



## Report to Council

Department: Planning  
Date: February 21, 2017  
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Director of Infrastructure and Development  
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### **Recommendation(s)/Conclusion(s)**

That the Planning Department initiate public circulation and agency notification in accordance with the provisions of the Planning Act regarding the update of the Town of Essex Official Plan as part of the mandatory 5 year review.

### **Reason for Report**

To provide Council with the proposed revisions to the Town of Essex Official Plan to continue our ongoing update to the Official Plan policies.

### **Background**

In December 2016, by By-law 1568, Council approved revisions to the Town of Essex Official Plan updating statistical information and mapping and clarifying passages and descriptions. These revisions make the Plan more current and bring it into closer conformity with the County of Essex Official Plan. No policy revisions or additions were made, as such actions require the preparation of an Official Plan amendment to be implemented and approved in accordance with the Planning Act.

As set out in Appendix A below, this part of the Official Plan review introduces new policies or updates current policies to bring the Plan more in line with the new County of Essex Official Plan, Town initiatives and more recent Provincial mandates. It does not deal with natural heritage areas or natural environment processes. That is reserved for Part Three, the final part of the review strategy, pending further refinement of species at risk assessment procedures by the Ministry of Natural Resources and Forestry (MNRF) the delineation of wetland boundaries and other related matters.

## **Comments**

In order to proceed with policy revisions by way of an Official Plan Amendment (OPA), the Planning Act requires the holding of a public meeting(s) to seek comments and recommendations, circulation to the County Manager of Planning Services (CMPS) and the Ministry of Municipal Affairs (MMA), by-law approval by Council and, finally, formal approval by the County Manager of Planning Services.

It is recommended that Planning be instructed to initiate the public review and comment process based on the draft OPA revisions attached as Appendix A to this report. This draft will be formally circulated to the CMPS, MMA, other agencies and bordering municipalities for comment. MMA in turn will circulate to other Provincial Ministries which have 90 days in which to forward recommendations to MMA, the County and the Town.

The proposed revisions are shown in red text. While there are a number of minor revisions proposed throughout the plan, the key amendments can generally be described as follows:

1. In Section 4, General Development Policies, a new subsection, A Sense of Place, would be added. It states:  
“Many factors contribute to making our Town an attractive, unique and welcoming place. Practising good urban design, valuing our agricultural economy and rural communities, preserving and enhancing our cultural and natural heritage, identifying with our past and encouraging physical forms of development that positively influence

the quality of our community and the welfare of our residents, in a resilient and sustainable manner, build our sense of community and sense of place.”

In order to achieve this, it sets out land use goals for our urban places and rural landscapes and the means by which we can maintain a resilient and sustainable community.

Under 4.6, Visual Amenity, it recognizes the importance of protecting our cultural heritage landscapes and vistas.

2. In Subsection 5.18, Lands designated “Community Service Facility”, provision is made for the re-use of institutional buildings and lands for purposes other than those set out in the Community Service Facility designation without the need of an Official Plan Amendment. Only a rezoning would be required, subject to conformity with the conditions set out in this subsection related to re-use and conversion. For example a school site could be rezoned to a residential zoning category without the necessity of a concurrent OPA.
3. In Subsections 6.3, Plans of Subdivision, 8.5, Sanitary Sewage Collection and Treatment, and 8.6, Stormwater Management, new policies have been added to help implement the Town’s new storm water management standards and hydraulic modeling and to encourage the use of green technologies and infrastructure, according to the most recent provincial mandates.
4. In Subsection 8.7, Ground Water and Source Water Protection, policies to protect drinking water intakes, highly vulnerable aquifers and significant groundwater recharge areas from contamination are introduced in accordance with our commitment under the Clean Water Act.
5. In Subsection 8.8, Transportation Network, policies regarding the development of “complete streets”, streets and rights of way that service a wide variety of users in a safe,

convenient and affordable manner are added. It also recognizes the active transportation initiatives of the Town and, in its partnership with the County and other agencies, under the County Wide Active Transportation System (CWATS).

6. New mapping related to Source Water Protection, our road system and active transportation network are added.
  
7. Three properties in Essex Centre are proposed to be re-designated from Agricultural and Restricted Commercial to Light Manufacturing. Two of the properties are located on the south side of Concession 8, west of Highway 3. They were recently incorporated into the Essex Centre settlement area and are identified for industrial use, subject to an OPA and rezoning. The third property(s) are located parallel to Highway 3 on South Talbot Road south of Maidstone Avenue. This restricted commercial corridor is suitable for light industrial uses subject to an OPA and rezoning.

### **Financial Impact**

This is an update of our Official Plan policies and as such is not a direct cost to the Town. It does contain mandates and objectives that will impact capital works and Town infrastructure initiatives.

		Reviewed	Concur
Reviewed by:	Chris Nepszy, Director of Infrastructure and Development	Y	Y
	Tracey Pillon-Abbs	Y	Y

## APPENDIX A

### PROPOSED AMENDMENTS TO THE TOWN OF ESSEX OFFICIAL PLAN

#### PART 1: RECOMMENDED GENERAL AMENDMENTS TO THE TEXT AND MAPPING OF THE OFFICIAL PLAN BY SECTION AND SUBSECTION

##### 2.3 A SUSTAINABLE COMMUNITY

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

##### **Vision Statement**

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

##### **a) Our Goals**

We will:

- i) respect and enhance our community values, the health of our residents and the natural environment;
- ii) strive to meet the basic needs of our residents in a healthy and safe environment **where people can easily connect with each other and day to day services at the neighbourhood level**, have access to adequate food, affordable, **accessible and good quality** housing, opportunities for employment and access to education, balanced transportation **that incorporates a diversity of transportation modes, prioritizing active transportation** and access to **affordable** recreation;
- iii) maintain an environmentally sustainable community, minimize our contribution to waste and natural degradation and use our land, resources and energy most efficiently;

- iv) show civic leadership through green, eco-friendly practices and the responsible management of our resources and procurement strategies;
- v) support the principles of smart growth when considering major transportation and land use submissions;
- vi) foster public awareness of the need to adopt sustainable core values and principles.

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

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

## **2.4 TIME PERIOD OF THE PLAN**

This Plan is intended to guide future development within the Town of Essex until the year 2031. All forecasts of growth and related land use requirements correspond to this planning period. The Plan will be reviewed, **as mandated by provincial policy, to ensure that:**

(no changes to the respective objectives are proposed)

### **4.1.1 A SENSE OF PLACE**

**Many factors contribute to making our Town an attractive, unique and welcoming place. Practising good urban design, valuing our agricultural economy and rural communities, preserving and enhancing our cultural and natural heritage, identifying with our past and encouraging physical forms of development that positively influence the quality of our**

community and the welfare of our residents, in a resilient and sustainable manner, build our sense of community and sense of place.

a) Our Urban Places:

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

- i) be compatible with existing land uses, our natural heritage and built forms;
- ii) provide mixed land use that offers access to a variety of services, employment opportunities, housing, amenities and physical activities;
- iii) support the use of alternative transportation options;
- iv) conserve or enhance our heritage resources;
- v) contribute to a safe pedestrian environment through barrier free, age friendly design;
- vi) provide universal access to all public spaces outside and within buildings;
- vii) provide a building scale, massing and density compatible with existing land uses and activities within street rights of way, while minimizing the urban sprawl and maximizing compact urban forms;
- viii) minimize discomfort from environmental conditions;
- ix) facilitate the development of diverse, attractive and walkable neighbourhoods and enhanced connectivity with efficient and safe networks;
- x) provide high quality spaces for multi-generational play and recreation; and
- xi) have design features and physical characteristics that help to reduce our carbon footprint.

b) Our Rural Landscape:

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

This Plan shall:

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

c) A Sustainable and Resilient Community:

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

The Town of Essex commits to actions that:

- i) encourage low impact development, where feasible;
- ii) maximize energy and water use efficiency and emphasizes the use of renewable energy systems and energy and water conservation features;

- iii) minimize waste, maximize the re-use of resources and materials and prioritize recycling and modern waste management activities;
- iv) maximize the use of existing infrastructure and municipal services;
- v) use environmentally friendly building materials and encourage Leadership in Energy and Environmental Design (LEED) practices in building and neighbourhood design;
- vi) utilize green infrastructure, namely, the use of natural elements and features to enhance community livability, soil and water conservation and management, biodiversity and to help mitigate climate change;
- vii) preserve and connect open space and environmentally vulnerable areas to maintain biodiversity , improve water quality, soil health and pollination, and to protect and enhance the natural environment and processes;
- viii) maximize opportunities to access and engage with the natural environment to maintain personal health and our connection to the natural environment;
- ix) increase access to healthy foods and improve the community scale local food infrastructure and related services;
- x) are cycling and pedestrian friendly;
- xi) encourage compact urban form, the preservation and protection of our cultural heritage and the integration of cultural heritage features and components into new developments;
- xii) use soft measures, such as landscaping and distance separation, to mitigate negative impacts on our natural environment and processes;
- xiii) stimulate the local economy and supports “buy local” initiatives;
- xiv) meet Provincial objectives and goals under the Ontario Climate Change Action Plan, Waste Free Ontario Act and such successive plans to improve agricultural resiliency and encourage carbon capture practices and to reduce waste, soil degradation, surface water contamination, air pollution, urban heat islands and greenhouse gas emissions;
- xv) utilize smart technologies in a wide variety of activities related to web-based public services, our physical infrastructure and governance.

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

#### **4.2 PLANNING PRINCIPLES**

- b) to provide a broad range of housing forms and tenure types, employment and leisure opportunities for the increasing population in a sustainable, affordable and energy efficient manner;
- e) to maintain and enhance developed urban centres as focal points where a broad range of community and commercial facilities, services, housing and employment opportunities and walkable neighbourhoods are available;
- j) to provide land reserves or corridors for future linear transportation and utility facilities and services and an accessible, sustainable and multifaceted transportation infrastructure enabling mobility for all ages and abilities;

#### **4.22 RESIDENTIAL INTENSIFICATION AND AFFORDABILITY**

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

#### **4.6 VISUAL AMENITY**

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

The visual amenity of the Town will be preserved and enhanced wherever possible to create a positive visual impression for both residents and visitors and to provide the work and residential environment attractive to new businesses. This will be achieved by such efforts as

the placement of telephone and power distribution lines underground in urban centres, wherever financially feasible and permitted by legislation in effect, the enforcement of minimum property and site plan control standards, the regulation of signs and through good urban and landscape design in new development.

The PPS mandates that significant cultural heritage landscapes shall be preserved. The Town has benefited from not only its' long agricultural history, in terms of the economic stability it provides, but also from the cultural heritage landscape created. The latter is particularly notable along County Road 50 east and west of Colchester, where traditional field crop farming has changed to more diverse agricultural production, most visible in the form of vineyards and wineries, combined with new facilities for agri-tourism and alternative transportation.

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

#### **4.7        BUFFERING**

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

The proponent will satisfy Council that there is:

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

Council will:

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

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

#### **4.11 MINIMUM DISTANCE SEPARATION REQUIREMENTS - AGRICULTURE**

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

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

on lands where livestock facilities are within a 1000 metre radius. For Type B applications MDS I shall apply on lands where livestock facilities are within a 2000 metre radius.

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

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

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

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

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

A new livestock operation and the expansion of an existing livestock operation, **a change in the type of livestock or in the type of manure storage, where the potential for an increase in odours is a consequence**, shall comply with the Minimum Distance Separation II (MDS II)

formula of the Minimum Distance Separation Guidelines of the Ministry of Agriculture, Food and Rural Affairs from Type A and Type B land uses.

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

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

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

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

MDS Formulae are based on 5 Factors:

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

MDS I & II Formulae:

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

- 'F' = Factors A x B x C x D
  - Factor E is not used in MDS II

Building Base Distance:

- Building Base Distance 'F' is used in MDS I and II
  - In MDS I, 'F' is the setback from a livestock barn
  - In MDS II, 'F' is the value from which MDS II setbacks are derived for the livestock barn from neighbour's dwellings, Type A Land Uses, Type B Land Uses, lot lines, and road allowances

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

**5.4 LANDS DESIGNATED “AGRICULTURAL”**

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

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

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

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

These specialty crop areas will be identified by amendment to this Plan. The identification of new, or expansion of existing, settlement areas will not be permitted in these specialty crop areas. In addition, non-residential uses, not related to farming operations, will also not be permitted in these specialty crop areas.

## **GOALS**

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

## **POLICIES**

### **Permitted Uses:**

- j) on-farm diversified uses that are secondary to the principal use, including: a home occupation carried out for remuneration; a private home day care providing care for not more than five children; a small goods repair shop; an office or home craft type use; a veterinary clinic, with or without provision for the onsite care and boarding of animals; kennels and small animal husbandry, **and, subject to maximum lot coverage regulations in the Zoning By-law to ensure that the farm operation is the main use of the property, agri-tourism uses that promote the enjoyment, education or activities associated with the farm operation.**

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

### **5.13 LANDS DESIGNATED “TOWN CENTRE”**

#### **GOALS**

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

### **5.18 LANDS DESIGNATED “COMMUNITY SERVICE FACILITY”**

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

## GOALS

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

## POLICIES

**Permitted Uses:** no changes proposed

**Provisions:** no changes proposed

### Repurposing Initiatives:

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

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

## 6.3 PLANS OF SUBDIVISION

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

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

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

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

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

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

**In addition, the municipality may revisit existing draft plan approvals to either modify or add conditions or withdraw approval, in accordance with Section 51(44) of the Planning Act, to ensure that supporting studies meet their intended purpose and requirements, should**

circumstances related to or external impacts affecting the development of the subdivision change. Such action could, for example, be the consequence of increased and persistent stormwater demands.

## **6.5 CONSENTS IN AREAS DESIGNATED “AGRICULTURAL” DIVISION OF FARM LOTS**

Generally the Town discourages the subdivision of viable farm lots in order to maintain a strong agricultural economy in the region and to limit consents for non-agricultural purposes. For that reason, the Committee of Adjustment must be satisfied that there is a demonstrated need for such consent. The division of farm lots to create lots of less than 40 hectares will be discouraged within the Agricultural designation, unless it can be demonstrated that the division will not result in loss of farm viability and operating efficiency. In accordance with the provisions of the Provincial Policy Statement, one lot creating consent will be permitted for each farm parcel in the following situation:

### a) Surplus Dwellings

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

- i) if not already proscribed by the Zoning By-law, as a condition of the consent, the retained farm parcel will be rezoned to preclude a residential dwelling from being constructed upon it;
- ii) the size of the surplus dwelling lot **should** not be greater than **one** hectare **nor should it be of such a size that would limit or hinder the provision of septic services acceptable to the Town. The protection of natural heritage features and systems, the integration of manmade features, such as wind breaks, and the choice of consolidating outbuildings with the surplus dwelling or retaining them**

with the farm will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent;

- iii) the lot to be created shall have provision for sewage disposal, a potable water supply and storm water management systems in a manner satisfactory to the Town and other statutory approval authority having jurisdiction;
  - iv) the severed dwelling lot will satisfy the Minimum Distance Separation 1 (MDS 1) provisions of this Plan;
  - v) the severed dwelling lot has frontage on a public road;
  - vi) the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector.
- b) In accordance with the Provincial Policy Statement, the granting of consent to separate two existing dwellings into two separate lots is not permitted within the Agricultural designation.
- c) In accordance with the Provincial Policy Statement, the creation of a **new undeveloped residential building lot (delete 'infill or retirement lot')** is not permitted within the Agricultural designation.

## **8.5 SANITARY SEWAGE COLLECTION AND TREATMENT**

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

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

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

**The Town has undertaken infrastructure projects intended to address impacts on our sanitary and storm water systems resulting from intense rainfalls that overloaded both systems. With the predicted increases in storm intensity, duration and frequency, as a consequence of climate change, for example, facility improvements related to our physical infrastructure will continue. Monitoring of evolving rainfall patterns and their potential impacts will be ongoing and development standards will be amended as necessary to mitigate negative impacts.**

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

## **8.6 STORMWATER MANAGEMENT**

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

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

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

Objectives and Mandates:

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

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

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

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

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

Various types of Stormwater Management Systems (SWM) that will be considered, with an emphasis on green infrastructure methods such as:

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

along with grey infrastructure like:

- a) oversized storm water pipes; and
- b) oil grit separators.

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

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

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

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

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

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

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

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

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

The Ministry of Transportation will be consulted where proposed stormwater management facilities are proposed in proximity to Provincial Highway Number 3.

In reviewing individual development applications, Council will, where applicable, require developers to utilize appropriate stormwater management techniques to minimize the

erosion and siltation of watercourses and open drains and not adversely affect upstream or downstream property owners to the satisfaction of the Town or the appropriate approval authority.

## **8.7 GROUND WATER AND SOURCE WATER PROTECTION**

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

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

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

Schedule "B-2" delineates the Intake Protection Zones, where run-off from drainage systems could impact municipal drinking water intakes. The primary protection zone (IPZ-1) surrounds the intake system in Lake Erie near Colchester Center. The secondary protection zone (IPZ-2) is the larger boundary (buffer) area situated both in the surrounding watershed and waters

within Lake Erie. The tertiary protection zones (IPZ-3) are the drains, drainage systems and lesser streams within the rural watersheds of the Town.

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

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

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

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

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

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

## **8.8 TRANSPORTATION NETWORK**

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

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

by:

- a) balancing the needs and priorities of the various users and uses within the right-of-way, including provision for:
  - i. the safe, low carbon and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles, and motorists across the network; and
  - ii. space for other street elements, such as utilities and services, trees and landscaping, green infrastructure, snow and stormwater management, wayfinding, boulevard cafés, marketing and vending, and street furniture;

- b) improving the quality, safety and convenience of active transportation options within all communities by giving full consideration to the needs of pedestrians, cyclists, and public transit users;
- c) reflecting differences in local context and character;
- d) protecting view lines and view corridors; and
- e) serving community destinations and public gathering places by providing choice and flexibility in transportation options.

#### 8.8.2 Safe and Efficient:

The road hierarchy for the Town of Essex is shown in Schedule "E". This schedule will be updated from time to time, without an amendment to this Plan, to show changes to the road system.

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

- a) the Town will ensure the provision and maintenance of a managed network of interconnected streets with clear physical distinctions between arterial, collector and local routes based on function, convenience, traffic volume, vehicle speed, traffic calming, public safety, accessibility and amenity;
- b) minimum right-of-way widths and other special restrictions such as building setbacks and off site access limitations to protect adjacent uses and maintain traffic flows will be context sensitive and as prescribed by the Ministry of Transportation, the County Engineer or the Town, depending on the agency having jurisdiction;
- c) the Town's design requirements will be set out in its Development Standards Manual, which will be reviewed annually to ensure its relevance to existing and anticipated traffic circumstances and demands. Generally roads in the Town are organized as follows:

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

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

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

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

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

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

- d) where new roads are required to serve a developing area, a hierarchy of roads will be determined on the basis of the needed capacity required for the development and the carrying capacity and state of the existing roads. Proponents of new development may be required to undertake a traffic needs/impact study to identify traffic needs, projected traffic volumes and traffic calming or other mitigation measures, where necessary, to reduce negative impacts on existing roads and neighbourhoods;
- e) for new development, including the expansion of existing development and redevelopment, Council will require land conveyances, where deemed necessary, to provide for road widening. The desirable maximum right of way widths set out above will form the basis for road widening dedications, but special provision will also be made for turning lanes and other area specific features necessary for the proper functioning of the road, public safety and accessibility;
- f) the implementing Zoning By-law and/or site plan control will make provision for adequate setbacks for all new developments, having regard for both the width and function of the abutting road and the need for future road widening and for the location and size of access areas;
- g) to ensure that the Town continues to maintain a road system of a reasonable standard, Council will continue a policy of having a defined Road Needs Study Program to improve and maintain roadway surfaces, highway bridges, road alignments, intersections and pavement widths in accordance with the Town's capital works programme;
- h) (the current paragraph 'h' passage has been moved to 8.8.1 a) below and what is the current paragraph 'j' has been renumbered as the new paragraph 'h');

- h) (current paragraph 'i' has been moved to 8.8.1 b) below and what is the current paragraph 'k' has been renumbered as the new paragraph 'i');
- h) attractive streetscapes will enhance the amenity of the street and adjacent neighbourhood. On-street parking, including parking for people with special needs and as a traffic calming measure, will be encouraged in most cases. Street trees shall be provided within all urban area streets in a form and spacing to provide pedestrian shelter and streetscape amenity through the development of comprehensive shade policies. Street and sidewalk networks will be designed to optimize walkability within and between neighbourhoods, to commercial centres, schools, recreation areas and other public destinations;
- i) traffic calming measures will be considered by the Town to assist in achieving targeted speeds. Such measures will be supported by the Town's engineering consultant and will consider the needs of cyclists and pedestrians;
- j) the adverse effects of truck traffic will be minimized by discouraging truck traffic in residential neighbourhoods and on pedestrian oriented streets, through road design, signage, restrictive hours for delivery and pickup, land use restrictions and such other measures as deemed appropriate;
- k) off street parking provision, including the provision of bicycle parking spaces and storage and for the accommodation of persons with disabilities, will be required as a condition of development approval, in accordance with the provisions of the Zoning By-law related thereto;
- l) parking requirements for motor vehicles may be reduced, at the discretion of Council, where:
- i) public transportation, bicycle and high order pedestrian facilities are provided in lieu;
  - ii) Council wishes to encourage the use of alternative transportation;
  - iii) it is a mixed use development or multi-use development with shared parking;

- iv) the proponent demonstrates, through a parking study, that the reduced parking standard will not strain public parking provision, or
  - v) a municipal cash in lieu of parking policy is in place and the use is not considered by Council to be an over intensive use of the site relative to the availability of public parking or to lead to parking overflow into residential neighbourhoods.
- m) parking areas will be located and designed to:
- i) permit safe movement on site and onto public rights of way for vehicle operators and pedestrians, including people with disabilities;
  - ii) maintain sight lines;
  - iii) minimize potential conflicts with other land uses, such as at railway corridors, and street intersections;
  - iv) provide safe and convenient pedestrian access to buildings on site and to public rights of way;
  - v) provide for onsite loading and refuse storage in a manner which does not conflict with the safe movement of pedestrians and other vehicles;
  - vi) ensure the adequate provision of on-site stacking spaces or other temporary spaces associated with drive through facilities; **and**
  - vii) **accommodate or mandate through the zoning by-law the provision of electric vehicle charging stations;**
- n) larger parking areas must be laid out in a hierarchy of collector and manoeuvring aisles, have landscaped islands to control vehicular movements and maintain sight lines and lighting to aid pedestrian use of the parking area. All lighting shall be of an intensity and orientation to serve its intended purpose without an adverse effect on adjacent sensitive land uses;
- o) the Zoning By-law will include standards for the provision of parking and associated facilities and the location and layout of parking areas. It may include

special location or design restrictions for screening and buffering, to reflect and preserve existing streetscapes, to act as a heritage conservation measure or serve to enhance energy conservation and efficiency;

- p) while no public transit system currently serves the Town, nothing in this Plan shall preclude the provision of public transit in the future. The proponents of new developments may be required to design their development to provide for future transit access and on site movements, provide bus bays and shelters and such other facilities needed by the transit operator.

## **8.9 ACTIVE TRANSPORTATION INITIATIVES**

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

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

and the connecting links within the Town are shown in Schedule “E”. In accordance with the timetable of the CWATS plan, as funding permits, the Town will continue to extend on and off road systems annually both to complete the Town’s portion of the CWATS system and to provide the linkages to it and the local communities and facilities it serves. The Town will embrace other opportunities and initiatives that will enhance active transportation in the Town.

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

## **8.10 SCHOOLS**

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

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

interaction amongst the various facilities, physical activities and the appreciation of the natural and urban environments.

## **8.11 PARKLAND ACQUISITION AND DEVELOPMENT**

### **9.13 SITE PLAN CONTROL**

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

#### 9.13.1 Objectives:

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

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

#### 9.13.2 Site Plan Control Exemptions:

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

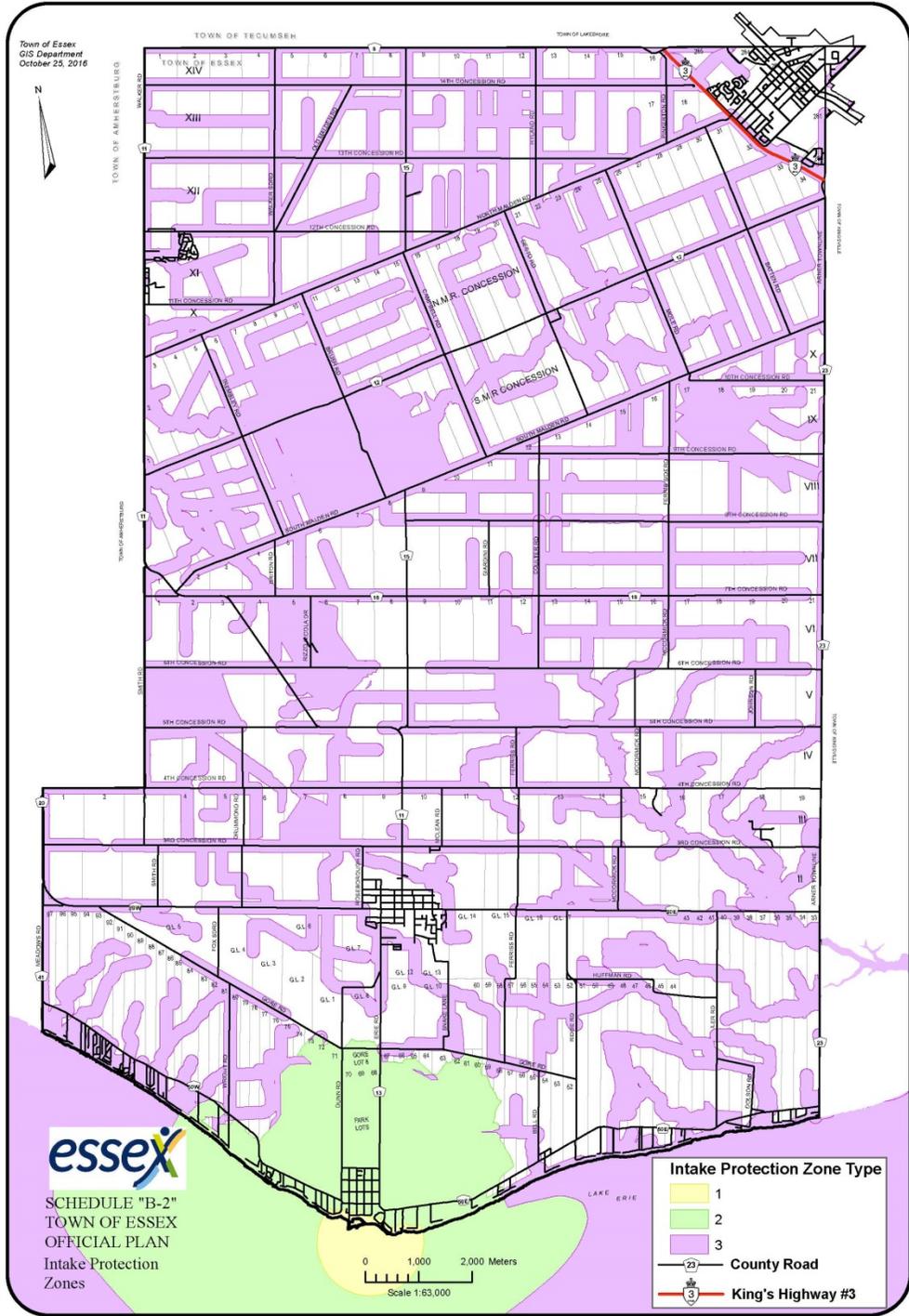
- a) unless otherwise specifically provided by this Plan, agricultural uses related to on-site farm operations, **exclusive of a greenhouse exceeding 500 square meters in gross floor area;**
- b) single unit detached, semi-detached and duplex dwellings, street townhomes and their accessory buildings and structures; multiple dwellings of 6 units or less; a second dwelling unit in a main dwelling, but not including a second dwelling unit in an accessory building;
- c) school portables on school sites existing on January 1, 2007;
- d) a temporary building or structure that is in place for a maximum of 120 consecutive days;
- e) a parking area accommodating 6 or fewer parking spaces;
- f) any addition to a building or structure, if the addition is less than twenty percent (20%) of the total gross floor area of the existing building or structure;
- g) a building addition that is less than 100 square meters in gross floor area;
- h) **an accessory building that occupies less than ten per cent (10%) of the lot area, but not including a dwelling unit in an accessory building;**
- i) **an accessory building or structure of less than 100 square metres in gross floor area;**

- j) for lands within the limits of the Intake protection Zones shown on Schedule B-2, of this Plan, a permanent above ground fuel storage facility with a combined total capacity of less than 15,000 liters;
- k) such other locations or uses, at the discretion of Council.

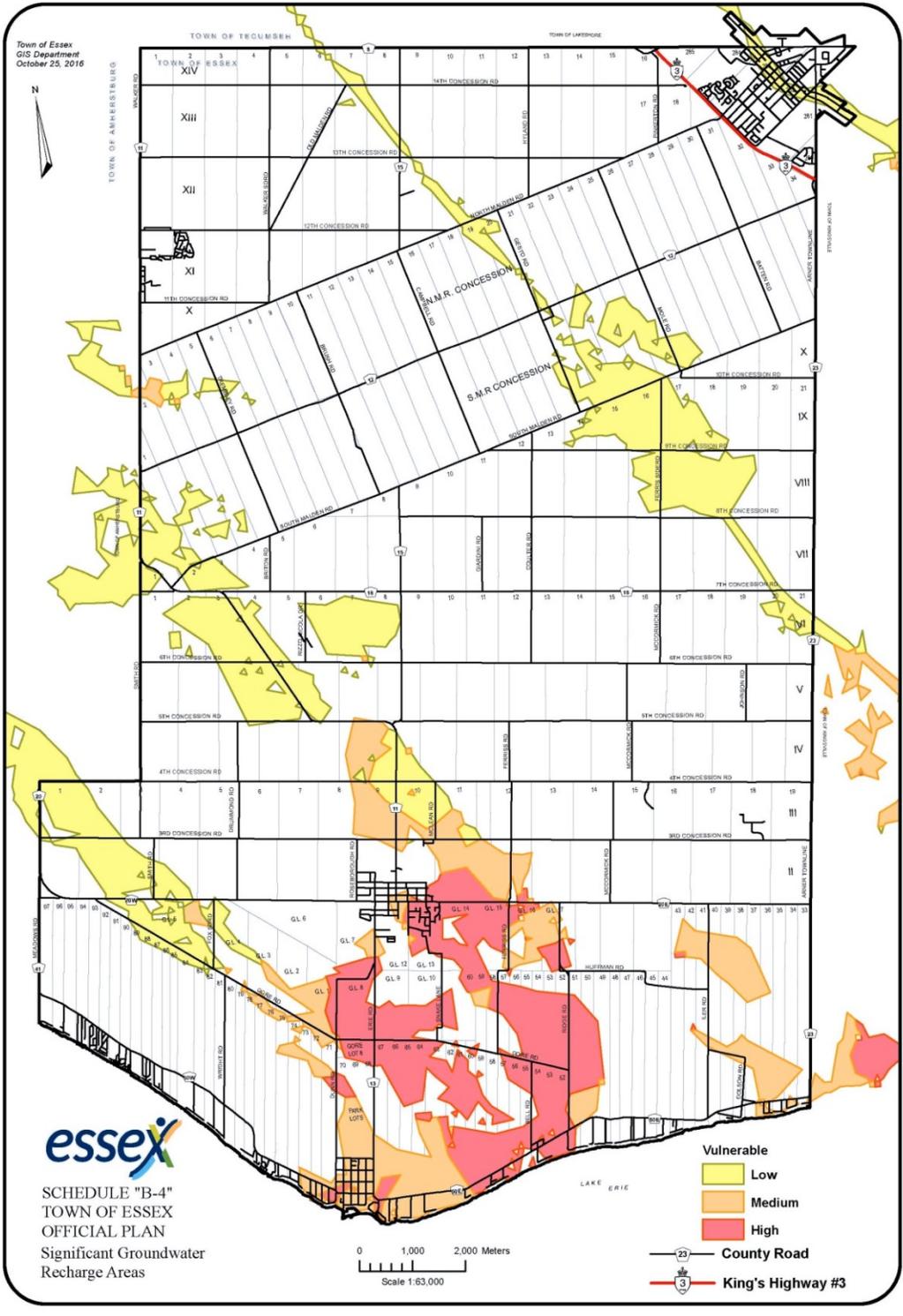
## **Map Schedule Additions**

1. Schedule B-2 – shows Intake Protection Zones
2. Schedule B-3 – shows the locations of Highly Vulnerable Aquifers
3. Schedule B-4 – shows the locations of Significant Groundwater Recharge Areas
4. Schedule E - shows the road system within the Town, including local and County roads and King's Highway 3
5. Schedule E-1 – shows the Town's active transportation system

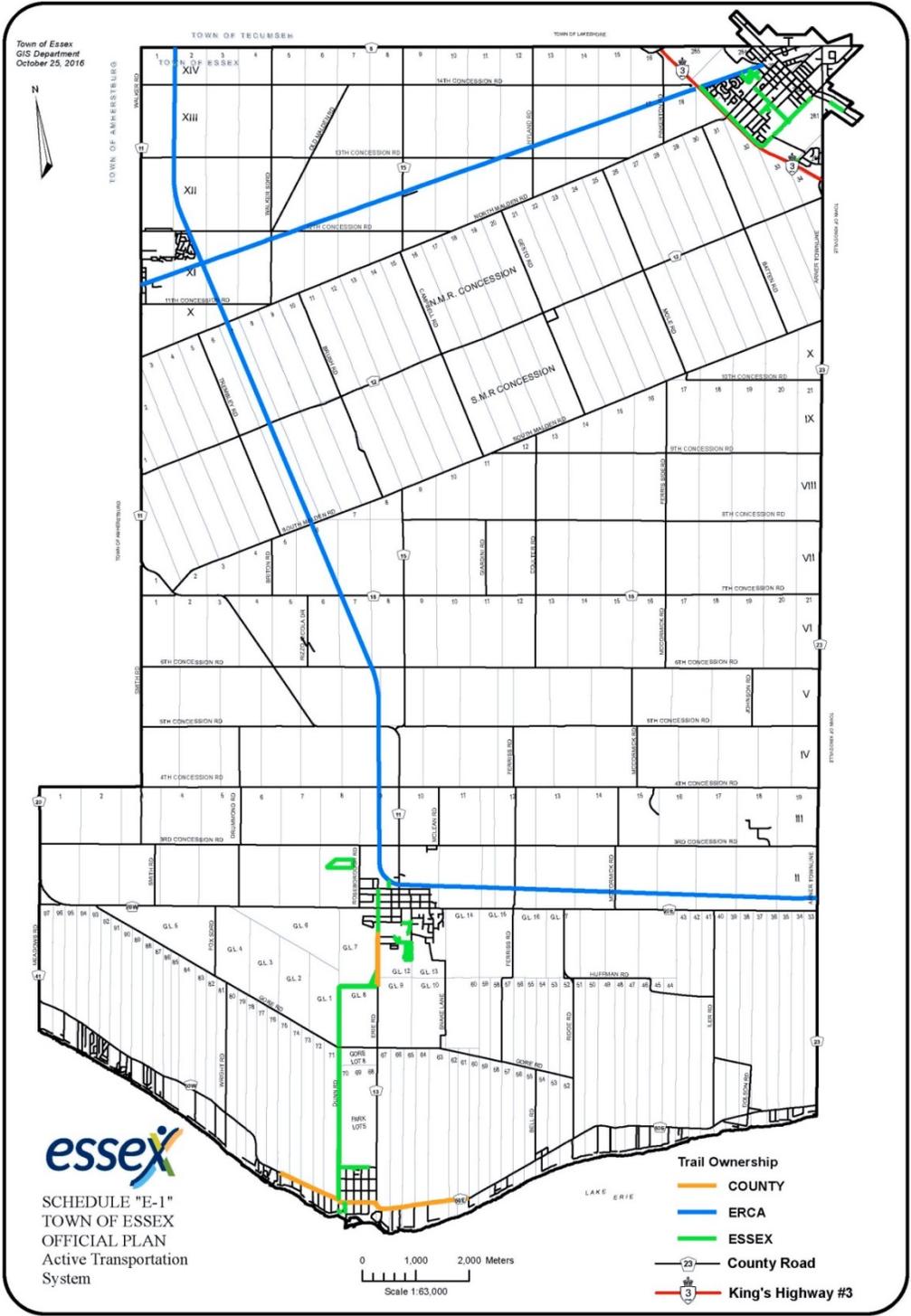
# New Schedules











## PART 2: SITE SPECIFIC LAND USE RE-DESIGNATIONS

### 1. From Highway Corridor Commercial Area 4 to Industrial -

Lands Affected:

Property legally described as Colchester CON STR Part Lot 285, comprising Parts 20, 23, 24, 25, 28 and 29, Plan 12R 21183 Registered Plan, which is land located on the east side of South Malden Road, south of Maidstone Avenue West.

The east side of South Malden Road comprising a 17 acre corridor, situated between the east west portion of South Malden Road and the future greenway, is designated Highway Corridor Commercial Area 4 (HCCA4). The HCCA4 designation was created for this property to encourage the development of such uses as motor vehicle and farm equipment dealerships that benefit from exposure to a busy travel corridor, Highway 3, but do not require direct access to it. They are typically businesses that are not large traffic generators and they would not be appropriate in a downtown commercial location.



## Background:

Since the creation of this restricted commercial corridor, which was part of the former Mady Development residential commercial project south of Maidstone, east of Highway 3, in the mid 2000's, there had been no development interest in this corridor for the intended uses. In late December 2016, Moir-Ferriss Machinery Moving Incorporated acquired the corner block and sought a zoning change to permit the expansion of their Windsor operations into the County. As the intended use is similar to that envisioned by the Official Plan (OP), no Official Plan Amendment was required and the property was rezoned to a somewhat broader zoning category.

While it is recognized that the land uses permitted under the existing OP designation and zoning for the Highway Corridor Commercial Area 4 lands are limited, it was the position of Council and the Essex Centre BIA that the uses permitted would be of a nature that would not harm the viability of the downtown or compromise the development of the highway commercial corridor along Talbot Street north of Maidstone. The Talbot Street corridor is zoned C3.1, a wide ranging highway commercial zone. Several large vacant parcels remain to be developed.

Essex Centre has no industrially zoned land available for new development. In order to provide employment opportunities for such activities, as mandated by the Provincial Policy Statement (PPS), it is recommended that the lands be re-designated to Industrial and rezoned to Manufacturing 1.2 (M1.2), a light industrial and service commercial zoning category.

It is important to maintain a high standard of site development along Highway 3 because new businesses at that location will affect the image of our community. Site plan control applies to these lands and at the time of rezoning, site plan development guidelines will be recommended for consideration and approval by Council.

## Recommendation:

That the subject lands be re-designated from Highway Corridor Commercial Area 4 to Industrial and, subsequent to approval of the Official Plan amendment, be rezoned to M1.2,

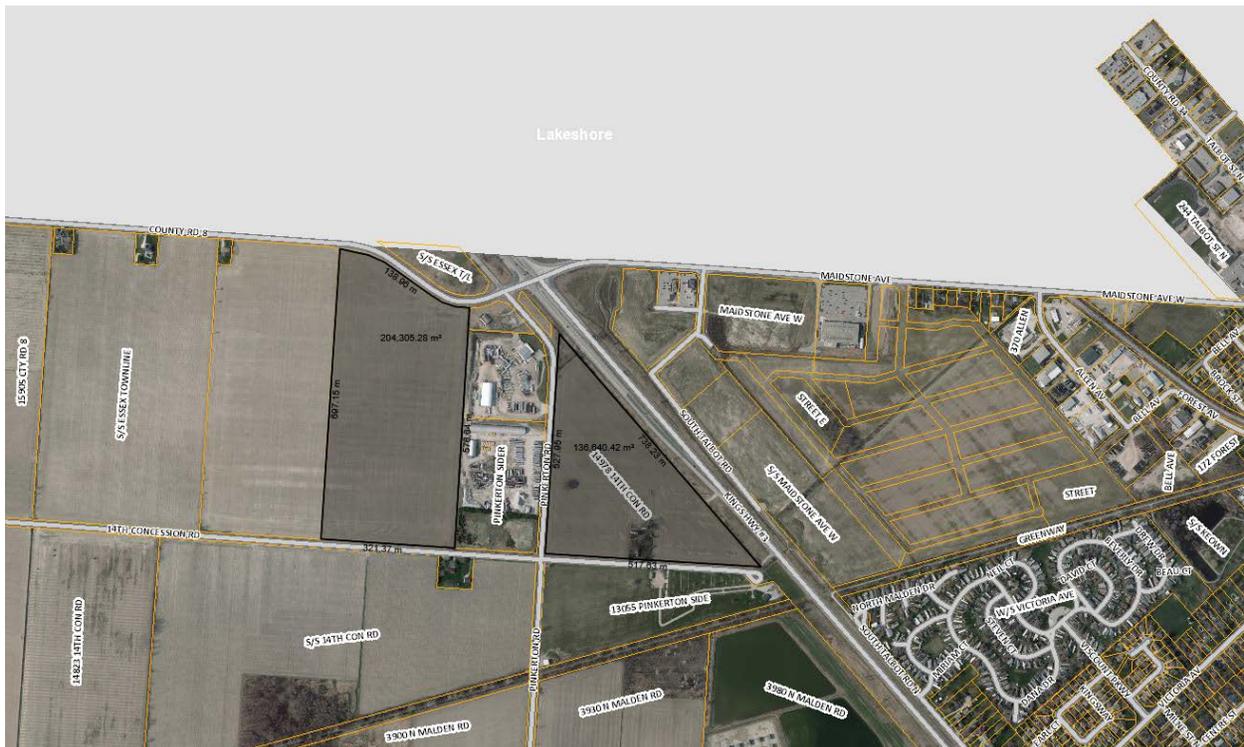
light industrial service commercial zoning, of By-law 1037.

## 2. From Agricultural to Industrial -

Lands Affected:

Property municipally known as 14978 14<sup>th</sup> Concession Road, which is land located on the south side of County Road 8, east of Pinkerton Sideroad, and is owned by John Peter Egeto.

Property legally described as CON 14 E PT LOT 15 PT LT 16 RP 12R11669, PART 1 RP 12R15234 PART 2 which is land located on the south side of County Road 8, west of Pinkerton Sideroad, and is owned by John Francis Lafferty.



The Egeto lands comprise of 34 acres of tilled lands and one dwelling being situated on both the east side of Pinkerton Sideroad and the north side of 14<sup>th</sup> Concession Road. These lands are designated Agricultural and zoned A1.1, General Agricultural.

The Lafferty lands comprise of 50 acres of tilled land being situated on the south side of County Road 8, west of Pinkerton Sideroad. These lands are designated Agricultural and zoned A1.1, General Agricultural.

Both parcels were the subject of a Planning Justification Study conducted during the development of the new County of Essex Official Plan in 2014. At that time, it was noted by Planning that the Town of Essex had no vacant lands available for industrial development in Essex Centre and very limited lands available in Harrow. This was confirmed by the study and the statistical information gathered under the County OP review. Subsequently, the County and Province agreed to the expansion of the Essex Center and Harrow Primary Settlement Area boundaries, specifically and exclusively to accommodate future industrial business park development. The subject lands and the existing industrial lands between them were brought into the Essex Centre Settlement Area, but they have yet to be re-designated from Agricultural to Industrial.

These lands are currently used for the cultivation of field crops. As there are no development projects proposed for them and, given our commitment to maintain agricultural production in the interim and the need to extend full municipal services to this side of Highway 3, it is not proposed that they be rezoned at this time. As well, under the highway reconstruction plan for Highway 3, adopted by the Ministry of Transportation (MTO), Pinkerton Sideroad is to be closed and a new service road constructed further west through the Lafferty lands.

These lands will be available for future development, subject to the approval of zoning changes to the appropriate zoning category/categories, when there is demonstrated development interest, provision is made for the extension of municipal services and we have a formal commitment from MTO for the construction of the new service road.

Recommendation:

That the subject lands be re-designated from Agricultural to Industrial.