is deemed to be a sensitive land use, it is part of a viable larger grouping of similar land uses, and
- d) it is not the intention of Council that the use cease operation over time.

Applications to amend the Zoning By-law to permit a use that is deemed to be as or more compatible with the surrounding area may also be approved by Council without further amendment to this Plan.

## **9.6 Committee of Adjustment**

The Town will maintain a Committee of Adjustment, under the provisions of Sections 44, 45 and 53 of the Planning Act, to decide on consent, minor variance and change of non-conforming use applications. The Committee will be guided by the policies of this Plan and the requirements of the Zoning By-law in making decisions on applications and will be satisfied that the general intent of this Plan and the Zoning By-law are maintained.

The Committee of Adjustment may require that the owner of the land or proponent of the development enter into one or more agreements with the Town as a condition of approval. It may require that the agreement be registered against the land to which it applies to be enforced by the Town against the owner and all subsequent owners of the land, subject to the provisions of the Registry and Land Titles Act.

## 9.7 Non-Conforming Uses

As a general rule, a non-conforming use should cease to exist in the long run. In special circumstances, however, it may be reasonable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship.

It is the intention of this Plan that extensions or enlargements to non-conforming uses or a change in non-conforming use be handled without an amendment to this Plan, through the use of Section 45 of the Planning Act.

When considering such application, the Committee of Adjustment will decide if it is reasonable to grant permission for the extension or enlargement of the non-conforming use or change of use, and in so doing should have regard to the following matters:

- a) the use does not constitute a danger, a nuisance or blight to the neighbourhood by virtue of its function or operational characteristics and its extension or enlargement nor would a change in its functionality be detrimental to or pose a nuisance to the adjacent neighbourhood;
- b) the scale of proposed extension or enlargement is of an appropriate size relative to that of the existing non-conforming use;
- c) neighbouring uses will be protected, where necessary, by the provision of landscaping, buffering or screening and appropriate setbacks for buildings and structures to reduce nuisance, and where necessary, by regulating outside storage, parking, lighting and signage;
- d) traffic and parking conditions in the vicinity will not be adversely affected by the application, and potential traffic hazards will be minimized by the appropriate design of site ingress and egress and the preservation of proper sight lines, especially in proximity to intersections and rail corridors;
- e) adequate provisions have been or will be made for off-street parking and loading facilities or the Committee is satisfied that the new or expanded use will not impose a worse traffic or parking condition;
- f) applicable municipal services such as storm drainage, sanitary sewage disposal and potable water supply are adequate and meet the approval of the applicable statutory approval authority having jurisdiction.

The Committee of Adjustment may attach such conditions and terms of approval as it sees fit to the approval of the change of use, in accordance with the provisions of the Planning Act, and such conditions may be set out in an agreement, which may be registered against the land.

## **9.8 Minor Variance Policies**

The Committee of Adjustment, when reviewing applications for minor variances to the Zoning By-law should be satisfied that:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development.

The Committee of Adjustment may attach such conditions and terms of approval as it sees fit to the approval of the variance, subject to conformity to the Planning Act.

## **9.9 Holding Zones**

The Town's implementing Zoning By-law will make selective use of the Holding Zone approach, as set out in Section 36 of the Planning Act. Certain areas will be zoned for their intended use but will have the (H) symbol added. The addition of this symbol will apply to lands where development is to be delayed until such time as specific preconditions are met.

When these conditions are met, the municipality will pass the necessary by-law removing the (H) symbol.

Holding provisions will be applied in order to satisfy one or more of the following:

- a) to achieve orderly staging of development or redevelopment in accordance with municipal or Provincial policies;
- b) to coordinate the phasing of development with the provision of adequate infrastructure and community services and facilities in accordance with municipal standards;
- c) to adopt measures to mitigate negative impacts or adverse effects resulting from the near proximity of transportation and utility corridors, potentially incompatible land uses or any other source of nuisance or hazard to public health or safety;
- d) to satisfy policies of this Plan related to heritage conservation, site plan control, potentially contaminated sites, protection of the natural environment, community improvement and any other matters which are deemed by Council, the County or Province to be relevant to development or redevelopment of the lands;

- e) to achieve the exchange of facilities, services or other matters set out in this Plan;
- f) to ensure the execution of legal agreements, approval of subdivision plans and/or necessary studies to satisfy the mandates set out above;

The permitted uses within an area subject to the holding provisions shall be limited to lawfully existing uses and additions and alterations thereto and any use of the municipality, public authority or public utility. Council may also permit other uses, which are in conformity with the land use designation of the subject lands, which it deems to be compatible with the intended future uses;

The holding symbol shall be removed by further by-law amendment when Council is satisfied that the conditions for removal have been met. The conditions for removal shall be set out in the general provisions of the Zoning By-law and/or, if site specific, by resolution or by-law of Council which will include a statement that all conditions for which the holding by-law was first implemented have been satisfied.

Council shall give notice of its intention to remove the holding symbol in accordance with the relevant provisions of the Planning Act.

## **9.10 Temporary Use By-Laws**

Pursuant to Section 39 of the Planning Act, Council may pass “temporary use by-laws” to authorize the temporary use of land, buildings or structures for a purpose not otherwise authorized by the Zoning By-law for a specific period of time not to exceed three years.

Council may authorize a temporary use by-law on a one-time basis or permit the use on a first time temporary basis to gauge its viability and neighbourhood acceptance. Council may pass a subsequent by-law granting a further extension for a combined maximum of three years. Once the by-law period has lapsed the use must cease or shall otherwise be viewed as contravening the Zoning By-law.

Prior to the approval of a temporary use by-law, the proponent must satisfy Council that the following criteria are met:

- a) the proposed use is of a temporary nature and does not entail any major construction or investment which would be a potential impediment to its termination at the end of the time period established by the temporary use by-law;
- b) the proposed use is compatible with adjacent land uses and the character of the surrounding area;
- c) the proposed use will be properly serviced and not require the extension or expansion of

- existing municipal services, unless otherwise authorized by Council;
- d) parking facilities required by the Zoning By-law will be provided entirely onsite, unless otherwise authorized by Council.

### **9.11 Interim Control By- Laws**

Where Council has by resolution, directed that a review or study be undertaken regarding land use policies in the Town or any defined area or areas therein, Council may pass an Interim Control By-law in accordance with Section 38 of the Planning Act to control and restrict the use of land, buildings or structures subject to the following provisions:

- a) the By-law will be in force for a specified time period, not to exceed one year, and it will specify the uses to which the affected land, buildings or structures may be put during the time it is in effect;
- b) before the Interim Control By-law has expired, the period of time during which interim control may remain in effect can be extended to a maximum of two years from the date of initial passing of the By-law;
- c) subsequent to the completion and review of the study within the time period established by the Interim Control By-law, if Council has not passed a by-law under Section 34, of the Planning Act, the provisions of any by-law passed under Section 34 that applied to the subject lands immediately prior to the coming into force of the Interim Control By-law again come into force;
- d) when an Interim Control By-law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied.

### **9.12 Bonusing Policies**

Council may permit increases in the intensity of development beyond that permitted by the Zoning By-law in exchange for facilities, services or matters of public benefit including the:

- a) provision of special needs, assisted or low income housing;
- b) parkland in excess of the parkland requirements of this Plan;
- c) protection or enhancement of natural resources, features or functions;

- d) provision of public parking, community facilities or services;
- e) conservation of heritage resources;
- f) protection or enhancement of views and vistas.

### **9.13 Site Plan Control**

The Town of Essex will exercise the site plan control powers assigned to it under Section 41 of the Planning Act related to the massing, character, scale, appearance and design features of lands, buildings and structures.

Its objectives are:

- a) to ensure a high aesthetic standard of exterior building and site design for new development;
- b) to ensure public safety, neighbourhood compatibility, barrier free accessibility, energy efficiency, reduce light pollution and lessen light intrusion;
- c) to control the location of driveways, parking, loading and garbage collection facilities;
- d) to secure easements or proper grading and site alterations necessary to provide for public utilities and site servicing;
- e) to ensure adequacy of servicing, landscaping and lighting and a safe and secure public environment;
- f) to ensure that policies of this Plan related to urban design, sustainability, heritage conservation, natural heritage protection, buffering and other municipal guidelines, objectives and initiatives are satisfied;
- g) to ensure that lands are conveyed for municipal purposes and levies paid in accordance with the provisions of this Plan;
- h) to ensure that the development proposed is built and maintained in the manner approved by Council.

All of the lands within the Town of Essex, as shown in Schedule "A" to this Plan, are proposed to be areas of site plan control and designated as such by by-law pursuant to Section 41(2) of the Planning Act.

### 9.13.2 Site Plan Control Exemptions:

Unless otherwise provided by Council, site plan control will apply to all new development and to the expansion of existing uses within the Town, with the exception of:

- a) unless otherwise specifically provided by this Plan, agricultural uses related to on-site farm operations, exclusive of the following: a greenhouse exceeding 500 square metres in gross floor area; winery; brewery; agricultural related support use; retail nursery outlet;
- b) single unit detached, semi-detached and duplex dwellings, street townhomes and their accessory buildings and structures; multiple dwellings of 6 units or less; a second dwelling unit in a main dwelling;
- c) school portables on school sites existing on January 1, 2007;
- d) a temporary building or structure that is in place for a maximum of 120 consecutive days;
- e) a parking area accommodating 6 or fewer parking spaces;
- f) any addition to a building or structure, if the addition is less than either twenty percent (20%) of the total gross floor area of the existing building or structure;
- g) an accessory building that occupies less than ten percent (10%) of the lot area, but not including the addition of a dwelling unit in an accessory building;
- h) an accessory building or structure of less than 100 square metres in gross floor area, but not including the addition of a dwelling unit in an existing or new accessory building;
- i) limits of the Intake Protection Zones shown on Schedule B-2, of this Plan, a permanent above ground fuel storage facility with a combined total capacity of less than 15,000 litres;
- j) such other locations or uses, at the discretion of Council.

The Town will require the submission of site plans, drawings and support studies, as detailed in Section 41(4) of the Planning Act, showing:

- a) the location of all buildings, structures, bicycle and motor vehicle parking, loading, access, internal sidewalks and landscaped areas; external lighting;
- b) the massing and conceptual design of all buildings and structures;
- c) the relationship of all buildings to the street and public access areas;
- d) facilities ensuring accessibility by persons with disabilities;
- e) a landscaping plan;

Preference will be given to the use of species native to the region and to species that require lower water consumption and fertilization;

- f) street furniture and existing vehicular entrances to the subject site and abutting sites, off site lighting and waste/recycling containers;
- g) where the addition and the activities therein could have an adverse effect on an adjacent sensitive land use, an impact study setting out appropriate mitigation measures will be required;
- h) for a non-exempted non-residential development and residential development of 25 dwelling units or more, building elevation plans and/or cross-sectional views may also be required.

Council may exercise its option of requiring off-site improvements within the public rights of way, such as landscaping, decorative paving or street furniture, in lieu of on-site improvements or to augment them, in accordance with streetscape initiatives or an improvement programme, at the proponent's cost, as part of site plan control approval.

Council will promote Crime Prevention through Environmental Design through the application of natural surveillance, natural access control and territorial reinforcement design techniques to reduce the incidence of crime and offer a safe and appealing built environment.

Proponents of new development, including the expansion of existing facilities, will be required to enter into site plan control agreements, which will normally be registered on title, and, at the Town's discretion, will post bonding or letters of credit to ensure compliance with the conditions of approval set out in the site plan control agreement.

#### **9.14 Amendment Procedures**

Should changing conditions necessitate an amendment to this Official Plan, in accordance with Section 22 of the Planning Act, or if there is a proposal to amend the Zoning By-law, due regard will be given to the following considerations by Council and the proponent:

- a) the desirability of or need for the proposed use;
- b) the extent to which the surrounding area is developed and the nature of development;
- c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:
  - i) the existing environment and/or physical hazards and nuisances;

- ii) the potential impacts of these hazards and nuisances; and
  - iii) the proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices and the objectives of this Plan;
- d) the location of the area under consideration with respect to:
  - i) the adequacy of the existing and proposed roadway system in relation to the development of the proposed area(s);
  - ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the impact on traffic safety in relation thereto; and
  - iii) the adequacy of the potable water supply, sanitary sewage collection and treatment facilities, stormwater management facilities and other municipal services in accordance with the policies contained in this Plan;
- e) the compatibility of the proposed use with uses in adjoining areas;
- f) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;
- g) the potential effect of the proposed use in relation to the intent and regulations of the Environment Protection Act, R.S.O., 1990;
- h) the legislated Regulations of the Essex Region Conservation Authority having jurisdiction within the Planning Area;
- i) compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;
- j) whether the lands are designated employment lands, in which case an amendment to permit non-employment land uses must be justified through a comprehensive review in accordance with the provisions of the Provincial Policy Statement;
- k) whether the lands form part of a prime agricultural area, in which case an amendment to remove these lands from the prime agricultural area status must be justified in accordance with the provisions of the Provincial Policy Statement.

Council is under no obligation to consider or act on a planning application to expand a settlement area or remove lands currently identified as employment lands from their employment land designation, except as part of a five year Official Plan review in accordance with the provisions of

the Provincial Policy Statement.

Council may, at any other time, commission the undertaking of a comprehensive review to determine the need for the expansion of settlement areas or employment lands or the redesignation of employment lands to permit other land uses, at its discretion, in accordance with the provisions of subsection 1.1.3.9 and 1.3.2, of the Provincial Policy Statement. Employment lands are areas designated for clusters of businesses and economic activities including but not limited to: manufacturing; warehousing; offices and associated retail and ancillary facilities.

### **9.15 Complete Application Submission**

An application for development approval under the Planning Act for a change in land use, consent, plan of subdivision, plan of condominium or site plan approval or such other matter under the Planning Act or the Environmental Assessment Act shall not be deemed to be complete and in a form acceptable to the Town until the following conditions have been satisfied:

- a) pre-consultation with a municipal planning official or other designated agent has taken place;
- b) the need for one or more support studies has been identified by the Town and the applicant so informed;
- c) the nature of the planning approvals required and the need for them are properly and fully described and all related information, such as for a draft plan of subdivision or condominium or site plan, have been submitted to the satisfaction of the Town;
- d) a plan of survey and/or other acceptable legal land description and deed have been submitted along with full disclosure regarding the land owner, agent and applicant and their contact information;
- e) all application fees are submitted;
- f) all required support studies, developed to the satisfaction of the Town, are submitted.

#### **Support Studies**

Support studies required as part of a complete application will comprise one or more of the following:

- a) Archaeological Assessment to ensure that archaeological resources are preserved from disturbance or mitigation measures taken in accordance with Provincial policy;
- b) Built Heritage Impact Study to analyze the impact of the proposed development on

designated or identified heritage resources and set out mitigative or alternative development approaches;

- c) Environmental Impact Assessment or Screening Report to assess, mitigate and/or remediate the potential negative impact of new development on public health and safety, the natural and built environments, ecological functions and such other considerations as set out in the Environmental Assessment Act of Ontario and such other relevant legislation;
- d) Landscaping Plan identifying planting material, species and site location, as part of site plan approval;
- e) Lighting Study to evaluate the intensity and impact of light pollution on residential property and wildlife and to ensure proper visibility and safety;
- f) Market Impact Assessment to demonstrate the need for specific development, its market area and impact on existing like uses or areas;
- g) Natural Site Features Inventory and Preservation Plan to evaluate the impact of the proposed development on the natural environment and its ecological functions, tree and vegetation preservation, necessary servicing modifications and other mitigative or replacement measures;
- h) Noise and/or vibration study to show that the proposed development can proceed in a manner which protects the public from unacceptable noise or vibration levels associated with industrial/commercial operations, roads activities, rail corridors and yards;
- i) Planning Rationale Report to justify the need for the use, the suitability of the site for its intended purpose, its compatibility with adjacent land uses and impact on municipal services;
- j) Stormwater Management Plan to identify required measures to control the quantity, velocity and quality of runoff associated with the development to prevent adverse impacts on-site and to the receiving drains and municipal infrastructure;
- k) Transportation Impact Assessment to identify road network improvements and on site designs required to provide a balanced transportation system and accommodate the traffic needs of the development;
- l) Urban Design Study to provide direction for the protection and enhancement of the character of the planning district, neighbourhood, corridor or any other specifically identified area;
- m) Watershed/Subwatershed Plan to identify water resources and related features, including fish and terrestrial resources and water dependencies and their need for protection and

set out stormwater management measures within the subwatershed or watershed;

- n) Such other studies or combination of studies specifically identified elsewhere in this Plan or deemed necessary to properly evaluate the desirability and impacts of the proposed development, in a manner satisfactory to the Town and other approval authorities having jurisdiction.

### **Guideline Plan (Secondary Plan)**

Council may authorize the development of a guideline plan (also known as a Secondary Plan) for a neighbourhood or settlement area to provide more guidance and direction for new development, redevelopment and rehabilitation. Such plans will vary in scope depending on the size and complexity of the area under review.

The plan will describe the rationale for the review, land use history and development interest, assess the area in terms of its physical and environmental features and characteristics, identify potential development constraints and incentives, provide a statement of desired development direction and a conceptual design/land use plan and recommendations for achieving this plan.

A development application may not be accepted as complete until such time as the guideline plan is adopted, at least by resolution, by Council to ensure that the development proposal meets the general provisions of the guideline plan.

A guideline plan will normally be incorporated as an Appendix to the Official Plan and form part of the Plan.

### **Location Specific Policy Areas**

An area may be identified as a location specific policy area to address specific planning issues affecting it. The planning issue(s) will be identified and policies and/or guidelines set out to address them. Location specific policy area provisions will be adopted as amendments to this Plan, subject the notification and appeal process set out in the Planning Act, and they will be reviewed from time to time to determine their continued relevance.

## **9.16 Public Participation**

All applications for development approval sanctioned under the Planning Act shall be processed in accordance with the provisions of the Act including the giving of notice to statutory authorities, boards and commissions, public and private agencies, organizations, altogether referred to as agencies, and the general public. After pre-consultation with the proponent and confirmation by the Town that the application is complete, the Town will:

- a) circulate the application and all required support studies relevant to the agency to

appropriate agencies who will be provided with sufficient time to respond;

- b) advertise and present to the public the development proposal and provide the opportunity for review and comment at a public meeting(s) to be held in accordance with the Planning Act;

Notification would consist of on-site signage, newspaper and other media notices, municipal web site postings, mail notification to property owners and tenants or any combination of thereof, at the discretion of the Town, to meet or exceed the minimum requirements of the Planning Act.

- c) ensure that the opportunity for public input be given.

### **9.17 Legislation Pursuant To The Municipal Act**

The Town will review existing legislation pursuant to the Municipal Act governing such uses as salvage yards, trailers, fences, signs and where necessary amend existing by-laws, including the Zoning By-law, where appropriate, or pass new by-laws, as may be required to ensure such uses and regulations are compatible with and properly reflect the relevant provisions of this Plan.

### **9.18 The Development Charges Act**

In accordance with the provisions of the Development Charges Act, the Town has duly passed and enacted a Development Charges By-law to ensure that the majority of long range expenses incurred as a result of new development will be borne by the land developers and not the Town at large.

### **9.19 Guidance and Advice**

The Town may seek advice from the following agencies to assist in the implementation of Official Plan policies as appropriate:

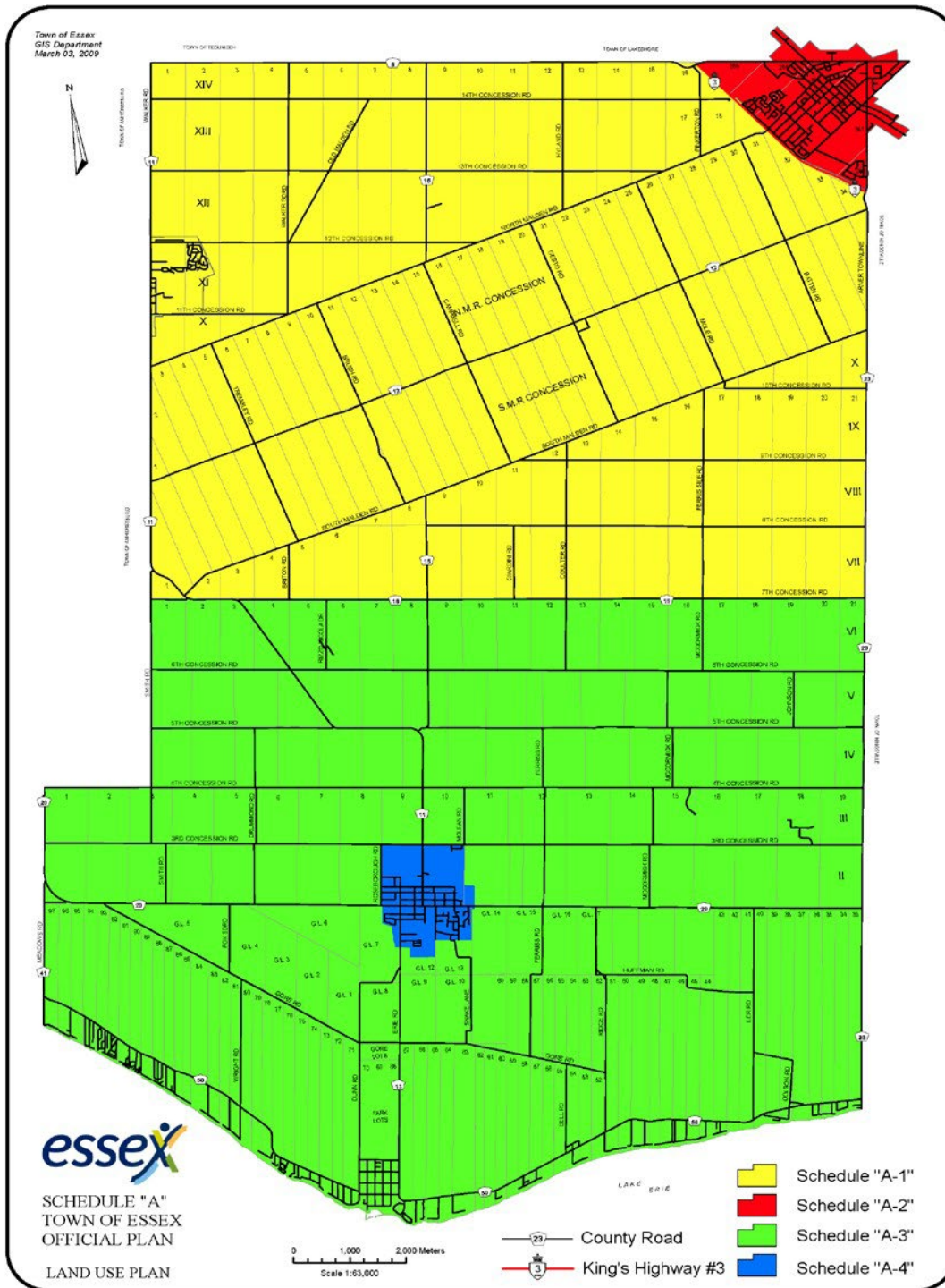
- a) the Essex Region Conservation Authority on adequate flood protection and stormwater management measures and environmental/habitat protection;
- b) the Ministry of the Environment and the local municipal inspectors regarding various servicing matters, nuisance mitigation and environmental protection;
- c) the County of Essex, other municipalities and such other agency, statutory body or organization as deemed necessary or appropriate.

## **9.20 Official Plan Review**

The policies of this Plan are to be in place within this planning period extending to 2021. This Plan, however, shall undergo a comprehensive review every five years. The purpose of the review will be to:

- a) document the type and location of new development that occurred during the preceding five year period;
- b) project future population and household increases, and identify development prospects during the subsequent 5 to 10 year period;
- c) determine the need for the expansion of settlements areas and employment lands;
- d) consult with agencies and the general public on the continued appropriateness of the Plan's goals, policies and designations;
- e) formulate revisions or new goals, policies and designations as required;
- f) ensure the Plan conforms to Provincial policies and guidelines in effect;
- g) ensure the Plan continues to have regard to matters of Provincial interest set out in Section 2 of the Planning Act;
- h) ensure the Plan is consistent with the policy statements listed under Subsection 3(1) of the Planning Act;
- i) ensure the Plan is still appropriate given the Town's development circumstances and the desired policy directions of the Council.

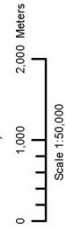
## Section 10 – Schedules





SCHEDULE 'A-1'  
TOWN OF ESSEX  
OFFICIAL PLAN  
LAND USE PLAN

- Agricultural
- Rural Residential
- Hamlet
- Mobile Home Park
- Parks and Open Space
- Community Service Facility
- Landfill
- Industrial
- Natural Environment
- County Road
- King's Highway #3



Town of Essex  
GIS Department  
October, 2018



SCHEDULE "A-2"  
TOWN OF ESSEX  
OFFICIAL PLAN  
ESSEX CENTRE  
LAND USE PLAN

- Agricultural
- Residential
- Mobile Home Park
- Essex Town Centre
- Highway Corridor
- Commercial Area
- Industrial
- Parks and Open Space
- Community Service Facility
- King's Highway #3
- Site Specific Change
- Future Hanlan St Extension



0 250 500 Meters  
Scale 1:15,000

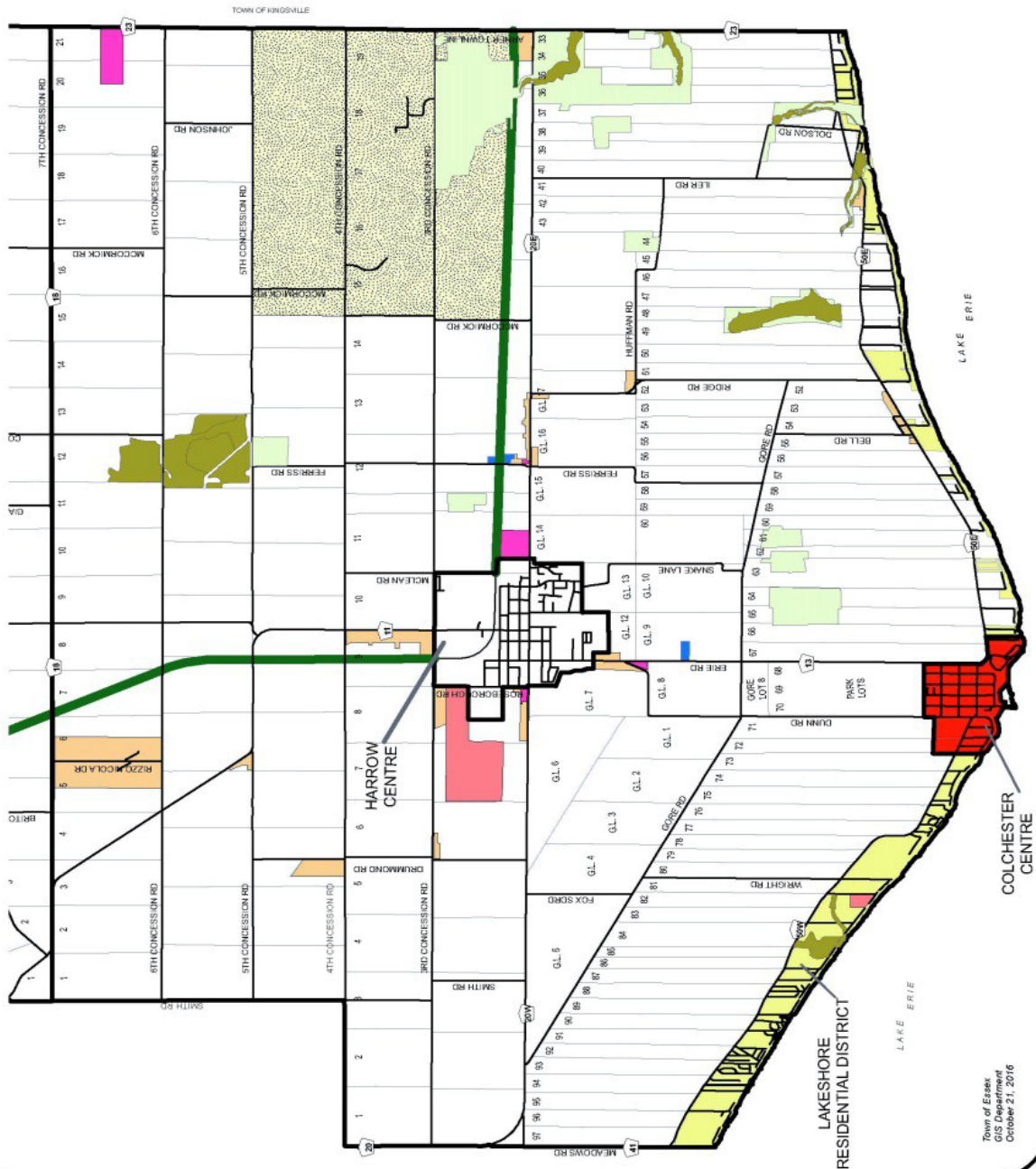
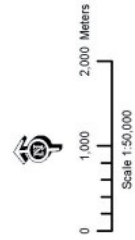
Town of Essex  
GIS Department  
September 2026





SCHEDULE 'A'-3'  
TOWN OF ESSEX  
OFFICIAL PLAN  
LAND USE PLAN

- Agricultural
- Lakeshore Residential
- Estate Residential
- Rural Residential
- Highway Commercial
- Industrial
- Hamlet
- Natural Environment
- Wetland
- Parks and Open Space
- Community Service Facility
- County Road

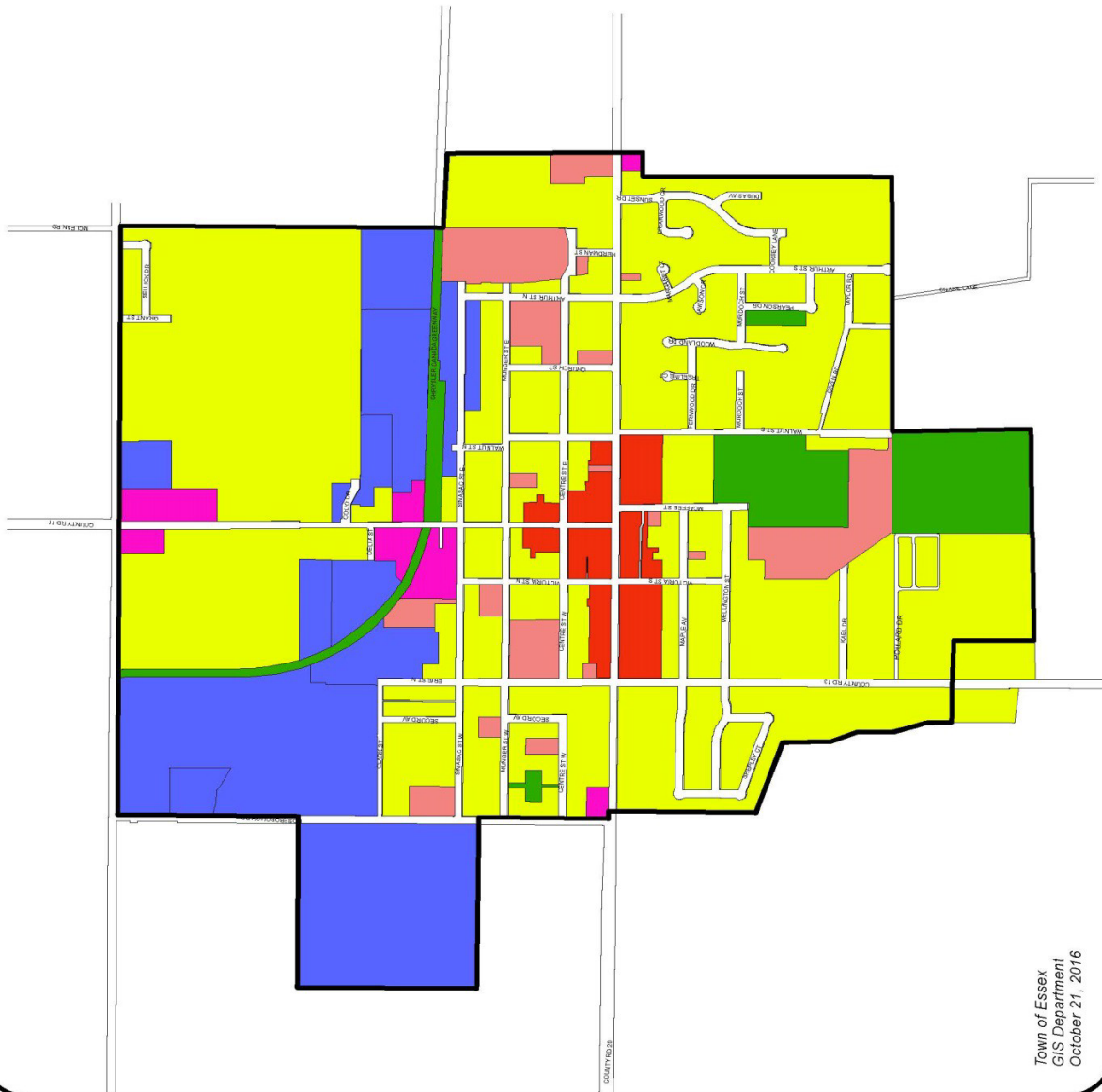
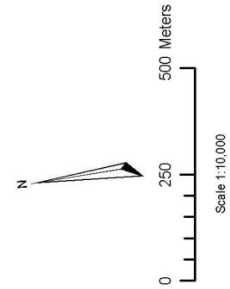


Town of Essex  
GIS Department  
October 21, 2016



SCHEDULE "A-4"  
TOWN OF ESSEX  
OFFICIAL PLAN  
HARROW CENTRE  
LAND USE PLAN

- Residential
- Town Centre - Harrow
- Highway Commercial
- Industrial
- Parks and Open Space
- Community Service Facility



Town of Essex  
GIS Department  
October 21, 2016

**SCHEDULE "B"  
TOWN OF ESSEX  
OFFICIAL PLAN  
LAND USE OVERLAY AND  
AREAS OF RESTRICTED  
DEVELOPMENT**

- Closed Waste Disposal Sites
- Restricted Development
- Rural Cemeteries
- Flood Development Control Area
- Lake Erie Floodprone Area
- Wetlands
- Natural Environment
- Natural Heritage Overlay
- County Road
- King's Highway #3

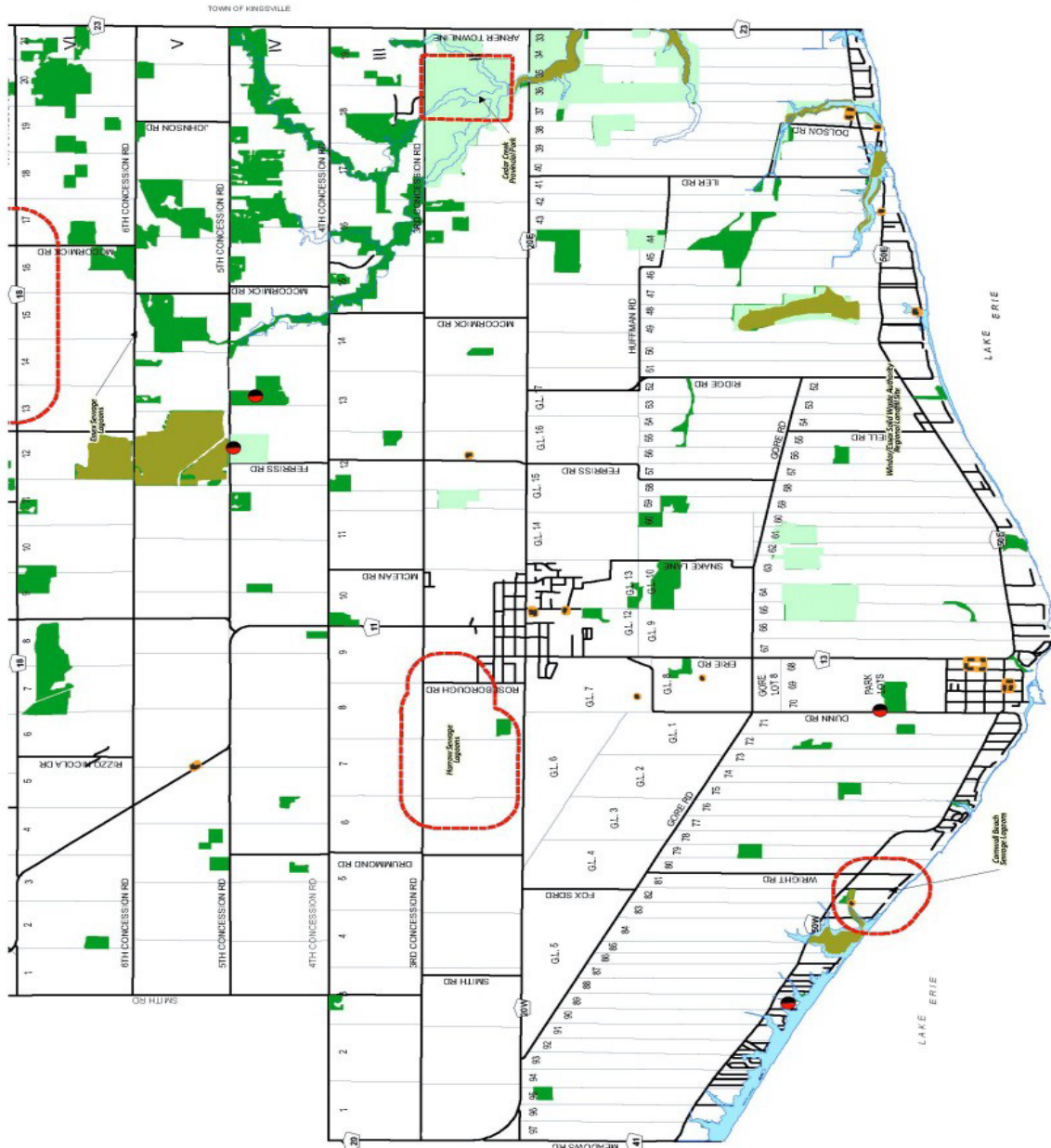


Page 137 of 137  
GPE Consultant  
October 24, 2016



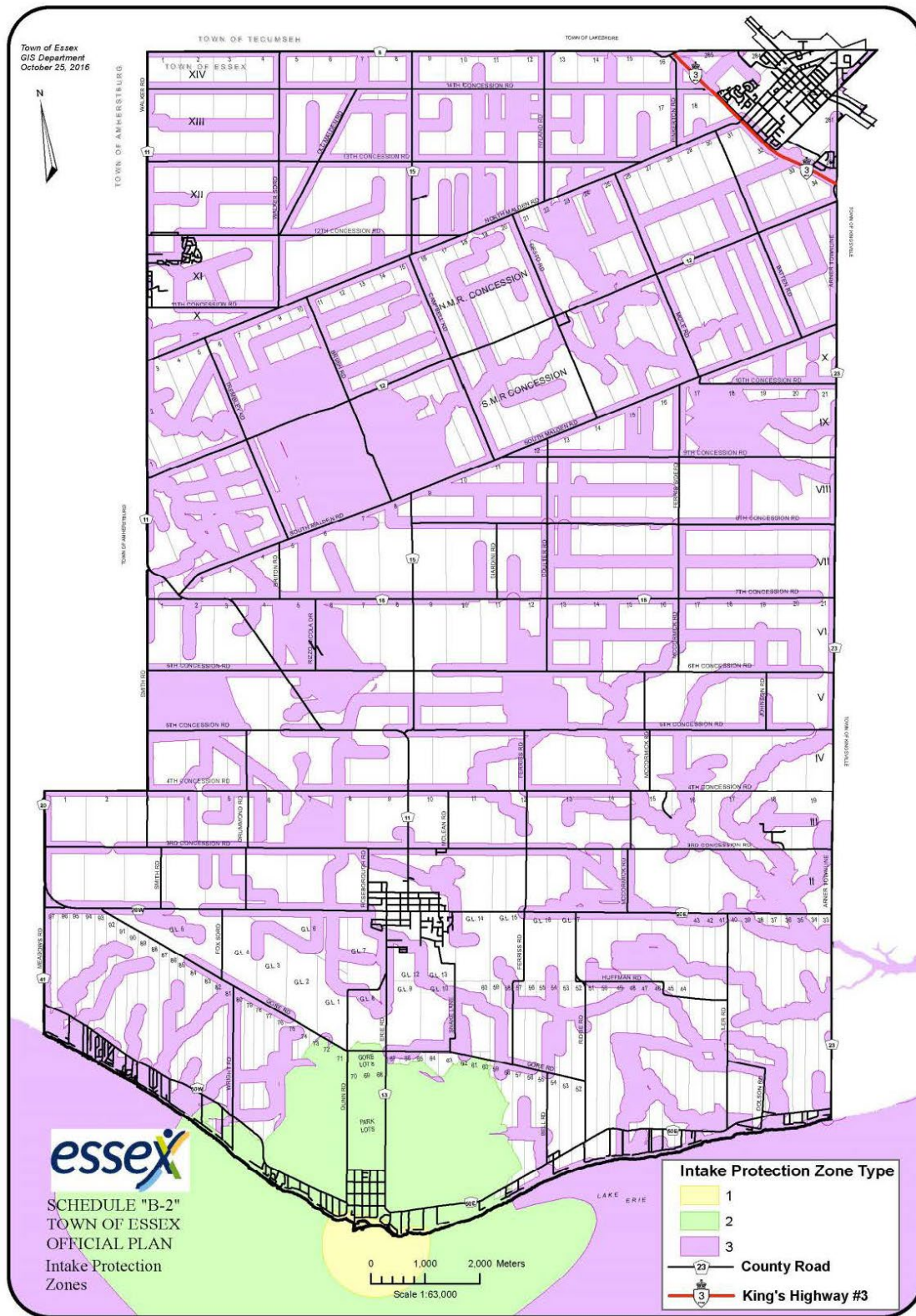
**SCHEDULE "B-1"  
TOWN OF ESSEX  
OFFICIAL PLAN  
LAND USE OVERLAY AND  
AREAS OF RESTRICTED  
DEVELOPMENT**

- Closed Waste Disposal Sites
- Restricted Development
- Rural Cemeteries
- Flood Development Control Area
- Lake Erie Floodprone Area
- Wetlands
- Natural Environment
- Natural Heritage Overlay
- County Road
- King's Highway #3



Essex  
October 24, 2016

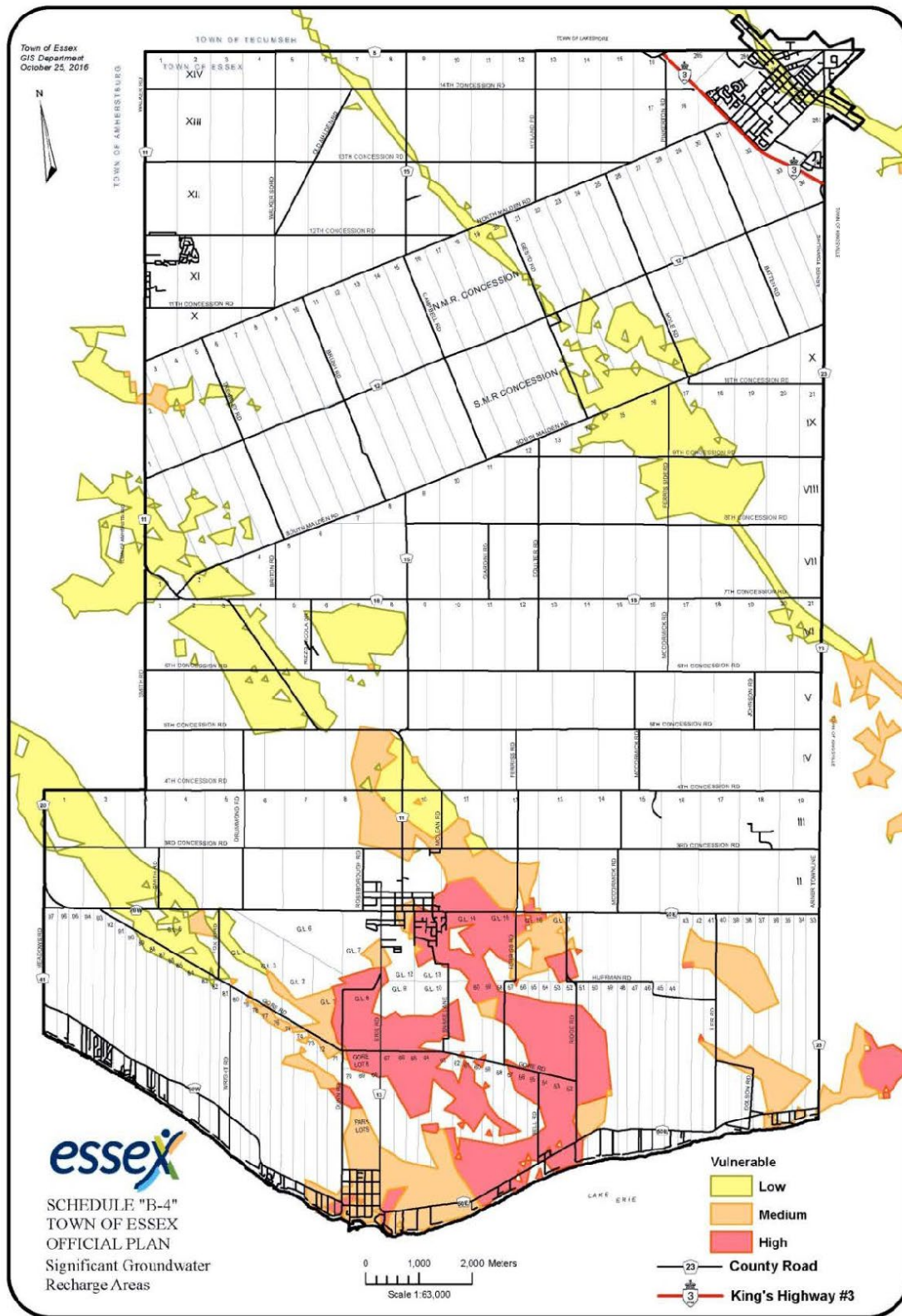
(Added by OPA 6, July 27, 2017)



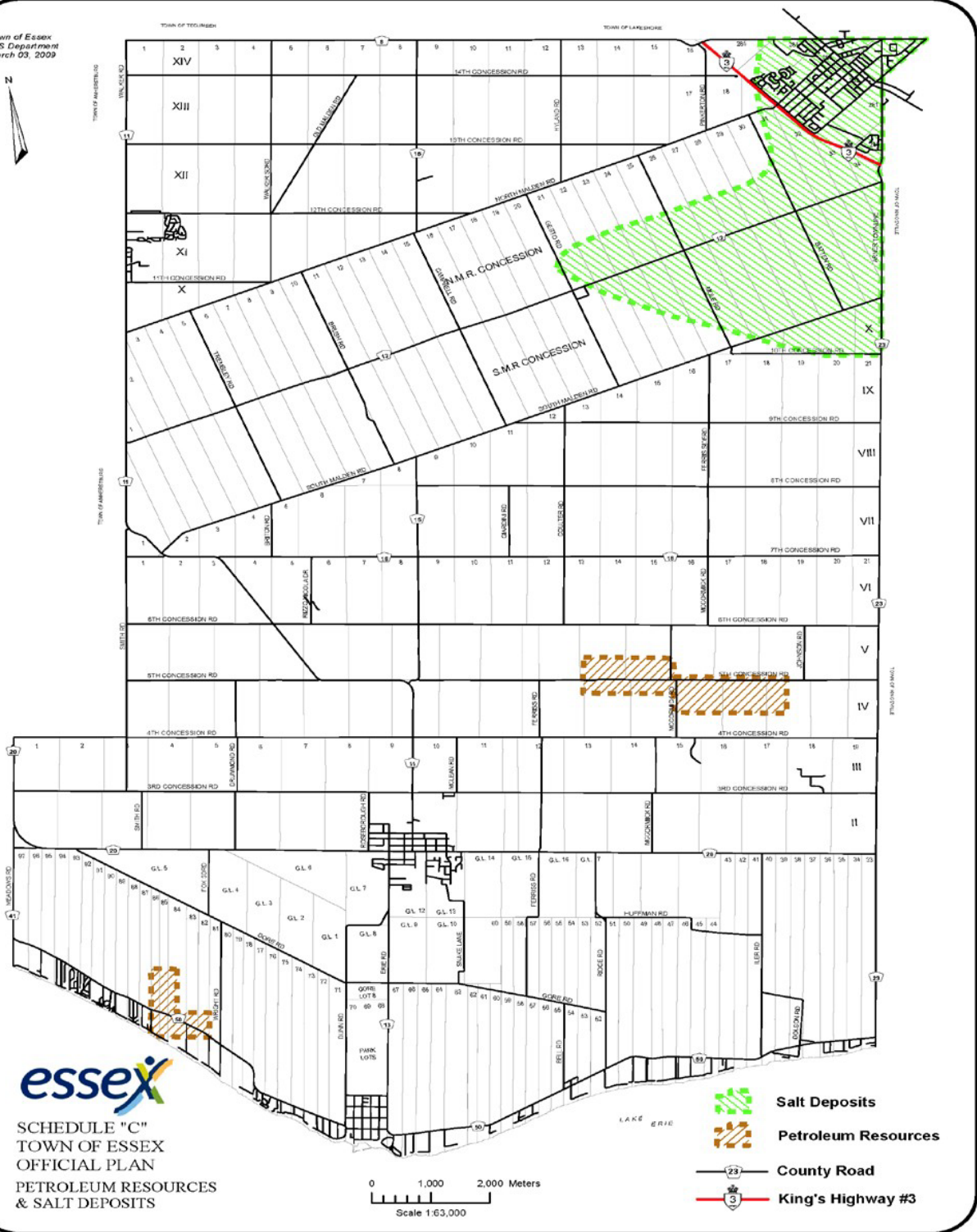
Town of Essex  
GIS Department  
October 25, 2016



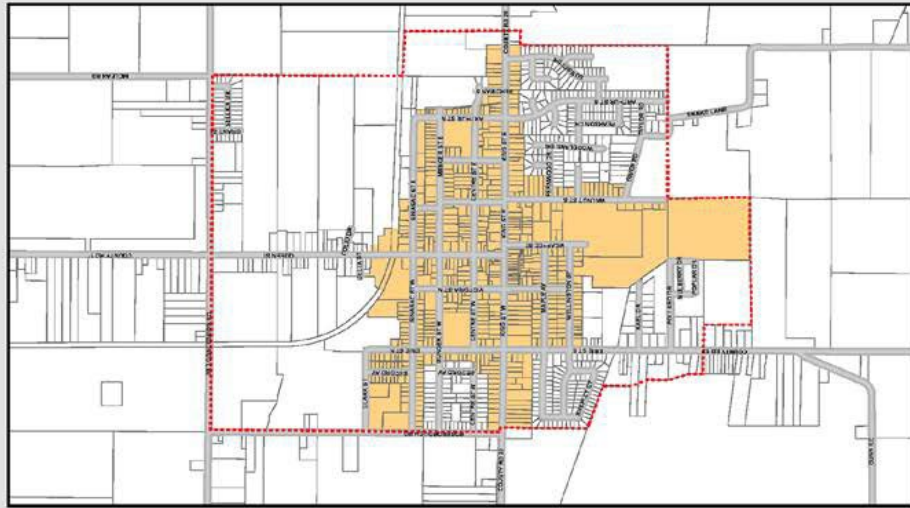
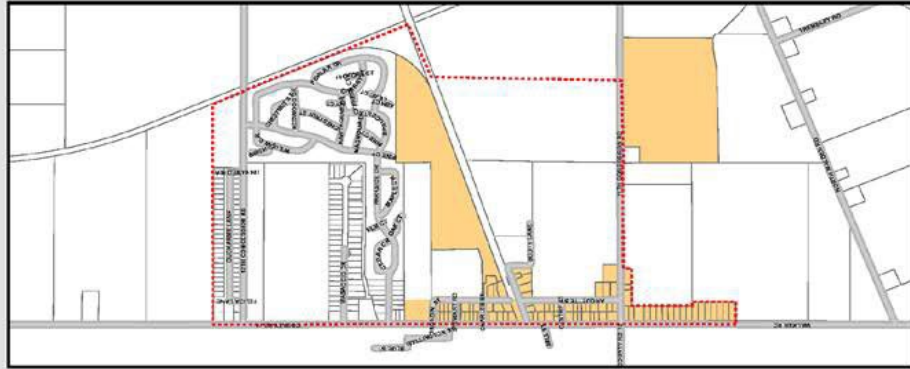
(Added by OPA 6, July 27, 2017)



Town of Essex  
GIS Department  
March 03, 2009

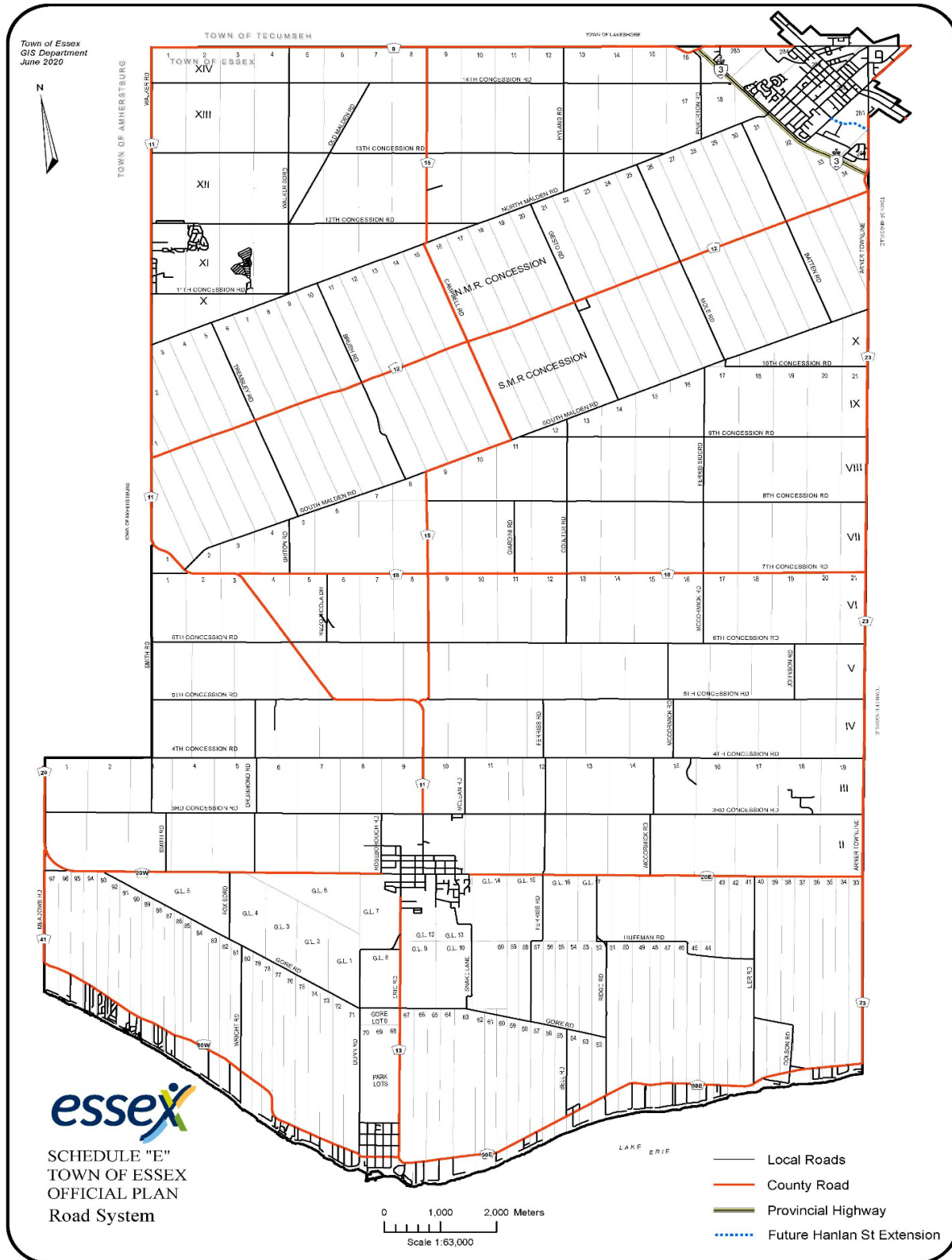


SCHEDULE "D"  
TOWN OF ESSEX  
OFFICIAL PLAN  
COMMUNITY IMPROVEMENT  
AREAS

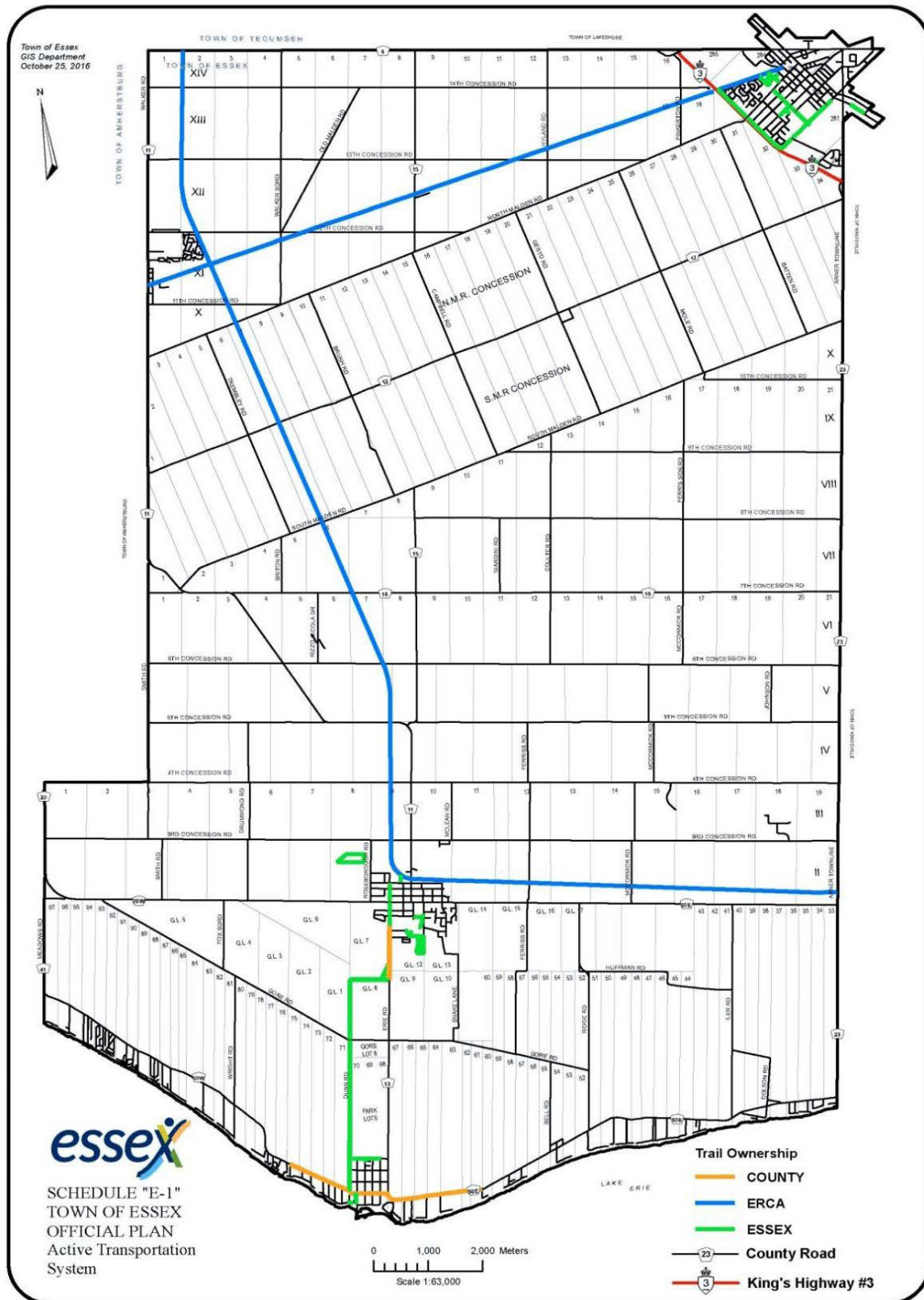


Town of Essex  
GIS Department  
March 03, 2009

(Added by OPA 6, July 27, 2017)



(Added by OPA 6, July 27, 2017)



## **Section 1.1 – Special Provisions In Certain Areas**

This Section refers to specific sites or special policy areas for which supplementary or overriding provisions apply. All other applicable provisions set out in the land use designation or general policies elsewhere in this Plan apply, save and except where such provision(s) is in conflict with this Section.

## Section 12 – Guideline Plans

This Section refers to specific areas for which supplementary or overriding provisions apply. All other applicable provisions set out in the land use designation or general policies elsewhere in this Plan apply, save and except where such provision(s) is in conflict with this Section.

### 12.1 Colchester Hamlet Guideline Plan

The guideline plan for the Colchester Hamlet forms **Appendix “GP-1”** to this Plan. It is intended that it be read and interpreted within the context of this Official Plan. Where conflicts might arise in the policies or provisions of the guideline plan and the Plan, the more specific policies and provisions of the guideline plan take precedent.

## **Table of Contents**

|                                                                    |            |
|--------------------------------------------------------------------|------------|
| <b>Section 1 Colchester Hamlet Guideline Plan Background .....</b> | <b>150</b> |
| <b>1.1</b> <u>Introduction</u> .....                               | 150        |
| <b>1.2</b> <u>Community Consultation – General Overview</u> .....  | 152        |
| <br><b>Section 2 – Colchester Secondary Plan</b> .....             | <br>158    |
| <b>2.1</b> <u>Development Strategy</u> .....                       | 158        |
| <b>2.2</b> <u>Community Vision</u> .....                           | 158        |
| <b>2.3</b> <u>Planning Directions</u> .....                        | 158        |
| <br><b>Section 3 – Land Use Designation and Policies</b> .....     | <br>160    |
| <b>3.1</b> <u>General Policies</u> .....                           | 160        |
| <b>3.2</b> <u>Main Street Area</u> .....                           | 163        |
| <b>3.3</b> <u>Waterfront Area</u> .....                            | 166        |
| <b>3.4</b> <u>Hamlet Residential Area</u> .....                    | 167        |
| <b>3.5</b> <u>Recreationway</u> .....                              | 169        |
| <br><b>Section 4 – Tourism and Recreation</b> .....                | <br>173    |
| <b>4.1</b> <u>General Policies</u> .....                           | 173        |
| <b>4.2</b> <u>Accommodations</u> .....                             | 173        |
| <b>4.3</b> <u>Cultural Heritage</u> .....                          | 173        |
| <b>4.4</b> <u>Lakeshore Access</u> .....                           | 174        |
| <br><b>Section 5 – Infrastructure</b> .....                        | <br>175    |
| <b>5.1</b> <u>Policies</u> .....                                   | 175        |
| <br><b>Section 6 - Implementation</b> .....                        | <br>176    |
| <b>6.1</b> <u>Site Plan Control</u> .....                          | 176        |
| <b>6.2</b> <u>Community Improvement</u> .....                      | 177        |
| <b>6.3</b> <u>Community Design Guidelines</u> .....                | 177        |
| <b>6.4</b> <u>Bonusing</u> .....                                   | 177        |
| <br><b>Section 7 – Main Street Design Guidelines</b> .....         | <br>180    |
| <b>7.1</b> <u>Building Forms</u> .....                             | 180        |
| <b>7.2</b> <u>Building Heights</u> .....                           | 180        |

|                   |                                                                   |            |
|-------------------|-------------------------------------------------------------------|------------|
| <b><u>7.3</u></b> | <b><u>Building Orientation</u></b> .....                          | <b>181</b> |
| <b><u>7.4</u></b> | <b><u>Heritage Preservation</u></b> .....                         | <b>182</b> |
| <b><u>7.5</u></b> | <b><u>Signage</u></b> .....                                       | <b>182</b> |
| <b><u>7.6</u></b> | <b><u>Setbacks</u></b> .....                                      | <b>182</b> |
| <b><u>7.7</u></b> | <b><u>Landscaping</u></b> .....                                   | <b>182</b> |
| <b><u>7.8</u></b> | <b><u>Streetscape</u></b> .....                                   | <b>183</b> |
| <b><u>7.9</u></b> | <b><u>Parking and Access</u></b> .....                            | <b>183</b> |
|                   | <b><u>Section 8 – Waterfront Area Design Guidelines</u></b> ..... | <b>185</b> |
| <b><u>8.1</u></b> | <b><u>Parks</u></b> .....                                         | <b>188</b> |
| <b><u>8.2</u></b> | <b><u>Streetscape</u></b> .....                                   | <b>188</b> |
| <b><u>8.3</u></b> | <b><u>Landscaping</u></b> .....                                   | <b>188</b> |
| <b><u>8.4</u></b> | <b><u>Parking and Access</u></b> .....                            | <b>188</b> |
| <b><u>9.1</u></b> | <b><u>Section 9 – Public Realm Design Guidelines</u></b> .....    | <b>189</b> |
| <b><u>9.2</u></b> | <b><u>Gateways</u></b> .....                                      | <b>189</b> |
| <b><u>9.3</u></b> | <b><u>Views and Vistas</u></b> .....                              | <b>190</b> |

## Section 1 – Colchester Hamlet Guideline Plan Background

### 1.1 Introduction

The Colchester Hamlet and adjacent lakeshore areas encompass the Town's unique lakeshore-related settlements and surrounding agricultural community. The harbour of Colchester Hamlet is known for its sport fishing and picturesque Lake Erie waterfront and beachfront park. The lakeshore areas to the east and west of Colchester accommodate waterfront cottages, nestled along the shoreline within private enclaves, in addition to numerous permanent residences.

A burgeoning wine industry in close proximity of the lakeshore also adds to the unique character of the Town's waterfront. The meandering County Road 50, traverses the lakeshore, providing a pleasant and picturesque scenic drive along the waterfront.



This Guideline Plan establishes a cohesive vision and planning framework for Colchester Hamlet for balanced and sustainable future growth, recognizing the unique attributes of the lakeshore's natural features and surrounding agricultural community. The Community Design Guidelines and associated Demonstration Plans provide design guidance for the development of the Colchester main street and waterfront areas.

On-going community consultations, including a Public Open House and Design Charrette (July 25, 2007), provided input into identifying a community vision. This resulted in the preparation of the Options and Directions Report, which identified preliminary planning directions for the preparation of the Guideline Plan and Community Design Guidelines.

The Plan and the guidelines embodied herein have been prepared based on discussions with the Steering Committee and on community consultations at a Public Open House on December 11, 2007, to present, confirm and refine the planning directions and community design guidelines for

the Colchester Hamlet.

The south portion of the Town of Essex is been categorized into four distinct Precincts as determined by their unique land use and community characteristics. The Precincts include:

- 1) Colchester Hamlet Precinct;
- 2) Lakeshore Area West Precinct;
- 3) Lakeshore Area East Precinct; and the
- 4) Agricultural Area Precinct.

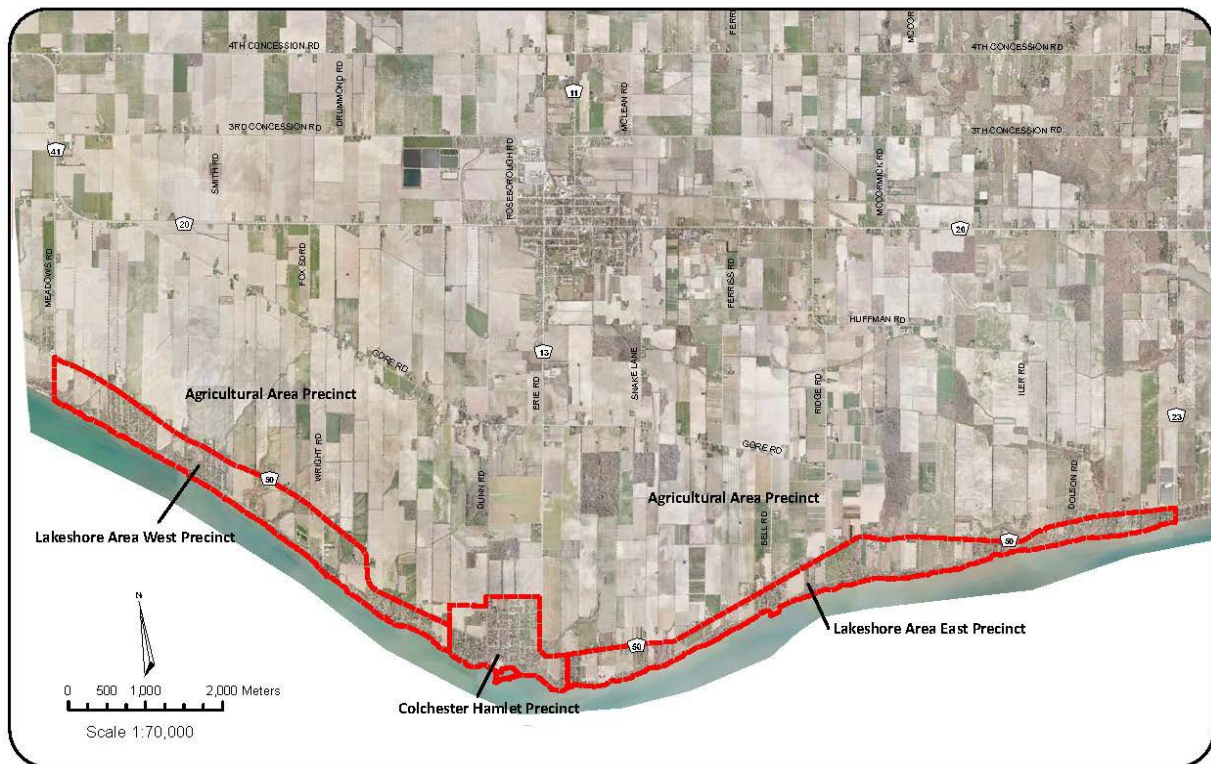
The northerly extent of the Agricultural Area has not been delineated but its southern limit includes lands, which front directly onto the north side of County Road 50, that have a direct relationship to the lakeshore and include supporting agricultural and agri-tourism related uses.

The Town's lakeshore in general represents both unique planning challenges, as well as some critical opportunities for the community. On one hand, the historic complex settlement patterns present a challenge to the development of a cohesive and well-defined structure for the lakeshore area.

On the other hand, the burgeoning wine industry, the economic interest in the area and the obvious tourism potential associated with the wineries and the waterfront presents a clear opportunity to build upon through progressive planning. Furthermore, the development interest within the community represents an investment opportunity which, when properly channelled, can be benefit local residents.

**This guideline plan focuses on the Colchester Hamlet, the principal component of the waterfront development area. Development policies for the Agricultural Area Precinct, the Lakeshore Area West and Lakeshore Area East Precincts are set out in the main Official Plan under subsections 5.4, "Lands Designated Agricultural", and 5.5, "Lands Designated Wetlands" and 5.9, "Lands Designated Lakeshore Residential" respectively.**

## Map 1 - Review Area



### 1.2 Community Consultation - General Overview

A Design Charrette and Public Open House were held on July 25, 2007 to obtain public input into identifying the key issues and recommended policy directions to guide the preparation of the Colchester Hamlet and adjacent lakeshore areas and Community Design Guidelines.

A Second Public Open House was held on December 11, 2007 to present an overview of the Guideline Plan and Community Design Guidelines for the Colchester Hamlet and lakeshore areas for review and comment.

The comments and input received from these community consultation meetings are summarized in this Section. The community consultation meetings included a:

- a) Design Charrette, July 25, 2007, 1:00 p.m. to 4:30 p.m. (Viewpointe Estate Winery);
- b) First Public Open House, July 25, 2007, 6:00 p.m. to 8:00 p.m. (Christ Church Colchester); and
- c) Second Public Open House, December 11, 2007, 4:30 p.m. to 7:30 p.m. (Harrow Community Centre).

The following summarizes the comments, key issues and recommended directions discussed at the community consultation meetings.

## **Design Charrette**

The purpose of the Design Charrette was to introduce the Study and present the preliminary work undertaken to-date, including the identification of issues and preliminary planning directions. The Design Charrette consisted of focused break-out groups for each of the four Precinct areas, to identify and confirm issues which should be addressed through the Study.

The following summarizes the major themes discussed within each of the break-out groups for the four Precinct areas, in addition to common issues within the Precincts.

### **Agricultural Area Precinct**

The Agricultural Area Precinct group focused its discussion on agriculture and agri/eco-tourism uses within the Precinct. The general consensus was to protect and enhance the area's diversity, and promote tourism so as to attract local and international visitors. The need for regional involvement in a tourism strategy was noted.

It was suggested that more north/south corridors serving bicyclists, hikers and horseback riding be created, particularly between Harrow and Colchester.

There was some discussion surrounding the northerly extent of the Secondary Plan area, including a suggestion that it extend to all the rural areas south of County Road 20. There may be opportunity to encompass a broader agricultural area, while recognizing the unique attributes of agricultural activities related to the lakeshore.

Policies should also address the accommodation of temporary special events, farmer's markets and similar activities that would promote and attract tourism in the Planning Area.

### **Lakeshore Area West Precinct**

There was discussion to limit the development of small lot subdivisions in favour of a limited amount of estate lot residential development, which was viewed as more compatible with the existing predominate cottage and rural character of the Precinct. Growth within the Planning Area should be directed to the Colchester Hamlet, which provides the community infrastructure and amenities required to support development.

### **Lakeshore Area East Precinct**

In the Lakeshore Area East Precinct, discussion focused on the need to limit or eliminate further residential lot development in order to maintain the unique agricultural and agri-tourism character of the area.

Opportunities to de-register existing vacant lots of record should be considered to ensure that the character of the area is preserved. It was discussed that while the land use designation for the Precinct in the new Draft Official Plan (Lakeshore Residential/Agriculture) differs from the strictly Agricultural designation on the north side of County Road 50, the development opportunity for mixed land uses should be consistent along both sides of the County Road 50 corridor.

The group believed that access to the water within the Precinct was limited and suggested that resources should be focused on improving Colchester Harbour and the existing beach area, while strengthening the alternative transportation use of County Road 50 and potential trail connections between Colchester and the Lakeshore Areas.

The preservation and recognition of the historical character of the area was suggested, including the historical buildings around Oxley.

### Colchester Hamlet Precinct

Colchester should be the focus of new development, accommodating a range of residential, institutional, community and commercial uses. The group identified the need for a discernable main street in the Hamlet, centered along Murdock Street (County Road 50) and Jackson Street. The main street should provide for a range of uses to accommodate residents and tourists needs, including accommodations, year-round uses, restaurants, convenience stores, grocery stores, shops and boutiques, and open space/park areas.

There were numerous recommendations related to the community design/main street, including buildings themes (English Tudor style), reuse of existing buildings, mixed use development, and the creation of a more pedestrian friendly environment which may include: improved lighting, street furniture, provision of sidewalks, landscaping, etc. The use of Site Plan Control and the implementation of Community Design Guidelines were seen as a means to achieve such improvements.

The Colchester Harbour and beach need improvements to create a more inviting and attractive space, including improvements to access, grading, parking, new restroom facilities, lighting and play areas. Additional uses should also be considered to create a year-round amenity, including an amphitheatre and splash pad/ice rink.

It is recognized that many of the suggested improvements will need to be vetted in the context of a realistic program of community design improvement and upgrades.

### Common Issues

There were also some common issues identified within the Precincts.

County Road 50 is the major east-west route through the Planning Area and was identified as in

need of investment and improvements to create a safer environment. Dedicated bike and pedestrian lanes/trails, traffic calming, reduced speed limits should be considered, while maintaining its rural and picturesque characteristics. Cooperation with the County would be required to address potential improvements to County Road 50.

There was discussion as to the appropriateness of wind farms in the Agricultural Area. The two basic arguments were

- (i) sustainable/renewable energy may form part of the branding for the area, versus
- (ii) wind farms could disturb the existing community character and agricultural operations. While wind farms could be part of the rural landscape, it may be desirable for the Planning Area to be a wind turbine free area, retaining a sort of unique quality. Although there was no consensus as to the appropriateness of wind farms in the Planning Area, it was noted that the County is currently undertaking a wind farm study.

Private roads were identified as a major issue affecting both the Lakeshore East and West Areas, due to their discontinuity, level of maintenance and poor accessibility for emergency response vehicles. It was suggested that Town acquisition of private roads and for trail/walkway linkages through the use of easements or other means be explored. The Town is currently undertaking a private road pilot study for two areas along the lakeshore to identify strategies to deal with private roads and address such issues as continuity, maintenance, cost sharing and privacy.

The lack of accommodations throughout the Planning Area was seen as a limiting factor in attracting more tourists to the area. It was suggested that more opportunities for roofed accommodations be considered, including a hotel in the Hamlet, in addition to bed and breakfast establishments and small inns throughout the Planning Area, provided they are respectful of the existing community character.

### **First Public Open House**

The purpose of the First Public Open House was to introduce the Study and present the preliminary work undertaken to-date, including the identification of issues and preliminary planning directions. It provided the opportunity to identify and confirm issues and the opportunity for residents and other members of the community to be involved in shaping the future of their lakeshore. The public was supportive of improvements to their community, while maintaining the unique community character of the Hamlet and Lakeshore Areas.

Some of the key issues that were addressed include:

- Improvements to the Colchester Harbour and beach, related to improved access, water quality, parking accommodation, traffic, recreational facilities/amenities, accessory commercial uses, new restroom facilities and harbour maintenance. Property standards

and civic beatification should be considered.

- Recent development interests in Colchester were discussed and opportunities for public input into the planning process and mechanisms to secure community benefits should be considered. The Guideline Plan would provide a mechanism to ensure a public review process for certain Site Plan applications.
- It was indicated that the Community Design Guidelines would provide a framework to assist the Town in reviewing Site Plan applications. While the Guideline Plan will direct private investment, there may be opportunity to also secure community benefits through bonusing, whereby requiring certain public benefits in exchange for increases in development permissions.
- Opportunities to create and enhance trail connections within the Planning Area and to Harrow were suggested, particularly along County Road 50 to address concerns related to public safety and to increase tourism. Other opportunities to improve connectivity through the Planning Area may include the use of shuttle bus services and associated parking areas.
- The promotion of tourism was seen as desirable and such actions could provide improved recreational, commercial and community use opportunities. It was suggested that Colchester should maintain and enhance its unique character. The Community Design Guidelines should promote a consistent theme/look to the commercial core area that distinguishes it from other waterfront communities.

The plan should provide for year-round activities to sustain commercial businesses and ensure their viability. Recreational opportunities for winter activities such as ice-fishing and skating should be considered.

### **Second Public Open House**

A Second Public Open House was held on December 11, 2007, to present an overview of the Draft Guideline Plan and Community Design Guidelines for the Colchester Hamlet and Lakeshore Areas, included in this Report.

The Public Open House provided an opportunity for the members of the community to review display boards summarizing the draft planning directions and community design guidelines including Demonstration Plans for the Colchester Hamlet and Waterfront Area and to discuss the study with members of the consulting team and Town staff.

The public was generally supportive of the proposed planning and community design directions and were pleased to see an overall plan and vision to guide future development in the Hamlet. The community was quite supportive of the delineation of a main street commercial and mixed use area to serve both resident and tourist needs.

Accommodating parking behind the buildings rather than in front was viewed very favourably as a means to create a more pedestrian, 'main street' environment along Murdock Street. It was recognized that this is a long-term vision for the main street and the Community Design Guidelines provided the framework to guide private investment and redevelopment.

Improvements to the Waterfront Area were well received, particularly the proposed amphitheatre which would provide a venue on the waterfront for community events and festivals. Additional park amenities were seen as a draw for residents and the community (lookout/pavilion, splash pad/ice rink, new playground). The accommodation of additional boat trailer parking was raised as a concern.

The promotion of wineries and similar agri-tourism and eco-tourism uses was seen as a means to encourage tourism and support local businesses and the agricultural community. The acquisition of private roads along the lakeshore would also improve services, safety and trail connections along the waterfront. Improvements to County Road 50 and the creation of a trail along the road were also desirable.

## Section 2 – Colchester Secondary Plan

### 2.1 Development Strategy

The Strategy identifies a cohesive vision for the Colchester Hamlet and provides planning directions for the development of the Colchester Hamlet Main Street and Waterfront Area.

### 2.2 Community Vision

The vision for the Colchester Hamlet is for the creation of a complete and sustainable waterfront community that accommodates residents' daily activities and promotes the surrounding lakeshore's unique agricultural, natural heritage, recreational, cultural and tourism features and activities. This will create a vibrant and liveable community that complements and reinforces the established community character.

### 2.3 Planning Directions

The following strategic directions will guide and direct future change within the Colchester Hamlet.

#### **Colchester Hamlet Precinct**

- a) Direct most growth and development to the Colchester Hamlet through appropriate infill and redevelopment;
- b) Preserve the unique character of Colchester and identify a discernable main street area to provide a focal point for commercial, retail, entertainment and tourism-related activities which also support the waterfront;
- c) Direct private investment by developing a cohesive vision for the main street area;
- d) Improve the public amenities within the Hamlet, particularly in the Colchester Harbour and beach area to promote tourism and recreation and use by local residents;
- e) Promote the protection, restoration and enhancement of natural features and functions through the creation of a linked Natural Heritage System along County Road 50;
- f) Promote support uses which will enhance the development of the wine industry;
- g) Restrict the development of large-scale wind energy conversion systems to preserve the unique character and cultural heritage landscape of the lakeshore;

- h) Promote public access to the lakeshore through the provision of parks, trails and waterfront access to add recreational opportunities.

### **Recreationway**

- a) Promote the creation of a scenic drive and multi-use recreational trail along County Road 50 through Colchester through the use of an off-road multi-use trail system and/or on-road bicycle lanes;
- b) Provide a linked network of amenities and lakeshore attractions and activities, as shown in Schedule "A" to this guideline plan;
- c) Work with the County to improve the safety and amenity of County Road 50 within Colchester and beyond its borders.

## Section 3 – Land Use Designation and Policies

Colchester Hamlet forms part of the Hamlet Designation of this Plan, under subsection 5.13, “Lands Designated Hamlet”. The provisions of this guideline plan take precedent over the general provisions of subsection 5.13, where questions of interpretation or policy application may arise.

Colchester Hamlet, with a population of roughly 1,400 persons, is the Town’s primary settlement area along the lakeshore. Colchester includes many desirable waterfront amenities including a public marina, public park, beach and associated commercial uses. The Hamlet has a distinct nautical and port related character derived from its original fishery and port function. Colchester now functions as a service centre for the surrounding lakeshore residential and agricultural areas.

The Colchester Hamlet is characterized by a linear grid pattern with clearly defined boundaries between the Hamlet and surrounding agricultural lands. County Road 50, Murdock Street, is the main road through the Hamlet. It forms a critical intersection with Jackson Street, which provides the primary connection to the waterfront and beach area.

Schedule “A”, to this guideline plan, sets out the proposed land use designations within Colchester Hamlet. They include: Main Street Area, Waterfront Area and Hamlet Residential Area.

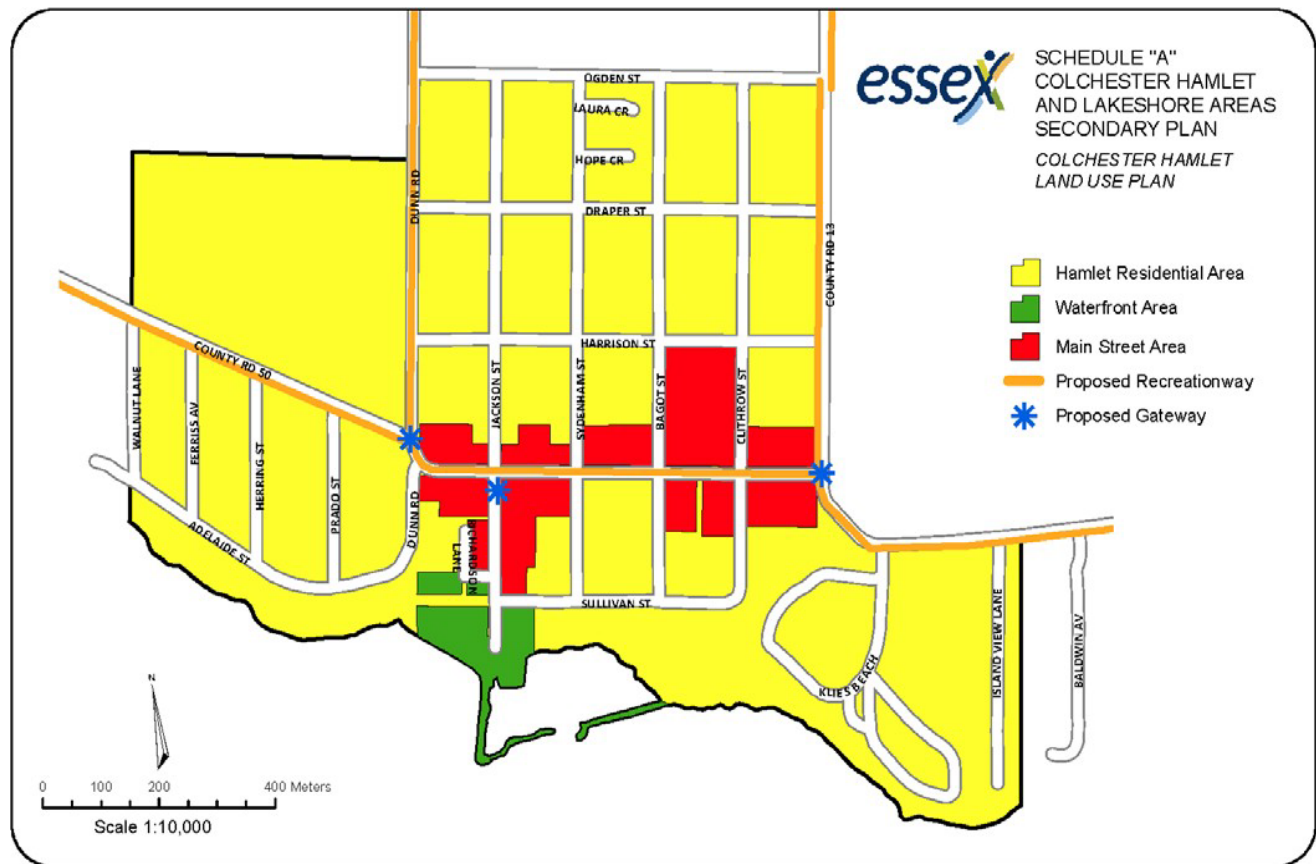
### 3.1 General Policies:

- a) Promote the development of the Colchester Hamlet Area and strengthen its identity as the principal community along the lakeshore, offering a broad range of community service and commercial facilities, housing and employment opportunities;
- b) Direct growth and development within the existing boundaries of the Colchester Hamlet through appropriate infill and the development of vacant and underutilized lands in a way that complements and reinforces the established community character;
- c) Promote more compact and higher density development to encourage more efficient use of existing services and infrastructure;
- d) Promote Colchester as primary recreational and tourist destination within the lakeshore area, providing a range of uses to support tourism development;
- e) Preserve and promote opportunities for visual connections, lookouts and water access to the lakeshore where north/south municipal right-of-ways meet the lakeshore. Such locations may accommodate public facilities, such as parks, picnic areas, rest areas with limited parking, and facilitate the creation of an extended linked waterfront trail within the Town;

- f) Identify key entrances and gateways into the Hamlet through improved landscaping, special features and signage to orient travelers to the lakeshore, main commercial areas and related amenities;
- g) Future applications to expand the existing designated Hamlet Area boundaries will only be considered through a comprehensive review of the Colchester Hamlet, where it has been demonstrated that:
  - i) sufficient opportunities for appropriate growth are not available through designated growth areas within the Town to accommodate projected needs over the planning horizon;
  - ii) the amount of land included within the expansion area is justified, based upon the amount of remaining vacant and designated lands within the Hamlet, with consideration of existing land use patterns and land availability, including lands in the adjacent Lakeshore Residential District;
  - iii) opportunities for intensification, infill and redevelopment have been accounted for in evaluating alternatives to a Hamlet Area expansion;
  - iv) the proposed expansion is a logical extension of the Hamlet Area and will be serviced by full municipal sanitary sewage and potable water services, and provide appropriate stormwater management to the satisfaction of the approval authority having jurisdiction;
  - v) the land is physically suitable for development, considering any constraints, such as natural heritage features and functions and hazards;
  - vi) the transportation network can reasonably accommodate the additional volume of traffic;
  - vii) suitable community and public facilities are available or can be provided to accommodate the expansion area;
  - viii) a suitable plan for phasing, financing and construction of the infrastructure for the expansion area is developed;
  - ix) the lands do not comprise or encroach upon specialty crop areas as defined by the Provincial Policy Statement;
  - x) where agricultural areas are included, the lands should consist of lower priority agricultural land or there are no reasonable alternatives to avoid prime agricultural lands;
  - xi) the proposed expansion will not negatively impact cultural heritage resources; and
  - xii) the proposed expansion satisfies the Province's Minimum Distance Separation Formulae and impacts from new or expanding settlement areas on agricultural areas are mitigated to the extent feasible.



## SCHEDULE "A" – COLCHESTER HAMLET LAND USE PLAN



### 3.2 Main Street Area

The Guideline Plan creates a discernable Main Street Area within Colchester, centered along Murdock and extending south along Jackson Street to strengthen connections to the Waterfront Area, which includes the harbour marina, park and beach area. The boundaries of the Main Street Area designation are shown on Schedule "A".

The Main Street Area is the central commercial core that will provide opportunities for commercial and entertainment uses, which cater to residents and tourists alike, and ancillary residential uses. The Main Street Area will provide a pedestrian-oriented environment, through improvements to the streetscape, including sidewalks, street furniture, bicycle parking, lighting and landscaping, and through the implementation of the Community Design Guidelines.



## **Policies**

### **Permitted**

#### **Uses:**

- a) retail, office, personal service activities, restaurants, clinics, entertainment and recreational commercial uses. Drive-through uses and facilities will not be permitted;
- b) civic, cultural and municipal recreational uses;
- c) a roofed farmer's market; a home occupation;
- d) roofed accommodation uses including motels, hotels, small inns in accordance with the policies of Section 4.1; bed and breakfast establishments within an existing dwelling;
- e) existing dwellings; apartment style dwelling units in a mixed use building.

The redevelopment of existing dwellings for new and/or more intensive residential uses may be permitted provided that Council is satisfied that the redevelopment does not hinder the future development of the planned commercial and tourism functions of the Main Street Area. In this regard, for development proposals for residential uses, preference will be given to dwelling units above the ground floor in a mixed use building to preserve the continuity of commercial activities at the pedestrian level.

- f) accessory buildings and structures.

#### **Provisions:**

- a) The development will reinforce and preserve, to the extent possible, a vibrant commercial presence at street level;
- b) The density, height and character of the development should be compatible with the adjacent uses;
- c) Apartment style residential uses may be located above the ground floor in a mixed use building provided that:
  - i) the building does not exceed a maximum height of 3 stories;
  - ii) adequate on-site recreational facilities or amenities, such as private open space or playground equipment, are available and
  - iii) the development is consistent with the applicable policies pertaining to the Main Street Area.

- d) The height and massing of the buildings at the edge of the Main Street Area will have regard to the height and massing of the buildings in adjacent residential area and may be subject to additional setbacks or buffering in order to provide an appropriate transition.
- e) Municipal services must be capable of accommodating the development;
- f) The road network must adequately accommodate the traffic generated from the development and the site will accommodate the anticipated parking needs, unless alternative or reduced parking provision is accepted by Council or the Committee of Adjustment;
- g) The development should be designed in such a manner to create and maintain safe and convenient pedestrian linkages, be barrier free for persons with disabilities and to encourage shared parking;
- h) The development will help to create a pedestrian oriented environment along Murdock and Jackson Streets which may include: reduced front yard setbacks to create a street edge; limiting the number of driveways to the extent possible and an improved streetscape, through the provision of street furniture, bicycle parking, wider sidewalks, lighting and landscaping;
- i) Council will promote the reuse of existing buildings, where feasible, and encourage a mix of uses;
- j) The Town will endeavour to provide and maintain on-street parking on both sides of Murdock and Jackson Streets where feasible and appropriate;
- k) The Town may request a minimum right-of-way width of 28 metres for County Road 50 (Murdock Street), within the Colchester Hamlet, subject to the policies of the County, and the Town may require a minimum right-of-way width of 28 metres for Jackson Street to accommodate on-street parking, future public transit opportunities, bicycle lanes and wider boulevards, by acquisition through the development approvals process, dedication, or other means;
- l) Buildings will be located close to the street and on-site vehicular parking areas will be accommodated at the rear of buildings, where feasible and appropriate, with suitable buffering from adjacent residential land uses. Access to parking areas will be encouraged from rear lanes, accessible from existing side streets;
- m) Provision for bicycle parking and storage is generally required in accordance with the provisions of the Zoning By-law;
- n) Parkland dedication or cash-in-lieu of parkland will support parkland improvements to the Waterfront Area in accordance with the provisions of the Planning Act;

- o) The amount of gross floor area for commercial units will be limited in the Zoning By-law at a scale consistent with the main street character and theme;
- p) The development will have consideration for the protection and enhancement of significant views and vistas of the lakeshore, which may include the use of lower profile building forms, smaller building footprints, building setbacks or other built form considerations;
- q) The development will incorporate architectural and design elements in keeping with the vision and design objectives for the Main Street Area.

### **3.3 Waterfront Area**

The Waterfront Area includes the Colchester Marina and Harbour Park and the related beach area, that together provide an exceptional opportunity to accommodate improved park, recreational and public amenities for residents and visitors to the lakeshore. The Colchester Marina and Harbour Park is located at the foot of Jackson Street and enhanced connectivity with the commercial activities associated with the Main Street Area is desirable.

#### **Policies**

##### **Permitted**

##### **Uses:**

- a) active and passive parks and open space uses including amphitheatres, picnic areas, conservation and recreational uses, restrooms, splash pad/ice rinks, play grounds, sport facilities, walkways, and trails;
- b) commercial and retail uses, including restaurants, snack bars, concession stands, commercial recreational uses and facilities, entertainment uses, and cultural facilities, all subject to a site- specific Zoning By-law Amendment. Drive-through uses and facilities will not be permitted;
- c) marina and marine related activities;
- d) special events facilities for festivals and open air markets.
- e) accessory buildings and structures.

##### **Provisions:**

- a) Maintain the harbour area and existing beach area as the primary public access to the waterfront;

- b) Promote improvements to the existing public amenities within the Waterfront Area while fostering improved trail and pedestrian connections to the rest of the Hamlet and Lakeshore Area Precincts;
- c) Promote improvements to the public marina docking area and harbour to improve access and safety;
- d) Building footprints, setbacks and building heights should be generally consistent with the existing or planned neighbourhood character;
- e) Promote the creation of a pedestrian-oriented environment, which may include: improved lighting, street furniture, bicycle parking, provision of wider sidewalks, landscaping and trail or pathway connections;
- f) Provide for barrier free, safe pedestrian accessibility and for motorized and non-motorized vehicular movements;
- g) Provide for bicycle parking and storage, as mandated by the Zoning By-law;
- h) Protect and enhance significant views and vistas of the lake, which may include the use of lower profile building forms, smaller building footprints or other built form considerations;
- i) Incorporate architectural and design theme elements that maintain the nautical character of the waterfront and the general theme within the Hamlet;
- j) Examine opportunities to provide additional public parking to accommodate resident and tourist parking within and in proximity to the Waterfront Area;
- k) Examine opportunities to improve the water quality of the harbour and beachfront area through best management practices in stormwater management;

### **3.4 Hamlet Residential Area**

Colchester Hamlet provides the primary concentration of residential dwellings along the lakefront. Generally all residential development within the Planning Area consists of low density, single detached dwellings; however, there are a few multi-unit dwellings. This Guideline Plan supports appropriate infill and the development of vacant lots within the Hamlet Residential Area in keeping with the character of the surrounding area.

#### **Permitted Uses:**

- a) single-detached, semi-detached, and duplex dwellings;
- b) medium density housing, such as townhome dwellings and walk-up apartments, subject to

a site-specific Zoning By-law Amendment;

- c) parks and open space uses, conservation uses, and existing cemeteries;
- d) schools, places of worship, institutional uses, public utilities and community serving uses, subject to a site-specific Zoning By-law Amendment;
- e) lawfully existing uses in accordance with the policies of the Official Plan.
- f) an accessory dwelling unit in an existing single detached dwelling; in a semi-detached or townhome dwelling, by a site-specific Zoning By-law amendment.

When considering a Zoning By-law amendment, Council will have regard to the following:

- i) the extent of the external changes and whether they will preserve, as far as possible, the character of the dwelling;
  - ii) the adequacy of off-street parking;
- g) one garden suite, defined as an ancillary dwelling for the accommodation of a person or persons for a fixed time period, by a site-specific Zoning By-law amendment provided that:
  - i) it is designed to be portable or is easily convertible to a non-residential use accessory to the main use of the property
  - ii) there is no accessory apartment existing on the lot;
  - iii) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use is adopted by Council;
- h) a group home dwelling, defined as residential accommodation for 6 to 12 persons who require on-site supervision, by a site-specific Zoning By-law amendment. In such instances, Council will have regard to the following:
  - i) the compatibility of the proposed use in its physical scale and form with the surrounding residential uses;
  - ii) the physical separation of the proposed group home from like uses so as not to create an undue concentration of group homes in the area;

Notwithstanding any other provision of this Plan or a specific land use designation, residential accommodation for up to 5 persons who require on-site assistance for day to day living is deemed to be a dwelling unit.

- i) long-term residential care facilities, by site-specific Zoning By-law amendment;
- j) a home occupation;
- k) bed and breakfast establishments, by a site-specific Zoning By-law Amendment;
- l) accessory buildings or structures.

**Provisions:**

- a) Support infill and development of vacant lots within the Hamlet Residential Area that maintain the established character of the surrounding area;
- b) Medium density housing, such as townhouses will be considered adjacent to the Main Street Area to provide a transition between the Main Street Area and lower density housing;
- c) Promote a range of lot sizes, frontages and architectural styles that accommodate a variety of housing types and is generally consistent or compatible with the existing character;
- d) Building footprints, setbacks, building heights should generally be consistent with the existing neighbourhood character;
- e) Building additions and secondary uses will complement the existing structure;
- f) Mobile homes will not be permitted;
- g) Undeveloped or under developed lands that are designated Hamlet Residential Area may be placed in a holding zone in the Zoning By-law. The holding symbol will be removed when appropriate sewage treatment, municipal water, stormwater management and any other necessary arrangements are made to the satisfaction of the Municipality and a plan of subdivision is approved, where required.

### **3.5 Recreationway**

The Town supports the creation of a Recreationway, as identified in the Town's Trail, Walkways & Bikeways Plan. This Secondary Plan provides guidance for the creation of a scenic drive and combined on-road and off-road multi-use trail system to encourage tourism, recreation and connectivity. The Recreationway will provide a network that links tourist, recreation, agriculture and natural environment destinations. The combined recreational trail will accommodate a variety of non- motorized uses, including cycling, walking, roller-blading, and running.

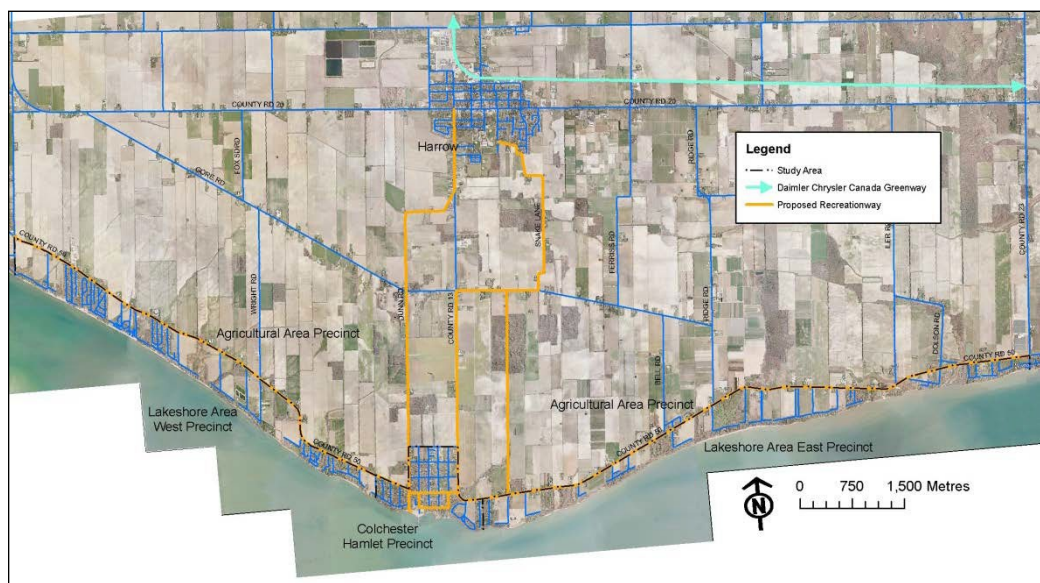
The Recreationway is identified in Schedule "B" to this Guideline Plan and generally coincides with

the Wine Route along County Road 50. Within the Hamlet of Colchester the Recreationway travels along County Road 50 (Murdock Street), south along Clithrow Street and follows Sullivan Street along the lakeshore to connect to the Waterfront Area. It then travels north along Jackson Street to reconnect with County Road 50.

The Recreationway also passes through the ravine lands at the foot of Dunn road and north along Dunn Road and Snake Road to connect the Waterfront Area to the Town of Harrow and provide access to the Daimler-Chrysler Canada Greenway. Furthermore, the Recreationway may continue along County Road 50 (Murdock Street) through Colchester to provide a continuous route.

Nothing in this Secondary Plan shall be construed as compelling the Town to purchase any private land as a means to achieve these policies.

### SCHEDULE "B" - RECREATIONWAY SYSTEM



**Policies:**

- a) The Recreationway will supplement a County-wide scenic drive and provide combined on-road and off-road multi-use trails to encourage tourism, recreation and connectivity along the lakeshore. The Recreationway will provide a network that links tourist, recreation, agriculture and natural heritage destinations. The combined scenic drive/recreational trail will accommodate a variety of motorized and non-motorized activities, including cycling, walking, roller-blading and running;
- b) The Town will work with the County of Essex to monitor traffic volume on County Road 50 and help to address issues related to vehicular, pedestrian and cyclist safety and identify future opportunities for the development of on-road or off-road multi-use trail facilities, particularly when considering the resurfacing or upgrading of County Road 50;
- c) To ensure adequate traffic movement and safety, the number and locations of access points along the Recreationway should be limited, where other options are feasible;
- d) The Town supports the continuity of the Recreationway as a slow-travel scenic route and will look with the County at opportunities to decrease speed limits where appropriate to address safety concerns related to visibility, road alignment and levels of use;
- e) The Town will promote the development of recreational, commercial and tourism related uses along the Recreationway by providing a range of appropriate development opportunities in accordance with the policies of this Plan;
- f) The Town will work to bring accessible land along the Recreationway into public ownership for the use and enjoyment of Town residents and visitors. Acquisition of land for the development of the Recreationway shall be achieved through a number of means including, but not limited to:
  - i) acquisition through the development approvals process and placing conditions on development approval;
  - ii) dedication, land exchange, long term lease;
  - iii) assistance from other levels of government, agencies and charitable foundations;
  - iv) the bonusing provisions of the Planning Act;
  - v) easement agreements;
  - vi) land trusts.
- g) The Town will promote opportunities to create trail connections to Harrow and the Daimler-Chrysler Canada Greenway, which may include exploring opportunities for the use of utility

corridors, rights-of-way or private lands;

- h) Dedicated bike and pedestrian trails, traffic calming measures and reduced speed limits should be considered to maintain the rural and picturesque characteristics of the area;
- i) The Town will examine opportunities to improve connectivity along the lakeshore, which may include the provision of shuttle bus services, passenger facilities and associated parking areas along Murdock Street/CR50 to support tourism development;
- j) The Town will assist with the creation of the Recreationway through its review of development applications with respect to building orientation and setback, parking location, access and egress, outside storage, landscaping, fencing, and signage;
- k) Signage along the Recreationway should orient travelers to the area's attractions and promote the Town's economic development objectives;
- l) The Town will encourage the protection of views and vistas along the Recreationway through their review of development applications, particularly along the south side of the Corridor where views of the lakeshore are prominent. In this regard, development applications will be reviewed and evaluated based on minimizing their potential impact on views, particularly with respect to building profile, height, massing, materials and colour;
- m) The Town will support neighbouring municipalities and/or the County in their efforts to provide a Recreationway or similar multi-use trail network along the lakeshore, beyond the Town's jurisdiction;
- n) The Town supports the preparation of a County-wide Recreationway Master Plan to implement the Recreationway including the identification and detailed design of route alignments and Recreationway design guidelines.

## Section 4 – Tourism and Recreation

The Guideline Plan provides a planning framework for the promotion of tourism and recreational opportunities within Colchester, while balancing the need to protect the lakeshore's resources, natural heritage features and the natural environment within the Hamlet and beyond its borders.

### 4.1 General Policies

- a) Promote year-round tourism-related activities to create a sustainable tourism industry and support commercial businesses which cater to tourism activities. Recreational opportunities for skiing, ice-fishing, and skating, among others, should be considered;
- b) Encourage the provision, maintenance and improvement of roofed accommodations in appropriate locations in the Hamlet in accordance with the policies of this Secondary Plan;
- c) Encourage involvement in the preparation of a County-wide or regional tourism strategy to promote the Town's tourism and economic development objectives along the lakeshore.

### 4.2 Accommodations

The Town supports the provision of overnight accommodations to promote the Town's tourism and economic development objectives. Accommodations may include bed and breakfast establishments, small inns, hotels and motels.

Large-scale roofed accommodations, including hotels and motels, or similar accommodations, will be directed to the Main Street Area, within Colchester Hamlet, where the services, facilities and infrastructure exist to accommodate this use.

Bed and breakfast establishments will be permitted and encouraged within an existing residence in all designations at appropriate locations, but may be subject to a site-specific Zoning By-law Amendment.

The Town may utilize the community improvement policies of this Secondary Plan to encourage the provision and maintenance of roofed accommodations.

### 4.3 Cultural Heritage

The Town recognizes the importance of preserving its heritage and archaeological resources for the benefit of the community. The Town will support the creation of an inventory of all built heritage resources and cultural heritage landscapes including scenic roads and vistas within the Planning Area for the purposes of preparing a database or heritage inventory and pursuing designations as described under the Ontario Heritage Act.

#### 4.4 Lakeshore Access

The Town supports the provision of public access to the lakeshore, through the creation of parks, trails and beach areas to promote recreational opportunities associated with it.

The Town will endeavour to preserve and maintain Town owned land, public rights-of-way and unopened road allowances where they abut the lakeshore to protect important views and accommodate opportunities for lakeshore access where appropriate. It is recognized that such locations may accommodate public uses and facilities such as parks and parkettes, picnic areas, rest areas and limited parking.



The Town may close, retain and designate as park any road allowances to provide access to or views of the Lake Erie shoreline;

The Town will ensure that public access to the shoreline is maintained and enhanced. Options for the acquisition and protection of public access to the water include:

- a) land dedication;
- b) assistance from other levels of government, agencies and charitable foundations;
- c) the bonusing provisions of the Planning Act;
- d) land exchange;
- e) long-term lease or easement agreements;
- f) land trusts, and
- g) placing conditions on development approval.

Notwithstanding the preceding, the protection of public access to the water does not obligate the Town to acquire or purchase the land.

## Section 5 – Infrastructure

The Town supports the provision of full municipal services within the Hamlet to promote sustainability and the provision of safe drinking water, appropriate sewage treatment and stormwater management.

### 5.1 Policies

- a) Promote sanitary improvements to address water quality issues associated with effluent discharges to Lake Erie;
- b) Promote appropriate stormwater management controls to improve the water quality of Lake Erie;
- c) The Town will implement the recommendations of the Lake Erie Shoreline Study, where appropriate, to address matters of water quality and erosion along the Lake Erie shoreline.

## Section 6 – Implementation

The Community Design Guidelines (CDG) and associated Demonstration Plans for the Colchester Hamlet Main Street Area and Waterfront Area both describe and conceptually illustrate the vision for the development of the main street and harbour/park area. They will provide a basis to guide future change and development. The CDG provide guidance with respect to the overall look and feel of the Main Street Area and Waterfront Area.

The CDG ensure the maintenance and enhancement of the existing community character and direct new development in a complementary and supportive manner. The CDG promotes the creation of an attractive community through high quality built forms, barrier free pedestrian-oriented environments and improvements to the public and private realm.

All development applications will be reviewed and evaluated by the Town to ensure they are consistent with the Guideline Plan and specific CDG provisions. Proponents of development are encouraged to follow these guidelines in the design of their proposals. It is recognized that the CDG are only intended to provide a guideline to achieve generally consistent and complementary design objectives.

However, the Town maintains the flexibility to review applications on their own merits and circumstances to accommodate designs and variations that contribute to the diversity and uniqueness of the Hamlet, while being consistent with the Towns overall goals and objectives and the Hamlet's community character.

The guidelines are particularly important as they relate to the Main Street Area, where they will guide new development in conjunction with the existing built forms and functions to create a cohesive community fabric and shared sense of place.

### **6.1 Site Plan Control**

To encourage public input into the planning process, it is recommended that site plan applications for significant new developments within the Main Street Area and Waterfront Area be considered for a Public Open House to inform the community of the proposal, since the scale and nature of such proposals will have a broader and more significant impact on the community character.

The policies of this Guideline Plan and the specific Community Design Guidelines will provide a framework to assist the Town in reviewing site plan applications within the Planning Area.

## 6.2 Community Improvement

The Town's Official Plan identifies the Colchester Hamlet as a Community Improvement Area. The Official Plan provides guidance with respect to the preparation of a Community Improvement Plan, which may identify and prioritize a range of physical, social, recreation, and infrastructure improvements necessary to implement the policies of the Secondary Plan and to assist in prioritizing and allocating monies to fund planned improvements.

A Community Improvement Plan may be prepared for the Colchester Hamlet to achieve the following:

- a) identify and prioritize public investment and upgrades to municipal infrastructure, transportation networks and community services facilities, particularly parks;
- b) provide streetscape and barrier free accessibility improvements along Murdock and Jackson Streets;
- c) parkland and recreational improvements to the Colchester Park and elsewhere;
- d) energy efficiency and green building initiatives;
- e) strategies for public parking provision and related land acquisition;
- f) provision and maintenance of roofed accommodations, and
- g) tourism and economic development initiatives.

## 6.3 Community Design Guidelines

The Community Design Guidelines will provide a framework to assist the Town in reviewing Site Plan applications within the Main Street Area and Waterfront Area.

## 6.4 Bonusing

While the Secondary Plan will direct private investment, there may be opportunities to also secure community benefits through bonusing, in exchange for increases in height and density.



## Section 7 – Main Street Design Guidelines

The Main Street Area is the central commercial core. It will provide opportunities for commercial, entertainment, retail and mixed residential uses, including specialty shops and boutiques, grocery and convenience stores, restaurants and pubs, which cater to residents and tourists alike.

The Main Street Area will provide a non-motorized environment through improvements to the streetscape, including bicycle lanes, wide sidewalks, street furniture, lighting and public spaces, with architectural treatments and styles consistent with an English Tudor theme. The Hamlet of Colchester is identifiable with Colchester, England, which provides inspiration for the evolving character of the community, with respect to architectural style, built form and urban design.

The Demonstration Plan promotes the creation of a pedestrian oriented streetscape with reduced building setbacks to create an attractive street edge. On-street parking is accommodated on both sides of the street, in addition to bicycle lanes, while providing a more pleasant and attractive streetscape with wide sidewalks and pedestrian amenities. Rear lanes accommodate the majority of parking on-site, behind the buildings and screened from public view.

Pedestrian laneways between buildings are encouraged to connect parking areas to the main street and provide easily accessible mid-block crossings. The Demonstration Plan contemplates the use of roundabouts at Dunn Road and Murdock to provide traffic calming and serve as a gateway to the Hamlet and Main Street Area.



## Schedule "C" – Main Street Area Demonstration Plan





The following subsections set out the design guidelines for development within the Main Street Area.

## **7.1 Building Forms**

- a) Complement adjacent development in terms of scale, massing, heights and cohesive and complimentary architectural styles;
- b) Architectural styles within the main street area should reflect old English Tudor themes, in keeping with the historical character of the Hamlet;
- c) Main building entrances should be readily identifiable;
- d) Awnings, patios, porches and similar structures are encouraged in order to provide pedestrian comfort and accommodation as an extension of the public realm;
- e) Buildings should have distinctive, low profile roofs with features such as gables and dormers and use materials characteristic of the area, including clapboard siding, stone and old brick, wood and wooden windows;
- f) Ground floor commercial retail building facades should provide large storefront window displays;
- g) Buildings situated at prominent view termini should provide enhanced architectural and aesthetic details.

## **7.2 Building Heights**

- a) Should not exceed a maximum height of 2-3 stories;
- b) Ground floor commercial storeys should have a minimum height of 4.0 metres.



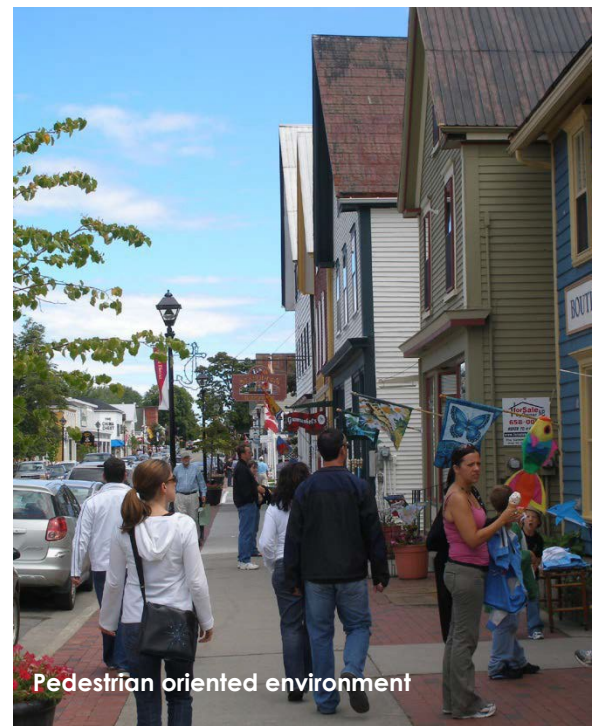
Building heights of 2-3 storeys with



Limit building setbacks to enhance streetscape



Piazas , courtyards, enhanced public spaces



Pedestrian oriented environment

### 7.3 Building Orientation

New development should generally be oriented to public streets to clearly identify the public realm, create a continuous streetscape and create attractive barrier free pedestrian oriented environments. Principal entrances should face the street.

Proponents of new development should consider the width and scale of traditional English buildings to satisfy the design theme for the Hamlet. Where buildings are situated on a corner lot, a corner entrance should be provided.

## **7.4 Heritage Preservation**

New infill buildings should respect the scale and form of significant existing buildings.

## **7.5 Signage**

A coordinated signage policy should be developed to complement and enhance the intended heritage character of the area and ensure that signage forms a modest component of the storefront. Freestanding pole signs and portable signage, except for small sandwich board signs, will not be permitted without prior authorization by Council.

Wooden signage may be preferred and should be located above the storefront or hung perpendicular to the structure.

## **7.6 Setbacks**

Building setbacks should be 1.0 metre or more from the street right of way, on Murdock Street, to enhance the streetscape and provide a widened continuous pedestrian environment and street presence. Building main entrances may be recessed.

Landscaped building setbacks of 6.0 metres should be provided on Jackson Street to create a prominent gateway to the Waterfront Area to provide an enhanced public space and facilitate views and vistas to the lakeshore.

## **7.7 Landscaping**

Front yards or street frontages should be landscaped with emphasis on decorative paving stone or brick walkways, low foundation plantings, ornamental planting.

Provide tree planting and the use of native plant and tree species is preferred public landscaping along Murdock and Jackson Streets at regular intervals.

The interface between residential and commercial properties should provide a buffer consisting of a wood screen fencing augmented by other landscaping elements.

## **7.8 Streetscape**

Foster a pedestrian oriented environment, through improvements to the streetscape, including wider sidewalks and boulevards (generally 3.0 metres or greater in total width), decorative street furniture, bicycle racks, lighting and landscaped public space.

Areas beyond the right-of-way to the building façade are considered an extension of the public realm and should be maintained appropriately.

Building facades should form a 'street wall' with entrances and shop windows accessible from the public sidewalk.

Provide on-street parking and bicycle lanes on both sides of Murdock Street and Jackson Street within the Main Street Area; additional right-of-way width along may be required to accommodate on-street parking, bicycle lanes and wider boulevards.

Piazas, courtyards and parkettes should be promoted within the Main Street Area to enhance public/private spaces.

Provide and maintain street furniture and public utilities in an aesthetically pleasing manner.

Locate public and private utilities underground, where possible, including burying existing overhead wires.

## **7.9 Parking and Access**

Accommodate the majority of vehicular parking on-site at the rear of buildings to minimize potential conflicts with cyclists and pedestrians and promote a pedestrian oriented main street. Parking areas will be appropriately screened from the view of adjacent residents.

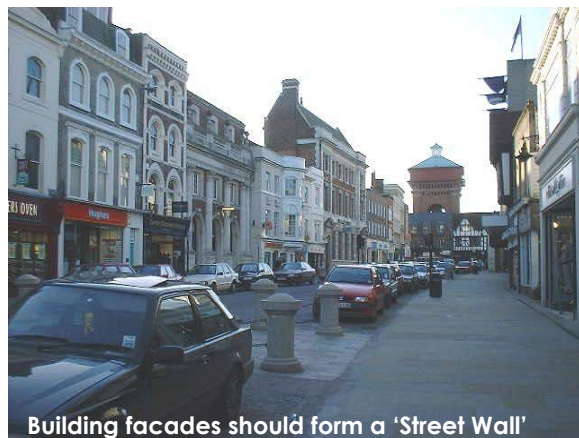
Front yard parking will be restricted or prohibited.

Pedestrian laneways should provide access from rear parking lots to the main street to provide improved pedestrian connectivity.

Where feasible, consolidate and limit the number of driveways and maintain minimum driveway widths to provide safer pedestrian environment and sidewalk continuity.

Driveways and accesses should align on both sides of the street to provide safe ingress and egress.

Loading areas and servicing areas should be accommodated at the rear of buildings and will not be permitted in a front yard or in a side yard where it abuts a street.



## Section 8 – Waterfront Area Design Guide

The Waterfront Area should be improved to better accommodate the Town's recreational and public waterfront amenities to attract both residents and tourists to the lakeshore. Connectivity between the Main Street Area and the Waterfront Area will be enhanced through the extension of the Main Street Area streetscape and public realm along Jackson Street towards the lakeshore. The Waterfront Area should provide a pedestrian oriented environment and additional public amenities to create a significant community and tourist destination.

The Waterfront Area Demonstration Plan proposes a number of improved and new waterfront recreational amenities including: an amphitheatre, lookout/picnic pavilion, playground to meet CSA standards, splash pad/ice rink, play courts, beach volleyball area, public restrooms, information centre and improved open space and picnic areas.

The amphitheatre will provide a venue for outdoor concerts and theatre, which may be used by the Town or local community for special events programming. The stairs and ramps leading to the amphitheatre provide seating areas on a modestly re-graded slope.

The parking area has been reconfigured and expanded to accommodate additional parking on the periphery of the park. The existing trail connection from Dunn Road through the ravine, to the waterfront should be improved to create a safe walkway and enhance accessibility to the lakeshore.



## SCHEDULE "D" - WATERFRONT AREA DEMONSTRATION PLAN



**SCHEDULE "E" - WATERFRONT AREA PERSPECTIVE (LOOKING NORTHEAST)**



The following subsections set out the design guidelines applicable to development within the Waterfront Area.

## **8.1 Parks**

Provide improved and new waterfront recreational amenities including: an amphitheatre, lookout/picnic pavilion, playground area, splash pad/ice rink, play courts, beach volleyball area, better public restrooms, information centre and improved open space and picnic areas;

Provide gathering places for special open air events;

Promote access and connectivity along the lakeshore, particularly by improving the access from Dunn Road through the ravine lands to the beach area;

Provide high quality and well-designed barrier free public spaces through the use of wooden fencing, small scale signage, low profile landscaping, improved lighting, paved walkways, seating areas and recreational structures;

Provide enhanced entrances from the street to identify the park.

## **8.2 Streetscape**

Foster the creation of a pedestrian oriented environment through improvements to the streetscape, including wider sidewalks and boulevards, decorative street furniture and lighting.

## **8.3 Landscaping**

Provide tree plantings and landscaping along Murdock Street at regular intervals;

The interface between the public right of way and private land uses should form a buffer consisting of a low wood screen fencing augmented by other landscaping elements.

## **8.4 Parking and Access**

- a) Parking area design will minimize the potential conflicts with pedestrians and park/beach users. Parking areas should be located at the periphery of the park with clearly identified pedestrian walkways;
- b) Front yard parking along Murdock Street will be restricted or prohibited.

## Section 9 – Public Realm Design Guidelines

Public realm, streetscape, views and gateway improvements should foster the creation of a more attractive, liveable and pedestrian oriented community. Improvements should be designed to reinforce the character of the lakeshore and Colchester Hamlet in general.

In addition to the public realm related design guidelines identified above, the following provides additional design guidance with respect to gateways and views and vistas.

### 9.1 Gateways

- a) Provide identity focal points, which may be achieved through appropriate plantings, signage and lighting;
- b) A coordinated signage policy should be developed to complement and enhance the heritage character of the area;
- c) Built forms that form a component of the gateway should be consistent with the general theme of the community, based on the general character of Colchester England;
- d) Gateway features at either end of Murdock Street should be provided to mark an entry to Colchester and the Main Street Area;
- e) A gateway feature should be provided on Jackson Street at or near its intersection with Murdock Street to mark the entry into the Waterfront Area. Buildings should be setback a minimum of 6.0 metres to create an enhanced public space including wider sidewalks and related pedestrian amenities.



## 9.2 Views and Vistas

Views and vistas should be identified and protected in locations suitable for the establishment of a more formal venue from which to capture significant views and panoramas of the lake;

Views and vistas should be preserved, protected and enhanced through the development approvals process, and by limiting development within certain areas;

Such view and vista locations should be publically accessible and integrated with the Recreationway;

The Town should maintain Town owned land, public rights-of-way and unopened road allowances where they abut the lakeshore to protect important views and accommodate potential opportunities for lakeshore access, where appropriate.

