



Town of Essex

OFFICIAL PLAN

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DRAFT
JULY 2024





LAND ACKNOWLEDGEMENT

The Town of Essex acknowledges that land on which it sits is the traditional territory of the **Three Fires Confederacy of First Nations** (comprised of the **Ojibway**, the **Odawa**, and the **Potawatomi Peoples**), and of the **Huron-Wendat Peoples**. We value the significant historical and contemporary contributions of local and regional **First Nations** and all of the **Original Peoples of Turtle Island** who have been living and working on the land from time immemorial.

INDIGENOUS PEOPLES AND THE TOWN OF ESSEX

At the time of European settlement, First Nations living within the boundaries of the Town of Essex as we now know them were the Three Fires Confederacy (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and the Huron-Wendat Peoples.

To open the area between Lakes Erie and St. Clair to settlement, the British colonial government asked an Indian agent at Detroit, Alexander McKee, to negotiate a treaty. The treaty, known as the McKee Purchase, or Treaty No. 2, was signed in 1790. The Ojibway, Odawa, Potawatomi, and Huron-Wendat signatories surrendered the majority of the land in the southwestern tip of what is now Ontario.

The impact of the McKee Purchase on the Indigenous Peoples of the area, like many other treaties signed between settlers and Indigenous Peoples across Canada, was substantial, including loss of hunting territory.

In addition, Caldwell First Nation, whose traditional territory include Point Pelee, Pelee Island, and lands across the southern part of what is now the County of Essex, were neither signatories to nor beneficiaries of the McKee Purchase, and were slowly forced out of their traditional territories. In 2010, Caldwell First Nation ratified a land claim settlement with the Canadian Federal government, and is currently in the process of establishing a new community in the southeast of the County.

The Town thus acknowledges that the land on which it is located, for which this Official Plan provides policy guidance, was and is under the stewardship of a variety of Indigenous peoples, and its acquisition by settlers was destabilizing to many Indigenous communities, the effects of which are still felt more than two centuries later. The implementation of this Plan and development in the Town should always be undertaken with this stewardship in mind, and land use in the Town should seek to further the goals of reconsolidation and restoring fruitful nation-to-nation relationships between the Town and Indigenous Peoples, including Caldwell First Nation.

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CHAPTER 1

A VISION FOR THE TOWN



Town of Essex
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THE TOWN (TODAY)

The Town of Essex is a thriving community nestled in the southwestern region of Ontario, Canada. This Official Plan (“the OP”) serves as a strategic guide to shape the future development and growth of the Town while preserving its rich rural history and enhancing the quality of life for our residents.

The rural landscape of the Town is predominantly agricultural, which includes rich fertile soil in the southern part of the municipality well-suited for fruit, vegetable and cash crop production, coupled with heavier cash crop production in the northern part of the municipality. There is expanding vineyard and commercial winery activity, and a tourism and recreational industry has been growing in tandem with the growth of the viticulture industry.

Most of the Town’s residents live in one of its **Settlement Areas**. Essex Centre and Harrow are the Town’s **Primary Settlement Areas**, and are the main focus of future growth and investment, with concentrations of commercial, recreational, community, cultural, and entertainment uses. The communities of McGregor, Gesto and Colchester along with certain residential development on the north shore of Lake Erie are the Town’s **Secondary Settlement Areas**. The **Secondary Settlement Areas** are intended for minimal growth to ensure their unique and established community character are maintained.

Both Essex Centre and Harrow have active and vibrant historical main street areas and have experienced development pressures on the periphery adjacent to regional arterial roads. Essex Centre, given its central position in the County and its location along Provincial Highway 3, attracts users to its established commercial areas and highway corridor commercial development. It is expected that Harrow and the other commercial development areas will continue to primarily satisfy the local shopping needs of its residents and surrounding area.

Industrial development within the Town is centred in Essex Centre and Harrow. Although there are several major employers within Essex Centre and Harrow as well as the Town's agricultural sector, much of the local labour force are employed outside of the municipal boundaries, particularly within the City of Windsor area.

The Essex-Windsor Regional Landfill Site is located within the Town of Essex. As this Site continues its operations, the Town will implement policies throughout this Plan to minimize potential compatibility problems with adjacent sensitive land uses.





THE TOWN (TOMORROW)

The Town of Essex in **2051** will be a vibrant community with a diversity of people, industries, and activities. The Town's economy will be anchored by the dual sectors of agriculture and industrial employment, with a thriving tourism industry centred around wineries and the shores of Lake Erie. The Town's **Settlement Areas** will be green, compact communities that are walkable and have easy access to housing, jobs, amenities, and recreation.

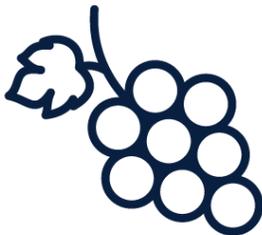
1.1

Guiding Principles for the Plan

Building on our Agricultural Strengths

Recognizing the importance of the Town of Essex's agricultural heritage to its future, the Town will:

- > use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural and base and the functional and economic connections to the agri-food network.
- > Continue to support traditional farming of cash-crops and livestock by preserving prime agricultural lands and limiting conversion of those lands to non-agricultural uses.
- > Support the growth of the tender fruit and viticulture industries and designate specialty crop areas within the Town.
- > Ensure that small and multi-generational farms remain viable by encouraging the diversification of on-farm uses and promoting agri-tourism.
- > Direct the growth of commercial greenhouses to less valuable agricultural lands in the Town while protecting lands with the best soils for traditional agriculture and ensuring the health of the groundwater system.



Leveraging our Location for Employment

In planning for future jobs in Essex, the Town will:

- > Take advantage of the expansion of Provincial Highway 3 between Windsor and Leamington and support employment uses in Essex Centre.
- > Promote the Town's central location as a hub within the Windsor-Essex region and leverage industrial and commercial opportunities arising from the Windsor-Detroit border.

- > Provide for a diverse range of employment uses, including size and intensity of those uses, through a permissive policy framework.
- > Encourage the growth of the tourism industry, particularly along the County Road 50 corridors and in Colchester by supporting the expansion of the wine industry, provision of accommodation and services for visitors (e.g., hotels, restaurants).
- > Participate in the broader agri-food network of the County of Essex by providing agricultural support services (e.g., storage, processing, and logistics) to nearby municipalities like the Municipality of Leamington and the Town of Kingsville.



Elevating our Unique Communities

To ensure that the Town’s **Settlement Areas** are complete communities, the Town will:

- > Avoid a “one size fits all” approach to planning recognizing that the **Settlement Areas** of Essex, McGregor, Harrow, and Colchester are distinct and that each contribute to the Town as a whole.
- > Limit the outward growth of the four **Settlement Areas** by encouraging compact, mixed-use development and intensification to transform them into walkable, complete communities where residents can have access to attainable housing, jobs, and essential services without having to travel far.
- > Protect and promote the Town’s cultural heritage resources by preservation and adaptive reuse, wherever possible.
- > Support approaches that encourage accessibility, diversity, and inclusivity.
- > Encourage the development of a range of housing types and unit sizes, including multi-story mixed-use buildings, within **Primary Settlement Areas**.



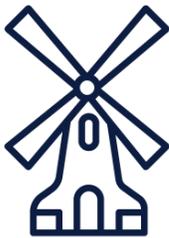
Implementation of County intensification policies. See Section 5.1 of this Plan.

- > Support the future provision of public transit services that serve the Town, in collaboration with the County and neighbouring municipalities.
- > Foster a healthy and well-designed streetscapes and public realm.

A Sustainable and Resilient Town

To achieve sustainable and environmentally friendly growth, the Town will:

- > Apply a climate change mitigation and adaptation lens to all infrastructure and land use policies for an integrated and holistic approach to addressing the climate emergency.
- > Support climate change mitigation by setting goals for greenhouse gas reduction in line with the Town's Climate Change Adaptation Plan.
- > Support climate change adaptation by encouraging the use of green infrastructure and low-impact development throughout the Town.
- > Increase and support the preservation of forest cover in both the **Settlement Areas** and **Agricultural System** of the Town to improve carbon capture and help prevent erosion of soil.



1.2 Purpose of the Plan

The purpose of this Plan is to set out policies directing how land in the Town of Essex should be used. Land use planning policies are complex and can include many aspects, from where and what types of housing are permitted, to the kinds of retail or industry that are needed, to what type of services are required to support the residents of the Town.

1.2.1 Legislative Context and Authority

This plan has been prepared according to the requirements of the Ontario *Planning Act*, R.S.O. 1990 (the “*Planning Act*” hereafter), as well as policy guidance from the Province of Ontario (“the Province”), the County of Essex (“the County”), and the Essex Region Conservational Authority (“ERCA”).

The policies contained within this Plan are based on conclusions gathered from research, analysis and public engagement in the Official Plan review process, the policy direction of the Provincial Policy Statement, 2020 (“the PPS”) and relevant Provincial legislation, the policy direction of the County of Essex Official Plan., and policy direction from work undertaken by ERCA on natural heritage and source protection.

Planning Act

The *Planning Act* is the central statute guiding all land use planning in Ontario. Part III of the *Act* deals with Official Plans, setting out various provisions and requirements for their preparation and their contents. Additionally, the Town’s Official Plan, and its planning decisions in general, must have regard for matters of Provincial interest, which are set out in Section 2 of the *Act*.

Provincial Policy Statement

Section 3 of the *Planning Act* dictates that all planning decisions made by the municipality must be consistent with policy statements issued by the Province. The PPS establishes principles and provides policy direction on matters of Provincial interest relating to land use planning and development. This Official Plan is consistent with the PPS. The PPS is an evolving document and changes from time to time. All relevant policies within this Plan are subject to change in response to the future updates to the PPS.

County of Essex Official Plan

In addition to being consistent with the PPS, Section 27 of the *Planning Act* requires the Official Plan of a lower-tier municipality (i.e., the Town of Essex) to conform to the in-effect Official Plan of its upper-tier municipality (i.e., the County of Essex). Where, in the course of application of this Plan, it is determined that its objectives, policies and guidelines are deemed to be inconsistent with the directives of the County's Official Plan, consultation with the County to address such discrepancies will be undertaken and the consensus will be adopted by amendment to this Plan.

Essex Region Natural Heritage System Strategy

The Essex Region Natural Heritage System Strategy (ERNHSS) was completed in 2013 by ERCA in partnership with the County of Essex. The ERNHSS accurately mapped existing natural heritage features as well as prioritized habitat restoration opportunities within the region, utilizing ERCA's Geographic Information System (GIS) as the main tool for the analysis. This mapping forms the basis for the Town's **Natural Heritage System** shown on Schedule B to this Plan.

Essex Region Source Protection Plan

The Provincial *Clean Water Act* requires that Source Protection Plans (SPPs) be undertaken for prescribed Source Protection Areas which have the objective of protecting existing and future drinking water sources. The Essex Region SPP, completed in 2015, identifies vulnerable areas in Essex County and the City of Windsor, and establishes policies to protect those areas from activities that could pose threats to source water supplies. Source protection mapping and policies in Chapter 6 of this Plan are guided by the SPP.

1.3 How to Read the Plan

This Plan is intended for consideration and use by a variety of audiences which may or may not have technical knowledge of land use planning, including Town staff and Council, the County, ERCA and other agencies, utility providers, stakeholders, development proponents, and residents. This section will provide information on where to find certain policies in the Plan, as well as policies establishing the Plan's intended interpretation.

1.3.1 Plan Structure

The Official Plan is divided into nine chapters:

- > Chapter 1 establishes the structure and vision of the Plan.
- > Chapter 2 contains policies related to climate change, energy, and air quality.
- > Chapter 3 lays out where forecasted population and employment growth will be accommodated in throughout the Town, including in **Settlement Areas**.
- > Chapter 4 contains policies to preserve and enhance the Town's **Agricultural System**.
- > Chapter 5 contains Town-wide policies intended to realize complete communities for its residents.
- > Chapter 6 addresses the protection and conservation of the Town's **Natural Heritage System** and water resources.
- > Chapter 7 defines land use designations that apply to all lands within the Town, as well as general development policies that apply Town-wide.
- > Chapter 8 outlines the tools and processes for the implementation of the policies of the Plan and contains definitions..
- > Chapter 9 contains the Colchester Secondary Plan.
- > Chapter 10 contains area and site specific policies.

The Plan also includes Schedules, which illustrate on maps various policies and concepts from the text of the Plan. These Schedules contain three types of features:

- > Structural elements – including the boundaries of the Town’s **Settlement Areas**, property parcel boundaries, roads, and infrastructure.
- > Designations - every parcel of land in the Town is designated for certain permitted uses and development criteria listed in Chapter 7.
- > Overlays – apply certain policies of the Plan (e.g., natural heritage, source protection) on top of the requirements of a parcel’s underlying land use designation.

1.3.2 Interpretation

1.3.2.1 This Plan applies to all lands within the Town of Essex. Its objectives and policies are intended to achieve balanced and sustainable development to the year 2051 All forecasts of growth and related land use requirements correspond to this planning period.

1.3.2.2 Policies in this Plan are intended to be read in their entirety, and all relevant policies are required to be considered by the Town when making a planning decision.

1.3.2.3 The Plan includes policies, which are numbered, and schedules, which complement the policies by showing mapping and other visual representations of policy text.

1.3.2.4 The Plan includes explanatory preamble text, illustrative figures, and callout boxes (see right for example) to provide clarification and explanation. These elements of the Plan do not form part of the policies and are not intended to be interpreted as such.

1.3.2.5 Where this Plan refers to “the Town” it means the Corporation of the Town of Essex and its Council.

1.3.2.6 Where this Plan refers to “the County” it means the Corporation of the County of Essex and its Council.

1.3.2.7 Policies in this Plan that use the words “will” or “shall” express a mandatory course of action. Where the words “should”, “may” or “encourage” are used, suitable alternative approaches to meet the intent of the policy may be considered in accordance with any established Guidelines.

1.3.2.8 Certain terms which are defined in the glossary in Chapter 1 are underlined throughout this Plan. For increased readability, some common terms which appear regularly throughout the text of the Plan are defined in the glossary but are not underlined.

1.3.2.9 Where text is *italicized* in this Plan it refers to a Provincial or Federal statute.

1.3.2.10 Where text is bolded in this Plan it refers to an element of the Town structure established in Chapter 3, or a land use designation established in Chapter 7.

1.3.2.11 The interpretation of the schedules of this Plan are flexible to the following degree:

- (a) the boundaries between various land use designations are approximate except where well defined physical or infrastructure features exist;

Policy vs. Non-policy Text

Statutory text will be in the form of a policy number (e.g., 1.1.1.1) accompanied by text. A policy directs or encourages certain actions to be taken by the Town or others in relation to land use or development in the Town, and it is legally applicable.

Explanatory text or text located within a blue callout box such as this example is unaccompanied by a policy number. This is an example of non-policy text. It provides important information or context for the reader, but does not direct any action.

- (b) where no right of way or prominent physical feature exists, the boundary will be the nearest lot of record boundary which most closely approximates the line shown on the respective Schedule; and
- (c) the closest right of way or prominent physical feature to the boundaries shown on the Schedules to this Plan shall be deemed to be the actual boundary.

1.3.2.12 The boundaries of **Settlement Areas** are not subject to broad interpretation.

1.3.2.13 Certain housekeeping adjustments to this Plan may be required from time to time, and will not require public notice or an Official Plan Amendment. These adjustments include:

- (a) correction of spelling, grammatical, numerical or reference errors;
- (b) adjustments to page numbering or formatting;
- (c) minor adjustments to the boundaries of future roads, recreation corridors, and other linear features on the Schedules to this Plan; and
- (d) the addition of public facility or infrastructure information for reference purposes.

1.3.2.14 Where examples of permitted uses are provided in Chapter 7, they are intended for illustrative purposes only and do not comprise the full range of permitted uses. Specific uses which are considered by the Town to be similar to a stated use and to conform to the general intent and objectives of this Plan may be recognized without further amendment to this Plan.

1.4 Objectives of the Plan

Building on the vision and guiding principles for the future of the Town established above, this Plan is intended to fulfill certain planning objectives, outlined below. Each of these planning objectives directly relates to implementing policies within this Plan, the location of which is noted next to the objective.

1.4.1.1

By implementing the policies of this Plan, it is the intention of the Town to achieve the following objectives within the 2051 planning horizon:

- (a) achieve net-zero or near-net-zero greenhouse gas emissions within the Town, and increase the Town's resilience to the impacts of climate change;
- (b) maintain a sustainable community, minimize the Town's contribution to waste and natural degradation and use our land, resources and energy efficiently;
- (c) protect and enhance the agricultural, natural heritage and water resources of the Town and direct future growth and development to compact, fully serviced **Settlement Areas**;
- (d) Provide a broad range of choice in housing forms and tenures, including affordable housing, to all residents of the Town;
- (e) create and maintain a balance between residential and employment growth, and attract land uses that can provide employment opportunities to existing and future residents;
- (f) ensure that new development proceeds at a pace that is within the financial capabilities of the Town to accommodate with municipal services and infrastructure;
- (g) preserve, restore, and enhance cultural and built heritage resources;
- (h) protect existing natural heritage and water resources and, where possible, restore, enhance and expand them by exploring opportunities for linkages and buffer areas;
- (i) identify the present level of services available within the Town, the capacity of these services with respect to their

expansion, and the service extensions required to facilitate future development in an energy efficient and sustainable manner;

- (j) provide a balanced transportation system that satisfies the needs of the Town for sustainable, accessible, safe and efficient movement of people and goods;
- (k) preserve the Town's prime agricultural areas for agricultural, agricultural-related and supportive land uses;
- (l) ensure a robust consultation and engagement process that meaningfully informs the public and the private sector of the type and standard of development that will be permitted within the Town in the future;
- (m) continue to engage with Indigenous Peoples throughout Town initiatives to achieve mutual knowledge sharing and benefits; and
- (n) guide Council, the Committee of Adjustment, municipal staff and other regulatory agencies in their decisions regarding the future development of the Town.

CHAPTER 2

CLIMATE

& AIR



Town of Essex

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One of the foremost challenges facing the Town, the rest of Canada, and the world over the horizon of this Plan is climate change and its existing and future impacts. This section is intended to place consideration for climate change at the forefront of planning decisions in the Town.

2.1 Climate Change

The release of greenhouse gases and air pollutants into the atmosphere, as well as deforestation, habitat loss, and chemical use, result in changes to long-term weather patterns around the world and in the Town.

The International Panel on Climate Change of the United Nations has established that unless global warming relative to the pre-industrial period is limited to two degrees Celsius, there will be massive and irreversible climate change. The impacts of this climate change, if not addressed, will make extreme weather more frequent, more unpredictable and more dangerous, disrupting economies and infrastructure and posing risks to human health and safety.

Climate change vs. climate impacts

Climate change refers to a statistically significant variation in either the mean state of the climate or in its variability, persisting for an extended period (typically decades or longer). Climate change may be due to natural internal processes or external forces, or to persistent anthropogenic changes in the composition of the atmosphere or in land use.

Climate impacts are the various consequences arising from climate change that alter social, economic, physical and environmental systems. In the Town of Essex, these include higher annual average temperatures, an increase in heat waves, increased annual average precipitation, and an increase in extreme storm events.

This plan intends to address land uses that contribute to climate change, and to plan for the impacts of climate change on the built environment. These approaches are known respectively as climate change **mitigation** and climate change **adaptation**.

Climate change mitigation and adaptation can be addressed by the Town through the following:

- > Efficient built form.
- > Transportation.
- > Building emissions.
- > Energy generation.
- > Water protection and stormwater management.
- > Protection of natural heritage features and areas.
- > Availability of housing and shelter.
- > Food production systems.
- > Green infrastructure.

Town-wide Climate Emergency

In February 2021, Essex Town Council joined the Federal government and other municipalities in Ontario in declaring a climate emergency.

This declaration acknowledges the drastic change needed to reduce global carbon emissions to mitigate future climate impacts and adapt to the impacts from climate change.

- 2.1.1.1 This Plan supports the objectives and action items of the Climate Change Adaptation Plan, adopted by Council in 2021. The design of public spaces, land use decisions and approvals will follow from and support the Town’s Climate Change Adaptation Plan.
- 2.1.1.2 The Town is committed to meeting the Federal Government’s target of a 40% reduction in greenhouse gas emissions by 2030, and net-zero emissions by 2050.
- 2.1.1.3 Planning policies and development reviews, as well as Town-led planning and infrastructure projects will be evaluated and applied through a climate lens, meaning that decisions on growth and operations will be evaluated against metrics relevant to climate change mitigation and/or adaptation. This may include, but is not limited to, evaluations based on expected carbon

emissions/storage, ability to accommodate a changing climate, and/or direct and indirect ecosystem services.

- 2.1.1.4 In new development, as well as in the maintenance and upgrading of existing infrastructure, the Town will prioritize designs, features, and land use patterns that enable active transportation and options for future public transportation. At a minimum, access to each property within the **Settlement Areas** should be safe and comfortable for pedestrians and cyclists.
- 2.1.1.5 The Town recognizes the measurable value of the natural environment, natural heritage, and nature-based solutions in providing direct and indirect ecosystem services and will encourage and support the use of green infrastructure.
- 2.1.1.6 Parks and other public spaces that are owned, built and maintained by the Town will provide natural and constructed shelter from the sun, heat, and rain, as well as stations for drinking water. A network of accessible publicly owned interior spaces that are climate controlled, such as libraries and community centres, will be operated as cooling centres during heat waves. The Town will encourage privately-owned spaces to provide the same types of shelter and drinking water.
- 2.1.1.7 To encourage the long-term private stewardship of natural areas and features that provide ecosystem services, the Town may provide financial incentives to encourage the development and/or maintenance of natural areas or green infrastructure.
- 2.1.1.8 Land uses and infrastructure will be developed to withstand 100-year storms and larger, and the Town will promote emergency preparedness for extreme weather to ensure that residents and local businesses have local resources to manage.
- 2.1.1.9 The Town will promote tree planting in all new projects and may develop a tree management plan to guide the Town in identifying a yearly tree-planting target and strategy, and a management plan to care for existing trees. Tree planting and tree management provides many ecosystem services that include strong aspects of climate change mitigation and adaptation. Unlike constructed infrastructure, the value provided by trees starts small and increases over time.

2.1.1.10 The Town may provide incentives or subsidies for tree-planting on private property, and may consider undertaking a residential tree planting engagement campaign to promote tree-planting.

2.1.1.11 The Town will consider the use of surplus public land for the purpose of creating and improving community green spaces that can provide ecosystem services. (e.g. raingardens, edible landscapes, community gardens) and encourage the same on private and institutional lands.

2.2 Energy

Energy use contributes heavily to climate change. The Town can control public infrastructure and energy usage in Town-owned properties, provide guidance for energy efficient development that reduces energy use, and promote efficient land use patterns that reduce the need for private vehicle use.

2.2.1.1 The Town will promote energy conservation in existing and new developments and will support the development of alternative and renewable energy sources.

2.2.1.2 The Town will implement the recommendations and direction from the Regional Energy Plan regarding the following:

- (a) transition to renewable and alternative energy sources;
- (b) energy conservation for transportation and built form, including greenhouses.

2.2.1.3 Steps the Town will take to support energy conservation and transition include:

- (a) Supporting net-zero or near-net zero communities through the development of Integrated Energy Master Plans;
- (b) encouraging the development of district energy systems to create local energy supply for new large-scale developments, including both residential and non-residential development;
- (c) encouraging the installation electrical vehicle charging infrastructure in private developments;

- 2.2.1.4 The Town will encourage the application of Leadership in Energy and Environmental Design (LEED) standards in building and neighbourhood design.
- 2.2.1.5 Programs which would assist in the reduction of energy use within existing Town-owned buildings will be identified and adopted, where appropriate and feasible.
- 2.2.1.6 In all development proposals, the Town will encourage building and site design, and construction techniques that attempt to minimize energy use. This may be achieved through accommodations for active transportation or public transit, lot layout, lighting and heating systems, plumbing and electrical systems, building location, landscaping and tree-planting, material usage and design, solar orientation and sun exposure, and eco-system services.

Alternative and Renewable Energy Facilities

Alternative and renewable energy facilities, such as solar, wind, geothermal, and energy storage are not constrained in the same way as traditional energy facilities are in scale and negative impacts, and many may be compatible with sensitive land uses. This plan intends to facilitate the development of alternative and renewable energy facilities to help improve energy security and reduce reliance on traditional energy sources.

- 2.2.1.7 Standalone alternative and renewable energy facilities will be permitted in the Town, subject to an Official Plan Amendment and the following:
- (a) the proposed facility must not have any adverse impacts on sensitive land uses;
 - (b) alternative and renewable energy facilities must conform to policies in Chapter 6 of this Plan relating to the protection of the Town's Natural Heritage and Water Systems, and will not be permitted in High Priority Natural Heritage Features; and
 - (c) additional guidance for alternative and renewable energy facilities may be provided through the Town's Zoning By-law.

2.2.1.8 Ground mounted solar facilities may be considered on-farm diversified uses and are subject to the policies of Section 4.5 of this Plan.

2.2.1.9 The Town may consider the use of a Community Improvement Plan to support the development of small- and medium-scale renewable and alternative energy facilities.

2.3 Air Quality

Air quality refers to the concentration of harmful pollutants and particles in the air, such as toxic chemicals like ozone or carbon monoxide, or smoke, dust, and micro-plastics. A high air quality indicates that the air does not contain pollutants. Low air quality can lead to negative health impacts, sickness, and the deterioration of natural systems that provide valuable ecosystem services. Pollutants that contribute to low air quality can come from a number of sources, including the burning of fossil fuels, fires, dust, and certain land uses or activities, and they can originate locally, or be spread from far away. The Town intends to reduce or eliminate local sources of low air quality and promote development and green infrastructure that can improve air quality.

- 2.3.1.1 The Town will strive to reduce air pollution and increase air quality by:
- (a) requiring accommodations for active transportation as part of development proposals, pursuant to policies in Section 0 of this Plan;
 - (b) planning efficient land use patterns that reduce the average distance and number of vehicular trips;
 - (c) requiring the protection and/or enhancement of treed and natural areas as part of development proposals;
 - (d) preparing and adopting an urban forestry program and, at its discretion, a by-law for the preservation, maintenance and planting of trees. The Town is committed to a program of replacing trees that must be removed from municipal road allowances. It acknowledges that trees in urban settings improve air quality and reduce energy use through

shading and protection as well as having an aesthetic value;

- (e) considering the adoption of an anti-idling by-law and an educational programme for promoting the reduction of idling; and
- (f) including consideration for dust-producing uses in applying the land use compatibility policies in Section 7.1.3 of this Plan.

CHAPTER 3

GROWTH &

STRUCTURE



Town of Essex

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The Town of Essex is poised to grow at a higher and faster rate over the horizon of this Plan than has been historically observed. The past five years has seen a steady increase in new development activity compared to previous periods over the past 15 years. One of the primary purposes of this Plan is to establish a strategy for accommodating this growth (broken down by population, housing, and employment) in a way that is sustainable and makes efficient use of infrastructure investments made by the Town and the County.

3.1 Growth Management

By 2051, the Town can expect a population of almost thirty thousand people and more than eleven thousand jobs. A comprehensive strategy is required to accommodate this growth in a productive and sustainable way that strengthens the Town while preserving its communities’ unique identity and protecting its natural environment and agricultural areas.

The growth management framework outlined here is the basis of all other policies in this Plan, especially those guiding housing, employment, infrastructure, and community services investments in the Town.

3.1.1.1

Over the horizon of this Plan, the Town will accommodate at minimum the forecasted population and employment growth as shown in Table 3.1.

Table 3.1: Forecasted population and employment growth for the Town of Essex, 2021-2051 (County of Essex, 2023)

	2021	2031	2041	2051
Population (residents)	21,900	24,800	27,700	29,900
Employment (jobs)	6,800	8,500	10,000	11,100

3.1.1.2

Growth planning will be integrated with the Town’s planning for infrastructure, economic development, and protection of the natural environment.

3.1.1.3 Growth will be focused in the Town’s **Settlement Areas**, with the majority of the growth directed to **Primary Settlement Areas shown on Schedule A**.

3.1.1.4 Decisions on growth will prioritize infrastructure investments which:

- (a) are sustainable and contribute to climate change mitigation and/or adaptation;
- (b) help to achieve complete communities;
- (c) improve or expand capacity of existing systems overextending them;
- (d) plan for densities that achieve a range of housing options, including both affordable and market-based housing;
- (e) allow for intensification over greenfield development; and
- (f) have lower per-capita costs and greater potential return on investment.

Town Structure vs. Designations

The **Primary** and **Secondary Settlement Areas** and **Agricultural System** that make up the Town structure are different from the land use designations shown on Schedule A.

Land use designations establish the permitted uses and building types, and additional development criteria for any given parcel of land in the Town.

Town structure elements establish where growth and development, and accompanying infrastructure, is to occur.



Implementation of County intensification policies. See Section 5.1 of this Plan.

3.1.1.5 The Town will continue to collaborate with local partners in the County, ERCA, and neighbouring municipalities in planning for growth and infrastructure.

3.2 Town Structure

The forecasted population and employment growth outlined in Section 3.1 must be accommodated within the Town, and this Plan provides the opportunity to specifically direct where that accommodation will occur. Not everywhere in the Town is appropriate for development; certain areas are to be prioritized over others.

These areas are organized into a hierarchal Town structure. At the highest level, the Town structure is comprised of two elements:

- > The Town's **Settlement Areas**, where the majority of growth and development is to occur.
- > The **Agricultural System**, including the **Hamlet** of Gesto where limited growth and development is to occur.

The Town's **Natural Heritage System** exists in both areas, and is to be the site of limited to no development or site alteration.

There are two types of **Settlement Areas**:

- > **Primary Settlement Areas** are where significant growth of various land use types, including residential, employment, commercial, and community uses may occur through intensification or greenfield development.
- > **Secondary Settlement Areas** are where minor growth of various land use types may occur through intensification.

3.2.1.1

The majority of population, housing, and employment growth in the Town will be accommodated in the Town's **Settlement Areas**, shown on Schedule A where full municipal services and support facilities are available.

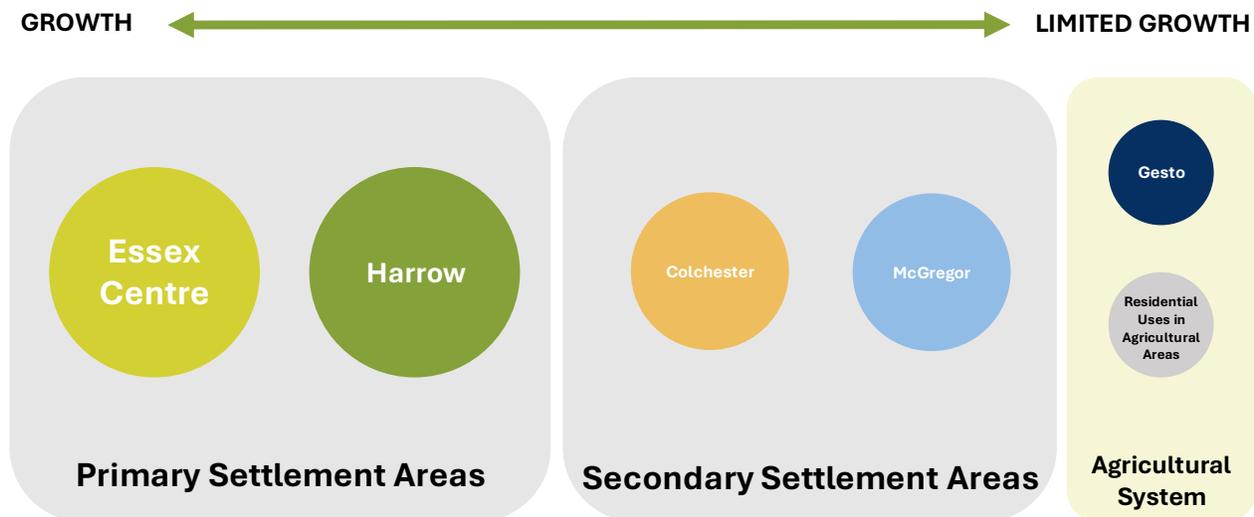


Figure 1: Illustration of the distribution of growth within the Town of Essex.

3.2.1.2 The **Settlement Areas** identified in this Plan have sufficient lands to accommodate the projected population and employment forecasts, and corresponding land requirements for the horizon of this Plan.

3.2.1.3 The **Primary Settlement Areas** of Essex Centre and Harrow will be the focus of the majority of forecasted growth.

3.2.1.4 Growth will be accommodated in **Primary Settlement Areas**:

- (a) primarily through intensification, including:
 - (i) development of vacant or underutilized lands;
 - (ii) redevelopment of existing sites and buildings; and
 - (iii) infill development; and
- (b) secondly through greenfield development.

3.2.1.5 Within the **Primary Settlement Areas**, **Main Street** areas shown on Schedules A to A-5 are prioritized for higher density, intensification, and investment.

Implementation of County intensification policies. See Section 5.1 of this Plan.

3.2.1.6 Minimal growth through intensification will be directed to the **Secondary Settlement Areas** of Colchester, McGregor, and the Lakeshore Residential area to the west of Colchester.



3.2.1.7 **Settlement Areas** will be developed as complete communities, with an appropriate mix of land uses and housing types for the level of growth associated with the given **Settlement Area**.

3.2.1.8 New development and redevelopment in **Settlement Areas** will:

- (a) achieve a compact built-form and mix of land uses that accommodates a variety of services, employment opportunities, housing, amenities and physical activities;
- (b) support the use of active transportation options and contribute to a safe pedestrian environment through barrier-free, age-friendly design;
- (c) conserve or enhance the Town’s built heritage resources;
- (d) be of a scale, massing and density compatible be compatible with existing land uses and built forms and the **Natural Heritage System**; and
- (e) provide high-quality public spaces for multi-generational play, recreation, and leisure.

3.2.1.9 Further to policy 3.2.1.8(a), development opportunities for live-work arrangements and accommodations for combined residential and business or personal services, office uses, and home occupations are encouraged in **Settlement Areas**.

3.2.1.10 Development in **Settlement Areas** adjacent to the **Agricultural System** will be designed to avoid or mitigate negative impacts on nearby agricultural uses, including through edge planning measures, pursuant to policy 4.7.1.4 of this Plan.

3.2.1.11 The land base of **Agricultural System** will be conserved for agricultural or rural purposes, but will accommodate existing clusters of residential development, including in the **Hamlet** of Gesto.

3.2.1.12 Land use in the **Agricultural System** will be guided by the policies of Chapter 4 of this Plan, as well as the **Prime Agricultural, Specialty Crop Area**, and **Hamlet** land use designations described in Chapter 7 of this Plan and shown on Schedule A.



Implementation of County intensification policies. See Section 5.1 of this Plan.

CHAPTER 4

AGRICULTURAL SYSTEM



Town of Essex

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The **Agricultural System** in the Town of Essex is shown on Schedule A, and is comprised of the agricultural land base, including lands designated **Prime Agricultural** and **Specialty Crop Area**, and the agri-food network, as well as limited existing residential uses, including in the **Hamlet** of Gesto. Taking a systems approach to agriculture in Essex allows the Town to plan comprehensively for current food production and distribution, protecting the farming economy, and supporting the diversification of existing farms.

The Town has benefited from its long agricultural history, in terms of the economic stability it provides. This 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.

Systems Approach

The **Agricultural System** approach inter-connects land use planning and economic development. For example,

- > Agri-food impacts are considered when municipal decisions are made on roads, bridges and future growth areas.
- > The infrastructure and servicing needs of the agri-food sector are addressed.
- > Gaps and opportunities are identified for the agri-food network.
- > Agri-food economic strategies are developed.

4.1

Agricultural Uses

The traditional agricultural economy in the Town of Essex has been that of normal farm practices, including cash crop cultivation and livestock production. Agricultural uses are the primary use on lands designated **Prime Agricultural**.

Non-agricultural related development in the **Agricultural System** is strictly controlled and monitored, and only permitted pursuant to the policies of this Plan.

- 4.1.1.1 The Town will recognize and support the **Agricultural System** and safeguard the agricultural land base against loss and fragmentation.
- 4.1.1.2 All lands in the Town which are outside of Settlement Areas and which are not designated **Natural Environment**, as shown on Schedule A, are considered prime agricultural lands, as defined by the Province, including those lands which are designated **Specialty Crop Area**.
- 4.1.1.3 The Town will recognize and protect the County Road 50 corridor as a unique agricultural and agri-tourism area.
- 4.1.1.4 Agricultural uses will be supported and maintained as the primary land use within the Town’s **Agricultural System**.
- 4.1.1.5 Normal farm practices, including but not limited to, agroforestry and spraying, are permitted on all lands designated Prime Agricultural. If tree harvesting is to occur it should be based on acceptable forest management practices and based on advice from a qualified specialist and the use of a woodlot management plan.
- 4.1.1.6 The placement of fill or excess soil in prime agricultural areas is prohibited except for normal farm practices conducted in accordance with Ontario Regulation 409/19 and the Rules for Soil Management and Excess Soil Quality Standards.
- 4.1.1.7 Non-agricultural uses or uses not supporting agricultural activities will be directed to the Town’s **Settlement Areas**, wherever possible.
- (a) Permitted land uses and development policies for prime agricultural lands are established through the **Prime Agricultural** land use designation in Section 7.2 of this Plan, and shown on Schedule A.
- 4.1.1.8 The redesignation of lands from **Prime Agricultural** to another land use designation (except **Specialty Crop Area**) will only be considered for **Settlement Area** expansions, or identification of **Settlement Areas** and limited non-agricultural uses as part of a comprehensive review and amendment to this Plan provided the following conditions are met:
- (a) the land does not comprise a **Specialty Crop Area**;

- (b) there is a demonstrated need as part of a comprehensive 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 **Prime Agricultural** designation;
- (d) there are no reasonable alternative locations in the **Prime Agricultural** designation with a lower priority Canada Land Inventory soils classification;
- (e) impacts from any new or expanding non-agricultural use on surrounding agricultural operations 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 of the Town and County.

4.1.1.9

Notwithstanding policy 4.1.1.8, non-agricultural uses in **Prime Agricultural** areas may be permitted without an amendment to this Plan for extraction of minerals, petroleum resources and mineral aggregate resources, or limited non-residential uses provided that all of the following are demonstrated:

- (a) the land does not comprise a **Specialty Crop Area**;
- (b) the proposed use complies with the Provincial Minimum Distance Separation formulae;
- (c) there is an identified need within the planning horizon of this Plan for additional land to accommodate the proposed use;
- (d) alternative locations have been evaluated, and:
 - (i) there are no reasonable alternative locations which avoid **Prime Agricultural** areas; and
 - (ii) there are no reasonable alternative locations in **Prime Agricultural** areas with lower priority agricultural lands;
- e) impacts from any new non-agricultural uses on surrounding agricultural operations and lands shall be mitigated to the extent feasible; and

- f) a Planning Justification Report (PJR) and/or an Agricultural Impact Assessment is submitted to the satisfaction of the Town.

4.1.1.10

This Plan will not prohibit the continued operation of legal established uses, such as residential, commercial, employment, agricultural and institutional uses on lands designated **Prime Agricultural** in this Plan that legally existed as of the date of adoption of this Plan.

4.1.1.11

Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted, solely on the existing property, subject to demonstration of the following:

- (a) new municipal services are not required;
- (b) the proposed does not expand into natural heritage features and hydrological features, unless there is no other alternative in which case, any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- (c) for conversions or redevelopments only, the completion of an Agricultural Impact Assessment by a qualified professional;
- (d) the proposed use does not result in the intrusion of new incompatible uses in the Agricultural designation;
- (e) the proposed use is solely on the existing property; and
- (f) the proposed use complies with the Minimum Distance Separation Formulae.

4.1.1.12

Sustainable agricultural practices which minimize impacts on the environment and **Natural Heritage System** will be encouraged throughout the Town, including but not limited to:

- (a) phosphorus reduction;
- (b) integrated pest management;
- (c) nutrient management;
- (d) soil and water conservation;

- (e) tree planting along hedgerows and marginal farmland; and,
- (f) the retention of woodlots, hedgerows, and other natural features as integral and vital components of the farm operation.

4.2 Specialty Crops

Favourable climatic and soil conditions have created an environment for growing fruits (including grapes), vegetables, organic crops, and other specialty crops within the Town. These types of agricultural products require higher level of skills and capital investment for production, storage and processing than typical agricultural practices. The Town of Essex and neighbouring local municipalities situated along the north shore of Lake Erie occupy a unique location and is one of Ontario's major wine producing areas.

- 4.2.1.1 The Town of Essex, in conjunction with the County of Essex and a land resource specialist, will complete a Specialty Crop Study in accordance with the evaluation procedures established by the Province, as amended from time to time, for the Agricultural System of the Town.
- 4.2.1.2 In the interim, until a Specialty Crop Study is completed, where the expansion of a non-agricultural use or a new non-agricultural use is proposed in an area that exhibits characteristics of a specialty crop area, an Agricultural Impact Assessment shall be required which shall include an assessment of whether the lands are specialty crops.
- 4.2.1.3 Permitted land uses and development policies for specialty crop areas identified in the future are established through the **Specialty Crop Area** land use designation in Section 7.2 of this Plan, and shown on Schedule A.
- 4.2.1.4 The redesignation of lands designated **Specialty Crop Area** in this Plan for non-agricultural uses is not permitted.
- 4.2.1.5 The identification of new **Settlement Areas**, or expansion of existing **Settlement Areas** will not be permitted in specialty crop areas. Where a settlement area expansion is being considered, a Specialty Crop Area Study shall be required as part of the

Municipal Comprehensive Review of the County's Official Plan and Local Comprehensive Review of this Plan.

- 4.2.1.6 Non-agricultural uses are not permitted in specialty crop areas.
- 4.2.1.7 The expansion of existing legally non-conforming uses may be permitted in specialty crop areas, subject to an amendment to the Town's Zoning by-law and subject to the criteria listed in policy 4.1.1.11 of this Plan. The placement of fill and excess soil in specialty crop areas is prohibited except for normal farm practices conducted in accordance with Ontario Regulation 409/19 and the Rules for Soil management and Excess Soil Quality Standards.

4.3 Greenhouse Cultivation

Essex County is the site of the largest clustering of commercial greenhouse operations in Canada. These operations primarily produce tomatoes, cucumbers, and bell peppers (and increasingly, strawberries), and are predominantly located in the Town of Kingsville and the Municipality of Leamington; however, interest is growing in locating greenhouses in the Town of Essex.

Greenhouse cultivation requires a specific planning approach. While greenhouses offer advantages over traditional farming practices (more efficient production, year-around growing), they are water-intensive, requiring either municipal services or the taking of significant amounts of groundwater. Furthermore, greenhouse development, while an agricultural use, requires site alteration to the extent that traditional farming practices are no longer feasible on those lands in the future.

- 4.3.1.1 Greenhouse cultivation is supported in the Town as an agricultural use, and permitted on lands designated **Prime Agricultural** or **Specialty Crop Area**, pursuant to the policies in Section 7.2 of this Plan.
- 4.3.1.2 Greenhouse development will be encouraged to locate on lands that are:
- (a) currently serviced by Town water and wastewater infrastructure;
 - (b) not identified as a Significant Groundwater Recharge Area on Schedule F to this Plan;

- (c) adjacent to a County road;
- (d) identified as Class 3 or higher soils in the Canada Land Inventory, as illustrated conceptually on Schedule D to this Plan; and
- (e) not designated as **Specialty Crop Area** on Schedule A.

4.3.1.3 Notwithstanding policy 4.3.1.2, greenhouse development is not permitted in High Priority Natural Heritage Features, pursuant to the policies of Section 6.1 of this Plan.

4.3.1.4 Where a proposed greenhouse development does not meet the criteria in policy 4.3.1.2(b), it must be demonstrated to the satisfaction of the Town, through an Environmental Impact Study and pursuant to policies in Section 6.2 of this Plan, that there will be no negative impacts on groundwater recharge.

4.3.1.5 All development proposals for greenhouses will be subject to site plan control and are required to be accompanied by a Stormwater Management Plan.

Soil Classification

The Canada Land Inventory (CLI) ranks soils in Canada by their potential for producing a wide range of plants. Lands with predominant soils in Class 1, 2, or 3 are considered prime agricultural by the Province of Ontario, but Class 4 soils and higher are also key contributors to cultivation and agricultural production.

Additionally, certain soils and lands which are highly suited for certain agricultural uses (e.g., organic black soil) do not fall in the CLI classification system.

4.4 Cannabis Cultivation and Processing

The cultivation of cannabis/marijuana is increasingly popular throughout the Province’s **Agricultural System**. Outdoor growing of cannabis is considered an agricultural use, with comparable land-use impacts to other cash crops. Indoor cultivation and the processing of cannabis pose potential negative impacts, including odour, light pollution, and security issues.

4.4.1.1 Outdoor cultivation of cannabis/marijuana will only be permitted within the **Agricultural System**, and is encouraged to be located

on lands designated **Prime Agricultural** over lands designated **Specialty Crop Area**, pursuant to the policies of Section 7.2 of this Plan.

4.4.1.2

Indoor cultivation and processing of cannabis/marijuana will be permitted in the **Agricultural System** and on lands designated **Industrial**, pursuant to the following additional criteria:

- (a) all indoor cannabis/marijuana cultivation and cannabis/marijuana processing facilities will be:
 - (i) licensed by Health Canada under the Federal Cannabis Act;
 - (ii) located and designed pursuant to Federal Cannabis Regulations (SOR/2018-144) to mitigate potential nuisance impacts such as light emissions, air emissions, and odour;
 - (iii) subject to site plan control, including providing any required studies outlined in Section 8.5 of this Plan; and
 - (iv) subject to minimum separation distances to be defined through the Zoning By-law;
- (b) cannabis processing will only be permitted where Town services are available and allocated;
- (c) where cannabis processing facilities are proposed as accessory use to a cannabis cultivation use in the **Agricultural System**, it must be demonstrated that the buildings or structures will be planned, designed, and constructed so as not to adversely affect the rural character of the **Agricultural System** or that such impacts will be minimized and mitigated to the extent possible; and
- (d) outdoor storage accessory to an indoor cannabis/marijuana cultivation or cannabis/marijuana processing use will be prohibited, except within the **Industrial** designation.

4.4.1.3

Cannabis/marijuana related and industrial hemp-related processing and value-add operations, including but not limited to, the storage, drying and processing of cannabis or industrial hemp,

will be permitted as an agriculture-related commercial or industrial use, provided that the use is operating in conjunction with a cannabis/marijuana or industrial hemp cultivation operation.

4.5 Agriculture-Related and On-Farm Diversified Uses

Agriculture-related uses and on-farm diversified uses are those which are not directly related to the cultivation of food, but which support agricultural production as value-added uses, benefit from proximity to agricultural uses, or support the viability of farming by offering various modes of income for agricultural producers.

4.5.1.1

Agriculture-related uses and on-farm diversified uses will be encouraged and permitted throughout the **Agricultural System**, pursuant to the policies of Section 7.2 and the following criteria, to be applied through the Town's Zoning By-law:

- (a) the use supports local agriculture in the Town and maintains the agricultural and rural character of the **Agricultural System**;
- (b) the use must be compatible with and not hinder surrounding agricultural operations through noise, increased traffic, dust, odours, or other negative impacts;
- (c) the use should be appropriate for the available services and not require the extension or expansion of Town water and/or wastewater services; and
- (d) the use must meet all applicable Provincial air, emission, noise, water and wastewater standards and receive all environmental approvals.

4.5.1.2

The following additional criteria apply to proposed agriculture-related uses:

- (a) the use must be a commercial or industrial use that is directly related to farm operations in the area;
- (b) the use must support agriculture and provide direct products and/or services to farm operations in the area as a primary activity; and
- (c) the use must benefit from being in close proximity to farm operations.
- (d) The following additional criteria apply to proposed on-farm diversified uses:
 - (e) the use must be located on a farm property but secondary to the principal agricultural use of the property;
 - (f) the use must be limited in area;
 - (g) on-farm diversified uses should be located within existing clusters of farm buildings;
 - (h) adequate on-site parking facilities and appropriate landscaping and setbacks will be required to limit the impact of the on-farm diversified use on neighbouring properties; and
 - (i) if the use will be a sensitive land use, it will conform to the Minimum Distance Separation Formulae.

Agriculture-Related Uses

Include, but are not limited to:

- > Storage and distribution centre serving farm operations;
- > Produce or livestock processing operation;
- > Agricultural research centre;
- > Farm equipment machine and repair shops;
- > Livestock assembly yard or stockyard;
- > Auction house;
- > Farm input suppliers such as feed, seeds, fertilizers, etc.
- > Grain dryer farm operations.

4.5.1.3 More specific criteria including but not limited to separation distances and maximum lot coverage and land area dedicated for agricultural-related uses and on-farm diversified uses may be included in the Town’s Zoning By-law.

4.5.1.4 At its discretion, the Town may require the proponent of a proposed agriculture-related use or on-farm diversified use to provide evidence that any or all of the criteria listed in policies 4.5.1.1 through 4.5.1.2(d) have been met.

On-Farm Diversified Uses

- > Value-added uses that use produce and/or livestock from within and outside the surrounding agricultural area;
- > Home occupations and industries;
- > Farmers’ markets, cafes or small restaurants, or food stores primarily selling locally produced products;
- > Bed and breakfast establishments, cabins, or farm stays;
- > Recreational uses such as hayrides, petting zoos, corn mazes, and farm-themed playgrounds; and
- > Events, such as equine events, seasonal events, weddings, and wine-tastings.

4.6 Agri-food Network

Alongside the agricultural land base of **Prime Agricultural** and **Specialty Crop Area** lands, the agri-food network is the other component of the Town’s **Agricultural System**. The agri-food network is comprised of all the infrastructure, buildings, lands uses and functions that support the viability of the agricultural economy. This includes everything from the roads that connect farms to major goods corridors, to the supply wholesalers that provide farmers with seed and feed, to the markets in nearby **Settlement Areas**, like the Harrow Market. It also includes agriculture-related and on-farm diversified uses, as noted above.

4.6.1.1 Through the policies of this Plan and other land-use planning tools, the Town will support the local production, processing, and retailing of food and other agricultural products.

4.6.1.2 Local processing and food distribution hubs or centres will be supported.

- 4.6.1.3 New development and infrastructure in both the **Agricultural System** and in the Town's **Settlement Areas** should consider the proposed development's potential impact on connections within the agri-food network.
- 4.6.1.4 The Town supports a wide variety of food-related retail and service opportunities to bring local food and farm products to market by allowing and encouraging the following activities in all areas of the Town where development is permitted:
- (a) farmers market opportunities;
 - (b) farm-gate sales;
 - (c) community-supported agriculture and agricultural cooperatives; and
 - (d) other retail and marketing opportunities that maintain the character and function of agricultural lands and are consistent with the policies of this Plan.
- 4.6.1.5 Opportunities for value-added agricultural initiatives through agriculture-related uses and on-farm diversified uses will be supported, including but not limited to:
- (a) countryside tourism and agri-tourism opportunities that build on agricultural and/or natural heritage assets;
 - (b) small scale, innovative food production and packaging initiatives; and
 - (c) energy generation initiatives in **Agricultural System** that make use of available resources, such as animal waste and crop by-products, pursuant to policies in Section 2.2 of this Plan; and
 - (d) cooperation on projects with co-benefits for the **Agricultural System** and **Natural Heritage System**.
- 4.6.1.6 The Town will work with the County of Essex and neighbouring local municipalities wherever appropriate to develop and implement strategies for maintaining and enchainning the agri-food network.

4.7 Compatibility and Minimum Distance Separation

Certain agricultural uses, such as livestock facilities or anaerobic digesters, can have adverse impacts on nearby uses, primarily due to odour. To address potential issues of compatibility between these land uses, the Province provides guidance through the Minimum Distance Separation (MDS) formulae, which are used to establish setback distances between proposed development and existing livestock barns, manure storage, or anaerobic digesters, or vice versa.

- 4.7.1.1 Issues of land use compatibility in the **Agricultural System** will be eliminated or mitigated to ensure that agricultural uses in the Town are protected from encroachment by non-agricultural uses.
- 4.7.1.2 New or expanding livestock facilities or anaerobic digesters will only be permitted if there is a setback from existing or approved non-agricultural uses that complies with the Provincial Minimum Distance Separation formulae.
- 4.7.1.3 New non-agricultural development in the **Agricultural System**, pursuant to additional policies in Section 7.2 of this Plan, will be permitted if there is a setback from existing or approved livestock facilities or anaerobic digesters that complies with the Provincial Minimum Distance Separation formulae.
- 4.7.1.4 Planning and development proposals within 300 metres of a **Settlement Area** boundary may be required, at the discretion of the Town, to incorporate edge planning measures to mitigate compatibility issues with nearby agricultural uses, including but not limited to:
- (a) subdivision layout;
 - (b) site layout, and
 - (c) the incorporation of buffers such as treed landscape strips or public pathways.

4.8 Lot Division and Creation in the Agricultural System

One of the largest threats to the strength of the Town's **Agricultural System** is fragmentation and broken contiguity of the agricultural land base. Consents for severance or other forms of lot division can result in parcel sizes which are not viable for farming.

The Town discourages lot creation in the **Agricultural System** in order to maintain a strong agricultural economy and to limit consents for non-agricultural purposes.

- 4.8.1.1 New agricultural lots may be permitted where the severed and retained lots are for agricultural uses and are equal to or greater than 40 hectares in area.
- 4.8.1.2 New lot creation policies may be introduced through an amendment to the Plan permitting alternate lot sizes for **Specialty Crop Areas** following the completion of a Speciality Crop Study. All division of land within the **Agricultural System** will occur through the consent process, which will only be permitted pursuant to the policies outlined below.
- 4.8.1.3 The Committee of Adjustment must be satisfied that a proposed consent complies with Provincial policy and the policies of this Plan and the County's Official Plan.
- 4.8.1.4 The severance of a residence surplus to a farming operation may be permitted subject to the following criteria:
- (a) the dwelling must be deemed surplus because of farm consolidation. Satisfactory demonstration of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) must be submitted to the Town. Satisfactory demonstration may include, but is not limited to:
 - (i) evidence of common ownership (i.e. shareholders in the case of a Corporation);
 - (ii) evidence of common decision making and financing;

- (iii) shared nutrient management agreements; and
- (iv) equipment sharing;
- (b) the rental of lands will not be considered a demonstration of farm consolidation;
- (c) farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations.
- (d) as a condition of the consent, new residential dwellings will be prohibited on any remnant parcel of farmland created by consent;
- (e) the area of the severed lot will be limited to the minimum size needed to accommodate the use and appropriate on-site private water supply and private sewage disposal system and to minimize the loss of agricultural land;
- (f) the severed lot will have provision for sewage disposal, a potable water supply and stormwater management systems in a manner satisfactory to the Town and other statutory approval authority having jurisdiction;
- (g) the severed lot will have frontage on a public road;
- (h) the protection of natural heritage features, the integration of manmade features, such as windbreaks, and the choice of consolidating outbuildings with the surplus dwelling or retaining them with the farm will also be considered when the size and boundaries of the severed lot are determined and approved by consent;
- (i) the severed lot will satisfy the Provincial Minimum Distance Separation Formulae, pursuant to policies in Section 4.7 of this Plan; and
- (j) the surplus dwelling must be in habitable condition, as certified by a qualified building inspector to the satisfaction of the Town.

4.8.1.5

Consents for lot adjustments for legal or technical reasons such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot, residential or non-farm parcels, are also permitted.

- 4.8.1.6 Lot creation to permit new infrastructure uses is permitted where the facility or corridor cannot be accommodated through the use of easements or rights of-way.
- 4.8.1.7 The granting of a consent to create a new lot for the main purpose of accommodating a new or existing on-farm diversified use will not be permitted within the **Agricultural System**.
- 4.8.1.8 The granting of a consent to create a lot for new or existing on-farm and off-farm accommodations for farm labourers will not be permitted within the **Agricultural System**.
- 4.8.1.9 The granting of a consent to separate an additional dwelling unit created under Section 5.1.4 of this Plan from the lands on which the main dwelling is located will not be permitted within the **Agricultural System**.
- 4.8.1.10 The granting of consent to create a new, undeveloped residential building lot, is not permitted within the **Agricultural System**.

4.9 Non-renewable Resources

In addition to farmland and natural heritage resources, there are existing non-renewable resources such as mineral aggregate deposits (sand, stone, and gravel), petroleum and salt deposits within the Town's **Agricultural System**, which require policies to plan for their protection or preservation for extraction, and for site rehabilitation once extraction has been completed. Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards, former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.

- 4.9.1.1 For larger operations, progressive rehabilitation is encouraged and a transitional or staged plan will be required.

4.9.2 Mineral Aggregate Resources

Mineral aggregate resources generally comprise of sand, gravel, and types of bedrock like granite or limestone. These resources

are valuable for various purposes, most notably as construction materials.

While there are no current active or former mineral aggregate extraction sites in the Town, this Plan provides for the future exploration for or extraction of mineral aggregates. Should mineral aggregate sites be located in the future, they will be mapped on a Schedule to this Plan.

- 4.9.2.1 Known mineral aggregate resource conservation will be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- 4.9.2.2 Mineral aggregate operations will be protected from 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.
- 4.9.2.3 In areas adjacent to or in known deposits of mineral aggregate resources shown on Schedule G to this Plan and including salt deposits, 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; or
 - (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.
- 4.9.2.4 The exploration, extraction and production of mineral aggregates under the *Mining Act* and *Aggregates Resources Act* are permitted activities within the **Agricultural System**, subject to the following:
- (a) the activities must be undertaken pursuant to an approved site rehabilitation plan on record with the Town. The final rehabilitation shall take into consideration surrounding land and approved land use designations; and
 - (b) the health and viability of the **Agricultural System**, including the agricultural land base and the agri-food network, should be maintained wherever possible.

4.9.2.5 Rehabilitation of the site will take place to a level 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 use is required.

4.9.3 **Wayside Pits, Quarries, and Portable Asphalt Plants**

Wayside pits and quarries outside of a road right-of-way and portable asphalt plants are occasionally required for road or other capital infrastructure projects. These uses are a necessary component of the work of the Town, County, and Province, but need to be carefully regulated to avoid damage or lasting effects to the lands on which they are located.

4.9.3.1 Wayside pits and quarries are permitted without the need for an amendment to this Plan or the Zoning By-law in all areas except in the **Residential** and **Natural Environment** designations,

4.9.3.2 Wayside pits and quarries are permitted on lands designated **Prime Agricultural** or **Specialty Crop Area**, 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 are restored.

4.9.3.3 Notwithstanding policy 4.9.3.2, complete agricultural rehabilitation is not required if:

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

4.9.3.4 Portable asphalt plants used by a public road authority or its designate, will be permitted on lands designated **Prime Agricultural** or **Specialty Crop Area** without amendment to this Plan or the Zoning By-law, subject to the following provisions. The portable asphalt plant facility will:

- (a) have a certificate of approval from the applicable Provincial ministry;
- (b) meet Provincial minimum separation distance requirements, but be not closer than 400 metres to an existing dwelling;
- (c) be removed from the site upon completion of the project; 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.

4.9.4 Petroleum and Salt Resources

While activities associated with petroleum resources rarely involve *Planning Act* controls, the policies of this Plan address new development encroaching on known deposits and existing producing wells. Exploration activity for salt and other commodities is constantly changing due to economic factors, which could result in more exploration and production over time.

4.9.4.1 Petroleum and salt resources/deposits, as shown on Schedule G to this Plan, will be protected for long term use. It is expected that extraction will be undertaken in a manner which minimizes social and environmental impacts.

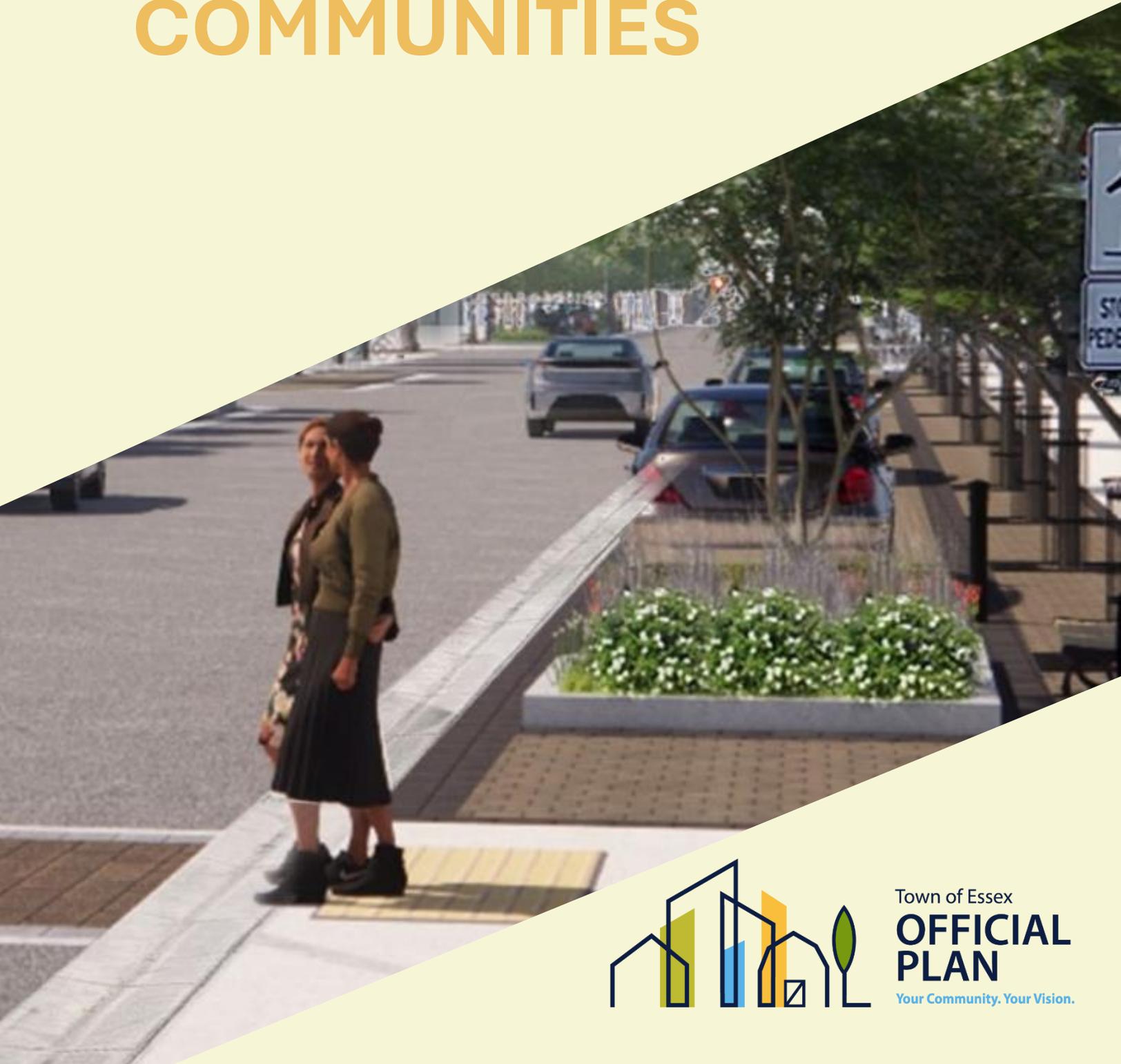
4.9.4.2 New development, which may preclude or hinder their expansion or continued use, will be setback a minimum of 75 metres from existing wells, the same setback required under the *Oil, Gas and Salt Resources Act* for new wells in proximity to existing development.

4.9.4.3 Notwithstanding policy 4.9.4.2, lesser setbacks may be considered after consultation with the Provincial agency(s) having jurisdiction.

- 4.9.4.4 Where development is proposed adjacent to or above pools or deposits, shown on Schedule G to this Plan as petroleum resources, the Province will be consulted regarding measures to allow possible future access for resource production purposes.
- 4.9.4.5 Petroleum exploration and production under the *Oil, Gas and Salt Resources Act* is a permitted activity anywhere within the municipality, except on lands designated for residential uses pursuant to policies in Section 7.2.
- (a) should the exploration and production involve lands designated **Natural Environment** on Schedule B to this Plan, the Province will be consulted regarding mechanisms to evaluate the competing resources and ensure that, if drilling occurs, there is minimal conflict.
- 4.9.4.6 Extraction of petroleum resources is permitted on lands designated **Prime Agricultural** or **Specialty Crop Area** provided that the site is rehabilitated to restore the agricultural use.
- 4.9.4.7 Well operators will ensure that:
- (a) salt water, drilling fluid, oil refuse and any flammable products from a well are handled and disposed of so as not to create a hazard to public health or contaminate any freshwater horizons;
- (b) waste of oil field brine is not disposed of underground without the approval of the applicable Provincial Ministry;
- (c) collection and storage of oil field brine is pursuant to Provincial standards regarding water quality, where applicable;
- (d) the operation and drilling of wells does exceed the noise and vibration pollution standards of the Ministry of the Environment; and
- (e) oil contaminated soils are disposed of by a Provincially certified waste carrier and at a waste disposal site certified by the Province to receive such waste.

CHAPTER 5

COMPLETE COMMUNITIES



Town of Essex

**OFFICIAL
PLAN**

Your Community. Your Vision.

5.1 Residential Intensification and Housing

The PPS provides that **Settlement Areas** are to have densities and a mix of residential land uses which efficiently use land and resources, are appropriate for the infrastructure and public service facilities, promote energy efficiency and opportunities for intensification and redevelopment.

The predominant existing residential land use within the Town is low-density, single-unit detached dwellings. This historical trend has continued with recent subdivision development.

Planning authorities are required by the Province to establish and implement minimum targets for intensification within built-up areas, to help provide a greater variety of housing options, and to make better use of existing infrastructure. The Provincial minimum target requires that not less than 20 percent of new dwelling unit construction be in the form of residential intensification.

The best opportunities for residential intensification and affordable dwelling units lie primarily in Essex Centre and Harrow and secondarily in Colchester and McGregor.

5.1.1.1

Future residential growth in the Town, pursuant to Table 3.1 of this Plan, will be maintained and accommodated through:

- (a) a 15 year supply of land designated for residential intensification, and, if necessary, greenfield development; and
- (b) a three year supply of land with servicing

Intensification vs. Greenfield Development

Greenfield development refers to building in areas of the Town that were previously undeveloped, and generally requires the construction of new roads, extension of infrastructure, and other services that already exist in developed areas.

Intensification refers to building in areas that are already developed, by redeveloping existing buildings or through infill development.

Intensification is a more efficient use of the Town's existing infrastructure and services.

capacity for residential units.

- 5.1.1.2 The Town will achieve a minimum residential intensification rate of 30% as directed by the County of Essex.
- 5.1.1.3 The Town will implement this residential intensification strategy, as directed by the County of Essex, through amendments to this Plan, the Zoning By-law and/or Community Improvement Plans.
- 5.1.1.4 The Town will encourage a diverse mix of land uses at densities that support existing or planned public transit and active transportation infrastructure.
- 5.1.1.5 The Town will support major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and grey field sites.
- 5.1.1.6 To preserve undeveloped land within the Town’s **Settlement Areas** for growth beyond the horizon of this Plan, the Town will support and promote development that results in a higher intensification rate than 30%.
- 5.1.1.7 Greenfield development in the Town’s **Settlement Areas** will achieve the minimum net density targets listed in Table 5.1

Table 5.1: Minimum net density targets for greenfield development in the Town of Essex.

Type of Housing	Density
Low Density (Single-detached, semi-detached dwellings)	25 units per hectare
Medium Density (Townhouse dwellings)	50 units per hectare
High Density (Apartment dwellings)	80 units per hectare

- 5.1.1.8 Intensification will be achieved through:
 - (a) infill or development of underused or vacant lots;
 - (b) permitting redevelopment of existing buildings or lots at a higher density than currently exists, particularly on lands designated **Main Street and Highway Mixed Use**;

- (c) identifying the location and boundaries of local growth centres and mixed-used corridors, that are considered priority areas for development and intensification;
- (d) encouraging compact built form and all forms of intensification throughout built-up areas; and
- (e) additional dwelling units.

5.1.1.9 The Town's Zoning By-law will be used to pre-zone large vacant and underutilized lands for future intensification through mixed-use development.

5.1.1.10 The holding (H) zone will incorporate provisions for intensification and the intensification targets set by this Plan.

5.1.2 Housing Supply and Mix

An appropriate supply of housing is needed to meet growth projections as well as an increased mix of housing that meets the current and future local needs.

Expanding the Town's housing supply and mix will provide opportunities for various housing types including intensification and infill development.

5.1.2.1 The Town will endeavour to

- (a) provide an adequate supply of housing;
- (b) support a mix and range of housing;
- (c) provide housing to meet changing needs throughout all stages of life;
- (d) prioritize increasing the supply of affordable ownership and rental housing;
- (e) identify land use tools and targets to improve access to housing;
- (f) support innovation in housing design and mitigate the impacts of climate change;
- (g) maintain the quantity and quality of existing affordable housing stock;

- (h) providing a range and mix of housing options that are essential for the creation of complete communities; and
- (i) ensure community services are provided to support intensification areas.

5.1.2.2

Pursuant to policies in Section 7.2 of this Plan and implemented through the Town’s Zoning By-law, a wide range of housing types will be permitted in all residential areas of the Town, including:

- (a) single-detached and semi-detached dwellings;
- (b) townhouse dwellings, included stacked and/or back-to-back townhouses;
- (c) duplexes and triplexes;
- (d) multi-unit buildings (i.e., four or more units); and
- (e) additional dwelling units.

The “Missing Middle”

Housing development in the Town, like many North American municipalities, has typically been dominated by single-detached dwellings, with occasional larger multi-unit buildings. Allowing for a broader range of housing types in residential areas helps fill in the “missing middle” of medium-density housing and contribute to improving attainability and affordability.

5.1.2.3

The Town’s Zoning By-law will establish minimum lot sizes and floor areas of dwellings and dwelling units to allow higher densities than currently exist.

5.1.2.4

Larger developments will include a mix of housing types and sizes.

5.1.3

Housing Affordability

Canada is facing an unprecedented housing crisis, and in the Town, affordable housing goals must be achieved along with those related to residential intensification and accessibility. The Town has established a target of 20% of new housing to be affordable, and will endeavour to use every planning tool and incentive available to support this target.

5.1.3.1

A minimum target of 20% of new housing stock in the Town should be in the form of affordable housing, with a priority placed on

housing for the homeless, elderly, low income groups and people with disabilities.

- 5.1.3.2 A minimum target of 20% of rental and owned units should be in the form of affordable and attainable housing.
- 5.1.3.3 Housing affordability will be supported by allowing for wide variety of housing types in the **Settlement Areas**, where adequate infrastructure and a suitable level of support services exist or will be made available.
- 5.1.3.4 Affordable housing in the **Settlement Areas** should be located near community facilities, schools and key amenities such as food stores.
- 5.1.3.5 New plans of subdivision will support the Town’s affordability goals by including a variety of housing options.
- 5.1.3.6 Housing forms and tenures that support affordability are encouraged, including shared housing, tiny homes, purpose-built rental housing and medium- and high-density apartments in areas that are well served by local amenities including transit, schools and parks.
- 5.1.3.7 A minimum target of 20% of all new housing developments should be purpose-built rental housing.
- 5.1.3.8 A minimum of 10% of all new ownership housing in the Town is to be affordable and attainable.
- 5.1.3.9 To support the development of affordable and attainable housing the Town will consider:
 - (a) flexibility in the scale, form, and types of residential uses permitted as-of-right including additional dwelling units and other alternative housing forms;
 - (b) streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing, with a priority for development receiving time-sensitive government funding;
 - (c) financial incentive programs, such as grants, development charge deferrals, property tax reductions that promote brownfield and greyfield redevelopment and affordable housing options, including purpose-built rental housing;

- (d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes; and
- (e) site standards that facilitate the development of additional residential units such as reduced setbacks, narrower lot sizes, and reduced parking standards.

5.1.3.10 The demolition or conversion of rental housing to condominium will be subject to policies in Section 8.1.6 of this Plan.

5.1.3.11 The demolition or conversion of purpose-built rental buildings of six or more units will not be permitted if the demolition or conversion will result in a Town-wide vacancy rate of 3% or less.

5.1.3.12 Town-owned properties which have been rendered surplus will be considered for sale or lease for the development of affordable housing. The Town will maintain an inventory of these properties.

5.1.4 Additional Dwelling Units

The Town supports the opportunity for residents to create additional dwelling units to help improve rental housing supply, accessibility to municipal and support services, and accommodation for the elderly and other persons wanting independent living in a secure residential environment.

5.1.4.1 Additional dwelling units will be permitted in the Town subject to the following policies:

- (a) up to two additional dwelling units are permitted as-of-right on a lot developed with a single-detached dwelling, semi-detached dwelling, or townhouse dwelling in the form of either:
 - (i) two additional dwelling units in the principal dwelling; or
 - (ii) one additional dwelling unit in the principal dwelling and one additional residential unit in an accessory building;
- (b) the additional dwelling unit(s) must be fully serviced with municipal water and wastewater services via the primary dwelling's existing servicing; and

- (c) all requirements of the Ontario Building Code, Fire Code and the Town’s Zoning By-law must be satisfied;

5.1.4.2 The Town’s Zoning By-law will implement additional provisions that must be satisfied before the additional dwelling unit can be considered to be in conformity with this Plan and the Zoning By-law.

5.1.4.3 Additional dwelling units will not be permitted in hazard lands or high priority natural heritage features.

5.1.4.4 An additional dwelling unit cannot be severed from the lands on which the primary dwelling is located.

5.1.4.5 An additional dwelling unit will not be permitted in an ancillary building on a lot where a garden suite is located.

5.1.5 Garden Suites

Garden suites are dwelling units located in ancillary buildings which are intended to be temporary. They are not intended to serve long-term housing needs in the Town.

5.1.5.1 The Town will support the building of garden suites as a temporary solution to housing needs in the Town, but will encourage additional dwelling units as a long-term solution.

5.1.5.2 Where permitted by this Plan, one garden suite will be permitted on a lot by specific Zoning By-law amendment provided that:

- (a) the garden suite is designed to be portable or is easily convertible to a permitted non-residential use accessory to the primary use of the lot;
- (b) there is no additional dwelling unit existing on the lot; and
- (c) a temporary use by-law establishing the length of time that the garden suite shall be a permitted use on the lot is adopted by Council, pursuant to policies 8.1.4.13 through 8.1.4.17 of this Plan.

5.2 Economy and Employment

Beyond the Town’s traditional economic driver in agriculture, there are several other major sources of employment and economic

growth in the Town. Additionally, many residents commute to the City of Windsor for employment.

- 5.2.1.1 Pursuant to policy 3.1.1.1 of this Plan, the Town will plan for an employment target of 11,100 jobs by 2051.
- 5.2.1.2 In planning for development and infrastructure, the Town will:
- (a) promote economic growth and a diverse range of employment opportunities to allow people to both live and work in Essex;
 - (b) work with the County, neighbouring local municipalities, and the Province to coordinate planning for employment areas which cross municipal boundaries;
 - (c) provide for a range of sizes of available lands for employment functions;
 - (d) support employment through quality municipal infrastructure;
 - (e) support the development of supportive industries for major industries in nearby municipalities; and
 - (f) support employment activities which are directly related to the **Agricultural System**, pursuant to policies in Section 4.6 of this Plan.
- 5.2.1.3 The Town will foster the growth of the green economy, pursuant to Section 2.2 of this Plan, by supporting the following:
- (a) investment in job creation initiatives; and
 - (b) skill development and job training to support growth in the green economy.
- 5.2.1.4 Economic growth in the Town of Essex will be broadly based and include economic sectors such as:
- (a) traditional employment uses such as, but not limited to, manufacturing, wholesaling, logistics, warehousing;
 - (b) population related employment that are businesses and services to fulfill the needs of citizens of the Town of Essex;
 - (c) institutional employment, which provides services to citizens of the Town of Essex;

- (d) primary employment, which is largely, but not entirely, located outside settlement areas;
- (e) work at home employment; and
- (f) no Fixed Place of Work employment, which are jobs that do not work from a specific location.

5.2.1.5 The development of industrial employment lands will be coordinated with road, active transportation, and infrastructure planning.

5.2.1.6 Lands designated **Industrial** on Schedules A-1 through A-5 to this Plan will not be converted to non-employment uses except through a comprehensive review of this Plan, in conformity with the County Official Plan, and only where it has been demonstrated that:

- (a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- (b) the proposed uses would not adversely affect the overall viability of the Town’s **Industrial** areas; and
- (c) existing or planned infrastructure and community-serving facilities are available to accommodate the proposed uses.

5.2.2 Major and Supportive Industries

The primary intended use for the Town’s designated employment lands is industrial. The Town’s largest economic sector is manufacturing, leveraging its proximity to the City of Windsor’s large industrial sector, particularly auto manufacturing. As the Town grows and the Windsor-Essex region’s industrial economy continues to expand, there will be opportunities to accommodate major, stand-alone industrial employers in the Town, as well as a growing support economy for larger industrial uses in nearby municipalities such as the City of Windsor.

5.2.2.1 Industrial uses, particularly manufacturing, will continue to be supported as the primary employment sector in the Town, and the diversification of the manufacturing sector and the skillsets of the Town’s workforce is encouraged.

- 5.2.2.2 Lands designated **Industrial** will be maintained as large and continuous areas for clusters of business activities (including manufacturing and warehousing, as well as ancillary retail uses and office uses).
- 5.2.2.3 Innovative industries like advanced manufacturing and green or sustainable industries are encouraged, especially those that:
- (a) provide services and products that promote environmentally responsible practices;
 - (b) respond to the reality of climate change, future energy scarcity and other environmental imperatives; and
 - (c) reflect environmental and sustainability objectives in their operations.
- 5.2.2.4 A variety of lot sizes will be permitted for industrial uses to support a diversity of employment opportunities, including both heavy and light manufacturing, warehousing, and some ancillary office or retail uses.
- 5.2.2.5 Minimum density targets for employment lands shall be achieved pursuant to the County’s Official Plan and through the Town’s Zoning By-law.
- 5.2.2.6 The Town encourages intensification of existing lands designated Employment through infill, redevelopment, or development of vacant or underutilized lands, provided that:
- (a) the intensification results in a use permitted under the Employment designation and does not inhibit any other future use permitted under the designation; and
 - (b) the new use will not cause adverse effects on other nearby employment uses.
- 5.2.2.7 To facilitate goods movement and minimize the impacts of truck traffic, industrial development will be directed to those lands with good access and which are near Provincial Highways or Arterials.
- 5.2.2.8 Access roads and traffic circulation patterns for clusters of employment will be planned to minimize potential negative impacts on surrounding land uses. Industrial traffic will be directed away from residential neighbourhoods through road use restrictions, signage and the location and design of access areas.

5.2.2.9 Adverse impacts on surrounding land uses, particularly sensitive land uses, will be avoided, or if not possible, minimized and mitigated, pursuant to policies in Section 7.1.3 of this Plan.

5.2.2.10 All industries must meet the requirements of, and where necessary, obtain statutory approval(s) from the Province with respect to:

- (a) water taking;
- (b) the provision of potable water
- (c) wastewater/sanitary sewage disposal;
- (d) storm drainage;
- (e) solid waste disposal, the mitigation of noise, vibration and all air emissions to the natural environment.

5.2.2.11 The expansion of any the of the Town’s **Settlement Areas** for employment lands will require:

- (a) the undertaking of a Local Comprehensive Review, pursuant to the policies of Sections 3.2 and 8.1.1 of this Plan, that supports the need for additional employment land;
- (b) that new industrial areas be logical extensions of existing **Settlement Areas**;
- (c) that natural or recognizable human-made boundaries, such as transportation corridors, be used to help define the extent of the new area;
- (d) the extension of full urban services in an environmentally sound and fiscally responsible manner;
- (e) that wherever possible, lower capability agricultural lands be used for urban expansion purposes; and
- (f) that the transportation network should be able to accommodate the amount and type of traffic anticipated.

5.2.3 Commercial and Retail Uses

Commercial and retail uses serve a dual purpose for the Town’s residents: they provide key services and amenities (such as

grocery stores, restaurants, banks, pharmacies, and medical offices), and additional employment opportunities outside of the industrial and agri-food economies. Planning for retail or other commercial uses in the Town's **Settlement Areas** opens up opportunities for local business ownership and entrepreneurship.

- 5.2.3.1 Land-use planning in the Town will ensure all existing and future residents are served by commercial and retail uses that meet their daily service and retail needs, as well as providing additional employment opportunities.
- 5.2.3.2 The highest concentration of retail and other commercial uses shall be in designated **Main Street**.
- 5.2.3.3 To provide a wide range of commercial uses to residents and attract regional consumers to the Town, limited automobile-oriented commercial development in existing **Highway Commercial** areas will be supported, however these uses should not compromise the commercial function of the Town's mixed-use areas.
- 5.2.3.4 The intensification of lands designated **Highway Commercial** to more compact built form and mixed uses will be encouraged, provided that such intensification can be supported by existing transportation and parking infrastructure and municipal services.
- 5.2.3.5 Local entrepreneurship will be encouraged by supporting a broad range of sizes and types of commercial and retail spaces throughout the Town, particularly in areas designated **Main Street**.
- 5.2.3.6 Areas of predominantly or exclusively commercial use will be dynamic and able to evolve, adapt and redevelop as market conditions, consumer needs and preferences and retail trends change over time, by:
- (a) providing for a range of lot and building sizes;
 - (b) ensuring that development maintains appropriate access and does not interfere with the future redevelopment of a neighbouring property; and
 - (c) facilitating retail and wholesale commercial uses, which require large sites for their operations, and other compatible uses primarily serving the motoring public.

- 5.2.3.7 The Town, the Essex Business Improvement Area (BIA), the Harrow Chamber of Commerce and individual business owners will work cooperatively to promote municipal, private and joint parking facilities, as necessary, to meet the needs of the Essex Centre and Harrow retail areas.

5.2.4 Tourism

Tourism is a growing and thriving industry in the Town of Essex. Tourism activities are primarily clustered in the south end of the Town around Colchester and the viticulture and agri-tourism industry along the Lake Erie North Shore Wine Route. Essex Centre and Harrow also offer opportunities for visitors to experience the Town's rural charm, including several museums, restaurants, and shopping.

- 5.2.4.1 Tourism is recognized as an important and growing sector of the Town's economy, and the Town will encourage the growth and expansion of tourism and cultural uses, including destinations for agri-tourism, history, recreation, and creative and cultural industries.
- 5.2.4.2 Tourism uses shall be encouraged in close proximity to areas of natural and recreational amenity, areas of natural heritage appreciation, shorelines, the **Main Street** areas and waterfronts with the **Settlement Areas**, where appropriate.
- 5.2.4.3 Agri-tourism will be supported as one of the primary drivers of visits to the Town, by:
- (a) Identifying the County Road 50 corridor as a priority for agri-tourism;
 - (b) promoting the Town's agricultural heritage in events like the Harrow Fair;
 - (c) supporting the tender fruit and viticulture industries through the identification of specialty crop areas, in collaboration with the County and pursuant to policies in Section 4.2 of this Plan; and
 - (d) enabling the diversification of uses on existing farmland in the Town, pursuant to policies in Section 4.5 of this Plan.

- 5.2.4.4 Pursuant to policies in Section 5.5 of this Plan, the Town will leverage its cultural heritage resources to attract visitors, including seeking opportunities for adaptive re-use of heritage buildings.
- 5.2.4.5 A full range of arts and cultural programs and activities will be promoted throughout the Town, including large arts and cultural events that draw participants from the Windsor-Essex region and beyond.
- 5.2.4.6 Pursuant to policies in Chapter 6 of this Plan, the Town will support the promotion of its natural landscapes and trail networks to advance tourism development opportunities.
- 5.2.4.7 The Town will support ecotourism destinations that promote learning from and experiencing natural features and wildlife, and shall work in conjunction and in cooperation with ecotourism operators and special interest groups.
- 5.2.4.8 Uses that support the tourism industry, such as hotels and short-term rental units, will be directed to locations that are well-served by active transportation connections to tourism destinations.

5.2.5 Short-term Rental Units

Short-term Rental Units (“STRUs”) provide an important and unique service to the Town’s economy by providing an alternate form of accommodation options for vacation goers and alternate forms of accommodations for persons looking for temporary residence while on business or in the process of home renovations.

- 5.2.5.1 STRUs will be permitted in dwellings or dwelling units in residential, commercial, or mixed-use areas, and in single-unit detached dwellings in the **Agricultural System**, pursuant to policies in Chapter 4 of this Plan. Additional requirements for STRUs will be specified in the Town’s Zoning By-law.
- 5.2.5.2 Notwithstanding policy 5.2.5.1, STRUs will not be permitted in additional dwelling units.
- 5.2.5.3 STRUs will only be permitted through a site-specific amendment to the Town’s Zoning By-law, unless the STRU existed prior to and was in operation on May 9, 2022, subject to the following criteria:

(a) there is a demonstrated need for the STRU in the market area.

5.2.5.4 The operation or advertising of a STRU will only be permitted under a license from the Town, subject to an implementing municipal licensing by-law.

5.2.5.5 Licenses issued for STRUs will be valid for up to three years, and will only be issued subject to certain requirements and a fee to be specified in the implementing by-law.

5.3 Parks and Open Space

Access to parks and open spaces for recreation and leisure is critical for the health and happiness of the Town’s residents. Park sizes and types vary across the Town, and provide opportunities for both active and passive recreational uses, and ideally are within easy walking distance of all residents of the Town.

5.3.1.1 The Town will maintain a ratio of 3.5 hectares of parkland per 1,000 residents, and in **Settlement Areas**, all residents should be within a 500 metre walking catchment area of a park or open space for recreation, including a playground.

5.3.1.2 A variety of types of parks should be provided throughout the Town, to allow for a mix of active and passive recreational uses, as shown in Table 5.2:

What are active uses?

Sports activities and other activities requiring specialized facilities, such as playgrounds, outdoor fitness equipment, baseball, soccer, cricket, tennis, aquatics, racquet sports, bocce, hockey and other similar uses.

What are passive uses?

Activity characterized by low-intensity outdoor pastimes, using unstructured recreation facilities or social spaces such as seating areas, off-leash dog areas, picnic areas, trails and other similar uses that facilitate activities such as biking, hiking and birdwatching.

Table 5.2: Parkland classification system for the Town of Essex

Park Type	Approximate Size	Catchment Area	Programming and Users	Examples
Parkette	<0.5 hectares	500 metres (5-10 min walk)	Local-level facilities (e.g., seating) to serve immediate vicinity.	Harrow Parkette, McGregor Parkette
Neighbourhood Park	0.5 – 5 hectares	500 metres (10-15 min walk)	Balance of active and passive uses, such as playgrounds, basketball courts, multi-use play courts, un-lit sports fields, and social gathering spaces, to serve the local community.	Bramble wood Park, Lion’s Optimist Park
Community Park	5+hectares	1500 metres (15-20 min walk)	A variety of active and passive recreation options at the Town-wide level, serving as destinations for both residents and visitors, can accommodate large cultural, recreational, and entertainment events.	Essex Sports Park, Harrow Fairgrounds, Co-An Park

5.3.1.3 The Town will support the development of linear parks for multi-purpose trails and public access to the waterfront areas, as well as ERCA-owned conservation areas and recreational facilities.

5.3.1.4 Where practical, parks should be developed:

- (a) alongside other community facilities such as community centres or libraries, to act together as community hubs; and
- (b) adjacent to or in close proximity to schools to maximize their use and provide for shared use facilities and programmes.

5.3.1.5

The Town will continue to support:

- (a) the development and maintenance of recreational facilities;
- (b) the acquisition, beautification and maintenance of public open space; and
- (c) the development of recreation programs in accordance with community needs and availability of resources.

5.3.1.6

The Town will periodically assess the role of municipal parks and open spaces in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;

5.3.1.7

The Town will endeavour to work with residents, service clubs and organizations, other interested groups and government agencies to satisfy the parks and open space needs of the community.

5.3.1.8

Parks will be designed to:

- (a) meet the recreational needs of all ages within the Town, including seniors, children, and teenagers;
- (b) be appropriately located and sized in areas with convenient access and high visibility to provide natural surveillance and enhance safety;
- (c) support year-round use;
- (d) wherever possible, be flanked by roads on at least two sides to enhance visual supervision and accessibility;
- (e) be accessible on to those walking, using mobility devices, or cycling, and in the case of Town and Regional parks, driving;
- (f) where feasible and appropriate, include washroom facilities and lit trails or pathways in all Community Parks;

- (g) include an appropriate range of programming and amenities to suit their location, including but not limited to:
 - (i) baseball diamonds, hockey rinks, soccer fields, tennis courts, basketball courts, running tracks, and other sports facilities;
 - (ii) pavilions, gazebos, shelters, and picnic areas;
 - (iii) accessible outdoor seating like benches; and
 - (iv) paved or unpaved pathways; and
- (h) support the agri-food network through the provision of community gardens and allotments.

5.3.1.9 Parks will support climate change mitigation and adaption wherever possible, pursuant to the policies of Section 2.1 of this Plan, including through:

- (a) being within walking, rolling, or cycling distance of the majority of their users;
- (b) the planting of trees, shrubs, and other vegetation;
- (c) the implementation of green infrastructure or low-impact development to manage park stormwater, such as permeable paving or bioswales; and
- (d) the use of renewable energy generation such as solar for park facilities.

Parkland Dedication and Acquisition

5.3.1.10 Parkland needs will be identified during the development application review process so that opportunities to incorporate new parkland, outdoor recreation facilities or potential linkages with the trail system are identified and planned for early in the development process.

5.3.1.11 The Town will require conveyance of lands for park according to provisions of the Parkland Dedication By-Law as may be amended from time to time.

5.3.1.12 Through the Parkland Dedication By-Law as may be amended from time to time, 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.

5.3.1.13 In preparing the parkland dedication by-law, the Town will consider applying the alternative conveyance rate of one hectare for each 600 net residential units proposed for development, as permitted by the *Planning Act*.

5.3.1.14 Parkland dedication will not be required for:

- (a) a non-profit housing development; or
- (b) development of additional dwelling units.

5.3.1.15 For the calculation of required parkland dedication, stormwater management facilities and lands conveyed for public walkways and greenways will not form any part of the required parkland dedication, as they shall be deemed to be public services and public rights of way, as permitted by the *Planning Act*.

5.3.1.16 Land to be conveyed to the Town for parks purposes will be accepted only if, subject to criteria in the Town’s parkland dedication the property is:

- (a) free of all legal or other encumbrances;
- (b) suitable for park purposes;
- (c) needed in the immediate area;
- (d) at a location and of a configuration satisfactory to the Town.

5.3.1.17 In the case of adjacent developments, one larger park is required, and the Town will not accept split parkland locations.

5.3.1.18 Lands proposed for parkland dedication shall have a record of site conditions that satisfy a Phase I Environmental Site Assessment.

5.3.1.19 Lands proposed for parkland dedication will be deemed unsuitable if:

- (a) the lands are already marked for conveyance to the Town for the purposes of roads allowance, stormwater management, walkways or greenways, or any other non-parkland purpose;
- (b) the lands are encumbered by a utility right-of-way or easement;

- (c) the presence of natural hazards, including flood prone lands are shown on Schedule J;
- (d) the location, grade and configuration of the lands are constrained or undesirable, or the lands have unsuitable or unstable soil conditions; or
- (e) the lands are contaminated as shown by an Environmental Safety Assessment.

- 5.3.1.20 The Town may accept lands which are located within a floodplain or other area identified as unsuitable for development or for which development is prohibited, as part of a required parkland conveyance provided such land is conveyed at a 2 (undevelopable land) to 1 (standard parkland) conveyance ratio.
- 5.3.1.21 When acquiring parkland, the Town will require that the park be developed by the developer to at least a basic level of landscaping including grassing, tree planting, irrigation and maintenance, as demonstrated through site plan and development agreement.
- 5.3.1.22 Where lands are not required for parks purposes or the lands to be conveyed are too small and cannot be merged with other parcels, the Town will require payment of cash-in-lieu of parkland equal to the appraised value of the applicable parkland conveyance at the time of plan of subdivision or consent approval or, in the case of a plan of subdivision, accept serviced lots of equivalent value.
- 5.3.1.23 Any monies acquired through cash in lieu of parkland dedication or the sale of surplus parkland will be placed in a park land development/acquisition fund to be directed to areas deficient in park land or park facilities.
- 5.3.1.24 The Town will work with ERCA, in co-operation with nature conservancy groups, to acquire and develop lands linking natural areas for the movement of wildlife and the preservation and enhancement of ecological and biological functions.
- 5.3.1.25 The Town will seek the cooperation of the boards of education having jurisdiction in the community, to maximize the use of school facilities for recreational purposes during off-school hours.

5.4 Community Facilities

Community facilities include community centres, libraries, community health and resource centres, schools, places of worship, daycares, long-term care facilities and emergency services.

Conveniently located, well-maintained and accessible community facilities are critical to the success of municipal programs and services, contributing directly to the health and social well-being of the Town's residents.

5.4.1.1 This Plan will implement and/or support the direction of the Town's Community Services Master Plan, as amended from time to time.

5.4.1.2 Community facilities should be equitably distributed throughout the Town's **Settlement Areas**. In addition to programming and service requirements, community facilities should be accessible by active transportation, and developed for the community according to high quality standards of safety, sustainability and design.

5.4.1.3 The Town will seek opportunities to develop co-located or shared community facilities, such as schools, community centres, libraries, day care or other appropriate facilities, on shared sites and, where appropriate, adjacent to Town parkland.

5.4.1.4 Community facilities will be planned and developed in coordination with the development of water, wastewater, transportation, and other Town infrastructure.

5.4.2 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 Solaire de District Des Ecoles Catholiques Du Sud-Ouest as well as Essex High operated by the Greater Essex County District School Board.

- 5.4.2.1 School sites are to be located near and accessible to where students live, to reduce travel times and to provide opportunities for students to walk, roll, or cycle to school.
- 5.4.2.2 Any new school site to be developed within the horizon of this Plan will be located to contribute to complete and compact neighbourhoods that enhance neighbourhood walkability and minimize the need for motorized transportation.
- 5.4.2.3 New buildings will be designed for multi-use, intergenerational learning and activities to meet the needs of today and tomorrow. School sites are to be near to one or more of community facilities, nature and public recreational areas, walking trails to encourage interaction amongst various facilities, physical activities and the appreciation of the natural and urban environments.

5.4.3 Libraries and Community Centres

Libraries and community centres provide a variety of services and resources for information, learning and leisure for the community. Community centres may include indoor recreation facilities, event spaces, meeting rooms, food preparation facilities, and other services.

- 5.4.3.1 All residents of the Town should be within reasonable distance of a library or community centre which is universally accessible.
- 5.4.3.2 Libraries and community centres may be co-located with public parks, schools, social services, and connected to active transportation to act as community hubs.
- 5.4.3.3 Libraries and community centres will:
- (a) be maintained and adapted to optimize the long-term viability of public investments; and
 - (b) be responsive to residents' diverse needs with a range of cultural and age-appropriate facilities and services.
- 5.4.3.4 A climate-conscious approach will be taken when developing new or redeveloping existing indoor recreation facilities, including:
- (a) the reduction of energy cost, carbon emissions, and the environmental footprint of the facility;

- (b) a review of the day-to-day operations and maintenance of indoor recreation facilities; and
- (c) utilizing locally sourced and sustainable building materials for new facilities.

5.4.4 Arts and Culture

A critical component of a complete community is a thriving arts and culture community. The Town has the opportunity through the planning and development process to support the work of local artists, provide opportunities for the performing arts, and enable a variety of cultural practices.

5.4.4.1

The Town will support arts and culture through:

- (a) enabling multiscale events and programs in parks and community facilities throughout the Town;
- (b) seeking opportunities to include locally created public art and murals in all Town-owned parks and community facilities;
- (c) creating a maintenance program for public art and murals.
- (d) intertwining parks, recreation and culture activities with tourism so that the Town becomes an attractive destination.

5.4.4.2

In considering the redevelopment of existing community facilities, or the divestment of surplus Town-owned properties, the Town will seek opportunities to create or support live performance spaces for music, dance, and theatre, and studio and gallery spaces for the visual arts.

5.5 Cultural Heritage and Archaeology

As noted in the land acknowledgement at the front of this Plan, the Town is located on lands which have been the traditional territories of several First Nations and many Indigenous peoples. The Town as a settlement can be traced back to the 18th century as the site of economic activity related to farming and the lumber

industry. The southern part of the Town has deep historical ties to Canadian heritage, including the War of 1812 and the Underground Railroad. The protection and conservation of cultural heritage and archeological resources related to this rich history is integral to the maintenance of the Town's unique character and communities.

5.5.1 Built Heritage

Through the *Ontario Heritage Act*, the Town has tools at its disposal to identify and conserve built heritage resources by regulating their demolition or alteration. These tools include heritage listing and designation, identification of heritage conservation districts or character areas, and the establishment of Essex Municipal Heritage Committee.

5.5.1.1 All relevant Provincial legislation and policy will be used to conserve cultural heritage and archeological resources in the Town, particularly the provisions of the *Ontario Heritage Act*, the *Planning Act*, the PPS, the *Environmental Assessment Act*, the *Municipal Act*, and the *Funeral, Burials and Cremation Services Act*.

5.5.1.2 Significant built heritage resources and cultural heritage landscapes in the Town will be identified, recognized and conserved.

5.5.1.3 The Town will consult with the Essex Municipal Heritage Committee on matters relating to:

- (a) the Town's built heritage inventory and the statutory Heritage Register;
- (b) the designation of properties or Heritage Conservation Districts;
- (c) applications for Heritage Alteration Permits; and
- (d) programs and activities to increase public awareness and knowledge of heritage conservation issues.



Implementation of County intensification policies. See Section 5.1 of this Plan.

- 5.5.1.4 The Town will integrate heritage conservation into the development approval process to facilitate the retention of heritage resources and to ensure compatibility between the proposed new development and the identified heritage resource.
- 5.5.1.5 All new development in the Town will occur in a way that conserves and enhances cultural heritage resources and their settings, and wherever feasible incorporates existing built heritage resources into the development.
- 5.5.1.6 The retention, integration, or adaptive re-use of built heritage resources will be prioritized over demolition or major alteration of built heritage resources.
- 5.5.1.7 It is recognized that the conservation of existing buildings can contribute to the Town’s sustainability goals and climate change mitigation.
- 5.5.1.8 All cultural heritage resources to be demolished or significantly altered are subject to a Heritage Impact Assessment and documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration.
- 5.5.1.9 Development and site alteration on a protected heritage property or adjacent lands will not be permitted, except where the proposed development and site alteration has been evaluated through a Heritage Impact Assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 5.5.1.10 Pursuant to Part IV of the *Ontario Heritage Act* the Town will:
- (a) maintain a Heritage Register which lists properties in the Town that are of cultural heritage value or interest, according to criteria set by the Province;
 - (b) through a by-law, designate those built heritage resources, cultural heritage landscapes, or Heritage Conservation

Conservation of Built Form and Sustainability

The demolition and replacement of existing buildings has environmental effects in both physical waste and the additional embodied carbon in the new building. Often, the retention of the existing building is more sustainable and has a lower carbon footprint than replacement.

Districts which meet criteria for designation set by the Province;

- (c) regularly review non-designated properties listed on the Register against the criteria for designation set by the Province, and designate those properties that meet the criteria; and
- (d) where properties have been listed on the Register for two years without designation, remove those properties.

5.5.1.11 Demolition or site alteration of a property which has been designated pursuant to policy 5.5.1.10(b) of this Plan will not be permitted without a Heritage Demolition Permit approved by Town Council

5.5.1.12 Applications for development or site alternation on properties listed on the Heritage Register (both designated and non-designated) will be subject to a Heritage Impact Assessment prepared by a qualified heritage professional which demonstrates:

- (a) how the heritage values, attributes, and integrity of the property are to be conserved by the development; and
- (b) how any negative impacts may be mitigated.

5.5.1.13 Prior to the demolition or removal of a building or structure on a non-designated property listed on the Heritage Register, the property owner will provide the Town with a minimum of sixty days notice in writing.

Listed (Non-designated) vs. Designated Heritage Properties

Heritage properties **listed** on the Town’s Heritage Register receive no legal protection, but may require additional study as part of a development application.

Properties **designated** by by-law are protected from demolition or alteration without the express consent of Council.

Character Defining Areas and Heritage Conservation Districts

There are certain areas in the Town where historical properties are located in close proximity to one another. These properties may be

built heritage resources in the Town and contribute heavily to the character of Essex. If warranted by a study, the Town may consider designating these areas as Heritage Conservation Districts under the *Ontario Heritage Act*. This would provide the Town certain controls over how development of those areas occurs, to ensure the character of the area is not threatened.

5.5.1.14 Certain lands in Essex Centre have been identified as Character Defining Districts on Schedule A-1. This is in recognition that these lands contribute to the historical character of the **Settlement Area** and may warrant heritage conservation.

5.5.1.15 The Town may designate individual properties within Character Defining Areas, and/or undertake a future heritage conservation district study and plan for the areas, under the provisions of the *Ontario Heritage Act*.

- (a) Prior to designating a Heritage Conservation District, the Town may:
- (b) undertake a Heritage Conservation District Study that:
 - (i) meets the requirements of Part V of the *Ontario Heritage Act*.
 - (ii) is prepared by a qualified heritage consultant who is a professional member in good standing of the Canadian Association of Heritage Professionals; and
 - (iii) includes consultation with the public and any Indigenous Communities having interest; and
- (c) adopt by-law a Heritage Conservation District Plan, informed the by Study referred to in policy 4.5.1.9(a) which includes policy direction for development in the district.

5.5.2 Archaeological Resources

The Town recognizes that there may be archaeological remains of prehistoric or historic interest and areas containing archaeological potential within the Town. In particular, potential sites may exist that are of historical and cultural significance to Indigenous peoples. Meaningful consultation and engagement with

Indigenous peoples regarding these archaeological resources is an opportunity to advance goals of Truth and Reconciliation, as identified through the findings of the Truth and Reconciliation Commission.

- 5.5.2.1 The Town recognizes that archeological sites exist across the Town, including below the modern land surface, which are associated with human activities or events of historical or cultural significance.
- 5.5.2.2 In partnership with the County of Essex and any interested Indigenous peoples or communities, the Town will prepare and maintain an inventory of known archaeological sites and areas of archaeological potential throughout the Town and complete an Archaeological Master Plan.
- 5.5.2.3 Where archaeological resources are documented during an Archaeological Assessment and found to be Indigenous in origin, the proponent is required to, through their consultant archaeologist, ensure that all Indigenous Peoples having interest, as identified by the Town, receive a copy of the Archaeological Assessment report prior to the development proceeding.
- 5.5.2.4 Applications for development or site alternation on properties listed in the archeological inventory will be subject to an Archeological Assessment prepared by an architect licensed under the *Ontario Heritage Act* the contents of which will be identified by the Town in consultation with the Province or, if completed, in the Archaeological Master Plan.
- 5.5.2.5 Where development or alteration is proposed on private land, engagement should be conducted with Indigenous peoples and communities throughout the Archaeological Assessment process.
- 5.5.2.6 Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential and interest, if significant archaeological resources have been conserved by removal and documentation or preservation on site, subject to the following:
- (a) where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site, as outlined in the assessment, will be permitted; and

- (b) any alterations to known archaeological sites shall only be performed in consultation and the active involvement of a licensed archaeologist, as required by the *Ontario Heritage Act*.

5.5.2.7 Mitigative measures and/or alternative development approaches may be required by the Town in order to conserve the heritage attributes of the property.

5.5.2.8 Marked and unmarked private burial plots, where known, should be registered with the Provincial Cemeteries Registrar and with the Town and designated on Schedules A through A-5 of this Plan as **Community Facility**.

5.6 Urban Design

Good urban design achieves a beautiful, safe, and welcoming public realm and development with built form that interacts well with the public realm and adjacent buildings. This positively influences the quality of the Town’s communities and the welfare of its residents, in a resilient and sustainable manner.

The urban design policies of this Plan are further supported by the Town of Essex Urban Design Guidelines for Downtown Harrow and Essex Centre, which provide additional guidance for the design of streetscapes and buildings.

5.6.1 Public Realm

The public realm includes those spaces between buildings in the Town that are accessible to all people. These spaces may be publicly owned (e.g., sidewalks, parks, squares) or privately owned (e.g., the spaces in front of retail stores). Regardless of ownership, all aspects of the public realm should be designed with intention and serve as “places for people” and a destination – rather than just an area for moving through.

5.6.1.1 A high-quality public realm will be achieved throughout the Town’s **Settlement Areas** by providing:

- (a) wide and accessible sidewalks;
- (b) parks and open spaces linked by pedestrian corridors;

- (c) trees and other permanent native vegetation;
- (d) temporary vegetation such as flowerboxes and hanging baskets;
- (e) benches and other street furniture;
- (f) waste receptacles;
- (g) bicycle racks;
- (h) protective bollards for pedestrian areas, where appropriate;
- (i) pedestrian-scaled lighting that allows for safe and comfortable use of the public realm at night; and
- (j) clear and attractive signage and wayfinding.

5.6.1.2

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 an environment that is attractive to new businesses. This will be achieved by:

- (a) establishing clear and inviting entrances and gateways to **Main Street** areas;
- (b) the placement of telephone and power distribution lines underground in **Settlement Areas**, wherever financially feasible and permitted by legislation in effect;
- (c) the enforcement of minimum property and site plan control standards; and
- (d) the regulation of signs.

5.6.1.3

The pedestrian experience will be prioritized on public streets and rights-of-way by:

- (a) requiring sidewalks pursuant to the policies of Sections 0 and 5.7.2 of this Plan;
- (b) prohibiting rear-lotting on public streets;
- (c) avoiding blank facades along sidewalks;
- (d) requiring pedestrian-scaled lighting along pathways, sidewalks, ramps, and near transit-stops;

- (e) requiring that surface parking areas be buffered and screened from sidewalks through the use of setbacks and landscaping; and
- (f) creating effective transitions between the public and private realm by providing a zone between pedestrians and high levels of vehicular traffic consisting of landscaping and street furniture, and, where appropriate, on-street parking.

5.6.1.4 Roads in the Town’s **Settlement Areas** will be designed as complete streets, pursuant to the policies of Section 0 of this Plan.

5.6.1.5 The temporary use of the public right-of-way for non-transportation activities will be encouraged where safe and appropriate, including but not limited to:

- (a) seasonal outdoor cafés and patios;
- (b) pop-up parks in place of parking spaces; and
- (c) events, such as festivals or street parties.

5.6.1.6 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.

5.6.1.7 Heritage streetscapes in Essex Centre and Harrow are considered important economic assets to the Town, and will be maintained and enhanced through their Streetscape Plans, as well as considered for recognition as cultural heritage landscapes, pursuant to policies in Section 5.5 of this Plan.

5.6.2 Built Form

The built form includes the size, shape, and appearance of all buildings and structures in the Town, both public and private. High-quality built form frames and creates a vibrant, human-scaled pedestrian realm and is an expression of the character of the Town. To support high-quality built form, a clear set of intentions and expectations for development of buildings is provided in this Plan, and in the Town’s Urban Design Guidelines.

5.6.2.1 Built form in the Town will exhibit high quality design and architectural excellence through the consideration of:



Implementation of County intensification policies. See Section 5.1 of this Plan.

- (a) heights, massing, scale, setbacks, and separation distances that are compatible with adjacent properties;
- (b) effective built form transitions in the form of building massing and architectural treatments within the building podium or base, middle and top or rooflines that reflect site-specific conditions and adjacent context;
- (c) buildings that frame adjacent streets, parks, and open spaces with active uses at grade;
- (d) buildings that create a comfortable sense of pedestrian scale and enclosure along public and private rights-of-way;
- (e) buildings that are designed with high-quality materials;
- (f) ground floor uses in mixed-use buildings that provide animation to adjacent streets and open spaces; and
- (g) buildings that exhibit innovative design and landmark or gateway treatments, where appropriate.

5.6.2.2

Development will be located and organized to suit and elevate the existing surrounding context including:

- (a) positively framing and defining streets or public spaces while providing appropriate setbacks for a pedestrian clearway;
- (b) orienting buildings parallel to the street with frontages facing the street;
- (c) in mixed-use buildings, providing ground-floor uses with direct pedestrian access from the street and transparent frontages;
- (d) avoiding expansive blank walls adjacent to public streets, or mitigating blank walls with landscaping or public art; and
- (e) ensuring privacy for adjacent buildings with facing windows by providing appropriate separation or buffering.

5.6.2.3

In **Main Street** areas, buildings should:

- (a) maintain the continuity of the street wall and reflect the existing character of the street, including:

- (i) using architectural elements such as building height and massing, windows and balconies, roof lines and cornices, canopies, and entrances to create horizontal lines that carry across buildings and distinguish floors; and
 - (ii) incorporating architectural details that reflect the existing character of nearby buildings, especially heritage buildings, such as masonry or brick accents, architectural lighting, detailed grills and railings, integrated artwork, and trellises and arbours;
- (b) provide elements such as awnings or canopies to ensure pedestrian comfort and protection from the elements;
 - (c) incorporate signage as needed that is attractive, pedestrian-scaled, and designed to enhance the character of the area; and
 - (d) be illuminated with architectural lighting, and provide pedestrian-scaled lighting that is sensitive to nearby uses.

Street wall

A street wall is formed when buildings line or front onto a street with largely consistent setbacks (even if building heights vary). The scale and design elements of the street wall frame the “outdoor room” of the street and can determine the nature and character of the streetscape and reinforce desired pedestrian and broader public realm objectives.

5.6.2.4

Any required on-site parking for new developments will be provided in manner that maintains the integrity of the public realm and does not direct pedestrian access to the development from the street, including:

- (a) siting surface parking lots to the rear of buildings; or
- (b) providing underground parking.

5.6.3

Universal Design

Universal design refers to the idea that the design and composition of an environment is accessed, understood, and used to the greatest extent possible by all people regardless of

their age, sex, size, or ability. The *Accessibility for Ontarians with Disabilities Act*, and the Town's Urban Design Guidelines and Streetscape Plans are important guiding documents that help to inform universal design standards.

- 5.6.3.1 All efforts will be made by the Town and private developers to ensure that all elements of the public realm consider universal design and are pursuant to the *Accessibility for Ontarians with Disabilities Act*.
- 5.6.3.2 Infrastructure and development will be free of barriers to persons with disabilities and permit movement by pedestrians and bicyclists, the elderly and persons with special needs in a safe and efficient manner. This will be achieved by:
- (a) providing curb cuts at all intersections, crosswalks, and any other pedestrian access point in a manner that allows for safe and direct line of travel;
 - (b) audible pedestrian signals and tactile detectable warning surfaces on sidewalks;
 - (c) maintaining consistent surface and gradient on sidewalks, with clearways devoid of obstructions; and
 - (d) including adequate lighting and providing rest areas.
- 5.6.3.3 The Town will support efforts to provide universal design elements in both the public and the private realm through Community Improvement Plans, pursuant to policies in Section 8.1.9 of this Plan.
- 5.6.3.4 On-street parking, including parking for people with special needs and as a traffic calming measure, will be encouraged in most cases.

5.7 Transportation

The Town's residents require a transportation system to travel between their homes and places of employment, schools, cultural and recreational activities, shopping, and many other activities. In recent decades these trips have been primarily made in private cars, but across the horizon of this plan, the Town will endeavour to provide residents more opportunities to access their daily

activities using active transportation (i.e., walking, cycling, or rolling).

5.7.1 Active Transportation and Complete Streets

Opportunities for walking, rolling, and cycling in the Town can be found both off-street through trails such as the Chrysler Canada Greenway, and on-street through sidewalks, cycling lanes, and multi-use paths. Active transportation in the Town will be considered a legitimate method of travel for daily trips, in addition to recreation and exercise. Each **Settlement Area** in the town is geographically compact, and can be made more friendly to pedestrians and cyclists.

5.7.1.1 Over the horizon of this plan, active transportation is intended to be the preferred method of travel within the Town’s **Settlement Areas**.

5.7.1.2 The Town’s active transportation system, both existing and planned, is shown on Schedule I to this Plan. This Schedule may be updated from time to time without an amendment to this Plan.

5.7.1.3 Pursuant to policies in Sections 3.2 and 1.1.1, the Town will plan for compact, mixed-use development in its **Settlement Areas** that is within a 20-minute walk or 10-minute bike ride of all residents of the given **Settlement Area**.

Active Transportation

Active transportation provides several co-benefits over driving:

- > Public health
- > Climate change mitigation
- > Economic growth through more lingering in commercial or mixed-use areas



Implementation of County intensification policies. See Section 5.1 of this Plan.

5.7.1.4

The Town 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 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 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;
- (g) improving the quality, safety and convenience active transportation options within all communities by considering the needs of pedestrians, cyclists, and public transit users;
- (h) reflecting differences in local context and character;
- (i) protecting view lines and view corridors; and

Complete Streets

Complete streets balance the many competing demands for space and safely accommodate all users while improving the functionality of the transportation network. They recognize the uniqueness of each street and the need for context-sensitive design.

- (j) serving community destinations and public gathering places by providing choice and flexibility in transportation options.

5.7.1.5

The Town, in partnership with the County will:

- (a) work to provide a safe, contiguous, and clearly delineated active transportation network (both on-street and off-street) that is connected to the Town’s mixed-use areas; and
- (b) implement a formal trail classification system and trail development strategy specific to the Town to shape the future of the trail network and to assist with future Town-wide strategies on trail improvements.

5.7.1.6

Further to policy 5.7.1.5, the Town is committed to the development and ongoing enhancement of the County Wide Active Transportation System (CWATS), shown on Schedule I to this Plan.

5.7.1.7

Pursuant to the timetable of the CWATS Master Plan, as funding permits, the Town will continue to extend on- and off-road systems annually both to:

- (a) complete the Town’s portion of the CWATS system; and
- (b) to provide linkages between the CWATS and the local communities and facilities it serves.

5.7.1.8

Sidewalks or multi-use paths will be provided on both sides of all new roads in **Settlement Areas**.

5.7.1.9

In the **Agricultural System**, multi-use paths should be provided on road shoulders.

5.7.1.10

Plans of subdivision will include provision for the construction of sidewalks and or multi-use trails in roadways, as well as providing for mid-block pedestrian connections, in accordance with the Town’s Development Standards Manual, as may be amended from time to time, and such other policies in effect.

5.7.1.11

The Town may require the dedication of lands for off-street public multi-use trails, bikeways and walkways and other non-motorized travel through subdivision or site plan approval. Such facilities shall be deemed to be public rights of way, to be conveyed

pursuant to the policies of this Plan and the provisions of the *Planning Act*.

- 5.7.1.12 Pursuant to urban design policies in Section 5.6 of this Plan, active transportation facilities will always be designed with accessibility considerations, including but not limited to:
- (a) appropriate location and size of curb cuts to serve those using wheelchairs and other mobility devices;
 - (b) maintaining a minimum clearway of 2 metres on all sidewalks in the Town; and
 - (c) incorporating tactile paving elements in sidewalks, crosswalks, and other public pedestrian walkways (such as in parks).
- 5.7.1.13 A cycling network will be provided to meet the needs of both experienced and less experienced cyclists, which will comprise both on-road and off-road routes planned pursuant to Town and County active transportation and trails plans.
- 5.7.1.14 The Town's Zoning By-law will include standards for the provision of bicycle parking and associated facilities and their location and layout.
- 5.7.1.15 Traffic calming measures will be considered by the Town to assist in achieving targeted roadway speeds, which consider the needs of cyclists and pedestrians.

5.7.2 Road Network

While active transportation will be prioritized for short trips within **Settlement Areas**, there are trips both within and to and from the Town which are more likely to be made by private vehicle. These trips and the key economic activities in the Town, especially agriculture, require a robust and interconnected road network with a variety of designed speeds, traffic volumes, and points of access to adjacent properties.

5.7.2.1 The road network for the Town of Essex is shown in Schedule H.

This schedule may be updated from time to time, without an amendment to this Plan, to show changes to the road system.

Hanlan Street Extension

The extension of Hanlan Street, from Fairview Avenue to Grosfield Townline, has been approved and a preferred option established in accordance with an Environmental Assessment completed June 2019.

5.7.2.2 A network of interconnected roads and streets will be maintained with clear distinctions between arterial, collector, and local routes based on function, convenience, traffic volume, vehicle speed, traffic calming, public safety, accessibility and amenity.

5.7.2.3 To ensure the maintenance of a road system of a reasonable standard, the Town 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 pursuant to the Town’s capital works programme.

5.7.2.4 The functional classification of roads in the Town, including minimum and maximum right-of way (ROW) width is shown on Schedule H to this Plan and described in detail in Table 5.3.

Table 5.3: Functional Classification of Roads in the Town of Essex

Road Type	Owner	Purpose	ROW Width	Access to adjacent Properties	Sidewalk/cycling lane provision
Provincial Highway	Province	Carry high volumes of interurban traffic at highway speeds	N/A	No direct access	None
Arterial	County or Town	Carry higher volumes of interurban and local traffic on a two to four lane road	30 m to 36 m	Direct access prohibited or restricted, where alternatives exist. Shared driveways and	Sidewalks or walkable paved shoulders will be provided on both sides of the right of way and commuter

Road Type	Owner	Purpose	ROW Width	Access to adjacent Properties	Sidewalk/cycling lane provision
				other measures will be used as part of consent, site control and/or zoning approval to limit the number of access points.	bicycle lanes will be considered and may be permitted or mandated.
Collector	County or Town	Carry moderate volumes of traffic within the community, generally on a two to four lane road	20m to 24 m	Some direct access is permitted. 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 a multi-use path within the right of way or combination of them will be considered or mandated.
Local	Town	Carry lower volumes of traffic within a neighbourhood or community on a two lane road	20 m (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 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.

- 5.7.2.5 Road design requirements will be set out in the Town's Development Standards Manual, which will be reviewed annually to ensure its relevance to existing and anticipated traffic circumstances and demands.
- 5.7.2.6 Where new roads are required to serve an area of development, a hierarchy of roads for the area will be determined on the basis of the needed capacity required for the development and the carrying capacity and state of the existing roads.
- 5.7.2.7 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.
- 5.7.2.8 For new development, including the expansion of existing development and redevelopment, the Town will require land conveyances, where deemed necessary, to provide for road widening. The desirable maximum right of way widths set out in Table 5.3 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.
- 5.7.2.9 The implementing Zoning By-law amendment 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.
- 5.7.2.10 Where existing roads require rehabilitation or reconstruction:
- (a) roadwork should be integrated wherever possible with required work on infrastructure in the road right-of-way (e.g., watermains, sanitary sewers, telecommunication wires) to maximize efficiency of construction work;
 - (b) green infrastructure will be incorporated wherever feasible; and
 - (c) in **Settlement Areas**, the rehabilitated or reconstructed road will implement the complete streets principles established in policy 1.1.1.1, including such measures as:

- (i) traffic calming or road-narrowing measures;
- (ii) sidewalk installation or widening;
- (iii) installation of cycling lanes and bicycle parking; and
- (iv) streetscape improvement, pursuant to policies in Section 5.6.1 of this Plan, including planting new trees in the road right-of-way and providing street furniture.

5.7.2.11 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.

5.7.2.12 The Town will work with the Province to ensure appropriate access connections within the Province’s permit control area.

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

Provincial Highway 3

Highway 3 is the only Provincial Highway within the Town of Essex. All development which falls within Province’s permit control areas under the *Public Transportation and Highway Improvement Act* is subject to the requirements of the Provincial Ministry of Transportation.

5.7.3 Parking

5.7.3.1 Off street parking, including bicycle parking and storage, and accommodations for persons with disabilities, will be required as a condition of development approval, pursuant to the provisions of the Town’s Zoning By-law.

5.7.3.2 Parking requirements for motor vehicles may be reduced, at the discretion of the Town, where:

- (a) public transit, bicycle and high-order pedestrian facilities are provided in lieu;

- (b) the Town wishes to encourage the use of alternative transportation;
- (c) the proposed development is mixed-use with shared parking;
- (d) the proponent demonstrates, through a parking study, that the reduced parking standard will not strain public parking provision; or
- (e) a municipal cash-in-lieu of parking policy is in place and the use is not considered by the Town 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.

5.7.3.3

A parking area will be located and designed to:

- (a) permit safe movement on site and onto public rights of way for vehicle operators and pedestrians, including people with disabilities;
- (b) maintain sight lines;
- (c) minimize potential conflicts with other land uses, such as at railway corridors, and street intersections;
- (d) provide safe and convenient pedestrian access to buildings on site and to public rights of way;
- (e) provide for onsite loading and refuse storage in a manner which does not conflict with the safe movement of pedestrians and other vehicles;
- (f) ensure the adequate provision of on-site stacking spaces or other temporary spaces associated with drive through facilities; and
- (g) accommodate or mandate through the Town's Zoning By-law the provision of electric vehicle charging station.

5.7.3.4

Large 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 will be of an intensity and

orientation to serve its intended purpose without an adverse effect on adjacent sensitive land uses.

5.7.3.5

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.

5.7.4 Public Transit

The Town of Essex does not currently operate a public transit system; however, it is important for land use and infrastructure planning to consider potential future transit services.

5.7.4.1

While no public transit system currently serves the Town, nothing in this Plan shall preclude the provision of public transit in the future.

5.7.4.2

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.

5.7.4.3

The Town of Essex will look for opportunities to partner with the County of Essex and neighbouring local municipalities in the development of a public transit system.

5.8 Services and Utilities

The growth, development, and function of the Town relies on the provision of adequate municipal servicing and other infrastructure, particularly in the **Settlement Areas**. This infrastructure includes drinking water and wastewater services, stormwater management facilities, solid waste management, and various utilities such as gas, hydro, and telecommunications.

5.8.1.1

The Town carry out all public works and capital works pursuant to the policies of this Plan.

5.8.1.2

Planning for municipal servicing infrastructure will be integrated with land-use planning to:



Implementation of County intensification policies. See Section 5.1 of this Plan.

- (a) accommodate the expected growth forecasts identified in policy 3.1.1.1 of this Plan;
- (b) protect human health;
- (c) look for opportunities for optimization and improved efficiency of the Town’s existing infrastructure, supported by the promotion of energy and water conservation;
- (d) appropriately phase new development and avoid scenarios of under-serviced development; and
- (e) ensure that new or expanded water and wastewater services are sustainable and financially viable over their lifecycles.

5.8.1.3 Infrastructure and asset management planning will consider the future impacts of climate change and ensure that the Town’s infrastructure services are resilient to the related risks (e.g. power outages, capacity limitations, health and safety impacts, road drainage, failure).

5.8.1.4 The Town will work with the County and ERCA in planning for flood management beyond the standards used to currently map current flood prone areas on Schedule J, in recognition of the potential for extreme flood events related to climate change.

5.8.1.5 All development in the town must be serviced with water and wastewater facilities and stormwater management facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction.

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

5.8.1.7 The determination of sufficient reserve sewage system capacity will consider treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Provincial guidelines shall be used when determining the extent of remaining uncommitted reserve capacity for piped potable water supply and municipal piped sanitary sewage collection and treatment.

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

5.8.2 Water and Wastewater

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

Currently, municipal water is provided as follows:

- > Essex Centre receives water from the Union Water System which has capacity to meet present and future development demands anticipated during the planning period.
- > Harrow receives water from the Harrow/Colchester South Water System which has capacity to meet present and future development demands anticipated during the planning period.
- > Much of the agricultural area receives water from either the Union Water Plant or the Harrow/Colchester South Water System. Some areas, including the McGregor **Secondary Settlement Area** receive water from the Amherstburg Water Plant.

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

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 areas and the

Secondary Settlement Area - Lakeshore 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.

- 5.8.2.1 Except where provided for by this Plan, all development in the Town's **Settlement Areas** will be connected to full municipal water and wastewater services pursuant to the Town's Development Standards Manual, as may be amended from time to time.
- 5.8.2.2 In areas serviced by full municipal water and wastewater services, lot creation will be permitted only if it is demonstrated that sufficient uncommitted reserve water and wastewater treatment capacity is available to accommodate the proposed development.
- 5.8.2.3 Development priority in all areas of the Town will be given in the following order:
- (a) full municipal water and wastewater services are the preferred form of servicing;
 - (b) private communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not planned or feasible; and
 - (c) partial services will be discouraged except where necessary to address failed services in existing developments or within **Settlement Areas** to allow for infilling and rounding out of existing development on partial services if site conditions are suitable for the long term provision of such services.
- 5.8.2.4 Communal services will be subject to the following requirements:
- (a) communal services will be municipally owned and operated where they are intended to service more than one property owner;
 - (b) in those instances where the communal facility is to be privately owned, there must be a default agreement,

including provisions related to financial commitments and assurances, requiring the Town to assume the communal system in the event of system failure or bankruptcy;

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

5.8.2.5 Depending on the scale of a proposed development, prior to approval the developer may 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.

5.8.2.6 The Town will explore alternative methods of wastewater 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.

5.8.2.7 Within 400 metres of a wastewater treatment plant of a wastewater treatment plant or associated sewage lagoon shown on Schedules A through A-5 to this Plan:

- (a) a consent to sever or plan of subdivision application for the purpose of creating a residential lot or a lot for any other sensitive land use will not be granted, if it would result in the construction of a new dwelling or other sensitive land use, whether or not the facility is within the boundaries of the Town; unless
- (b) the proposed development meets the guideline provisions of Provincial Environmental Guideline D-2, which will serve to determine setbacks and buffering requirements between any treatment works and a sensitive land use.

5.8.3 Stormwater

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

The Town has undertaken infrastructure projects intended to address impacts from intense rainfalls on our sanitary and stormwater systems resulting in overloading of both systems. With the predicted increases in storm intensity, duration and frequency, 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.

5.8.3.1

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

5.8.3.2

Planning for stormwater management in the Town will:

- (a) achieve proper drainage of surface run-off and maintain the natural water cycle, including the recharge of groundwater sources;
- (b) consider the re-use of precipitation water and surface run-off as irrigation and household water;
- (c) ensure the treatment of contaminated stormwater at an early stage or avoid contamination of stormwater systems;
- (d) include planning for flood prevention and avoidance of damage to public and private facilities and infrastructure;
- (e) enhance 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.

5.8.3.3 Stormwater management will be required for new development, including greenhouse development, to:

- (a) ensure that runoff is controlled in such a manner that development does not increase peak flows and that potential pollution is mitigated, typically on site; and
- (b) to address potential negative and adverse effects downstream or into Lake Erie.

5.8.3.4 The Town will require developers to undertake stormwater management studies and works pursuant to the legislation, guidelines and municipal standards in effect in order to address these issues. Stormwater management plans, acceptable to the Town, ERCA, and relevant Provincial ministry(is), will be required in advance of draft plan approval of all subdivisions and other applications involving significant lot creation and/or development.

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

5.8.3.6 Stormwater management planning, engineering and design studies will be prepared by a licensed professional and conducted pursuant to 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.

Green Infrastructure and Low Impact Development

5.8.3.7

Priority will be given to development with stormwater management plans that meet the full range of objectives set out above, with an emphasis on solutions and options utilizing green infrastructure and low-impact development including but not limited to:

- (a) new or restored wetlands;
- (b) bioswales;
- (c) permeable/pervious surfaces;
- (d) green roofs;
- (e) rain gardens and rain barrels;
- (f) wet and dry ponds;
- (g) stormwater energy dissipation systems; and
- (h) subsurface ground water recharge wells and tanks.

Green Infrastructure and LID

Green infrastructure and low-impact development (LID) are umbrella terms for a wide range of solutions that address infrastructural needs, such as stormwater management, in a way that replicates the functions of ecosystems. These interventions are less impactful on the environment and more financially sustainable than traditional “grey” infrastructure (e.g., storm sewers).

5.8.3.8

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

5.8.3.9

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.

5.8.3.10

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

- 5.8.3.11 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.
- 5.8.3.12 The Town will ensure that the design of the stormwater management facility considers long term maintenance and safety requirements.
- 5.8.3.13 Stormwater management facilities shall not be located in areas comprising Provincially Significant Wetlands or Significant Habitat of Endangered Species and Threatened Species.
- 5.8.3.14 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.
- 5.8.3.15 In some areas, within the Town, stormwater sewer oversizing and deepening may be necessary. This will be determined through a technical analysis as part of the development application submission or resubmission, review and approval process. Whether by modification of a watercourse or stormwater sewer, the improvements shall provide the capacity to serve all areas connected to the sewer or watercourse.
- 5.8.3.16 The Province will be consulted where stormwater management facilities are proposed in proximity to Provincial Highway No. 3.
- 5.8.3.17 In reviewing individual development applications, the Town 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.
- 5.8.3.18 The Town will establish low impact development practices and higher building standards for private property by updating the Development Standards Manual, the Zoning By-law, and other applicable Town standards.
- 5.8.3.19 The Town will collaborate with the County, neighbouring local municipalities, and the City of Windsor on green infrastructure

policy development and guidelines (e.g., a green roof and white roof policy).

5.8.4 Solid Waste

Solid waste management in the Town is within the jurisdiction of the County and the City of Windsor, via the Essex-Windsor Solid Waste Authority (EWSWA), however the EWSWA's Regional Landfill is located within the Town. The Town is committed to reducing and diverting waste, promoting the sustainable use of Town resources, reducing the creation of unnecessary waste, and achieving a circular economy in the Town.

There are several former solid waste disposal sites in the Town, some of which have never been formerly closed, and which may pose hazards to development on or adjacent to the former site. Closed and inactive waste disposal sites are shown on Schedule J.

- 5.8.4.1 The Town will support the EWSWA's goals to maximize waste diversion and minimize the amount of waste sent for disposal by achieving a waste diversion target of 60%.
- 5.8.4.2 Land use planning in the Town, including the policies of this Plan and the provisions of the Town's Zoning By-law, should not inhibit the diversion of solid waste.
- 5.8.4.3 The Town will support the achievement of a circular economy that promotes the efficient use of materials and resources, the maximization of the useful life of materials and resources, and the reduction of unnecessary waste generation.
- 5.8.4.4 Within 500 metres of the EWSWA Regional Landfill site, as shown on Schedule J to this Plan:
 - (a) development will be prohibited unless it has been demonstrated to the satisfaction of the Town, and pursuant to Provincial guidelines that there is no evidence of leachate, landfill generated gas migration (including but not necessarily limited to methane gas) or other contaminants present in the soils or groundwater, surface runoff, vermin or ground settlement;

- (b) development will be prohibited if the active and/or former waste disposal site poses any adverse environmental effects or risk to public health and safety;
- (c) if significant impacts are encountered at 500 metres, the study area within which an assessment is undertaken will be expanded as deemed appropriate; and
- (d) A consent to sever will not be permitted if it would create a building lot upon which a new dwelling or other sensitive land use could be constructed.

5.8.4.5 The establishment, use, operation, alteration, enlargement or extension of the Regional Landfill site shall be in accordance with the Certificate of Approval from the applicable Provincial ministry and the associated terms and conditions of compliance stated therein.

5.8.4.6 The Zoning By-law will define and identify through the use of zoning districts the active waste disposal landfill site and the surrounding buffer zone.

5.8.4.7 The buffer zone is intended to surround the waste disposal fill site and provide a distance separation between it and all land uses which may be impacted by the landfill activity. In consultation with the Province, the Town will determine the uses acceptable within each of the two zoning districts, without need for further amendment to this Plan.

Closed and Inactive Waste Disposal Sites

5.8.4.8 The Town will work with the County and the Province to:

- (a) identify, classify and inventory all inactive and closed waste disposal sites within the limits of the Town and within 500 metres of the Town boundaries; and
- (b) establish buffer zones where appropriate, pursuant to Provincial legislation and guidelines.

5.8.4.9 A sensitive land use will not be permitted on a non-operating or closed landfill or waste disposal site, as shown on Schedule J of this Plan.

- 5.8.4.10 Development shall not be permitted on a closed or inactive waste disposal site, unless the relevant Provincial ministry is appropriately consulted, and any needed Provincial approval is granted.
- 5.8.4.11 Within 500 metres of the fill area associated with any inactive or former waste disposal site, as shown on Schedule J to this Plan:
- (a) development will be prohibited unless it has been demonstrated to the satisfaction of the Town, and pursuant to Provincial guidelines that there is no evidence of leachate, landfill generated gas migration (including but not necessarily limited to methane gas) or other contaminants present in the soils or groundwater, surface runoff, vermin or ground settlement;
 - (b) development will be prohibited if the active and/or former waste disposal site poses any adverse environmental effects or risk to public health and safety; and
 - (c) if significant impacts are encountered at 500 metres, the study area within which an assessment is undertaken will be expanded as deemed appropriate.
- 5.8.4.12 In exceptional hydrogeologic situations, such as areas of fractured rock or sand, where it is anticipated that leachate or landfill generated gas, including, but not necessarily limited to methane gas, could migrate beyond 500 metres and pose a problem, hydrogeologic and/or engineering studies beyond 500 metres of the perimeter of the fill area will be conducted.
- 5.8.4.13 As time permits the Town will undertake a formal inventory of brownfield sites, determine site condition and what remedial actions will be required and what are the potential redevelopment options within the land use designation they are situated. Such studies may also be undertaken as part of a Community Improvement Program initiative or through OPA/site specific rezoning.

5.8.5 Utilities

- 5.8.5.1 All existing power generation and distribution facilities are permitted uses in any land use designation, provided that such development has been approved under the provisions of the

Environmental Assessment Act, where applicable, and any other relevant statutes.

- 5.8.5.2 Hydro One and E.L.K. Energy Inc. (being local hydro utility companies operating within the Town) and their successors should consult with the Town regarding the location of any and all new facilities including new transformer stations. However, any use of a utility company that is subject to approval under the *Environmental Assessment Act* will be exempt from the policies of this Plan.
- 5.8.5.3 Other electric power facilities, including buildings and facilities not used directly for the generation, supply or distribution of electric power, shall conform to the relevant policies of this Plan and the provisions of the implementing Zoning By-law for the zoning district in which they are located.
- 5.8.5.4 The above policies, however, do not preclude the Town's right to participate in discussions on the location of new power facilities, within the context of the PPS. Wherever practical, single footing narrow base tower construction and existing rights-of-way should be used for new electrical power transmission lines. Secondary land uses may also be permitted on utility company lands where deemed by the Town to be compatible with adjacent land uses and the principal function of the property.

CHAPTER 6

NATURAL HERITAGE & WATER SYSTEMS



Town of Essex

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Protecting the natural environment of the Town is critical to the health and safety of its residents, the maintenance of important habitats for plants and animals, and contributing to climate change adaptation and mitigation. The **Natural Heritage System** of the Town consists of known and natural heritage features, which require protection to varied degrees, and potential natural heritage linkages or restoration opportunities, which may be achieved through the development process. Additionally, there is a water system in the Town consisting of surface water and groundwater, which provides both benefits as a source of drinking water, and poses hazards in the form of flooding.

6.1 Natural Heritage System

The Town's **Natural Heritage System** is a component of the broader Natural Heritage System of the Windsor-Essex region, which was extensively mapped and analyzed by ERCA through the Essex-Region Natural Heritage System Strategy (ERNHSS). This Plan provides an opportunity for the Town to implement the recommendations of the ERNHSS and contribute to a consistent approach to the preservation and enhancement of the region's NHS.

The NHS is comprised of three components:

- > High Priority Natural Heritage Features, which are designated **Natural Environment** on Schedules A through A-5 and Schedule B and are pursuant to policies in Section 6.1.2.
- > Secondary Priority Natural Heritage Features, which are shown through the Natural Heritage Overlay on Schedule B and are pursuant to policies in Section 6.1.3.
- > Restoration Opportunities, which are shown through the Restoration Opportunities Overlay in the County's Official Plan, are pursuant to policies in Section 6.1.4.

6.1.1.1

The Town's **Natural Heritage System** will be preserved, protected, and enhanced for long term. The Town will seek no net loss, and if possible, a net gain in natural features and functions in the **Natural Heritage System**.

- 6.1.1.2 The Essex Region **Natural Heritage System** Strategy provides the primary technical direction towards the location and establishment of the Town’s **Natural Heritage System**.
- 6.1.1.3 The boundaries of the Town’s **Natural Heritage System**, as shown on Schedules B, 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 ERCA.
- 6.1.1.4 The Town will partner with the County, ERCA adjacent municipalities. wherever possible to:
- (a) enhance and increase the size of the **Natural Heritage System** through the planning and development process;
 - (b) increase public ownership of natural heritage features; and
 - (c) discourage the introduction/spread of invasive species and promote a high level of biodiversity.
- 6.1.1.5 The participation of landowners in voluntary stewardship agreements with respect to natural heritage features, and where eligible, in conjunction with compensation programs such as eco-gifts, will be encouraged.
- 6.1.1.6 The fragmentation of ownership of natural heritage features, i.e., where a natural heritage feature is divided over multiple legal properties, is discouraged.
- 6.1.1.7 Environmental Impact Assessments (also called Environmental Impact Studies per the County’s Official Plan) as may be required for certain development applications, will be prepared according to the Environmental Impact Assessment Guidelines published by ERCA and as amended from time to time, as well as guidance for Environmental Impact Studies provided through the County’s Official Plan.

**Natural Heritage System Facts:
Oxley Poison Sumac Swamp**

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

6.1.1.8

Environmental Impact Assessments will be subject to the following:

- (a) the preparation of any required Environmental Impact Assessment will be the responsibility of the landowner and shall be carried out by a qualified environmental professional;
- (b) when conducting the Environmental Impact Assessment, the environmental professional must acknowledge in the report any new information, such as findings of rare or significant species not previously known to exist on the site, and the impact which may result from any proposed development;
- (c) the Town, County, or other approval authority will have regard to such new information in its decisions regarding planning applications; and
- (d) before development is approved in the area subject to the Environmental Impact Assessment, the Environmental Impact Assessment shall demonstrate that the relevant policies of this Plan and the County's Official Plan are met. The Environmental Impact Assessment should also demonstrate that the development and site alteration will not have an impact on significant natural heritage features and related ecological functions.

6.1.2

High Priority Natural Heritage Features

High Priority Natural Heritage Features are **existing** and **known** elements of the natural environment that hold particular ecological, cultural, or scientific importance and are sensitive to other land uses. These features contribute to the overall biodiversity, ecosystem health, and environmental quality of the Town, and require specific protection from destruction or the disruption of their ecological functions.

- 6.1.2.1 In conformity with the **Natural Heritage System** policies of the County OP, High Priority Natural Heritage Features are designated as **Natural Environment** on Schedules A through A-5 and Schedule B, and include:
- (a) Provincially significant wetlands;
 - (b) significant habitat of endangered species and threatened species;
 - (c) significant woodlands;
 - (d) ANSIs;
 - (e) ESAs; and
 - (f) other significant terrestrial features designated as **Natural Environment** through the County of Essex Official Plan.
- 6.1.2.2 Permitted land uses and development policies for High Priority Natural Heritage Features are established through the **Natural Environment** land use designation in Section 7.2 of this Plan, and shown on Schedules A through A-5.
- 6.1.2.3 Development or site alteration is prohibited in High Priority Natural Heritage Features.
- 6.1.2.4 Development or site alteration is prohibited on lands adjacent to High Priority Natural Heritage Features unless it has been demonstrated through an Environmental Impact Assessment that there will be no negative impacts on the natural features or their ecological functions.
- 6.1.2.5 Where a High Priority Natural Heritage Feature is identified through the planning and development process, the lands it encompasses should be conveyed to the Town.
- 6.1.2.6 Within High Priority Natural Heritage Features:

NHS Facts: Cedar Creek

Cedar Creek has been identified as an Area of Natural and Scientific Interest (ANSI) and as a Provincially Significant Wetland (PSW) by the Province, as an Environmentally Significant Area (ESA) by ERCA and as a Carolinian Canada Site.

Cedar Creek has an upland Carolinian forest that provides the best representation of a creek valley system with adjoining uplands in southern Ontario. The ANSI/ESA is relatively undisturbed, and About 100 species of trees and shrubs have been identified, a very high diversity.

- (a) existing agricultural uses are permitted to continue, however new greenhouse development is not permitted within High Priority Natural Heritage Features pursuant to policies in Chapter 4 of this Plan; and
- (b) 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:
 - (i) there is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is directed away from the feature to the maximum extent possible; and
 - (ii) the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible.

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

- 6.1.2.7 The Town will work with the Province and ERCA to identify significant Habitat of Endangered Species and Threatened Species and Species of Special Concern.
- (a) In co-operation with ERCA, this Plan will be updated from time to time to maintain or enhance policies for their preservation and protection.
- 6.1.2.8 The Town supports the objective of and initiatives for achieving a net gain in the quality, productive capacity, and distribution of fish habitat.
- 6.1.2.9 Limited development and site alteration may occur in areas adjacent to fish habitats, (generally within 30 meters of the fish habitat), if it has been demonstrated to the satisfaction of the Town, in consultation with the Federal Department of Fisheries and Oceans, that there will be no negative impacts on the fish habitat itself.
- 6.1.2.10 Assessment of negative impact is to be determined by conducting a fish habitat study pursuant to Provincial guidelines, prior to consideration of any *Planning Act* application. Any development

and site alteration proposed must be pursuant to the underlying land use designation shown in Schedules A through A-5 to this Plan.

6.1.3

Secondary Priority Natural Heritage Features

Secondary Priority Natural Heritage Features are **existing** and **known** natural environment elements located in the **Natural Heritage**

System that contribute to the biodiversity, ecosystem health, and environmental quality and are less sensitive to the presence of other land uses than the High Priority Natural Heritage Features. These features require additional study through the planning application process to ensure that any development or site alteration on their lands will not disrupt their ecological function.

Natural Heritage System Facts: New Canaan Valley

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

6.1.3.1

Secondary Priority Natural Heritage Features are shown as Natural Heritage Overlay on Schedule B and include woodlands, valleylands, fish habitats, ANSIs, and other natural heritage features that have not been designated as High Priority Natural Heritage features in the County of Essex Official Plan.

6.1.3.2

Development or site alteration is prohibited in Secondary Priority Natural Heritage Features unless it has been demonstrated through an Environmental Impact Assessment that there will be no negative impacts on the natural features or their ecological functions.

6.1.3.3

Permitted uses on lands within the **Natural Heritage Overlay** will be pursuant to the underlying land use designation for those lands shown on Schedules A to A-5, pursuant to the policies of Section 7.2 of this Plan.

6.1.3.4

Activities that preserve and enhance the features contained within the **Natural Heritage Overlay** will be encouraged, including tree preservation, tree planting, establishing and improving linkages.

6.1.4 Restoration Opportunities

Lands without natural heritage features adjacent to or near existing and known natural heritage features. may provide restoration opportunities to increase the size of the feature, restore or enhance its ecological function, or establish linkages between two or more features. These lands also present the opportunity to act as buffer strips or to incorporate low-impact development.

6.1.4.1 The **Restoration Opportunity** overlay, identified in the County's Official Plan, identifies high-priority and secondary- priority restoration opportunity areas. This overlay identifies lands that may be used to promote and enhance the **Natural Heritage System**

6.1.4.2 On lands where a Restoration Opportunity has been identified through the ERNHSS and the County Official Plan, applications for amendments to this Plan or the Town's Zoning By-law, plans of subdivision or condominium, an Environmental Assessment for infrastructure will be supported by an Environmental Impact Assessment that has evaluated 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 elements into the project;
- (c) opportunities to establish buffer strips 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) the potential for public acquisition and or rezoning to protect important linkages.

6.1.4.3

Restoration initiatives should apply the following general guideline:

- (a) consideration of the landscape of both the site and adjacent lands as an interconnected system;
- (b) preservation and reestablishment of streamside vegetation;
- (c) enhancement of species and habitat diversity;
- (d) ensuring good genetic diversity;
- (e) utilization of native species;
- (f) working with the site's natural vegetation and capabilities;
- (g) creation of low maintenance, ecologically self-sustaining solutions; and
- (h) accommodation of passive recreational and educational uses such as trails, boardwalks and interpretive panels.

6.1.4.4

Prior to the construction of any new municipal drains or any work completed under Section 78 of the *Drainage Act* in lands where a Restoration Opportunity has been identified, a Drainage Report shall be prepared pursuant to the *Drainage Act* that includes the establishment of buffer strips to enhance the **Natural Heritage System**.

6.2

Source Protection

Recognizing the importance of safeguarding the Town's and broader region's vital water resources, this section articulates comprehensive strategies and initiatives aimed at preserving the quality and sustainability of the sources that supply drinking water. Water is essential for the well-being of residents, the growth of the economy, and the vitality of the environment.

Surface water vs. Groundwater

Surface water includes lakes, ponds, wetlands, rivers, streams, and other watercourses which exist on the surface of the Earth.

Groundwater exists under the surface of the Earth, in soil and in the pores and crevices of rock.

The Town’s primary source of drinking water is Lake Erie, via the Union Water Treatment Plant and the Amherstburg Treatment Plant. While the Town does not use groundwater as a drinking water source, the protection of groundwater is just as important as the protection of surface water.

The source protection policies below are driven by the Provincial *Clean Water Act* through the Essex Region Source Protection Plan, as amended. Three of the four types of vulnerable areas identified in the *Clean Water Act* are present in the Town of Essex:

- > Highly Vulnerable Aquifers, which are shown on Schedule F.
- > Significant Groundwater Recharge Areas, which are shown on Schedule F.
- > Intake Protection Zones, shown on Schedule E.

These areas are vulnerable to threats to water quality via contamination, and threats to water quantity via removal of water from aquifer and/or limiting of aquifer recharge.

- 6.2.1.1 All Town planning decisions will be consistent with the Essex Region Source Protection Plan and the technical assessments stemming from it. Under the provisions of the *Clean Water Act* and using developed boundaries that ensure watershed based jurisdiction, the Town, with the assistance of ERCA, will enforce the mandates of the Source Protection Plan.
- 6.2.1.2 The Town recognizes the need for efficient and sustainable use of water resources and to ensure that stormwater management practices minimize stormwater volumes and containment loads and maximize the extent of vegetative and pervious surfaces.
- 6.2.1.3 Approval of new development, expansion of existing development, and site alternation will require measures to limit any potential negative impacts on surface water and groundwater resources.

6.2.1.4 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 an Environmental Impact Assessment the quality and/or quantity of groundwater will be protected, improved, or restored.

6.2.1.5 Groundwater assessment will be undertaken by a qualified person under the *Professional Geoscientists Act*, with the level of study to be determined by the qualified person, in pre-consultation with the Town and the Risk Management Official, according to the scope of the proposed development and the determined degree of risk. The study will examine existing conditions, assess the impact of the proposed development on the watershed and hydrologic functions and set out mitigation, satisfactory to the Town and ERCA.

6.2.1.6 The Town will assist ERCA with the establishment of groundwater monitoring stations in key groundwater regions, identified in the Essex Region/Chatham Kent Groundwater Study, particularly in areas of medium and high sensitivity.

6.2.1.7 The Town will assist in the identification and remediation of potential groundwater and source water contaminant sources through such measures as land use restrictions, stormwater management and the support of watershed management plans.

6.2.1.8 The Town, with guidance from ERCA as necessary, will be responsible for the purchase, installation, and maintenance of signs noting where Town arterial roads are located within an Intake Protection Zone with a vulnerability score of 8 or higher.

6.2.1.9 The Town will support outreach and education programs conducted by ERCA, which may include:

- (a) education and outreach programs on the importance of commercial fertilizer-free buffers around wells and surface

Example Threats to Source Water

- > The handling and storage of road salt.
- > The handling and storage of fuel.
- > Waste disposal sites.
- > Sewage systems.
- > The application of pesticide or commercial fertilizer to land.

water, targeted at commercial fertilizer application technicians and/or homeowners;

- (b) promoting and encouraging use of a nutrient calculator to determine the proper amount of nutrients to be applied in each situation and for each crop; and
- (c) promoting best practices for the application, storage and handling of commercial fertilizer.

Intake Protection Zones (IPZs)

Schedule E 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.

- 6.2.1.10 The Town of Essex Emergency Management Plan will be reviewed to consider including a response to potential fuel spills that threaten Intake Protection zones in the Town.
- 6.2.1.11 Planning or building permit applications involving fuel storage and the transportation of fuels will be referred to ERCA Risk Management Official/Inspector (RMO/I) for review and comment.
- 6.2.1.12 On lands that fall within an Event-Based Area as identified by ERCA, a planning or building permit application involving non-residential land uses will require a written notice from the RMO/I prior to approval, pursuant to Section 59(2) of the *Clean Water Act*.
- 6.2.1.13 Notwithstanding policy 6.2.1.12, a Risk Management Official may issue written direction specifying the circumstances under which a *Planning Act* Approval Authority or building official may be permitted to make the determination that a site specific land use is not designated for the purposes of Section 59 of the *Clean Water Act*.
- 6.2.1.14 The Town will provide an annual report to ERCA which summarizes any actions taken in the previous calendar year to comply with policies 6.2.1.11 and 6.2.1.12.

6.3 Natural Hazards and Flooding

Erosion hazards and flooding pose threats to development and buildings, and thus to the health and safety of the Town's residents. The mitigation of these hazards will become increasingly important as the impacts of climate change grow.

Lands within the **Lake Erie Flood-prone Area**, being lands generally along the north shore of Lake Erie, and in the Floodplain Development Control Area, being lands along inland watercourses, are areas that have been identified as being susceptible to flooding and erosion. They are subject to flooding under regulatory flood conditions (100-year or maximum observed) and are subject to Ontario Regulation 158/06, as amended from time to time and implemented by ERCA.

- 6.3.1.1 A permit from ERCA is required in advance of any development or site alteration occurring on lands within the Floodplain Development Control Area or Lake Erie Flood-Prone Area overlays shown on Schedule J to this Plan.
- 6.3.1.2 As directed by the County of Essex Official Plan, the Town will take a two-zone approach to the regulation of inland floodplains.
- 6.3.1.3 Development in the floodway zone within the Floodplain Development Control Area is restricted exclusively to facilities and undertakings used for flood control purposes, approved by ERCA.
- 6.3.1.4 Development and site alteration in the flood fringe of the Floodplain Development Control Area and in the Lake Erie Flood-prone Area will only be permitted if, in consultation with ERCA, it is determined that:
- (a) the flooding and/or erosion hazard can be safely addressed;

Two zone approach

An approach to floodplain management where the floodplain is differentiated in two parts: the floodway and the flood fringe.

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

- (b) new flooding and/or erosion hazards are not created, and existing hazards are not aggravated;
- (c) no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required);
- (d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies; and
- (e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

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

6.3.1.6 Where feasible, in consultation with ERCA the Town will prescribe through zoning certain setback and minimum flood-proofing elevation requirements for development within the Floodplain Development Control Area and Lake Erie Flood Prone Area and setbacks from the top of bank for erosion-prone areas.

6.3.1.7 The Town will investigate nature-based techniques to mitigate erosion along the Lake Erie shoreline and along inland watercourses.

Nature-based technique examples

Native Vegetation Planting:

Introducing and restoring native vegetation along shorelines can stabilize soils, reduce erosion, and enhance biodiversity. Plants with deep root systems, such as beach grasses and sedges, can anchor the soil and protect against wave action.

Wetland Restoration: Wetlands act as natural buffers and provide essential ecosystem services.

Restoring or enhancing wetland areas can help absorb stormwater, reduce shoreline erosion, and provide habitat for native species.

CHAPTER 7

DEVELOPMENT & LAND USE



Town of Essex

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This Chapter of the Plan provides general criteria for development in the Town, and establishes land use designations which apply to all lands in the Town.

7.1 General Development Policies for All Land Use Designations

The policies in this Section apply to all development in the Town, regardless of land use, size, or location.

7.1.1 Site Suitability

Certain conditions must exist on the site of a proposed development that make it suitable, safe, and appropriate for the proposed development.

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

- (a) soil and drainage conditions on the subject parcel are suitable to permit the proper siting of buildings;
- (b) the necessary water and wastewater services are available to adequately accommodate the proposed development;
- (c) no traffic hazards or significant conflicts amongst vehicle operators, pedestrians or cyclists will result because of improper site design, unregulated traffic generation or restricted sight lines;
- (d) the land fronts on a public road which is of a reasonable standard of construction to accommodate both existing and anticipated future traffic volumes; and
- (e) adequate measures will be taken to properly mitigate or prevent any adverse effects that the proposed use may have upon any proposed or existing adjacent use.

7.1.2 Phasing

Development in the Town needs to proceed in a manner that allows for the provision of all the necessary services to support the land uses within the development and does not place undue burden on the Town's existing infrastructure or community serving facilities.

- 7.1.2.1 The sequence of development within the Town will be controlled so that the financing and construction of public works can be undertaken without undue financial hardship on the part of the Town.
- 7.1.2.2 Development in the Town will proceed in a phased and contiguous manner, with connectivity to existing development and infrastructure, including roads, servicing, and active transportation facilities.
- 7.1.2.3 Generally for any new development, the proponent must provide and pay for all internal services within a development, pursuant to policies in Sections 5.7 and 5.8 of this Plan, and pursuant to the Town's Development Charges By-law and Community Benefits Charges By-law. In addition, it will be the developer's responsibility to finance any required extension of existing services or the oversizing of on-site services.
- 7.1.2.4 Front end financing agreements between the Town and the proponent will be used where necessary and appropriate.
- 7.1.2.5 Holding zones in the Town's Zoning By-law may be applied to any specific area to restrict new development until such time as adequate municipal services and suitable facilities are available or where remedial or mitigated measures are necessary.

Front-end financing

Front-end financing is the practice of the proponent of a given development directly financing the upfront costs of constructing municipal infrastructure required to facilitate that development, as opposed to supporting the costs of that infrastructure through development charges or other municipal funding tools.

7.1.3 Land Use Compatibility

Certain land uses may be incompatible with other land uses in terms of noise, odor, vibration, health and safety, and proximity. This includes the potential for negative impacts or adverse affects from major facilities such as manufacturing plants on sensitive land uses like residential neighbourhoods or schools. Pursuant to the PPS, the Town is required to plan for the avoidance of conflict between incompatible land uses, and if avoidance is impossible, to assess and mitigate any effects or impacts from the incompatible uses.

7.1.3.1

Where a proposed development may result in incompatibility between two or more land uses, adequate measures will be required to ensure that any adverse effects are avoided, or if avoidance is not possible, mitigated. Such measures may include:

- (a) adequate separation distances between the incompatible uses as directed by Provincial guidelines; and/or
- (b) buffering measures such as landscaping or screening.

Provincial environmental land use planning guides

This series of guides, also known as the “D-series Guidelines”, provide direction to supplement local planning policies and regulations on compatibility between industrial land use, sensitive land uses, sewage and water services, and private well.

7.1.3.2

Any mitigative measures to address issues of land use compatibility will be implemented by the proponent of a development or redevelopment as a condition of development approval. The proponent will satisfy the Town 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.

- 7.1.3.3 All proponents of new development abutting a rail corridor will be required 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.
- 7.1.3.4 In determining the exact instances for the application of policies of this Section, the Town will have regard to Provincial legislation, policies and appropriate guidelines.
- 7.1.3.5 Required minimum distance separations may be established in the Zoning By-law and will reflect Provincial guidelines and/or other policies established by this Plan or authority having jurisdiction.

7.1.4 Human-made Hazards and Brownfield Development

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

While no specific inventory of brownfield sites has been undertaken by the Town, it is generally known that such sites that do exist are scattered and of small size.

- 7.1.4.1 Development on or adjacent to lands where contaminants are known or anticipated will be permitted, subject to land use restrictions, only if acceptable rehabilitation measures to identify, quantify and mitigate known or suspected hazards are underway or have been completed, pursuant to Provincial guidelines.
- 7.1.4.2 Contaminated sites must be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. In particular, any development application to redevelop a contaminated or hazardous site or develop lands adjacent to a contaminated or hazardous site must include information pertaining to the following:
- (a) past and present uses of the site;

- (b) a soil report prepared 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) an acknowledgement of the requirement that site restoration is to occur pursuant to Ontario Regulation 153/04 (Record of Site Condition) under the *Environmental Protection Act*; and
- (d) where contamination has been identified and remediated, a letter from the applicable Provincial ministry acknowledging receipt of a “Record of Site Condition” prior to development approvals being granted.

- 7.1.4.3 Development on or adjacent to lands affected by mine hazards or former mineral resource extraction operations will be permitted, subject to land use restrictions, only if rehabilitation measures to address and mitigate known or suspected hazards have been completed in full conformity with a technical report prepared by a qualified professional in this field and with the approval of the applicable Provincial ministry.
- 7.1.4.4 If any unplugged petroleum wells or associated works are identified, the appl shall be notified. The well must be plugged, and the surface rehabilitated according to the Provincial Standards of the *Oil, Gas and Salt Resources Act*. The plugging of abandoned oil and natural gas wells and the storage of oil and natural gas will be done pursuant to the *Petroleum Resources Act*.
- 7.1.4.5 It is recommended that no structures be built immediately over a plugged petroleum well.
- 7.1.4.6 No rezoning to permit a new sensitive land use or an increase in permitted dwelling unit density will be permitted within 400 metres of a lot on which a sewage lagoon is located or within 500 metres of a lot on which a landfill is situated, unless, it can be demonstrated to the satisfaction of the Town, pursuant to Provincial guidelines, that the facility will not have a significant adverse effect on the sensitive land use or that mitigation through

remedial measures satisfactory to the Town, according to Provincial guidelines, is feasible.

7.1.4.7

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

7.1.5 Community and Utility Uses

Land uses which serve a community or utility use will be permitted in all land use designations shown on Schedules A through A-5. This approach is intended to reduce the burden on development of these uses by removing the need to amend the Official Plan prior to their development. Certain additional requirements for a given community or utility use may still be applied through zoning or site plan control.

7.1.5.1

Unless otherwise specifically provided in this Plan, the following uses are permitted in all land designations shown on Schedules A through A-5 to this Plan:

- (a) any facility or activity directly related to the operations of the Town or County;
- (b) new or expanded community uses including:
 - (i) parks;
 - (ii) community centres;
 - (iii) schools; or
 - (iv) places of worship; and
- (c) new or expanded utility uses, including:
 - (i) electrical transmission;
 - (ii) telephone, cable transmission, fibre optics or other communications; or
 - (iii) gas distribution or transmission.

7.1.5.2

Notwithstanding policy 7.1.5.1, new community uses will:

- (a) not be permitted on lands in the **Natural Environment, Prime Agricultural, Specialty Crop Area**, or Employment designations; and

- (b) may be subject to rezoning approval on a site specific basis.

7.1.5.3

Notwithstanding policy 7.1.5.1, the expansion of an existing community use on lands designated **Prime Agricultural** or **Specialty Crop Area** will be restricted to expansions solely:

- (a) within the limits of the existing lot of record; or
- (b) within the area zoned for such use under the zoning by-law in effect at the time of the existing uses' initial construction.

7.1.5.4

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

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

7.1.5.5

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

- (a) the proposed use and required severance conform to this Plan and the PPS; and
- (b) adequate potable water supply, sanitary sewage treatment and disposal, and stormwater management can be provided for the severed and retained lots to the satisfaction of the Town.

- 7.1.5.6 Notwithstanding policy 7.1.5.1, the following additional requirements apply to new or expanded utility uses:
- (a) the utility use will be subject to height restrictions in **Urban Residential, Mobile Home Park, and Secondary Settlement Area - Lakeshore** designations;
 - (b) the utility or company involved should inform the Town regarding the relocation of any existing and all new facilities.
 - (c) all buildings and facilities not used directly for the transmission or reception of an electrical current or signal or a liquid or gas shall comply with any other applicable provisions of this Plan and the Town's Zoning By-law.
- 7.1.5.7 Where the Town has the authority to require such restrictions, non-linear facilities not contained underground will require an amendment to the Zoning By-law, if proposed to be located on lands where residential uses are permitted.
- 7.1.5.8 When above ground non-linear facilities are proposed on lands designated **Prime Agricultural** or **Specialty Crop Area**, the need must be demonstrated pursuant to Provincial policy, including justification as to why lower capability or marginal land cannot be used.
- 7.1.5.9 Wherever practicable, single footing narrow base tower construction and existing rights-of-way should be used for new electrical power transmission lines. Secondary land uses may be permitted on utility company lands where deemed by the Town to be compatible with adjacent land uses and by agreement with the respective utility company.

7.2 Land Use Designations

The following designations apply to specific land use policies for new development and. Each designation specifies what land uses are permitted on the subject parcel, supported by mapping on Schedules A through A-5, as well as stipulating additional criteria specific to that designation. These land use policies will be implemented through provisions enacted in the Town's Zoning By-

law, the development review/approval process and through individual site plan control and development agreements.

7.2.1 Urban Residential

Lands designated **Urban Residential** on Schedules A-1 and A-2 to this Plan are located in the Essex Centre and Harrow **Primary Settlement Areas** and are either currently developed for residential uses or have been determined to be appropriate for future residential development. These lands are the focus of the majority of housing development in the Town, and the **Urban Residential** designation is intended to allow for the evolution of residential neighbourhoods to meet the future housing needs of the Town as established in Section 5.1 of this Plan..

7.2.1.1

The following goals are established for the **Urban Residential** designation:

- (a) to provide areas in which residential development and neighbourhood serving support services may be developed and maintained in a controlled, sustainable and energy efficient manner and to recognize existing residential development and areas presently designated for residential purposes;
- (b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;
- (c) to encourage infilling and redevelopment within existing developed areas;
- (d) to encourage residential intensification within existing developed areas;
- (e) to permit and facilitate all forms of housing including special housing needs, required to meet the social, health and well-being of the current and future residents; ;
- (f) to encourage the construction of a variety of housing arrangements and forms including but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes. ;

- (g) to encourage the provision of affordable housing for both ownership and rental forms of housing;
- (h) to restrict the encroachment of non-residential development into older residential neighbourhoods;
- (i) to provide an adequate supply of draft approved and/or registered lots and blocks in new plans of subdivision and/or registered lots which have been created pursuant to the land division policies in Section 8.1.6 of this Plan;
- (j) to provide an adequate supply of new fully serviced building lots to meet the projected demand for additional housing units over the planning period of this Plan.

7.2.1.2

The following uses will be permitted on lands designated **Urban Residential** on Schedules A-1 and A-2:

- (a) a range of low-, medium-, and high-density residential uses, pursuant to policy 7.2.1.4, including but not limited to:
 - (i) single-unit detached dwellings, two-unit dwellings, semi-detached dwellings, three-unit dwellings, rowhouses, townhouse dwellings, stacked townhouses, tiny homes, and multi-unit buildings;
 - (ii) additional residential dwelling units, pursuant to policies in Section 5.1.4 of this Plan; and
 - (iii) garden suites, pursuant to policies in Section 5.1.5 of this Plan;
- (b) home occupations;
- (c) residential care facilities, group homes, and other housing designed to accommodate persons with special needs;
- (d) housing related to employment, institutional or educational uses;
- (e) community uses (e.g. parks, community centres, schools), by site-specific amendment to the Town’s Zoning By-law, pursuant to policies in Sections 5.4 and 7.1.5 of this Plan;
- (f) neighbourhood commercial uses by site-specific Zoning By-law amendment if:



Implementation of County intensification policies. See Section 5.1 of this Plan.

- (i) the proposed use(s) is deemed to be compatible in its scale, form and height with the surrounding land uses;
- (ii) there is a demonstrated need for the proposed uses(s) for the existing neighbourhood;
- (iii) the building and parking areas have adequate setbacks or other buffering from existing residential uses and adequate onsite parking;
- (iv) adequate municipal services and facilities are available; and
- (v) the uses or combination of uses serve the walk in public and no drive through facilities are provided;
- (g) uses that are lawfully existing on the date of adoption of this Plan, pursuant to Zoning By-law limitations on expansion or reconstruction and policies in Section 8.2 of this Plan; and
- (h) uses accessory to the foregoing uses.

7.2.1.3 Additional provisions for permitted uses in the **Urban Residential** designation will be established in the Town’s Zoning By-law.

7.2.1.4 Low-, medium- and high-density residential categories are described as follows:

- (a) low-density development will achieve minimum densities between 25 and 50 units per net hectare with a maximum building height of two storeys;
- (b) medium-density development will achieve minimum densities between 50 and 80 units per net hectare with a maximum building height of four storeys;
- (c) high-density development will achieve minimum densities of 80 or higher units per hectare with a maximum building height of six storeys;

7.2.1.5 More specific guidance for the location of low-, medium- and high-density residential development will be provided through the Town’s Zoning By-law.

- (a) Undeveloped lands that are designated **Urban Residential** may be placed in a holding zone in the Zoning By-law.

Existing uses may be permitted in the holding zone in the interim, provided such uses are permitted within the **Urban Residential** designation or conform to policies in Section 8.2 of this Plan.

7.2.2 Mobile Home Park

Lands designated **Mobile Home Park** on Schedules A-1 and A-3 are existing mobile home park communities located in the Essex Centre and McGregor **Settlement Areas**. These are the only locations where mobile homes are permitted without an amendment to this Plan.

7.2.2.1

The following goals are established for the **Mobile Home Park** designation:

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

7.2.2.2

The following uses will be permitted on lands designated **Mobile Home Park** on Schedules A-1 and A-3 to this Plan:

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

7.2.2.3

The Town's Zoning By-law will establish additional provisions for lands designated **Mobile Home Park**.

7.2.2.4

The maximum permitted density in the **Mobile Home Park** designation is 20 mobile homes per hectare.

7.2.2.5

Minor expansion of the mobile home park will be permitted subject to an amendment to the Zoning By-law and the availability of sufficient uncommitted reserve capacity to service the expansion within the municipality's sanitary sewage, potable water and stormwater drainage systems.

7.2.3 Main Street

Lands designated **Main Street** on Schedules A-1, A-2, and K-1 to this Plan are located in the Essex Centre and Harrow **Primary Settlement Areas** and in the Colchester **Secondary Settlement Area**. These areas are to be site of growth through intensification will have the highest concentration of civic, institutional, cultural, leisure, recreational, retail, office, service commercial and residential uses, ideally in developments that incorporates two or more uses.

The **Main Street** areas are to be the heart of commercial, cultural, and social activities in the Town. Over the horizon of this Plan, it is anticipated that these areas will continue to evolve, mature and redevelop into a built form that is compact and cohesive with integrated shopping, recreational, cultural, leisure and civic functions.

7.2.3.1

The following goals are established for the **Main Street** designation:

- (a) to create and maintain compact, walkable, and vibrant mixed-use areas in the centre of the Town's **Settlement Areas** that:
 - (i) permit a full range of civic, institutional, cultural, leisure, recreational, and shopping experiences;
 - (ii) include 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
 - (iii) provide a safe, accessible, barrier-free and visually attractive gathering place for a growing community;
- (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 **Main Street** areas are dynamic in nature, and must be able to evolve, adapt and redevelop as market

conditions, consumer needs and preferences, and retail trends change over time; and

- (d) to promote mixed use redevelopment projects (commercial/residential).

7.2.3.2

The following uses will be permitted on lands designated **Main Street** on Schedules A-1, A-2, and K-1:

- (a) retail, office and service commercial uses, including small-scale shopping, restaurants and cafes, clinics, and financial service establishments;
- (b) community and institutional uses including libraries, museums, cultural and performing arts centres;
- (c) places of entertainment and recreation;
- (d) municipal and public agency administrative office
- (e) small scale automobile-related service establishments;
- (f) municipal and public agency administrative offices,
- (g) civic squares, parkettes and other similar public facilities;
- (h) dwelling units within a mixed-use commercial/residential development.

7.2.3.3

The Town recognizes that each **Settlement Area** with lands designated **Main Street** has its own unique character, which should be reflected in the mix of uses, public realm, and built form of the three **Main Street** areas.

7.2.3.4

The Town will encourage and contribute to the continued aesthetic and functional improvement of **Main Street** areas;

7.2.3.5

Development will be supported in **Main Street** Areas that:

- (a) has a height of not less than two stories and not more than six stories;
- (b) will preserve, to the greatest extent possible, a strong and vibrant retail and office commercial presence at ground level;



Implementation of County intensification policies. See Section 5.1 of this Plan.

- (c) is designed in such a manner as to create and maintain safe and convenient pedestrian linkages between and amongst individual sites and public rights-of-way;
- (d) implements the universal design policies in Section 5.6.3 of this Plan;
- (e) incorporate compact and shared parking, loading and access facilities;
- (f) pursuant to built form policies in Section 5.6.2 of this Plan, incorporates architectural and design elements which are in keeping with the area and contribute to a built form which is compact and energy efficient;
- (g) existing standalone residential uses may be recognized in the Zoning By-law subject to the policies of Section 8.2 of this Plan; and
- (h) uses accessory to the foregoing uses.

- 7.2.3.6 The Town may consider the use of Section 40 of the *Planning Act* (cash in-lieu of parking) if it is satisfied that the proposal will not contribute to a serious shortage of off-street parking in the area.
- 7.2.3.7 All parking areas will be attractively designed and landscaped to enhance their appearance in keeping with the character of the Town and buffered from abutting residential uses.
- 7.2.3.8 To maintain consistency and compatibility in function and design, new development will be required to conform to performance standards relating to parking, loading, lighting, landscaping, and buffering as set out in the implementing Zoning By-law and site plan control agreements.
- 7.2.3.9 Front yard parking and drive through facilities will not be permitted mid block or in other locations where a contiguous street wall at or close to the public street should be maintained.
- 7.2.3.10 Development of non-residential buildings or residential buildings with more than ten dwelling units in **Main Street** will be subject to site plan control pursuant to policies in Section 8.1.5 of this Plan.
- 7.2.3.11 Through site plan control, pursuant to policies in Section 8.1.5 of this Plan, the Town will:

- (a) ensure that pedestrian movement is not obstructed by street furniture and other design elements which present a barrier to movement between buildings and within public spaces;
- (b) encourage measures such as street furniture, awnings, canopies and recessed ground floor entrances to offer pedestrian convenience and protection;
- (c) encourage development designed to maximize solar gain through building orientation, massing and the use of renewable energy systems and the preservation of sunlight in public spaces; and
- (d) where a new development is within or adjacent to an established area, the Town will ensure that the new development is compatible with and complementary to the area in terms of its overall massing, setbacks, parking, landscaping, building location relative to the street, exterior signage and onsite lighting design and dispersion and the conservation of heritage elements or features.

7.2.3.12 As resources permit, the Town will consider the use of gateways, theme street designations, informative signage and decorative features to emphasize the entrances to **Main Street** areas or neighbourhoods.

7.2.3.13 As resources permit and through site plan control, the Town will enhance public rights-of-way consistent with the established character of the neighbourhood or streetscape by using streetscape elements such as special lighting, landscaping, decorative paving, street furniture and public art as complementary features.

7.2.4 Highway Commercial

Lands designated **Highway Commercial** on Schedules A-1 and A-2 are areas either presently used for highway commercial purposes or set aside for such future purpose. This designation is intended to accommodate the specialized uses and lot size requirements of large format retailers and other uses which require high visibility, large parking areas and may require drive through facilities.

7.2.4.1

The following uses are permitted on lands designated **Highway Commercial** on Schedules A-1 and A-2 to this Plan:

- (a) large-scale retail establishments that generate moderate to heavy traffic volumes, require good vehicular access and onsite parking and may require drive through facilities or outdoor store areas, including:
 - (i) big box retail and wholesale commercial uses that require large sites and may require outdoor storage and display areas, such as general retailers, hardware and home improvement centres, building supply outlets, supermarkets, garden centres;
 - (ii) warehousing, general storage, and/or sale of bulk goods or materials such as fuel, building materials and hardware, exclusive of sand and gravel or other such construction materials stored in bulk form in storage areas open to the sky;
 - (iii) establishments which sell and/or service automobiles, trucks, recreational products including boats and recreational vehicles, and farm and garden vehicles and equipment;
 - (iv) commercial uses primarily serving the motoring public, such as service centres, hotels, motels, restaurants, convention or banquet facilities, with or without meeting rooms or drive through facilities;
- (b) small scale retail, office, day care and service commercial uses and such other uses intended to serve the daily needs of the surrounding residential neighbourhood;
- (c) printing establishments, workshops associated with an on site retail store;
- (d) business, financial and professional offices;
- (e) training facilities;
- (f) emergency medical services;
- (g) places of worship and other large scale institutional uses; and

- (h) uses accessory to the foregoing uses.
- 7.2.4.2 With areas designated **Highway Commercial**, different forms and types of commercial activity will be appropriate and will be zoned for accordingly in the Town's Zoning By-law.
- 7.2.4.3 Prior to any development proceeding on lands designated **Highway Commercial**, the necessary entrance, setback and sign permits must be obtained from the applicable Provincial ministry, the County of Essex and the Town of Essex;
 - (a) There shall be no direct access onto Highway Number 3 for any development.
- 7.2.4.4 The implementing Zoning By-law will generally restrict the building type to large, ground-oriented, commercial buildings with a minimum gross leasable floor area of 1,000 square metres.
- 7.2.4.5 Individual developments should function in an integrated manner with adjacent development, including design elements such as pedestrian/cycling access shared parking facilities, combined entrances and signage and landscaping that will minimize conflicts between automobile and non motorized traffic and create a visually attractive commercial area that is compatible with the surrounding residential area.
- 7.2.4.6 Where lands designated **Highway Commercial** are directly adjacent to **Urban Residential** areas:
 - (a) development will be of a smaller scale than elsewhere in **Highway Commercial** Areas;
 - (b) pedestrian linkages will be provided between the **Highway Commercial** site and the adjacent residential neighbourhood and commercial areas and traffic calming measures will be incorporated into the site design.
- 7.2.4.7 Undeveloped lands within the **Highway Commercial** designation will be placed in an appropriate commercial holding zone category in the implementing Zoning By-law. The holding symbol will be removed when the necessary development and site plan control agreements are executed by the Town.
- 7.2.4.8 Unless otherwise specifically provided, all development will conform to performance standards relating to parking, loading, lighting, landscaping and buffering, as set out in the implementing

Zoning By-law and construction shall be pursuant to an executed site plan control agreement(s).

7.2.4.9

Buffering may include separation by distance, the provision of berms, screening fences, grass strips, appropriate landscaping or any combination thereof deemed necessary by the Town.

7.2.4.10

Development within the **Highway Commercial** designation will be subject to site plan control pursuant to the policies of 8.1.5 of this Plan.

7.2.5 Highway Mixed-Use

Lands designated **Highway Mixed-Use** on Schedules A-1 and A-2 are located in **Primary Settlement Areas** and are intended to accommodate a variety of uses that may require higher visibility and larger parking areas than can be accommodated in **Main Street** areas. This could include commercial uses such as large format retailers, hotels, and restaurants, as well as medium- to high-density multi-unit residential developments.

7.2.5.1

All policies applicable to the **Highway Commercial** designation will apply to lands designated **Highway Mixed-Use**.

7.2.5.2

In addition to those uses permitted in the **Highway Commercial** designation, the following uses are permitted on lands designated **Highway Mixed-Use** on Schedules A-1 and A-2 to this Plan:

- (a) large-scale retail establishments that generate moderate to heavy traffic volumes, require good vehicular access and onsite parking and may require drive through facilities or outdoor store areas, including:
 - (i) big box retail and wholesale commercial uses that require large sites and may require outdoor storage and display areas, such as general retailers, hardware and home improvement centres, building supply outlets, supermarkets, garden centres;
 - (ii) warehousing, general storage, and/or sale of bulk goods or materials such as fuel, building materials and hardware, exclusive of sand and gravel or other such construction materials stored in bulk form in storage areas open to the sky;

- (iii) establishments which sell and/or service automobiles, trucks, recreational products including boats and recreational vehicles, and farm and garden vehicles and equipment;
- (iv) commercial uses primarily serving the motoring public, such as service centres, hotels, motels, restaurants, convention or banquet facilities, with or without meeting rooms or drive through facilities;
- (b) printing establishments, workshops associated with an on site retail store;
- (c) medium- or high-density residential uses, including multi-unit buildings, pursuant to policy 7.2.1.4 of this Plan;
- (d) business, financial and professional offices;
- (e) training facilities;
- (f) emergency medical services;
- (g) places of worship and other large scale institutional uses; and
- (h) uses accessory to the foregoing uses.

7.2.6 Parks and Open Space

Lands designated **Parks and Open Space** on Schedules A through A-5 to this Plan are intended to accommodate a variety of recreational opportunities critical to the maintenance of healthy communities in the Town of Essex. Through the designation of lands for **Parks and Open Space** and by land acquisition, the Town will strive to ensure that sufficient recreational, open space and park facilities are provided to meet the leisure needs and desires of present and future residents, businesses and visitors to the Town.

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

- (a) to ensure that the Town maintains and acquires an adequate supply of open space for its current and future residents;

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

7.2.6.2

The following uses will be permitted on lands designated **Parks and Open Space** on Schedules A through A-5 to this Plan:

- (a) public parks with active and/or passive recreational uses;
- (b) public or private recreational uses and facilities, including but not limited to golf courses, golf driving ranges and picnic areas;
- (c) community facilities such as community centres, indoor and outdoor sports facilities, and libraries; and
- (d) uses accessory to the forgoing uses.

7.2.6.3

Unless otherwise specifically provided, all new uses will conform to standards related to parking, vehicular access, lighting, landscaping and buffering as established in the implementing Zoning By-law and through site plan control.

7.2.6.4

Development in the **Parks and Open Space** designation will be subject to site plan control pursuant to policies in Section 8.1.5 of this Plan.

7.2.7

Community Facility

Lands designated **Community Facility** on Schedules A through A-5 accommodate community serving uses, both public and private, such as schools, libraries, places of worship, and municipal offices.

7.2.7.1

The following goals are established for lands designated **Community Facility** on Schedules A through A-5 to this Plan:

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

7.2.7.2

The following uses are permitted on lands designated **Community Facility**:

- (a) publicly owned or operated community serving facilities such as municipal offices, police offices, fire halls, public works yards, government buildings, schools;
- (b) places of worship and cemeteries;
- (c) private clubs and public halls;
- (d) ancillary uses which benefit from close proximity to or complement community service uses;
- (e) existing dwellings; and
- (f) uses accessory to the foregoing uses.

7.2.7.3

Unless otherwise specifically provided, all new uses within the Community Service Facility designation will conform to standards related to parking, vehicular access, lighting, landscaping and buffering as established in the implementing Zoning By-law for general commercial uses and through site plan control.

7.2.7.4

Development on lands designated **Community Facility** will be subject to site plan control pursuant to Section 41 of the *Planning Act*.

7.2.8

Industrial

Lands designated **Industrial** on Schedules A-1 and A-2 are areas presently used for industrial employment purposes, already set aside for such purpose or are lands, within the **Settlement Areas**, deemed to be suitable for industrial employment purposes.

There may be a need for additional **Industrial** lands to accommodate businesses that will provide employment opportunities for the residents of the Town. The Town is committed to providing employment opportunities for its residents through the designation of employment lands in appropriate locations.

7.2.8.1

The following uses will be permitted on lands designated **Industrial** on Schedule A-1 and A-2 to this Plan:

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

- (o) existing uses, pursuant to policies in 8.2 of this Plan; and
- (p) uses accessory to the foregoing uses.

7.2.8.2 The Town's Zoning By-law may further divide lands designated **Industrial** into "heavy", "light" and "restricted" zones so that industrial activities likely to give rise to noise and other nuisances are located where they will not have an adverse effect on sensitive land uses and, where appropriate, are physically separated or otherwise buffered from sensitive land uses pursuant to Provincial guidelines.

7.2.8.3 It is not expected that all lands designated **Industrial** will immediately be developed. Accordingly, it is the policy of this Plan that, in the interim, the implementing Zoning By-law may establish an appropriate holding zone in anticipation of and to direct new development.

7.2.8.4 Industrial development should proceed on the basis of an industrial or business park plan or through registered plans of subdivision rather than by consents, except:

- (a) where a plan of subdivision is deemed by the Town not to be necessary; and
- (b) the application is pursuant to the land division policies in Section 8.1.6 of this Plan.

7.2.8.5 Unless otherwise specifically provided, new industries will be required to conform to standards related to the location of parking, loading and access areas, lighting, landscaping, buffering and the possible prohibition or regulation of outdoor storage, as set out in the implementing Zoning By-law and/or site plan control agreement.

7.2.8.6 Development on lands designated Industrial will be subject to site plan control pursuant to policies in Section 8.1.5 of this Plan.

7.2.9 **Secondary Settlement Area - McGregor**

Lands designated **Secondary Settlement Area- McGregor** on Schedule A-3 apply to the McGregor **Secondary Settlement Area**, and are historical rural service lands that include a variety of low-density land uses. Residential, institutional, recreational and

tourist accommodation, small scale commercial, business and professional offices and dry, light industrial uses are envisioned.

Non-residential development on these lands is primarily intended to serve the needs of the local residents and the **Agricultural System** as well as tourists visiting the area.

7.2.9.1

The following goals are established for the **Secondary Settlement Area - McGregor** designation:

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

7.2.9.2

The following uses will be permitted on lands designated **Secondary Settlement Area - McGregor** on Schedule A-3 to this Plan:

- (a) a range of low-density residential uses, pursuant to policy 7.2.1.4, including:
 - (i) single-unit detached dwellings, two-unit dwellings, semi-detached dwellings, three-unit dwellings, rowhouses, townhouse dwellings, stacked townhouses, tiny homes, and multi-unit buildings;
 - (ii) additional dwelling units, pursuant to policies in Section 5.1.4 of this Plan; and
 - (iii) garden suites, pursuant to policies in Section 5.1.5 of this Plan;
- (b) home occupations;
- (c) tourist accommodations, including:
 - (i) hotels;

- (ii) motels;
 - (iii) bed and breakfasts; and
 - (iv) short-term rental units, pursuant to the policies of Section 5.2.5 of this Plan and the provisions of the Town's Zoning By-law.
- (d) residential care facilities, group homes, and other housing designed to accommodate persons with special needs;
 - (e) small-scale retail, office, and service commercial uses, such as restaurants, business and professional offices, or medical offices;
 - (f) community and institutional uses including libraries, museums, cultural and performing arts centres;
 - (g) places of entertainment and recreation;
 - (h) development with a mix of two or more uses;
 - (i) dry, light industrial uses and their expansion pursuant to policies in Section 5.2 of this Plan;
 - (j) an existing agricultural use; and
 - (k) uses accessory to the foregoing uses.

7.2.9.3 All development on lands designated **Secondary Settlement Area - McGregor** must be serviced with water and wastewater facilities, and incorporate stormwater management facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction.

7.2.9.4 The Zoning By-law will zone all lands in the **Secondary Settlement Area - McGregor** designation according to their existing use or mix of uses, on a site specific or block by block basis.

7.2.9.5 Vacant infill parcels will normally be placed into a zone compatible with or the same as the abutting land uses.

7.2.9.6 Larger parcels, with mixed-use and/or larger scale development potential, may be placed into a holding zone which reflects the best potential use(s) of the property that satisfy the following criteria:

- (a) the proposed use is generally compatible with existing adjacent land uses in terms of use, scale and site layout and for proposed commercial uses, serves a demonstrated need;
- (b) the existing roads can adequately serve the proposed use;
- (c) the existing services are adequate for the proposed use or can be provided to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- (d) the off-street parking provision is adequate for the proposed use; and
- (e) for non-residential developments, the site plan provides suitable landscaping, buffering and building setbacks to protect the amenities of the surrounding residential properties.

7.2.9.7

Residential developments of more than ten units per parcel, and all non-residential development will be subject to site plan control pursuant to policies in 8.1.5 of this Plan.

7.2.10

Secondary Settlement Area - Lakeshore

Lands designated **Secondary Settlement Area - Lakeshore** on Schedule A-4 are the location of clusters of residential development along the north shore of Lake Erie. Lands in this designation are located to the west and east of Colchester. The lands to the west of Colchester have a full municipal water and wastewater services, while **Secondary Settlement Area - Lakeshore** lands to the east of Colchester are in the **Agricultural System** and have partial or no municipal services.

7.2.10.1

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

7.2.10.2

The following goals are established for the **Secondary Settlement Area - Lakeshore** designation:

- (a) to recognize residential development that exists along the lakeshore and to permit new residential development on full municipal services; and
- (b) to preserve, where feasible, the natural setting and aesthetic qualities of the lakeshore areas.

7.2.10.3

The following uses are permitted on lands designated **Secondary Settlement Area - Lakeshore** on Schedule A-4 to this Plan:

- (a) a range of low-density residential uses, pursuant to policy 7.2.1.4, including:
 - (i) single-unit detached dwellings;
 - (ii) additional dwelling units, pursuant to policies in Section 5.1.4 of this Plan; and
 - (iii) garden suites, pursuant to policies in Section 5.1.5 of this Plan;
- (b) home occupations and home industries;
- (c) the future development of one neighbourhood commercial plaza, on lands fronting on the south side of County Road 50, between County Road 41 and Wright Road, subject to a site-specific Zoning By-law amendment and site plan control approval;
- (d) the following existing uses:
 - (i) public and private recreational use, including trailer park and campground;
 - (ii) institutional and commercial uses; and
- (e) uses accessory to the foregoing uses.

7.2.10.4

West of Colchester, new residential development will be apportioned at a density proportional to the permitted general development density established for the **Secondary Settlement Area - Lakeshore** district based on available sanitary sewer design capacity.

7.2.10.5

Large undeveloped parcels of land in the **Secondary Settlement Area - Lakeshore** designation, capable of subdivision, will be zoned with holding provisions in the Zoning By-law.

- 7.2.10.6 The holding symbol will be removed once a plan of subdivision is registered and provision is made for municipal sanitary sewage collection, treatment and disposal, a stormwater management plan and a municipal potable water supply, in a manner satisfactory to the Town and the statutory approval authority having jurisdiction;
- 7.2.10.7 East of Colchester, until such time as full municipal services are available, residential development will be restricted to minor infilling within the currently established and zoned residential areas that meets the applicable provisions of the applicable Provincial Ministry and/or the Ontario Building Code, as may be amended from time to time.
- 7.2.10.8 Where a lot fronts on a private or public road, where no provision has been made for the assumption and upgrading of that road by the Town, or the lot does not have access to full municipal services, new lot creation will not be permitted.
- 7.2.10.9 Existing dwellings may be expanded, renovated, replaced or reconstructed, where provision is made for sanitary sewage collection, treatment and disposal, stormwater management and potable water supply, in a manner satisfactory to the Town and the statutory authority having jurisdiction, subject further to limitations placed by the Zoning By-law.

7.2.11 Hamlet

Lands designated **Hamlet** on Schedule A-5 are located in the Gesto, which has not been identified by the County or Town as a location for future housing or employment growth. Gesto, which has historically served as a small rural service centre, will support a variety of residential and non-residential uses, but is not intended to develop beyond its current context or support significant intensification of any use through infill or redevelopment.

- 7.2.11.1 The following goals are established for the **Hamlet** designation:
- (a) to maintain the sense of place in Gesto as compact cluster of houses and its historical nature as a rural service centre within the Town;

- (b) to allow for redevelopment of properties in Gesto for a variety of uses to serve the immediate area, including small-scale commercial uses; and
- (c) to ensure that new development occurs in a manner in keeping with the capacity of the municipal potable water, sanitary sewage collection and treatment and stormwater management systems available and the financial capability of the Town.

7.2.11.2

The following uses will be permitted on lands designated **Hamlet** on Schedule A-5 to this Plan:

- (a) a range of low-density residential uses, pursuant to policy 7.2.1.4, including:
 - (i) single-unit detached dwellings, two-unit dwellings, semi-detached dwellings, three-unit dwellings, and tiny homes;
 - (ii) additional dwelling units, pursuant to policies in Section 5.1.4 of this Plan; and
 - (iii) garden suites, pursuant to policies in Section 5.1.5 of this Plan;
- (b) home occupations;
- (c) tourist accommodations, including:
 - (i) bed and breakfasts; and
 - (ii) short-term rental units, pursuant to the policies of Section 5.2.5 of this Plan and the provisions of the Town's Zoning By-law.
- (d) residential care facilities, group homes, and other housing designed to accommodate persons with special needs;
- (e) small-scale retail, office, and service commercial uses, such as restaurants, business and professional offices, or medical offices;
- (f) community and institutional uses including libraries, museums, cultural and performing arts centres;
- (g) places of entertainment and recreation;

- (h) development with a mix of two or more uses;
- (i) dry, light industrial uses and their expansion pursuant to policies in Section 5.2 of this Plan;
- (j) an existing agricultural use; and
- (k) uses accessory to the foregoing uses.

7.2.12 Future Development

Lands designated **Future Development** on Schedule A-1 are located within the Town's **Primary Settlement Areas**, are intended to accommodate the future expansion of the Town's industrial employment lands. These lands will require further study to determine the phasing and nature of their development, and in the interim will continue to support existing uses.

7.2.12.1 The following goals are established for the **Future Development** designation:

- (a) to facilitate the future development of employment or other uses to support the growth forecasts in policy 3.1.1.1 of this Plan; and
- (b) to provide for the orderly and contiguous development of the Town's **Settlement Areas** supported by full municipal services, and in a manner that avoids issues of land use incompatibility.

7.2.12.2 The following uses are permitted on lands designated **Future Development** on Schedule A-1 to this Plan:

- (a) existing land uses, pursuant to policies in Section 8.2 of this Plan; and
- (b) agricultural uses, except:
 - (i) intensive livestock operations;
 - (ii) mushroom farms;
 - (iii) greenhouse operations.

7.2.12.3 The eventual re-designation and development of lands designated **Future Development** will:

- (a) be supported by full municipal water and wastewater services; and
- (b) only occur through a Town-initiated study and Official Plan Amendment.

7.2.12.4

The Town's Zoning By-law will be amended to place all lands designated **Future Development** in an equivalent zone which permits the uses listed in policy 7.2.12.2 of this Plan.

7.2.13 Prime Agricultural

Lands designated **Prime Agricultural** on Schedule A make up the bulk of the land base for the Town's **Agricultural System**, along with lands designated **Specialty Crop Area**. Agricultural uses are a key component of the Town's economy and heritage: and the goals and policies for this designation are intended to protect prime agricultural lands to help ensure that the Town's capability for food production is maintained and enhanced.

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

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

7.2.13.2 The following uses are permitted on lands designated **Prime Agricultural** on Schedule A to this Plan:

- (a) agricultural uses, pursuant to policies in Section 4.1 of this Plan, including:
 - (i) the growing of crops including nursery, horticultural crops and vineyards;
 - (ii) the raising of livestock and other animals;
 - (iii) the raising of poultry and fish;
 - (iv) aquaculture;
 - (v) agro-forestry;
 - (vi) maple syrup production;
 - (vii) conservation uses; and

- (viii) agricultural research and testing facilities;
 - (ix) commercial greenhouse farming, pursuant to policies in Section 4.3 of this Plan, including packaging and shipping facilities and on-site housing for labourers, subject to the availability of a long-term, viable source of water and access to a municipal road of a reasonable standard;
 - (x) cannabis production, pursuant to policies in Section 4.4 of this Plan;
 - (xi) mushroom farming, including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production, subject to site plan control buffering provisions pursuant to policies in Section and a minimum 350 meter separation from a lot in a Residential zoning district; and
 - (xii) horse training and riding facilities, pursuant to policies in Section 4.7 of this Plan;
- (b) agriculture-related uses and on-farm diversified uses, pursuant to policies in Section 4.5 of this Plan;
 - (c) existing dry industrial uses which are inappropriate within a **Settlement Area** and are to be relocated as part of a municipal initiative, to be permitted by site-specific Zoning By-law amendment. Such uses will be encouraged to locate along main roads and if possible, on less productive agricultural land;
 - (d) existing institutional and other non-residential uses lawfully existing prior to the adoption of this Plan;
 - (e) conservation areas and uses which aid in the preservation of or promotion of the Town's **Natural Heritage System**;
 - (f) an emergency medical facility;
 - (g) dwellings on existing lots of record and on lots created by consent pursuant to policies in Sections 4.8 and 8.1.6 of this Plan;

- (h) additional dwelling units, pursuant to policies in Section 5.1.4 of this Plan;
- (i) the exploration and extraction of all mineral resources, provided that these activities are carried out pursuant to policies in Section 4.9.2 of this Plan; and
- (j) existing uses, pursuant to policies in Section 8.2 of this Plan.

7.2.13.3

Only one dwelling unit will be permitted per lot on lands designated **Prime Agricultural**, except:

- (a) where a property owner seeks to construct a replacement dwelling, the existing dwelling may remain on the lot until the new dwelling is determined by the Town to be suitable for occupancy, provided that, prior to the issuance of a building permit for the new dwelling, the property owner submits to the Town a legally binding undertaking stating specifically when the original dwelling will be removed; and
- (b) by site-specific Zoning By-law amendment and site plan control approval, one or more ancillary dwellings are permitted on an operating farm for the purposes of housing farm help, where:
 - (i) the farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm: and
 - (ii) the ancillary dwelling(s), whether temporary or permanent, are located on the lot and accessed in such a way to preclude the creation of a severable residential lot in the future.

7.2.13.4

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

7.2.13.5

Natural Heritage and Floodplain Development Control Overlay areas shown on Schedules B and J to this Plan affect the use and alteration of some lands designated **Prime Agricultural**. Use of

these lands will be in accordance with the **Prime Agricultural** land use policies, but are subject to the policies pertaining to the applicable overlay.

7.2.13.6

The following uses will be subject to site plan control approval under Section 41 of the *Planning Act*:

- (a) commercial greenhouses;
- (b) commercial horse training and riding facilities;
- (c) ancillary dwellings on an operating farm for the purposes of housing farm help;
- (d) commercial and industrial uses;
- (e) floral outlets and larger roadside stands;
- (f) mushroom farm facilities;
- (g) wineries;
- (h) retail nursery outlets;

7.2.13.7

All dwelling lots shall have frontage on an existing public road of a standard of construction acceptable to the Town and/or the County of Essex and the applicable Provincial ministry.

7.2.14

Specialty Crop Area

The **Specialty Crop Area** designation will apply to lands where specific crops are predominantly grown, including tender fruits and grapes, and where the commercial production of these crops is possible due to combination of suitable soil and climatic conditions, skill of farmers, and established capital investments. This designation is intended to provide extra protections for these crops, which are difficult to replace if lost.

No lands are currently designated **Specialty Crop Area** in the Town: lands will be identified through a study undertaken by the County, and designated on Schedule A of this Plan through a future amendment.

7.2.14.1

Lands will be designated **Specialty Crop Area** through a future amendment to this Plan, pursuant to direction from the County.

- 7.2.14.2 The following goals are established for the **Specialty Crop Area** designation:
- (a) to recognize the importance of the tender fruit and viticulture industries in the Town; and
 - (b) to safeguard these industries by protecting lands supporting the cultivation and production of tender fruits and grapes.
- 7.2.14.3 The following uses are permitted on lands designated **Specialty Crop Area**:
- (a) agricultural uses, pursuant to policies in Section 4.1 of this Plan, especially:
 - (i) the cultivation of tender fruits and grapes;
 - (b) agricultural-related uses, pursuant to policies in Section 4.5 of this Plan, especially:
 - (i) the processing of tender fruits and grapes; and
 - (ii) the production of wine and other by-products of tender fruits and grapes
 - (c) on-farm diversified uses, pursuant to policies in Section 4.5 of this Plan, especially:
 - (i) sales outlets; and
 - (ii) on-site tasting rooms, restaurants, and cafes;
 - (d) conservation areas and uses which aid in the preservation of or promotion of the Town's **Natural Heritage System**;
 - (e) dwellings on existing lots of record and on lots created by consent pursuant to policies in Sections 4.8 and 8.1.6 of this Plan; and
 - (f) existing uses, pursuant to policies in Section 8.2 of this Plan.
- 7.2.14.4 Lands designated **Specialty Crop Area** are subject to additional policies in Section 4.2 of this Plan.

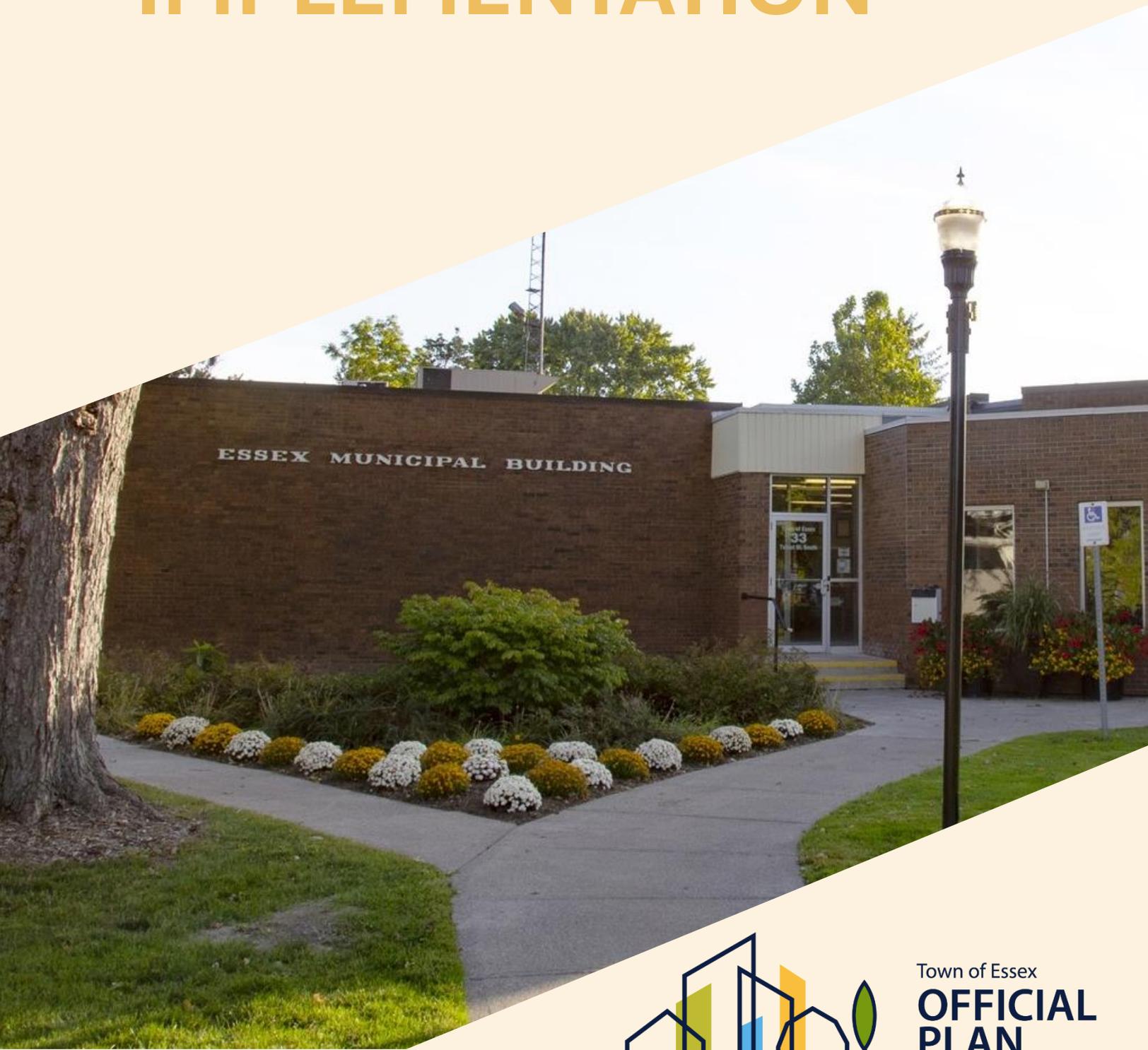
7.2.15 Natural Environment

Lands designated **Natural Environment** on Schedules A through A-5 to this Plan are areas that have been identified as containing High Priority Natural Heritage Features through the Essex Region Natural Heritage System Strategy. These features include Provincially significant wetlands, Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), significant woodlands, significant valley lands, and/or significant wildlife habitat, that are being designated for protection and preservation by the landowner or by the Town.

- 7.2.15.1 The following goal is established for the **Natural Environment** designation:
- (a) to facilitate and support the preservation, protection and enhancement of High Priority Natural Heritage Features as delineated through the Essex Region Natural Heritage System Strategy.
- 7.2.15.2 The following uses are permitted on lands designated **Natural Environment** on Schedules A through A-5 to this Plan:
- (a) conservation uses;
 - (b) trails and other associated passive recreational opportunities and facilities that do not require site alteration;
 - (c) buildings or structures necessary for flood or erosion control; and
 - (d) existing uses, pursuant to policies in Section 8.2 of this Plan.
- 7.2.15.3 Pursuant to policies in Section 6.1 of this Plan, development and site alteration is not permitted:
- (a) on lands designated as **Natural Environment**; or
 - (b) on lands adjacent to lands designated **Natural Environment**, unless it has been demonstrated to the satisfaction of the Town, in consultation with ERCA, that there will be no negative impacts on the natural heritage features or their ecological functions.

CHAPTER 8

IMPLEMENTATION



Town of Essex

**OFFICIAL
PLAN**

Your Community. Your Vision.

The policies of this Plan require implementation by the Town through a variety of actions. This includes planning tools provided to municipalities in Ontario under the *Planning Act* and other legislation, review of planning and development application, and robust consultation and engagement with the Town community and Indigenous peoples.

8.1 Town Planning Tools

The Town has planning tools enabled under the *Planning Act* which will be used to implement the goals and policies of this Plan. These tools allow for more detailed planning, including at an area- and site-specific level, and for the Town to adapt to changing contexts and circumstances.

8.1.1 Official Plan Monitoring and Review

The policies of this Plan are intended to guide growth for the next 25 years, as planning decisions made today can have effects decades later. Nevertheless, this Plan is not static: it will require periodic monitoring, review, and amendment to respond to changing planning priorities of the Town, County, and Province.

8.1.1.1 As required by Section 26 of the *Planning Act*, this Plan will be reviewed after ten years, and every five years thereafter, to ensure:

- (a) consistency with any provincial policy statements issued under Section 3 of the *Planning Act*;
- (b) conformity with the County of Essex Official Plan; and
- (c) that its policies remain relevant to the Town's development circumstances and the desired policy directions of Council.

8.1.1.2 Following the adoption of this Plan, the Town will monitor the implementation of its policies to inform the next Official Plan review, including but not limited to:

- (a) actual population and employment growth in comparison to the forecasts in policy 3.1.1.1 of this Plan;
- (b) type and location of development in the Town;

- (c) level of intensification in the Town;
- (d) progress toward the housing goals and targets in Sections 3.2 and 5.1 of this Plan;
- (e) the provision of parkland and community facilities throughout the Town; and
- (f) investments related to land use planning and growth, such as roads, water, and wastewater infrastructure.

Local Comprehensive Review

A Local Comprehensive Review (LCR) is an exercise mandated by the County of Essex to implement any required **Settlement Area** expansion identified for the Town in the County's Official Plan.

8.1.1.3

The preparation of an LCR shall follow, at a minimum, the requirements listed below, per the County's Official Plan:

- (a) pre-consultation is required with the County to establish the appropriate methodology, analysis and level of detail to be undertaken to sufficiently qualify the conclusions of the LCR;
- (b) a LCR may focus on residential or employment land transfer, or both. Where the focus is only on either residential or employment, the LCR shall consider whether there are lands suitable for conversion to a different land use. For example, if the LCR is focused on employment land transfer, then the merits of converting residential lands within the existing **Settlement Areas** to employment should also form part of the LCR;
- (c) compile the aggregate amount of employment and/or residential land, depending on the focus of the review, including vacant, built, brownfield and other land within each **Settlement Area**;
- (d) identify and assess the extent of primary and secondary constraints to build-out of each **Settlement Area**. Primary constraints may include such factors as environmental, hazards, lack of services, soil types, topography and traffic. Secondary constraints may include isolated locations, contamination, fragmented ownership, and incompatible

surrounding land uses. The Town may identify additional constraints;

- (e) determine the population and/or employment, depending on the focus of the review, that could be accommodated in each **Settlement Area** under existing conditions given the site and area characteristics and constraints;
- (f) identify and analyze the intensification opportunities within the built-up and greenfield areas of each **Settlement Area** consistent with the requirements of this Plan;
- (g) prepare a Master Servicing Report and Financial Strategy outlining the method of servicing available and planned for all **Settlement Areas**. This Report must include an analysis of costs and efficiencies associated with expanding any **Primary Settlement Area**;
- (h) in the event that the review concludes that one or more **Settlement Area** boundaries should be altered, then any adjustment must meet the following tests:
 - (i) that there are no reasonable alternatives which avoid **Prime Agricultural** areas.
 - (ii) there are no reasonable alternatives on lower priority agricultural lands in **Prime Agricultural** areas;
 - (iii) the lands do not comprise **Specialty Crop Areas**;
 - (iv) the expansion of any area shall be limited to only **Primary Settlement Areas**;
 - (v) the aggregate amount of land within all **Settlement Areas** shall be maintained or reduced as a result of the **Settlement Areas** boundary adjustment(s). For example, if a **Primary Settlement Area** is recommended for expansion, then the corresponding area within an existing **Secondary Settlement Area** shall be reduced. The areas removed from the **Secondary Settlement Area(s)** shall be redesignated to **Prime Agriculture** in this Plan;

- (vi) that the **Primary Settlement Area(s)** to be expanded are fully serviced with municipal water services, municipal sewage services and stormwater management facilities subject to policy 8.1.1.3(h)(vii);
- (vii) the infrastructure and public service facilities which are planned or available are suitable for the development over the long-term and protect public health and safety;
- (viii) the negative impacts from expansions to a **Primary Settlement Area** boundary on agricultural operations which are near or adjacent to the **Primary Settlement Area** are mitigated to the extent feasible. Specific policy shall be established in local municipal Official Plans for criteria promoting the establishment of buffers, berms and subdivision design that reduce the impact on surrounding agricultural land, operations and infrastructure. The approval authority may also require the erection of fencing as a condition of approval to reduce trespass on adjacent agricultural land;
- (i) in determining the most appropriate direction for an expansion to the boundaries of a **Primary Settlement Area**, the County shall ensure consistency with Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the Provincial Policy Statement (as amended from time to time); and
- (j) the recommendations of the LCR will not be finalized until the County and Town Official Plans have been amended to incorporate any proposed **Settlement Area** boundary alterations.

8.1.2

Official Plan Amendments

Amendments to this Plan are permitted under the *Planning Act* and can occur at any time. There are two types of Official Plan Amendments: Town led, and privately led. Town led amendments are generally for the purposes of implementing a desired policy

direction by Town Council, while privately led amendments generally seek to amend the policies applying to a specific property or area within the Town.

- 8.1.2.1 From time to time and as permitted by Section 21 of the *Planning Act*, this Plan may be amended by the Town through by-law.
- 8.1.2.2 The Town may amend this Plan on an ad-hoc basis before the time of the next Official Plan Review to adapt to changing legislation, current planning trends, or any newly arisen priorities of the Town.
- 8.1.2.3 Consideration will be given to applications to amend this Plan from any person or public body, subject to Section 22 of the *Planning Act*.
- 8.1.2.4 Applications to amend this Plan will be subject to the development application requirements established in Section 8.5 of this Plan.
- 8.1.2.5 Approval of an application to amend this Plan will require that the proposed amendment:
 - (a) has regard for matters of Provincial interest under Section 2 of the *Planning Act*, and is consistent with any policy statements issued by the Province under Section 3 of the *Planning Act*;
 - (b) conforms with the policies of the County’s Official Plan; and
 - (c) conforms with the other policies of this Plan and the provisions of the Town’s Zoning By-law;
- 8.1.2.6 Approval of an application to amend this Plan will also consider the following:
 - (a) the desirability of or need for the proposed land use for the subject site or area;
 - (b) the extent to which the surrounding area of the subject site or area is developed and the nature of that development;
 - (c) the physical suitability of the site or area for the proposed land use, and in the case of lands exhibiting a potential hazard:

- (i) the existing environment and/or physical hazards and nuisances;
 - (ii) the potential impacts of these hazards and nuisances; and
 - (iii) the proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices and the objectives of this Plan;
- (d) the adequacy of the existing and proposed roadway system in relation to the proposed development of the subject site or area;
- (e) the convenience and accessibility of the subject site or area for vehicular and pedestrian traffic and the potential impact of the proposed development on traffic safety;
- (f) the adequacy of the potable water supply, sanitary sewage collection and treatment facilities, stormwater management facilities and other municipal services pursuant to the policies of this Plan;
- (g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;
- (h) the compatibility of the proposed use with uses in adjoining areas;
- (i) the potential effect of the proposed use in relation to the intent and regulations of the Provincial *Environment Protection Act*; and
- (j) the legislated Regulations of the Essex Region Conservation Authority (ERCA) having jurisdiction within or adjacent to the subject site or area.

8.1.2.7

The re-designation of lands designated **Employment**, **Prime Agricultural**, or **Specialty Crop Area** will not be permitted through a site- or area-specific amendment to this Plan. Such changes must occur through a comprehensive review pursuant to the PPS.

8.1.2.8

Council is under no obligation to consider or act on a planning application to expand a settlement area or remove lands currently

identified as employment lands from their employment land designation, except as part of a five year Official Plan review pursuant to the PPS.

8.1.2.9 Applications for amendments to this Plan will be circulated to all public authorities with an interest in the subject site or area, including ERCA and the local school boards.

8.1.2.10 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 8.4 of this Plan.

8.1.3 **Secondary Plans, Area-Specific Policies, and Site-Specific Policies**

The Town may periodically need to provide more detailed planning direction beyond the policies of this Plan for certain sites or areas. This can be achieved through several means:

- > Secondary plans will be used for larger areas that require a policy framework to achieve a specific vision or set of goals.
- > Area- or site-specific policies will be used to implement policies for certain areas or sites that may supersede or conflict with other policies of this Plan.

8.1.3.1 In addition to the policies of this Plan, the Town may undertake detailed planning through a secondary plan, area-specific policy, or site-specific policy, which will be implemented as amendments to this Plan, as set out in the *Planning Act*.

8.1.3.2 Secondary plans will be used to establish a policy framework for neighbourhoods or settlement areas to provide more guidance and direction for new development, redevelopment and revitalization, and should address the following:

- (a) the rationale for the review, land use history and development interest in the secondary plan area;
- (b) The physical and environmental features and characteristics of the secondary plan area, including any potential development constraints and incentives;

- (c) proposed patterns of land use, permitted built form, and public realm;
- (d) contiguity and connectivity with adjacent development or planned development;
- (e) elements of the Town’s **Natural Heritage System** or water resources present in the area, and policies for their preservation, enhancement or expansion;
- (f) any cultural heritage or archaeological resources that may be present and policies for their protection or adaptive re-use;
- (g) plans for infrastructure in the secondary plan area, including roads, active transportation, water and wastewater infrastructure, stormwater management facilities;
- (h) provision of parkland and community facilities, if relevant;
- (i) phasing of development, if needed; and
- (j) any other matters deemed appropriate by the Town.

8.1.3.3 Secondary plans will incorporate land use designations from this Plan wherever possible, rather than land use designations specific to the secondary plan area.

8.1.3.4 A development application for an identified secondary plan area may not be accepted as complete until such time as the secondary plan is adopted by Council to ensure that the proposed development conforms to the secondary plan.

8.1.3.5 An area (or site) of the Town may be identified for an area-specific policy (or site-specific policy), to:

- (a) address specific planning issues that are not addressed through the policies of this Plan;
- (b) represent existing historical conditions in the area or site; and/or
- (c) to implement a decision of the Ontario Land Tribunal or any of its predecessors or successors.

8.1.3.6 Area- and site-specific policies will be reviewed from time to time to determine their continued relevance.

8.1.4 Zoning

Zoning By-law

The Town's Zoning By-law directs development on any given parcel of land, including restrictions on the types of permitted land uses, as well as lot and building standards, such as lot area and frontage, setback of buildings from lot lines, building height, and building massing. All development in a given zone must conform to the requirements of that zone, or apply to the Town for a minor variance or site-specific amendment to the Zoning By-law.

8.1.4.1 The Town will maintain a Zoning By-law to:

- (a) zone all lands in conformity with the policies and designations contained within this Plan; and
- (b) establish regulations to control the use of all lands within the Town and the location and size of buildings and structures on those lands.

8.1.4.2 The provisions of the Town's Zoning By-law may be more restrictive than the policies of this Plan.

8.1.4.3 Following a comprehensive update of this Plan, the Town will update its Zoning by-law to conform with the updated Plan within three years of the updated Plan's adoption.

8.1.4.4 All applications for Zoning By-law amendments shall be processed pursuant to the provisions of the *Planning Act* and the policies of this Plan.

Holding By-laws

From time to time, development applications will be deemed to conform with this Plan and the Town's Zoning By-law, but require certain conditions to be met before development can occur on a site. This may mean that certain servicing, road construction, or conveyance of land will need to occur prior to the proceeding of development. In these circumstances, the Town may impose a

holding zone that restricts the development from occurring until the required conditions are met.

- 8.1.4.5 As required, the Town may make use of holding by-laws, as permitted under Section 36 of the *Planning Act*, which will zone lands for their intended use but apply a holding symbol to restrict the lands' development until certain conditions are met. When these conditions are met, the municipality will pass the necessary by-law removing the holding symbol.
- 8.1.4.6 Until such time as the holding symbol is removed on the subject lands, only legally existing uses or any use of the Town, public authority or public utility will be permitted. The Town may also permit other uses which:
- (a) are in conformity with the land use designation of this Plan for the subject lands; and
 - (b) which it deems to be compatible with and not preclude the intended future uses of the lands.
- 8.1.4.7 Holding by-laws will be applied in order to satisfy one or more of the following:
- (a) to achieve the orderly staging of development alongside provision of adequate infrastructure and community services and facilities pursuant to Town, County, or Provincial policies;
 - (b) to ensure the adequate provision of municipal services, community-serving facilities, or other matters set out in this Plan prior to development;
 - (c) to adopt measures to mitigate negative impacts or adverse effects resulting from the proximity of transportation and utility corridors, potentially incompatible land uses or any other source of nuisance or hazard to public health or safety;
 - (d) to satisfy policies of this Plan related to heritage conservation, site plan control, potentially contaminated sites, protection of the natural environment, community improvement and any other matters which are deemed by the Town, the County or Province to be relevant to development or redevelopment of the lands; and

- (e) to ensure the execution of legal agreements, approval of subdivision plans and/or necessary studies to satisfy the mandates set out above.

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

8.1.4.9 The holding symbol on the subject lands will be removed by further by-law when the Town is satisfied that the conditions for removal have been met.

8.1.4.10 Council shall give notice of its intention to remove the holding symbol pursuant to the relevant provisions of the *Planning Act*.

Minor Variances

Certain development that is minor in nature may not require a Zoning By-law Amendment. In such instances, the Town's Committee of Adjustment may approve a minor variance to the Zoning By-law.

8.1.4.11 Where a proposed development does not conform to the provisions of the Town's Zoning By-law, it may be permitted subject to a minor variance application approved by the Town's Committee of Adjustment.

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

- (a) the variance(s) is minor;
- (b) the application is desirable for the appropriate development of the lands in question;
- (c) the application conforms to the general intent of the Zoning By-law; and
- (d) the application conforms to the general intent of the Official Plan.
- (e)

- (f) The Committee of Adjustment may attach such conditions and terms of approval as it sees fit to the approval of the minor variance, subject to the provisions of the *Planning Act*.

Temporary Use By-laws

Temporary use by-laws can be used by the Town to permit certain uses which are not permitted by the Zoning By-law in a number of circumstances. A temporary use could be permitted to serve a short-term need, or to gauge the viability of the use on a long-term basis and neighbourhood acceptance.

- 8.1.4.13 Pursuant to Section 39 of the *Planning Act*, the Town may pass a temporary use by-law to authorize the temporary use of a parcel of land or a building or structure for a purpose not otherwise permitted by the Zoning By-law.
- 8.1.4.14 A temporary use by-law will specify:
- (a) the area to which the by-law applies;
 - (b) the permitted use(s) and provisions for the applicable area; and
 - (c) the period of time for which the by-law is in effect, to a maximum of three years.
- 8.1.4.15 Notwithstanding policy 8.1.4.14(c), the Town may pass one or more subsequent by-laws granting a further extension of the temporary use for a maximum of three years.
- 8.1.4.16 Prior to the approval of a temporary use by-law, the Town will be satisfied that the following criteria are met:
- (a) the proposed use is of a temporary nature and does not entail any major construction or investment which would be a potential impediment to its termination at the end of the time period established by the temporary use by-law;
 - (b) the proposed use is compatible with adjacent land uses and the character of the surrounding area;

- (c) the proposed use will be properly serviced and not require the extension or expansion of existing municipal services, unless otherwise authorized by Council;
- (d) parking facilities required by the Zoning By-law will be provided entirely onsite, unless otherwise authorized by Council.

8.1.4.17 When a temporary use by-law's effective period has lapsed and is not extended, the use permitted under the by-law will not be considered legally non-conforming under the Zoning By-law and must cease.

Interim Control By-laws

Circumstances may arise where a review or study of land use planning policies for a defined area or areas may be required. In these occasions, the Town can, by by-law, delineate an area or areas by way of an interim control by-law to temporarily restrict development in the area(s) until the study is completed.

8.1.4.18 Where a review or study is planned regarding land use policies for any defined area or areas, the Town may pass an interim control by-law pursuant to Section 38 of the *Planning Act* to temporarily prohibit the use of land, buildings or structures in the area or areas except as specifically directed by the by-law.

8.1.4.19 An interim control by-law will specify:

- (a) the area or areas to which the by-law applies;
- (b) the reasoning for the enactment of the by-law, including any study or review required for the specified area or areas;
- (c) the period of time for which the by-law is in effect, to a maximum of one year; and
- (d) the permitted uses, buildings or structures permitted in the defined area or areas during its effective time period.

8.1.4.20 Notwithstanding policy 8.1.4.19(c), before the interim control by-law has expired, the Town may extend its effective period to a maximum of two years from the date of initial passing of the By-law.

8.1.4.21 Subsequent to the completion of the study specified in the interim control by-law within its effective time period, 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.

8.1.4.22 When an interim control by-law ceases to be in effect, the Town 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.

8.1.5 Site Plan Control

Site plan control allows for the Town to require the proponent of a development to demonstrate how the policies of this Plan and the provisions of the Zoning By-law will be implemented in the development. This includes, but is not limited to access for pedestrians and vehicles, walkways, lighting, waste facilities, landscaping, [sustainable design](#), and drainage.

8.1.5.1 As permitted under Section 41 of the *Planning Act*, the Town will use site plan control to ensure various elements of a proposed development conform to the policies of this Plan and the provisions of the Town's Zoning By-law.

8.1.5.2 Through a by-law, the Town will establish an applicable Site Plan Control area that applies to the entire Town.

8.1.5.3 For the purposes of site plan control, "development" includes:

- (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 increasing the size or usability thereof by more than 20%; or
- (c) the laying out and establishment of:
 - (i) a commercial parking lot;
 - (ii) sites for the location of three or more trailers;
 - (iii) sites for the location of three or more mobile homes;
 or

- (iv) sites for the construction, erection or location of three or more land lease community homes.

8.1.5.4

For the purposes of site plan control, “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;
- (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 10 residential units.

8.1.5.5

Site plan control will be used by the Town for the following:

- (a) to ensure a high standard of site design and public realm 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 pursuant to the policies of this Plan;
- (h) to ensure that the development proposed is built and maintained in the manner approved by the Town.

8.1.5.6

Further to policy 8.1.5.5, the Town may require the conveyance of lands to the Town which are required for widening rights-of-way,

turning lanes, grade separations, or daylight triangles as a condition of site plan approval.

- 8.1.5.7 The Town may exercise its option of requiring off-site sustainable design elements within the public rights of way, such as landscaping, decorative paving or street furniture, in lieu of on-site improvements or to augment them, pursuant to streetscape initiatives or an improvement programme, at the proponent's cost, as part of site plan control approval.
- 8.1.5.8 The Town may require an urban design study or equivalent as part of a site plan application to demonstrate alignment of the proposed development with urban design policies in Section 5.6 of this Plan and any applicable urban design guidelines or streetscape plans within the Town.
- 8.1.5.9 Unless otherwise provided by Council, site plan control will apply to all new development and to the expansion of existing uses within the Town, with the exception of:
- (a) unless otherwise specifically provided by this Plan, agricultural uses related to on-site farm operations, exclusive of the following: a greenhouse exceeding 500 square metres in gross floor area; winery; brewery; agricultural related support use; retail nursery outlet;
 - (b) single unit detached, semi-detached and duplex dwellings, street townhomes and their accessory buildings and structures; multiple dwellings of 6 units or less; a second dwelling unit in a main dwelling;
 - (c) school portables on school sites existing on January 1, 2007;
 - (d) a temporary building or structure that is in place for a maximum of 120 consecutive days;
 - (e) a parking area accommodating 6 or fewer parking spaces;
 - (f) any addition to a building or structure, if the addition is less than either twenty percent (20%) of the total gross floor area of the existing building or structure;
 - (g) an accessory building that occupies less than ten percent (10%) of the lot area, but not including the addition of a dwelling unit in an accessory building;

- (h) an accessory building or structure of less than 100 square metres in gross floor area, but not including the addition of a dwelling unit in an existing or new accessory building;
- (i) limits of the Intake Protection Zones shown on Schedule E to this Plan, a permanent above ground fuel storage facility with a combined total capacity of less than 15,000 litres; and
- (j) such other locations or uses, at the discretion of Council.

8.1.5.10

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

- (a) the location of all buildings, structures, bicycle and motor vehicle parking, loading, access, internal sidewalks and landscaped areas; external lighting;
- (b) the massing and conceptual design of all buildings and structures;
- (c) the relationship of all buildings to the street and public access areas;
- (d) facilities ensuring accessibility by persons with disabilities;
- (e) a landscaping plan;
 - (i) Preference will be given to the use of species native to the region and to species that require lower water consumption and fertilization;
- (f) street furniture and existing vehicular entrances to the subject site and abutting sites, off site lighting and waste/recycling containers;
- (g) where the addition and the activities therein could have an adverse effect on an adjacent sensitive land use, an impact study setting out appropriate mitigation measures will be required;
- (h) for a non-exempted non-residential development and residential development of 25 dwelling units or more, building elevation plans and/or cross-sectional views may also be required.

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

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

8.1.6 Land Division

Land division refers to the separation of an existing legal parcel of land into one or more parcels. The *Planning Act* allows the Town to regulate land division at various scales, including plans of subdivision, consents to sever, and part lot control. In addition, the Town may approve plans of condominium under the *Condominium Act*.

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

8.1.6.1 The division of lands in the Town will generally occur by registered plan of subdivision or the consent process pursuant to the policies of this Plan.

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

8.1.6.3 The division of land will not be allowed if the lands are subject to flooding, erosion or other unstable conditions or any other physical limitation which makes the lands unsuitable for development, as determined by the Town after consultation with ERCA and/or other approval agency having jurisdiction.

- 8.1.6.4 If Council or the Committee of Adjustment attach conditions of approval to an application for the division of land, the proponent will be required to fulfill these conditions within a prescribed time period and failure to do so may void the approval.
- 8.1.6.5 The division of land will only be allowed when it has been established that the severed and retained parcels involved are suitable:
- (a) to permit the proper siting of a building and other mandated facilities and setbacks; and
 - (b) to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management pursuant to the policies of Section 5.8 of this Plan to the satisfaction of the Town and the necessary approvals are obtained.
- 8.1.6.6 At the time of submission of a draft plan of subdivision or consent to sever for the creation of new residential lots, the proponent shall demonstrate the development:
- (a) is feasible in regard to the extension and provision of municipal services and is in conformity with the general provisions of this Plan and the PPS;
 - (b) is not on or adjacent to a site of nuisance or contamination for which mitigation pursuant to Provincial standards and guidelines is not possible;
 - (c) is consistent with the Natural Environment or Floodplain Development Control Area Overlays and the natural features and ecological functions of the area;
 - (d) does not negatively impact upon a built heritage resource, unless mitigation is possible;
 - (e) has access to municipal roads capable of accommodating the development;
 - (f) is compatible with the surrounding residential area in terms of scale, height, parking, orientation, and setbacks;
 - (g) incorporates sustainable and energy efficient design elements and is designed, where feasible, to maximize solar gain;

- (h) conforms with or does not conflict with the Town's residential intensification targets and strategies; and
- (i) can be accommodated by the level of uncommitted sewage treatment reserve capacity.

8.1.6.7

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

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

Plans of Subdivision

A plan of subdivision is used when a large parcel of land is to be divided into multiple parcels for the purposes of sale and ensures the land is suitable for its proposed new use, and that the

development will not put an undue strain on community facilities, municipal services, or the Town’s finances.

- 8.1.6.8 A plan of subdivision will be required for the following:
- (a) when five or more new lots are proposed;
 - (b) any number of lots where municipal service extensions are required; or
 - (c) any other instance where the Town deems it necessary for the proper development of the lands to be subdivided.
- 9.1.1.1 In considering applications for proposed plans of subdivision, Council shall have regard to Section 51(24) of the *Planning Act*.
- 8.1.6.9 In addition, the Town will evaluate a proposed plan of subdivision according to the following criteria:
- (a) conformity or consistency with Provincial legislation, policies and guidelines and the relevant policies 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 pursuant to the policies of Section 5.8 of this Plan and to the satisfaction of the Town and ERCA; and
 - (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.
- 8.1.6.10 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 8.5 of this Plan.
- 8.1.6.11 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 pursuant to the *Planning Act* as a condition of final approval of the plan of subdivision by the Town.

- 8.1.6.12 All applicants will be required to post security or performance bonds to the satisfaction of Council, to ensure that the required works are completed, lands conveyed and conditions met, as set out in the Conditions of Draft Approval and the subdivision agreement.
- 8.1.6.13 In addition, the municipality may revisit existing draft plan approvals to either modify or add conditions or withdrawal approval, pursuant to Section 51(44) of the *Planning Act*, to ensure that supporting studies meet their intended purpose and requirements should circumstances related to or external impacts affecting the development or the subdivision change. Such action could, for example, be the consequence of increased and persistent stormwater demands.

Part Lot Control

Part lot control allows for the Town to regulate the minor division or boundary adjustments to parcels or blocks within a registered plan of subdivision. It is implemented by the Town exempting parts or all of a subdivision from part lot control, and is used for creating individual parcels for semi-detached and townhouse dwellings once they are built.

- 8.1.6.14 Part lot control exemption will generally be limited to the splitting of lots upon which semi-detached or townhome dwellings are built and the re-subdivision of older plans of subdivision where no new rights-of-way have been or must be created.
- 8.1.6.15 Pursuant to the applicable provisions of Section 50 of the *Planning Act*, Council may pass a by-law exempting all or part of a plan of subdivision from part lot control to permit re-subdivision pursuant to the *Planning Act*. The exempting by-law will be in effect for a maximum of three years.
- 8.1.6.16 An adequate potable water supply, sanitary sewage treatment and disposal and stormwater management will be provided pursuant to the policies in Section 5.8 of this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.
- 8.1.6.17 In accordance with the provisions of subsection 50(4), of the *Planning Act*, Council may, by by-law, deem a registered plan of subdivision not to be a registered plan and no such lands can be

subdivided and conveyed except pursuant to policies in Section 8.1.6 of this Plan.

Consents to Sever

8.1.6.18

Consents will only be granted:

- (a) when there are four or fewer lots proposed and where the premature extension of any major municipal service would not be required;
- (b) when the land fronts on an existing public road which is of a reasonable standard of construction acceptable to the Town, County, or Province;
- (c) for infilling in existing built-up areas;
- (d) for lot adjustments or minor boundary changes, provided:
 - (i) both parcels comply with the provisions of the implementing Zoning By-law or such minor variances granted through the Committee of Adjustment; and
 - (ii) the consent is granted pursuant to Section 50(3) of the *Planning Act*; and
- (e) for mortgage purposes, pursuant to Section 50(16) of the *Planning Act*.

8.1.6.19

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

- (a) conformity or consistency with Provincial legislation, policies and guidelines;
- (b) conformity with requirements and policies of this Plan;
- (c) the comments of other public authorities and agencies;
- (d) the continuation of an orderly development pattern;
- (e) the adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management pursuant to policies in Section 5.8 of this Plan and to the satisfaction of the Town.

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

Conservation Easements

Conservation easements can be used to protect or conserve certain features or uses on a parcel of land. These easements constitute legally binding agreements which are registered to the title of the subject lands, and runs with the title of the land in perpetuity.

- 8.1.6.23 The owner of land may convey, without consent or plan of subdivision, an easement or may enter into a covenant with the Town or lawfully recognized conservation body for the purposes of:
- (a) the conservation, maintenance, restoration or enhancement of all or a portion of the land or wildlife on the land;
 - (b) the protection of water quality and quantity, including the protection of drinking water sources;
 - (c) watershed protection and management;
 - (d) the conservation and continuation of agricultural uses on the land; or
 - (e) access to the land for the purposes described above.
- 8.1.6.24 Conservation easements will be registered on title for the land in perpetuity or until they are lifted by consent of all parties to the easement.

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

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

Plans of Condominium

Plans of condominium are similar to plans of subdivision, but are enabled under the *Condominium Act* rather than the *Planning Act*. They allow for the creation and sale of units (which may include the land on which the unit is located) which are not legal parcels (e.g., in a multi-storey building or on a private road or lane), as well as common elements.

8.1.6.27 Pursuant to the *Condominium Act*, the Town will consider approval of plans of condominium to:

- (a) provide for new residential and non-residential condominium development;
- (b) permit the conversion of rental housing to condominium ownership, pursuant to policies in Section 5.1.3 of this Plan; and
- (c) to permit the division of non-residential buildings for condominium ownership.

8.1.6.28 In considering proposed plans of condominium for approval, the Town will have regard to the following:

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

- 8.1.6.29 Council may require the submission of support studies as part of an application for a plan of condominium.
- 8.1.6.30 In the matter of rental to condominium conversion, the Town will require:
- (a) that all tenants be given written notice by first class mail of the details and timing of the application and provided with a plan of relocation, if accommodation within the proposed condominium is not feasible; and
 - (b) that the Town will be advised whether or not existing tenants have the right of first refusal to purchase their unit or comparable unit and whether or not a tenant who does not wish to purchase has the right to enter into a rental lease registered on title and binding to all subsequent owners.
- 8.1.6.31 Council will evaluate the merits of the conversion using the following criteria:
- (a) the rental housing vacancy rate and impact of the conversion;
 - (b) the structural integrity of the building(s) and common elements as ascertained by a professional engineer;
 - (c) the condition of landscaped and parking areas;
 - (d) the condition of the development as it relates to the safety and security of the occupants;
 - (e) required improvements to the infrastructure, including sidewalks and sewerage systems; and
 - (f) the conveyance of lands for municipal purposes or the payment of cash in lieu of parkland pursuant to the *Planning Act*.
- 8.1.6.32 Council may attach such conditions of approval as it deems appropriate and set a time limit for satisfying them. Failure to meet these conditions within the specified time period could result in withdrawal of the draft condominium plan approval.

8.1.7 Development Charges

Under the *Development Charges Act*, municipalities are permitted to levy fees called development charges against land development that help to ensure that the financial burden of growth is not borne by the taxpayers of the Town. The Town can use these fees toward a variety of growth-related costs which will be specified in the implementing development charges municipal by-law.

8.1.7.1 Pursuant to the *Development Charges Act*, the Town will impose development charges through a municipal by-law to ensure that the long range expenses incurred as a result of new development will not place a financial burden on the Town.

8.1.7.2 The Town's development charges by-law will:

- (a) Identify all lands in the Town as within the applicable area of the by-law;
- (b) specify the services and costs to be financed by development charges; and
- (c) identify certain types of development or redevelopment that may be exempted from development charges.

8.1.8 Community Benefits Charges

Community benefits charges may be used by the Town to finance the costs of growth and development. The Town may, through a municipal by-law informed by a community benefit charges strategy, levy a fee on certain developments equal to a proportion of the development's land value. These collected fees may be used toward funding community facilities, services, and other costs related to growth, but cannot be used toward the same specific capital costs as fees.

8.1.8.1 Pursuant to Section 37 of the *Planning Act* and the requirements of Ontario Regulation 509/20:

- (a) the Town will complete a community benefits charge strategy that meets and identifies the community facilities, service, and matters to be funded by the tool;

- (b) guided by the community benefits charge strategy, the Town will enact a community benefits charges by-law which establishes the charge and its applicability; and
- (c) the maximum community benefits charge to be levied on any development will be four percent of the land value of the property on which the development is located.

8.1.8.2

Notwithstanding any decisions undertaken through the strategy identified in policy 8.1.8.1, community benefits to be financed through this tool may include:

- (a) affordable housing;
- (b) parks and recreational facilities;
- (c) public art and culture;
- (d) community facilities and amenities;
- (e) parking; and
- (f) civic administration and studies.

8.1.9

Community Improvement Plans

Community Improvement Plans allow for the Town to provide financial support (including grants, tax deferrals, and other incentives) to public and private initiatives that serve to maintain, rehabilitate and redevelop the existing physical environment in certain areas of the Town. This includes improvements to buildings or infrastructure, as well as the development or redevelopment of properties, especially for the purpose of affordable housing.

The adoption of Community Improvement policies is a prerequisite to the designation of specific Community Improvement Project Areas, the preparation of detailed Community Improvement Plans and municipal participation in Provincial and/or Federal funding programs.

8.1.9.1

The Town will consider adopting Community Improvement Plans or otherwise utilize the Town's authority under Section 28 of the *Planning Act* within any area of the Town to support the following:

- (a) the development of affordable housing;

- (b) expansion of the Town’s housing stock through the redevelopment or conversion of underutilized lands and/or buildings, including the development of additional dwelling units;
- (c) development of commercial or industrial uses in certain strategic areas in the Town;
- (d) investment in agriculture-related uses and on-farm diversified uses;
- (e) improvements to services including roads, sidewalks, curbs, gutters, water distribution systems, sanitary collection systems, storm sewers, fire protection, lighting or other public utilities;
- (f) improvements to substandard building conditions and housing in need of improvement and revitalization, including building facades;
- (g) climate change mitigation, including improvement of building energy efficiency, the use of renewable energy, and expanding the Town’s forest cover;
- (h) climate change adaptation, including reducing the urban heat island effect by improving access to shade and other cooling amenities, reducing flood risks and managing increased stormwater runoff;
- (i) upgrades to the streetscape, accessibility or aesthetics of an area;
- (j) improvements to road conditions and intersections;
- (k) the expansion and enhancement of the Town’s active transportation system;
- (l) the provision or improvement of recreational and cultural facilities and public open space;
- (m) mitigation of incompatible land use activity; and
- (n) preservation or revitalization of buildings or lands of architectural and/or heritage value.

8.1.9.2

Prior to adopting a Community Improvement Plan, the Town will designate a Community Improvement Project Area through a

municipal by-law. Strategic areas for community improvement include but are not limited to:

- (a) **Main Street** areas in Essex Centre, Harrow, and Colchester where improvements to buildings and infrastructure could support the growth of commerce;
- (b) **Prime Agricultural** areas throughout the Town, but especially along the County Road 50 corridor, where the expansion of value-added agriculture-related uses and on-farm diversified use can support the growth of the Town's farming industry; and
- (c) areas throughout the Town where multi-unit affordable housing development would be feasible, especially those areas nearby commercial amenities and community facilities.

8.1.9.3 The Town will facilitate public participation in the community improvement planning process and work with stakeholders to identify required improvements.

8.1.9.4 Community Improvement Plans may be used to support the goals and policies of this Plan by facilitating various financial incentives costs related to:

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

8.1.9.5 Council will give priority to:

- (a) utilizing funding models for the creation of attainable and affordable housing;
- (b) making improvements to publicly owned buildings, structures and facilities;

- (c) integrating community improvement projects into other municipal improvement programs and capital works budgeting; and
- (d) determining specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process.

8.1.9.6 The Town will work with the County on a joint funding model for the financing of grants and loans through Community Improvement Plans.

8.2 Existing and Non-conforming Uses

Certain lawfully existing uses may, by their nature or location, not satisfy or conform to the provision of the Town's Zoning By-law. These uses may have been established at their location for a long period of time and accepted as such within the neighbourhood, or constructed as permitted uses in compliance with previous zoning.

8.2.1.1 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.

8.2.1.2 It is the intent of the Town that legally non-conforming uses will eventually cease and be replaced by uses, buildings, and/or structures which conform to the Zoning By-law.

8.2.1.3 Legally conforming uses permitted will be restricted to the boundaries of the existing lot of record on which the use is located.

8.2.1.4 Notwithstanding the applicable land use designation or other policies of this Plan, legally non-conforming uses may be zoned as conforming uses in the Zoning By-law through a site-specific amendment provided that:

- (a) the use does not constitute a danger, a nuisance or blight to the neighbourhood by virtue of its function or operational characteristics;

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

8.2.1.5 Extensions or enlargements to legally non-conforming uses or a change in non-conforming use may be authorized by the Town's Committee of Adjustment pursuant to Section 45 of the *Planning Act*.

8.2.1.6 When considering an application to extend or enlarge a legally non-conforming use, the Committee of Adjustment will have regard to the following matters:

- (a) the general desirability of the use and its conformity with the general intent and purpose of this Plan;
- (b) whether the extended or enlarged use would create issues of incompatibility with neighbouring uses;
- (c) that the scale of the extended or enlarged use is appropriate relative to that of the existing non-conforming use;
- (d) the protection of neighbouring uses, where necessary, by the provision of landscaping, buffering or screening and appropriate setbacks for buildings and structures to reduce nuisance, and where necessary, by regulating outside storage, parking, lighting and signage;
- (e) that traffic and parking conditions in the vicinity will not be adversely affected by the extended or enlarged use, and that potential traffic hazards will be minimized by the appropriate design of site ingress and egress and the preservation of proper sight lines, especially in proximity to intersections and rail corridors;
- (f) whether adequate provisions have been or will be made for off-street parking and loading facilities or the Committee is

satisfied that the new or expanded use will not impose a worse traffic or parking condition; and

- (g) whether applicable municipal services such as storm drainage, sanitary sewage services, and drinking water supply are adequate and meet the approval of the applicable statutory approval authority having jurisdiction.

8.2.1.7

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

Existing Lots of Record

8.2.1.8

An existing lot of record which does not conform to the provisions of the Town's Zoning By-law may be developed for a use permitted under the applicable land use designation of this Plan, provided that:

- (a) the lot fronts upon an existing public road of a standard of construction acceptable to the Town, County, and/or the Province;
- (b) any necessary approvals are obtained from the Town, County and/or Province;
- (c) there is an adequate means of providing potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with policies in Section 5.8 of this Plan to the satisfaction of the Town; and
- (d) new development complies with the Provincial MDS requirements, pursuant to policies in 4.7 of this Plan.

8.3

Committee of Adjustment

8.3.1.1

The Town will maintain a Committee of Adjustment, under the provisions of Sections 44, 45 and 53 of the *Planning Act*, to decide on applications for:

- (a) consents, pursuant to policies in Section 8.1.6 of this Plan;

- (b) minor variances, pursuant to policies in Section 8.1.4 of this Plan; and
- (c) change, extension, or enlargement of non-conforming uses pursuant to policies in Section 8.2 of this Plan.

8.3.1.2 The Committee will be guided by the policies of this Plan and the requirements of the Zoning By-law in making decisions on applications and will be satisfied that the general intent of this Plan and the Zoning By-law are maintained in all applications.

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

8.4 Consultation and Engagement

Consultation and engagement with residents and stakeholders are critical in the planning and development process, and in implementing the policies of this Plan. The Town will ensure the community is informed of various public and private planning and development proposals or projects, and that residents and stakeholders are empowered to participate and provide input on the Town's planning decisions.

8.4.1.1 Community consultation and engagement on planning matters in the Town will be undertaken pursuant to the requirements of the *Planning Act*, the *Accessibility for Ontarians with Disabilities Act*, and other legislation, policies, and regulations.

8.4.1.2 The Town will ensure consultation and engagement levels of engagement as part of the planning process including Town-led studies, projects, and development applications, recognizing the diverse needs of the Town's residents.

8.4.1.3 Opportunities for community consultation and engagement will be provided through the following activities:

- (a) the review and update of this Plan and the Town's Zoning By-law;

- (b) the preparation or update of plans, by-laws, or studies supporting this Plan, including secondary plans, community improvement plans, urban design guidelines, streetscape plans, and community benefits charges strategies;
- (c) the planning and development review process; and
- (d) any other planning matter or infrastructure project that in the Town’s opinion would benefit from consultation and engagement.

8.4.1.4 The Town will ensure larger development applications and public infrastructure projects will require, at a minimum, one public open house or public information centre.

8.4.1.5 When a public open house or other type of community engagement event is required or appropriate, the Town will consider the following:

- (a) the accessibility of the venue for persons with disabilities, suitability for parents and young children;
- (b) that the venue is located within a reasonable distance of as many residents as possible, accessible via active transportation connections, and has sufficient parking;
- (c) the use of virtual or hybrid formats and internet-based tools to solicit input, feedback, and comments; and
- (d) supports to overcome language or barriers, if applicable.

8.4.1.6 All materials to be released to the public will be written in plain language as much as possible, and will be consistent with the Town’s accessibility standards and the *Accessibility for Ontarians with Disabilities Act*.

8.4.1.7 The processing and consideration of approval of applications for development approval sanctioned under the *Planning Act* will include the giving of notice to statutory authorities, boards and commissions, public and private agencies, organizations, altogether referred to as agencies, and the general public.

8.4.1.8 Prior to the adoption of an amendment to this Plan or the Town’s

- 8.4.1.9 The Town will employ a variety of methods to consult and engage with the community on planning matters, including but not limited to:
- (a) direct mail-outs, surveys, and newspaper notices;
 - (b) webpages and electronic communications such as e-mail;
 - (c) social media postings;
 - (d) broadcast media such as television and radio advertisements;
 - (e) public open houses, information sessions, workshops, and meetings, both statutory and non-statutory;
 - (f) Council meetings; and
 - (g) signage and notices related to development applications.

Consultation with Indigenous Peoples

Consultation with Indigenous peoples on a variety of planning matters is necessary to ensure that the actions of the Town are working toward the goals of reconciliation, addressing past harms, supporting strong and healthy communities, and advancing self-determination and prosperity. By engaging with and consulting Indigenous peoples, the Town has an opportunity to learn from the lived experiences and knowledge of those who have traditionally stewarded the lands on which the Town is located. Furthermore the Town is required to engage with Indigenous communities as directed by the Province in the *Planning Act*, *PPS*, *Environmental Assessment Act*, and the *Ontario Heritage Act*.

- 8.4.1.10 The Town will work toward the shared goals of reconciliation and seek the input and guidance of Indigenous peoples on a variety of planning matters.

- 8.4.1.11 The Town acknowledges the value of the traditional knowledge and cultural heritage of Indigenous peoples and will encourage further partnerships to achieve the objectives of this Plan, support mutual learning and understanding and strengthen relationships. Involvement and engagement with Indigenous Communities will occur as early as reasonably possible on future planning proposals.

8.4.1.12 Indigenous communities will be notified in regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors, pursuant to the policies of this Plan.

8.4.1.13 The Town will work with all interested Indigenous peoples and communities to develop or expand working protocols and processes to advance the goals of Truth and Reconciliation.

8.5 Development Applications

Certain developments in the Town will be subject to approvals under the tools in Section 8.1 of this Plan, including Official Plan amendments, Zoning By-law amendments, site plans, plans of subdivision, and consents. Proponents of these developments are required to undergo an application process that provides Town staff and Council an opportunity to evaluate whether the development as proposed meets the policies and needs of the Town.

8.5.1.1 Pre-consultation with Town staff prior to application submission will be required for the following development approvals:

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

8.5.1.2 The pre-consultation meeting will:

- (a) allow for the Town to review a draft or conceptual development proposal for the lands affected by the proposed application(s);

- (b) determine the required information, submission materials, and supporting studies for the application(s); and
- (c) identify external review agencies that an applicant may be required to consult with in addition to the Town.

8.5.1.3

An application for development approval will be deemed to be complete when the following conditions have been satisfied:

- (a) pre-consultation with the Town pursuant to policies 8.5.1.1 and 8.5.1.2 has taken place;
- (b) a signed application form has been submitted that details the nature of the planning approvals required for the proposed development;
- (c) a plan of survey and/or other acceptable legal land description and deed have been submitted along with full disclosure regarding the landowner, agent and applicant and their contact information;
- (d) all applicable application fees are submitted; and
- (e) all required support studies, developed to the satisfaction of the Town, are submitted.

8.5.1.4

After pre-consultation with the proponent, receipt of the application and accompanying studies, and confirmation by the Town that the application is complete, the Town will:

- (a) circulate the application and all required support studies relevant to the agency to appropriate agencies who will be provided with sufficient time to respond; and
- (b) advertise and present to the public the development proposal and provide the opportunity for review and comment at a public meeting(s) to be held pursuant to the *Planning Act* and the consultation policies of Section 8.4 of this Plan.

8.5.1.5

Support studies required as part of a complete application may include one or more of the following:

- (a) Archaeological Assessment to ensure that archaeological resources are preserved from disturbance or mitigation measures taken pursuant to Provincial policy;

- (b) Heritage Impact Assessment to analyze the impact of the proposed development on designated or identified heritage resources and set out mitigative or alternative development approaches;
- (c) Environmental Impact Assessment or Screening Report to assess, mitigate and/or remediate the potential negative impact of new development on public health and safety, the natural and built environments, ecological functions and such other considerations as set out in the *Environmental Assessment Act* and other relevant legislation;
- (d) Landscaping Plan identifying planting material, species and site location, as part of site plan approval;
- (e) Lighting Study to evaluate the intensity and impact of light pollution on residential property and wildlife and to ensure proper visibility and safety;
- (f) Market Impact Assessment to demonstrate the need for the specific development, its market area and impact on existing like uses or areas;
- (g) Natural Site Features Inventory and Preservation Plan to evaluate the impact of the proposed development on the natural environment and its ecological functions, tree and vegetation preservation, necessary servicing modifications and other mitigative or replacement measures;
- (h) Noise and/or vibration study to show that the proposed development can proceed in a manner which protects the public from unacceptable noise or vibration levels associated with industrial/commercial operations, roads activities, rail corridors and yards;
- (i) Planning Rationale Report to justify the need for the use, the suitability of the site for its intended purpose, its compatibility with adjacent land uses and impact on municipal services;
- (j) Stormwater Management Plan to identify required measures to control the quantity, velocity and quality of runoff associated with the development to prevent adverse

impacts on-site and to the receiving drains and municipal infrastructure;

- (k) Transportation Impact Assessment to identify road network improvements and on site designs required to provide a balanced transportation system and accommodate the traffic needs of the development;
- (l) Urban Design Study to provide direction for the protection and enhancement of the character of the planning district, neighbourhood, corridor or any other specifically identified area;
- (m) Watershed/Subwatershed Plan to identify water resources and related features, including fish and terrestrial resources and water dependencies and their need for protection and set out stormwater management measures within the subwatershed or watershed; and
- (n) Such other studies or combination of studies specifically identified elsewhere in this Plan or deemed necessary to properly evaluate the desirability and impacts of the proposed development, in a manner satisfactory to the Town and other approval authorities having jurisdiction.

8.5.1.6 The Town may, at its discretion, commission a peer review of any supporting information or studies, to be conducted by a qualified professional at the expense of the applicant.

8.5.1.7 Additional guidance for planning and development applications will be provided by the Town through its Development Standards Manual, as may be amended from time to time.

8.6 Definitions

A

Active transportation

Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Additional dwelling unit

A permanent self-contained residential unit with kitchen and sanitary facilities within a dwelling or within structures accessory to a dwelling (such as above laneway garages).

Adjacent lands (natural heritage)

Lands, contiguous to a specific natural heritage feature or area, where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of adjacent lands is generally defined as 120 metres.

Adjacent lands (cultural heritage)

lands, neighbouring to a specific protected heritage property, where it is likely that development or site alteration would have a negative impact on protected heritage property. The adjacent land widths listed below are approximate values to be used in this Plan. Different values may be established through a local official plan supported by a technical study prepared by a qualified cultural heritage professional.

Feature of Area	Adjacent Land Width
Protected heritage property	50 metres

Adverse effect

In the *Environmental Protection Act*, adverse effects are 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 and 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 on 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

In the case of ownership housing, the least expensive of:

- a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- b) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

In the case of rental housing, the least expensive of:

- a) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- b) a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural Impact Assessment

A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.

Agricultural System

A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

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

Agricultural uses

The growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

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; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

Agri-tourism uses

Farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses

Farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Alternative and renewable energy facility

A standalone facility that generates electricity, heat and/or cooling from a renewable energy source, including wind, solar, geothermal, and biomass, and their ancillary and support facilities, including energy storage systems.

Alternative and renewable energy facilities do not include accessory renewable energy sources such as rooftop solar panels.

Archaeological resources

Artefacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork pursuant to the *Ontario Heritage Act*.

Areas of archaeological potential

Areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist.

Areas of Natural and Scientific Interest (ANSI)

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

Attainable housing

A residential unit will be considered to be an attainable residential unit if it meets the following criteria:

- a) The residential unit is not an affordable residential unit.
- b) The residential unit is not intended for use as a rented residential premises.
- c) The residential unit was developed as part of a prescribed development or class of developments.
- d) The residential unit is sold to a person who is dealing at arm's length with the seller.
- e) Such other criteria as may be prescribed by the Province of Ontario.

B

Brownfield site

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.

Buffer strip

Small areas or strips of land in permanent vegetation, designed to intercept pollutants and manage other environmental concerns.

Built heritage resources

Built heritage resources include buildings, structures, monuments installations 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. Built heritage resources are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal and/or international registers.

C

Catchment area

The area from which a destination draws its visitors. For example, a 500-metre pedestrian catchment area for a park means that the park is intended to serve residents who are a 500-metere walk or less from the park.

Circular economy

A system where materials never become waste and nature is regenerated. In a circular economy, products and materials are kept in circulation through processes like maintenance, reuse, refurbishment, remanufacture, recycling, and composting. The circular economy tackles climate change and other global challenges, like biodiversity loss, waste, and pollution, by

decoupling economic activity from the consumption of finite resources.

Coastal wetland

- a) any wetland that is located on Lake Erie, Lake St. Clair or the Detroit River; or
- b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100-year floodline (plus wave uprush) of the large water body to which the tributary is connected.

Community serving facilities

Land, buildings and structures for the provision of public services, of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Community serving facilities do not include infrastructure.

Complete community

Places within **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, public service facilities and greenspaces. Complete communities are age friendly and may take different shapes and forms appropriate to their contexts.

Complete street

Streets or roadways which are designed to consider the needs of all users, such as people who walk, bicycle, take transit or drive, and people of varying ages and levels of ability. They also consider other uses like sidewalk cafés, street furniture, street trees, utilities, stormwater management, and many other uses.

Comprehensive review

An Official Plan review which is initiated by a planning authority, or an Official Plan amendment which is initiated or adopted by a planning authority, which:

- a) is based on a review of population and growth projections and which reflect projections and allocations contained in this Plan and considers alternative directions for growth; and determines how best to accommodate this growth while protecting Provincial interests;
- b) utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- c) confirms that the lands to be developed do not comprise specialty crop areas;
- d) is integrated with planning for infrastructure and public service facilities; and
- e) considers cross-jurisdictional issues.

Conserved (cultural heritage)

The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, Archaeological Assessment, and/or Heritage Impact Assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision- maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Council

The Council of the Corporation of the Town of Essex.

County

The Corporation of the County of Essex.

Crime Prevention Through Environmental Design (CPTED)

There are three main principles when developing outdoor spaces through the lens of [CPTED](#) and these principles should be combined together to provide better safety for all users:

- a) Provide ways to encourage natural surveillance by increasing visual permeability, adding lights in strategic locations, and reducing the presence of walls, opaque/privacy fencing, and overgrown shrubs.
- b) Provide natural access control of areas where the public is not encouraged to be in, such as maintenance areas, by way of fences, low walls, gates, and landscaping. It should be noted a minimum of two accesses/gates should be provided in a controlled area.
- c) Provide territorial reinforcement or the “sense of ownership”. The territorial reinforcement is also encouraged in a multi-use space where there is a diversity of activities and uses provided to users.

Cultural heritage landscapes

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. [Cultural heritage landscapes](#) may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

D

Development

The creation of a new lot, a change in land use, or the construction of buildings and structures; but does not include activities that create or maintain [infrastructure](#) authorized under an

environmental assessment process; or works subject to the *Drainage Act*.

Developable area

The portion of any given of land that can be developed, which does not include road rights-of-way, municipal services, parkland conveyances, easements, natural heritage features, hazards, or any other land that is undevelopable or set aside for a community serving use.

Dry industrial use

An industrial use that does not require water for cooling, washing and processing and whose subsurface sewage disposal systems are used solely for the domestic waste generated by employees.

E

Ecological function

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Ecosystem services

The varied benefits to humans provided by the natural environment and the healthy functioning of interconnected ecosystems. These benefits can include, but are not limited to, the availability of food, clean water and other necessities, regulating local climates including the water cycle, supporting nutrient cycles, cleaning the air and sequestering carbon, and cultural benefits through recreational experiences. Ecosystem services refers to the direct and indirect benefits of natural resources that can contribute to climate change mitigation and adaptation.

Encroachment

The potential for neighbouring land uses to spread, crowd out, or otherwise affect the primary land use of a parcel of land. For example, residential uses directly adjacent to employment uses have the potential to lead to conflict or compatibility issues,

leading to pressure to convert the employment uses to more residential uses.

Endangered species

Any species that is listed or categorized as an “[Endangered Species](#)” on the Province’s Species at Risk in Ontario (SARO) list, as updated from time to time.

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.

Environmentally Sensitive Areas (ESAs)

Areas supporting fragile ecosystems susceptible, prone or vulnerable to human impact and/or development pressures, as identified by ERCA.

ERCA

The Essex Region [Conservation Authority](#).

Erosion hazards

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 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.

F

Fish habitat

Pursuant to the Canadian *Fisheries Act*, means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flood fringe (for river, stream and small inland lake systems)

The outer portion of the floodplain between the floodway and flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

Floodplain (for river, stream and small inland lake systems)

The area usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding hazard

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:
 - (i) the flood resulting from the rainfall actually 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;
 - (ii) the one hundred year flood; or
 - (iii) a flood which is greater than I) or ii) which was actually 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 actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodway (for river, stream and small inland lake systems)

The portion of the floodplain 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 floodplain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the floodplain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.

Where the two zone concept applies, the outer portion of the floodplain is called the flood fringe.

G

Great Lakes - St. Lawrence River System

The major water systems consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure

Any environmental resource, nature-based solution, or ecological system that provides direct or indirect ecosystem services. This might include plantings that mitigate flooding and improve water absorption, or trees that filter air, improve air quality and provide shade and shelter.

Greenfield development

Development of a property, site or area that is within a **Settlement Area** but has not been previously developed. Often greenfield development is vacant land that has never been developed.

Groundwater feature

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.

Group home

Accommodation licensed or funded under Province of Ontario or Government of Canada legislation, for up to twelve persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.

H**Hazardous lands**

Property or lands that could be unsafe for *development* due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along *river and stream systems and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous substances

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.

Heritage attributes

The principle features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Heritage Impact Assessment

A study to determine the impacts to known and potential heritage resources within a defined area proposed for future development. The study would include an inventory of all heritage resources within the **development** application area.

Highly Vulnerable Aquifer (HVA)

An aquifer that can be easily changed or affected by contamination from both human activities and natural process as a result of:

- a) its intrinsic susceptibility, as a function of the thickness and permeability of overlaying layers; or
- b) by preferential pathways to the aquifer.

Home occupation

An occupation for profit or gain conducted entirely within the dwelling unit, such occupation being incidental and secondary to the primary residential use without changing the character thereof.

Home industry

An occupation or activity for profit or gain resembling a construction or industrial-type activity, which is clearly incidental, subordinate and secondary to the principal use of the property.

I

Infrastructure

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and

water systems, septage treatment systems, waste management systems, electric power generation and transmission, communication/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intake Protection Zone (IPZ)

A zone established around a surface water intake of drinking water as prescribed in the *Clean Water Act*.

Intensification

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.

J

K

L

Large inland lakes

Waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Local municipality/municipalities

Any of the seven lower-tier municipalities within the County of Essex.

Lot

A contiguous area of land under one ownership, the boundaries of which are on record in the Land registry Office of the County of Essex in the Registry or Land Titles Division.

In the context of this Plan, lot has the same meaning as parcel and may be used interchangeably.

Low and moderate income households

- 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.

Lower-tier municipality

A municipality that forms part of an upper-tier municipality for municipal purposes. Municipal responsibilities set out under the *Municipal Act* and other Provincial legislation are split between the upper tier and lower tier municipalities.

Low-impact development (LID)

A land planning and engineering approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural gestures to protect water quality.

M**Mine hazard**

Any feature of a mine as defined under the Mining Act or any related disturbance of the ground that has not been rehabilitated.

Mineral aggregate resources

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resource 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 deposits

Areas of identified minerals that have sufficient quantity or quality based on specific geological evidence to warrant present or future extraction.

Mineral aggregate operation

- a) Lands under license or permit, other than for wayside pits or quarries, issued pursuant to the *Aggregate Resources 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.

Minimum Distance Separation (MDS) Formulae

Formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

N

Natural heritage features and areas

Features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered and threatened species, significant wildlife habitat, and significant areas of

natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System

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.

Nature-based techniques or solutions

Strategies that utilize natural processes and ecosystems to address issues related to coastal erosion and the management of shorelines.

Negative impacts

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

Net density

The ratio of residential units to the developable area of a given area of land.

Net residential units

Determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided.

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.

O**On-farm diversified uses**

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, agritourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

One hundred (100) year flood level

- a) For the shorelines of the Great Lakes, the peak instantaneous Stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Clair, Detroit River) the peak instantaneous stillwater level which has 1% chance of being equalled or exceeded in any given year; and

- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

P

Partial services

- 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 on-site sewage services.

Petroleum resource operations

Oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

Petroleum resources

Oil, gas, and brine 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 or other hydrocarbons.

Portable asphalt plant

A facility designed to temporarily store, heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material. It includes the stockpiling and storage of bulk materials used in the process. The facility is not of permanent construction, but is designed to be dismantled and relocated as required.

Prime agricultural land

Land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils in this order of priority for protection.

Purpose-built rental

Residential units which are built specifically for long-term rental, rather than for sale.

Q**R****Rear-lotting**

Instances where in a plan of subdivision, the rear lot lines are directly abutting a street, park or public space, or natural heritage feature.

Redevelopment

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Residential intensification

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) The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) The conversion or expansion of existing residential buildings to create new residential units or

accommodation, including accessory apartments, secondary suites and rooming houses.

Rental housing

Dwellings or dwelling units that are occupied by one or more people in exchange for rent. There are generally two types of rental housing:

- a) Purpose-built rental: originally developed and built as rental housing; and
- b) Converted rental: originally developed and built as freehold housing, but currently operated as rental.

River, stream and small inland lake systems

All watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Right-of-way (ROW)

Those lands owned by the Town, County, or Province which are preserved for transportation purposes. The right-of-way for a given public road is the distance between adjacent property lines on either side of the road.

S

Sensitive (water)

Regarding surface water features and ground water features are areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses

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.

Settlement area(s)

Primary Settlement Areas and **Secondary Settlement Areas** as depicted on Schedules A through A-5 of this Plan 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.

Sewage and water systems

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 as further defined by the Provincial Policy Statement.

Short Term Rental Unit (STRU)

A dwelling or dwelling unit used, with or without on-site supervision, for rental accommodation of a person or persons for a period of twenty-eight (28) consecutive days or less, within a calendar year, but may be rented for a longer period.

Significant

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as Provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.
- b) in regard to the 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;
- c) 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;
 - d) in regard to other features and areas in Section 3.4, 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;
 - e) in regard to mineral potential, means an area identified as Provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
 - f) in regard to potential for petroleum resources, means an area identified as Provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time;
 - g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.
 - h) in regard to other matters, important in terms of amount, content, representation or effect.
 - i) 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 Area (SGRA)

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 coldwater ecosystem such as a brook trout stream.

Site alteration

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Special needs

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 area

Areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands 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; and/or
- b) a combination of farmers skilled in the production of specialty crops and of capital investment in related

facilities and services to produce, store or process specialty crops.

Source water

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

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.

Surface water

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

Water-related features on the earth's surface including headwaters, rivers, stream channels, 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.

Surplus dwelling

An existing farm dwelling that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Sustainable

Activities that meet present needs without compromising the ability of future generations to meet their own needs.

Temporary residential unit is defined as a dwelling erected in such a way as to allow for its removal at a later date without leaving a foundation or other permanent services and/or facilities.

T

Terrestrial feature

A land-based natural heritage feature, such as forests or woodlands, which is not a wetland.

Threatened species

A species that is listed or categorized as a “Threatened Species” on the Province’s Species at Risk in Ontario (SARO) list, as updated and amended from time to time.

Transportation system(s)

A system consisting of corridors and rights-of-way for the movement of people and goods and associated transportation facilities including transit stops and stations, cycle lands, bus lanes, high occupancy vehicle lanes, rail facilities, park’n’ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours and associated facilities such as storage and maintenance.

U

Universal design

The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

Upper-tier municipality

An upper-tier municipality means a municipality of which two or more lower-tier municipalities form part for municipalities purposes. Municipal responsibilities set out under the *Municipal Act* and other Provincial legislation are split between the upper tier and lower tier municipalities.

Utility corridors

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.

V

Valleyland

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 area

A surface or groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

W

Waste diversion target

The percentage of solid waste that is diverted from landfills or incineration through recycling and composting.

Water quality and quantity

Measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and, hazardous contaminants, and hydrologic regime.

Watershed

An area that is drained by a river and its tributaries.

Wayside pit or quarry

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

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

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

Treed areas that provide environmental and economic benefits to both the private landowner and the general 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.

X

Y

Z

CHAPTER 9

COLCHESTER SECONDARY PLAN



Town of Essex
**OFFICIAL
PLAN**
Your Community. Your Vision.

9.1 Introduction

9.1.1 Purpose

This Secondary Plan sets out a cohesive vision and set of planning directions for the future growth and development of the Colchester **Secondary Settlement Area**. Of the Town's five **Settlement Areas**, Colchester is the only one with public access to the Lake Erie shoreline – this, along with Colchester's location in the heart of the Town's recreational and agri-tourism area, necessitates a special approach to planning for its future.

As most of the Secondary Plan Area is already developed, this Secondary Plan is intended to guide growth through the redevelopment of individual properties, infill development on the few remaining vacant parcels or on new parcels created through consents to sever (where appropriate as per the broader policies of the Town's Official Plan), or redevelopment of small land assemblies.

Considered as a **Secondary Settlement Area**, Colchester has not been identified by the County of Essex for significant residential or employment growth, which, pursuant to Chapter 3 of this Plan is to be directed to the **Primary Settlement Areas** of Essex Centre and Harrow. Beyond several remaining large vacant parcels, it is expected that growth in Colchester will be incremental. The policies of this Secondary Plan, as well as the Town's Urban Design Guidelines developed for Harrow and Essex Centre will provide a framework to assist the Town in reviewing individual development applications within the Planning Area.

9.1.2 Location

This Secondary Plan applies to those lands shown on Schedule C-1. The Secondary Plan Area is anchored by the corridors of Essex County Road 50 (called Murdoch Street between Dunn and Erie Roads), and Jackson Street, which connects County Road 50/Murdoch Street to the waterfront.

9.1.3 Background

The Colchester Hamlet Guideline Plan and accompanying Community Design Guidelines (Guideline Plan and Community Design Guidelines) were initially adopted in 2008, and included a demonstration plan that envisioned an English Tudor style for main street development in Colchester. The development of the Guideline Plan and Design Guidelines were informed by several public consultation events throughout 2007, including a design charette and two public open houses.

In 2012, the Town approved the Colchester Landscape Master Plan, which made recommendations for improvements to the design of the Waterfront Area and a new land-use framework building off the 2008 Guideline Plan. Notable elements of this framework include focusing a future commercial/mixed-use area around Jackson Street and County Road 50/Murdoch Street between Jackson Street and Dunn Road, establishing a Cultural Node around the Colchester Schoolhouse, and improving trail and pedestrian linkages to the waterfront and Colchester Harbour. The development of the Master Plan was informed by workshops with stakeholders, the public, and youth, as well as an online survey.

As part of the Town's new Official Plan in 2024, the Colchester Secondary Plan was updated to align it with the policies of the new Official Plan and establish a realistic development scenario based on the level of growth allocated to the Colchester Secondary Settlement Area by the County of Essex. The Secondary Plan update was informed by engagement with a Community Stakeholder Working Group, a Development Working Group as part of the preparation of the new Official Plan, a public focus group meeting in Spring 2023, and a public open house in Spring 2024.



9.2 Vision

The vision for the Colchester Secondary Plan is to achieve a beautiful, lively, and connected community with a mix of uses that support residential life and the Town of Essex’s fast-growing tourism industry.

Growth will be encouraged through incremental intensification, primarily by redevelopment of underutilized lots and new infill development, and mixed-use developments that activate Colchester’s Main Streets are preferred. Over time, the Secondary Plan Area will transition from a primarily low-density residential community with several disparate and spread-out commercial uses to one with vibrant mixed-use areas and clear gateways, vistas, and views.

The two primary corridors of the Secondary Plan Area will be County Road 50/Murdoch Street and Jackson Street, along which redevelopment and intensification will be focused, especially

those uses supporting agri-tourism activities related to the wine and viticulture industry. A variety of commercial uses such as restaurants, cafes, lodging, microbreweries, stores showcasing local food and beverages, artisans, and crafts will animate the **Main Street Area** along County Road 50/Murdoch Street and Jackson Street.

In addition to the **Main Street Area** along the two Corridors, the Colchester **Cultural Character Area** will be a destination for visitors and includes a community and tourism hub centred around the Colchester Schoolhouse.

Over time development in Colchester and efforts by the Town will restore natural heritage features and introduce new options for recreation, including the improvement of the shore around the Colchester Harbour and the extension of Bagot Street south of Sullivan Street to the lakefront.

9.3 Guiding Principles

The Colchester Secondary Plan is based on the following Guiding Principles which will support development in Colchester and support the Vision articulated in Section 9.2.

9.3.1.1

Connect the waterfront and restore the shore:

- (a) improve public amenities within the Secondary Plan Area, particularly in the Colchester Harbour and Beach area to promote tourism and recreation and use by local residents;
- (b) enable easy circulation between the **Main Street Area**, **Waterfront Commercial Area**, and **Colchester Mixed-Use Area** by improving active transportation facilities in the Secondary Plan Area, especially the provision of sidewalks;
- (c) improve public access to the lakeshore through the provision of new parks, trails, and waterfront access to add recreational opportunities for residents and visitors; and
- (d) through development and investment by the Town, County, ERCA, or other agencies or authorities, protect, restore, and/or enhance components of the Town's Natural Heritage System that are within the Secondary Plan Area.

9.3.1.2

Animate the Secondary Plan Area with a mix of uses:

- (a) direct growth and development to Colchester through appropriate infill and redevelopment;
- (b) promote more compact and higher density development than currently exists in the Secondary Plan Area to encourage more efficient use of existing services and infrastructure;
- (c) direct private investment by establishing a clear and cohesive vision for a **Main Street Area** which is the site of commercial, retail, entertainment and tourism-related activities which are connected to the waterfront; and
- (d) offer a range of community service and commercial facilities, housing and employment opportunities.

9.3.1.3

Be a centre for tourism:

- (a) support and enhance the unique character of Colchester by leveraging the Secondary Plan Area's location on the shore of Lake Erie;
- (b) encourage land uses in the Secondary Plan area which will support enhance the development of the wine industry;
- (c) promote Colchester as primary recreational and tourist destination in the Windsor-Essex region, providing a range of uses to support tourism development.

9.3.1.4

Achieve a high-quality and beautiful public realm:

- (a) improve streetscapes in Colchester's **Main Street Area**;
- (b) preserve existing and seek new opportunities for views and vistas, lookouts and water access to the lakeshore where north/south municipal rights-of-way meet the lakeshore.
- (c) accommodate public facilities, such as parks, picnic areas, rest areas with limited parking, and facilitate the creation of an extended linked waterfront trail within the Town; and
- (d) identify key gateways into the Secondary Plan Area through improved landscaping, special features and signage to orient travelers to the **Waterfront Commercial Area, Main Street Area** and related amenities.

9.4 Land Use

Growth within the Colchester Secondary Plan area is intended to unfold incrementally through intensification of existing developed parcels and development of a several vacant lands. There are four unique areas within Colchester:

- > **Main Street Area**
- > **Waterfront Commercial Area**
- > **Urban Residential Area**
- > **Cultural Character Area**

Development in the Secondary Plan Area will occur primarily through intensification of the **Main Street Area**, with minimal growth through new development and intensification to occur in the **Residential Area**.

9.4.1 Main Street Area

The implementation of this Secondary Plan will result in a clear and contiguous **Main Street Area** within Colchester along County Road 50/Murdoch Street and extends south along Jackson Street to connect to the **Waterfront Commercial Area**, including the harbour marina, park and beach area.

9.4.1.1 The development policies and permitted uses of the Main Street land use designation in 7.2.3 of the Town's Official Plan will apply to lands within the **Main Street Area** shown on Schedule C-1.

9.4.1.2 The **Main Street Area** will be the central core of Colchester and will include a mix of commercial, entertainment and residential uses.

9.4.1.3 The **Main Street Area** will provide a pedestrian-oriented environment, through improvements to the streetscape, including sidewalks, street furniture, bicycle parking, lighting and landscaping.

9.4.1.4 In addition to the uses permitted in the Main Street Mixed-Use designation, the following uses will be permitted:

- (a) farmer's markets;

- (b) craft breweries, cideries, wineries, and distilleries;
- (c) home occupations;
- (d) tourist accommodations, including:
 - (i) hotels;
 - (ii) motels;
 - (iii) bed and breakfasts; and
 - (iv) short-term rental units, pursuant to the policies of Section 5.2.5 of this Plan and the provisions of the Town’s Zoning By-law;
- (e) existing standalone dwellings; and
- (f) existing accessory buildings and structures.

9.4.1.5 Drive-through uses and facilities will not be permitted in the **Main Street Area**.

9.4.1.6 Development in the **Main Street Area** will reinforce and preserve, to the extent possible, a vibrant commercial presence at street level.

9.4.1.7 Within the **Main Street Area**, residential development should occur in the form of dwelling units contained within a mixed-use building that includes ground-floor commercial uses or other uses which animates the pedestrian realm.

9.4.1.8 The redevelopment of properties for more intensive residential uses may be permitted if Council is satisfied that the redevelopment does not hinder the future development of the planned commercial and tourism functions of the **Main Street Area**.

9.4.1.9 The height and massing of the buildings at the edge of the **Main Street Area** will have regard to the height and massing of the buildings in adjacent Urban **Residential Areas** and may be subject to additional setbacks or buffering to provide an appropriate transition to neighbouring residential uses.

9.4.1.10 Development in the **Main Street Area** will help to create a pedestrian-oriented environment along County Road 50/Murdoch

Street and Jackson Street, pursuant to built form policies in Section 9.5 of this Plan.

9.4.1.11 The amount of gross floor area for commercial units will be limited in the Zoning By-law at a scale consistent with the main street character and theme.

9.4.1.12 Development in the **Main Street Area** will have consideration for the protection and enhancement of significant views and vistas of the lakeshore, which may include the use of lower profile building forms, smaller building footprints, building setbacks or other built form considerations.

9.4.2 Waterfront Commercial Area

The **Waterfront Commercial Area** includes certain lands which directly front on Lake Erie, including the Colchester Marina and Harbour Park and the related beach area, as well as the Colchester Schoolhouse. Together these lands provide an exceptional opportunity to accommodate improved recreational and commercial amenities for residents and visitors to the lakeshore. Over time, it is the Town's intent for Sullivan Street to support a range of uses to support waterfront activities and connect the Marina and Harbour with the Cultural Character Area identified on Schedule C-1.

The Colchester Marina and Harbour Park is located at the foot of Jackson Street and enhanced connectivity with the commercial activities associated with the **Main Street Area** is desirable.

9.4.2.1 The boundaries of the **Waterfront Commercial Area** are shown on Schedule C-1.

9.4.2.2 The following uses will be permitted within the **Waterfront Commercial Area**:

- (a) active and passive parks and open space uses including:
 - (i) amphitheatres;
 - (ii) picnic areas;
 - (iii) conservation and recreational uses;
 - (iv) restrooms;

- (v) splash pad/ice rinks;
 - (vi) playgrounds;
 - (vii) sport facilities; and
 - (viii) walkways and trails;
- (b) commercial uses, including restaurants, snack bars, concession stands, commercial recreational uses and facilities, small-scale retail uses, entertainment uses, and cultural facilities, subject to a site- specific Zoning By-law Amendment;
 - (c) marina and marine-related activities;
 - (d) special events facilities for festivals and open-air markets;
 - (e) existing residential and community facility uses; and
 - (f) accessory buildings and structures.

9.4.2.3 Drive-through uses and facilities will not be permitted in the **Waterfront Commercial Area**.

9.4.2.4 The **Waterfront Commercial Area** is intended to achieve the following:

- (a) improved and new waterfront amenities including those uses listed in policy 9.4.2.2(a);
- (b) gathering places for special open-air events;
- (c) high quality and well-designed barrier free public spaces through the use of wooden fencing, small scale signage, low profile landscaping, improved lighting, paved walkways, seating areas and recreational structures; and
- (d) enhanced entrances from the street to identify the park.

9.4.2.5 The Town will maintain the **Waterfront Commercial Area** as the primary public access to the waterfront in the Town, including by:

- (a) supporting improvements to the existing public amenities within the **Waterfront Commercial Area**;
- (b) fostering improved trail and pedestrian connections to the rest of the Secondary Plan Area and other areas of the Town and County;

- (c) supporting improvements to the public marina docking area and harbour to improve access and safety;
- (d) providing for bicycle parking and storage within the **Waterfront Commercial Area**;
- (e) considering opportunities to provide additional public parking to accommodate resident and tourist parking within and in proximity to the **Waterfront Commercial Area**, pursuant to policies in Section 9.7.3 of this Plan; and
- (f) considering opportunities to improve the water quality of the harbour and beachfront area through best management practices in stormwater management.

9.4.2.6 Parkland dedication or cash-in-lieu of parkland will support parkland improvements to the **Waterfront Commercial Area** in accordance with the provisions of the *Planning Act* and pursuant to Section 5.3 of the Town's Official Plan.

9.4.2.7 Parking area design will minimize the potential conflicts with pedestrians and park/beach users. Parking areas should be located at the periphery of the park with clearly identified pedestrian walkways.

9.4.3 Residential Area

Colchester has the largest concentration of residential uses along the Town's lakefront. Generally, all residential development within the Secondary Plan Area consists of low density, single detached dwellings, with the exception of a few multi-unit dwellings. While most of the growth in the Secondary Plan Area will be directed to the **Main Street Area**, appropriate infill and the development of vacant lots within the **Residential Area** is desirable.

9.4.3.1 The development policies and permitted uses of **the Urban Residential** land use designation in Section 7.2.1 of the Town's Official Plan will apply to lands within the **Residential Area** shown on Schedule C-1.

9.4.3.2 A variety of low- and medium-density residential uses will be permitted as-of-right in the **Residential Area** through infill development and redevelopment of existing sites.

9.4.3.3 Notwithstanding policy 7.2.1.2 of this Plan, high-density residential uses may be considered in the **Residential Area** only through a Zoning By-law amendment.

9.4.3.4 The Town will support development within the **Residential Area** through infill and development of vacant lots that maintains the established character of the surrounding area through building massing, setbacks, and height.

9.4.4 Colchester Mixed-Use Area

The Colchester Mixed-Use Area includes those lands within the **Settlement Area** boundary of Colchester to the north of County Road 50 and to the west of Dunn Road, as shown on Schedule C-1. These lands are currently undeveloped, but offer opportunity for residential intensification and new commercial uses to serve both the permanent and seasonal community in Colchester.

9.4.4.1 The boundaries of the **Colchester Mixed-Use Area** are shown on Schedule C-1.

9.4.4.2 The development of lands within the Colchester Mixed-Use Area will contribute to the achievement of the vision and guiding principles for Colchester established in Sections 9.2 and 9.3, including:

- (a) achieving compact built form which makes efficient use of existing and planned municipal services for the Secondary Plan Area;
- (b) contributing to a mix of uses in the Secondary Plan Area;
- (c) improving connections between the various Areas of the Secondary Plan, especially for active transportation; and
- (d) achieving high-quality and vibrant public realm, and creating a clear gateway into the Main Street Area.

9.4.4.3 Further to policy 9.4.4.2(c), any plans of subdivision for the Colchester Mixed-Use Area will include roadways which connect to and extend the existing street grid of Colchester, including:

- (a) westward extensions of Harrison Street, Draper Street, and Ogden Street; and

- (b) northern extensions of Prado Street, Herring Avenue, and Ferris Avenue.

9.4.4.4

9.4.4.5

The following uses will be permitted within the **Colchester Mixed-Use Area**:

- (a) permitted uses of the **Urban Residential** land use designation in 7.2.1 of this Plan, including a range of low-, mid-, and high-density uses;
- (b) a range of neighbourhood commercial uses, including small-scale retail such as convenience stores;
- (c) tourism-related uses, including accommodation uses described in policy 9.4.1.4(d); and
- (d) community facilities, including parks and playgrounds.

9.4.4.6

Notwithstanding policy 9.4.4.5 any new commercial uses in the **Colchester Mixed-Use Area** should be located in the southeast part of the area near the intersection of Dunn Road and County Road 50, and should act to connect to and extend the **Main Street Area**.

9.5 Built Form and Cultural Heritage

The predominant existing building typology in the Secondary Plan Area is single-unit detached dwellings of varying age, massing, and setbacks from municipal roadways. The intent of this Secondary Plan is to support the gradual intensification of the Secondary Plan Area (particularly the **Main Street Area**) while maintaining Colchester’s “small-town” feel. This includes the identification, designation under the *Ontario Heritage Act*, conservation of significant built heritage resources in the Secondary Plan Area and encouraging development that maintains and enhances the character of those resources.

9.5.1.1

Development and redevelopment throughout the Secondary Plan Area will conform to the urban design policies in Section 5.6 of the Town’s Official Plan and the Town’s Urban Design Guidelines for Downtown Harrow and Essex Centre, as may be amended from time to time.

9.5.1.2

Within the **Main Street Area**, development and redevelopment will conform to policy 5.6.2.3 of the Town's Official Plan, and the following specific requirements:

- (a) buildings will frame and animate the pedestrian realm, with:
 - (i) minimal or no setback from the property line, with setbacks aligned between adjacent buildings;
 - (ii) easily identifiable main entrances along the lot frontage; and
 - (iii) any parking located to the rear of the building;
- (b) awnings, patios, porches and similar structures are encouraged to be included in the design of building frontages to provide pedestrian comfort and accommodation as an extension of the public realm;
- (c) buildings should complement adjacent development in terms of scale, massing, heights and cohesive and complimentary architectural styles;
- (d) building heights will not exceed a maximum height of 3 storeys, except through an amendment to the Town's Zoning By-law, where:
 - (i) the building height does not exceed 4 storeys;
 - (ii) commercial uses are provided at ground level; and
 - (iii) shadowing on adjacent residential uses is minimized;
- (e) ground floor commercial uses should have a minimum height of 4.0 metres and commercial facades should provide large storefront window displays;
- (f) buildings should have distinctive, low-profile roofs with features such as gables and dormers and use materials characteristic of the Colchester area, including clapboard siding, stone and old brick, wood and wooden windows; and
- (g) buildings situated at prominent view termini should provide enhanced architectural and aesthetic details.

- 9.5.1.3 Throughout the Secondary Plan Area:
- (a) development will protect and enhance significant views and vistas of Lake Erie, which may necessitate the use of lower profile building forms, smaller building footprints or other built form considerations;
 - (b) building footprints, setbacks and building heights should be generally consistent with the existing or planned neighbourhood character; and
 - (c) buildings should incorporate architectural and design theme elements that reflect the nautical character of the waterfront.

9.5.1.4 The Town will support the creation of an inventory of all built heritage resources and cultural heritage landscapes including scenic roads and vistas within the Secondary Plan Area for the purposes of preparing a database or heritage inventory and pursuing designations as described under the *Ontario Heritage Act*.

9.5.1.5 Built heritage resources in the Secondary Plan Area are essential elements of Colchester's physical character. In this regard, the Town will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreements.

9.5.1.6 Development that makes adaptive reuse of existing buildings, where feasible, is encouraged.

Cultural Heritage Character Area

The **Cultural Character Area** consists of a cluster of properties at the intersection of Bagot Street and Sullivan Street that include the Colchester Schoolhouse, Christ Church Colchester, and the Christ Church Colchester Cemetery. This cluster has been identified by the Town as having significant built heritage resources, including a cultural heritage landscape and the Colchester Schoolhouse.

9.5.1.7 The **Cultural Heritage Character Area**, shown on Schedule C-1, will be the focus of future community, arts and culture tourism uses in the Town, centred around the Colchester Schoolhouse. It

is the intent of the Town to develop the **Cultural Character Area** as a hub for community, arts and culture, and tourism activities and as a centre for interpreting the history of the area.

- 9.5.1.8 The Town may designate individual properties and/or undertake a future heritage conservation district study and plan, under the provisions of the *Ontario Heritage Act*, of the lands within the **Cultural Character Area** as well as nearby properties.

9.6 Public Realm

Part of the Vision of this Secondary Plan is to support the transition of Colchester into a mixed-use community that encourages residents and visitors to spend time exploring. A key component of achieving this goal is to gradually improve the public realm to provide a comfortable, safe, and inviting environment for pedestrians and cyclists.

- 9.6.1.1 The development of the Secondary Plan Area will be supported by the achievement of a pedestrian-oriented environment through both public and private investment.
- 9.6.1.2 Development in **Main Street Area** will support the policies of Section 9.6 and the Town's Urban Design Guidelines for Downtown Harrow and Essex Centre through site planning.
- 9.6.1.3 Public realm, streetscape, views and gateway improvements should foster the creation of a more attractive, liveable and pedestrian oriented community. Improvements should be designed to reinforce the character of Colchester in general.
- 9.6.1.4 Throughout the Secondary Plan Area, the Town will strive to achieve barrier free, safe pedestrian accessibility that achieves the principals of universal design.

9.6.2 Streetscape and Landscaping

- 9.6.2.1 Streetscapes in the **Main Street, Waterfront, and Cultural Character Areas** will be improved through:
- (a) provision of sidewalks on all streets and widening of existing sidewalks, trails, and pathways, to be undertaken during the next required resurfacing of a given street;

- (b) adding and improving crosswalks, including using tactile surfaces such as pavers;
- (c) improved lighting on streets and in parks;
- (d) street furniture such as permanent benches or temporary chairs and tables;
- (e) bicycle parking racks;
- (f) planting of trees and other vegetation at regular intervals along County Road 50/Murdoch Street, Jackson Street, and Bagot Street; and
- (g) supporting permanent and temporary public art projects, such as murals or sculptures, which interprets the Colchester and the Town's history.

9.6.3 Gateways

Gateways are key intersections within the Secondary Plan Area where one experiences physical and/or character transitions between areas, and clearly definable destinations, either by walking, driving or cycling. These gateways should be planned to create the experience of a sense of arrival and to provide wayfinding into the Secondary Plan Area.

9.6.3.1

Several key intersections within the Secondary Pan Area are identified as gateways on Schedule C-2. Gateways will be planned as key points of transition in the Secondary Plan Area, including through:

- (a) large, clear and coordinated signage directing travellers to the Main Street, Waterfront, and **Cultural Character Areas**, as well as landmarks such as the Colchester Beach and Marina;
- (b) architectural features or public art which reflect the heritage and historical character of Colchester; and
- (c) safety improvements pursuant to guidance for complete streets in policy 1.1.1.1 of this Plan such as:
 - (i) traffic signals, including cycling signals and pedestrian crosswalk signals;

- (ii) pedestrian crosswalks; and
- (iii) painted cycling turning lanes.

9.6.3.2 Gateway features at the intersections of County Road 50/Murdoch Street with Dunn Road and Erie Road should provide a clear and visible entry into Colchester and the **Main Street Area**.

9.6.3.3 A gateway feature should be provided on Jackson Street at or near its intersection with Murdock Street to mark the entry into the **Waterfront Commercial Area**.

9.6.4 Views and Vistas

Colchester is unique among the Town's Settlement Areas in its location on the north shore of Lake Erie. Significant views and vistas to and from the lakefront create a unique character that should be preserved for everyone to enjoy, including natural heritage features, the Colchester Harbour, and the beach, as well as of the nearby Agricultural System outside the Secondary Plan Area.

9.6.4.1 Existing and potential views and vistas in the Secondary Plan Area, shown on Schedule C-2, will be:

- (a) identified and protected in locations suitable for the establishment of permanent installations from which to capture significant views and panoramas of the lake, such as boardwalks or lookouts;
- (b) preserved, protected and enhanced through the development approvals process;
- (c) be publicly accessible and integrated within the Town's active transportation network; and
- (d) where not currently accessible, be made accessible through public investment and/or the development process.

9.6.4.2 Pursuant to policies in Section 9.7 of this Plan, the Town will maintain Town-owned land, public rights-of-way and unopened road allowances where they abut the lakeshore to protect important views and accommodate new opportunities for lakeshore access, where appropriate.

9.7 Mobility

The efficient and safe movement of residents and visitors throughout the Colchester Secondary Plan Area is a key goal of the Town. The implementation of this Secondary Plan should result in improved connections between areas Colchester, and ease of travel, especially by active transportation.

9.7.1 Access and Connections

One of the key priorities as Colchester continues to develop is achieving better connectivity between the **Main Street Area** and the Lake Erie waterfront. Currently, Jackson Street provides the only primary public access route to the **Waterfront Commercial Area**, which limits the circulation of traffic (both motorized and active transportation).

9.7.1.1 Through the implementation of this Secondary Plan, public access to the lakeshore and circulation throughout the Secondary Plan Area will be enhanced by improving road and pedestrian connections between the different Areas of Colchester.

9.7.1.2 Key existing and future connections are shown on Schedule C-2. These connections are intended to carry the bulk of pedestrian and cycling traffic within the Secondary Plan Area.

9.7.1.3 The Town will preserve and maintain Town-owned land, public rights-of-way and unopened road allowances where they abut the lakeshore to protect important views and accommodate opportunities for lakeshore access. This includes the following street rights-of-way:

- (a) Dunn Road;
- (b) Sydenham Street;
- (c) Bagot Street; and
- (d) Clitheroe Street.

9.7.1.4 Opportunities will be sought by the Town to improve access and connections to and along the lakeshore, including:

- (a) improving the access from Dunn Road through the ravine lands to the Colchester Beach area;

- (b) creating a new trail linkage to the lakefront along the Bagot Street right-of-way (west of Christ Church Cemetery);
- (c) considering improvements to the Colchester Harbour shoreline to reduce erosion risk and provide a waterfront trail linkage from the extension of Bagot Street to Jackson Street;
- (d) repurposing the rights-of-way listed in policy 9.7.1.3 for public uses and facilities such as:
 - (i) trails;
 - (ii) parks and parkettes;
 - (iii) picnic areas and rest areas; and
 - (iv) limited parking.

9.7.1.5

In addition to maintaining ownership of rights-of-way and road allowances, the Town will explore options for the acquisition and protection of additional public access to the water, including:

- (a) land dedication;
- (b) assistance from other levels of government, agencies and charitable foundations;
- (c) community benefits charges, pursuant to policies in Section 8.1.8 of this Plan;
- (d) land exchange;
- (e) long-term lease or easement agreements;
- (f) land trusts; and/or
- (g) placing conditions on development approval.

9.7.1.6

Notwithstanding policy 9.7.1.5, the protection of public access to the water does not obligate the Town to acquire or purchase land.

9.7.2

Complete Streets and Active Transportation

As the Secondary Plan Area continues to develop, the **Main Street Area** will increasingly become a focus of commercial activities, it is expected that pedestrian and cycling traffic will increase. This

increased traffic will pose potential conflict with vehicular traffic in the Secondary Plan Area, particularly along County Road 50/Murdoch Street. Thus, the development of the Secondary Plan Area should happen concurrently with complete streets interventions and improvement to active transportation facilities.

9.7.2.1

As the Secondary Plan Area develops, active transportation facilities will be installed or improved along the routes shown on Schedule C-2, including:

- (a) new cycling lanes and multi-use trails;
- (b) clear signage directing pedestrians and cyclists to key landmarks and destinations both within and outside the Secondary Plan Area; and
- (c) bicycle racks and other bicycle parking facilities (e.g., bike lockers).

9.7.2.2

Further to policy 9.7.2.1, bicycle facilities, including bicycle parking and repair stations, will be provided in the **Main Street Area**, **Cultural Character Area**, and **Waterfront Commercial Area**.

9.7.2.3

Where feasible within the public right-of-way, traffic calming measures will be installed along County Road 50/Murdoch Street, including but not limited to:

- (a) curb extensions (bump outs) and planters;
- (b) raised crossings and/or intersections;
- (c) tactile paving such as cobblestones; and
- (d) reduced speed limits.

9.7.2.4

At the time of next required resurfacing or reconstruction of any street (or required maintenance to municipal services within the road allowance) within the Main Street, Waterfront, or **Cultural Character Area**, consideration will be given to implementing complete streets measures, including:

- (a) wide sidewalks;
- (b) cycling lanes;
- (c) street furniture; and

(d) plantings.

9.7.2.5 The Town will work with the County of Essex to seek accelerated funding and timelines for the completion of paved shoulders along County Road 50 to create safe options for cycling to Colchester and other tourist destinations from Kingsville and Amherstburg.

9.7.3 Parking

Providing sufficient parking for private vehicles within Colchester, particularly during the busy summer months, is a priority of the Town. As the Secondary Plan Area continues to develop according to the Vision articulated in Section 9.2, the provision of parking will become even more important. Further support for access to the Secondary Plan Area via active transportation may help ease the burden on vehicular parking.

9.7.3.1 Existing parking within the Secondary Plan Area should be made more efficient, including through:

- (a) optimizing the Colchester Schoolhouse parking lot through line painting, permeable paving, and improved signage;
- (b) utilizing the right-of-way on Bagot, Sydenham, and Sullivan Streets for angled street parking; and
- (c) consideration for implementing paid parking at Town-owned surface parking lots in the Secondary Plan Area.

9.7.3.2 New commercial or mixed-use development in the **Main Street Area** will accommodate the majority of vehicular parking on-site at the rear of buildings where feasible, to minimize potential conflicts with cyclists and pedestrians and promote a pedestrian oriented streetscape.

9.7.3.3 The road network must adequately accommodate the traffic generated from development and the development site will accommodate anticipated parking needs, unless alternative or reduced parking provision is accepted by Council or the Committee of Adjustment.

9.7.3.4 Parking areas will be appropriately screened from the view of adjacent residents.

9.7.3.5 Within the Main Street Area:

- (a) front yard parking will be prohibited for new development; and
- (b) pedestrian laneways should provide access from rear parking lots to the street to provide improved pedestrian connections.

- 9.7.3.6 Where feasible, the number of driveways will be limited and minimum driveway widths will be maintained to provide safer pedestrian environment and sidewalk continuity.
- 9.7.3.7 Driveways and accesses should align on both sides of the street to provide safe ingress and egress.
- 9.7.3.8 Loading areas and servicing areas should be accommodated at the rear of buildings and will not be permitted in a front yard or in a side yard where it abuts a street.
- 9.7.3.9 The Town will endeavour to provide and maintain on-street parking on both sides of County Road 50/Murdoch Street and Jackson Street where feasible and appropriate.
- 9.7.3.10 The Town may request a minimum right-of-way width of 28 metres for County Road 50 (Murdoch Street), within the Secondary Plan Area, subject to the policies of the County, and the Town may require a minimum right-of-way width of 28 metres for Jackson Street to accommodate on-street parking, future public transit opportunities, bicycle lanes and wider boulevards, by acquisition through the development approvals process, dedication, or other means;
- 9.7.3.11 Provision for bicycle parking and storage is generally required in accordance with the provisions of the Zoning By-law.

9.8 Tourism

This Secondary Plan provides a planning framework for the promotion of tourism and recreational opportunities within Colchester, while balancing the need to protect the lakeshore's resources, cultural heritage, sense of place, natural heritage features and the natural environment within the Secondary Plan Area and beyond its borders.

- 9.8.1.1 Year-round tourism-related activities will be promoted to create a sustainable tourism industry and support commercial businesses which cater to tourism activities.
- 9.8.1.2 Opportunities for recreation in winter such as skiing, ice-fishing, and skating, among others, maybe considered in planning for public space and parkland in the Secondary Plan Area.
- 9.8.1.3 Encourage involvement in the preparation of a County-wide or regional tourism strategy to promote the Town's tourism and economic development objectives along the lakeshore.

9.8.2 Accommodations

- 9.8.2.1 The Town will encourage the provision, maintenance and improvement of accommodations in the Secondary Plan Area, including hotels and inns, motels, bed and breakfasts, and short-term rentals, pursuant to the policies of 5.2.4 and 5.2.5 of the Town's Official Plan and the applicable land use designation.
- 9.8.2.2 Large-scale accommodations, including hotels and motels, or similar accommodations, will be directed to the **Main Street Area**, where the services, facilities and infrastructure exist to accommodate this use.
- 9.8.2.3 The Town may utilize the community improvement policies of this Secondary Plan to encourage the provision and maintenance of accommodations.

9.9 Infrastructure

It is the intent of the Town that all new development, either greenfield or through intensification, should occur on full municipal services. The Secondary Plan area is currently served by water and wastewater services; however, upgrades and expansion are required to the Colchester South Sewage Works to support development within the Colchester Secondary Settlement Area.

- 9.9.1.1 The Town supports the provision of full municipal services within the Secondary Plan Area to promote sustainability and the provision of safe drinking water, appropriate sewage treatment and stormwater management.

- 9.9.1.2 All development within the Secondary Plan Area must be supported by municipal services.
- 9.9.1.3 Appropriate stormwater management controls are required in new development to improve the water quality of Lake Erie.
- 9.9.1.4 The Town will implement the recommendations of the Lake Erie Shoreline Study, where appropriate, to address matters of water quality and erosion along the Lake Erie shoreline.

9.10 Implementation

The growth and development of the Secondary Plan Area is expected to occur over time and incrementally as vacant lands are developed and individual parcels or small land assemblies are redeveloped. The following implementation strategy ensures the delivery of important structural elements of the Secondary Plan's structure.

- 9.10.1.1 Landowners and development proponents within the Secondary Plan Area, particularly for lands within the **Main Street Area**, are encouraged to enter partnerships and present coordinated development proposals to the Town.
- 9.10.1.2 The Town will consider amending its Zoning By-law to pre-zone the properties in the **Main Street Area** for uses and built form permitted by this Secondary Plan.
- 9.10.1.3 Holding symbols may be applied to lands proposed for development or redevelopment, pursuant to Section 8.1.4 of the Town's Official Plan, until such time as appropriate wastewater, municipal water, stormwater management and any other necessary arrangements are made to the satisfaction of the Town and a plan of subdivision is approved, where required.
- 9.10.1.4 To encourage public input into the planning process, applications for significant new developments within the **Main Street Area** and **Waterfront Commercial Area** may be considered for a public open house to inform the community of the proposal, since the scale and nature of such proposals will have a broader and more significant impact on the community character.

9.10.1.5

The Colchester and County Road 50 Community Improvement Plan will be used to support development and rehabilitation throughout the Secondary Plan Area.

CHAPTER 10

AREA AND SITE

SPECIFIC

POLICIES



Town of Essex
**OFFICIAL
PLAN**
Your Community. Your Vision.

10.1 Lakeshore East Area

The lands to the east of Colchester and south of County Road 50 have historically hosted a mix of agricultural, residential, and recreational uses, including vineyards, orchards, permanent residences, seasonal cottages, and golf courses. The Town wishes to support existing uses in this area but preserve undeveloped lands for agricultural purposes.

10.1.1.1

Notwithstanding policies for the **Prime Agricultural** designation in Section 7.2.13 and general policies for the Agricultural System in Chapter 4, the following additional uses will be permitted:

- (a) a range of low-density residential uses;
- (b) the following accommodation uses:
 - (i) bed and breakfasts;
 - (ii) cottage rentals, including clusters on a single property; and
 - (iii) short-term rental units, pursuant to the policies of Section 5.2.5 of this Plan and the provisions of the Town's Zoning By-law;
- (c) public parks with active and/or passive recreational uses, including museums;
- (d) public or private recreational uses and facilities, including but not limited to golf courses, golf driving ranges, picnic areas, and summer camps;
- (e) uses that are lawfully existing on the date of adoption of this Plan, pursuant to Zoning By-law limitations on expansion or reconstruction and policies in Section 8.2 of this Plan; and
- (f) uses accessory to the foregoing uses.

10.1.1.2

Large lots with existing agricultural uses will be preserved for agriculture and the uses above will be prohibited.

10.1.1.3

Lot division in the area will be prohibited except for small-scale consents for infill development.

10.1.1.4 Any new non-agricultural development must be fully serviced by municipal water services.

10.1.1.5 For new development, communal wastewater services are preferred over private wastewater services.

10.2 Rizzo Nicola

The Rizzo Nicola subdivision is located in the **Agricultural System** of the Town, but is subject to area-specific provisions imposed by a 1993 decision of the Ontario Municipal Board (now the Ontario Land Tribunal).

10.2.1.1 Notwithstanding policies for the **Prime Agricultural** designation in Section 7.2.13 and general policies for the Agricultural System in Chapter 4, the following policies apply:

- (a) the only use of land shall be:
 - (i) single-unit detached dwellings on large existing lots or in a registered plan of subdivision;
 - (ii) home occupations; and
 - (iii) agricultural uses, excluding intensive livestock and mushroom operations;
- (b) all development shall be in accordance with the land division policies in Sections 4.8 and 8.1.6 of this Plan;
- (c) the creation of new lots will only be permitted by plan of subdivision. No consents will be approved which have the effect of creating a new lot; and
- (d) consents will only be permitted for lot boundary adjustments and the creation of easements or rights-of-way and leases with a duration in excess of 21 years.

10.3 Former Estate Residential Lands

Lands subject to Area Specific Policy 10.3 were designated Estate Residential in the previous Town Official Plan. These lands have historically been designated and zoned to accommodate future residential development on large, estate sized lots, as well ongoing agricultural uses.

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

10.3.1.1

The following goals are established for lands subject to Area Specific Policy 10.3:

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

10.3.1.2

Notwithstanding policies for the **Prime Agricultural** designation in Section 7.2.13 and general policies for the Agricultural System in Chapter 4, the following uses will be permitted:

- (a) a range of low-density residential uses, pursuant to policy 7.2.1.4, including:
 - (i) single-unit detached dwellings;
 - (ii) additional dwelling units, pursuant to policies in Section 5.1.4 of this Plan; and
 - (iii) garden suites, pursuant to policies in Section 5.1.5 of this Plan;
- (b) home occupations and home industries;
- (c) agricultural uses, excluding a mushroom farm;
- (d) commercial greenhouse farming, pursuant to policies in Section 4.3 of this Plan, subject to the availability of a long-term, viable source of water and access to a municipal road of a reasonable standard; and
- (e) uses accessory to the foregoing uses.

- 10.3.1.3 The minimum area for all lots will be 4.0 hectares, and creation of new lots will be pursuant to the policies of Sections 4.8 and 8.1.6 of this Plan.
- 10.3.1.4 All development must be serviced with either private, communal, or municipal water and wastewater facilities and stormwater management facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction.
- 10.3.1.5 The following uses within the will be subject to site plan control approval, pursuant to policies in Section 8.1.5 of this Plan:
- (a) commercial greenhouses;
 - (b) commercial riding stables; and
 - (c) horse training facilities.