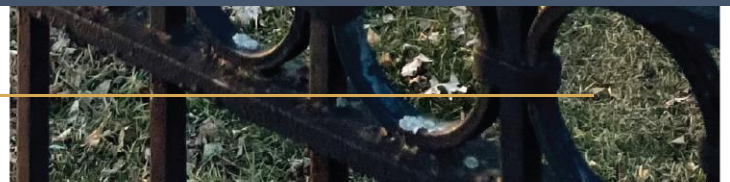




Town of Amherstburg **Official Plan**

VOLUME 1 Draft

November 2025



Acknowledgement of Indigenous Communities

The Town of Amherstburg is situated on the traditional territories of the Three Fires Confederacy (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Wendat (also known as HuronWendat) and Wyandot Peoples. We further acknowledge that this land is covered by Treaty 35 which was signed on August 13, 1833 by representatives of the Crown and the Wendat.

We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

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Acronyms / Abbreviations

AAA	All ages and abilities
ANSI	Areas of natural and scientific interest
AODA	<i>Accessibility of Ontarians with Disabilities Act</i>
ARU	Additional Residential Units
CIPs	Community Improvement Plans
CLI	Canada Land Inventory
CPTED	Crime Prevention Through Environmental Design
CWATS	County Wide Active Transportation System
EA	Environmental Assessment
EBA	Event-Based Area
ERCA	Essex Region Conservation Authority
ERNHSS	Essex Region Natural Heritage System Strategy
ESA	<i>Endangered Species Act</i>
EV	Electrical vehicle
IPZ	Intake Protection Zones
Km	kilometre
LEED	Leadership in Energy and Environmental Design
LID	Low Impact Development
LSAR	Local Settlement Area Review
m	metre
m ²	square metres
MDS	Minimum Distance Separation
MNR	Ministry of Natural Resources and Forestry
MUPs	Multi-use Paths
OGSRA	<i>Oil, Gas and Salt Resources Act</i>

OP	Official Plan
OWES	Ontario Wetland Evaluation System
%	Percentage
PDF	Portable Document Format
PJR	Planning Justification Report
PPS	Provincial Planning Statement
REA	Renewable Energy Approval
REP	Regional Energy Plan
SGRA	Significant Groundwater Recharge Area
SPP	Source Protection Plan
STR	Short-Term Rentals
TIA	Transportation Impact Assessment
TMP	Transportation Master Plan
UNESCO	United Nations Educational, Scientific and Cultural Organization
WEHCU	Windsor-Essex County Health Unit



1 Introduction



1.1 Context for the Plan

In accordance with the *Planning Act*, municipalities are required to review their Official Plans every five years to determine whether updates are required to the Official Plan to address prescribed matters and any directions set out in the *Planning Act* and the Provincial Planning Statement (PPS). Municipalities are also required to review their Official Plans following the approval of an upper-tier official plan within one year of their approval to ensure that the local Official Plan conforms to that of the upper-tier.

The previous, Town of Amherstburg Official Plan (OP) was adopted by the Town and approved by the County of Essex in 2009. Since then, revisions to the *Planning Act*, PPS (2024) and County Official Plan (2024) required the Town to update the OP to align with Ontario's current legislative and policy framework. Accordingly, Amherstburg has developed a New Official Plan to direct growth and development, infill/intensification, and redevelopment in the Town for the next 30 years. This OP is an expression of Council's vision for the long-term management of growth of the Town. It provides policies regarding the protection of Amherstburg's cultural, agricultural, and recreational resources, while providing requirements for environmental protection and guidance for addressing climate change.

1.2 Basis for the Plan

In 2023, the Town of Amherstburg initiated the process of developing a New Official Plan to direct growth and development in the Town for the next 30 years through 2051. The basis for this new Official Plan includes the PPS 2024, the County Official Plan (2024) and a number of background reports that were prepared during the Official Plan Review process. These include the Policy Directions Report (2024), Land Needs Assessment (2024), Urban Structure Plan (2024), Transportation Master Plan (2024), Parks Master Plan (2025) and the Heritage Conservation District Plan (2025).

The Plan is intended to provide planning guidance for the 30-year planning period.

For additional detail on the basis for the Official Plan, refer to Part 2 – Official Plan Objectives.

This Plan was adopted by the Town of Amherstburg on [Insert Date] and approved by the County of Essex on [Insert Date].

1.3 Effect of the Plan

After this Official Plan is approved by Council and adopted pursuant to the *Planning Act*, no work shall be undertaken and, except for as provided under the *Planning Act*, no By-law shall be passed for any purpose that does not conform to the Plan.

The Official Plan shall be used as a primary tool for guiding and supporting Council and municipal staff decision making on matters pertaining to:

- a) Planning for growth that enhances the Town;
- b) Managing growth to ensure the Town's key assets are protected;
- c) Proposals for amendments to the Official Plan;
- d) Proposals for amendments to the Zoning By-law;
- e) Applications for Plans of Subdivision and Consents;
- f) Applications for Site Plans;
- g) Planning for capital works i.e. roads, infrastructure services, parks and recreation, community facilities, etc.;
- h) Municipal finance planning;
- i) Municipal land acquisition.

The Official Plan will also help inform the public, private sector investors and businesses and other governments and agencies about the Town's long term plan for Amherstburg.

The Official Plan will establish the principle of land use, permitted land uses and policy directions for using certain lands. The implementing Zoning By-law will set out the detailed list of permitted uses, minimum frontage; minimum lot area; front, rear and side yard setbacks for buildings; height; and other development standards to regulate development on those lands.

1.4 How to Read the Plan

1.4.1 Official Plan Contents

The Official Plan includes the text within the Plan, along with the Schedules and Glossary. Material changes to the text and schedules of this document require an Official Plan Amendment. Minor housekeeping changes, including any formatting, typographical errors and numbering changes do not require an Official Plan Amendment. Minor adjustments such as corrections to boundaries on the maps within this Official Plan do not require an Amendment.

Where text is *italicized* in this Plan, it refers to a Provincial or Federal statute. Text that is **bolded** refers to an element of the Town structure established in Chapter 3, or a land use designation established in Chapter 8.

1.4.2 Organization of the Plan

Volume 1: Primary Plan

Volume 1 establishes the Town's comprehensive vision and policy framework for managing growth and development. It outlines strategies for land use, housing, economic development, and the protection of natural, agricultural, and cultural resources. This volume consists of thirteen (13) chapters that detail the policies, infrastructure planning, and implementation framework required to build healthy, safe, and complete communities.

Chapter 1 – Introduction includes the rationale for the update to the Official Plan and details on the effect, organization and interpretation of the content included.

Chapter 2 – A Vision for the Town establishes the direction for the policies in the corresponding sections in the body of the Official Plan.

Chapter 3 – Growth and Town Structure provides the forecasted population and employment growth and where it will be accommodated throughout the Town.

Chapter 4 – Building Homes and Strong Communities contains policies for housing and economic growth.

Chapter 5 – Agriculture and Aggregate Resources provides the policies to preserve and enhance the Town's Agricultural System and an overview of Mineral Aggregate and Petroleum resources.

Chapter 6 – Natural Heritage and Water Resources addresses the conservation and protection of the Town's Natural Heritage System and water resources.

Chapter 7 – Natural and Human Made Hazards is comprised of policies protecting us from natural and human made hazards.

Chapter 8 – Land Use and Development is comprised of general policies and the specific land use policies for the Agricultural, Residential, Commercial, Industrial, Institutional, Recreational, and Open Space designations.

Chapter 9 – Infrastructure is comprised of policies pertaining to transportation, sanitary, water, and stormwater. It also contains the policies related to climate change, power, energy, utilities, and green infrastructure.

Chapter 10 – Healthy Communities is comprised of policies to support the development of healthy, vibrant, active, and safe communities. It also focuses on policies to assist the Town in achieving a high-quality built form.

Chapter 11 – Heritage Conservation is comprised of the policy framework for cultural heritage and archaeological resources, including the **Heritage Conservation District**.

Chapter 12 –Implementation describes how objectives, policies, schedules, and maps of the Official Plan will be implemented.

Chapter 13- Definitions includes the defined terms which form part of the Official Plan.

Volume 2: Secondary Plans

Volume 2 is comprised of approved secondary plans, which provide more detailed direction for the planning of specific areas in the Town. The text and schedules of this volume of the Official Plan are adopted as formal amendments to the Plan.

1.4.3 Interpretation

1.4.3.1 General

The contents of this Plan should be considered in its entirety when applying or interpreting policy. The Town of Amherstburg’s Council, appointed Committees, and Municipal staff are responsible for the interpretation of this Plan. From time to time, the Town may need to refer to the Provincial Planning Statement or County Official Plan when applying policies of this Plan. The Town of Amherstburg may establish committees, in accordance with the policies of the *Planning Act* and *Municipal Act*, to assist in the implementation of this Plan.

1.4.3.2 Conflicting Policies

In general, where two policies are in conflict, the more restrictive policy applies, however interpretation shall be subject to the discretion of the Town.

1.4.3.3 Boundary Interpretation

The boundaries on all schedules are approximate unless defined using roads, railways, parcel boundaries, or physical features in which case the boundaries are to be considered absolute.

The following schedules are included and referenced throughout this Plan:

- Schedule A – Urban Structure Plan
- Schedules B through B5 – Land Use Plans
- Schedule C – Natural Heritage System
- Schedule D - Heritage
- Schedule E – Road System
- Schedule F– Active Transportation System
- Schedule G - Resources
- Schedule H – Intake Protection Zones and Events Based Areas
- Schedule I– Significant Groundwater Recharge Areas
- Schedule J – Hazards

- Schedule K – Development Constraints

1.5 Legislative Context and Authority

1.5.1 Provincial Planning Statement (2024)

Section 3 of the *Planning Act* requires municipalities to make decisions and enact by-laws, which are consistent with the Provincial Planning Statement (PPS). The PPS 2024, which came into effect on October 20, 2024, is inclusive of five policy sections that develop a narrative of provincial direction on land use planning and development which are: Building Homes, Sustaining Strong and Competitive Communities; Infrastructure and Facilities; Wise Use of Management of Resources; Protecting Public Health and Safety.

1.5.2 County of Essex Official Plan (2024)

Section 27 of the *Planning Act* requires that the Official Plan of a lower-tier municipality is to conform to the Official Plan of the upper-tier municipality. The County of Essex is the upper-tier municipality and the Town of Amherstburg is the lower-tier municipality in the two-tier system. The County of Essex Official Plan provides direction on matters of Provincial and County-wide interest. As per the *Planning Act*, The Town of Amherstburg's Official Plan aligns with and conforms to the County of Essex Official Plan (2024).

1.5.3 Essex Region Natural Heritage System Strategy

The Essex Region Natural Heritage System Strategy (ERNHSS) was prepared by the County of Essex in partnership with the Essex Region Conservation Authority and was completed in 2013. The ERNHSS, as amended, provides mapping for existing natural heritage features as well as prioritized habitat restoration opportunities throughout the County of Essex and Amherstburg. This mapping forms the basis for the Town's **Natural Heritage System** shown on Schedule B of this Plan.

1.5.4 Essex Region Source Protection Plan

The Essex Region Source Protection Plan (SPPs), which was completed in 2015, identifies vulnerable areas within the County of Essex and City of Windsor and established policies for protection from activities that would pose threats to drinking water sources. SPPs are required to be undertaken by the *Provincial Clean Water Act*. Source protection mapping and policies in Chapter 7 of this Plan are guided by the Essex Region SPP, as amended.



2 A Vision for the Town



The following vision and goals are intended to guide decision-making and provide context for the detailed policies of this Official Plan.

2.1 Vision

The shared vision of the Town of Amherstburg as approved by Town Council for those who live, work and play in the community and will serve as a guide to the community through the planning horizon of this Plan and beyond is:

“To provide a framework for growth and development/redevelopment aimed at enhancing the existing vibrant community with clear directions for protecting our cultural heritage, agricultural and environmental assets; enhancing local services, community facilities and green spaces; ensuring that there is a range and mix of housing for current and future residents to meet their needs; and providing opportunities for economic development.”

2.2 Goals

In alignment with the four pillars of the 2022 to 2026 Community Strategic Plan for the Town, and the Provincial and County direction to guide the future pattern of growth, the following key goals have been established:

- a) To support **economically** conscious growth within the existing serviced settlement areas including identified Urban Nodes, Urban Corridors, and Activity Centres as illustrated in Schedule A;
- b) To support **culturally** conscious growth and development/redevelopment in culturally significant, historically sensitive, and major open spaces areas, and to support connections between them;
- c) To support **environmentally** conscious growth and development in areas that are transit supportive, provide opportunity for more density, promote active transportation, utilize existing services, and have potential for intensification and redevelopment;
- d) To preserve agricultural lands and uses by directing land uses that are not related to, or compatible with agricultural operations, away from the agricultural areas while permitting economic opportunities, on the farm job creation, and the continued presence of existing social and recreational support facilities within the rural portion of the Town;
- e) To improve the range of housing opportunities for compact, compatible, and sustainable development/redevelopment in an effort to build complete communities that accommodate a range and mix of land uses including housing options, employment, public service facilities, institutional uses, recreation, parks and open space and other uses to meet long-term needs;

- f) To encourage a range and mix of affordable and attainable housing types;
- g) To improve essential community services related to health, education, recreation, infrastructure and safety in collaboration with private partners and with neighbouring municipalities and the County;
- h) To establish a framework for community engagement and public involvement within the planning process; and,
- i) To provide a frame of reference to encourage and direct future studies.

The Official Plan will require an update to maintain consistency with any changes to the Community Strategic Plan.



3 Growth and Town Structure



3.1 Planning for Housing and Jobs

It is anticipated that by 2051, the Town of Amherstburg will have a population of nearly 40,000 people and 10,000 jobs. This growth requires a comprehensive, integrated, place-based and long-term planning strategy that supports and integrates the principles of a complete communities, clean and healthy environment, and long-term economic growth.

3.1.1 Planning Horizon for the Official Plan

The Official Plan is intended to provide planning guidance for the planning period of up to approximately 30 years. This Official Plan has been prepared up to the 2051 planning horizon. It is intended that this Plan will be monitored, reviewed, and amended as needed to ensure its relevance and effectiveness.

3.1.2 Population Growth

The following population growth forecasts shall be used for the basis of long-range municipal planning, growth management and municipal infrastructure planning. Table 3-1 describes the population forecasts for the Amherstburg between 2021 and 2051.

Table 3-1: Town of Amherstburg, 2051 Population Forecast

2021	2051	2021 to 2051 Population Increase	Annual Growth
24,200	38,500	14,200	470

Source: High Growth Scenarios, County of Essex Growth Analysis Report, Watson & Associates Economists Ltd.

3.1.3 Housing Growth

The housing growth forecast shall be used as the basis of municipal planning related to servicing, community facilities, parks and recreation space and other growth management sector for serving the anticipate growth. Table 3-2 describes the housing growth forecast for the Town of Amherstburg between 2021 and 2051.

Table 3-2: Town of Amherstburg, 2051 Housing Forecast

2021	2051	2021 to 2051 Housing Demand	Annual Growth
9,200	14,100	4,900	160

Source: High Growth Scenario, County of Essex Growth Analysis Report, Watson & Associates Economists Ltd.

3.1.3.1 Forecasted Housing Mix

As per the County of Essex Official Plan (2024), housing units shall be implemented utilizing the following forecasted housing mix:

- Low Density Residential: 48%
- Medium Density Residential: 27%
- High Density Residential: 25%

3.1.4 Employment Growth

Over the horizon of this Plan, the Town will accommodate at minimum the employment growth as shown in Table 3-3.

Table 3-3: Town of Amherstburg, 2051 Employment Forecast

2021	2051	2021 to 2051 Employment Demand	Annual Growth
5,600	10,000	4,400	150

Source: County of Essex Growth Analysis Report, Watson & Associates Economists Ltd.

3.2 Town Structure

The Town of Amherstburg spans both urban and rural areas, a landscape shaped by municipal restructuring and historic settlement areas. At the highest level, the Town structure is comprised of **Settlement Areas** and the **Agricultural System**. The Town’s **Natural Heritage System** exists in both areas and is designated for no development or site alteration without a demonstration of no negative impact on the natural heritage feature in question, to the satisfaction of the Town.

3.2.1 Settlement Area Hierarchy

There are three types of **Settlement Areas** within the Town:

- a) **Primary Settlement Areas**;
- b) **Secondary Settlement Areas**; and
- c) **Hamlets**.

3.2.2 Primary Settlement Areas

- 3.2.2.1 The **Primary Settlement Area** for the Town of Amherstburg is the historical Town of Amherstburg (pre-amalgamation) as identified in the County of Essex Official Plan and on Schedule A of this Plan. Most of the Town’s future growth will be directed here. This area is serviced by municipal water supply and municipal sanitary sewage systems with reserve capacities to accommodate growth.

By directing growth to the **Primary Settlement Area**, the amount of land needed to accommodate growth will be used most efficiently and the viability of these areas will be improved. The municipal infrastructure will be better utilized, and the loss of prime agricultural land to development minimized.

3.2.2.2 The **Primary Settlement Area** has historically been the centre of growth for the Town and will be the focus of intensification for the planning horizon. Urban Nodes, Urban Corridors, and Activity Centres fall within the **Primary Settlement Area**.

3.2.2.3 The **Primary Settlement Area** is characterized by the following:

- a) A broad mix and the highest concentration of commercial uses and services to meet the daily needs of residents;
- b) A diverse mix of housing, including areas for intensification;
- c) Institutional and recreational uses such as schools, Town Hall, and the Libro Centre;
- d) Major cultural and tourism assets, including Fort Malden, Freedom Museum, Gibson Gallery, Historical Downtown Core, and the Detroit River waterfront; and
- e) Full municipal servicing (sanitary, storm, and water) is required.

3.2.2.4 Urban Nodes

Urban Nodes are clusters that provide services and generally have a mix of residential, commercial, recreational and institutional buildings. Urban Nodes can be large in scale, and they can also be smaller in scale and provide goods and services at a community or neighbourhood level. The urban node hierarchy, based on scale and complexity, includes the Downtown Node, Community Nodes and Neighbourhood Nodes.

- a) The Downtown Node is intended to contain the broadest range of land uses in an area, with the highest density and activity in the Town. Residential and commercial intensification in the Downtown Node will need to be in the form of redevelopment, the development of underutilized lots, or the expansion or conversion of existing buildings. Development within the Downtown Node will need to be sensitive to the cultural heritage of the area, and studies, such as a cultural heritage impact study, may be requested for redevelopment proposals.
- b) Community Nodes are urban areas that provide commercial services, recreational or institutional services for the community, neighbourhoods, and immediately surrounding Rural Area. They create a sense of place and community for the **Settlement Area** in which they are located. In general, community nodes should be planned to:

- i. provide a range of uses that allow for access to housing, retail and service commercial employment, and recreation services in close proximity;
 - ii. encourage a range of housing density, including medium and high density residential;
 - iii. prioritize development in areas with sufficient infrastructure services to support the use;
 - iv. provide a limited employment function consisting primarily of commercial services, and local institutions;
 - v. encourage mixed-use street level commercial and upper-level residential along identified Primary and Secondary Corridors within the Community Node to help meet intensification targets; and,
 - vi. connect the surrounding community with pedestrian and cycling infrastructure to help serve the commercial uses.
- c) Neighbourhood Nodes are the smallest-scale node. The function of the neighbourhood node is to provide retail and personal services to residents within a walkable or bikeable distance. Neighbourhood Modes should be planned to:
- i. provide an increase in commercial services;
 - ii. Encourage a range of housing types, including low and medium density residential;
 - iii. encourage redevelopment of underutilized lands, and expansion of existing buildings;
 - iv. prioritize development in areas with sufficient infrastructure services to support the use;
 - v. be integrated into emerging neighbourhood residential developments;
 - vi. connect the surrounding neighbourhood with pedestrian and biking facilities to help serve the Neighbourhood Node commercial uses; and,
 - vii. encourage mixed-use street level commercial and upper-floor residential along identified Primary and Secondary Corridors within the Neighborhood Node to help meet intensification targets.

3.2.2.5 Urban Corridors

Urban Corridors are classified into three types: Primary Corridors, Secondary Corridors, and Scenic Corridors.

- a) Primary Corridors are located along major entry points, which connect Activity Centres, Urban Nodes, and neighbourhoods. Primary Corridors have a relatively higher volume of vehicular travel. These should be planned to:
- i. be designed as complete streets;
 - ii. provide for a range of higher density land uses along the corridor;

- iii. encourage mixed-use street level commercial and upper-floor residential, with a priority on identified Urban Nodes;
 - iv. serve as a gateway into the Town and create links between Activity Centres and Urban Nodes;
 - v. function as a commercial spine in the Town; and,
 - vi. provide municipal scale retail stores and services.
- b) Secondary Corridors intend to link nodes, neighbourhoods, and Primary Corridors. Secondary Corridors with sufficient infrastructure services and transit shall be prioritized. Secondary Corridors should be planned to:
- i. be designed as complete streets;
 - ii. provide for a range of residential density land uses along the corridor;
 - iii. be a focus of residential intensification, and;
 - iv. provide retail and mixed-use forms in clusters along the corridors with low and medium density housing located in between.
- c) Scenic Corridors are identified by the experience and views as you move along them. These corridors can be major or minor thoroughfares. Traffic interruptions are minimal on scenic corridors.

3.2.2.6 Activity Centres

Three types of Activity Centres are identified throughout the Town, and include: Employment Areas, Culturally Significant Areas and Major Open Space:

- a) Employment Areas are clusters of economic activity that include manufacturing, warehousing, goods movement, and associated retail and ancillary facilities. These areas are the primary employment generators for the Town.
- b) Culturally Significant Areas contribute to the unique cultural identity of Amherstburg, and its sense of place. These areas can be tied to significant historical places or events and are also identified by their contributions to the current cultural and social fabric of the Town.
- c) Major Open Space is separate from the **Natural Heritage System**, however, may overlap. These systems provide for a variety of passive and active recreational opportunities for residents and visitors, and alongside the **Natural Heritage System** are intended to be considered in future settlement area boundary expansions.

3.2.3 Greenfield Areas

- 3.2.3.1 Development in greenfield areas shall take the form of extensions to the existing built-up areas subject to the policies of Chapter 8 (Land Use) of this Plan. New greenfield developments shall:

- a) Be established as complete communities that are compact, walkable, mixed use, and have access to a broad range of public services, commercial and employment lands, and an inter-connected street network;
- b) Incorporate active transportation and connectivity to existing and planned networks;
- c) Ensure the provision of full municipal services;
- d) Be phased to support the provision of full municipal services; and
- e) Address climate change resilience through integrated and coordinated stormwater management.

3.2.3.2 Where a large-scale development proposal is requesting a connection to municipal water and wastewater systems within the **Primary Settlement Area**, the Town shall determine if a Secondary Plan and/or related Master Servicing Study is required to support the proposed development.

3.2.4 Secondary Settlement Areas

There are number of **Secondary Settlement Areas** in the Town of Amherstburg, as identified in the County of Essex Official Plan and Schedule A of this Plan. The intent of the **Secondary Settlement Areas** are to remain small in size and to contain primarily residential land uses.

3.2.4.1 The **Secondary Settlement Areas**, as identified on Schedule A, include:

- McGregor;
- River Canard;
- Howard Industrial Park District;
- Amherst Pointe and Bar Point Area; and
- Big Creek Area.

3.2.4.2 **Secondary Settlement Areas** are characterized by the following:

- a) A smaller mix of commercial uses and services to meet the daily needs of residents;
- b) A limited range of institutional uses such as schools, healthcare, day care, and government services;
- c) Inclusion of employment land uses;
- d) Partial municipal infrastructure will be considered but all development shall be on municipal water at a minimum. Connection or extension of nearby municipal sanitary sewers is expected wherever possible and feasible.

3.2.5 Hamlets

As per the County of Essex Official Plan, hamlets are small settlements that have historically existed as part of former Townships and are small in geographic area.

3.2.5.1 The **Hamlets**, as identified on Schedule A, include:

- Anderdon;
- Malden Centre;
- Eagle Crescent Subdivision (McGregor);
- "The Meadows" Area;
- Lake Erie County Club Area;
- Levergood Lane Area; and
- Goodchild Beach Area.

3.2.5.2 **Hamlets** are not to be the focus of growth in the Town and are subject to the following policies:

- a) Any new housing will be limited to infill housing at a low density in keeping with the existing unit type and existing built form;
- b) **Hamlet** boundaries are fixed and will not be altered for future growth. Any infill development will be required to be contained within the existing boundary area; and
- c) Infill developments on adjacent properties are to provide maximum opportunities for linkages, walking and cycling paths, and driveway locations.

3.2.6 New Settlement Areas and Settlement Area Boundary Expansions

3.2.6.1 The **Settlement Area** boundaries are shown on Schedule A of this Plan. A **Settlement Area** expansion or the identification of a new **Settlement Area** shall only be considered following a Local Settlement Area Review (LSAR), as outlined in the PPS (2024), the County Official Plan, and as defined in this Plan.

3.2.6.2 When undertaking a LSAR, the Town shall consider the following:

- a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
- b) if there is sufficient capacity in existing or planned infrastructure and public service facilities;
- c) whether the applicable lands comprise specialty crop areas;
- d) the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- e) whether the new or expanded settlement area complies with the minimum distance separation formulae;
- f) whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized, and mitigated to the extent feasible as determined

through an Agricultural Impact Assessment or equivalent analysis, based on provincial guidance;

- g) the new or expanded settlement area provides for the phased progression of urban development; and
- h) The new or expanded settlement area supports active transportation and is transit and freight supportive.

3.2.6.3 The focus of an LSAR may be on residential or employment land transfer, or both. Where the focus is only on either residential or employment, the LSAR shall consider whether there are lands suitable for conversion to a different land use.

3.2.6.4 A LSAR may recommend alterations to the boundary of one of more **Settlement Areas** and may recommend a new **Settlement Area**. The Town may identify a new **Settlement Area** only where it has been demonstrated that infrastructure and public facilities to support the development area are planned or available.

3.2.6.5 The results of the LSAR may reduce and/or re-align boundaries in conjunction with the corresponding expansion of a **Primary Settlement Area** boundary. An amendment to this Plan shall be required to alter the boundary of any **Settlement Area**.

3.2.6.6 Where new development is proposed on lands resulting from a **Primary Settlement Area** expansion that are adjacent to or near agricultural operations, the Town shall require the implementation of mitigation measures as a condition of development approval (e.g., plan of subdivision, site plan, consent). These measures shall be designed to reduce the impact of the development on surrounding agricultural land, operations, and infrastructure, as determined by the Agricultural Impact Assessment and may include:

- a) buffers and berms, including vegetated strips, landscaped berms, open space, or stormwater management facilities;
- b) subdivision design that incorporates features to minimize land use conflicts; and
- c) fencing along the length of the property line abutting the agricultural land.

3.2.6.7 Where a **Settlement Area** expansion is being considered, a Specialty Crop Area Study shall be required as part the of the LSAR.

3.2.7 Intensification

Intensification will be encouraged within all settlement areas that have sufficient infrastructure (including existing adequate sanitary sewers); with a priority placed on the **Urban Nodes**, Urban Corridors, and Employment Areas identified in this Plan.

- 3.2.7.1 Intensification is the development of a property, site or area at a higher density than currently exists through:
- a) redevelopment, including the reuse of brownfield sites and underutilized shopping malls and plazas;
 - b) the development of vacant and/or underutilized lots within previously developed areas;
 - c) infill development; and,
 - d) the expansion or conversion of existing buildings.
- 3.2.7.2 Aligning with the County of Essex directives, the Town will plan for a minimum of 30% of new residential development to occur through intensification.
- 3.2.7.3 Future residential and employment growth in the Town, pursuant to Section 3.1 of this Plan, will be accommodated through the housing and employment targets outlined in Sections 4.1 and 4.2 of this Plan.
- 3.2.7.4 The Town will encourage a diverse mix of land uses at densities that support existing or planned public transit and active transportation infrastructure.
- 3.2.7.5 Intensification will be achieved by:
- a) directing intensification to Urban Nodes, Primary and Secondary Corridors, underutilized Employment Areas, and emerging neighbourhoods as identified on Schedule A of this Plan;
 - b) supporting major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and grey field sites;
 - c) encouraging larger scale intensification in terms of heights and density within the Urban Nodes (Community, Downtown, and Neighbourhood) and Urban Corridors, as identified on Schedule A of this Plan;
 - d) permitting residential intensification at a range of scales and densities within existing neighbourhoods, provided that intensification is compatible with and respects the built form and massing of the surrounding neighbourhood;
 - e) identifying areas in the Town for medium density residential intensification to accommodate options for the "missing middle";
 - f) promoting residential intensification in emerging secondary corridors and encouraging clustered commercial services that serve the neighbourhood scale, facilitating infrastructure planning;
 - g) permitting medium and high-density redevelopment of existing buildings or lots on lands along Primary and Secondary Corridors as identified on Schedule A of this Plan, particularly along the Sandwich Street and Richmond Street Corridors;

- h) encouraging mixed-use street-level commercial and upper-level commercial or residential uses in the Urban Nodes (Community, Downtown, and Neighbourhood), Primary and Secondary Corridors, as identified on Schedule A of this Plan; and
 - i) permitting additional residential units in accordance with Section 4.1.4 of this Plan.
- 3.2.7.6 The Town will implement this intensification strategy, as directed by the County of Essex, through amendments to this Plan, the Zoning By-law and/or Community Improvement Plans.
- 3.2.7.7 The Town will utilize its Zoning By-law to pre-designate vacant and underutilized areas for future intensification and to support the intensification targets established in this Plan. A Holding (H) zone may be placed on these lands to ensure the adequate provision of municipal services, community-serving facilities, or other matters set out in this Plan are available prior to development.



4 Building Homes and Strong and Competitive Communities



4.1 Housing and Residential Intensification

The Town is integrated into a broader regional market area and should strive to meet the needs, affordability, and preferences of residents of all ages and abilities. This should be done in a way that aligns with the scale of existing communities and is proportional to the services needed to support them.

4.1.1 Intensification

- 4.1.1.1 Intensification will be encouraged within all **Primary Settlement Areas** that have sufficient infrastructure, with a priority placed on the Urban Nodes and Urban Corridors as identified in this Plan.
- 4.1.1.2 Vacant low density residential areas should be guided to provide a mix of residential types and densities. These emerging areas should include neighbourhood level commercial opportunities to provide services for the area.

4.1.1.3 Intensification Target

As required by the County of Essex Official Plan (2024) and detailed in Section 3.2.7 of this Plan, Amherstburg must plan for 30% of its new housing units to be achieved through residential intensification.

4.1.1.4 Residential Density Targets

The Town will strive to meet the minimum residential density targets that have been established by the County of Essex (2024) based on the “Balanced Growth” scenario:

- Low Density Residential: 25 units per net hectare
- Medium Density Residential: 50 units per net hectare
- High Density Residential: 80 units per net hectare

4.1.2 Housing Supply and Mix

- 4.1.2.1 A minimum of 15-year supply of land shall be always designated and available for residential development to accommodate future housing needs. The Town will also maintain a minimum of a 3-year supply of residential units available through lands suitably zoned including units in draft approved or registered plans.
- 4.1.2.2 The Town will strive to meet the forecasted housing mix established by the County of Essex (2024) as follows:
 - Low Density Residential: 48%
 - Medium Density Residential: 27%
 - High Density Residential: 25%

- 4.1.2.3 The Town will promote innovative housing designs, especially those that enhance energy efficiency, reduce municipal expenses, or lower costs for buyers. This includes, but is not limited to, additional residential units like basement apartments, garden suites, tiny homes, and alternative ownership models.
- 4.1.2.4 The Town may participate in housing programs from other levels of government to meet the residential objectives of the Plan and encourage programs and policies that promote a diverse range of housing options, including rental housing.
- 4.1.2.5 The Zoning By-law will be updated to permit supportive housing and innovative housing (i.e. tiny homes, modular/prefabricated housing, co-living spaces), provided they align with good land use planning principles.

4.1.2.6 **Rental Housing**

The Town will seek a balance in housing tenure. Conversions of existing rental accommodation to condominium or other forms of ownership shall be discouraged. The Town may consider conversion of existing rental accommodation where the rental vacancy rate, as defined and reported annually through the Canada Mortgage and Housing Corporation Rental Market Survey, is at or above 3%. The Town may also request a Rental Housing Impact or Housing Needs Study to analyze the impact on the local rental market, including vacancy rates, availability of similar rental units, and the impact on affordable housing supply.

4.1.3 **Housing Affordability**

4.1.3.1 Affordable housing is defined as:

- a) in the case of ownership housing, the least expensive of:
 - i. housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for low- and moderate-income households; or,
 - ii. housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the Town.
- b) in the case of rental housing, the least expensive of:
 - i. a unit for which the rent does not exceed 30% of gross annual household income for low- and moderate-income households; or,
 - ii. a unit for which the rent is at or below the average market rent of a unit in the Town.

- 4.1.3.2 Affordable housing will be encouraged within Urban Nodes and Urban Corridors, near shopping, community facilities, and public transit routes. Consideration will be given to amendments to existing zoning that will facilitate the provision of affordable housing units in new residential developments where such revisions are in accordance with the intent of the Official Plan.

4.1.3.3 **Affordable Housing Target**

To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan:

- a) 20% of all new rental housing is to be affordable and attainable; and
- b) 10% of all new ownership housing is to be affordable or attainable. The development of a definition for attainable housing will be informed by ongoing work at both the provincial and County levels.

- 4.1.3.4 The affordable housing target shall be calculated as affordable based on the definition in Section 4.1.3.1.

4.1.3.5 **Affordable Housing Achievement**

To promote the development of affordable housing, the Town will endeavor to:

- a) work collaboratively with the private sector to provide a range of housing types, unit sizes, affordability and tenure arrangements at various densities and space to meet the needs and income levels of current and future residents;
- b) consider flexibility in the scale, form, and types of residential uses permitted as-of-right including additional residential units and other alternative housing forms;
- c) incorporate site standards in the Zoning By-law pertaining to the development of additional residential units;
- d) streamline planning approvals for the development of affordable and community housing, prioritizing projects that receive time-sensitive government funding;
- e) consider additional tools, including but not limited to financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote brownfield and greyfield redevelopment as per the of County of Essex Regional Affordable Housing Strategy;
- f) evaluate surplus Town-owned properties for sale or lease to support the development of affordable housing; and
- g) track overall housing creation, including affordable housing units, through building permit and planning approvals data.

4.1.4 Additional Residential Units

The Town recognizes additional residential units (ARUs) as an important component to support a range and mix of housing options.

4.1.4.1 Additional Residential Units in Settlement Areas

Up to two (2) additional residential units are permitted as-of-right within the settlement areas, for a total of three (3) residential units, in single-detached, semi-detached or townhouse dwellings in accordance with the following:

- a) Two (2) additional residential units are permitted in the principal dwelling; or one (1) additional dwelling unit is permitted in the principal dwelling and one (1) additional dwelling unit in an accessory building;
- b) The lot size and configuration are sufficient to accommodate required infrastructure, adequate parking, green spaces, and amenity areas for both the principal dwelling and the additional residential unit(s);
- c) The additional residential units meet all requirements of the Ontario Building Code, Fire Code, and Town's Zoning By-law;
- d) The overall appearance and scale of the principal dwelling is maintained in accordance with the Town's By-laws; and,
- e) Accessory structures that have an additional residential unit shall not be severed from the principal dwelling.

- 4.1.4.2 The Town's Zoning By-law implements the policies of this Plan by establishing specific regulations and standards for additional residential units.

4.1.4.3 Additional Residential Units in Agricultural Areas

Where a residential dwelling is permitted on a lot in an agricultural area, up to two (2) additional residential units may be permitted. If two (2) additional units are proposed, at least one must be located within or attached to the principal dwelling. Additional residential units in agricultural areas shall be permitted in accordance with the following:

- a) The location of the additional residential units comply with the minimum distance separation formulae from livestock operations;
- b) They are compatible with, and would not hinder, surrounding agricultural operations;
- c) There are appropriate sewage and water services;
- d) Public health and safety concerns have been addressed;
- e) The additional residential units are limited in scale and located within, attached, or near the principal dwelling or farm building cluster; and

- f) The land taken out of agricultural production has been minimized.

4.1.4.4 Additional Residential Units within Floodprone Areas

Additional residential units shall only be permitted within the flood fringe in the Detroit River Lake Erie Flood Prone Area or the Inland Flood Prone Areas (as shown on Schedule J) through consultation with the Essex Region Conservation Area and in accordance with Section 7.1.2.6 of this Plan. Development will not be permitted in the floodway, except in accordance with the Essex Region Conservation Authority and Provincial Policy.

4.2 Economy and Employment

One of the Town's long-term strategic planning objectives is to attract commercial and industrial business investments through innovative land-use planning tools and incentives. This Plan aims to diversify the Town's economic base while continuing to support and promote the development of its traditional agricultural, industrial, and commercial sectors. Additionally, the Town will actively promote and encourage economic development through tourism.

4.2.1 Objectives

- 4.2.1.1 The general objectives to be considered in the economic development of the Town include are as follows:
 - a) Achieving greater diversification in the Town's overall economic base;
 - b) Continuing to encourage and promote the development of the traditional agricultural, industrial, and commercial base of the Town;
 - c) Supporting the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy;
 - d) Encouraging job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing commercial and industrial businesses in identified sectors of the economy;
 - e) Encouraging the development of employment lands or redevelopment of brownfield sites;
 - f) Promoting and encouraging economic development through tourism;
 - g) As part of the ongoing planning process, the Town will consider the short and long term direct, and indirect, economic impacts of various types of development; and
 - h) Economic development decisions shall be aligned with the Town's Asset Management Plan.

4.2.2 Collaborative Economic Development

- 4.2.2.1 The Town may work in conjunction with neighbouring municipalities, the County of Essex, and other levels of government to give focus and direction to its economic development efforts.
- a) The Town may participate any programs offered by other levels of government to improve employment opportunities and promote economic development.
 - b) The Town may encourage the involvement of a regional or County-wide tourism strategy to promote the Town's tourism and economic development objectives.
 - c) The Town may collaborate with other levels of government to develop a strategy to acquire and develop lands for economic development purposes.

4.2.3 Employment Density Targets

- 4.2.3.1 The Town will strive to meet the minimum employment density targets established by the County of Essex (2024) based on the "High Density Employment Areas" scenario:

- Employment Area Density: 25 jobs per net hectare
- Population-related Employment: 300 square feet/employee
Plus 35% for parking, loading, landscaping, and driveways

4.2.4 Employment Land Supply

- 4.2.4.1 The Town will maintain a sufficient supply of employment lands to provide opportunities for a variety of economic development opportunities. Amherstburg has a significant supply of vacant employment lands as identified in the Land Needs Assessment (2024). These vacant lands are predominantly identified as industrial land uses. Further, much of these lands have limited infrastructure services.

4.2.5 Employment Areas

- 4.2.5.1 Employment Areas are clusters of economic activity that include manufacturing, research and development in connection with manufacturing warehousing, goods movement, and associated retail and office, and ancillary facilities. These areas are designated as Industrial on Schedules B through B-5 of this Plan.
- 4.2.5.2 The Town will protect and plan for a diverse range and choice of suitable sites in Employment Areas for current and future use and ensure that the necessary infrastructure is available to accommodate future and projected needs.
- 4.2.5.3 Employment areas shall:

- a) Prohibit residential uses, commercial uses, public service facilities and other institutional uses on employment lands;
- b) Prohibit retail and office uses that are not associated with the primary employment use;
- c) Prohibit other sensitive land uses that are not ancillary to uses permitted in Employment Areas; and
- d) Include an appropriate transition to adjacent non-employment lands.

4.2.5.4 The identified Employment Areas in the Town include:

- Howard Industrial Park Employment Area;
- Alma Street Employment Area; and
- 3rd Concession Employment Area.

4.2.5.5 The Town will encourage the reuse of vacant employment buildings, intensification of Employment Areas and the redevelopment of vacant employment sites.

4.2.5.6 The Town will work to ensure that the physical needs of business are addressed, ensuring that:

- a) A diversity of zoned and ideally serviced sites are available to support a range of employment and service activities;
- b) Employment Areas are well designed and have a high level of available amenities, including access to major transportation routes that are attractive to new investors; and
- c) Lands designated as **Industrial** will be maintained as large and continuous cluster of business activities, including manufacturing and warehousing, as well as ancillary retail and office uses.

4.2.5.7 On lands within 300 metres (m) of Employment Areas, new development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planning employment areas, in accordance with the PPS, and the Province's D-Series Guidelines.

4.2.5.8 Adverse impacts on surrounding land uses, particularly existing sensitive land uses, will be avoided, or if not possible, minimized and mitigated in accordance with Section 8.1.2 of this Plan.

4.2.5.9 Where a sensitive land use or facility is proposed, and as determined during a pre-consultation meeting between a proponent and the Town, a Study is required to provide an assessment of Land Use Compatibility under the Guideline D-6 framework.

4.2.5.10 Employment Area Protection and Conversions

Any proposal to convert lands within a designated Employment Area to another type of land use will only be considered where it has been demonstrated that:

- a) There is an identified need for the removal and the land is not required for employment area uses over the long term;
- b) The proposed uses would not negatively impact the overall viability of the employment area by:
 - i. Avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with Section 8.1.2.3 of this Plan;
 - ii. Maintaining access to major goods and movements facilities and corridors;
- c) Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and
- d) The Town has sufficient employment lands to accommodate projected employment growth to 2051.

4.2.6 Population-Related Employment

- 4.2.6.1 Population-related employment refers to jobs that support the daily lives and well-being of residents in the community. As the population grows, the demand for these services increases, leading to more employment opportunities in these areas. These jobs typically include retail and commercial uses, public administration, healthcare, education, and personal services. Planning for these sectors fosters opportunities for entrepreneurship and job creation.
- 4.2.6.2 The Town will promote employment opportunities and services that meet the daily needs of existing and future residents.
- 4.2.6.3 Retail and commercial uses will be promoted and encouraged in the **Urban Nodes**, including the **Downtown, Community, and Neighbourhood Nodes**, and along Primary and Secondary Corridors.
- 4.2.6.4 Land-use planning tools will be utilized to encourage dynamic commercial areas that can be adaptive to changing market conditions by promoting a variety of building lots and sizes and maintaining appropriate site access that will not interfere with future redevelopment of adjacent properties.

4.2.7 Tourism

- 4.2.7.1 The Town recognizes tourism's vital role in local economic growth and job creation and commits to strengthening and expanding tourism and recreation opportunities by:

- a) preserving heritage through maintaining historic sites, including but not limited to Fort Malden, King's Navy Yard Park, and the Amherstburg Freedom Museum;
- b) maintaining public access to the waterfront; and
- c) the enhancement of the natural environment and wetland ecosystem of the area.



5 Agriculture and Aggregate Resources



5.1 Agricultural System

Food, and food networks are an integral part of fostering the health and wellbeing of current communities, while ensuring the seeds are sewn for new generations to grow. The Town of Amherstburg is opportunely located in Essex County, an area historically known for its long growing seasons and humid continental climate.

The predominant soil classification in Amherstburg's agricultural landscape is Class 1 and 2 under the Canada Land Inventory (CLI) land classification systems. It's location adjacent to Lake Erie and the Detroit River, in addition to the great soil and climate, make the agricultural resource base among the highest in Ontario. As such, it is important to plan for the preservation and maintenance of agricultural areas throughout the greater boundaries of the Town.

The Town's **Agricultural System** is comprised of inter-connected elements that collectively create an important component of the Town's economy. In general, the **Agricultural System** of the Town is inclusive of all lands outside **Settlement Areas** and **Hamlets** as shown on Schedule A of this Plan. All lands that are designated as **Agricultural** are considered prime agricultural lands. The Agricultural system also includes the supporting agri-food network and associated infrastructure which are essential to the success and vibrancy of the sector.

5.1.1 Agricultural Uses

- 5.1.1.1 Agricultural uses are the primary use on lands designated **Agricultural** in this Plan. These uses include the traditional farm practices, include cash crop cultivation and livestock production. Non-agricultural related development is strictly controlled, monitored, and only permitted in accordance with the policies of this Plan. Additional policies for guiding development within the **Agricultural** designation are provided in Section 8.2.9 of this Plan.
- 5.1.1.2 Agricultural uses will be supported and maintained as the primary land use within the Town's **Agricultural System**.
- 5.1.1.3 Wherever possible, non-agricultural uses or uses not supporting agricultural activities will be directed to the Town's **Settlement Areas**.
- 5.1.1.4 The redesignation of lands from **Agricultural** to a non-agricultural land use designation will only be considered for **Settlement Area** expansions, or identification of **Settlement Areas** and limited non-agricultural uses as an amendment to this Plan provided that the following criteria are considered:
 - a) Whether the lands comprises a Speciality Crop Area;
 - b) there is a demonstrated need as part of a Local Settlement Area Review within the planning horizon for additional land to be designated to accommodate the proposed use;

- c) there are no reasonable alternative locations which avoid the **Agricultural** designation, irrespective of land ownership;
- d) there are no reasonable alternative locations in the **Agricultural** designation with a lower priority Canada Land Inventory soils classification;
- e) impacts from any new or expanding non-agricultural uses on surrounding agricultural operation and lands should be mitigated to the extent feasible; and
- f) a Specialty Crop Area Study and Agricultural Impact Assessment is submitted to the satisfaction to the Town and the County.

5.1.1.5 Normal farm practices, including but not limited to, agroforestry and spraying, are permitted on all lands designated **Agricultural**. If tree harvesting is to occur, it should be based on acceptable forest management practices. Advice from a certified professional and the use of woodlot management plans by landowners is required.

5.1.2 **Agriculture-Related and On-Farm Diversified Uses**

Agriculture-related uses and on-farm diversified uses refer to activities that, while not directly involved in food cultivation, enhance agricultural production through value-added services, benefit from being close to agricultural operations, or support the sustainability of farming by providing additional income streams for farmers.

5.1.2.1 Agriculture-related uses are often small-scale farm-related commercial and farm-related industrial uses. They are often required to be, or benefit from being, near farming operations. Agriculture-related uses include, but are not limited to, the following:

- a) The storage and distribution of seed, pesticide, and fertilizer;
- b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation;
- c) The retail fruit, vegetable, flower stands and farmer's markets that retail produce derived from the principal agricultural use on the property.
- d) Wineries and associated uses, which are secondary and directly related to the principal agricultural use on the property.

5.1.2.2 Agriculture-related uses shall be subject the following criteria:

- a) a demonstrated need exists for the use within the planning horizon;
- b) reasonable alternative sites including sites within designated settlement areas which avoid prime agricultural areas do not exist and where a location in a prime agricultural area is being proposed, lower priority agricultural lands are considered; and
- c) the use is appropriate to available rural services and infrastructure;

- d) the size of the proposed use is appropriate; and
- e) where the proposed agriculture-related use involves freight (including transportation through truck, ship, or rail), the use shall exclusively service agricultural uses.

5.1.2.3 On-farm diversified uses are secondary to a priority existing agricultural use and are limited in area. These are intended to support existing agricultural practice, while not taking away from existing and surrounding agricultural uses. On-farm diversified uses include but are not limited to:

- a) home occupations;
- b) home industries;
- c) agri-tourism uses;
- d) uses that produce value-added agricultural products; and
- e) electricity generation facilities and transmission stations, and energy storage systems.

5.1.2.4 On-farm diversified uses shall be subject to the following criteria:

- a) The use will not hinder the surrounding agricultural uses;
- b) The use integrates with the agricultural character of the area;
- c) The use is appropriate to available services and infrastructure;
- d) The amount of land and size of the building or venue devoted to the use is limited in proportion to the principal agricultural use and is in accordance with the following
 - i. The use occupies 2% or less of the property area, up to a maximum of one (1) hectare;
 - ii. Parking and outdoor storage for the on-farm diversified use shall be included in the limited area calculations outlined in Section 5.1.2.4 (d)(i) of this Plan;
 - iii. If more than one on-farm diversified use is proposed on a single property, the combined area of all on-farm diversified uses shall be included in the limited area calculations outlined in in Section 5.1.2.4 (d)(i) of this Plan.
- e) The use does not create a safety hazard or become a public nuisance, particularly regarding traffic, parking, noise, noxious odours or other emissions.
- f) The use shall be subject to the Ontario Building Code, the Ontario Fire Code; and
- g) The use shall be subject to site plan control where warranted and appropriate (e.g. uses requiring visitor parking, outdoor storage, and/or a new farm access etc.) in accordance with Section 12.4.9 of this Plan.

- 5.1.2.4.1 On-farm diversified uses that are temporary, or intermittent in nature, such as seasonal events, may be permitted if:
- a) the temporary use is compatible with surrounding agricultural operations;
 - b) if the frequency and timing of events does not interfere with cropping cycles or other agricultural uses on the farm or surrounding area;
 - c) the use permanently displaces little-to-no agricultural land and that the land is immediately returned to agriculture;
 - d) the use does not require site grading and or/or drainage unless it improves conditions for agricultural production;
 - e) the uses meet compatibility requirements (i.e. do not require significant emergency, water and wastewater services, maintain reasonable noise and traffic levels); and
 - f) the uses can be accommodated through a Temporary Use By-law under the *Planning Act* and in accordance with Section 12.4.7 of this Plan, provided no permanent alterations are proposed to the land or structures (i.e. stages, washrooms, pavilions).
- 5.1.2.5 More specific criteria including but not limited to minimum separation distances, and maximum lot coverage and land area dedicated for agricultural-related uses and on-farm diversified uses may be included in the Zoning By-law.
- 5.1.2.6 All signs must be erected and maintained to be harmonious with the scenic and rural character of the **Agricultural** areas, and in accordance with Section 10.3.6 of this Plan and the Amherstburg Sign By-law. The By-law includes policies regulating fascia signs, projecting signs, pylon signs, ground, signs, and portable signs.
- 5.1.2.7 The County Road 50 Corridor is recognized in this Plan as a unique and significant feature within the Town of Amherstburg, functioning as a scenic tourism route defined by its productive agricultural lands, valuable agri-tourism businesses, and important waterfront vistas of Lake Erie. In accordance with the County of Essex Official Plan, the Town is committed to preserving the rural and agricultural character of this corridor while supporting its continued growth as a vibrant, multi-seasonal tourism destination. The Town shall:
- a) encourage and support agriculture-related uses and on-farm diversified uses (such as wineries, farm markets, and bed and breakfast establishments) where they are compatible with the primary agricultural use, maintain the rural character, and contribute to the local tourism economy;
 - b) require that all new development or redevelopment is sited and designed to protect, maintain, and, where possible, enhance significant public views and

vistas of the agricultural landscape and the Lake Erie shoreline through the development approvals process;

- c) mitigate the visual impact of development through the Site Plan Control process by requiring:
 - i. parking areas to be located to the side or rear of buildings and appropriately screened from public view;
 - ii. prohibit new development in flood-prone and other identified hazard lands, in consultation with the Essex Region Conservation Authority (ERCA). All development proposals within the corridor must demonstrate safe and reliable ingress and egress for emergency services and occupants, particularly in relation to potential flooding events.

5.1.3 Agri-food Network

The agri-food network is a component of the agricultural system that includes infrastructure, services, and assets important to the viability of the agri-food sector. The network includes, but is not limited to, on-farm buildings and infrastructure, agricultural services, farm markets, distributors, and primary processing, and vibrant, agriculture-supportive communities.

- 5.1.3.1 The Town will support the local production, processing, and retailing of food and agricultural products through the policies in this Plan and land use planning tools.
- 5.1.3.2 Food-related retail and service opportunities that bring local food and farm products to market will be promoted by the Town. The following activities will be encouraged in all areas of the Town where development is permitted:
 - a) Farmers markets; and
 - b) Community-supported agriculture and agricultural cooperatives.
- 5.1.3.3 The Town will collaborate with the County of Essex and neighbouring municipalities whenever appropriate to develop and implement strategies for maintaining and enhancing the agri-food network.

5.1.4 Minimum Distance Separation

- 5.1.4.1 Some agricultural operations, including livestock operations, can be negatively impacted by incompatible land uses in the surrounding area. To ensure uses within the agricultural area are compatible, buffering and transitional uses are necessary around new or expanded livestock facilities. These boundaries must be in consistent with the Minimum Distance Separation (MDS) formula, which has been detailed in the supporting Zoning By-law.

5.1.4.2 Application of MDS I

The Minimum Distance Separation I setback shall be met prior to the approval of the following:

- a) Proposed lot creations;
- b) Rezoning or re-designations;
- c) On vacant existing lots of record that existed prior to March 1, 2017, that are impacted by Minimum Distance Separation (MDS), a dwelling may be permitted provided the dwelling is located on the lot at the furthest distance possible from the impacted livestock facilities. Any lots created after March 1, 2017 will be required to comply with MDS; and
- d) As directed by the Town for local approvals for agriculture-related or on-farm diversified uses.

5.1.4.3 Application of MDS 2

The Minimum Distance Separation 2 setback shall be met prior to approval of the following:

- a) A first or altered livestock facility occupying an area greater than 10 square metres (m²); or
- b) Any anaerobic digester.

- 5.1.4.3.1 Information used to calculate the Minimum Distance Separation II setback shall be consistent with the circumstances at the time the Town deems the building permit application to be complete.

5.1.5 Greenhouse Operations

While greenhouse operations offer benefits over traditional farming, they are water-intensive and require either municipal services, substantial groundwater extraction, or raw water line intake from Lake Erie or the Detroit River. Additionally, greenhouse development, despite being an agricultural use, involves site alteration that render traditional farming practices unfeasible on those lands in the future. For these reasons, greenhouse cultivation and operations require a specialized planning approach.

The County of Essex will be completing a Greenhouse Implementation Study to address location needs, water quality impacts, road impacts, and other factors related to Greenhouse use and the Greenhouse economy. Until such time that the Study is complete, the following policies and those in Section 8.2.9 of this Plan will apply.

- 5.1.5.1 Greenhouse operations are permitted on lands designated **Agricultural** if they are located on lands that:
- a) can connect to municipal water or in circumstances where extreme demand for water may negatively impact the existing water system capacities can be supported by a private raw water line from the Detroit River or Lake Erie, as approved by the province and as demonstrated through a Functional Servicing Study.
 - b) are not identified as speciality crop areas;
 - c) are not within a Natural Heritage Feature as identified on Schedule C of this Plan; and
 - d) are not identified as Significant Groundwater Recharge Areas on Schedule I of this Plan.
- 5.1.5.2 Restrictions may be imposed on the use of the municipal water supply for greenhouse development. Upgrades to the water system may be necessary to meet the increased demand, and municipal water usage shall be metered. Additionally, the recycling of irrigation water may be required.
- 5.1.5.3 All development proposals for greenhouses will be subject to site plan control as outlined in Section 12.4.9 of this Plan. Requirements will include, but are not limited, to a Stormwater Management Plan, Functional Servicing Report, and a comprehensive light management plan that include measures to mitigate light pollution for adjacent properties.

5.1.6 Cannabis Growth and Cultivation

- 5.1.6.1 All Cannabis cultivation and processing shall be in accordance with the Federal *Cannabis Act* (2018) and supporting Health Canada Regulations or its predecessor. The outdoor cultivation of cannabis is considered an agricultural use.
- 5.1.6.2 The outdoor cultivation of cannabis is permitted subject to security requirements under the *Cannabis Act*, including physical barriers around the site and visual monitoring at all entry points.
- 5.1.6.3 A setback from sensitive land uses in proximity to the site is subject to the Town's discretion and updates to the Zoning By-law.
- 5.1.6.4 Indoor processing and cultivation of cannabis will be permitted on lands designated Agricultural and lands designated **Industrial** pursuant to the following additional criteria:
- a) Licensed by Health Canada under the *Federal Cannabis Act*;

- b) Located and designed pursuant to the Federal Cannabis Regulations (SOR/2018-144) in order to mitigate the potential nuisance impacts such as light and air emissions, and odour;
- c) Subject to minimum distance separation distances defined through the Zoning By-law;
- d) Subject to the policies for greenhouse operations as outlined in Section 5.1.5 of this Plan;
- e) Subject to site plan control in accordance with Section 12.4.9 of this Plan.

5.1.7 Non-Conforming Uses in the Agricultural Area

5.1.7.1 In addition to the policies in Section 8.2.9, this Plan will not prohibit the continued operation of legally established uses such as residential, commercial, employment, agricultural, and institutional uses on lands designated Agricultural in this Plan that legally existed as of the date of adoption of this Plan.

5.1.7.2 Expansions to existing buildings and structures, accessory structures, and existing uses, as well as conversions or redevelopment of legally existing uses that bring more conformity to this Plan, are permitted exclusively on the existing property, provided the following criteria are demonstrated:

- a) New municipal services are not required;
- b) The proposal does not expand into **natural heritage features** and hydrological features unless there is no other alternative. In this case, any expansion into or adjacent to a **natural heritage feature** will require an Environmental Impact Study, be limited in scope, and kept within close geographic proximity to the existing structure;
- c) For conversions or redevelopments only, an agricultural impact assessment will need to be prepared by a qualified professional;
- d) The proposed use does not result in the intrusion of a new incompatible use in the **Agricultural** designation.

5.1.8 Specialty Crops

5.1.8.1 The County of Essex will be preparing a Speciality Crop Study that will include infrastructure and land use impacts within the Agricultural System. Until such time as the Specialty Crop Study is completed, any proposed expansion of a non-agricultural use, or the introduction of a new non-agricultural use in an area that exhibits characteristics of a specialty crop, will require an Agricultural Impact Assessment. This assessment must determine whether the lands in question are considered specialty crops.

5.2 Lot Division and Creation in the Agricultural System

5.2.1 Surplus Farm Dwelling

- 5.2.1.1 The severance of a residence surplus to a farming operation may be permitted under the following circumstances:
- a) The surplus dwelling is at least 20 years old as of the date of adoption of the County of Essex Official Plan, November 6th, 2024;
 - b) The size of any new lot shall be an area of approximately 0.4 hectares, except for any additional area deemed necessary to support the appropriate sewage and water services, as determined by Provincial, County, and Town requirements, up to a maximum of one hectare in lot area;
 - c) Proposals that exceed one hectare in lot area may be considered subject to an amendment to the County Official Plan and an amendment to this Plan;
 - d) To reduce fragmentation of the agricultural land base where a contiguous farm parcel is owned by the same property owner, the retained lot shall be merged with an abutting parcel;
 - e) The retained farm parcel shall be zoned to preclude its use for residential purposes; and
 - f) The proposal shall meet the Minimum Distance Separation (MDS) Formulae established by the Province, as amended from time to time.

5.2.2 Lot Creation

- 5.2.2.1 New agricultural lots may be permitted where the severed and retained lots are for agricultural uses and are each equal or greater than 40 hectares in area. These agricultural lots shall also comply with the Minimum Distance Separation Formulae.
- 5.2.2.2 Lot creation to permit new infrastructure (i.e. utility corridor, public facility) is permitted where the facility or corridor cannot be accommodated using easements or rights of-way.
- 5.2.2.3 Lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are also permitted. Minor boundary adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels. The minimum lot size within the **Agricultural** designation for non-farm permitted uses including mineral petroleum or mineral aggregate resource operations, shall be restricted to the minimum size required for the active aspect of the operation with as little acreage as possible taken out of productive agricultural land.

- 5.2.2.4 New lot creation policies may be introduced through an amendment to the County of Essex Official Plan and an amendment to this Plan permitting alternative lot sizes for specialty crop lands, following the completion of a Specialty Crop Study.

5.3 Aggregate Resources

The Town of Amherstburg is rich in resources including mineral aggregate deposits, petroleum, and salt deposits. These resources are depicted on Schedules G and K and have been recognized within the **Extractive Industrial** designation on Schedules B through B-5 of this Plan.

5.3.1 Goals

- 5.3.1.1 The Town recognizes the importance of protecting the existing and future resource extraction opportunities and strive to:
- a) Support the long-term protection of mineral aggregate resources and operations, and where provincial information is available, deposits of mineral aggregate resources shall be identified;
 - b) Support the long-term production of petroleum resources;
 - c) Minimize conflict between the resource operations and surrounding land uses; and
 - d) Support the long-term rehabilitation of aggregate sites in a compatible and consistent nature with the surrounding land uses.

5.3.2 Mineral Aggregate Resources

Mineral aggregate resources include gravel, sand, limestone, and other material prescribed under the *Aggregate Resource Act* that are most notably used for construction materials.

- 5.3.2.1 As much of the mineral aggregate resources as is realistically possible will be made available to supply mineral resource needs as close to markets as possible. As such, mineral aggregate operations will be protected from activities that would preclude or hinder their expansion of continued use or which would be incompatible for reason of public health, public safety, or environmental impact.
- 5.3.2.2 Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation, or licensing for extraction of mineral aggregate resources locally or elsewhere.
- 5.3.2.3 Extraction shall be undertaken in a manner which minimizes social, economic, and environmental impacts.

- 5.3.2.4 Mineral aggregate resource conservation shall be undertaken, including using accessory aggregate recycling facilities within operations, wherever feasible.
- 5.3.2.5 In areas adjacent to known deposits of mineral aggregate resources, as shown on Schedule G and K, agricultural uses will be permitted however development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:
- a) a resource use would not be feasible;
 - b) the proposed land uses or development serves a greater long term public interest; and
 - c) issues of public health, public safety and environmental impact are addressed.
- 5.3.2.6 The extraction, exploration, and production of mineral aggregates under the *Mining Act* and *Aggregates Resources Act* are permitted activities within the **Agricultural System** as an interim use subject to the following conditions:
- a) Impacts from any new or expanding extraction on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent, based on Provincial guidance;
 - b) The activities must be undertaken pursuant to an approved site rehabilitation plan on record with the Town. The final rehabilitation shall take into consideration surround land and approved land use designations;
 - c) The health and viability of the **Agricultural System**, including the agricultural land base and the agri-food network, should be maintained wherever possible; and
 - d) The site will be rehabilitated back to an agricultural condition.
- 5.3.2.7 Complete rehabilitation to an agricultural condition is not required if:
- a) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
 - b) agricultural rehabilitation in remaining areas is maximized.

- 5.3.2.8 The Amherstburg Quarry, located at 677 Simcoe Street, and the McGregor Quarry, located at 6781 North Side Road (on both sides of Howard Avenue) are active mineral aggregate operations in the Town. Any new developments in areas located within 600 m of existing mineral aggregate operations are not permitted unless it can be demonstrated by the applicant that satisfactory mitigation measures can be put in place to ensure that the ongoing operation or expansion of the existing mineral aggregate operation will not be hindered. The cost and responsibility for any required mitigation measures shall be borne by the applicant. Section 8.2.13 of this Plan also applies with respect to new development within 600 m of the existing mineral aggregate operations.
- 5.3.2.9 Existing licensed mineral aggregate operation shall be permitted to continue without the need for an amendment to this Plan, Zoning By-law Amendment, or other approval under the *Planning Act*. When a license for a mineral aggregate operation ceases to exist, policies which protect deposits of mineral aggregate resources will continue to apply where deposits are still present.
- 5.3.2.10 Existing licenced mineral aggregate operations will be permitted to continue extraction and expand where appropriate.
- 5.3.2.11 Rehabilitation**
- Rehabilitation of the site will take place to the extent that the original land area and former average soil quality is restored in a manner satisfactory to the Town, Province, and any other applicable authority. For lands within the **Agricultural System**, rehabilitation to an agricultural condition is required.
- 5.3.2.12 Despite Policy 5.3.2.11, complete rehabilitation to an agricultural condition is not required if:
- a) the depth of the planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
 - b) Agricultural rehabilitation in remaining areas is maximized.
- 5.3.2.13 New Mineral Aggregate Operations**
- New mineral aggregate operations are not permitted within **Settlement Areas**. The removal of economically viable material on site within a **Settlement Area** in advance of other approved development may be considered on a site-specific basis.
- 5.3.2.14 Applications to permit a mineral aggregate operation shall:
- a) be consistent with the Provincial Planning Statement;
 - b) conform this Plan and the County Official Plan; and

- c) give due regard for other policies and guidelines that are consistent with the Provincial Planning Statement and the requirements under the *Aggregate Resources Act* and its regulations.

5.3.3 Wayside Pits and Quarries

A wayside pit or quarry means a temporary pit or a quarry opened and used by the public road authority or their contractor/agent, solely for the purpose of a particular project or contract of road construction.

- 5.3.3.1 Wayside pits and quarries are permitted in the **Agricultural** and **Extractive Industrial** designations without the need for an amendment to this Plan or Zoning By-law amendment.
- 5.3.3.2 Wayside pits and quarries are permitted on prime agricultural lands or specialty crop areas only if:
 - a) subsequent agricultural rehabilitation of the site is carried out pursuant to an approved long term rehabilitation plan; and
 - b) substantially the same acreage and average soil capability for agriculture is restored.
- 5.3.3.3 All applications for a wayside pit or quarry permit shall require a temporary site grading plan and a stormwater management report to the satisfaction of the Town
- 5.3.3.4 When reviewing applications for wayside pits or quarries, the Town will consider the following matters in commenting to the Province:
 - a) negative impacts upon natural heritage features or areas will be avoided or fully mitigated;
 - b) impacts on the right of property enjoyment of nearby residents will be avoided or fully mitigated;
- 5.3.3.5 All areas used for wayside pits or quarries shall be rehabilitated. In the case of wayside pits and quarries locating on agricultural lands, a long-term rehabilitation plan shall be established.

5.3.4 Portable Asphalt Plants

Portable asphalt plants are sometimes necessary for road construction or other capital infrastructure projects but must be carefully regulated to prevent damage or long-term impacts on the lands on which they are situated.

- 5.3.4.1 Temporary portable asphalt plants used on public authority contracts are permitted in the **Agricultural** and **Extractive Industrial** designations without the need for an amendment to this Plan or Zoning By-law amendment.

- 5.3.4.2 The portable asphalt plant facility will be required to:
- a) Have a certificate of approval from the Province;
 - b) Meet provincial minimum distance requirements and will not be closer than 400 metres to an existing dwelling;
 - c) be removed from the site upon completion of the project; and
 - 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.
- 5.3.4.3 Where possible, portable asphalt plants will be located and operated within permitted wayside pits or quarries, or within areas designated **Extractive Industrial**.

5.3.5 Petroleum and Salt Resources

To date, very little petroleum resources production has occurred within Amherstburg, however future exploration work could lead to renewed petroleum and gas production in some locations. The areas of known petroleum resources and significant areas of petroleum potential are shown on Schedule G of this Plan.

- 5.3.5.1 Petroleum resource operations, exploration, and drilling under the *Oil, Gas and Salt Resources Act* will be permitted within the **Agricultural** designation provided the site is rehabilitated to agricultural uses and will minimize impacts by following Provincial Operating Standards, Provincial regulations, and policies of this Plan.
- 5.3.5.2 Should the policies of this Plan with regard to development within the **Natural Heritage System** affect potential petroleum activities, the Province will be consulted regarding mechanisms to evaluate the value of competing resources and ensure that if drilling occurs, there is minimal policy conflict.
- 5.3.5.3 In areas of known petroleum resources and significant areas of petroleum potential, development and activities which would preclude or hinder the establishment of new operations of access to the resources shall only be permitted if:
- a) resource use would not be feasible;
 - b) The proposed land use or development serves a greater long-term public interest; and
 - c) Issues of public health, public safety, and environmental impact are addressed.
- 5.3.5.4 New development will be setback a minimum of 75 metres from existing wells. This setback is equivalent to the setback required under the *Oil, Gas and Salt Resources Act* for new wells from existing developments.
- 5.3.5.5 Plugging of abandoned oil and natural gas wells and the storage of oil and natural gas shall be in accordance with the *Oil, Gas and Salt Resources Act*. In addition, this Plan requires that:

- a) Prior to any drilling being permitted, hydrology studies will be prepared to the satisfaction of the Town, and the Province, identifying water supplies and water levels for all property within the area of exploration to establish a pre-exploration benchmark for water supply and water levels. Reductions in water supply will be the responsibility of the exploration and extraction operators;
- b) Salt water, drilling fluid, oil refuse and any flammable products from a well will not be handled or disposed of so as to create a hazard to public health or contaminate any fresh water horizons;
- c) Waste of oil field brine must not be disposed of underground without the approval of the Province;
- d) Collection, storage and surface disposal of oil field brine shall be in accordance with the standards of the Province regarding water quality, where applicable;
- e) The operation of wells will not exceed the noise and vibration pollution standards of the Province; and
- f) Oil contaminated soil will be properly disposed of at a site certified by the Province to receive such waste.

5.3.6 Haul Routes and Aggregate Truck Traffic

- 5.3.6.1 Mineral aggregate truck traffic should be routed away from settlement areas and sensitive land uses as much as possible, utilizing existing County Road networks. Local road networks should be used solely for local access. Each mineral aggregate operation must have a defined haul route.
- 5.3.6.2 Applications for permitting a mineral aggregate operation must include a plan detailing how adverse impacts from mineral aggregate truck traffic will be mitigated and consider:
 - a) options for delivery of resources to the market, including alternative modes of transportation and alternative routes;
 - b) impacts on the road network and potential mitigation measures;
 - c) safety mitigation measures in all circumstances, with particular attention required where mineral aggregate truck traffic has the potential to mix with residential traffic, school buses, agricultural vehicles, pedestrian, cyclists, and other sensitive road users;
 - d) land use compatibility with sensitive land uses; and,
 - e) social and environmental impacts and any mitigation measures.



6 Natural Heritage and Water Resources



6.1 Natural Heritage System

Located on the southwestern part of the County of Essex, Amherstburg features a mild climate, Carolinian Woodlands, prairie habitat and significant wetlands. As such, Amherstburg is within one of the most biologically diverse regions in Canada. According to the Essex Region Natural Heritage Systems Study (2013), approximately 16% of Amherstburg's land area, which is approximately 3115 hectares, is comprised of natural heritage features, including terrestrial and wetland habitat. The Town's **Natural Heritage System** is also a part of the broader Essex Region **Natural Heritage System**. The Town recognizes that specific natural heritage and environmental features are interconnected and are most effectively preserved as elements of a larger landscape feature.

6.1.1 Goals

- 6.1.1.1 To protect, preserve and promote the Town's **Natural Heritage System** for the long term, the Town will:
- a) identify and protect environmentally significant areas by aligning with the Essex Region Natural Heritage System Strategy (ERNHSS);
 - b) strive to protect existing natural heritage features and expand these areas when opportunities exist;
 - c) recognize the natural heritage system and maintain, restore or where possible, improve their diversity and connectivity;
 - d) encourage linking the natural heritage system to recreational activities; aim to increase natural heritage cover in Amherstburg to support the goals of the County of Essex Official Plan;
 - e) encourage partnerships among private and public landowners, public groups, the County of Essex, Conservation Authorities, Indigenous Communities, Provincial and Federal Ministries and Agencies, and other partners to appropriately manage ecologically sensitive lands in public and private ownership; and
 - f) collaborate with private and public landowners, public groups, the County of Essex, adjacent municipalities, the Essex Region Conservation Authority, Indigenous Communities, Provincial and Federal Ministries and Agencies, and other partners to encourage and support environmental restoration and stewardship programs across the Town of Amherstburg.

6.1.2 Natural Heritage System Overview

6.1.2.1 The Town's **Natural Heritage System** is found on the following Schedules to this Plan:

- a) Schedules A, B through B-5 and more specifically Schedule C identify lands designated **Natural Environment** which includes significant wetlands and terrestrial features within the **Natural Heritage System**.
- b) Schedule C, **Natural Heritage System**, contains the following:
 - i. **Natural Heritage Features**, including significant wetlands and significant coastal wetlands; significant woodlands; significant valleylands; and significant areas of natural and scientific interest (ANSIs). These lands are identified as Primary Priority natural heritage features in this Plan;
 - ii. **Natural Environment Overlay**, which will include woodlands, wetlands, and other lands identified as Secondary Priority natural heritage features in this Plan; and
 - iii. **Natural Heritage Feature Adjacent Lands Overlay**, which indicates an area of 120 metres from all significant features, unless it is a significant area of natural and scientific interest (ANSI), in which case the adjacent lands area is 50 metres from the feature.

6.1.2.2 Restoration Opportunities, which are shown through the Restoration Opportunities Overlay in the County Official Plan, are pursuant to the policies in Section 6.1.6 of this Plan.

6.1.2.3 The boundaries of the Town's **Natural Heritage System**, as shown on Schedule C may be determined on a site-by-site basis pursuant to the policies of this Plan and in consultation with the County of Essex and the Essex Region Conservation Authority.

6.1.3 Natural Heritage Features

6.1.3.1 Permitted land uses and development policies for Natural Heritage Features are established through the significant wetlands, significant areas of natural or scientific interest (ANSI), significant woodlands, and significant valleylands designation through the **Natural Environment** land use designation in Section 8.2.17 of this Plan and shown on Schedule A, Schedules B through B-5, and more specifically on Schedule C.

- 6.1.3.2 Development and site alteration shall not be permitted in areas designated as **Natural Environment** on Schedules B through B-5. Development and site alternation may be permitted in the **Natural Environment Overlay** if it has been demonstrated through an Environmental Impact Study, in accordance with relevant policies in Section 6.1.3.6 of this Plan, that there will be no net loss on the natural heritage features or their ecological function.
- 6.1.3.3 Site alterations and/or development on lands within 120 metres of significant wetlands and significant coastal wetlands, significant woodlands, and significant valleylands may only be permitted if it can be demonstrated to the satisfaction of the Town that there will be no negative impacts on the adjacent natural heritage features or their associated ecological functions.
- 6.1.3.4 Site alterations and/or development on lands within 50 metres of significant areas of natural and scientific interest (ANSIs) may only be permitted if it can be demonstrated, to the satisfaction of the Town, that there will be no negative impacts on the adjacent natural heritage features or their associated ecological functions.
- 6.1.3.5 The Town supports activities that preserve and enhance the features contained in the **Natural Heritage System**. Examples include, but are not limited to, tree preservation, tree planting, and establishing and improving linkages. For the determination of whether there will be no negative impact or net loss of natural heritage features, an Environmental Impact Study may be required.
- 6.1.3.6 Environmental Impact Studies will be subject to the following:
- a) The assessment will be prepared according to the Environmental Impact Study Guidelines provided by the County of Essex, as amended from time to time;
 - b) The preparation of any required Environmental Impact Study will be the responsibility of the landowner and shall be carried out by a qualified environmental professional;
 - c) When conducting the Environmental Impact Study, the report must acknowledge any new information, such as findings of rare or significant species not previously known to exist on the site, and the impact which may result from any proposed development;
 - d) Before development is approved in the area subject to the Environmental Impact Study, the Assessment will demonstrate that the relevant policies of this Plan and the County's Official Plan are met; and
 - e) The Environmental Impact Study should demonstrate that the development and site alteration will not have an impact on significant natural heritage features and related ecological functions.

- 6.1.3.7 If the Environmental Impact Study concludes that an impact on significant natural heritage features is identified, the Town shall require compensation for impacts/changes to the natural heritage system arising from the development application. Expansions and alterations to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses may be permitted if it is demonstrated that:
- a) there is no alternative, and the expansion or alteration within the feature is minimized, and within the buffer zone, is directed away from the feature to the maximum extent possible; and
 - b) the impact of the expansion or alteration on the feature and its function is minimized and mitigated to the maximum extent possible.
- 6.1.3.8 All Natural Heritage Features, including Natural Heritage Features identified in the County of Essex Official Plan, shall be placed in an Environmental Protection zone in the implementing Zoning By-Law.
- 6.1.3.9 Activities to create or maintain infrastructure within a significant wetland and significant coastal wetland authorized under an environmental assessment process are not to be considered development or site alteration. However, these activities shall primarily be located outside of wetland areas wherever possible.
- 6.1.3.10 When deemed necessary by the Public Authority or the Town of Amherstburg, conveyance of lands within the **natural heritage system** to a public authority, where appropriate, as part of the development approval process should be required at minimal or no cost to the receiving public authority. Such transfers shall not count towards fulfilling parkland dedication requirements under the *Planning Act*.
- 6.1.3.11 For lands containing natural heritage features, preserving, and dedicating these areas shall allow for the transfer of density from their land in a designated natural heritage area to a developer or landowner with lands in a designated growth area. Development proposals will need to demonstrate how transferred density will be integrated into the proposed area, including considerations for infrastructure, transportation, and community services.
- 6.1.3.12 The unauthorized removal of a natural heritage feature will not lead to a decrease or removal of development or site alteration restrictions as mandated by this Plan.
- 6.1.3.13 Natural heritage areas that are privately owned remain private property unless transferred to the Town through a planning application for development. Their designation as natural heritage areas do not enhance public access or make them more eligible for acquisition by any public authority, conservation group, or agency.
- 6.1.3.14 The Town will protect, enhance, and integrate the urban forest with both existing and expanded settlement areas by:

- a) promoting the development of a robust and thriving urban forest by expanding tree canopy coverage and fostering a variety of tree species through strategic tree planting and restoration efforts on public lands in suitable areas;
- b) requiring, where appropriate, the preparation of a Tree Inventory and Preservation Plan for development applications, to the satisfaction of the Town; Where preservation is not possible, compensation will be at the Town's discretion.
- c) enhancing tree canopy coverage and encouraging a diversity of compatible tree species through site plan control; and
- d) ensuring sustainable growth conditions for trees by allocating sufficient soil volumes and landscaped areas in development, redevelopment, site alteration, and infrastructure projects.

6.1.4 Habitat of Endangered Species, Threatened Species, and Fish Habitat

- 6.1.4.1 Although significant habitats of endangered and threatened species are not identified through the Town's Official Plan schedules, they have the potential to occur within the **Natural Heritage System**. Habitats of endangered and/or threatened species shall be identified when preparing an Environmental Impact Study for *Planning Act* applications, as required when involving or abutting the Natural Heritage System.
- 6.1.4.2 Proponents shall have regard to habitats or areas that are already delineated by the Province, and/or regulated under the *Endangered Species Act* (ESA). In cases where habitats have been suspected or identified outside of the Natural Heritage System, an Environmental Impact Study will be required.
- 6.1.4.3 Proponents of *Planning Act* applications are encouraged to go through the Information Gathering process with the appropriate provincial Ministry where there is the possibility of endangered species habitat on the subject property.
- 6.1.4.4 Development and site alteration are not permitted in fish habitat, except where authorized in accordance with applicable statutory approvals.

6.1.5 Natural Environment Overlay

The **Natural Environment Overlay** in the County of Essex Official Plan identifies Secondary Priority natural heritage features.

Land uses follow the underlying designation; however, specific policies apply to these lands when subject to development review of a *Planning Act* application. These existing features, such as woodlands/woodlots, areas of natural and scientific interest (ANSI), valleylands and wildlife habitat have at a minimum, local or regional

significance and they should be identified in local Official Plans. The County supports Local Municipalities to undertake Candidate Natural Heritage Studies to identify additional Provincially, regionally and locally significant natural heritage features and to incorporate those areas into their Official Plan and Zoning By-law.

- 6.1.5.1 Development and site alteration is not permitted on lands within the **Natural Environment Overlay** unless it has been demonstrated to the satisfaction of the Town that there will be no net loss on the natural features or their ecological functions.
- 6.1.5.2 Assessment of negative impact is to be determined by conducting an Environmental Impact Study in accordance with relevant policies in Section 6.1.3.6 of this Plan.
- 6.1.5.3 Permitted uses on lands within the **Natural Environment Overlay** shall be in accordance with the underlying land use designation.
- 6.1.5.4 The Town of Amherstburg supports activities that preserve and enhance the features contained within the **Natural Environment Overlay**. Examples include, but are not limited to, tree preservation, tree planting, and establishing and improving linkages.

6.1.6 Restoration Opportunities

The Restoration Opportunities Overlay in the County Official Plan identifies lands that do not contain existing natural heritage features, however, have been identified as potential areas to enhance the fragmented **Natural Heritage System** in the County.

- 6.1.6.1 On lands that have been identified as Restoration Opportunity in the County Official Plan and the Essex Region Natural Heritage System Strategy (ERNHSS), applications for amendments to this Plan or the Zoning By-law, plans of subdivision or condominium, or during the preparation of an Environmental Assessment (EA) for infrastructure, an Environmental Impact Study shall be undertaken that identifies and evaluates the feasibility of the following:
 - a) opportunities to restore and enhance the natural heritage features in the area, including the establishment of linkages;
 - b) the incorporation of Low Impact Development (LID) elements into the project;
 - c) opportunities to establish buffers into the project design that would promote the natural restoration of an area;
 - d) opportunities to set aside strategic areas for restoration and enhancement;
 - e) opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's natural heritage system; and
 - f) opportunities for public acquisition and/or rezoning to protect important linkages.

- 6.1.6.2 The Town will encourage the establishment of vegetated buffers and potential new linkages to enhance the natural heritage system as part of the construction of any new municipal drains or any work completed under Section 78 of the *Drainage Act* within the Restoration Opportunities Overlay in the County Official Plan.
- 6.1.6.3 The Town will endeavour to develop a strategic plan that outlines specific restoration goals, timelines, and measurable outcomes and prioritize projects that offer the greatest ecological, social, or economic benefits. This can include improving biodiversity, enhancing recreational spaces, or mitigating climate change impacts.
- 6.1.6.4 The Town will endeavour to identify funding sources for restoration projects which may include government grants and public-private partnerships. Partnerships with private landowners is encouraged to facilitate restoration on privately owned lands.

6.2 Water Resources

Water is fundamental to the health of residents and environmental vitality. Protection of this valuable resource requires strategies and initiatives to maintain the quality and sustainability of drinking water sources.

6.2.1 Goals

- 6.2.1.1 The Town of Amherstburg will endeavour to:
 - a) protect, improve, and restore water resources across the Town;
 - b) consider the cumulative impacts of development on the quality and quantity of ground and surface;
 - c) anticipate and mitigate the impact of a changing climate on the Town's water resources;
 - d) support the sustainable and efficient use of water resources;
 - e) minimize stormwater volumes and contaminant loads; and
 - f) encourage maintaining or increasing the extent of vegetative and pervious surfaces as required through landscaped open space provisions in the Zoning By-law.

6.2.2 Water Resource Management

- 6.2.2.1 The Town will protect, improve, or restore quality and quantity of water by:
 - a) using the watershed as the ecologically meaningful scale for integrated and long-term planning;
 - b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;

- c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;
- d) identifying water resource systems consistent with the County of Essex Official Plan and the Essex Region Source Protection Plan;
- e) maintaining linkages and related functions among groundwater features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- f) implementing necessary restrictions on development and site alteration to:
 - i. protect all municipal drinking water supplies and designated vulnerable areas; and
 - ii. protect, improve or restore vulnerable surface and groundwater, and their hydrologic functions;
- g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
- h) ensuring stormwater management practices minimize stormwater management volumes and contaminant loads and maintain or increase the extent of vegetative and pervious services.

6.2.2.2 The development and implementation of a watershed and subwatershed plan for the Primary Settlement Areas within the Town shall be consistent with the County of Essex Official Plan, and the Essex Region Source Protection Plan.

6.2.3 Source Water Protection

The Essex Region Source Protection Plan has been prepared in compliance with the *Clean Water Act, 2006* and looks at the current and future sources of municipal residential drinking water. It also identifies the potential threats to these sources and includes policies for actions and programs to reduce or eliminate these risks.

- 6.2.3.1 Development and site alterations must be limited when in proximity to sensitive surface water and groundwater features to ensure the protection, enhancement, or restoration of these features and their associated hydrologic functions. This may necessitate mitigation measures and/or alternative development strategies.
- 6.2.3.2 All municipal decisions under the *Planning Act* will conform to the significant threat policies and have regard for other policies with of the Essex Region Source Protection Plan. The Town shall circulate development applications for fuel-related or industrial businesses, unless Risk Management Official notice is not required by the Source Protection Plan and the Town is satisfied the activities are not a significant threat in the proposed location.

- 6.2.3.3 The Essex Region Source Protection Plan's policies shall be applicable to 'vulnerable areas' identified in Schedules F and G of this Plan, including Intake Protection Zones (IPZs), Event-Based Areas (EBAs), and Significant Groundwater Recharge Areas (SGRAs).

6.2.4 Intake Protection Zones and Event-Based Areas

Intake Protection Zones (IPZs) are areas of land and water where runoff from streams or drainage systems, combined with currents in lakes and rivers, can directly impact source water at municipal drinking water intakes. There are three Intake Protection Zones throughout the Town, as shown on Schedule H of this Plan. They include Intake Protection Zone 1 (IPZ-1), Intake Protection Zone 2 (IPZ-2) and Intake Protection Zone 3 (IPZ-3).


Event Based Areas (EBAs) are those areas identified through modeling where a spill from a specific activity has the potential to deteriorate the raw water quality at the drinking water system. EBAs in the Town encompass a combination of the three Intake Protection Zones to which associated threat policies apply.

- 6.2.4.1 Where an IPZ-1 abuts land, it shall only include a setback on the land that is the area of land that drains into the surface water body measured from the high-water mark. It shall not exceed 120m or the Essex Region Conservation Authority Regulation Limit, whichever is greater.
- 6.2.4.2 All IPZs also include lands within 120 metres of the top-of-bank of the subject waterways, or the flood plain regulated area, whichever is greater.
- 6.2.4.3 Sewage treatment tanks shall not be permitted in an IPZ-1 within the Town and applies to existing (none known to exist) and future significant threats of sewage treatment plant effluent discharges and the storage of sewage, in the vulnerable areas. This policy pertains to Environmental Compliance Approvals (Certificates of Approval) administered by the Province for these activities.
- 6.2.4.4 On lands that fall within an Event-Based Area as identified by Essex Region Conservation Authority, a planning or building permit application involving non-residential land uses will require a written notice from the Risk Management Official prior to approval, pursuant to Section 59(2) of the *Clean Water Act*.
- 6.2.4.5 The Town of Amherstburg Emergency Response Plan will be reviewed to address potential threats to source water, including a response to possible fuel spills that could impact the Intake Protection Zones within the Town.

6.2.5 Groundwater

Groundwater is the source of a significant portion of water resources in the urban and rural areas of the Town. Preventing the contamination of groundwater resources is a priority of this Plan to ensure water resources are healthy to support the Town's residential, agricultural, and natural growth. Schedule I illustrates Significant Groundwater Recharge Areas (SGRAs) as they exist across the Town. The Town does not have any Highly Vulnerable Aquifers.

- 6.2.5.1 The Town will support initiatives by the Province, Essex Region Conservation Authority, and the County of Essex to identify strategies to protect groundwater resources.
- 6.2.5.2 Development and site alteration which may threaten a Significant Groundwater Recharge Area (SGRA) will only be permitted where it has been demonstrated through an Environmental Impact Study and a Groundwater Assessment that the quality and/or quantity of groundwater will be protected, improved, or restored.
- 6.2.5.3 Groundwater Assessments must be prepared by a qualified professional under the *Professional Geoscientists Act*. The scope of the study will be determined by the qualified professional in pre-consultation with the Town and the Risk Management Official, based on the proposed development and the assessed level of risk. The study will evaluate existing conditions, assess the impact of the proposed development on the watershed and hydrologic functions, and propose mitigation measures that are satisfactory to the Town and the Essex Region Conservation Authority.



7 Natural and Human Made Hazard Lands



7.1 Natural Hazards and Flooding

Erosion and flooding present significant risks to development and structures, thereby endangering the health and safety of the Town's residents. Lands within the **Detroit River and Lake Erie Flood Prone Area**, which are lands fronting their respective shorelines as well as the islands within the Detroit River, and the **Inland Flood Prone Areas**, which are lands along inland watercourses, are floodplains known to be at risk from flooding and erosion. These areas can flood during major events such as the 1:100 year flood and are regulated by the Essex Region Conservation Authority (ERCA) under Ontario Regulation 158/06, as amended.

7.1.1 Goals

7.1.1.1 The Town will aim to:

- a) reduce risk to people and property associated with natural hazards;
- b) direct development outside of areas susceptible to flooding, erosion, or other natural hazards;
- c) ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts;
- d) protect people and property from flooding, and ensure development has safe ingress and egress in flood prone areas within the Town; and
- e) prepare for the impacts of a changing climate on natural hazards, especially those occurring adjacent to Lake Erie and the Detroit River.

7.1.2 Floodprone Areas

- 7.1.2.1 Permits must be obtained from the Essex Region Conservation Authority before any site alteration, placement or removal of fill, or construction of structures within **Detroit River and Lake Erie Flood Prone Area** and the **Inland Flood Prone Area**. Permits from the Essex Region Conservation Authority may be necessary for any activities conducted in offshore areas along the Detroit River and Lake Erie shoreline.
- 7.1.2.2 The Town will take a two-zone approach to the regulation of floodplains as directed by the County of Essex. The floodplains will be differentiated into two categories: the floodway and flood fringe.
- 7.1.2.3 The floodway is the inner portion of the floodplain required for the safe passage and flood flow and/or the area where flood depths and velocities are considered to pose a potential threat to life and/or property damage. The floodway is delineated on a site-specific basis through consultation with the Essex Region Conservation Authority.

- 7.1.2.4 Flood fringe areas refer to the outer portion of the floodplain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.
- 7.1.2.5 Development and site alteration in the floodway of the **Detroit River and Lake Erie Flood Prone Area** and the **Inland Flood Prone Area** is restricted to facilities and undertakings used for flood control purposes and approved by the Essex Region Conservation Authority.
- 7.1.2.6 Development and site alteration in the flood fringe of the **Detroit River and Lake Erie Flood Prone Area** and the **Inland Flood Prone Area** will only be permitted if the risks and impacts on public safety are minor and can be mitigated in accordance with provincial standards, and:
- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
 - b) new hazards are not created, and existing hazards are not aggravated;
 - c) no adverse environmental impacts will result and has been demonstrated through an Environmental Impact Study where required;
 - d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies to the satisfaction of the Town; and,
 - e) the development does not include institutional uses or essential emergency services or uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- 7.1.2.7 Development within these areas shall be mindful of the increased risks that may result from a changing climate and will be subject to minimum building elevations and, setbacks, and shoreline protection measures as specified in the Zoning By-Law or the Essex Region Conservation Authority.
- 7.1.2.8 Dynamic beaches will be identified by the Town in consultation with the Essex Region Conservation Authority's Shoreline Natural Hazard Mapping to conserve and safeguard the natural ecosystem, tourism potential, adjacent land uses, and related public safety. New development will not be permitted within defined portions of dynamic beaches.
- 7.1.2.9 For those inland watercourses, municipal drains and marshes where engineered flood lines are not available, the Town in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of such watercourses, municipal drains and marshes. An 8m setback shall be maintained from an open drain, and a 6 m setback from a closed drain.

- 7.1.2.10 When evaluating development applications for lands adjacent to any watercourse, drain, or marsh, the Town, in consultation with the Essex Region Conservation Authority, may require the proponent to establish appropriate flood-proofing elevations and/or mitigation measures to ensure no adverse effects on the natural heritage system. These flood-proofing requirements and/or mitigation measures shall be implemented through consultation with the Essex Region Conservation Authority and/or development application process.

7.2 Human Made Hazards and Brownfield Development

Human made hazards pertain to lands potentially contaminated due to past industrial, transportation, utility, or similar activities. Site contamination can arise from waste disposal, raw material storage, residues in containers, maintenance activities, and spills. Certain commercial operations, such as fueling stations and automotive repair garages, also pose a similar risk of contamination.

The historic use of land in the Town has resulted in the potential for some land to be contaminated because of previous land use activities. This includes the former General Chemical/Honeywell Chemicals lands, which include the large chemical plant, extensive brine wells, waste settling beds, and quarrying operations. This site, along with others in the Town, including mineral and petroleum resource operations, pose potential risks to human health, ecological well-being, and the natural heritage system. However, if properly remediated for new uses, these sites also offer opportunities for redevelopment and community integration.

7.2.1 Goals

- 7.2.1.1 The Town will ensure lands affected by human made hazards are rehabilitated, remediated, and/or determined to be safe before development is permitted, including on abutting or adjacent lands. The Town may require a Record of Site Condition in the following circumstances:
- a) Where a property is within 500 m of the former General Chemical Property (refer to Schedule K);
 - b) Where there is a change of land use to a more sensitive use than the previous land use; or
 - c) Where a use is being proposed that is less-intensive than what exists in an existing building.

7.2.2 Development and Remediation

- 7.2.2.1 Development on, or adjacent to, lands with known or suspected contaminants will be permitted, subject to land use restrictions, only if appropriate rehabilitation measure to identify, quantify, and mitigate these hazards are underway or have been completed, in accordance with Provincial guidelines.
- 7.2.2.2 Contaminated sites must be restored as necessary prior to any activity related to the proposed on the site, ensuring that there will be no adverse effect. Specifically, any application to redevelop a contaminated or hazardous site, or to develop land adjacent to such a site, must provide details on the following:
- a) past and present uses on the site;
 - b) a soil report prepared pursuant to 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 pursuant to the relevant Provincial guidelines and legislation;
 - c) acknowledgement that site restoration is to occur pursuant to Ontario Regulation 153/04 (Record of Site Condition) under the *Environmental Protection Act*, as may be amended from time to time;
 - d) where contamination has been identified and remediated, a letter from the Province acknowledging receipt of a "Record of Site Condition" prior to development approvals being granted.
- 7.2.2.3 Development on lands abutting or adjacent to lands affected by former mineral resource operations and petroleum resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.
- 7.2.2.4 As a condition of development approval, the Town will require that any improperly abandoned wells that are known or discovered on the property during development must be properly sealed in compliance with Provincial Standards of the *Oil, Gas, and Salt Resources Act*. The plugging and storing of abandoned oil and natural gas wells and the storage of oil and natural gas will be done pursuant to the *Petroleum Resources Act*.

- 7.2.2.5 Proponents are required to submit a geotechnical study for development applications in locations or areas of known historic salt solution mining activity. The study is to be completed by a qualified engineer that concludes the site is safe for the proposed development. Any associated wells shall be plugged according to Provincial regulations and standards.
- 7.2.2.6 To safeguard public health and safety, the Zoning By-law will establish land use separation requirements from human made hazards (i.e. buffers), ensuring compliance with Provincial regulations and standards.



8 Land Use and Development



8.1 General Policies

To effectively accommodate the current and future residents of the Town of Amherstburg in an organized and logical way, the following general policies and principles shall be applied to all land use designations within the Town.

8.1.1 Site Suitability

- 8.1.1.1 Before any development or amendment to this Plan or the Zoning By-Law is approved, it must be demonstrated to the satisfaction of the Town, Council and all other relevant authorities that:
- a) soil and drainage conditions are suitable to permit the proper siting of buildings;
 - b) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;
 - c) the road system is adequate to accommodate projected increases in traffic;
 - d) the land fronts on a public road (unless specifically noted as an approved private road) which is maintained and constructed to the satisfaction of the Town;
 - e) lot frontage and area are suitable for the proposed use and conforms to the standard required by the implementing by-law;
 - f) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may have upon any proposed or existing adjacent use; and
 - g) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may have on the natural environmental features and functions.
- 8.1.1.2 Alternatively, when deemed appropriate, a holding symbol in the Zoning By-law can be applied to the subject land, in accordance with the requirements in Section 12.4.6, and subject to site plan control as per Section 12.4.9 of this Plan.

8.1.2 Land Use Compatibility

- 8.1.2.1 New development shall be compatible with adjacent land uses and be consistent with the Province's Environmental Land Use Compatibility Guidelines. The intent of these guidelines is to minimize or prevent, using buffers and separation of uses, the encroachment of incompatible land uses.
- 8.1.2.2 The Province's Land Use Compatibility Guidelines delegate responsibility to the planning authorities and requires that they be followed where there is potential encroachment of sensitive land uses to existing facilities and vice versa.
- 8.1.2.3 Proposed sensitive land uses that fall within a potential influence area and/or minimum separation distance of an industry as defined by the Province's Land Use Compatibility Guidelines will require a Land Use Compatibility study to:

- a) define the actual influence area where the potential for adverse effects exist; and
- b) demonstrate that if adverse effects are expected, that they can be minimized and/or mitigated to an acceptable level.

- 8.1.2.4 If adverse effects can be minimized and/or mitigated, the proposed development may proceed through the implementation of mitigation as a requirement of the planning approval process. Mitigation must be maintained over time.
- 8.1.2.5 If it cannot be demonstrated that adverse effects can be minimized and/or mitigated to an acceptable level to the satisfaction of the Town and/or the Province, the proposed development cannot be approved.
- 8.1.2.6 All site designs of new developments must include a development plan that demonstrates the scale of the development and/or addition or expansion is compatible with the scale and use of the area, incorporates appropriate buffering in accordance with the Zoning By-law and ensures no adverse impact on views and shadowing when applicable.
- 8.1.2.7 Residential areas and other sensitive uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of this Plan and the use of site plan control. Developers may be required to perform noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the Town, and as required by the Province, and to meet the requirements of Section 8.1.2 of this Plan.
- 8.1.2.8 Existing quarry operations shall be protected from development and activities that would preclude or hinder their expansion or continued use of which would be incompatible for reasons of public health, public safety, or environmental impact. Sections 5.3.2.8 and 8.2.13 of this Plan will apply with regards to new development within 600 m of the existing mineral aggregate operations.

8.1.3 Phasing of Improvements

- 8.1.3.1 The Town will promote the installation, maintenance and improvement of modern infrastructure systems including roads and railways, pipelines, and telecommunications networks to service existing and future employment.
- 8.1.3.2 The Town will ensure that financing and construction of infrastructure and public works can proceed in a logical and sequential manner without causing undue financial strain on the Town.

- 8.1.3.3 When existing infrastructure is insufficient to support a proposed development, the Town may consider entering into a front-end financing agreement with the developer. Under this agreement, the developer would provide the upfront capital costs needed to build or upgrade the necessary infrastructure to support the new development.

8.1.4 Major Facilities

- 8.1.4.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.
- 8.1.4.2 When a facility or facility expansion is proposed, if it falls within the potential area of influence and/or minimum separation distance of a sensitive land use as defined by the Province's Land Use Compatibility Guidelines, a Land Use Compatibility study to:
- a) define the actual influence area where the potential for adverse effects exist; and
 - b) demonstrate that if adverse effects are expected, that they can be minimized and/or mitigated to an acceptable level.
- 8.1.4.3 If adverse effects can be minimized and/or mitigated, the proposed development may proceed through the implementation of mitigation as a requirement of the planning approval process. Mitigation must be maintained over time.
- 8.1.4.4 If it can not be demonstrated that adverse effects can be minimized and/or mitigated to an acceptable level to the satisfaction of the Town and the Province, the proposed development cannot be approved.
- 8.1.4.5 Where avoidance is not possible, the long-term viability of existing or planned employment, manufacturing or other uses that are vulnerable to encroachment shall be protected by ensuring that proposals for adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards, and procedures:
- a) there is an identified need for the proposed use;
 - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
 - c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
 - d) potential impacts to employment, manufacturing or other uses are minimized and mitigated.

8.1.5 Short-Term Rentals (STRs)

- 8.1.5.1 Short-Term Rentals are permitted where dwelling units are permitted and are subject to the conditions as per the Town's Short Term Rental By-law.
- 8.1.5.2 Owners and/or Operators will be required to obtain a License to operate the Short-Term Rental as per the Town's Short Term Rental By-law.

8.1.6 Home Occupations and Businesses

- 8.1.6.1 Home occupations and live-work arrangements are encouraged in the various **Residential** and **Agricultural** designations provided they are clearly secondary to the main use of the dwelling and the main use of the lands from which they are conducted.
- 8.1.6.2 They shall be unobtrusive in nature, compatible with neighbouring uses and in keeping with the scale and use of the area in which they are situated.
- 8.1.6.3 The requirements of the Windsor-Essex County Health Unit (WEHCU) must always be upheld to ensure public health and safety.
- 8.1.6.4 The range or type of home occupations or businesses permitted (and prohibited) and the policies applying to them may vary between and within the Settlement Areas and Agricultural areas to ensure land use compatibility.
- 8.1.6.5 The Zoning By-law shall address the range and type permitted and policies applying to them.

8.1.7 Institutional and Utility Uses

- 8.1.7.1 Institutional uses include public and quasi-public uses serving the educational, health and social needs of the community. Typical institutional uses include, though are not limited to, schools, parks, recreation, libraries, places of worship, community centres, long term care homes, government buildings and fire stations. They are often found throughout the community and, depending on their scale, are generally compatible with most uses.
- 8.1.7.2 Unless specified otherwise in this Plan, the following uses are permitted in all land use designations shown on Schedules B through B-5 of this Plan:
 - a) New or expanded community uses including schools, community centres, parks, or places of worship;
 - b) any facility or activity directly associated with the operations of the Town or County, including stormwater management facilities;

- c) new or expanded utility uses including gas distribution or transmission, electrical transmission, or telecommunications transmissions, in accordance with Section 9.2.5 of this Plan.

8.1.7.3 Notwithstanding Policy 8.1.7.2 of this Plan, new community uses will not be permitted on lands in the **Natural Environment, Agricultural, or Industrial** designations.

8.1.7.4 New institutional uses that are not permitted through the Zoning By-law will be subject to a Zoning By-law amendment subject to the following criteria:

- a) Compatibility of the proposed use with neighbouring uses;
- b) Protection of natural heritage features and avoidance of hazardous lands;
- c) The availability of appropriate municipal services;
- d) Provision of adequate on-site parking, with the location, buffering and design minimizing impacts on abutting residential uses; and
- e) New institutional uses will be subject to site plan control.

8.1.8 Accessory Uses

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

8.2 Land Use Designations

The following policies pertain to the specific land use designations as shown on Schedules B through B-5 of this Plan. Each designation specifies which land uses are permitted on the subject lands and are further enforced by the Town's Zoning By-law, the development review and approval process, and site plan control and development agreements.

8.2.1 Residential

Areas designated for residential purposes include both existing and established residential developments and vacant lands for accommodating future residential uses. Undeveloped lands designated for residential purposes lie adjacent to existing residential areas to ensure contiguous development and the cost-efficient extension of services. Within existing developed areas, opportunities exist for redevelopment and infilling. These areas are intended to allow for a variety of housing options, including a mix of dwelling types, tenure types and arrangements.

Under the Residential classification there are three (3) **Residential** designations:

- **Low Density Residential;**
- **Medium Density Residential;** and
- **High Density Residential.**

8.2.1.1 Goals

The following goals are established for the **Residential** designations:

- a) To encourage the provision of a greater diversity of housing forms to meet the social, health and well-being needs of current and future residents;
- b) To provide the opportunity to increase the housing supply through residential intensification within existing developed areas;
- c) To encourage infilling and redevelopment within existing developed areas;
- d) To provide for the provision of affordable housing for ownership and rental forms of housing;
- e) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;
- f) To ensure that development occurs in a manner that is in keeping with the servicing and financial capacity of the Town; and
- g) To encourage an adequate supply of new fully serviced building lots to meet the anticipated demand for additional housing units over the planning period of this Plan.

8.2.1.2 Permitted Uses

The following uses shall be permitted on lands designated **Low, Medium, and High Density Residential** on Schedules B through B-5:

- a) A range of low, medium, and high density residential uses, in accordance with Section 8.2.1.4, including:
 - i. Single-detached dwellings; semi-detached dwellings; duplex dwellings; rowhouses; street rowhouses; and multiple dwellings;
 - ii. Additional Residential Units, in accordance with Section 4.1.4 of this Plan;
 - iii. Residential care facilities, special needs housing, and group homes;
- b) Home occupations, in accordance with Section 8.1.6 of this Plan;
- c) **Neighbourhood Commercial** uses if:
 - i. the proposed use is compatible with the land uses in terms of in scale, form, and height;

- ii. there are appropriate municipal services available; and
 - iii. there is adequate on-site parking and buffers or setbacks from existing residential uses.
- 8.2.1.3 Additional provisions for the permitted uses of **Low, Medium, and High Density Residential** development will be provided through the Town's Zoning By-law.
- 8.2.1.4 **Low, Medium, and High Density Residential** designations are categorized as followed:
 - a) **Low Density Residential** development should be planned to meet minimum density targets between 25 and 50 units per net hectare with a maximum building height of up to three storeys, as established in the Zoning By-law;
 - b) **Medium Density Residential** development should be planned to meet minimum density targets between 50 and 80 units per net hectare with a maximum building height of five storeys, as established in the Zoning By-law;
 - c) **High Density Residential** development should be planned to meet minimum density targets of 80 or higher units per hectare with a maximum building height of eight storeys, as established in the Zoning By-law.
- 8.2.1.5 In existing **Residential** areas, an increase in residential density, without an amendment to this plan, may be considered subject to a Zoning By-law Amendment and to the following criteria:
 - a) The proposed development is compatible with the surrounding uses;
 - b) Availability of municipal services;
 - c) Proximity and access to supporting community services; and,
 - d) The proposed development increases the mix of dwelling types and support the achievement of the Town's affordability target of 20%.
- 8.2.1.6 Multi-unit forms of residential development provide the potential for more affordable housing as well as housing more able to meet the increasingly diverse needs and preferences of the community. A range of housing types should be provided in the Town, ensuring compatibility with the overall densities of surrounding areas.
- 8.2.1.7 Development proposals for plans of subdivisions are encouraged to include a variety of housing types and densities and neighbourhood commercial uses, in accordance with Section 12.4.10 Plan, unless it can be shown that market conditions, available services, site conditions, and neighboring land uses necessitate a different approach.

- 8.2.1.8 Development proposals for plans of subdivision shall demonstrate connectivity and access to Arterial Roads. A Transportation Impact Assessment (TIA) shall be required to determine if additional access points are necessary, to the satisfaction of the Town, for developments greater than fifty (50) units. The TIA will also determine the appropriate location of sight triangles at the access points to the subdivision in accordance with Section 9.1.6 of this Plan.
- 8.2.1.9 Development proposals for plans of subdivisions adjacent to lands with future development potential shall provide road stubs, to the Town's discretion, to allow for future connectivity and access points to the subdivisions.
- 8.2.1.10 This Plan promotes the establishment of appropriate **Neighbourhood Commercial** uses within **Residential** areas to help build complete communities and offer convenient, walkable amenities for residents. Ideally, these commercial uses should be located within existing or emerging **Neighbourhood Nodes**, such as the Alma Street, Amherst Pointe, Middle Side Road, and Fryer Street Nodes identified on Schedule A, and in accordance with Section 3.2.2.4 of this Plan. Additionally, locations along or near **Urban Corridors**, as shown on Schedule A, are encouraged for such uses.

8.2.1.11 **Special Policy Area 1**

The lands located at and abutting the former Anderdon Tavern site on the east side of County Road 20, north of Texas Road and south of Middle Side Road and identified as Special Policy Area 1 on Schedules B and B- 2 of this Plan, shall have a dual designation of **Neighbourhood Commercial** and **High Density Residential**. The following policies shall apply:

- a) **Medium** and/or **Low Density Residential** development and/or a hotel shall also be permitted subject to an approved concept plan by Council. Height limitations shall be incorporated into the Zoning By-law. A restaurant (excluding fast food or drive through) may form part of the permitted uses under the designation if integrated into either a hotel or a **Neighbourhood Commercial** development.
- b) The lands located on the west side of Front Road North may be used as either **Low Density Residential** or as a marina associated with the residential development to the east of County Road 20.

8.2.1.12 **Special Policy Area 2**

The lands located south of Lowes Side Road on the east side of County Road 20, and identified as Special Policy Area 2 on Schedules B and B-3 of this Plan, shall have a dual designation of **Medium Density Residential** and **General Commercial**. The following policies shall apply:

- a) Development proposals will be subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.2 Heritage Residential

Adjacent to the Downtown Core of the old Town is a residential area where many of the homes date back to the 1800s. The small frame homes on narrow streets are a visible reminder of Canada's beginnings. The **Heritage Residential** area lies within the Town's Heritage Conservation District.

8.2.2.1 Permitted Uses

The following uses shall be permitted on lands designated **Heritage Residential** on Schedules B through B-5:

- a) single detached, semi-detached, duplex, rowhouses, street rowhouses, and existing converted dwellings as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses; and
- b) Residential care facilities, special needs housing, group homes, and other housing designed to accommodate persons with special needs.

8.2.2.2 The Town will ensure that any new development within the **Heritage Residential** area is compatible with and complementary to the area in terms of its overall massing, setbacks, parking, and building location relative to the street. There should be no minimum requirements for lot area or frontage, however the front yard depth should be consistent with neighboring properties to maintain a uniform streetscape.

8.2.2.3 New developments and redevelopments within the **Heritage Residential** area shall be subject to the policies in Chapter 11 of this Plan and the **Heritage Conservation District Plan**.

8.2.2.4 Structures designated as "Heritage" buildings under the *Ontario Heritage Act* must be maintained in their historically significant form in accordance with the policies in Chapter 11 of this Plan and the **Heritage Conservation District Plan**.

8.2.3 Modular Home Residential

Lands designated **Modular Home Residential** are located on Schedules B through B-5.

8.2.3.1 Permitted Uses

The following uses will be permitted on lands designated **Modular Home Residential** on Schedules B through B-5:

- a) Modular homes and accessory uses, including, but not limited to, a manager's office and on-site recreational and service facilities.

8.2.3.2 Any new **Modular Home Residential** communities will require an amendment to this Plan.

8.2.3.3 Site alterations or minor expansions will be permitted subject to site plan control, in accordance with Section 12.4.9. This includes demonstration of adequate municipal water supply, sanitary sewers, and storm drainage. Services may be in the form of a communal system approved by the appropriate Ministry.

8.2.4 Commercial

The **Commercial** designations as shown on Schedules B through B-5 reflect a hierarchy based on the established commercial land use patterns of the Town. They are found predominantly within the **Urban Nodes** and along the **Urban Corridors** where they serve both local and regional needs as well as the tourist function.

Under the Commercial classification there are four (4) **Commercial** designations:

- **Neighborhood Commercial;**
- **Mixed Use Corridor;**
- **Downtown Core;** and
- **General Commercial.**

8.2.4.1 Goals

The following goals are established for the **Commercial** designations:

- a) To promote a sufficient supply and range of commercial goods, services, and population-based employment opportunities to meet the needs of the Town's residents, businesses and visitors;
- b) To promote a high aesthetic quality in all commercial areas that reflects the historic physical character of the Town;
- c) To encourage a mix of uses including residential intensification to meet the Town's housing needs, strategically located along urban corridors near municipal services, public transit, and employment opportunities; and
- d) To minimize the impacts of commercial uses on adjacent sensitive land uses.

8.2.5 Neighbourhood Commercial

Areas designated as **Neighbourhood Commercial** are intended to encourage the development of small-scale retail and service establishments that would include uses serving the most frequent and everyday needs of residents in the surrounding residential area. Schedules B through B-5 identify general, approximate locations for **Neighbourhood Commercial** uses to encourage their appropriate integration into new and existing residential subdivisions. This strategy directly supports the creation

of complete communities and aligns with the guiding policies of the Provincial Planning Statement and the County Official Plan.

8.2.5.1 Permitted Uses

The following uses shall be permitted on lands designated **Neighbourhood Commercial** on Schedules B through B-5:

- a) Small-scale retail, business and professional offices, personal services, live/work units, doctors' offices/medical clinics, childcare facilities, as more specifically defined in the Zoning By-law;
- b) Small-scale restaurants without a drive through;
- c) Recreational, community, and cultural facilities; and
- d) Residential uses above the ground floor of a combined use building.

8.2.5.2 The Town will encourage pedestrian-focused **Neighbourhood Commercial** areas with a vibrant, walkable streetscape that will bring the community together and provide an identity for the neighbourhood.

8.2.5.3 The mix of uses in the **Neighbourhood Commercial** designation shall be compatible and sensitively integrated with the surrounding residential uses in terms of building mass, height, setbacks, orientation, privacy, buffering, lighting, shadow casting, accessibility, and visual impact.

8.2.5.4 The maximum building height for **Neighbourhood Commercial** uses shall be three (3) storeys.

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

8.2.5.6 As per the *Planning Act*, Town has the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law and allows the Town to collect money which can then be used to provide municipal parking within the area. The Town may exempt part or all of the parking space requirements of the Zoning By-Law for development in the **Neighbourhood Commercial** designation in return for a cash in lieu payment in accordance with Section 10.3.6.5 of this Plan.

8.2.5.7 No open storage shall be permitted in **Neighbourhood Commercial** designation.

8.2.5.8 Detailed development standards including setbacks and gross floor area shall be established in the implementing Zoning By-law.

8.2.5.9 **Neighbourhood Commercial** uses will be permitted in the **Residential** designation in accordance with Policy 8.2.1.2 of this Plan.

- 8.2.5.10 Lands designated as **Neighbourhood Commercial** may be included in separate zoning classifications in the implementing Zoning By-Law.
- 8.2.5.11 All proposed new development or additions/expansions to existing development within the **Neighbourhood Commercial** designation are subject to site plan control as outlined in Section 12.4.9 of this Plan and shall have general conformity to the Urban Design policies of this Plan.

8.2.6 Mixed Use Corridor

The **Mixed Use Corridor** land use designation is located predominantly along Sandwich Street and Simcoe Street Corridors within the Town of Amherstburg. These Primary Corridors are meant to maintain a diverse range of land uses that encourage investment in public transit and contribute to the creation of complete communities.

Mixed Use Corridors have the potential to accommodate significant growth, in an intensified built-form. An appropriate mix and range of commercial, retail, office, institutional and residential uses at different scales and intensities will be encouraged and supported within the **Mixed Use Corridor**. They are the Gateway to the community and should incorporate high quality design, including building materials, architectural details, landscaping, and signage.

8.2.6.1 Permitted Uses

The following uses shall be permitted on lands designated **Mixed Use Corridor** on Schedules B through B-5:

- a) Retail and service commercial uses, including large-scale food stores;
- b) Restaurants, including drive throughs subject to the policies of this Plan;
- c) Automobile service stations and car washes;
- d) Existing automobile sales establishments as of the date of adoption of this Plan;
- e) **Medium Density Residential** uses along Simcoe Street, either as stand-alone buildings or as part of a combined use building, pursuant to Section 8.2.1.4 of this Plan;
- f) **High Density Residential** uses along Sandwich Street, either as stand-alone buildings or as part of a combined use building, pursuant to Section 8.2.1.4 of this Plan;
- g) Professional, business, and financial offices;
- h) Places of worship and other institutional uses;
- i) Daycare facilities;
- j) Hotels and other tourism facilities; and
- k) Uses accessory to the forgoing uses.

- 8.2.6.2 **Mixed Use Corridor** developments shall be compatible with the surrounding areas in terms of building mass, height, setbacks, orientation, privacy, buffering, lighting, shadow casting, accessibility, and visual impact.
- 8.2.6.3 The Town shall encourage access for pedestrians and integration with pedestrian and cycling infrastructure within the **Mixed Use Corridor** designation.
- 8.2.6.4 To ensure an attractive entrance to Amherstburg's **Heritage Conservation District** and to preserve its historic charm, a high standard of building and site design shall be applied to developments within the **Mixed Use Corridor** designation. These areas serve as the Gateway to Amherstburg with special attention given to lighting, fencing, and landscape features through the policies in Section 10.3, particularly where such developments are adjacent to residential uses or are located in a strategic location.
- 8.2.6.5 **Mixed Use Corridor** developments within or adjacent to the **Heritage Conservation District** will require a Heritage Impact Assessment. Council will seek the advice of the Heritage Committee with regards to lot patterns, height, massing, setback, building scale, roof pitches, and exterior materials.
- 8.2.6.6 All proposed new development or additions/expansions to existing development within the **Mixed Use Corridor** designation are subject to site plan control in accordance with in Section 12.4.9 of this Plan.
- 8.2.6.7 Proposals for new **Mixed Use Corridor** developments shall be reviewed on the basis of general conformity with the Urban Design and Gateway Policies in Section 10.3 of the Plan, and the following policies:
- a) The proposed development shall provide adequate buffering to ensure visual separation between commercial uses and residential uses;
 - b) Buffering may include the provision of plantings, fences, trees; the construction of screen walls or a combination of the aforementioned techniques;
 - c) Provision shall be made for parking, loading, vehicle circulation, garbage collection/storage, and other required facilities for the development;
 - d) The site shall be provided with full municipal services; and
 - e) Outside storage or display of merchandise shall be regulated through the implementing Zoning By-law and are subject to site plan control in accordance with Section 12.4.9 of this Plan.
- 8.2.6.8 The number of access points from properties that abut an arterial road shall be restricted in number. Wherever possible, reciprocal access shared between two or more lots will be encouraged.

- 8.2.6.9 As per the *Planning Act*, Town has the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law and allows the Town to collect money which can then be used to provide municipal parking within the area. The Town may exempt part or all of the parking space requirement of the Zoning By-Law for development in the **Mixed Use Corridor** designation in return for a cash in lieu payment in accordance with Section 10.3.6.5 of this Plan.

8.2.7 Downtown Core

Lands designated **Downtown Core** are located within the Historic Core of Amherstburg. This area is the heart of the Town and the **Heritage Conservation District**, with many designated cultural heritage assets including Fort Malden and King's Navy Yard Park, a diverse commercial fabric, and residential uses. Richmond Street, Dalhousie Street, Murray Street, Gore Street, and Simcoe Street are the main commercial streets in the **Downtown Core** connecting the historic core and waterfront area to Sandwich Street. The stretch of Richmond Street in particular is a mix of commercial and institutional uses, with a "main street" commercial fabric with shallow front yard setbacks and pedestrian-oriented entrances. Mixed use street-level commercial and upper-level commercial or residential uses are encouraged in this area.

8.2.7.1 Permitted Uses

The following uses shall be permitted on lands designated **Downtown Core** on Schedules B through B-5:

- a) Small-scale retail and commercial uses, business and professional offices, personal services, live/work units, doctors' offices/medical clinics, hotels, and restaurants, as more specifically defined in the Zoning By-law;
- b) Recreational, community, and cultural facilities;
- c) Places of worship and other institutional uses; and
- d) **Medium Density Residential** uses as part of a combined use building, pursuant to Section 8.2.1.4 of this Plan.

8.2.7.2 Drive-throughs are not permitted within the **Downtown Core** designation.

8.2.7.3 Development or redevelopment within the **Downtown Core** designation will be required to be compatible with the heritage character and attributes of adjacent heritage properties and the cultural heritage value of the **Heritage Conservation District**. This means adhering to the character of the surrounding neighbourhood with regards to lot patterns, height, massing, setbacks, building scale, roof pitches, lighting, signage, and exterior materials.

- 8.2.7.4 The maximum building height within the **Downtown Core** designation shall be four (4) storeys. For heights above three (3) storeys, the incorporation of architectural setbacks are encouraged to help retain the scale to the streetscape. Proposed heights above four (4) storeys shall require an amendment to this Plan.
- 8.2.7.5 All new freestanding developments within the **Downtown Core** designation shall require the submission of a Heritage Impact Assessment that demonstrates conformity of the new building with the **Heritage Conservation District Plan**.
- 8.2.7.6 The **Downtown Core** shall be designed primarily to serve a pedestrian function and to encourage social interaction. Convenient access for pedestrians and integration with pedestrian and cycling infrastructure shall be encouraged.
- 8.2.7.7 Buildings shall be oriented towards the street with entranceways and sidewalks to provide access for pedestrians.
- 8.2.7.8 Building setbacks must generally follow those of adjacent properties. Where there is no established street wall, buildings should be located close to the street at a pedestrian-scale.
- 8.2.7.9 Detailed development standards including height, setbacks, and gross floor area shall be established in the implementing Zoning By-law.
- 8.2.7.10 Lands designated **Downtown Core** may be placed in separate zoning classifications in the implementing Zoning By-Law.
- 8.2.7.11 All proposed new development or additions/expansions to existing development within the **Downtown Core** designation are subject to are subject to site plan control in accordance with Section 12.4.9 of this Plan and shall have general conformity to the Urban Design polices of this Plan.
- 8.2.7.12 Lands located on Dalhousie Street at Rankin and designated as **Downtown Core** will require the provision of perspective drawings to the satisfaction of the Heritage Committee prior to any building permits being issued for development or redevelopment of the site and/or buildings to ensure preservation of compatibility to the heritage elements of this area. A holding provision may be applied in the Zoning By-law to require such approval of drawings prior to development or redevelopment.
- 8.2.7.13 Entrances and exits to off-street parking facilities shall be located so as to minimize interference with all modes of street traffic. The frontage on streets located within the **Downtown Core**, with the exception of Sandwich Street, shall not be used for surface off-street parking facilities.

- 8.2.7.14 As per the *Planning Act*, Town has the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law and allows the Town to collect money which can then be used to provide municipal parking within the area. The Town may exempt part or all of the parking space requirement of the Zoning By-Law for development in the **Downtown Core** designation in return for a cash in lieu payment in accordance with Section 10.3.6.5 of this Plan. This exemption will be considered to promote the cultural heritage fabric and to encourage a compact built form.
- 8.2.7.15 The development of pedestrian walkways to parking areas located behind the Richmond Street frontage as well as Murray and Dalhousie Streets, shall be required, as well as ensuring barrier free accessibility and accessible parking spaces.
- 8.2.7.16 No open storage shall be permitted in **Downtown Core** designation.
- 8.2.7.17 Proposals for new **Downtown Core** developments shall be reviewed based on general conformity with the Urban Design section of this Plan, the **Heritage Conservation District Plan**, and the following policies:
- a) Buffering may include the provision of plantings, fences, trees; the construction of screen walls or a combination of the aforementioned techniques; and
 - b) The proposed development is encouraged to make maximum use of the areas behind at the rear of the property for the purposes of both loading and parking.

8.2.8 General Commercial

The **General Commercial** land use designation is intended for areas that provide people-oriented employment opportunities and to support higher density and intensity development. These areas are designed for vehicle-oriented uses and are located predominantly along Sandwich Street South.

8.2.8.1 Permitted Uses

The following uses shall be permitted on lands designated **General Commercial** on Schedules B through B-5:

- a) Large scale retail establishments that attract heavy traffic volumes, require more extensive on-site parking and vehicular access, and may have outdoor storage including:
 - i. commercial uses primarily serving the traveling public, such as service centres, hotels, motels, restaurants, convention or banquet facilities, with or without meeting rooms or drive through facilities;
 - ii. retail and wholesale commercial uses that require large sites and may require outdoor storage and display areas, such as general retailers,

supermarkets, building supply outlets, hardware and home improvement centres, and garden centres; and

- iii. Automobile service stations, car washes, and automobile sales establishments, and recreational vehicle and farm equipment establishments.

- b) **Medium** and **High Density Residential** uses either as stand-alone buildings are as part of a combined use building, pursuant to Section 8.2.1.4 of this Plan.
- c) Professional, business, and financial offices;
- d) Places of worship and other institutional uses; and
- e) Uses accessory to the forgoing uses.

8.2.8.2 **General Commercial** developments shall be compatible with the surrounding areas in terms of building mass, height, setbacks, orientation, privacy, buffering, lighting, shadow casting, accessibility, and visual impact.

8.2.8.3 The maximum building height for hotels and **Medium** and **High Density Residential** uses either as stand-alone buildings are as part of a combined use building within the **General Commercial** designation shall for eight (8) storeys.

8.2.8.4 The Town shall encourage access for pedestrians and integration with pedestrian and cycling infrastructure within the **General Commercial** designation.

8.2.8.5 All proposed new development or additions/expansions to existing development within the **General Commercial** designation are subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.8.6 Proposals for new **General Commercial** developments shall be reviewed on the basis of general conformity with the Urban Design policies in Section 10.3 of this Plan, and the following policies:

- a) The proposed development shall provide adequate buffering and landscape screening to ensure visual separation between commercial uses and residential uses;
- b) Buffering may include the provision of plantings, fences, trees; the construction of screen walls or a combination of the aforementioned techniques;
- c) Provision shall be made for parking, loading, vehicle circulation, garbage collection/storage, and other required facilities for the development;
- d) The site shall be provided with full municipal services; and
- e) Outside storage or display of merchandise shall be regulated through the implementing Zoning By-law and are subject to Site Plan Control in accordance with Section 12.4.9 of this Plan.

8.2.8.7 Special Policy Area 3

Lands identified on Schedules B and B-2 as **General Commercial** and noted as Special Policy Area 3, located at the municipal address know as 130 Sandwich Street S, shall be developed in accordance with the **General Commercial** policies. The designation will permit a maximum height of eleven (11) storeys for the building along the southerly side of the property and a maximum height of eight (8) storeys for the building along the easterly side. The intent of this Special Policy Area is that commercial and office uses will exist on the first floor and residential and/or commercial and office uses may exist on the upper floors. Prior to the finalization of any site plan for the development of these lands, a Heritage Impact Assessment will be completed to the satisfaction of Council.

8.2.9 Agricultural

To plan for the growth of healthy community, good agricultural lands and viable farming operations shall be protected, preserved and enhanced. The **Agricultural** policies will ensure that prime agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to or compatible with agriculture away from the agricultural area. The policies will also ensure that the minimum agricultural operation unit size or farm parcel size is maintained equal to the typical agricultural operation while also permitting farming operations to adjust to changing economic and technological conditions.

In the **Agricultural** area of Amherstburg, agriculture is the primary long-term land use. The main purpose of the designation is to provide a secure land base for agricultural activities and to support the concept of “right-to-farm”.

8.2.9.1 Goals

The following goals are established for the **Agricultural** designation:

- a) To preserve and enhance the agricultural land base and agricultural character for agricultural purposes;
- b) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;
- c) To restrict the type and amount of non-farm development in the agricultural area, as well as reduce conflict between non-agricultural land uses and the agricultural function within prime agricultural areas;
- d) To minimize the uneconomical expansion of infrastructure in rural areas of the Town;
- e) To support the agri-food network by promoting interconnectivity between rural and urban areas;

- f) To support collaboration with the County of Essex for the protection and preservation of prime agricultural lands; and
- g) To discourage fragmentation within Agricultural areas through lot creation.

8.2.9.2 Permitted Uses

The following uses shall be permitted on lands designated **Agricultural** on Schedules B through B-5:

- a) Agricultural Uses, Agriculture-Related Uses or On-Farm Diversified Uses in accordance with Section 5.1.2 of this Plan;
- b) Normal farm practices in accordance with Section 5.1.1.5;
- c) Mushroom and micro-processing cannabis production facility operations, subject to site plan control in accordance with Section 12.4.9 of this Plan;
- d) Wineries, craft breweries, cideries and micro-distilleries subject to site plan control as in accordance with Section 12.4.9 of this Plan. Wineries, breweries, and cideries may be an agriculture-related or an on-farm diversified use and subject to appropriate policies in Section 5.1.2 of this Plan while micro-distilleries are considered on-farm diversified uses;
- e) Greenhouse operations, in accordance with the Section 5.1.5 of this Plan;
- f) Forestry, conservation uses, wildlife and fisheries management;
- g) Watershed management and flood and erosion control projects carried out or supervised by a public agency;
- h) A single detached dwelling on an existing lot of record, or on a newly created lot approved as a residence and accessory uses surplus to a farming operation in accordance with the Minimum Distance Separation policies in Section 5.1.4;
- i) Additional residential units in accordance with the provisions in Policy 4.1.4.3 of this Plan;
- j) Public active transportation uses such as pedestrian trails and bicycle lanes;
- k) Existing social, recreational, and institutional uses;
- l) The extraction of petroleum resources, mineral aggregate resources and mineral resources in accordance with Section 5.3.2 and 8.2.13 of this Plan.

8.2.9.3 Residential Permissions within the Agricultural Designation

Residential dwellings within the **Agricultural** designation are limited to:

- a) new single-detached dwellings accessory to an agriculture use;
- b) existing single-detached non-farm dwellings;
- c) additional residential units in accordance with Section 4.1.4;

- d) new single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the requirements of the Zoning By-law; and
- e) on-farm and off-farm accommodation for farm workers in accordance with Section 8.2.9.4 of this Plan.

8.2.9.4 Housing for Farm Workers

On-farm and off-farm worker dwellings may be permitted where the nature or size of a farm operation requires such accommodation and they are adequately separated from buildings storing chemicals, fuels, pesticides, insecticides, solid or liquid agricultural waster or other noxious items, parking and/or shipping, or any mechanical equipment producing noise or vibration, except where separation is not feasible and can be adequately mitigated.

8.2.9.5 On-farm and off-farm accommodation is to be appropriate given the size of the parcel and farm operation on or around the parcel as implemented through the Zoning By-law. There must also be sufficient existing or planned services to support the proposed farm worker accommodation.

8.2.9.6 Off-farm accommodation for farm workers is permitted in proximity to existing farm building complexes on agricultural parcels, and/or within **Settlement Areas** to accommodate farm workers, including those whose employment is beyond seasonal.

8.2.9.7 The construction of additions to existing structures or construction of additional structures, including seasonal or temporary accommodation in relocatable structures such as trailers, recreational vehicles and non-traditional building types such as tiny homes, for the purposes of on-farm and off-farm accommodation shall be in accordance with the policies of this Plan, including the Temporary Use By-law policies in Section 12.4.7.

8.2.9.8 On-site and off-site farm worker dwellings will be subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.9.9 The granting of a consent to create a lot for new or existing on-farm and off-farm accommodations for farm workers will not be permitted within the **Agricultural** designation.

8.2.9.10 Special Policy Area 4

Lands identified on Schedules B and B-5 as **Agricultural** and noted as Special Policy Area 4 may be developed as a golf course, driving range, and associated restaurants or pro shops subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.10 Industrial

The **Industrial** designation is intended to provide for a range of industrial employment purposes and to support the economic diversification of the Town of Amherstburg and transformative manufacturing investments in the Windsor-Essex Region. The primary uses of these areas shall align with the uses defined within the **Light Industrial**, and **Heavy Industrial** categories as indicated on Schedules B through B-5 of this Plan.

Under the **Industrial** classification there are three (3) **Industrial** designations:

- **Light Industrial**;
- **Heavy Industrial**; and
- **Extractive Industrial**.

8.2.10.1 Goals

The following goals are established for the **Industrial** designation:

- a) To ensure that there is a sufficient supply of industrially designated land to meet the needs of the Town of Amherstburg for a 30 year planning horizon;
- b) To create opportunities in Amherstburg to establish and expand certain types of industrial businesses on sites that have access to regional transportation corridors, and are in close proximity to the major international trade corridor that connects directly to crossings to the United States;
- c) To establish an environmentally and fiscally responsible land use policy framework that facilitates and supports new industrial job creation; and
- d) To encourage the development and redevelopment of industrial lands in a logical, orderly, and responsible manner.

8.2.10.2 Lands designated Industrial on Schedules B through B-5 are areas presently utilized for industrial employment purposes or are considered appropriate for strategic Employment Areas uses in accordance with the policies in Section 4.2.5.3 of this Plan.

8.2.10.3 Council may encourage, and where feasible, assist in programs to acquire Industrial lands and develop services Industrial sites and/or to provide service to privately owner Industrial lands as to ensure an adequate supply of serviced and available Industrial lands within the Settlement Area.

8.2.10.4 All new developments in an **Industrial** designation shall be subject to site plan control in accordance with Section 12.4.9 of this Plan, save and except developments regulated under the authority of the Province (i.e. quarries).

8.2.10.5 All new development within the **Howard Industrial District** shall be subject to Secondary Plan policies in Volume II of this Plan.

- 8.2.10.6 An adequate buffer shall be provided between the **Industrial** designation, and any adjacent **Residential** areas. Such buffer planting may include provisions for grass strips, berms, screening, appropriate planting of trees and shrubs, or distance while ensuring compliance with the Province's Environmental Land Use Guidelines.
- 8.2.10.7 New **Industrial** uses may be permitted in areas designated **Industrial**, provided that the new proposed uses comply with all Provincial standards and as per Section 8.1.2 of this Plan, with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours, and other particulates, water quality control and waste control including the quality of discharge and run-off.
- 8.2.10.8 Noise and vibration studies are required prior to permitting the development of any sensitive land uses within 300 metres of areas designated for **industrial** use. These studies will address land use compatibility and ensure compliance with the Province's Environmental Land Use Guidelines.
- 8.2.10.9 On lands within 300 metres of an **Industrial** designation or existing uses, development shall avoided, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of the **Industrial** uses within existing or planned employment areas, in accordance with the PPS and the Province's Environmental Land Use Guidelines and Section 8.1.2 of this Plan.
- 8.2.10.10 Air quality studies may be required at the Site Plan application stage in support of industrial development on lands designated **Industrial**.
- 8.2.10.11 Odour may be caused by discharges from a variety of sources including stationary sources such as buildings, outdoor sources, or fugitive sources such as equipment leaks. As a result, odour assessment, and odour management plans and control measures that are specific to the facility that is being proposed may be required at the Site Plan application stage to avoid odour release and off-site effects.
- 8.2.10.12 Effective fugitive dust management may also be required in support of any new industrial development. A Dust Management Plan outlining procedures and practices to prevent nuisance effects and deposition of fugitive dust should be prepared in support of new industrial development applications.
- 8.2.10.13 Adequate parking, loading and garbage collection/storage facilities shall be provided on the site.
- 8.2.10.14 **Industrial** uses that are proposed to be developed adjacent to existing **Industrial** uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

8.2.11 Light Industrial

Light Industrial uses intend to support less intensive employment uses, allowing for a transition between heavy industrial and more sensitive land uses in the community. With lands designated as **Light Industrial**, the following policies shall apply.

8.2.11.1 Permitted Uses

The following uses shall be permitted on lands designated **Light Industrial** on Schedules B through B-5:

- a) Industrial uses within enclosed buildings including manufacturing, processing, assembling, fabricating, repairing, packaging, warehousing and wholesaling, and related uses;
- b) Trucking, and transportation/logistics terminals;
- c) Office uses provided that they are located on the same lot, and are directly related to and accessory to the main permitted industrial use and/or main trucking, and transportation/logistics terminal;
- d) Contractor's yard;
- e) Automotive body shops;
- f) Limited gross floor area devoted to retail sales of the goods manufactured, processed, assembled, or packaged on the permitted industrial premises;
- g) Outside storage as an accessory use to a permitted main use in accordance with Policy 8.2.11.3 of this Plan; and
- h) Standard Processing and Micro-processing Cannabis Production Facilities in accordance with Policy 5.1.6 of this Plan and the Zoning By-law; and
- i) Uses legally existing on the date of the adoption of this Plan, including agricultural uses.

8.2.11.2 Major bulk storage operations such as grain elevators and fuel storage are prohibited in the **Light Industrial** designation.

8.2.11.3 Outside storage shall be permitted in a rear yard or an interior side yard. Outside storage is prohibited in the front yard or required exterior side yard. All outside storage shall be visually screened and fenced from public roads. Buffering, berming, fencing and screening will be provided to the satisfaction of the Town to maximize land use compatibility and to enhance the visual appearance.

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

8.2.11.5 Special Policy Area 5

The lands lying between the Detroit River and Sandwich Street (County Road 20) south of Texas Road, identified on Schedules B and B-2 as **Light Industrial** and noted as Special Policy Area 5 may not be used for the purpose of erecting buildings. Permitted uses will be limited to stockpiling of material associated with the industrial activities located on lands to the east of County Road 20 and accessory uses such as conveyor belts.

8.2.11.6 Special Policy Area 6

Lands located at 99 Thomas Road, identified on Schedules B and B-2 as **Light Industrial**, and noted as Special Policy Area 6, have been utilized for municipal **Institutional** uses. Expansion of the existing **Institutional** uses on this property shall be permitted.

8.2.12 Heavy Industrial

Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses. For lands that are designated for **Heavy Industrial**, the following policies shall apply:

8.2.12.1 Permitted Uses

The following uses shall be permitted on lands designated **Heavy Industrial** on Schedules B through B-5, in addition to those industrial uses which are permitted in the **Light Industrial** designation:

- a) Production and processing of primary metal;
- b) Wood and paper products;
- c) Non-metallic mineral products;
- d) Chemical products;
- e) Waste settling ponds;
- f) Contractor's yard;
- g) Motor vehicle body shops;
- h) Railway uses; and
- i) Any uses which may involve bulk open storage of goods or materials.

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

8.2.12.3 The type, form, and location of **Heavy Industrial** uses shall have regard for natural heritage features and functions. Specific areas of natural heritage feature and function interest include the lands adjacent to Big Creek.

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

8.2.12.5 **Special Policy Area 7**

Lands identified on Schedules B and B-2 as **Heavy Industrial** and **Light Industrial** and noted as Special Policy Area 7 are associated with the former General Chemical operations. The following policies shall apply:

- a) The site shall undergo an environmental cleanup prior to any redevelopment of the site for new industrial uses. Setbacks for new development shall have regard to the Province's Environmental Land Use Guidelines for setbacks between industrial uses and sensitive land uses.
- b) The Zoning By-law may employ a holding provision to ensure both appropriate site cleanup and adequate setbacks based on activity levels and the nature of the proposed use. In no case shall the setback be less than 50 metres to an abutting non-industrial zone. Access to these lands shall be from Sandwich Street or Thomas Road.
- c) To maintain an aesthetically pleasing entrance to the historic part of Amherstburg, additional policies will be applied to developments established along gateways. This policy will provide additional visual buffering requirements to be addressed at the time of development approvals. Special attention will be given to fencing, loading facilities and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law.
- d) Commercial and industrial uses on lands designated **Heavy Industrial** located to the north of Brunner Avenue shall have no access to Brunner Avenue. Any closure of roads within this area will be conditional on any non-residential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west.
- e) Prior to the finalization of any site plan for development, the Town shall require that a drainage study be undertaken by a qualified hydrologist demonstrating that:
 - i. there will be no impact on the drainage of adjoining properties;
 - ii. there will be no runoff from the proposal onto adjoining properties; and
 - iii. the soil composition/profile and geology of the site will allow for and required accumulation of water on the site.

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

8.2.13 Extractive Industrial

- 8.2.13.1 Existing aggregate operations have been recognized within the **Extractive Industrial** designation. Quarry operations are currently situated on Part of Lots 8 to 11, Lots 9 and 10, Concession 6, both north and south of the North Sideroad and including the portion of the closed road allowance of North Sideroad between the 6th Concession Road and County Road 9 (Howard Avenue), and Part of Lots 8-10, Concession 7 of the former township of Anderdon. The portion of North Side Road has been closed to move the operation in an orderly manner northerly. The second quarry operation is found in the former town of Amherstburg at the intersection of County Road 18 (Simcoe Street/ Pike Road) and Meloche Road. The lands are designated **Extractive Industrial** on Schedules B through B-5 of this Plan.
- 8.2.13.2 Other operations designated as **Extractive Industrial** include Salt Solution Mining sites involved in the production of salt from brine wells which are regulated by the *Oil, Gas and Salt Resources Act* (OGSRA), its regulations and its Provincial Operating Standards. For the purposes of this Plan, Salt Solution Mining Sites are mining operations and associated facilities, or past mining operations with remaining mineral potential that have not been permanently rehabilitated and restored to another land use.
- 8.2.13.3 Permitted Uses
- The following uses shall be permitted on lands designated **Extractive Industrial** on Schedules B through B-5:
- a) Extraction of minerals such as sand, gravel, and limestone;
 - b) Ancillary uses including aggregate storage, stone crushing plants, overburden storage, administrative offices, scales, and accessory uses; and
 - c) Salt solution mining.
- 8.2.13.4 On lands designated as **Extractive Industrial** that are not currently in active use and are intended for future extraction, agricultural uses, forestry, conservation, and recreational activities may be permitted until extraction begins.
- 8.2.13.5 Existing quarry operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact as per Section 5.3 of this Plan.

- 8.2.13.6 Blasting occurs in association with the quarry operations and as a result special building designs to reduce any negative impacts from the noise and vibration caused by blasting are required for development in close proximity to the **Extractive Industrial** sites.
- 8.2.13.7 To ensure the safety of any person and enjoyment of the use of surrounding lands, any new developments within 600 metres of a quarry operation, shall be required to carry out a noise and vibration assessment/study, taking into account the operational conditions and permitted activities on the *Aggregate Resources Act* Site Plan, and to implement the attenuation and mitigation measures as recommended in the study. Any such required measures shall be incorporated as a condition of any *Planning Act* application.
- 8.2.13.8 For all new development within 600 metres of a quarry operation, the applicant must demonstrate, to the satisfaction of the Town, that the development will be on municipal water services.
- 8.2.13.9 As the aggregate resources are depleted, the sites shall be rehabilitated in accordance with Policy 5.3.2.11 of this Plan and to the satisfaction of the Province. If other land use activities are proposed, an amendment will be required to this Plan.
- 8.2.13.10 When a quarry operation ceases, and rehabilitation of the site to agriculture is not possible due to the height of the water table, redevelopment of the site for recreational land uses will be permitted subject to an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval.
- 8.2.13.11 Extractive Industrial uses fall under the regulations of the *Aggregate Resources Act* and the *Oil, Gas and Salt Resources Act* (OGSRA). All Extractive Industrial uses must also satisfy the requirements of the Province as to water supply, disposal of liquid waste, pumping operations, the control of air and noise pollution and vibration where blasting is involved.
- 8.2.13.12 Salt solution mining sites shall be protected from incompatible land uses except where it can be shown that:
- a) continued mining is no longer feasible;
 - b) the proposed use or development serves a greater long-term interest to the public than does the mining; and
 - c) issues of public health, public safety and environmental impact are addressed.
- 8.2.13.13 **Extractive Industrial** uses shall be included in a separate zoning classification in the implementing Zoning By-Law.

8.2.13.14 Special Policy Area 8

Lands identified on Schedules B and B-1 as **Extractive Industrial** and noted as Special Policy Area 8 have been used for Salt Solution Mining or Brine Wells by the former General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests.

The lands identified as Special Policy Area 8 to the north of North Sideroad have not been actively farmed and are lands that abut an extensive natural environment area. In addition to brine well extraction the lands south of North Sideroad may be used for agricultural land uses in accordance with the policies of Section 8.2.9 of this Plan, and are subject to the following policies:

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

8.2.13.15 Special Policy Area 9

Lands identified on Schedules B and B-1 as **Extractive Industrial** and noted as Special Policy Area 9 have been used for Salt Solution Mining or Brine Wells by the former General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 9 have been actively farmed and are lands that abut other lands that are actively farmed. The following policies shall apply:

- a) In addition to brine well extraction these lands may be used for **Agricultural** uses in accordance with the policies of Section 8.2.9 of this Plan.

- b) In locations or areas of known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards.
- c) In addition to the uses permitted in the **Extractive Industrial** designation, a solar energy development may also be permitted by site specific Zoning By-law amendment subject to:
 - i. demonstration as to how the proposal is consistent with Provincial policy;
 - ii. demonstration as to how the agricultural land will be preserved;
 - iii. demonstration that disturbances to agricultural operations will be minimal;
 - iv. an assessment of the effects of reflectivity of the solar panels;
 - v. an evaluation of visual impact;
 - vi. an assessment of anticipated noise levels;
 - vii. an assessment of grading and drainage; and
 - viii. an evaluation of impacts on the environment.

8.2.14 Institutional

Lands designated **Institutional** on Schedules B through B-5 are intended for community facilities and services that benefit the residents of Amherstburg and are operated by the municipality or other public organizations.

8.2.14.1 Goals

The following goals are established for **Institutional** designation:

- a) To guide large-scale institutional uses, including those serving the entire Town, to be seamlessly integrated into the neighborhood fabric, becoming essential components of a complete community;
- b) To direct minor and major institutional uses to **Urban Corridors** and **Downtown, Community, and Neighbourhood Nodes**; and
- c) To recognize existing institutional facilities and to provide for the future repurposing of these facilities, as and when appropriate.

8.2.14.2 Permitted Uses

The following uses shall be permitted on lands designated **Institutional** on Schedules B through B-5:

- a) Publicly owned or operated facilities including municipal offices, fire halls, police stations, libraries, the coast guard and culturally significant areas including Fort Malden

- b) Educational facilities including public, separate, and private schools;
- c) Places of worship and cemeteries; and
- d) Municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities,

8.2.14.3 When considering development within the **Institutional** Designation, consideration should be given to the following:

- a) Compatibility of the proposed use with neighbouring uses;
- a) Protection of natural heritage features and avoidance of hazardous lands;
- b) The availability of appropriate municipal services; and
- c) Provision of adequate on-site parking, with the location, buffering and design minimizing impacts on abutting residential uses.

8.2.14.4 New institutional uses will be subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.15 Recreational Development

In areas designated for **Recreational Development**, as shown on Schedules B through B-5, the primary land use will focus on recreational facilities. This includes parks, marinas, and golf courses, along with offices that support these activities. Additionally, the area will feature various public and private commercial recreational facilities, such as restaurants, snack bars, parking areas, and auxiliary buildings.

8.2.15.1 Goals

The following goals are established for the **Recreational Development** designation:

- a) To bolster the economy by developing the Town's recreation and tourist potential;
- b) To designate specific areas for recreational development that possess significant recreational potential while ensuring they do not interfere with agricultural activities;
- c) To ensure that the design of recreational facilities blends seamlessly with the natural environment.

8.2.15.2 Permitted Uses

The following uses shall be permitted on lands designated **Recreational Development** on Schedules B through B-5:

- a) Indoor and outdoor commercial recreational uses including but not limited beach volleyball courts, miniature golf, and accessory uses such as restaurants, snack bars, and parking areas; and

- b) Campgrounds in accordance with the following criteria:
 - i. The minimum lot area and frontage as per the implementing Zoning By-law; and
 - ii. The use shall be seasonal in nature.

8.2.15.3 Intensive recreational activities are to be provided with adequate setbacks from adjacent properties.

8.2.15.4 Water supply and septic or on-site wastewater disposal facilities must satisfy the requirements of the Town or its designated agent under the Building Code or the Province under the *Ontario Water Resources Act* whichever is applicable.

8.2.15.5 New recreational uses will be permitted subject to an amendment to the Zoning By-Law and will be subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.15.6 All existing recreational uses at the date of adoption of this Plan shall be allowed to expand provided the expansion is limited to within the boundaries of the existing **Recreational Development** designation, and the uses are able to conform to the policies of the implementing by-law and will be subject to site plan control in accordance with Section 12.4.9 of this Plan.

8.2.15.7 **Special Policy Area 10**

Bois Blanc Island, known locally as Boblo Island, is identified on Schedule B and B-2 as **Recreational Development** and noted as Special Policy Area 10. This is a unique parcel of land located in the Detroit River between Canada and the United States and was the former site of a major amusement park that brought its patrons to the park by paddle wheel boats. Bois Blanc Island has since been redeveloped into 272-acre master-planned resort community with private beach areas, a private ferry dock, and natural heritage conservation areas. Residential dwelling types include single and semi-detached dwellings, with a mix of seasonal and permanent residents. Development on Bois Blanc Island will be subject to the following policies:

- a) Recreational resort accommodation and residential units shall be permitted uses of an appropriate height and density. Development within 150 metres of the eastern shoreline of the island will be limited to six (6) stories. Multiple dwellings elsewhere on the island shall be limited to ten (10) stories until such time as a suitable firefighting solution has been resolved to the satisfaction of the Town.
- b) All development within Special Policy Area 10 shall require the provision of full municipal services.
- c) Commercial recreational uses, such as but not limited to restaurants, hotels, and motels shall be permitted subject to an amendment to the Zoning By-Law and to a site plan control agreement stipulating the height and siting of buildings,

landscaping, parking, location of services, access, grading and methods of protecting and enhancing the shoreline.

- d) The redevelopment of this area will be subject to site plan control in accordance with Section 12.4.9 of this Plan.
- e) The implementing Zoning By-Law and site plan control agreement shall establish, but not be limited to:
 - i. maximum lot coverage and minimum building setbacks;
 - ii. the location of buildings, including accessory residences and structures;
 - iii. the location of water, sanitary sewage, and stormwater works and solid waste storage facilities;
 - iv. the location and standards of access (ingress/egress) facilities both on the island and the mainland, including ferry docks, landings and mooring boats, as well as roads, walkways and parking areas; grading, erosion and sedimentation control; landscaping, planting, buffering and fencing; the protection and enhancement of naturalized areas, including woodlots and shorelines; road maintenance, snow clearance, garbage collection and general maintenance of the island.
- f) Notwithstanding any other policies of this Plan to the contrary, a maximum of five (5) single detached residential dwellings may be constructed on Part of Lots A to O, inclusive, Registered Plan 703, consisting of approximately 1.6 hectares of land to the north end of Bois Blanc Island. Such severances shall only be granted once the consent granting authority is satisfied to the following:
 - i. each lot is able to be serviced to the satisfaction of the Province;
 - ii. each lot will have frontage on the Detroit River and access to the subject lands shall be by the Detroit River;
 - iii. each lot will provide its own individual potable water supply however, should municipal water supply become available connection to the municipal system shall be required; and
 - iv. the plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including private boat docks shall be permitted on each lot; and
 - v. The implementing Zoning By-Law shall establish such things as the maximum lot coverage and minimum building setbacks.
- g) Marina development and shoreline work will be subject to the requirements standards, regulations, policies, and guidelines of the federal government.
- h) The owner will prepare, to the satisfaction of the Town, the Province and/or the Essex Region Conservation Authority, a comprehensive stormwater management plan for all phases of construction and the completed development, in

accordance with the best management practices prescribed in provincially sanctioned guidelines and interim guidelines.

8.2.15.8 Special Policy Area 11

Lands located between County Road 20, Sandwich Street North, and the Detroit River are identified on Schedules B and B-2 as **Recreational Development**, Special Policy Area 11. This site is an existing marina with associated facilities and will be subject to the following policies:

- a) Permitted uses are restricted to the existing marina with associated facilities including a snack bar, gas bar, and auxiliary buildings.
- b) It is recognized that the land does not have frontage on a public street and that access to the site may be by way of an easement.
- c) Building height shall be restricted in the implementing Zoning By-law to ensure continued views and vistas of the Detroit River and in recognition of the existing low-profile development.
- d) Development may be subject to an Environmental Impact Study in accordance with Section 6.1.3.6 of this Plan.

8.2.15.9 Special Policy Area 12

Lands located between County Road 20 (Sandwich Street/Front Road) and the Detroit River are designated on Schedules B, B-2, and B-3 as **Recreational Development** Special Policy Area 12 and will be subject to the following policies:

- a) Permitted uses are restricted to marinas and associated facilities including snack bar, gasoline sales, parking areas, and auxiliary buildings and uses.
- b) Development may be subject to an Environmental Impact Study in accordance with Section 6.1.3.6 of this Plan.

8.2.16 Parks and Open Space

Amherstburg is home to a vibrant sports community with numerous competitive teams. Throughout the year, town staff, volunteers, and community organizations successfully host a variety of festivals and events. The Town also features several expansive and well-maintained parks.

The region is rich in natural heritage, attracting numerous visitors who come to explore the local flora and fauna. Environmental tourism is a significant draw, with key attractions such as Big Creek, Holiday Beach Conservation Area, and the Heritage Detroit River. These areas are habitats for various rare and native species and serve as sanctuaries for migratory birds.

Public spaces play a crucial role in community health and social development, with parks and trails being among the most prominent and accessible features. High-quality parks are especially important as they promote social interaction, foster community cohesion, and help neighbors connect. The Town's parks, through their various community events, sports activities, and cultural settings, are invaluable assets to the community.

8.2.16.1 Goals

The following goals are established for the **Open Space** designation:

- a) To foster accessibility and inclusivity by ensuring that adequate parks, open spaces and recreation facilities are provided for people of all ages and abilities;
- b) To celebrate heritage and culture by promoting the recreational use of the Waterfront and protecting areas of significant recreational, cultural or environmental significance from the encroachment of urban development patterns.
- c) To engage the community by:
 - i. Ensuring the development of complete communities with a wide range of recreation opportunities and facilities are provided throughout the Town.
 - ii. Increasing public awareness regarding the availability of existing recreational services and facilities.
 - iii. Identifying and responding to the needs and interests of the community through an ongoing program of parks and recreation planning.
 - iv. Encouraging and maintaining open channels of communication with community groups, sport organizations and public agencies in the planning and development of parks and recreation facilities.
- d) To connect people with nature by:
 - i. Ensuring that natural environment features are protected, preserved and enhanced for the benefit and enjoyment of existing and future residents.
 - ii. Pursuing the development of an integrated and physically continuous open space system readily accessible to the majority of the residents.
 - iii. Promoting connections to greenway and trails through active transportation
- e) To invest responsibly by:
 - i. progressively eliminating the deficiencies in parks and recreation facilities through programs of land acquisition and park development.
 - ii. identifying and preserving land for future community use in advance of urban development.

- iii. encouraging the initiatives of private individuals and groups in the development of municipal parklands and the provision of complimentary services and facilities throughout the community.
- iv. maximizing the use of external revenue sources and assistance programs in furthering the development of the Town's parks and recreation system.

8.2.16.2 Permitted Uses

The following uses will be permitted on lands designated **Open Space** on Schedules B through B-5:

- a) Public parks with active and/or passive recreational uses;
- b) Public or private recreational uses and facilities in accordance with the Zoning By-law;
- c) Community facilities, including but not limited to community centres, outdoor and indoor sports facilities, municipal buildings, and libraries.

8.2.16.3 Any lands development on lands designated **Open Space** in proximity to the **Extractive Industrial** designation are subject to the requirements outlined in Sections 5.3.2.8 and 8.2.13.

8.2.16.4 Special Policy Area 13

Lands designated Open Space on the former Soda Ash Settling Bed and identified as Special Policy Area 13, shall be redeveloped and rehabilitated as a form of open space development. Once rehabilitated to the satisfaction of the Town and the Province, land uses may include forestry including harvesting of trees.

8.2.16.5 Park Hierarchy

To accommodate the needs and interests of different age groups, a hierarchy of parks will exist within the **Parks and Open Space** designation. This hierarchy shall be comprised of the following:

Table 8-1: Park and Open Space

Park Type	Description / Function / Design	Service Area & Targets	Typical Size
Regional/ Special Purpose Parks	Regional/Special Purpose parks are public open space of various scales that encompass unique physical characteristics such as access to water or recreational amenities that have the ability to draw and host tourist and visitors on a regional scale. The purpose of these parks is to provide for a variety of needs including civic gathering spaces, access to water, beautification/ greening display gardens, passive leisure recreational opportunities and unique plaza seating areas. These parks may also be established for large scale public recreational functions, unique sporting events, special events with a tourist draw or may contain designated uses such as a marina, boat launching or camping amenities. They also can provide for development opportunities such as the provision of accommodation.	Located by prominent landforms and natural environment features. No set provision target.	Variable
Neighbourhood Parks and Playgrounds	Local-level parks primarily supporting children's play, spaces, passive recreational opportunities with access to smaller scale amenities such as basketballs and unlined open fields for various sports. They are centrally located, within safe and convenient walking distance of the majority of neighbourhood residents.	Localized service area (800-metre radius). Provision target is 1.0 hectares per 1,000 population (applied Town-wide).	<3.0 hectares

Park Type	Description / Function / Design	Service Area & Targets	Typical Size
Community Parks	Larger Scale Parks designed for all ages and abilities. Community Parks provide recreational amenities for both organized and nonorganized sports, more amenities than neighbourhood parks, often with access to parking and larger scale play spaces. Landscaping, beautification, and passive recreation opportunities are provided with sports fields that are developed as focal points for team sports, athletic activities and casual recreation.	Community to Town-wide service area. Provision target is 1.5 hectares per 1,000 population (applied Town-wide).	4.0 to 8.0 hectares
Naturalized Areas/ Linear Parks	Lands preserved for their environmental significance, including forests wetlands and other sensitive ecosystem. Natural areas also support features such as hiking trails, wildlife observation areas, educational signage with minimal development to protect natural features flora and fauna. Naturalized areas often mesh with linear parks and trail connections. Linear parks are intended to link neighbourhoods and recreation facilities together through a comprehensive trail system and are designed with sensitivity to natural heritage features. They provide a range of minor amenities/facilities, including multipurpose paved trails, multiple access points from adjacent communities, benches, play areas, soft surface trails, water access, picnic facilities and natural areas.	Service area will vary. No set target as provision is opportunity-based.	Variable

8.2.16.6 Park Development

The Town will maintain a ratio of 4.0 hectares of parkland per 1,000 residents. Any additional parkland will only be acquired to:

- a) meet growth-related needs and ensure accessibility to growing areas;
- b) enhance public access to the urban area's riverfront;

- c) protect natural habitat and cultural significance in locations where the Town has a primary responsibility;
- d) establish linear/trail connections vital to creating a comprehensive active transportation network; or
- e) expand existing parks where necessary to install additional recreational amenities, based on demonstrated needs.

8.2.16.7 Where necessary to supplement municipal parks and open spaces, the Town will work with area school boards to maximize community access to quality outdoor parks and recreation amenities on school sites.

8.2.16.8 In **Settlement Areas**, and where feasible, all residents should be within a 500 m walkable catchment area of a park or open space for recreation, including municipal playground facilities. In rural areas where it is difficult to provide a 500 m service area, playground amenities should be made available within a reasonable distance. Consult the Town of Amherstburg Parks Master Plan for disbursement of parkland according to classification and geographic location.

8.2.16.9 Parks will be designed to:

- a) be appropriately sized and configured to effectively use municipal resources and facilitate meaningful recreational activities;
- b) provide accessibility, safety, and comfort through compliance with the *Accessibility of Ontarians with Disabilities Act* (AODA) and Crime Prevention Through Environmental Design (CPTED) principles;
- c) support year-round use;
- d) encourage public art within appropriate park locations to celebrate the area's rich heritage and enhance community identity;
- e) include an appropriate range of programming and amenities to suit their location, including but not limited to:
 - i. washroom facilities and accessible outdoor seating;
 - ii. pavilion and picnic amenities (i.e. picnic tables, benches, hydro etc.);
 - iii. playground equipment, including natural or adventure playgrounds;
 - iv. soccer field, baseball diamonds, basketball courts, hockey rinks, running tracks, and multi-use courts with lines for different activities;
 - v. well-lit paved or unpaved pathways; and
 - vi. the provisions of shade through the planting of trees, shrubs, or other vegetation.

8.2.16.10 The Town will work with Essex Region Conservation Authority, conservation organizations and naturalist groups on joint planning and management initiatives that assist in the continued conservation of Town-owned naturalized areas and acquisition of lands to link naturalized areas for the preservation and enhancement of ecological and biological functions.

8.2.16.11 Lands designated as **Parks and Open Space** in private or quasi-private ownership are not the responsibility of the Town to maintain, nor are an obligation for the Town to acquire. It is expected that these areas will be maintained by the property owner to comply with the policies in this Plan. Development of adjoining lands will be undertaken in such a manner which complements and ensures long-term compatibility with a parks and open space use.

8.2.16.12 **Parkland Dedication and Cash-in-Lieu**

As a condition of development or redevelopment of land, the Town shall require the conveyance of land for park or other public recreational purposes as per the Conveyance of Parkland By-law, as amended from time to time, and would be subject to the following policies:

- a) Through the Conveyance of Parkland By-Law, as amended from time to time, and in accordance with the *Planning Act*, the Town will require a 5% parkland dedication to be conveyed to the Town as a condition of the approval of new residential development and a 2% parkland dedication for new industrial and commercial developments.
- b) Parkland must be suitable for its intended use as per the policies of this Plan, should the Town accept new parkland through dedication. Parcels of lands less than 0.5 hectares should be avoided, unless the Town has determined there is a need to fill a gap in parkland.
- c) Lands to be conveyed to the Town for park purposes shall be graded, serviced with all municipal services available to the lot line, top soiled, seeded and fenced to the specifications and satisfaction of the Town, at the developer's expense and in accordance with site plan and development agreements.
- d) If land is not needed for park purposes or is too small to be combined with other parcels, the Town will request a cash-in-lieu payment equivalent to the appraised value of the parkland conveyance at the time of subdivision or consent approval. In the case of a subdivision plan, the Town may accept serviced lots of equal value.
- e) Parkland dedication credit will not be given for undevelopable open space lands (e.g., stormwater management ponds, woodlots, valley lands, floodplains, hazard lands, habitat conservation lands, etc.). At the Town's discretion, partial credit

may be given in unique circumstances and where the goals of the Plan are satisfied.

- f) The dedication of land for pedestrian and bicycle infrastructure will be required as a condition of plan of subdivision approval, over and above the parkland dedication amount as permitted by the *Planning Act*.
- g) The Conveyance of Parkland By-law, as amended from time to time, provides specific instances where parkland dedication and cash-in-lieu are not required.

8.2.17 Natural Environment

Lands designated **Natural Environment** on Schedules B through B-5 of this Plan are lands that have been identified as Primary Priority Natural Heritage Features. These features include significant wetlands, significant woodlands; significant valleylands; and significant areas of natural and scientific interest (ANSIs) as identified in the Essex Region Natural Heritage System Strategy (ERNHSS) and specifically on Schedule C on this Plan.

Lands designated **Natural Environment Overlay** on Schedules B through B-5 of this Plan are lands that have been identified as Secondary Priority Natural Heritage Features and are subject to the policies in Section 8.2.18.

Adjacent lands are defined as generally those lands within 120 metres (50 metres for ANSIs) of the **Natural Environment** designation and **Natural Environment Overlay**. These adjacent lands are identified on **Natural Heritage Adjacent Lands** Schedule C of this Plan.

8.2.17.1 Goals

The following goals are established for the **Natural Environment** designations:

- a) To facilitate and support the protection, preservations, and enhancement of Primary and Secondary Priority natural heritage features as per the Essex Region Natural Heritage System Strategy.

8.2.17.2 Permitted Uses

The following uses shall be permitted on lands designated in the **Natural Environment** on Schedules B through B-5:

- a) Passive recreational uses and activities including trails and facilities that do not require site alteration;
- b) Conservation uses; and
- c) Structures or buildings required for erosion or flood control.

8.2.17.3 Development and site alteration shall not be permitted in areas designated as **Natural Environment** on Schedules B through B-5 as per the following policies in Section 6.1.3.3 and 6.1.3.4 of this Plan:

- a) Site alterations and/or development on lands within 120 metres of significant wetlands and significant coastal wetlands, significant woodlands, and significant valleylands, as indicated on Schedule C of this Plan, may only be permitted if it can be demonstrated to the satisfaction of the Town that there will be no negative impacts on the adjacent natural heritage features or their associated ecological functions.
- b) Site alterations and/or development on lands within 50 metres of significant areas of natural and scientific interest (ANSIs), as indicated on Schedule C, may only be permitted if it can be demonstrated, to the satisfaction of the Town, that there will be no negative impacts on the adjacent natural heritage features or their associated ecological functions.

8.2.17.4 Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on lands within the **Natural Environment** designation as well as lands designated **Agricultural** and that have significant natural heritage features or are adjacent to areas with significant natural heritage features.

8.2.17.5 **Significant Woodlands**

Significant woodlands, as identified on Schedule C of this Plan, are woodlands having an area of two (2) hectares or greater and are subject to the following policies:

- a) To encourage tree protection, in addition to the significant woodlands identified on Schedule C, the Town may consider implementing relevant sections of the *Municipal Act* and any other relevant legislation to prevent any unnecessary tree removal or encourage tree planting.
- b) The permitted uses within significant woodlands as shown on Schedule C shall be:
 - i. Wildlife management including hunting and fishing, natural environment management, passive outdoor recreation, conservation, and associated facilities
 - ii. buildings and structures associated with passive uses, in addition to those directly related to the management of the natural heritage system.

8.2.17.6 **Significant Wetlands**

Significant wetlands as identified on Schedule C of this Plan, are wetlands that have been identified by the Province through the Ontario Wetland Evaluation System (OWES). The majority of the provincially significant wetlands within the Town of

Amherstburg are generally located at the mouth of the Canard River (consisting of the Canard River Marshes and the Detroit River Marshes), and lands associated with Big Creek (including Mann's Marsh and Big Creek Marsh). These lands shall be subject to the following policies:

- a) The permitted uses within significant wetlands as shown on Schedule C shall be limited to conservation uses, fish and wildlife management areas, passive open space uses, and existing agricultural uses.

8.2.18 Natural Environment Overlay

Lands designated **Natural Environment Overlay** on Schedules B through B-5 of this Plan are lands that have been identified as Secondary Priority Natural Heritage Features. These lands may be adjacent to lands designated **Natural Environment** and/or may contain fish habitat, significant woodlands, areas of natural and scientific interest (ANSI), significant wildlife habitat, significant valleylands, and secondary priority existing natural features that meet one (1) to four (4) of the eleven (11) **natural heritage feature** criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS).

- 8.2.18.1 Development and site alteration is not permitted on lands within the **Natural Environment Overlay** unless it has been demonstrated to the satisfaction of the approval authority and/or Town that there will be no net loss on the natural features or their ecological functions.
- 8.2.18.2 Assessment of negative impact is to be determined by conducting an Environmental Impact Study, in accordance with relevant policies in Section 6.1.3.6 of this Plan.
- 8.2.18.3 Permitted uses on lands within the **Natural Environment Overlay** shall be in accordance with the underlying land use designation.



9 Infrastructure



Through the lifespan of this Plan, the Town shall prioritize providing infrastructure and in an efficient manner. Infrastructure shall be coordinated and integrated with land use planning and growth management so that:

- a) it is financially viable over their life cycle, which may be demonstrated through asset management planning;
- b) it is available to meet current and projected needs, as detailed in Section 3.1 of this Plan; and
- c) existing infrastructure is optimized and prioritised prior to new infrastructure being considered. Wherever feasible, the Town shall support opportunities for adaptive re-use.

9.1 Transportation

Transportation, and the movement of people and goods is essential for the Town of Amherstburg. In 2024, a Transportation Master Plan was completed which outlined the vision and goals for transportation across the Town. The policies of this Plan are meant to align with the Transportation Master Plan, while providing direction to promote a safe, efficient, and sustainable multi-modal network.

9.1.1 Goals

- 9.1.1.1 To facilitate the safe, energy-efficient, and economical movement of people and goods the Town will:
 - a) encourage a complete-streets design on Primary and Secondary corridors, as identified on Schedule A, promoting attractive and safe streetscapes for all modes of transportation;
 - b) protect major goods movement facilities and corridors for the long-term;
 - c) prioritize the efficient use of existing and planned transportation infrastructure, including using transportation demand management strategies; and
 - d) support a multi-modal transportation system that provides connectivity, promotes sustainability, and accommodates diverse travel needs. This includes collaborating with regional partners to improve the County Wide Active Transportation System (CWATS).

9.1.2 Active Transportation and Complete Streets

The Town's urban area is connected to rural lands and neighboring municipalities by major east-west and north-south corridors. The Town aims to create a safe and accessible transportation network for all commuters, with a focus on walking and cycling. A well-planned network of paths and sidewalks is essential, as walking is the most basic mode of travel for everyone. Cycling networks will cater to both recreational and utility cyclists by prioritizing safety, attractiveness, and directness.

The Town's cycling network, both existing and planned, is shown on Schedule F of this Plan. It includes the County Wide Active Transportation Network (CWATS) and is currently a mix of facility types including signed routes, paved shoulders, painted bike lanes, greenways, bidirectional multi-use paths (MUPs), and trails. The Cypher Systems Group Greenway is also part of the active transportation network and offers an all ages and abilities (AAA) facility for recreational cyclists.

- 9.1.2.1 The Town is committed to the development complete streets and of a cohesive, direct, and safe active transportation system by:
 - a) encouraging the development of streets at a pedestrian-scale through human-centric streetscaping, urban design, mixed-uses and compact built forms;
 - b) developing the Town's cycling network with a focus on the key origins and destinations, including tourist attraction within the Town, and seeking opportunities for integration with the CWATS;
 - c) focusing on improving the quality of the walking environment for the "last mile" connection between parking areas and key destinations;
 - d) providing for an active transportation system that is barrier-free, as per Section 10.3.5 of this Plan, and designed for use of all ages and abilities (AAA); and
 - e) designing and integrating active transportation facilities in **Urban Nodes** and along **Urban Corridors**, as shown in Schedule A of this Plan, to facilitate social connectivity and access shopping, employment, and education.
- 9.1.2.2 The Town will implement the recommendations Transportation Master Plan (TMP), as amended from time to time, as adopted by Council. Priority should be given to active transportation facilities recommended within the TMP and to local neighbourhood connectivity to key amenities such as parks and schools, ensuring seamless integration with the broader network.
- 9.1.2.3 Cycling routes are proposed to link tourist attractions concentrated in the downtown area, facilitating easy access for visitors. Recreational cycling routes are identified, including popular paths and recommended extensions to serve the needs of cyclists.
- 9.1.2.4 To promote a safe active transportation system, the Town will consider traffic calming measures near schools and prioritize safe routes connecting schools to residential areas, encouraging children to walk and cycle. This approach enhances safety, reduces congestion, and promotes healthy, sustainable travel habits.
- 9.1.2.5 Plans of subdivisions shall incorporate sidewalks, multi-use trails, and mid-block pedestrian connections to ensure a comprehensive and accessible pedestrian network, as outlined in the Amherstburg Transportation Master Plan, Development Standards Manual, and other applicable policies.

- 9.1.2.6 When approving plans of subdivision or site plans, the Town can require the dedication of lands for multi-use trails, sidewalks, and cycling infrastructure. These facilities will become a public right-of-way and be conveyed to the Town in accordance with this Plan and the *Planning Act*.
- 9.1.2.7 The Town will require sidewalks or multi-use paths (MUPs) to be provided on both sides of all new rights-of-way in settlement areas as shown on Schedule A of this Plan.
- 9.1.2.8 Bicycle parking is a critical element of a comprehensive active transportation system. The Town's Zoning By-law will include standards for the provision of bicycle parking and associated facilities.

9.1.3 Public Transit

A thoughtfully integrated active transportation and transit network is critical to providing residents with multi-modal transportation options. Some trips may require a combination of transit, cycling and walking and so successful integration between these modes ensure positive mobility outcomes for the community.

The Town of Amherstburg, in partnership with Transit Windsor, implemented a pilot project in 2022 for a bus route from Amherstburg to the Hotel-Dieu Grace Healthcare Terminal in Windsor. This pilot program was formalized by Council in 2023 for a permanent service in the Town.

- 9.1.3.1 The Town's mission is to provide safe, reliable and affordable public transit for the community.
- 9.1.3.2 The Town will explore opportunities to expand the public transit service and leverage this service to promote local development, tourism, and economic growth.
- 9.1.3.3 Promotion and expansion of the public transit service will support several local strategic objectives including addressing transportation equity, reducing greenhouse gas emissions, reducing auto-dependency and addressing affordability.
- 9.1.3.4 All transit stops shall have appropriate signage and concrete pads to facilitate the all-season needs and accessibility of passengers. Shelters should be installed at all the major stops and include bicycle parking at or near the transit stops to promote active transportation and first-mile/last-mile mobility across the Town.

9.1.4 Road Network

The Town's Road network has been categorized into four classifications, illustrated by Schedule E of this Plan. These include:

- Arterial Roads;
- Collector Roads;
- Local Roads; and,
- Private Roads.

9.1.4.1 Through the design and maintenance of the road network, the primary goal is to provide the optimal conditions for the movement of people and goods from their origin to destination.

9.1.4.2 New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with the purposes of the corridor. They shall be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities.

9.1.4.3 Intersection Improvements

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

9.1.4.4 Arterial Roads

Arterial roads are to be designed to support larger volumes of traffic and specifically to accommodate heavy vehicles and trucks traveling through the Town. The following policies shall apply:

- a) On-street parking is discouraged on these roadways, and separation should be prioritized between vehicles and active transportation.
- b) The number of access points from properties that abut an arterial road shall be restricted in number. Wherever possible, reciprocal access shared between two or more lots will be preferred.

9.1.4.5 Collector Roads

Collector roads have a minimum of two traffic lanes, designed to collect, and carry medium volumes of local traffic to arterial roads, local roads, and abutting properties. The following policies shall apply:

- a) Collector roads have a right-of-way width of 20 to 26 metres.

- b) Collector roads are to be designed with vehicular travel lanes sufficiently wide enough to accommodate larger vehicles such as transit buses, while also improving safety and accessibility for vulnerable road users.
- c) The roadways shall be designed with street trees and pedestrian-oriented lighting, limited on-street parking, and separated and protected cycling infrastructure.

9.1.4.6 Local Roads

Local Roads have two traffic lanes, with a right-of-way width of 20 to 22 metres. Existing and new local roads shall be designed to discourage the movement of through traffic, and function as local distributors for local roads and access for abutting properties.

9.1.4.7 Private Roads

Private roads may be constructed to service existing or new developments at the discretion of the Town. The following policies shall apply:

- a) New development adjacent to private roads will be discouraged until private roads have been upgraded to meet Ministry of Transportation standards. Lot creation adjacent to private roads is also discouraged, except for plans of condominium when deemed appropriate by the Town.
- b) The Town is under no obligation to assume ownership of a private road. However, should the Town be in support of a request from a landowner, assumption of a private road will only be considered if the proponent demonstrates, to the satisfaction of the Town and at their own cost, that the road meets all current municipal engineering and design standards. The private road shall also be conveyed to the Town free of all encumbrances.

9.1.5 Parking

9.1.5.1 Parking standards within the Zoning By-law will address location, design, and screening, with the flexibility to include additional requirements for preserving streetscapes, conserving heritage features, or promoting energy conservation.

9.1.5.2 Requirements and technical details for vehicular parking have been outlined in the Town's Zoning By-law. The policies of this section apply for existing and proposed parking facilities and spaces. In general:

- a) All parking facilities must be secure, and well-lit;
- b) Parking facilities that are located within the **Heritage Conservation District** must minimize disruptions to heritage features and the area's surrounding character;
- c) Preference will be given to parking that promotes sustainable technology; and

- d) Parking must be located next to pedestrian aisles that allows for safe and convenient last-mile commute options from public transit stops.
- 9.1.5.3 All new and expanded parking facilities shall incorporate soft landscaping or tree plantings within or adjacent to the parking area, to mitigate the urban heat island effect to support mitigation and adaptation efforts for a changing climate.

9.1.6 Sight Triangles

- 9.1.6.1 The Town shall require the dedication and conveyance of lands necessary for unobstructed sight triangles at intersections and major access points as a determined through the development approvals process. This may include Consent, Draft Plan of Subdivision, and Site Plan Control applications.
- 9.1.6.2 Sight triangles, as established per the Town's engineering standards, must be conveyed to the Town free and clear of all costs and encumbrances to guarantee perpetual maintenance of clear sightlines essential for traffic safety.

9.2 Services and Utilities

Utilities and services are essential to maintain the Town's operations while promoting a high quality of life. It is important that they are designed to be efficient and environmentally responsible, while bracing for the impacts of a changing climate. In general, service and utility corridors and rights-of-way shall be planned for and protected to meet current and projected needs as detailed through Section 3.1 of this Plan. The following section highlights the policies that will be used to manage responsible development of services and utilities and prepare for a need for growth across the Town.

9.2.1 Water and Wastewater

- 9.2.1.1 Municipal servicing, including the provision of wastewater, have been historically limited. The Town recognizes that water and wastewater services are essential as a requirement for all new developments.
- 9.2.1.2 Understanding the need to accommodate growth, the Town will complete Master Servicing Plans to identify shortfalls in the planning, expansion, and on-going operation of the Town's services.
- 9.2.1.3 As needed, the Town may collaborate with neighbouring Municipalities to create Joint Servicing Agreements to fill gaps in municipal servicing capacity in a cost-effective and environmentally conscious matter. The recommendations of completed plans shall be priority when informing servicing decisions to accommodate the Town's growth.

- 9.2.1.4 New plans of subdivision shall only be approved when it is demonstrated that adequate municipal water, sewage, and sanitary servicing can be provided. Land conveyances will be required at the discretion of the Town.
- 9.2.1.5 The use of private communal, private individual on-site or partial services for infill development within a settlement area must be consistent with the Provincial Planning Statement (PPS) and shall only be used when municipal services are not available.
- 9.2.1.6 Areas currently on private sanitary systems shall also be required to connect to a public system immediately should the services become available.
- 9.2.1.7 Public or private investment in upgrading or expanding municipal wastewater services should be focused within the Town's settlement areas.
- 9.2.1.8 All services, whether private, communal, or municipal, shall comply with the requirements of the Province and municipal requirements, as applicable.
- 9.2.1.9 When the capacity of the water and sewage facilities have been fully allocated, and prior to the facilities reaching their hydraulic capacity, the Town shall demonstrate a commitment to the expansion of the facilities in accordance with the municipal servicing strategy/plan before additional approvals are given to further development proposals.
- 9.2.1.10 Limitations in the capacity and operating performance of the municipal water supply and sanitary sewage treatment facilities, as well as limitation on conveyance capacity when there is available treatment capacity, will be recognized as a constraint to the approval and timing of new development proposals.
- 9.2.1.11 Water and wastewater systems shall be sized and designed in consideration to future expansions, intensification, climate change, extreme weather events and increased servicing allocation.

9.2.2 Stormwater Management

Mindful of the impacts of a changing climate, stormwater management is required to control the runoff and infiltration of stormwater flow. From time to time, the Town may monitor inflow and infiltration through an Inflow and Infiltration Study. The following policies, along with the findings of completed infiltration studies shall apply for stormwater management practice for new developments across the Town:

- 9.2.2.1 Stormwater management reports will be required to support draft plans of subdivision, and development and redevelopment through site plan control to the satisfaction of the Town and applicable parties. A stormwater management report may be required to support lot creation at the Town's discretion. Stormwater management reports must identify stormwater management measures necessary mindful of the impacts of a changing climate.
- 9.2.2.2 Where additional stormwater management features are needed, they shall be applied to minimize adverse effects including erosion, the siltation of watercourses and open drains, and upstream and downstream flow to adjacent property owners.
- 9.2.2.3 Consideration for Green Infrastructure and Low Impact Development design as a stormwater management strategy for both new and existing developments, provided it is shown to be a viable long-term option with minimal maintenance requirements and its benefits outweigh the costs of maintenance and replacement. Strategies could include rain gardens, green roofs, permeable pavements, and bioswales.
- 9.2.2.4 Stormwater Management Reports shall be prepared using the 2003 Ministry of the Environment Stormwater Management Guidelines, as amended, the Windsor/Essex Region Stormwater Manual, as amended, and include the Infrastructure Manual and Design Criteria for Sanitary Sewers, Storm Sewers, and Force mains, for Alterations Authorized under an Environmental Compliance Approval, as amended.
- 9.2.2.5 The Town will promote the integration of stormwater facilities with parking areas, trails, and parkland to enhance community health and build resilience to long-term climate change in a cost-effective manner.

9.2.3 Solid Waste Management

Land use planning is an important tool to control waste generation, directing waste management, and diverting waste. As needed, the Town may develop a monitoring and evaluation framework of the solid waste management strategy to manage system performance and ensure the achievement of waste management goals and objectives. Schedule B through B-5, and Schedule J show the location of open, closed, and inactive waste disposal sites within the Town of Amherstburg. The former General Chemical site and the Honeywell site have active waste settling beds, inactive waste settling beds and settling beds under remediation but closed. The Honeywell settling bed is considered an active waste disposal site.

- 9.2.3.1 The Town will encourage the establishment of a circular economy that emphasizes the efficient utilization of materials and resources, extends their useful life, and minimizes unnecessary waste production.

- 9.2.3.2 Waste reduction measures will be supported by the Town to divert waste from landfills and improve waste diversion through environmentally, socially, economically, and technically sound methods. This includes initiatives for recycling, organic waste, and backyard compost programs, as well as programs to support the waste reduction for industrial, commercial, and institutional facilities.
- 9.2.3.3 All Town operations and decisions shall be considerate of reducing material consumption, discouraging waste production, and promoting waste diversion.
- 9.2.3.4 For any new development or change of use on or within 500 metres of an active, inactive, or closed waste disposal sites the Town will require the applicant to undertake study that evaluates the presence and impact of environmental contaminants including, but not necessarily limited to, methane gas and leachate migration in soils. The study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused.
- 9.2.3.5 An appropriate land use buffer shall be determined through a site-specific assessment of the nuisance effects of operating and non-operating waste disposal sites.

9.2.3.6 Closed and Inactive Waste Disposal Sites

Before any development applications for a change in land use on former waste disposal sites can proceed, they must meet the Province's requirements and obtain approval under Section 46 of the *Environmental Protection Act*, if applicable. This approval must be obtained prior to the issuance of any necessary *Planning Act* approvals and building permits.

- a) Technical studies prepared by a qualified professional will identify the technical controls required for any leachate and/or gas. The land use buffer, however, may be increased to account for noise, dust, litter, odors, and other nuisance effects.
- b) No development or change of use is permitted on a waste site for a period of 25 years from the year in which such land ceased to be used for the disposal of waste unless the approval of the Province for the proposed use had been given, in accordance with Section 46 of Ontario's *Environmental Protection Act*, as amended from time to time.

9.2.4 Sewage Treatment Plants

Schedule B through B-5, and Schedule J show the location of all sewage treatment works in the Town of Amherstburg. Schedule K shows the areas where there are development restrictions adjacent to these sites.

- 9.2.4.1 No sensitive land uses will be permitted within 100 metres of the Town's sewage treatment works. The separation distances shall be measured from the periphery of the noise/odour-producing source-structure to the property line of the sensitive land use. Where practical, sensitive land uses (i.e. residential land uses) should not be placed adjacent to treatment facilities in accordance with Provincial D-2 Compatibility between Sewage Treatment and Sensitive Land Use regulation.

9.2.5 Public Utilities

Public utilities support a high quality of life for residents and businesses across the Town. They provide electricity, gas, broadband and communication/telecommunication. The following policies must be considered in conjunction with, or may be superseded by other legislative requirements:

- 9.2.5.1 All new and existing facilities associated with a public utility, a telephone, television, cable transmission or other similar communications company, or a gas distribution or transmission company, shall be permitted in any land use designation, except within significant natural heritage features as identified in Schedule C.
- 9.2.5.2 Preferred routes for utility corridors are those that:
- follow the existing right-of-way, property lines and fence lines;
 - avoid built-up areas and heavily populated areas if they cannot be accommodated within existing rights-of-way; and
 - do not infringe upon environmentally significant areas including natural heritage corridors.
- 9.2.5.3 The development of wind turbines shall not be permitted within a **settlement area**, as shown in Schedule A. Any proposed wind farm or wind turbine shall be subject to a Zoning By-law Amendment.
- 9.2.5.4 High-speed internet and high-quality cellular services are the preferred utility type through the Town.
- 9.2.5.5 Public Utilities shall be designed, planned, and maintained so that they minimize their impacts on agricultural lands, the natural heritage system, and cultural heritage resources. The Town shall be consulted prior to the development of new public utility facilities.
- 9.2.5.6 Measures to mitigate impacts on agriculture during and after construction will be required including such things as:
- replacement of soils with topsoil layers in their original condition and order;
 - timing of construction to minimize crop losses;

- c) stripping, treatment, and disposal of surplus materials from trenching in an acceptable manner;
 - d) the repair of all damage;
 - e) avoidance of prime agricultural lands when possible;
 - f) siting of towers or other fixtures adjacent to existing buildings, fence lines, hedge rows, or property boundaries where possible; and
 - g) use of narrow base towers on specialty crop lands for in-field locations and for fence and property line locations on prime agricultural lands.
- 9.2.5.7 Where possible, the design, planning and maintenance will implement restoration techniques consistent with the natural heritage policies in Section 6.1.6 of this Plan.
- 9.2.5.8 Above-ground utility facilities and structures must be designed to be aesthetically pleasing, and visually harmonious with the surrounding area.
- 9.2.5.9 Facilities and/or corridors that are abandoned shall be the responsibility of the utility company.
- 9.2.5.10 Secondary and/or complementary uses on utility corridors will be encouraged and supported by the Town. Potential uses may include recreational uses, Low Impact Development, active transportation uses, trails, parking, agricultural uses, and community gardens, where compatible with surrounding land-uses.

9.3 Climate Change

The Town recognizes the importance of providing a strong policy framework for addressing the impacts of a changing climate. Impacts of a changing climate refer to the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability. To effectively address climate change, the Town will strive to work towards a multifaceted approach that includes mitigation, adaptation, and resilience strategies. Mitigation focuses on reducing greenhouse gas emissions, while adaptation aims to reduce vulnerability to impacts of a changing climate and enhance community resilience for response and recovery.

9.3.1 Goals

- 9.3.1.1 The Town's comprehensive approach to climate change includes, but is not limited to:
- a) concentrate development in designated **settlement areas** in accordance with the Urban Structure Plan in Schedule A, to preserve agricultural land and reduce commuting needs
 - b) protecting important natural heritage features and functions;

- c) limit development in areas prone to natural hazards like flooding and erosion;
- d) support and expand infrastructure for walking, cycling, and other forms of active transportation;
- e) integrate planning for stormwater, sewage, and water services to optimize efficiency, prepare for impacts of a changing climate, and encourage energy conservation and renewable energy production.

9.3.2 Policies

- 9.3.2.1 The Town shall partner and collaborate with the County of Essex, Indigenous communities, and other levels of government to prepare a comprehensive climate change adaptation strategy.
- 9.3.2.2 The Town will prioritize resilient development by designing land uses and infrastructure to withstand 100-year storms. Additionally, the Town will promote emergency preparedness to equip residents and businesses with the resources to manage extreme weather events.
- 9.3.2.3 To enhance environmental sustainability and community well-being, the Town of Amherstburg encourages the incorporation of green infrastructure elements such as natural heritage features, parks, stormwater management systems, urban tree canopy, and green roofs in all new and existing development.
- 9.3.2.4 Town-owned and maintained parks and public spaces will strive to offer shaded areas, shelters, and drinking water stations to enhance comfort and accessibility for residents and visitors.
- 9.3.2.5 The Town will actively promote tree planting through new developments and lot creation. To help mitigate the impacts of climate change, islands with trees are encouraged within parking areas approved through the site plan control process. The Town may require a Tree Inventory and Preservation Plan to ensure ongoing tree care and planting initiatives. The Town recognizes the long-term value of trees in mitigating and adapting to climate change.
- 9.3.2.6 New developments should consider energy efficient designs and features, green features, and green building technologies and rating systems such as Leadership in Energy and Environmental Design (LEED) as part of their design, where feasible.
- 9.3.2.7 To promote sustainable development and reduce reliance on non-renewable resources, new developments and redevelopments are encouraged to incorporate renewable energy systems (e.g., solar, wind, geothermal), green roofs, innovative stormwater management techniques, and water conservation measures.

9.4 Air Quality

Clean air is essential for a healthy and livable community. Following provincial legislation and County strategic directions, this Plan aims to improve air quality and address climate change through various measures, recognizing that land use planning can significantly influence air quality and greenhouse gas emissions.

9.4.1 Policies

- 9.4.1.1 The Town will support measures to improve air quality and help reduce the impacts of a changing climate by conserving energy and reducing emission of air pollutants and greenhouse gases.
- 9.4.1.2 The Town will explore opportunities to increase natural areas/forest cover throughout the Town through tree planting, landscaping, and naturalization initiatives, where appropriate, to improve air quality.
- 9.4.1.3 The Town will establish standards for tree planting in urban neighbourhoods, along streets and boulevards, in parks and open space areas, and in the rural countryside, to improve air quality and to help communities adapt to a changing climate.
- 9.4.1.4 The Town will work collaboratively with the Amherstburg Environmental Advisory Committee to increase public awareness of mitigation measures to improve air quality which can include an anti-idling campaign to encourage drivers to avoid idling their engines and community tree planting events/initiatives.

9.5 Energy Conservation

Energy conservation offers significant benefits for the environment, economy, and community well-being. By reducing energy consumption, the Town can lower greenhouse gas emissions, improve air quality, and decrease reliance on fossil fuels. Land use planning that promotes compact, walkable communities with access to active transportation and public transit further supports energy conservation efforts. Combined with the use of environmentally responsible materials and alternative fuels, these strategies can significantly reduce energy consumption and contribute to a more sustainable future.

9.5.1 Policies

- 9.5.1.1 The Town will implement the recommendations and direction from the Regional Energy Plan (REP) regarding energy transition, energy efficiency for transportation, buildings and greenhouses, and built form.
- 9.5.1.2 The Town will support renewable energy projects and alternative energy systems where:

- a) they are compatible with community and neighbouring land uses and;
 - b) municipal services and infrastructure are not negatively impacted.
- 9.5.1.3 The Town will identify and implement feasible programs to reduce energy consumption in existing municipal buildings.
- 9.5.1.4 Sustainable building and site design practices will be encouraged in all new developments to minimize energy consumption. This can be achieved through various measures, such as prioritizing active transportation and public transit, optimizing building orientation and landscaping, utilizing energy-efficient systems (i.e. LEED standards), and incorporating eco-friendly materials.
- 9.5.1.5 The Town will encourage the installation electrical vehicle (EV) charging infrastructure for new developments as appropriate and establish Zoning By-law requirements for the provision of EV charging infrastructure.

9.6 Alternative and Renewable Energy Facilities

Alternative and renewable energy facilities, such as solar, wind, and geothermal, offer a less impactful and more scalable approach to energy production compared to traditional facilities. The Town recognizes that their development can enhance energy security and reduce reliance on traditional energy sources. Wind energy conservation systems and more extensive solar energy systems currently exist within the Town of Amherstburg.

9.6.1 Policies

- 9.6.1.1 Renewable energy systems shall be designed and constructed to be buffered and/or separated from sensitive land uses to prevent adverse effects such as but not limited to noise, odor and other contaminants and to minimize the risk to public health and safety.
- 9.6.1.2 Applications to construct more than one renewable energy system per property shall be considered with regard to any cumulative impacts (for both existing and proposed facilities) that may result to adjacent landowners, the general area, the Town, or the County.
- 9.6.1.3 The development of renewable energy systems shall be prohibited where they may cause a potential aviation safety hazard. The development of new or expanded renewable energy facilities within the Areas of Influence of airports and aerodromes, shall be sited to the satisfaction of Transport Canada and Navigation Canada if applicable and shall require consultation with airport and aerodrome operators. An Aeronautical Obstruction Clearance form must be approved by Transport Canada and a Land Use Proposal Submission form must be approved by NavCanada if applicable.

- 9.6.1.4 Prior to the approval of a medium or large, new or expanded, renewable energy system, the proponent must demonstrate that the lands affected by the project do not exhibit characteristics suitable for, and are not used for, specialty crop areas.

9.6.2 Wind Energy Conversion Systems

- 9.6.2.1 Small scale wind energy conversion systems (i.e. wind turbines) are permitted as accessory structures within the **Agricultural** and **Industrial** designations. The maximum permitted scale, minimum setbacks and other requirements will be established in the implementing Zoning By-law and the *Ontario Renewable Energy Approval (REA) Regulations (O. Regs. 359/09, 121/19, and 122/19)*.
- 9.6.2.2 Wind farms comprised of multiple wind energy conversion systems shall not be permitted within the **settlement areas** other than within the Howard Industrial Park District Secondary Planning Area. These facilities must be in accordance with the regulations established in the Zoning By-law. For a wind farm comprised of multiple turbines, separate Zoning By-law Amendments may be required for each lot of record on which a turbine(s) is to be erected.
- 9.6.2.3 Wind energy conversion systems (i.e., wind turbines) within **settlement areas** will only be considered on properties with sufficient setbacks as specified in the Zoning By-law. Such proposals require a site-specific Zoning By-law Amendment and must demonstrate appropriate justification for the chosen location to the satisfaction of the Town.
- 9.6.2.4 Any wind turbine generation facility (single turbine or combination of turbines) that has a name plate capacity of 50kW or more, as per *Renewable Energy Approval (REA) Regulation (O. Reg. 122/19)*, will require renewable energy approval through the Province. These facilities will also require a Zoning By-law amendment and an Environmental Screening Report or Environmental Review Report. This report shall determine whether the environmental impacts and mitigation measures for the proposed wind turbine or wind farm are acceptable. The applicant must also demonstrate that there is a demand for the electricity that is proposed to be generated at the renewable energy generation plant.
- 9.6.2.5 This Town acknowledges that large wind energy projects typically require extensive study of the wind resource prior to detailed project planning and formal development applications. This Plan requires that proponents of wind energy projects consult the Town prior to installation of any proposed testing facilities or structures. The Town may require an amendment to the Zoning by-law in the form of a Temporary Use By-law for any proposed testing facilities or structures, as per Section 12.4.7 of this Plan.

9.6.3 Solar Energy Systems

- 9.6.3.1 Solar energy systems are located on four (4) identified sites in the Town of Amherstburg. The following polices apply to these sites as well as development approvals for new solar energy systems:
- a) Site 'A' is located at the southeast corner of the intersection at North Side Road and Concession 2. Site 'A' is more specifically described as Part of Northwest 1/4 of Lot 9, Concession 2 in the former Township of Anderdon designated as Part 1 on Plan 12R-12958; Part of North 1/2 of Lot 10, Concession 2 in the former Townships of Anderdon designated as Part 4 on Plan 12R-12958 and Part 1 on Plan 12R-13638; and Part of Southwest 1/4 of Lot 10, Concession 2 in the former Township of Anderdon designated as Part 2 on Plan 12R-12958, Town of Amherstburg, County of Essex.
 - b) Site 'B' is located at the northwest corner of the intersection at North Side Road and Concession 2. Site 'B' is more specifically described as Part of Lots 31, 32, 33, 35 and 36, Concession 1 in the former Township of Anderdon, designated as Parts 4 and 5 on Plan 12R-5308, Town of Amherstburg, County of Essex.
 - c) Site 'C' is located at the northeast corner of the intersection at Alma Street and Concession 3 (Fox Road). Site 'C' is more specifically described as Part of Lots 1 and 2, Concession 3 in the former Township of Anderdon, designated as Parts 1 to 3 on Plan 12R-14374, Town of Amherstburg, County of Essex.
 - d) Site "D" is located at the northeast corner of the intersection at Middle Side Road and Concession 2. Site 'D' is more specifically described as Part of Lot 7, Concession 2 in the former Township of Anderdon, Town of Amherstburg, County of Essex.
- 9.6.3.2 For the purposes of this Plan, small scale solar energy systems shall mean any solar energy system that is mounted to an existing building or any ground installed facilities that occupy a maximum lot coverage of 10% up to a maximum of one (1) hectare. Large scale solar energy systems shall mean any solar energy system with ground installed facilities that occupy one (1) hectare or more of land.
- 9.6.3.3 The development of small scale solar energy systems is permitted on lands designated **Agricultural** on Schedules B through B-5 of this Plan. Ground-mounted solar energy systems, whether small or large-scale, are prohibited in areas designated as **Natural Environment**. Within **Settlement Areas**, large-scale systems are restricted to lands with an **Industrial** designation.
- 9.6.3.4 The Zoning By-law will regulate small-scale solar energy systems, specifying provisions for height, location, lot coverage, setbacks, and other relevant planning considerations. Large-scale solar energy systems will be subject to site plan control in accordance with Section 12.4.9 of this Plan.

- 9.6.3.5 As a requirement of site plan control, a site plan must be prepared by a qualified professional illustrating the location of the proposed renewable energy system(s) (including make, model and power output), the location of all buildings, structures, works, access roads, supporting infrastructure, and property lines, as well as municipal roads, trails, vegetation, elevations, adjacent buildings and structures to a distance of 100 metres for every 10 metres of renewable energy system height from the property proposed for the renewable energy system.
- 9.6.3.6 Notification and circulation for large-scale projects may be expanded beyond the minimum requirements in the *Planning Act*.
- 9.6.3.7 For all proposed large-scale solar energy systems, the following technical reports will be required following consultation and scoping with the Town, County, and the Essex Region Conservation Authority as appropriate:
- a) Environmental Impact Study;
 - b) Aggregate Impact Assessment if located in an area of high aggregate potential;
 - c) Growth Management Assessment, demonstrating that sufficient land is available through intensification and redevelopment to meet projected needs for the planning period;
 - d) Noise Report, demonstrating compliance with Ministry of the Environment Conservation and Parks requirements concerning any required transformers and other mechanical noises;
 - e) Agricultural Impact Assessment as per Section 5.1.1.4 of this Plan;
 - f) Reflectivity Analysis which demonstrates that sensitive land uses and public roads will not experience adverse effects and public safety is not compromised;
 - g) Management Plan and Site Plan Control Agreements, including but not limited to:
 - i. Procedures for rehabilitation/reinstatement of temporary disturbance areas and the site post-decommissioning and substantially the same areas and same average soil quality for agriculture;
 - ii. Construction details concerning staging, access, silt control, construction areas, hours of construction, and any temporary structures;
 - iii. Traffic management which details volumes, frequencies and haul routes of construction and supply vehicles. Haul routes should minimize impacts on existing services/infrastructure and local residents;
 - iv. Decommissioning details where the proposed energy system has a set lifespan and which should include the method of removal, reinstatement of the lands to their prior use, and the estimation of the costs of decommissioning and how this would be funded entirely by the developer, including the determination of securities.

- v. Stormwater management plans;
- vi. Emergency management which includes details concerning on-site safety and measures to ensure emergency services personnel are adequately trained; and
- vii. Preventative maintenance and maintenance plans.



10 Healthy Communities



A cornerstone of the Town of Amherstburg's development has been the pursuit of a high quality of life for its residents. A healthy community is one that balances economic prosperity with environmental stewardship, cultural heritage preservation, and social well-being. This Plan recognizes that land use planning is instrumental in achieving these goals. Therefore, it integrates policies covering natural heritage, economic vitality, and infrastructure to foster healthy communities.

Amherstburg is well positioned to act on its cultural heritage offerings. With access to national historic sites, waterfront access, and a willing volunteer base to put forward unique festivals and events, Amherstburg has an opportunity to further develop its amenities and resources to attract others to come to visit, invest and live.

10.1 Supporting a Healthy Community

10.1.1 Goals

- 10.1.1.1 The Town of Amherstburg is dedicated to implementing measures and making community investments that encourage and support healthy, active lifestyles for people of all ages and abilities. The Town will accomplish this by:
- a) building a cohesive community identity and enhance civic pride by investing in celebration spaces, public art, and dynamic public space programming;
 - b) protecting and celebrating the history of the Town by preserving cultural heritage resources and stories of cultural or historical significance;
 - c) building complete communities that are compact, walkable, mixed use, and include a broad range of public services (e.g. parks and schools);
 - d) creating and enhancing public spaces for gathering and celebration which help to foster a cultural identity; and
 - e) animating public streets through place-making in the **Urban Nodes**, with particular focus on the culturally significant areas, including the historic core, Fort Malden, King's Navy Yard Park, and Libro Centre.

10.2 Community Facilities and Services

Community facilities—including centers, libraries, health and resource centers, schools, places of worship, daycares, long-term care, and emergency services—are vital for municipal programs and resident well-being. Their convenient location, maintenance, and accessibility directly contribute to the health and social fabric of the Town.

10.2.1 General Policies

- 10.2.1.1 The Town is committed to providing universally accessible public buildings and facilities and will be placed equitably throughout the Town's **settlement areas** and within the **Urban Nodes** (Downtown, Neighbourhood, Community). Not all **Community Nodes** are located in **settlement areas** with full sanitary services due to the amalgamation of smaller municipalities. Community services in these areas are now the recognized **Community Nodes** for residents in the surrounding areas.
- 10.2.1.2 The Town shall encourage aging-in-place for seniors and older adults such that individuals living in an independent environment will have access to services and amenities without having to relocate as their circumstances change. Where seniors and older adults require assisted living, skilled nursing, or continuing care, appropriate residences shall be encouraged in proximity to services and amenities.

10.2.2 Libraries and Community Centres

Libraries and community centers serve as vital hubs for information, learning, and leisure, offering a wide range of resources and services. The historic Amherstburg Public Library anchors the **Downtown Node**, with the McGregor Library also serving the community. The multi-use recreation complex at 3295 Meloche Road is an inclusive multi-faceted centre that is a hub for community activity.

- 10.2.2.1 The Town aims to provide all residents with easily accessible, universally designed libraries and community centers. To enhance access and create community hubs, these facilities may be co-located with public parks, schools, and social services, and connected to active transportation networks.
- 10.2.2.2 Libraries and community centers will ensure the long-term sustainability of public investments through ongoing maintenance and adaptation and provide diverse, culturally sensitive, and age-appropriate facilities and services to meet residents' evolving needs.
- 10.2.2.3 New and redeveloped indoor recreation facilities will prioritize an environmentally conscious approach, focusing on minimizing energy consumption, carbon emissions, and environmental impact, optimizing operational efficiency through review of daily operations and maintenance, and utilizing locally sourced, sustainable building materials for new construction.

10.2.3 Schools

There are a number of elementary schools throughout the Town including those of the Greater Essex County District School Board, Windsor-Essex Catholic District School Board, and Conseil Solaire Catholiques Providence Board. North Star High School is located central to the Town along the Simcoe Street corridor.

- 10.2.3.1 To promote active transportation, schools will be located near to where students live, reducing travel times and enabling walking or cycling. Future school sites will be planned to contribute to walkable, compact neighborhoods, minimizing the need for vehicle dependence.
- 10.2.3.2 To serve current and future generations, new buildings should be designed for multi-use and intergenerational learning. School sites will be strategically placed near community facilities, nature, and recreation, with connected walking trails to foster community interaction, physical activity, and environmental appreciation.

10.2.4 Arts and Culture

- 10.2.4.1 The Town will seek opportunities to incorporate locally created public art and murals in all Town-owned parks and community facilities to celebrate the area's rich heritage and enhance community identity.
- 10.2.4.2 When redeveloping community facilities or divesting surplus properties through Expressions of Interest, the Town will prioritize opportunities to establish or support spaces for live music, dance, and theatre, as well as studios and galleries for visual arts.
- 10.2.4.3 To foster placemaking and civic pride, development proposals shall identify opportunities for the inclusion of public art. This can include elevating underutilized facades at the side and rear of buildings. Public art projects should celebrate local diversity, history, and Indigenous heritage, embracing various artistic styles.
- 10.2.4.4 Public art installations will be pursued through the development approvals process and through the Town's public art policies.

10.2.5 Access to Healthy Food

- 10.2.5.1 The Town shall promote lands for uses which will provide healthy food options, such as a community gardens, community kitchens, or farmers markets.
- 10.2.5.2 The Town will explore opportunities for urban food production and harvesting in existing municipal parks and other open spaces through community-based initiatives such as community gardens and by using municipal planting beds to incorporate edible plants.
- 10.2.5.3 To support improved food accessibility within the Amherstburg and to celebrate the existing agriculture and food production, the Town will:
 - a) continue to support the success of the Farmer's Market; and
 - b) encourage and permit the establishment of community kitchens, food co-ops, and pop-up food vendors.

10.3 Urban Design

Urban design is the process of building and shaping the places in cities and towns that we live, work, and play in, as well as travel through. These spaces are made up of individual physical elements like buildings, open spaces, and landscaping that collectively create and define a place. Places are more than simply the sum of these individual elements, places are used by people and urban design can influence the overall well-being of those utilizing the space. Urban design involves not just thinking about how these individual components combine with one another, but more importantly how people use and interact with these places and spaces.

10.3.1 Policies

10.3.1.1 In general, urban design should:

- a) Encourage attractive and engaging pedestrian environments through building design that compliments the existing streetscape;
- b) Maintain heritage assets through the restoration and preservation of existing heritage features; and
- c) Promote infill development through design that compliments the existing streetscape.

10.3.1.2 The urban design policies of this Plan are further supported by the Heritage policies in Chapter 11, and more specifically in the **Heritage Conservation District Plan**.

10.3.1.3 The Town will prepare and utilize urban design guidelines in order to guide private and public projects to meet the goals and policies of Chapter 10 - Healthy Community, Chapter 11 – Heritage Conservation, Section 9.3 - Climate Change, and Section 9.4 - Air Quality.

10.3.2 Public Realm

The public realm is about shared spaces. It's where people interact, move, and experience the Town. It includes sidewalks and streets, parks, and public plaza. The quality of the public realm significantly impacts a municipality's livability, sustainability, and social interaction. In developing the public realm, the following policies apply:

10.3.2.1 Barrier free accessibility will be prioritized, including through the repair and maintenance of public spaces, with careful consideration for designs that are supportive of the *Accessibility for Ontarians with Disabilities Act* (AODA) and in accordance with Section 10.3.5 of this Plan.

10.3.2.2 The public realm will be enhanced to support safe, continuous, and connected pedestrian movement across the Town, with a particular focus the **Urban Nodes** and Activity Centres.

- 10.3.2.3 Landscaping and other street-ornamental features like trees, light posts, benches, and trash receptacles shall be mindful of the neighbourhood character and be designed in a way that buffers pedestrian areas from street traffic.
- 10.3.2.4 Pedestrian areas are an important feature to create vibrant and active spaces across the Town. When planning for pedestrian areas, they should be differentiated through design, including but not limited to accent paving, signage, and access to amenities.
- 10.3.2.5 Pedestrian plazas are to be connected to pedestrian areas and are intended to create spaces away from vehicular traffic to encourage purposeful pedestrian activities across different times, days, and seasons. Where appropriate, pedestrian plazas should be incorporated to allow for outdoor events, seasonal patios, and other uses.
- 10.3.2.6 In general, vistas, views and landmarks will be prioritized in the design of the Town. Developments adjacent to major landmarks, such as the Detroit River and Fort Malden should be designed in a way that minimizes visual disruption.

10.3.3 Gateways

- 10.3.3.1 Gateways are significant points of entry into the Town and the Heritage Conservation District, including the Sandwich Street north of Park Street, Sandwich Street south of Crownridge Boulevard, Front Road South from Lowes Side Road to the southern **Primary Settlement Area** Boundary, and Simcoe Street Corridors. These areas play a crucial role in shaping the initial perception and experience of the Town's unique heritage character. Intensification shall be prioritized in these areas.
- 10.3.3.2 New development, redevelopment, and public works within gateway areas shall be of a high architectural quality and designed to be compatible with, and complementary to, the established historic character of the Town and the **Heritage Conservation District**. This includes consideration of scale, massing, height, setbacks, rooflines, materials, and architectural detailing.
- 10.3.3.3 To maintain an aesthetically pleasing entrance to the historic part of Amherstburg, additional policies will be applied to developments established along gateways. This policy will provide additional visual buffering requirements to be addressed at the time of development approvals. Special attention will be given to lighting, fencing, loading facilities and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law.

10.3.3.4 Development in Gateway areas shall contribute to a pedestrian-friendly environment by incorporating features such as clearly defined entrances oriented to the street and pedestrian amenities.

10.3.3.5 Parking areas, loading zones, and utility services associated with development shall be located and designed to minimize their visual impact on the streetscape, preferably located to the rear or side of buildings and adequately screened with landscaping or architectural elements compatible with the historic setting.

10.3.4 Built Forms

10.3.4.1 Massing and Height

Building heights are to provide a smooth transition between new and existing buildings. The height and massing of new development should not cause significant negative effects on adjacent buildings and pedestrian access.

10.3.4.2 Intensification

Intensification shall be encouraged on vacant lots, parking areas, and single storey buildings with no heritage significance at key intersections.

10.3.4.3 Efforts should be made to restore historical features or façade elements where a built form includes a heritage feature in accordance with the **Heritage District Conservation Plan** and the policies of this Plan.

10.3.4.4 Façade step backs and angular planes shall be encourage for developments along Gateways, and in the **Heritage Conservation District**.

10.3.4.5 The Town's Zoning By-law will establish standards for building step backs, and angular planes in order to provide sun light access to the pedestrian realm, reduce the wind tunnel effect, and establish a pedestrian oriented design.

10.3.5 Universal Design

Universal design (also referred to as 'Barrier free Design') ensures environments are accessible and usable by all people, regardless of ability. The *Accessibility for Ontarians with Disabilities Act* provides key guidance for implementing universal design standards.

10.3.5.1 Universal design will be applied to:

- a) Intersections;
- b) curb cuts;
- c) pedestrian activated signals;
- d) public buildings; and,

- e) all new institutional, recreational, commercial, industrial, or multiple dwelling structures.

10.3.5.2 In reviewing development applications, the Town will encourage developers to provide barrier free developments. The approval of new development and redevelopment shall consider access and proximity to, and availability of existing public services.

10.3.5.3 The Town will ensure that all public buildings and public spaces are accessible and inclusive to all members of the public, including people with disabilities. This should be taken into consideration for all new development and ongoing maintenance and improvements of public buildings and public spaces.

10.3.5.4 The Town's Zoning By-law will establish standards for the provision of barrier free parking spaces.

10.3.5.5 Active transportation facilities will be designed with accessibility considerations, including but not limited to:

- a) incorporating tactile paving elements in public pedestrian walkways, sidewalks, and crosswalks;
- b) universally accessible features such as curb ramps, wide sidewalks, and designated crossings assist users with mobility challenges.

10.3.6 **Parking**

In the Town, parking shall be designed to be easy and safe for pedestrians to navigate, while providing visual enhancements that add value and buffers from idle and parked vehicles. In addition to the policies of this Plan, reference should be made to the recommendations and guidelines in the Transportation Master Plan.

10.3.6.1 Commercial parking shall generally:

- a) Use landscaped islands, and raised or otherwise separated pedestrian walkways to allow for safe and convenient pedestrian movement;
- b) Utilize accent paving to indicate areas where pedestrians are likely to interact with vehicles, such as near business entrances and at intersections within parking areas;
- c) Ensure parking areas are well lit, and that lights are screened from adjacent residential uses;
- d) Screening materials may include low walls, fencing, and vegetation which does not create unsafe areas with low visibility from adjacent public spaces and buildings;

- e) Locate loading and service areas away from the street frontages and visually screen such areas from public views and adjacent residential properties;
- f) Locate waste storage areas inside buildings wherever possible. Where outside, ensure that waste disposal areas and containers are not visible from the street;
- g) Raised planters should be consistent with brick or stone and be at least 0.4m in height to promote informal seating along street frontages;
- h) Fences and walls should be created of high quality materials including brick and stone that are consistent with the image and scale along the Sandwich corridor; and
- i) Vegetation should be native, salt tolerant and a mixture of both coniferous and deciduous plantings.

10.3.6.2 Parking in the **Downtown Core, Mixed Use Corridor**, and **Heritage Conservation District** should be focused on the rear or side yard.

10.3.6.3 Where appropriate, on-street parking should be provided between the sidewalk and traffic lanes to buffer pedestrian areas from vehicle traffic.

10.3.6.4 Cycling amenities should be provided, including places to safely lock and store bicycles. These should be well lit and visible from pedestrian areas and pedestrian plazas.

10.3.6.5 **Payment in Lieu of Parking**

As per the *Planning Act*, Town has the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law and allows the Town to collect money which can then be used to provide municipal parking. Town may exempt part or all of the parking space requirement of the Zoning By-Law for development in return for a cash payment. The following policies shall apply:

- a) The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from their parking requirements. Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied.
- b) When applying the payment in lieu option, the Town shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law to provide parking. Money received should be placed into a special account and the agreement registered against the land.
- c) Payment in lieu will only be considered within the **Neighbourhood Commercial**, **Downtown Core**, and **Mixed Use Corridor** designations. New residential

developments should attempt to include all required tenant parking on site, however, the residential standards of the Zoning By-Law may be significantly reduced within the zones applied to the **Mixed Use Corridor** and **Downtown Commercial** designation to encourage intensification and redevelopment that is deemed to have a positive impact on the **Downtown Node**. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings. Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks, and taverns.

10.3.7 Signage

Effective signage is an important part of the built environment and historical references to Amherstburg and should reinforce the historical sense of place and theme of the area.

- 10.3.7.1 The Town will establish a Sign By-law to regulate signage in the Town of Amherstburg.
- 10.3.7.2 In general, signs must:
 - a) be appropriately sized and placed in accordance with the Amherstburg Sign By-law such that they do not dominate the façade or cover up important architectural details; and
 - b) prioritize signage that compliment the heritage character of Amherstburg.
- 10.3.7.3 To respect the traditional character of the Town, the following types of signage are discouraged within the **Downtown Core** and the **Heritage Conservation District**:
 - a) Roof signs;
 - b) Signage with removeable lettering;
 - c) Third party signage;
 - d) Inflatable signs;
 - e) Digital, electronic, neon, or other internally illuminated signs except for small 'open' signs in business windows; and
 - f) Moveable signs, excluding sandwich board signs.



11 Heritage Conservation



The Town of Amherstburg is a historically-rich community located along the shores of the Detroit River. Home to distinct and vibrant communities, heritage is the backbone of the Town's character and values. The policies in this section intend to support the continued conservation of the Town's tangible history, while enriching a continuously evolving Town identity. The Town's protected heritage properties, which may include cultural heritage resources, should be conserved, along with significant archaeological resources. This encompasses the preservation and restoration of areas identified within the **Heritage Conservation District** and the related "Character Areas". These areas possess many older structures, many with historical merit and include:

- North District, located north of Downtown;
- Downtown District;
- South District, located south of Downtown;
- Waterfront;
- Sandwich Street;
- East District; and
- Bellevue.

11.1 Cultural Heritage Resources

11.1.1 Goals

11.1.1.1 The goals for heritage conservation in the Town are as follows:

- a) To recognize, protect, and enhance cultural heritage resources and identify their valuable contribution to the community, including structures, landmarks, gateways, landscapes, and neighbourhood contextual characteristics;
- b) To promote the design of new buildings that harmonize with existing structures and to limit alterations that would negatively impact the character of cultural heritage resources and of the **Heritage Conservation District**;
- c) To identify opportunities to maintain and enhance the built form of the Heritage Conservation District, including the public realm, streetscaping, public open spaces, neighbourhood character and block patterns;
- d) To encourage and guide opportunities for new construction and infill projects that have regard for the existing architectural character, massing, siting, and scale of existing cultural heritage resources;
- e) To regulate and guide the demolition and/or alteration of cultural heritage resources;

- f) To recognize that the lands within its jurisdiction hold significance for various Indigenous communities;
- g) To increase public awareness regarding the history of the Town and to communicate the cultural, social, and economic benefits that a unique sense of place contributes to the ongoing success of the Town;
- h) To ensure that processes for the preservation of built heritage and cultural heritage resources/ landscapes are easily understood and streamlined, including property owner requirements and responsibilities, administrative processes, development requirements, and guidelines;
- i) To encourage and develop private and public financial resources and techniques in the preservation, restoration, and utilization of heritage; and
- j) To support the continuing care, conservation, and maintenance of heritage properties wherever appropriate by providing guidance on sound conservation practice and encouraging applications for funding for eligible work.

11.1.2 Policies

- 11.1.2.1 To use as appropriate all relevant Provincial legislation that references the conservation of cultural heritage resources, particularly the provisions of Section 4.6 of the Provincial Policy Statement, the *Ontario Heritage Act*, the *Planning Act*, the *Environmental Assessment Act* and the *Funeral, Burial and Cremation Services Act* to identify and conserve the Town's cultural heritage including archaeological resources.
- 11.1.2.2 For the purposes of this Plan, cultural heritage resources encompass cultural heritage resources that the Council has recognized as significant to the community.
- 11.1.2.3 Built Heritage resources include any building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.
- 11.1.2.4 Cultural heritage landscapes shall refer to a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.
- 11.1.2.5 The Town will conserve its cultural heritage resources by requiring technical cultural heritage studies (e.g., Cultural Heritage Impact Assessment, Conservation Plan and/or Archaeological Assessment) for infrastructure projects.

11.1.3 Identification of Heritage Resources

The Town of Amherstburg identifies three (3) types of properties on the Heritage Register. These include:

- Designated Properties;
- Properties of Interest; and
- Heritage Conservation Districts

- 11.1.3.1 Designated Properties are properties that have been legally designated under Part 4 of the *Ontario Heritage Act*. Properties of Interest, although are not designated under the *Ontario Heritage Act*, have been identified by Council as properties of cultural heritage value or interest.
- 11.1.3.2 A set of criteria has been established for the selection of sites, structures, buildings, areas, and environments of heritage significance. The basis for selection is tied to the historical and architectural development of the Town of Amherstburg. As a minimum, the criteria found in Ontario Regulation 9/06 of the *Ontario Heritage Act*, which deals with designations for individual properties under Part 4, must be followed.
- 11.1.3.3 Council will identify the Town's cultural heritage resources by:
- a) researching and documenting the history, architectural significance, and contextual value of potential heritage resources on an area or neighborhood basis, in conjunction with the **Heritage Conservation District Study** or other relevant special studies as deemed appropriate;
 - b) Researching and documenting the history, and architectural and contextual merit of potential heritage resources on an individual property basis.
- 11.1.3.4 Council and the Heritage Committee shall consider the following criteria when assessing individual buildings for designation under the *Ontario Heritage Act*. The designated buildings should reflect the Town's heritage through their architectural significance and/or historical associations.
- a) The building has been associated with the life of an historic personage or played a role in an important historic event.
 - b) The building embodies the distinguishing characteristics of an architectural type recognized for its style or period of construction or is it a notable example of workmanship by an early master builder, designer, or significant architect.
 - c) The building or building type has special significance, forming an integral component of a particular neighbourhood character within the community.
 - d) The extent of the remaining original materials and workmanship should be adequate. Intangible elements such as feeling, association, and aesthetics shall

be considered as important as the physical appearance of the building or structure.

- e) Architectural character should be considered based on style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings and the relation of such factors to similar features of the buildings in the immediate surroundings.

11.1.4 Protection and Conservation of Heritage Resources

- 11.1.4.1 The Heritage Register will be updated and maintained at Council's direction, under the advisory and assistance of the Heritage Committee. A change to the Heritage Register shall be considered through the criteria and guidelines outlined through Section 11.1.2 of this Plan.
- 11.1.4.2 Development, site alteration, partial demolition, removal or change of use on properties listed on the Heritage Register shall not be permitted, except where the proposed development or site alteration has been evaluated through technical cultural heritage studies (e.g., An Archaeological Assessment, a Heritage Impact Assessment, and/or a Conservation Plan) to the satisfaction of the Town. This archival record must demonstrate:
 - a) that the heritage attributes of the protected heritage property will be conserved;
 - b) how negative impacts will be mitigated; and
 - c) documentation for archival purposes.
- 11.1.4.3 Demolition or site alteration of the whole or any part of a designated property or property in the **Heritage Conservation District** shall not be permitted without first receiving a permit issued by Council.
- 11.1.4.4 Development and site alteration on lands within 50 metres of an identified cultural heritage resource shall only be considered following a Heritage Impact Assessment, where it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 11.1.4.5 Development and site alteration of property within a **Heritage Conservation District** or adjacent to a **Heritage Conservation District** will be subject to a Heritage Impact Assessment as identified in the Heritage Conservation District Plan policies.
- 11.1.4.6 To conserve cultural heritage resources across the Town of Amherstburg, Council may:
 - a) regulate vehicular and pedestrian traffic matters which may affect cultural heritage resources;

- b) as necessary, regulate the nature, use, and development of the areas surrounding cultural heritage resources to modify its property standards to appropriately address heritage needs;
- c) seek the acquisition of easements on properties of architectural or historical significance in order to assure the preservation of these properties;
- d) support applications for funding through various governmental programs to assist individual property owners with building improvements; and
- e) consider social and community needs in the preservation, improvement, and utilization of heritage and encourage the private and public sectors to promote heritage preservation for the benefit of all citizens of the community and posterity.

11.1.5 Management of Heritage Resources

- 11.1.5.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved in accordance with the recommendations of an archaeological assessment carried out by a consultant archaeologist licensed under the *Ontario Heritage Act*. Where significant archaeological resources must be preserved on site, development and site alteration will be permitted only where the archaeological resources have been assessed, documented, and conserved. Any alterations to known archaeological sites will only be performed by a licensed archaeologist.
- 11.1.5.2 Council will manage cultural heritage resources by:
 - a) coordinating its cultural heritage plans and programs with heritage plans and programs of other levels of government in an effort to avoid duplication of effort and to reinforce mutual objectives;
 - b) developing and establishing heritage plans and programs in co-ordination with Town planning needs and requirements;
 - c) continually reviewing and updating its cultural heritage policies, plans and programs, and will conduct a comprehensive review every five years;
 - d) exploring and, where beneficial, utilizing funding and assistance opportunities offered by other levels of government for heritage purposes;
 - e) conducting any additional research needed on Town-wide, neighborhood, and specific heritage issues, and periodically adopting specific policies on these matters; and
 - f) actively encouraging other levels of government to enact legislation and implement programs aimed at preserving heritage thereby supporting the Town's heritage conservation objectives.

- 11.1.5.3 Council will develop heritage plans and programs based on a system of priorities. Specifically, the following will be considered as priority guidelines for Town programs:
- a) The protection of cultural heritage resources;
 - b) Encouraging the preservation, restoration, rehabilitation, and utilization of heritage resources by the public; and
 - c) Selective restoration and rehabilitation of heritage resources by the Town.
 - d) Council will restore, rehabilitate, enhance, and maintain Town owned cultural heritage resources in fulfilment of the heritage objectives and policies. As feasible, relevant by-laws, programs, and public works undertaken by the Town of Amherstburg will conform to and further the heritage objectives and policies.
- 11.1.5.4 Any alterations to known archaeological sites will only be performed by a licensed archaeologist.

11.2 Heritage Conservation District

A sizeable portion of Amherstburg's heritage properties are not individually significant. Rather it is the unique character of the buildings, street patterns and landscapes which define a space. In 2024, the Town of Amherstburg underwent a Heritage Conservation District Study to determine an appropriate boundary to designate a **Heritage Conservation District** ("the District") in the Town. The resultant boundary has been illustrated in Schedules A, B, B-2, D, and K of this Plan.

11.2.1 Policies

Properties that fall within the **District** must be consistent with the policies of the Heritage Conservation District Plan including the following:

- 11.2.1.1 The construction of new buildings on vacant or infill lots within the **District** is encouraged. New developments or alterations to existing buildings shall be designed in a manner that is harmonious with the heritage character of the area.
- 11.2.1.2 The design and land uses within the **District** should support the continued appreciation, enhancement, and interpretation of the cultural heritage resources in the area.
- 11.2.1.3 The following will be encouraged within the **Heritage Conservation District**:
- a) Urban design considerations consistent with the Heritage Conservation District Plan;
 - b) A low-profile built form;
 - c) Existing uses, and the adaptive re-use of heritage buildings in keeping with the heritage character of the **District**; and

- d) The continuous maintenance, upkeep, and repairs on existing heritage-specific features.
- 11.2.1.4 Existing uses are supported. The adaptive re-use of heritage buildings will also be supported, so long as it is appropriate for the original character of the occupied building.
- 11.2.1.5 The following will be discouraged within the **District**:
 - a) Land uses that adversely impact the character of the **District**; and
 - b) Demolition of existing buildings, natural features, or structures that contribute to the character of the **District**.
- 11.2.1.6 The demolition or removal of cultural heritage resources shall only be considered:
 - a) In extenuating circumstances such as natural disasters (e.g. fire, flood, tornado, and earthquake);
 - b) Where there is a greater public interest served (e.g. health and safety concern), as determined by Council, through the demolition of the building structure; or
 - c) Where it is determined through a Heritage Impact Assessment that the building is not a contributing structure to the heritage character of the **District**.
- 11.2.1.7 Prior to the demolition and removal of buildings and structures within the **District**, the property owner shall demonstrate that all other options have been investigated including preservation, rehabilitation, restoration, retro-fitting, re-use, mothballing, etc., and that they are not viable options. Financial impact shall not be the sole reason in determining that demolition is a greater public interest.
- 11.2.1.8 In cases where a building is demolished, proposed structures should not replicate the design of the demolished building.
- 11.2.1.9 Any new structures, and/or the relocation of structures must adhere to the Heritage Conservation District Plan.

11.3 Implementation of Heritage Conservation

11.3.1 The *Ontario Heritage Act*

- 11.3.1.1 The Town of Amherstburg will, whenever desirable, use the provisions of the *Ontario Heritage Act* to implement the heritage policies of this Official Plan. The Heritage Committee established pursuant to the Legislation shall advise and assist Council on all matters specified in the *Ontario Heritage Act*.

11.3.2 *Planning Act*

- 11.3.2.1 The Amherstburg Heritage Committee will be circulated notices, under regulations of the *Planning Act*, pertaining to plans of subdivisions, zoning by-laws, holding by-laws and interim control by-laws, if the subject lands include or adjoins a property or district designated under Part IV or V of the *Ontario Heritage Act*.
- 11.3.2.2 Council shall, when appropriate for specific development proposals, consider increasing height and density of development otherwise permitted by the by-laws to facilitate the retention of heritage resources.
- 11.3.2.3 As provided for by Section 28 of the *Planning Act*, Council may consider community improvement plans and programs for preservation, rehabilitation, renewal, and reuse of heritage resources. Community Improvement Plans are described more fully in Chapter 12 of this Plan.

11.3.3 **Amherstburg Heritage Committee**

- 11.3.3.1 The Town will consult with the Amherstburg Heritage Committee on matters relating to:
 - a) the designation of properties, the Town's built heritage inventory, the **Heritage Conservation District**, and the statutory Heritage Register; and
 - b) applications for Heritage Alteration Permits.

11.3.4 **Heritage Conservation District Plans**

The most effective approach for managing Amherstburg's heritage is to focus on whole areas rather than individual properties, as the unique character and significance often lie in the collective grouping of similar buildings and their street patterns. This area-based focus allows for more efficient use of resources and effective planning and protection, providing the necessary framework for promoting and undertaking preservation, restoration, and rehabilitation efforts within the Town.

- 11.3.4.1 A detailed Heritage Conservation District Plan shall be prepared for all areas which are to be designated as **Heritage Conservation Districts**. This plan shall contain the location, historical, or architectural significance of the area in the development of the community, and justification for the designation of the district and shall provide policies and guidelines for development, redevelopment and alterations.
- 11.3.4.2 The area should provide an example of the historical or architectural heritage of the community. The geographical extent of such an area in some cases will not be easily defined and for this reason, the following criteria should be considered by Council and the Amherstburg Heritage Committee when measuring the historical or architectural heritage of a proposed district:

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

11.3.5 Zoning

- 11.3.5.1 Special heritage zones may be established within the Zoning By-Law, to further the achievement of applicable objectives in this Official Plan. In particular, the **Heritage Conservation District** will enable the Town of Amherstburg to regulate matters such as the use of land, and the height, bulk, density, setback, and exterior design of buildings which are essential to the maintenance of the overall character of unique heritage areas.
- 11.3.5.2 Zoning regulations will be utilized to stabilize development which, in turn, will encourage other investment, rehabilitation, and conversion of certain uses to uses which are more compatible with the stated objectives of this Plan. The establishment of the **Heritage Conservation District** will endeavor to preserve existing heritage buildings or sites and discourage their demolition.

11.3.6 Demolition Control

- 11.3.6.1 A Demolition Control By-Law has been enacted to include heritage, to protect residential properties, and to maintain the character of residential areas. Within the area of demolition control, the demolition of any residential property is prohibited unless Council has issued a Demolition Permit. The Town shall consider applications for alterations, demolitions, or removal under Part V of the *Ontario Heritage Act*.

11.3.7 Site Plan Control

- 11.3.7.1 A Site Plan Control By-Law shall be implemented, requiring property owners within the **Heritage Conservation District** to enter into an agreement with the Town of Amherstburg as a condition for development or redevelopment. This agreement establishes conditions which shall be met by the property owner regarding site development or redevelopment, and any other matters (permitted by the *Planning Act*) which the Town of Amherstburg deems necessary to achieve certain objectives of this Plan.

11.3.8 Committee of Adjustment

- 11.3.8.1 Applications for severances and minor variances to the Zoning By-Law's Heritage Zones and the **Heritage Conservation District** will be carefully considered by the Committee of Adjustment and will only be approved where they will not impact the heritage objectives and policies of this Plan.

11.3.9 Public Acquisition of Land

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

11.3.10 Sign By-Law

- 11.3.10.1 The Sign By-Law includes supplementary regulations for signs in heritage zones, which must be followed in addition to the policies of this Plan.

11.4 Archaeological Resources

The Town of Amherstburg is located on the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, Odawa, and Potawatomie Peoples. The Town acknowledges that there may be sites within its limits with historical and cultural importance to Indigenous peoples and recognizes the importance of engaging in meaningful consultation and collaboration with Indigenous communities. There is also the potential for European archaeological resources that further contribute to the Town's cultural identity. The following policies intend to support the identification of archaeological resources and areas of archaeological potential, and ensure archaeological resources are conserved in accordance with Provincial requirements.

11.4.1 Policies

- 11.4.1.1 An Archaeological Assessment in accordance with the *Ontario Heritage Act* will be required as part of the Town's public works projects with ground disturbance and/or work on undisturbed ground in areas of archaeological potential.
- 11.4.1.2 Applications for development on lands containing archaeological potential shall be subject to an Archaeological Assessment prepared in accordance with archaeological licensing provisions of the *Ontario Heritage Act*.
- 11.4.1.3 The Town shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting, and managing archaeological resources.
- 11.4.1.4 When development or site alteration is proposed on private land, Indigenous peoples and communities should be engaged throughout the Archaeological Assessment process.
- 11.4.1.5 The Town may require mitigative measures and/or alternative development approaches to preserve the heritage attributes of the property.
- 11.4.1.6 The Town will circulate development applications to the County for identification of any potential impact on areas containing registered archaeological sites or lands of archaeological potential such as along watercourses.
- 11.4.1.7 Applications for development or site alteration by the Detroit River or Lake Erie waterfront shall not adversely affect cultural heritage resources on the shore and in the water. Where partially or fully submerged marine features are identified and may be impacted by shoreline and waterfront developments, a marine archaeological assessment will be required. This shall be prepared by a licensed archaeologist pursuant to the *Ontario Heritage Act*. Satisfactory measures to mitigate any negative impacts will be required.



12 Implementation Tools



The policies of this Section are intended to provide guidance for the implementation and monitoring of the Town of Amherstburg Official Plan. The policies of this Section are based on the authority delegated to the Municipality through the *Planning Act*, *Municipal Act* and other applicable legislation. In general, this Section is organized around the various aspects of the development approvals framework.

12.1 Development Application Reviews

12.1.1 Pre-Consultation Requirement

12.1.1.1 The Town encourages pre-consultation with Town staff prior to the filing of any formal application. The development approvals include:

- a) amendments to this Plan and any secondary plans;
- b) amendments to the Zoning By-law;
- c) site plan control;
- d) draft plans of subdivision or condominium;
- e) part lot control exemption;
- f) consents to sever;
- g) minor variances; and
- h) any other application requiring approval under the *Planning Act*.

12.1.1.2 The Pre-consultation process will allow the Town to identify the specific reports/studies that are required to be deemed a complete application package. This meeting will also identify any external review agencies to be consulted in the approvals process.

12.1.2 Complete Application Requirements

12.1.2.1 An application for development approval will be considered 'complete', in accordance with the *Planning Act*, when the following have been satisfied:

- a) Pre-consultation with the Town, and the County and external agencies as required;
- b) Submission of applicable application fees;
- c) Plans and drawings according to Town's specifications (in Portable Document Format [PDF] format);
- d) Completion and submission of required support studies, information, and materials to the satisfaction of the Town.

12.1.2.2 Support studies that may be required as part of a complete application may include, but are not limited to:

- Agricultural Impact Assessment
- Air Quality Study
- Archaeological Assessment
- Climate Change Mitigation Plan/
Climate Change Adaptation Plan
- Cultural Heritage Evaluation Report
and/or Conservation Plan
- Environmental Impact Assessment
- Environmental Site Assessment
- Energy Strategy
- Functional Servicing Report
- Geotechnical Report
- Grading Plan
- Heritage Impact Assessment
- Housing Impact Analysis Study
- Land Use Compatibility Study
- Landscaping Plan
- Market Impact Assessment
- Master Servicing Plan
- Minimum Distance Separation 1
and 2 Calculations
- Natural Site Features and
Preservation Plan
- Noise and Vibration Study
- Nutrient Management Strategy
- Parking Study
- Planning Justification Report (PJR)
- Photometrics Plan
- Secondary/Area-Specific Plan
- Shadow Study
- Stormwater Management Plan
- Record of Site Condition
- Risk Assessment and Mitigation
Plan
- Transportation Impact Study
- Watershed/Subwatershed Plan
- Urban Design Study

12.1.2.3 A proponent may be required to host an Open House as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium, as per Section 12.2.3 of this Plan.

12.1.2.4 The Town, at its discretion, may require a peer review of supporting materials or studies, conducted by a qualified professional at the proponent's expense.

12.1.2.5 In the instance of an incomplete application, the Town will indicate what additional information and material is required in accordance with the *Planning Act*.

12.1.2.6 The Town, at its discretion, may determine some or all submission materials may be released to the public. Said documents shall be consistent with the Town's accessibility standards and the Accessibility for Ontarians with Disabilities Act at the proponent's expense.

12.2 Consultation and Engagement

Successful planning is built on strong community partnerships. By fostering open dialogue and collaborative engagement, we can achieve shared goals and create a thriving community.

12.2.1 Policies

- 12.2.1.1 Community engagement for planning matters will be carried out in compliance with the *Planning Act*, the *Accessibility for Ontarians with Disabilities Act*, and other relevant policies and regulations.
- 12.2.1.2 The Town will provide accessible and responsive consultation and engagement throughout all planning stages to accommodate the diverse needs of its residents and stakeholders. Opportunities for participation in planning matters may include, but are not limited to:
 - a) Official Plan and Zoning By-law reviews and updates;
 - b) Development applications; and
 - c) Secondary plans, Community Improvement Plans (CIPs), Urban Design Guidelines, Master Servicing Plans, Parks Master Plan, Transportation Master Plans, and other studies to support this Plan.
- 12.2.1.3 The Town will provide public materials that will meet the accessibility standards and guidelines of the *Accessibility for Ontarians with Disabilities Act*.
- 12.2.1.4 To gather public input, the Town will consider using virtual or hybrid events and online tools when a public open house or other type of community engagement event is required or appropriate.

12.2.2 Public Notice

- 12.2.2.1 Council shall actively seek the views and participation of the public prior to making any decisions regarding amendments to this Plan or the Zoning By-Law for the Town of Amherstburg. In each case involving such planning matters, the Town will hold at least one (1) public meeting and encourage public input.
- 12.2.2.2 To ensure thorough public review of proposed Official Plan and Zoning By-Law amendments, the Town will hold a Statutory Public Meeting in accordance with the *Planning Act*.

12.2.3 Open House Policies

- 12.2.3.1 A proponent may be required to host an Open House as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium and produce a report summarizing the results of the open house. The Open House and the report will be provided at the applicant's expense.
- 12.2.3.2 The purpose of the Open House is to provide opportunity for consultation by the applicant with the area residents/property owners who may be impacted by the proposal before the application is deemed complete.

- 12.2.3.3 The venue for the Open House should be a location that provides public accessibility via pedestrian, bicycle, and public transportation, and where practical, be situated within a one (1) kilometre (km) radius of the proposed development. Furthermore, the structure housing the venue must meet or exceed the standards of the *Accessibility for Ontarians with Disabilities Act*.
- 12.2.3.4 The pre-consultation Open House should be comprised of the following components:
- a) Notice to the area residents/property owners, as required by the Director of Development Services or designate;
 - b) Attendance of assigned municipal planner(s);
 - c) Display boards which provide the primary details of the application;
 - d) Copies of any reports or studies that have been prepared as part of the application; and
 - e) The availability of the applicant or the applicant's agent to answer any questions that the public may have about the application.
- 12.2.3.5 An Open House Summary Report is to be submitted with the planning application and include the following:
- a) A summary of the results of the open house including issues and responses provided;
 - b) A copy of the Notice provided;
 - c) A copy of any presentation(s) and graphics;
 - d) A copy of written questions from the public and written responses to these questions by the applicant; and
 - e) A copy of the attendee sign-in sheet.

12.3 Consultation with Indigenous Communities

The Town recognizes the importance of respectful and ongoing consultation with Indigenous peoples on planning initiatives. This collaboration allows us to learn from their deep knowledge of the land and ensures our actions contribute to reconciliation, healing, and community well-being.

The *Planning Act*, Provincial Planning Statement, and *Heritage Act* mandate Indigenous consultation in planning, and the Town acknowledges this as a fundamental step towards reconciliation, ensuring that planning decisions reflect Indigenous perspectives and support self-determination.

12.3.1 Policies

- 12.3.1.1 To advance Truth and Reconciliation, the Town will collaborate with interested Indigenous communities, to ensure consultation and engagement is appropriate to the type of planning application or process being undertaken. The Town respects the interests of the Indigenous communities and will seek to encourage collaborative and productive working relationship.
- 12.3.1.2 The Town shall engage with Indigenous communities to consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources.
- 12.3.1.3 The Town will adhere to the consultation and engagement guidelines and processes that the appropriate First Nation may have, where they exist and are known to the Town.
- 12.3.1.4 The Town will develop a notification and engagement process to ensure Indigenous communities are involved in decisions that could affect their treaty and Indigenous rights regarding land use and development.
- 12.3.1.5 The Town will notify Indigenous communities upon the discovery of ancestral burial sites or significant archaeological resources, in accordance with this Plan's policies.
- 12.3.1.6 Indigenous participation in any development or redevelopment application shall include capacity funding at the expense of the proponent, to be agreed upon at the onset of engagement.

12.4 Development Application Planning Tools

12.4.1 Official Plan Monitoring and Review

The policies of this Plan are intended to guide growth to 2051, however will require periodic monitoring, review, and amendments to reflect the changing needs and circumstances of the Town.

- 12.4.1.1 In accordance with Section 26 of the *Planning Act*, this Plan will be reviewed after ten years, and every five years thereafter to ensure consistency with the Provincial Planning Statement issued under Section 3 of the *Planning Act*; conformity with the County of Essex Official Plan, and the desired policy directions of Council.
- 12.4.1.2 The Town will monitor the implementation of the policies of this Plan to inform the next Official Plan review, including:
 - a) type and location of development in the Town since the approval of this Plan;
 - b) projected population and employment growth as compared to the forecasts in Section 3.1 of this Plan;

- c) progress towards housing targets and goals in Sections 4.1 of this Plan;
- d) the provision of community facilities and parkland throughout the Town; and
- e) investments related to growth, including roads, water, and wastewater infrastructure.

12.4.2 Official Plan Amendments

- 12.4.2.1 All amendments to this Plan may be made in accordance with the *Planning Act* to integrate new objectives, policies, or re-designations. Official Plan Amendments can be initiated by the Town or be privately led. The Town may revise this Plan as required to conform with provincial plans or to implement a desired policy direction by Town Council. Privately led amendments are typically sought to amend the policies that apply to a specific property or area within the Town.
- 12.4.2.2 The Town may amend this Plan from time to time through by-law as permitted by Section 21 of the *Planning Act*, subject to Section 22 of the *Planning Act*. Consideration will be given to applications to amend this Plan from any person or public body. Approval of an application to amend this Plan will require that the proposed amendment:
- a) has regard for the matters of provincial interest under Section 2 of the *Planning Act*, and is consistent with any policy statements under Section 3 of the *Planning Act*;
 - b) conforms to the policies of the County of Essex Official Plan; and
 - c) conforms with the other policies of this Plan.
- 12.4.2.3 Approval of an application to amend this Plan will also consider:
- a) the need for the proposed land use and its compatibility with the existing development in the surrounding area;
 - b) the site's physical suitability for the proposed land use, including an assessment of any existing natural and human made hazards, their potential impacts, and proposed mitigation measures consistent with accepted engineering and resource management practices in accordance with the policies of this Plan;
 - c) the adequacy of existing and proposed infrastructure to support the proposed development, including roadways, water supply, sewage and stormwater management, and other municipal services, in accordance with the policies of this Plan; and
 - d) the proposed use's fiscal impact on the Town, including its ability to provide adequate municipal services.
- 12.4.2.4 All applications for Official Plan amendments shall be process in accordance with the provisions of Section 17 of the *Planning Act* and the policies of this Plan.

- 12.4.2.5 Prior to the approval of an application to amend this Plan, Council will hold a minimum of one public meeting, pursuant to the requirements of the *Planning Act* and the consultation policies in Section 12.2 of this Plan.

12.4.3 Secondary Plans, Area-Specific, and Site-Specific Policies

- 12.4.3.1 The Town may develop detailed plans for specific areas or sites, such as secondary plans, area-specific, or site-specific policies, which will be incorporated into this Plan through amendments as permitted by the *Planning Act*.
- 12.4.3.2 Secondary Plans may be required for, but not limited to, areas of large greenfield or brownfield, residential areas in transition, areas for intensification and growth, and heritage designated areas under protection of the *Heritage Act*. The Secondary Plan will detail additional policies including but not limited to urban design, land uses, transportation, and municipal infrastructure.
- 12.4.3.3 To ensure conformity with planning policies, development applications for areas designated for a secondary plan will not be deemed complete until Council adopts the secondary plan.
- 12.4.3.4 The Town may develop area- or site-specific policies to address unique local conditions, reflect historical conditions, or implement decisions of the Ontario Land Tribunal (or its predecessors or successors), particularly when these factors are not adequately addressed by the broader policies within this Plan.
- 12.4.3.5 Stakeholder consultation and community engagement shall be required in accordance with the *Planning Act* and Section 12.2 of this Plan.

12.4.4 Zoning By-law and Zoning By-law Amendments

- 12.4.4.1 In accordance with Section 34 of the *Planning Act*, the Town will prepare, and Council will adopt, a Zoning By-law that will be in conformity with the goals, policies, and land use designations contained in this Plan.
- 12.4.4.2 Following a comprehensive review and update of this Plan, the Town will update the Zoning By-law to conform with the updated Plan within three (3) years of the updated Plan's adoption.
- 12.4.4.3 The Town's Zoning By-law will establish specific zones which specify permitted land uses, lot dimensions, building setbacks, height, and overall size. Within each land use designation, more than one zone may be established to ensure that the policies of this Plan are properly maintained.
- 12.4.4.4 Development within any zone must adhere to its zoning requirements or seek a minor variance or site-specific zoning amendment from the Zoning By-law.

- 12.4.4.5 Existing uses may be recognized in the implementing Zoning By-law, notwithstanding the policies of this Plan.
- 12.4.4.6 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of Section 34 of the *Planning Act* and the policies of this Plan.

12.4.5 Minor Variance

- 12.4.5.1 Where a proposed development does not conform to the provisions of the Town's Zoning By-law and is minor in nature, it may be permitted subject to a minor variance application approved by the Town's Committee of Adjustment.
- 12.4.5.2 When reviewing an application for minor variance to the Zoning By-law, the Committee of Adjustment must be satisfied that:
 - a) the request is minor in nature;
 - b) it is desirable for the appropriate development or use of the land, building, or structure;
 - c) the general intent and purposed of the Official Plan is maintained; and
 - d) the general intent and purpose of the Zoning By-law is maintained.

12.4.6 Holding Provision By-law

- 12.4.6.1 To ensure pre-development conditions, such as but not limited to servicing and road construction, are met, the Town may apply a holding zone on development applications until those conditions are satisfied. As required, the Town may make use of a holding provision by-law, as permitted under Section 36 of the *Planning Act*, which will zone lands for their intended use but apply a holding symbol "H" (or "h") in conjunction with any land use designation to restrict the lands' development until these conditions are met.
- 12.4.6.2 The Town may use holding provision by-laws to:
 - a) ensure necessary municipal services, community facilities, and/or other requirements outlined in this Plan are in place before development occurs;
 - b) stage planned and phased development that aligns with the provision of necessary infrastructure and community services, as required by Town, County, and Provincial policies;
 - c) satisfy the policies of this Plan regarding land use compatibility, site plan control, natural heritage protection, heritage conservation, community improvement, and/or other relevant matters identified by the Town, County, or Province;
 - d) require the approval of subdivision plans, the completion of necessary studies as needed to meet the conditions above, and the execution of legal agreements.

- 12.4.6.3 The Zoning By-law or its amendments will specify the conditions for lifting a holding zone. Once these conditions are met, Council may amend the by-law to remove the holding symbol.
- 12.4.6.4 Before removing the holding symbol, Council shall give notice of its intention in accordance with the relevant provisions of the *Planning Act*.

12.4.7 Temporary Use By-laws

- 12.4.7.1 Council may, in a By-law passed pursuant to Section 39 of the *Planning Act*, authorize the temporary use of lands, buildings or structures for any purpose that is otherwise prohibited by the By-law. As these uses will be temporary, this does not have to be limited to uses that conform to the Official Plan.
- 12.4.7.2 A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law. These time periods may be extended by By-law for additional three-year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the By-law.

12.4.8 Interim Control By-laws

- 12.4.8.1 When a review or study of land use policies is directed by Council for a specific area or areas, the Town may enact an interim control by-law under *Section 38* of the *Planning Act*. This by-law can temporarily restrict the use of land, buildings, or structures in the designated area(s) to only those uses explicitly permitted by the by-law.
- 12.4.8.2 An Interim Control By-law shall specify the period of time for which the by-law is in effect, to a maximum of one year. Once the time period of the By-Law has expired, to Town may extend its effective period to a maximum of two years from the date of initial passing of the By-law.
- 12.4.8.3 Where an Interim Control By-Law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-Law that applies to any lands to which the original Interim Control By-Law applied.
- 12.4.8.4 Subsequent to the completion or review of the study within the period of time specified in the Interim Control By-Law, if the Town has not passed an amendment to the Zoning By-law, the zoning that applied to the subject area or areas immediately prior to the coming into force of the Interim Control By-law will be in effect.

12.4.9 Site Plan Control

Site plan control is a planning tool for the Town to review and approve the detailed design of a proposed development before construction begins. This ensures that the development aligns with this Plan, the Zoning By-law, and overall vision for the Town.

- 12.4.9.1 Council may, by By-law, designate areas where site plan control will be in effect, as provided in Section 41 of the *Planning Act*. All lands lying within the Town of Amherstburg are designated as a Site Plan Control Area.
- 12.4.9.2 For the purposes of this Plan and as per Section 41(1) of the *Planning Act*, “development” shall mean:
 - a) the construction, erection or placing of one or more buildings or structures on land;
 - b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
 - c) the laying out and establishment of a commercial parking lot;
 - d) the laying out of sites for the location of three (3) or more trailers or of sites for the location of three (3) or more mobile homes; or
 - e) the laying out of sites for the construction, erection or location of three (3) or more land lease community homes.
- 12.4.9.3 With regards to site plan control and in accordance with Section 41 of the *Planning Act*, “development” does not include:
 - a) the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007; and
 - b) the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than ten (10) residential units.
- 12.4.9.4 The overall objective of site plan control is to improve the efficiency of land use and servicing, to protect adjacent land use and to encourage a more attractive form of development by:
 - a) maintaining consistent municipal standards in site plan details;
 - b) ensuring safe and efficient vehicular and pedestrian access;
 - c) minimizing land use conflicts between new and existing developments and maintain required mitigation;
 - d) providing functional and aesthetically pleasing on-site features like lighting;

- e) regulate the placement and provision of services such as driveways, parking, and waste collection; and
- f) ensuring developments are built and maintained as approved by the Town; and
- g) secure necessary easements.

12.4.9.5 To achieve these objectives, the Town will require the submission and approval of the following drawings, as detailed in Section 41(4) of the *Planning Act* and Town's the Site Plan Control By-law:

- a) Plans showing the location of all buildings and structures, both existing and proposed;
- b) Drawings showing all plan views, elevation and cross-section views for each building to be erected, including:
 - i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings; and
 - iv. facilities designed to have regard for accessibility for persons with disabilities.
- c) Studies and Plans related to servicing, including but not limited to, stormwater management report, functional servicing report, traffic impact assessment, grading plan and site servicing plan; and
- d) Additional studies listed in Section 12.1.2.2 of this Plan, as deemed necessary by the Town in support of a site plan control application.

12.4.9.6 Site plan control allows the Town to obtain land for road widening and daylight triangles at intersections, without compensating the landowner. If existing conditions prevent equal widening on both sides of the road, only half of the required land will be secured through site plan control.

12.4.9.7 Unless otherwise provided by Council, site plan control will apply to all new development and to the expansion of existing uses within the Town in accordance with policies and exemptions in the Town's Site Plan Control By-law.

12.4.9.8 Mineral aggregate operations licensed under the *Aggregate Resources Act* are exempt from site plan control approval.

12.4.10 Plans of Subdivision

A draft plan of subdivision is a preliminary plan that outlines how a large piece of land will be divided into smaller, individual lots for development. It's a crucial step in

the land development process, particularly when creating new neighborhoods or large-scale residential areas. The County of Essex is the approval authority draft plan of subdivision.

- 12.4.10.1 A plan of subdivision will be required for land division applications that propose the creation of four (4) or more new lots and/or where any number of lots will require the extension of municipal services, except where lot frontages for the new lots currently exist on a public road. Notwithstanding, in existing registered plans of subdivision, relotting can occur through the use of deeming by-laws in conjunction with the consent process.
- 12.4.10.2 Council will recommend plans of subdivision to the County of Essex for approval only if they comply with this Plan's policies and demonstrate:
 - a) conformity or consistency with Provincial legislation;
 - b) conformity and consistency with the County of Essex Official Plan;
 - c) the provision of adequate services such as water supply, sanitary sewage treatment and disposal, and stormwater management as per the policies of this Plan;
 - d) integration with adjacent lands, subdivisions, and roads and demonstrating the continuation of an orderly development pattern; and
 - e) the efficient design to minimize operating costs, and utilize existing services so as to not adversely impact the transportation system, the natural environment, or adjacent land uses.
- 12.4.10.3 The Town may require appropriate supporting technical studies to be completed as part of the preparation and submission of a plan of subdivision pursuant to policies in Section 12.1.2.2 of this Plan.
- 12.4.10.4 Development proposals for plans of subdivision should demonstrate connectivity and access to Arterial Roads and provide a minimum of two (2) access points of ingress and egress for the subdivision. A Transportation Impact Assessment (TIA) may be required to determine if additional access points are necessary. The TIA will also determine the appropriate location of sight triangles at the access points to the subdivision.
- 12.4.10.5 All proponents will be required to address the Conditions of Draft Approval which may include entering into a Development Agreement with the Town pursuant to the *Planning Act* as a condition of final approval of the plan of subdivision by the County of Essex and the Town. The proponent will be required to meet conditions of draft plan approval within a specified time period, failing which, draft plan approval will lapse.

12.4.10.6 The Town shall ensure that the following measures are incorporated into subdivision agreements:

- a) Removal of vegetation, grading and soil compaction to the minimum necessary to carry out development activity; and where possible, removal of vegetation shall not occur more than 30 days prior to grading or construction;
- b) Measures are in place structures to control and convey runoff and erosion and sediment controls are implemented effectively; and
- c) Seeding or sodding of exposed soils is undertaken and driveways surfaced once construction is complete and seasonal conditions permit.

12.4.11 Plan of Condominium

12.4.11.1 A plan of condominium defines and creates individual ownership units within a multiple dwelling or multiple unit property, including an apartment building, townhouse complex, or even some commercial buildings. It divides a single property into multiple, separately owned spaces with joint ownership under a Condominium Corporation. The County of Essex is the approval authority draft plan of condominium.

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

12.4.11.3 To facilitate joint residential ownership, this Plan mandates compliance with the *Condominium Act*, necessitating the formation of a Condominium Corporation. This guarantees long-term maintenance and professional administration of common elements for owner-shareholders.

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

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

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

12.4.11.7 Condominium Conversion

An application which would result in the conversion of rental housing to condominium ownership, will be evaluated and given approval based on the following criteria:

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

12.4.11.8 The proponent must also satisfy the following:

- a) Submission of a detailed inspection report on the physical condition of the property by a qualified architect or engineer to the satisfaction of the Town;
- b) Submission of an Affordable Housing Report, prepared in accordance with a term of reference to the satisfaction of the Town;
- c) Tenants have the option to continue to lease their units following the approval of the conversion to condominium in accordance with the provisions of the *Residential Tenancies Act*; and,
- d) The owner enters into an agreement with the Town which states that tenants may have first right to purchase their units or allows them to continue to rent despite the tenure of the building.

12.4.12 Part Lot Control

12.4.12.1 Council may pass By-laws in accordance with the *Planning Act* to apply part lot control exemption to all or any part of a registered plan of subdivision. A Part Lot Control By-law has the effect of allowing the conveyance of a portion of a lot within a plan of subdivision without requiring the approval from the land division committee. The County of Essex is the approval authority for Part-lot Control Exemptions.

- 12.4.12.2 Part Lot Control Exemption will be considered appropriate in the following applications:
- a) Creation of a new individual lot(s) for single, semi-detached or row housing;
 - b) A minor re-design to lots or blocks in a Registered Plan of Subdivision;
 - c) Sale of a part lot that was created due to a road widening where abutting land is retained;
 - d) Creation of servicing easements in a Registered Plan of Subdivision; and,
 - e) Long term lease for stores in a shopping centre on a Registered Plan.
- 12.4.12.3 Part Lot Control Exemption By-laws may be repealed, amended or limited to a period of not more than 5 years by Council.
- 12.4.12.4 Exemption from part-lot control can not be utilized in an instance where the road does not exist and for purposes of creating (re-aligning) a part intended as a municipal road.

12.4.13 Consent to Sever

- 12.4.13.1 Should the Town establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to grant a land severance may be allowed. Generally, the consent process would only be considered for the creation of three or less lots either where a service extension is not required or where a service extension is required but the lot frontages for the new lots currently exist on a public road.
- 12.4.13.2 In considering an application for a consent, the consent-granting authority shall be guided by the relevant objectives and policies of this Plan, including the following:
- a) The division of land will only be allowed when all parcels involved abut a public road of a standard of construction acceptable to the Town, County, or Province and safe and suitable access is available;
 - b) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;
 - c) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:
 - i. to permit the proper siting of a building;
 - ii. to obtain a sufficient and potable water supply; and
 - iii. to permit the installation of an adequate means of sewage disposal. In areas where no piped municipal services are available and the installation of a septic tank system or other private sewage disposal system is

required, the standards established by the Province and/or its designated agent shall be met.

- 12.4.13.3 The division of land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law. Where a zoning by-law amendment or minor variance is necessary, it shall be a condition of the consent.
- 12.4.13.4 The division of land may be prohibited if development would occur on lands subject to severe flooding, provincially significant wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the Town and consistent with Provincial Policy.
- 12.4.13.5 Notwithstanding any other section of this Plan, consents for the creation of easements or right-of-ways are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the *Planning Act* and the consent would not result in the creation of a new building lot.
- 12.4.13.6 It shall be the Town's policy to require one application fee per new lot created, each right-of-way, lot addition etc. Only one application outlining all the lots to be created, however, need be submitted. Such application shall have a corresponding series of numbers. Further, it shall be the Town's policy to deny consent applications that only remit one fee by applying for a new lot in the middle of an existing lot in an attempt to create three (3) lots with one application.
- 12.4.13.7 When considering consent applications, the Committee of adjustment will have regard for the provision of adequate services such as water supply, sanitary sewage treatment and disposal, municipal sanitary sewage facilities, and stormwater management as per policies of this Plan.
- 12.4.13.8 In areas designated **Agricultural**, consents will be subject to the policies in Section 5.2 of this Plan.

12.4.14 Existing Uses

- 12.4.14.1 Existing uses are those that are legally in existence on the date of the adoption of this Plan by Council. Existing uses may be recognized in the implementing Zoning By-law within their existing site, provided Council determines that such uses do not impose negative impacts on neighbouring properties or surrounding area.

12.4.15 Non-Conforming Uses

- 12.4.15.1 A non-conforming use is an existing land use that is not permitted in the current land use designation. While phasing out such uses is ideal, it can cause undue hardship. A non-conforming use within the context of a Zoning By-Law is an existing use which is not permitted in the zone within which it is located.
- 12.4.15.2 Land uses, buildings, or structures that do not conform with the Town's Zoning By-law but were legally existing at the time of the Zoning By-law's enactment will be considered to be legally non-conforming.
- 12.4.15.3 Legally non-conforming uses will be restricted to the boundaries of the existing lot of record on which the use is located.
- 12.4.15.4 The *Planning Act* allows Council and/or the Committee of Adjustment to approve of extensions and enlargements to such non-conforming uses if they harmonize with neighboring uses, unless otherwise specified in the relevant land use designation.
- 12.4.15.5 In considering applications to permit an extension or enlargement of a non-conforming use. Council and/or the Committee of Adjustment shall consider the following:
 - a) Land use designation and policies of this Plan;
 - b) Feasibility of acquiring the property pursuant to the *Planning Act*;
 - c) Options for relocating the use;
 - d) Impact of the proposal on the immediate area, natural heritage functions, features and linkages;
 - e) Size of expansion of the operation related to the existing use;
 - f) Expansion impacts and land use compatibility, including environmental effects, noise, and traffic;
 - g) Buffering, setbacks, and nuisance mitigation measures; and
 - h) Adequacy and availability of municipal services including sanitary sewage, stormwater management facilities, and water services.
- 12.4.15.6 Where a non-conforming use ceases to exist for a continuous period of two (2) years, it shall be deemed to have lost its status as a non-conforming use.

12.4.16 Property Standards and Yard Maintenance By-laws

- 12.4.16.1 The Town requires all property owners to maintain their properties as per the Property Standards By-law established under Section 15.1 of the *Ontario Building Code Act*. The Town has also implemented a Yard Maintenance By-law. Standards prescribed in these By-laws are intended to outline the reasonable maintenance and upkeep of yards, buildings and properties including:

- Surface Conditions;
- Accessory Buildings, Fences and Other Structures;
- Garbage Disposal;
- Pest Prevention;
- Exterior Walls and roofs;
- Interior Facilities, including plumbing and bathroom facilities; and
- Electrical Services.

12.4.16.2 In accordance with Section 15 of the *Building Code Act*, Council shall establish and maintain a comprehensive property standards program, including the appointment of a Property Standards Officer for the administration and enforcement of a Property Standards By-Law. Council shall appoint a Property Standards Committee to provide a fair and impartial appeals process for orders issued by the Property Standards Officer.

12.4.16.3 The Town shall maintain all municipally owned properties and infrastructure, including roads, sidewalks, and water facilities, in a well-maintained condition.

12.4.17 Community Improvement Plans

Community Improvement Plans (CIPs) serve as a tool for the Town financially support public and private efforts, through tax deferrals, grants, and other incentives. Community Improvement Plans are intended to stimulate development or redevelopment of specific areas in the Town, referred to as Community Improvement Project Areas and improve the overall vitality of the Town.

12.4.17.1 Prior to the adoption of a Community Improvement Plan, a Community Improvement Project Area will be implemented through the passage of a by-law, and the preparation of a coinciding Community Improvement Plan in accordance with the *Planning Act*.

12.4.17.2 The goal of a Community Improvement Plan should be to improve a specific area through maintenance, revitalization, rehabilitation or redevelopment for enhanced livability of the community. Council will give priority to:

- a) initiatives related to the creation of affordable housing;
- b) improvements to publicly owned facilities, buildings, and structures; and
- c) integration of community improvement projects with capital works budget allocations.

- 12.4.17.3 A Community Improvement Plan should include a purpose, goals, objectives, boundary and justification, programs and projects description and appendices with technical justification. The *Planning Act*'s minimum requirement for public consultation for the preparation and adoption of a Community Improvement Plan must be adhered to.
- 12.4.17.4 Council will consider the adoption of a Community Improvement Plan, or utilize the Town's authority under Section 28 of the *Planning Act* to support the following:
- a) preservation or revitalization of buildings or lands with heritage and architectural value;
 - b) repurposing and leveraging underutilized Town properties for the development of affordable housing;
 - c) strategic development of commercial or employment areas;
 - d) improvements to infrastructure including roads, streetscape, and public utilities and services;
 - e) management of incompatible land use activity; and
 - f) climate change mitigation (i.e. the use of renewable energy) and/or climate change adaptation strategies (i.e. the use of renewable energy, urban tree canopy).
- 12.4.17.5 Town staff will put in place a monitoring program and will prepare an annual report to assist Council in evaluating the effectiveness of the Community Improvement Plan. This monitoring report will also be used to identify if there are refinements that need to be made to the Community Improvement Plan (including the program application form and guideline documents) to address changing economic conditions that may arise from time to time.

12.4.18 Development Charges

- 12.4.18.1 Development Charges assist in financing the Town to provide infrastructure supportive of the anticipated growth targets, including but not limited to water services, services related to a highway, fire protection services, policing services, engineering and protection services, wastewater services, parks and recreation services, and community-based services. A Development Charges study will be prepared every five (5) years. An implementing by-law resulting from the findings of the study will be updated following each five-year review which will guide the charges and exemptions across the Town. Annual indexing will be determined based on Provincial guidance.

12.4.19 Community Benefits Charges

- 12.4.19.1 The Town may impose community benefits charges through a Community Benefits Charges By-law against land to pay for the capital costs of facilities, services and matters required to support an increased density of a development or redevelopment application.

12.4.20 Committee of Adjustment

- 12.4.20.1 The Committee of Adjustment has the power to grant small, site-specific reliefs that maintain the integrity of this Plan, the Zoning By-law, County, and Provincial Policy. These may include adjustments to properties located within heritage zones, and extensions and enlargements to non-conforming uses.

12.4.21 Capital Works Program

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



13 Definitions



Accessory Structures: means buildings found on the same parcel as the principal use but are subordinate and incidental and supports an accessory use.

Active Transportation: involves the movement of people or goods using human power. It's a mode of travel that relies on physical exertion.

Additional Residential Units (ARUs): means a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas within a single detached, semi-detached or townhouse dwelling, or a building or structure ancillary to a single-detached, semidetached or townhouse dwelling.

Adverse Effects: as defined in the Environmental Protection Act, means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and
- h) Interference with normal conduct of business.

Affordable Housing: means

- a) In the case of ownership housing, the least expensive of:
 - i. housing for which the purchase price results in annual accommodation costs which do not exceed 30 % of gross annual household income for low and moderate income households; or
 - ii. housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the Town.
- b) In the case of rental housing, the least expensive of:
 - i. a unit for which the rent does not exceed 30 % of gross annual household income for low and moderate income households; or
 - ii. a unit for which the rent is at or below the average market rent in the Town.

Agriculture: is the practice of cultivating land, growing crops, and raising livestock for food, fiber, and other products. It includes the cultivation of lands, raising crops, raising livestock, and production.

Agricultural Activities: encompass a wide range of practices and processes related to the production of food, fiber, and other products through the cultivation of plants and the raising of animals. Agricultural Activities can include forestry, aquaculture, and agriculturally-related uses.

Agricultural Impact Assessment: means the evaluation of potential impacts of non-agricultural uses on the agricultural system. An assessment recommends ways to avoid or if avoidance is not possible, minimize and mitigate adverse effects.

Agricultural System: means a system comprised of a group of inter-connected elements that collectively create a viable, thriving agri-food sector. It has two components:

- a) An agricultural land base comprised of prime agricultural areas, including specialty crop areas. It may also include rural lands that help to create a continuous productive land base for agriculture; and
- b) An agri-food network which includes agricultural operations, infrastructure, services, and assets important to the viability of the agri-food sector.

Agricultural Uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

Agri-Food Network: Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; agricultural operations including on-farm buildings and primary processing; infrastructure; agricultural services, farm markets, and distributors; and vibrant, agriculture-supportive communities.

Agri-Tourism Uses: means those farm-related tourism uses, that promote the enjoyment, education or activities related to the farm operation. This includes, but is not limited to, accommodations such as bed and breakfasts; wineries and cideries that offer tours, tastings, and related experiences; and venues for special events (i.e. weddings), provided they meet the criteria for an on-farm diversified use (i.e., being secondary to the main farm operation, limited in scale, and compatible).

Agriculture-Related Uses: means those farms related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being near farm operations, and provide direct products and/or services to farm operations as a primary activity.

Archaeological Resources: includes artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by an archaeologist licensed under the *Ontario Heritage Act*.

Barrier-Free Design: is an approach to creating environments, products, and services that are accessible and usable by everyone, regardless of their abilities or disabilities. It focuses on removing or replacing obstacles that prevent people from accessing and using spaces and facilities.

Bed and Breakfast Establishment: is a type of accommodation that offers overnight lodging and breakfast, typically in a private residence.

Brownfield Sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Buffering: means allowing filtered views through material such as a deciduous shrub border or a partially enclosed fence (e.g. picket fencing). "Buffer" has a corresponding meaning.

Built Heritage Resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

Character: means the collective physical qualities and visual attributes that distinguish a particular area or neighbourhood.

Community Gardens: are shared spaces where people come together to cultivate plants, often for food, but also for flowers and other vegetation. These can be located in various settings, including urban neighborhoods, parks, or even on rooftops.

Compact Built Form: A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semidetached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Complete Streets: Streets planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists.

Cultural Heritage Resources: Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Corridors: are areas that have been identified to have opportunities for intensification that would provide a wider range of services, and more opportunities to live and work in the area. Three types of corridors have been identified within the Town.

Primary Corridors: are located along major entry points to urban areas and connect nodes and major activity centres. Primary corridors have the most frequent service. Increased employment and residential densities along primary corridors support a range of transportation types, and in turn attract higher density land uses. Primary Corridors have been illustrated on Schedule A.

Secondary Corridors: link nodes and neighbourhoods to Primary Corridors. These corridors are generally not a continuous strip of a mix of uses along their entire length and are often in a state of gradual transition. Secondary Corridors have been illustrated on Schedule A.

Scenic Corridors: are identified by the experience and views as you move along them. These corridors can act as major throughfares or have minimal capacity. Scenic Corridors generally have reduced vehicular speeds and traffic interruptions are minimal. Scenic Corridors have been illustrated on Schedule A.

County Wide Active Transportation System (CWATS): Is a program developed by the County of Essex to promote healthy and active lifestyles through the development of a regional network of connected trails and pathways.

Cultural Heritage Landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Detroit River and Lake Erie Flood Prone Area: is a region adjacent to the Detroit River and Lake Erie that have been identified as being susceptible to flooding, as identified by the Essex Region Conservation Authority (ERCA).

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process or identified in provincial standards; or
- b) works subject to the *Drainage Act*; or
- c) underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*.

Dynamic Beach Hazards: means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of flooding hazard limit plus a dynamic beach allowance.

Ecologically Sensitive Lands: are areas supporting fragile ecosystems susceptible, prone, or vulnerable to human impact and/or development pressures.

Environmental Assessment: means an Environmental Assessment undertaken in accordance with the *Environmental Assessment Act* of Ontario, RSO 1990, as amended.

Environmental Impact Study or Environmental Impact Assessment: A systematic analysis of the potential impacts of a proposed development on the natural and human environment for identifying measures to prevent or minimize impacts prior to major decisions being taken and project commitments made.

Environmental Restoration: is the process of assisting the recovery of an ecosystem that has been degraded, damaged, destroyed, or transformed.

Environmentally Significant Areas: are designated spaces that require special protection due to their valuable environmental features and ecological functions.

ERCA: means the Essex Region Conservation Authority.

Erosion Hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential Emergency Service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

ERCA: means the Essex Region Conservation Authority.

Event-Based Areas: are designated areas within a watershed where a specific event, such as a spill, could potentially pollute a drinking water supply. This is due to the proximity of certain

features like sanitary sewers, sewage treatment plants and pipelines. Event-based areas have been illustrated on Schedule H.

Fish Habitat: as defined in the Fisheries Act, means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

Flood Fringe: for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

Flood Line: is a line, determined by the Essex Region Conservation Authority (ERCA) that indicates the maximum flood level that would occur during a 1:100 Year Flooding event.

Flooding Hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one-hundred-year flood level plus an allowance for wave uprush and other water-related hazards.
- b) Along river, stream, and small inland lake systems, the flooding hazard limit is the greater of:
 - a. the flood resulting from the rainfall experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 - b. the one-hundred-year flood; or
 - c. a flood which is greater than i) or ii) which was experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources. Except where the use of the one-hundred-year flood or the experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the history of flooding supports the lowering of the standard).

Floodplain Development Control Area: is an area designated by the Essex Region Conservation Authority (ERCA) where specific regulations and restrictions are in place to manage and control development due to the area's susceptibility to flooding.

Floodprone Areas: refers to an area that can be covered by water during a flood event.

Floodprone areas within the Town of Amherstburg have been illustrated on Schedule J of this Plan.

Floodproofing Standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Floodway: for river, stream, and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two-zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are such that they pose a potential threat to life and/or property damage. Where the two-zone concept applies, the outer portion of the flood plain is called the flood fringe.

Green Infrastructure: means natural and humanmade elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Greenfield Areas: are tracts of land that have not been previously built upon. This means they are free from existing buildings, infrastructure, or industrial development.

Greenways: are linear corridors composed of protected open space used for conservation and recreational purposes. This Plan focuses on areas that are enhanced for recreational uses, such as multi-use trails for pedestrian and non-motorized cycling uses.

Greyfields: Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict, or vacant.

Groundwater Features: refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of Endangered Species, Threatened Species and Fish Habitat: means a habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered or threatened species, and where those areas are occupied by the species during all or any part(s) of its life cycle.

Hazardous Substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Healthy Communities: means a broad and inclusive definition of health which refers to not merely the absence of disease, but also complete physical, mental and social wellbeing. This is a proactive model of wellness incorporating a person's perceptions of their quality of life, their chances for optimal social interaction, the availability of community activities and resources, and a monitoring of the link between daily stress and health. A healthy community is characterized by:

- a clean, safe, high quality physical environment;
- a stable ecosystem that is moving towards sustainability;
- a strong, mutually supportive, and non-exploitative community;
- a high degree of participation by the public over decisions affecting their lives, health and well being;
- the meeting of basic needs for food, water, shelter, income, security, and work for all the people of the community;
- access to a wide variety of experiences and resources, with the chance for a wide variety of contact, social interaction, and communication;
- a diverse, vital, and innovative economy;
- connectedness with the past and with the cultural and biological heritage of the community, groups, and individuals;
- a form that is compatible with and enhances the preceding characteristics;
- an optimum level of appropriate health and sick care services available to all; and
- high levels of positive health and low levels of disease.

Hectare: is a metric unit of area used to measure land (symbol: ha). One hectare is an area equal to 10,000 square metres.

Gross Hectare: refers to the total area of a piece of land, including all features within it, such as roads, parks, and other non-developable areas.

Net Hectare: refers to the developable area of a piece of land, excluding areas that are not suitable or intended for development. This typically means subtracting areas like:

- Roads, Streets, and Rights-of-way;
- Parks and Open Spaces;
- Public Utility Easements; and,
- Environmental Reserves.

Heritage Attributes: means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

Heritage Value: The aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of an historic place is

embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

Housing: Housing refers to buildings or spaces where people live, including houses, apartments, and other forms of dwellings. It provides shelter and protection.

Rental Housing: refers to dwelling units that are occupied by someone other than the owner, in exchange for regular payments, known as rent.

Ownership Housing: refers to dwelling units that are occupied by the legal owner(s) of the property.

Housing Options: means a range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, additional needs housing, multigenerational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or institutional uses, such as long-term care homes.

Human Made Hazards: are dangers that originate from human actions, rather than natural processes. They encompass a wide range of events and conditions that can cause harm to people, property, and the environment.

Impacts of a Changing Climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

Individual On-Site Sewage Services: means sewage systems, as defined in *O. Reg. 332/12 under the Building Code Act, 1992*, that are owned, operated, and managed by the owner of the property upon which the system is located.

Individual On-Site Water Services: means individual, autonomous water supply systems that are owned, operated, and managed by the owner of the property upon which the system is located.

Industrial: involves the production of goods or services, especially on a large scale. This includes manufacturing, production, and related activities.

Infilling/Infill Development: The construction of new buildings on vacant lands located within previously built-up areas of urban settlements. Infill often occurs within residential neighbourhoods or historic commercial areas.

Inflow and Infiltration Study: is the process used to identify and quantify the extraneous water entering a sanitary sewer system.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications including broadband, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities.

Institutional: means areas of land dedicated to facilities and services provided by public or non-profit organizations that serve a community's needs. These areas focus on public welfare, education, healthcare, and governance. Areas that have been designated as Institutional in the Town have been illustrated on Schedules B through B-5 of this Plan.

Intake Protection Zones (IPZ): means a zone established around a surface water intake of drinking water as prescribed in the Technical Rules: *Clean Water Act*, 2006.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) Redevelopment, including the reuse of brownfield sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

The following types of intensification may be found across the Town:

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) Redevelopment, including the redevelopment of brownfield sites;
- b) The development of vacant or underutilized lots within previously developed areas;
- c) Infill development;
- d) Development and introduction of new housing options within previously developed areas;
- e) The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

Joint Servicing Agreements: is a contractual arrangement between two or more parties where they agree to collaborate on providing specific services.

Linkage: means an area providing connectivity to support a range of community and ecosystem processes and enable plants and animals to move between natural heritage features and areas over multiple generations. Linkages can include aquatic, riparian and terrestrial corridors that provide pathways for plants and animals to move or support functional processes between natural heritage features and areas, surface water features and ground water features. The location, width, length, structure, and function of linkages should be determined in accordance with a natural heritage evaluation, hydrologic evaluation, environmental impact study or natural heritage system study [Adapted from Ministry of Natural Resources and Forestry (MNRF) Natural Heritage Reference Manual, Second Edition].

Low and Moderate Income Households: means

- a) In the case of ownership housing, households with incomes in the lowest 60% of the income distribution for the regional market area; or
- b) In the case of rental housing, households with incomes in the lowest 60% of the income distribution for renter households for the regional market area.

Low Impact Development (LID): means an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bioswales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems.

Local Settlement Area Review (LSAR): means a review conducted by a municipality to identify the most and least suitable locations for a Settlement Area expansion and/or determine the feasibility of establishing new Settlement Areas or expanding existing Settlement Area boundaries.

Major Activity Centres: include the following:

Growth Areas: are areas where growth is expected or should be encouraged. These areas, illustrated in Schedule A of this Plan, are the highest in the hierarchy of nodes, density, range of uses, function and identity.

Employment Areas: are the primary employment generators for the Town, as illustrated in Schedule A of this Plan. These areas provide clusters of business and economic activities including manufacturing, research, and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the *Planning Act*. Uses that are excluded from employment areas are institutional and

commercial, including retail and office not associated with the primary employment use listed above.

Major Open Space: are areas that are associated with Environmentally Significant Areas, Natural Heritage Areas, and the parks system. Major Open Space provides the Town with a variety of passive and active recreational opportunities for residents and visitors. Major Open Space systems have been illustrated on Schedule A.

Culturally Significant Areas: are identified by their historical contribution to the urban fabric and by the contribution they make to the current cultural health of the municipality. Culturally Significant Areas have been illustrated on Schedule A.

Major Facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major Goods Movement Facilities and Corridors: means transportation facilities, corridors and networks associated with the inter- and interprovincial movement of goods. Examples include inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes, primary transportation corridors used for the movement of goods and those identified in provincial transportation plans. Approaches that are freight-supportive may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

Massing: the organization of the volume of a building on a site, such as a tall slender tower or a short, wide low-rise apartment.

Master Servicing Plan: is a comprehensive planning document that outlines a strategy for providing essential infrastructure services to a community, often with a focus on long-term growth and development.

Mineral Aggregate Operations: means

- a) lands under license or permit, other than for wayside pits or quarries, issued in accordance with the *Aggregate Resource Act*, or successors thereto;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal Zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources, and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Aggregate Resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral Aggregate Resource Conservation: means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g., glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

Mineral Resource Operations: means mining operations and associated facilities, or past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Mineral(s): means metallic minerals and non-metallic minerals as herein defined but does not include mineral aggregate resources or petroleum resources. Metallic minerals mean those minerals from which metals (e.g., copper, nickel, gold) are derived. Non-metallic minerals mean those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g., graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite). Critical minerals are a subset of raw materials that have specific industrial, technological or strategic applications for which there are a few viable substitutes.

Minimum Distance Separation Formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Missing Middle: means residential buildings that contain a higher density than a single detached house but lower density than a midrise apartment building ideally at different thresholds of affordability to deliver a full range and mix of housing options.

Multi-Modal or Multi-Modal Network: means relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, higher order transit, rail (such as freight), trucks, air, and marine.

Municipal Sewage Services: means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, including centralized and decentralized systems.

Natural Hazard: refers to a naturally occurring phenomenon that has the potential to cause harm to people, property, or the environment. These hazards are caused by natural processes within the Earth's systems, such as atmospheric, geological, or hydrological events.

Natural Hazard Areas: are geographical areas susceptible to natural hazards, identified by the County of Essex and the Essex Region Conservation Authority.

Natural Heritage Features and Areas: are features and areas which are important for their environmental and social values as a legacy of the natural landscapes of an area. These include the following:

Primary Priority Natural Heritage Features: are features such as significant wetlands and significant coastal wetlands; significant woodlands; Significant valleylands; and significant areas of natural and scientific interest (ANSIs).

Secondary Priority Natural Heritage Features: are existing features, such as woodlands/woodlots, areas of natural and scientific interest, valleylands and wildlife habitat have, at a minimum, local or regional significance.

Significant Areas of Natural and Scientific Interest: are areas that have been identified as Provincially Significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

Significant Coastal Wetlands and **Significant Wetlands:** refers to coastal wetlands and/or inland wetlands that are deemed to have high ecological and/or social value. These coastal wetlands have been identified as Provincially Significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

Significant Woodlands: are areas that are is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

Significant Valleylands: are valley areas that possess notable ecological, hydrological, or geomorphological importance. These areas are deemed to have a high value due to the functions they perform and the benefits they provide to the environment and, often, to human communities.

Significant Wildlife Habitat and **Habitat of Endangered Species and Threatened Species:** means the habitat, as approved by the Ontario Ministry of Natural resources, that is necessary for the maintenance, survival, and /or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence

are occupied or habitually occupied by the species during all or any part(s) of its life cycle. These areas have been illustrated on Schedule C of this Plan.

Natural Heritage System: is defined as a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Normal Farm Practices: means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act*, 2002 and regulations made under that Act.

Oil, Gas and Salt Hazards: means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

On-farm Diversified Uses: means uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

One Hundred Year Flood: for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Partial Services: means

- a) municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) municipal water services or private communal water services combined with individual onsite sewage services.

Pedestrian: is someone on foot in a public space, such as on a sidewalk or crossing a street.

Pedestrian Areas and Pedestrian Plazas: are spaces that are designed and primarily intended for non-vehicular movement.

Pedestrian-Scale Development: focuses on creating built environments that prioritize the comfort, safety, and experience of people walking. This type of development style focuses on human-scaled and walkable areas, that are inviting, safe, and comfortable.

Petroleum Resource Operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas, other hydrocarbons, and compressed air energy storage.

Petroleum Resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas, other hydrocarbons, or compressed air energy storage.

Portable Asphalt Plants: means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Prime Agricultural Area: means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by a planning authority based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

Prime Agricultural Land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Protected Heritage Property: means property designated under Part 4 or 6 of the Ontario Heritage Act; property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act; property subject to a heritage conservation easement or covenant under Part 2 or 4 of the Ontario Heritage Act; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Sites.

Protection Works Standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

Public Service Facilities: means land, buildings, and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, childcare and educational programs, including elementary, secondary, post-secondary, long term care services, and cultural services. Public service facilities do not include infrastructure.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Regional Market Area: refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable Energy System: means a system that generates electricity, heat and/or cooling from a renewable energy source.

River, Stream, and Small Inland Lake Systems: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural Areas or Rural Lands: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Sensitive Land Uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Setback: the distance of a building or a feature from the edge of the street or road.

Settlement Areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) Built-up areas where development is concentrated, and which have a mix of land uses; and
- b) Lands which have been designated in an official plan for development over the long term planning horizon. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Primary Settlement Area: are urban areas that have been designated to be the primary focus of growth and development within the Town.

Secondary Settlement Area: are urban areas that are intended to maintain the size and scale of the existing area.

Hamlet: means an existing small settlement area that has been long established. These communities are smaller than villages and are serviced by individual private on-site water and/or private wastewater systems or limited municipal services.

Sewage and Water Services: includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

Short-Term Rentals: the practice of renting out furnished residential properties on a temporary basis.

Significant: means

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time;
- b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province;
- c) in regard to other features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system; and
- d) in regard to mineral potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in section c) - d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Significant Groundwater Recharge Areas: means an area in which:

- a) there is a high volume of water moving from the surface into the ground and
- b) groundwater serves either as source water or the water that supplies a cold water ecosystem such as a brook trout stream.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Special Needs Housing: means any housing, including dedicated facilities, in whole or in part, that is used by people who have special needs beyond economic needs, including but not limited to, needs such as mobility requirements or support facilities required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory, or mental health disabilities, and housing for the elderly.

Specialty Crop: tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil.

Specialty Crop Area: means areas within the agricultural land base designated based on provincial guidance. In these areas, specialty crops are predominantly grown, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

Solar Energy System: means a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure, and outbuildings.

Source Water: means untreated water in streams, rivers, lakes or underground aquifers which is used for the supply of raw water for drinking water systems.

Source Water Protection: means action taken to prevent the pollution and overuse of municipal drinking water sources, including groundwater, lakes, rivers, and streams. Source water protection involves developing and implementing a plan to manage land uses and potential contaminants.

Stormwater Management Report: is a technical document that assesses and outlines how a proposed development or project will manage rainwater runoff. Its primary purpose is to ensure that the development doesn't negatively impact the surrounding environment or infrastructure by increasing flood risks or degrading water quality.

Strategic Growth Areas: means within settlement areas, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher density mixed uses in a more compact built form.

Strategic growth areas include major transit station areas, existing and emerging downtowns, lands in close proximity to publicly-assisted postsecondary institutions and other areas where growth or development will be focused, that may include infill, redevelopment (e.g., underutilized shopping malls and plazas), brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas

Street Wall: the facades of buildings define the edge (or wall) of a street, which collectively act as the street wall. A street wall consisting of a continuous set of building facades with similar heights and setbacks helps establish an inviting pedestrian environment by creating a feeling of comfort and enclosure.

Supportive Housing: means housing that provides affordable housing and accessible residential accommodation within an environment that provides individual based supports and services to persons who require them to live independently. Individual based supports and services can include on-site or partnership-based assistance with activities of daily living, assistance with medical care and other community supports.

Surface Water: means water collecting in a stream, river, lake, and wetland. It is the source for drinking water from the intakes in the Great Lakes.

Surface Water Feature: means water-related features on the earth's surface, including headwaters, rivers, permanent and intermittent streams, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation, or topographic characteristics.

Threatened Species: means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Transit Supportive: in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the transportation system. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation Demand Management: means a set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation System(s): consists of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

Two Zone Concept: means an approach to flood plain management where the flood plain is differentiated in two parts: the floodway and the flood fringe.

Universal Design: means the overall goal of universal design is to ensure that spaces do not discriminate and that they benefit people regardless of their abilities, needs and cultural preferences.

Urban Design: is a multifaceted field that shapes the physical form and character of the Town. It goes beyond individual buildings to consider the relationships between structures, public spaces, and the overall urban environment.

Urban Nodes: make up the Town of Amherstburg as areas with mixes of uses, and are the sites recognized as areas of historic growth. Nodes are clusters that provide services, and generally have a mix of residential, commercial, and institutional buildings such as shopping areas, community centres, libraries, and higher density housing. Nodes can be large in scale and can be the cultural hub of community or on the smaller scale, provide goods and services to a neighbourhood. Within the Town of Amherstburg, the following Nodes have been identified:

Downtown Nodes: which have a higher density, a range of uses and functions, and are identified as the core of the Town by residents. The Downtown node is intended to contain the broadest range and mix of land uses. It provides services to the residents across the Town and has a regional draw that serves neighbouring municipalities. It provides regional scale commercial stores, services and tourism as well as provides day-to-day commercial facilities and services for the downtown residents. This node is the cultural and institutional centre of the Town. Downtown Nodes have been illustrated on Schedule A.

Community Nodes: are smaller urban areas and settlement areas within the Town. They provide commercial and personal services for their immediate community. They provide a range of housing opportunities and provide a sense of place for neighbourhoods. These are sometimes located in secondary settlement areas and provide for the smaller communities that make up Amherstburg. Often Community Nodes include a variety of

residential developments, small-scale commercial and institutional uses. Mixed use street-level commercial and upper-level commercial or residential uses are encouraged at Community Nodes. Community Nodes have been illustrated on Schedule A.

Neighbourhood Nodes: are small scale centres typically focused on retail and service commercial uses for a neighbourhood. The function of Neighbourhood Nodes is to provide commercial and personal services to residents living in neighbourhoods at or near these locations. Many of these services are within a few hundred metres of area residents, suggesting that they can be reached by walking. Neighbourhood Nodes have been illustrated on Schedule A.

Utility Corridors: means routes for the transmission of oil and natural gas, hydroelectric power transmission lines and transformer facilities, storm drainage systems, sanitary sewer pipelines, water pipelines and telephone and other communications trunk cables, etc.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable: means surface and/or ground water that can be easily changed or impacted.

Watershed: means an area that is drained by a river and its tributaries.

Watershed Planning: means planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration of water resources, including the quality and quantity of water, within a watershed and for the assessment of cumulative, cross jurisdictional, and cross-watershed impacts. Watershed planning evaluates and considers the impacts of a changing climate on water resource systems and is undertaken at many scales. It may inform the identification of water resource systems.

Water Resource Systems: means a system consisting of ground water features and areas, surface water features (including shoreline areas), natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological integrity of the watershed.

Wayside Pits and Quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife Habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the public, such as erosion prevention, hydrological and nutrient cycling, and provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and Provincial levels.

Woodlots: are typically a relatively small, defined area of trees that serve practical and ecological purposes.

Zoning By-law: a legal tool used by municipalities to regulate land use and development within their boundaries. Essentially, it dictates how land can be used.