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CONSULTING

1027458 ONTARIO INC.

# Banwell and McHugh Mixed Use Developments

**Planning Justification Report**

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## 1.0

# Introduction

## 1.1

## Purpose

Dillon Consulting Limited (Dillon) has been retained by 1027458 Ontario Inc., herein referred to as the 'Applicant', to assist in obtaining the necessary planning approvals associated with proposed mixed use developments located north of the VIA Railway corridor along the west side Banwell Road, on the south and north sides of McHugh Street with an unassumed section of Leathorne Street bisecting the northern parcel, herein referred to as the 'Subject Area'. The Subject Area is located within the South Neighbourhood of the East Riverside Planning Area in the City of Windsor, Ontario (refer to [Figure 1.0 – Location Map](#)).

The Subject Area is recognized legally as three (3) separate parcels. Mixed use developments are proposed for each parcel and are intended to be developed concurrently with the South Neighbourhood.

For purposes of this report, the parcels will be referred to as:

- North 'A' Site – the parcel located on the west side of Banwell Road, north of the unassumed section of Leathorne Street.
- North 'B' Site - the parcel located on the west side of Banwell Road, between the south side of the unassumed section of Leathorne Street and the north side of McHugh Street.
- South Site – the parcel located north of the VIA Railway corridor at the southwest corner of the Banwell Road and McHugh Street intersection.

The proposed mixed use developments within the Subject Area are considered together, under one cover, in the following report, which has been prepared in support of the Official Plan Amendment and Zoning By-law Amendment applications, submitted concurrently, required to facilitate the proposed developments.

The Subject Area is designated as follows in the City of Windsor Official Plan, and the City of Windsor Zoning By-law 8600:

### City of Windsor Official Plan – Schedule D: Land Use

- North 'A' and 'B' Site - Mixed Use (now Mixed Use Node via OPA 159)
- South Site - Business Park (now Mixed Use Node via OPA 159)

(Refer to [Figure 2.0 - Existing City of Windsor Official Plan Designations](#)).

### City of Windsor Official Plan Volume II: East Riverside Planning Area – Schedule ER-2: Land Use Plan

- North 'A' and 'B' Site - Banwell Road Mixed Use Corridor
- South Site - Business Park

(Refer to [Figure 3.0 – East Riverside Planning Area Land Use Plan](#)).

City of Windsor Zoning By-law 8600

- North 'A' Site - General Commercial (East Riverside) (CD2.7) with S.20(1)218
- North 'B' Site - General Commercial (East Riverside) (CD2.7)
- South Site - Manufacturing District (MD1.4) with S.20(1)112

(Refer to [Figure 4.0 - Existing City of Windsor Zoning By-law 8600 Designations](#)).

As noted, the Subject Area is currently designated as Mixed Use (North 'A' Site and North 'B' Site) and Business Park (South Site) in the City of Windsor Official Plan (refer to [Figure 2.0 - Existing City of Windsor Official Plan Designations](#)). In July 2022, the City of Windsor adopted Official Plan Amendment No. 159 to provide direction and implement policies regarding intensification within the City. Through Official Plan Amendment No. 159, changes to land uses and land use policies came into effect. Official Plan Amendment No. 159 states that the Banwell Road and McHugh Street intersection is a Mixed Use Node. Per the amended Official Plan policies (Sections 6.9 and 6.9.2.1), properties within 100 metres of a Mixed Use Node are considered to be within the Mixed Use Node land use designation and permit mixed uses. As such, the South Site is not considered to be within the Business Park land use designation or subject to the Business Park policies in the City of Windsor Official Plan. The South Site is considered to be within the Mixed Use Node land use designation.

To facilitate the proposed development, an Official Plan and Zoning By-law Amendment are required across the entire Subject Area. A site specific Official Plan Amendment to the City of Windsor Official Plan is required for the Mixed Use Node land use designation to add High Profile residential dwelling units as a permitted use and add an increased permitted height from four (4)-storeys to 10-storeys on the Subject Area. In addition, a site specific Official Plan Amendment to the East Riverside Planning Area Secondary Plan will also be required to change the Subject Area to the Banwell Road Mixed Use Corridor land use designation with the added permitted use of Community Institutions, per 2.7.4.1, and an increased permitted height from four (4)-storeys to 10-storeys.

A Zoning By-law Amendment is required to rezone the Subject Area from General Commercial (East Riverside) (CD2.7) with S.20(1)218, General Commercial (East Riverside) (CD2.7), and Manufacturing District 1.4 (MD1.4) with S.20(1)112 to a site specific General Commercial (East Riverside) (CD2.7) with the following site specific provisions:

- Addition of "Multiple Dwelling" and "Residential Care Facility", following the Residential District 3.2 (RD3.2) zone standards, as permitted uses, with site specific provisions for the following:
  - To reduce the minimum Landscaped Open Space from 35.0% to 24.0%; and,
  - To increase the maximum Building Height from 30.0m to 35.0m.

The Applicant is requesting that Council approve a site specific Official Plan Amendment to the City of Windsor Official Plan, a site specific Official Plan Amendment to the East Riverside Planning Area Secondary Plan, and a site specific Zoning By-law Amendment to the City of Windsor Zoning By-law 8600 in order to permit the proposed construction of six (6), six (6)-storey multiple dwellings; two (2), 10-storey

multiple dwellings; one (1), eight (8)-storey multiple dwelling; a two-storey business office building; and a residential care facility (refer to [Appendix A – Development Applications](#)).

Following approval of the Official Plan Amendment and the Zoning By-law Amendment applications, an application for Site Plan Control Approval will be required to facilitate the proposed development on the Subject Area. This application will be submitted under separate cover at the appropriate time.

## 1.2 Description of Site

The Subject Area is located north of the VIA Railway corridor along the west side Banwell Road, on the south and north sides of McHugh Street with an unassumed section Leathorne Street bisecting the northern parcel within the South Neighbourhood of the East Riverside Planning Area in the City of Windsor (refer to [Figure 1.0 – Location Map](#)). These lands are legally described as:

North 'A' Site – Part of block 1 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

North 'B' Site – Part of block 7 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

South Site – Part of Blocks 8 and 9, Plan 12M-425 in the City of Windsor within the County of Essex.

The Subject Site is composed of three (3) separate parcels, which are individually referred as the following: "North 'A' Site" (1.43ha/3.54ac), "North 'B' Site" (1.66ha/4.11ac) and "South Site" (5.35ha/13.23ac) for the purpose of this report. The total site area under application is 8.44 hectares (20.79 ac), having approximately 607.7 metres of fragmented of frontage on Banwell Road. Currently, the Subject Area is vacant.

## 1.3 Proposed Development

The proposed development of the Subject Area will include the construction of six (6), six (6)-storey multiple dwellings; two (2), 10-storey multiple dwellings; and one (1) eight (8)-storey multiple dwelling for a total of 744 dwelling units. The proposed development also includes a two (2)-storey business office with a gross floor area of 1,860 m<sup>2</sup> (20,000 sq. ft) and a residential care facility with a gross floor area of 499m<sup>2</sup> (537 sq. ft). The proposed development will provide 1,100 parking spaces for the multiple dwellings, which will be centrally located across the three parcels. For the residential land uses, the development proposes an average parking ratio of 1.45 for North 'A' Site, 1.50 for North 'B' Site, and 1.30 for the South Site per dwelling unit. For the business office, a parking rate of 1 for each 45m<sup>2</sup> GFA is proposed with a total of 60 parking spaces provided. The required parking rate for the residential care facility as 1 for each 4 beds, with a total of 12 parking spaces provided.

Access to the Subject Area will be provided from Leathorne Street to North 'A' Site and North 'B' Site, with McHugh Street providing access to North 'B' Site and the South Site. No vehicle access areas to Banwell Road are proposed. The Combined Conceptual Development Plan illustrates the proposed mixed

developments on the Subject Area (refer [Figure 5.0 – Conceptual Development Plan - Combined](#)). The Conceptual Development Plan – North Site ‘A’ and ‘B’ illustrates the proposed developments on the parcels north of McHugh Street (refer [Figure 5.1 – Conceptual Development Plan – North ‘A’ and ‘B’ Site](#)). The Conceptual Development Plan – North Site ‘A’ and ‘B’ illustrates the proposed developments on the parcel south of McHugh Street (refer [Figure 5.2 – Conceptual Development Plan – South Site](#)).

The details of the proposed developments are outlined in Table 1-1 below:

Table 1-1: Proposed Development Details

	Proposed Use	Proposed Residential Units	Proposed GFA	Parking Provided
North Site ‘A’	Two (2), six (6)-storey multiple dwellings	156 units	-	227 (1.45 parking spaces per unit)
North Site ‘B’	Three (3), six (6)-storey multiple dwellings	180 units	-	270 (1.50 parking spaces per unit)
South Site	One (1), six (6)-storey multiple dwelling One (1), eight (8)-storey multiple dwelling Two (2), ten-storey multiple dwellings	408 units	-	531 (1.30 parking spaces per unit)
South Site	Two (2)-storey Office Building	-	1,860m <sup>2</sup>	60 parking spaces
South Site	Residential Care Facility	-	499m <sup>2</sup>	12 Parking Spaces
TOTAL:	9 x multiple dwellings 1 x office building 1 x residential care facility	744 units	2,359m <sup>2</sup>	1,100 parking spaces

## Proposed Application

The Subject Area is currently designated as Mixed Use (North 'A' Site, North 'B' Site) and Business Park (South Site) in the City of Windsor Official Plan (refer to [Figure 2.0 - Existing City of Windsor Official Plan Designations](#)). In July 2022, the City of Windsor adopted Official Plan Amendment No. 159 to provide direction and implement policies regarding intensification within the City. Through Official Plan Amendment No. 159, changes to land uses and land use policies came into effect. Official Plan Amendment No. 159 states that the Banwell Road and McHugh Street intersection is a Mixed Use Node. Per the amended Official Plan policies (Sections 6.9 and 6.9.2.1), properties within 100 metres of a Mixed Use Node are considered to be within the Mixed Use Node land use designation and permit mixed uses. As such, the South Site is not considered to be within the Business Park land use designation nor subject to the Business Park policies in the City of Windsor Official Plan. The South Site is considered to be within the Mixed Use Node land use designation. As such, an Employment Lands Conversion study is not required.

An Official Plan Amendment will be required to facilitate the proposed development of nine (9) multiple dwellings ranging from six (6)-storeys to 10-storeys, which are considered High Profile residential dwellings. A site specific Official Plan Amendment to the City of Windsor Official Plan is requested for the Mixed Use land use designation to add High Profile residential dwelling units as a permitted use and add an increased permitted height from four (4)-storeys to 10-storeys on the Subject Area.

In addition, the Subject Area is located within the East Riverside Planning Area. Within the Secondary Plan, the Subject Area is designated as Banwell Road Mixed Use (North 'A' and 'B' Site) and Business Park (South Site) (refer to [Figure 3.0 – East Riverside Planning Area Land Use Plan](#)). The Banwell Road Mixed Use land use designation does not permit multiple dwellings greater than four (4) storeys in height. As such, a site specific Official Plan Amendment is required to permit the proposed development. A site specific Official Plan Amendment to the East Riverside Planning Area Secondary Plan is requested to change the Subject Area to the Banwell Road Mixed Use Corridor land use designation with the added permitted use of Community Institutions, per 2.7.4.1, and an increased permitted height from four (4)-storeys to 10-storeys.

The Subject Area is currently zoned as General Commercial (East Riverside) (CD2.7) with S.20(1)218 on North 'A', General Commercial (East Riverside) (CD2.7) on North 'B' Site, and Manufacturing District 1.4 (MD1.4) with S.20(1)112 on the South Site in the City of Windsor Zoning By-law 8600 (refer to [Figure 4.0 - Existing City of Windsor Zoning By-law 8600 Designations](#)). The current CD2.7 and MD1.4 zones do not permit the proposed mixed use developments. As such, a Zoning By-law Amendment is required to facilitate the proposed development. A site specific Zoning By-law Amendment is requested to rezone the Subject Area from General Commercial (East Riverside) (CD2.7) with S.20(1)218, General Commercial (East Riverside) (CD2.7), and Manufacturing District 1.4 (MD1.4) with S.20(1)112 to a site specific General Commercial (East Riverside) (CD2.7). Relief from the following provisions is requested as part of the Zoning By-law Amendment:

- Addition of “Multiple Dwelling” and “Residential Care Facility”, following the Residential District 3.2 (RD3.2) zone standards, as permitted uses, with site specific provisions for the following:
  - To reduce the minimum Landscaped Open Space from 35.0% to 24.0%; and,
  - To increase the maximum Building Height from 30.0m to 35.0m.

All other zone provisions would remain in accordance with the General Commercial (CD2.7) zone (refer to [Appendix A – Development Applications](#)).

As demonstrated in Section 3.0 of this report, the intensification of these lands for mixed use is in keeping with pertinent local policies, provisions and guidelines of the Provincial Policy Statement, City of Windsor Official Plan, City of Windsor East Riverside Planning Area Secondary Plan, and the City of Windsor Zoning By-law 8600.

## 2.0

## EXISTING LAND USE

## 2.1

## Subject Area

The physical attributes of the Subject Area are as follows:

- A total site area of 8.44 hectares (20.79 ac);
- Irregular shape;
- Frontage on Banwell Road, McHugh Street and the unassumed section of Leathorne Street;
- Vacant lands;
- Existing berm along south property line;
- No significant environmental areas or hazards; and
- Access to municipal services.

## 2.2

## Surrounding Land Use

The surrounding land uses are as shown in [Figure 7 - Surrounding Land Uses](#) and are described as follows:

## North

- Existing Uses: Multiple dwelling buildings, Our Daily Bread Ministries Canada, and Elizabeth Kishkon Park;
- Official Plan Designation(s): Residential and Natural Heritage; and,
- Zone(s): Green District 1.4 (GD1.4), Residential District 3.3 (RD3.3) and Manufacturing District 1.1 (MD1.1).

## East

- Existing Uses: Banwell Community Church, Huron Terrace Retirement Home, single detached dwellings, semi-detached dwellings, townhomes, East Riverside Park, and Tecumseh Arena;
- Official Plan Designation(s): Residential, Open Space and Mixed Use Node; and,
- Zone(s): Green District 1.1 (GD1.1), Residential District 2.3 (RD2.3), Residential District 2.5 (RD2.5), and Residential District 3.2 (RD3.2).

## South

- Existing Uses: CN Rail, Commercial, and Light Industrial;
- Official Plan Designation(s): Industrial and Commercial Corridor; and,
- Zone(s): Commercial District 2.1 (CD2.1), Commercial District 4.1 (CD4.1), and Industrial District 1.2 (MD1.2).

## West

- Existing Uses: Single detached dwellings and townhomes;
- Official Plan Designation(s): Residential; and,
- Zones(s): Residential District (RD2.5) and Residential District 2.3 (RD2.3).

## 3.0 PLANNING EVALUATION

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

- Provincial Policy Statement 2020;
- City of Windsor Official Plan policies and criteria;
- City of Windsor East Riverside Planning Area Secondary Plan;
- City of Windsor Zoning By-Law 8600 regulations; and,
- Visual inspections of the site and surrounding lands.

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

### 3.1 Provincial Policy Statement

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

Our analysis suggests that the following policies of the Provincial Policy Statement (refer to [Appendix B – Provincial Policy Statement 2020](#)) are supportive of the Official Plan Amendment and Zoning By-law Amendment applications:

Policy 1.1.1, relating to sustaining healthy, liveable and safe communities;

Policy 1.1.2, relating to land availability;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.3.1, relating to economic development and competitiveness;

Policy 1.4, relating to housing;

Policy 1.4.3, relating to the appropriate range and mix of housing options;

Policy 1.5.1, relating to public spaces, recreation, parks, trails and open space;

Policy 1.6.3, relating to infrastructure;

- Policy 1.6.6, relating to sewage, water, and stormwater;
- Policy 1.6.7, relating to transportation systems;
- Policy 1.6.8, relating to transportation and infrastructure corridors;
- Policy 1.7, relating to long-term economic prosperity; and
- Policy 1.8, relating to energy conservation, air quality and climate change.

These policies are included in [Appendix B](#) and will be referenced throughout the remainder of this report. Our analysis concludes that the proposed development is consistent with the above policies of the Provincial Policy Statement.

### 3.2 City of Windsor Official Plan

The City of Windsor Official Plan sets general directions for the future pattern of development envisioned for the municipality during the planning period. The Official Plan includes general development policies within the Primary Plan – Chapter 6, Section 6.9 with respect to new development within a Mixed Use Node. Some of the general objectives of the Mixed Use Node land use designation include:

- To provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses;
- To be generally located within 100 metres of the intersections of Arterial and Collector roads;
- To serve as the focal point for the surrounding neighbourhoods, community or community; and,
- To be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

Recently, the City of Windsor has adopted Official Plan Amendment No. 159 to provide further policy direction in regards to residential intensification and mixed use development. Official Plan Amendment No. 159 provides the following locational criteria for new Mixed Use Node development:

- There is access to a Controlled Access Highway, Class I or Class II Arterial Roads, or a Class I Collector Road;
- Full municipal physical services can be provided;
- Public Transportation service can be provided; and,
- The surrounding development pattern is compatible with Mixed Use Nodes development.

The Subject Area is currently designated as Mixed Use Node within the City of Windsor Official Plan (refer to [Figure 2.0 – Existing City of Windsor Official Plan Designations](#)). The Mixed Use Node land use designation does not permit building height above four (4)-storeys. As such, an Official Plan Amendment is required to facilitate the proposed development.

Our analysis suggests that the following policies found in the Official Plan (refer to [Appendix C – City of Windsor Official Plan Policies](#)) are supportive of the Official Plan Amendment and Zoning By-law Amendment applications:

- Section 3.2, relating to growth and efficient land use;
- Section 3.2.1.2, relating to neighbourhood housing variety;
- Section 3.3.2.1, relating to City Corridors;
- Section 4.2.1.2, relating to active lifestyle;
- Section 4.2.1.5, relating to healthy communities;
- Section 4.2.3.4, relating to housing mix;
- Section 4.2.4, relating to sense of community;
- Section 4.2.4.3, relating to adaptable development;
- Section 5.4.6.4, relating to development criteria for Floodplain Areas;
- Section 6.2.1.3, relating to types of development pattern;
- Section 6.9, relating to the Mixed Use Nodes land use designation;
- Section 6.9.1, relating to Mixed Use Node designation objectives;
- Section 6.9.2.1, relating to Mixed Use Node designation permitted uses;
- Section 6.9.2.3, relating to Mixed Use Node designation locational criteria;
- Section 6.9.2.4, relating to evaluation criteria for a Mixed Use Node development pattern;
- Section 6.9.2.5, relating to design guidelines for Mixed Use Node development;
- Section 6.9.2.6, relating to Site Plan Control;
- Section 7.1.3, relating to community transportation;
- Section 7.2.1.2, relating to efficient use;
- Section 7.2.1.4, relating to interconnected transportation system;
- Section 7.2.1.5, relating to land use, density and mix;
- Section 7.2.2.5, relating to alternative development patterns;
- Section 7.2.3.1, relating to pedestrian movement;
- Section 7.2.6.18, relating to road network policies for residential areas;
- Section 7.3.1.1, relating to coordinated, efficient and cost-effective infrastructure;
- Section 7.3.1.3, relating to maximizing use of existing infrastructure;
- Section 7.3.2.3, relating to new development;
- Section 8.3.1, relating to designing for people;
- Section 8.4.1.1, relating to integrated pedestrian access;
- Section 8.5.2.8, relating to energy conservation;

Section 8.7.1.2, relating to complementary design;  
 Section 8.7.2.1, relating to new development;  
 Section 8.7.2.3, relating to infill development;  
 Section 8.11.2.19, relating to partial screening of parking lots;  
 Section 11.6.3, relating to Zoning By-law Amendments; and,  
 Section 11.7, relating to Site Plan Control.

These policies are included in [Appendix C](#) and will be referenced throughout the remainder of this report.

### 3.3 City of Windsor Official Plan Volume II, East Riverside Planning Area Secondary Plan

The City of Windsor Official Plan includes Volume II which contains Special Policy Areas, Secondary Plans and Schedules. The Secondary Plans are adopted as formal amendments to the Primary Plan and provide more detailed policy direction for selected neighbourhoods throughout the City. The Subject Area is located within the East Riverside Planning Area and is therefore subject to a policy analysis with respect to the Secondary Plan. Some of the general objectives of the East Riverside Planning Area include:

- Developing an attractive, diverse, balanced and liveable community which accommodates a full range of urban land uses;
- Providing a balanced community with a diverse mix of housing forms in pedestrian oriented neighbourhoods;
- Creating distinct, functional and attractive residential neighbourhoods with the opportunities for neighbourhoods to develop areas characterized by more compact dwelling forms; and,
- Encouraging development which is transit-supportive so as to increase the potential for transit servicing the community and linking it with other areas of Windsor.

The Subject Area is currently designated as Banwell Road Mixed Use and Business Park within the East Riverside Planning Area Secondary Plan (refer to [Figure 3.0 – East Riverside Planning Area Land Use Plan](#)). The Business Park land use designation does not permit residential uses. The Banwell Road Mixed Use land use designation does not permit multiple dwellings greater than four (4) storeys in height. As such, an Official Plan is required to facilitate the proposed development.

Our analysis suggests that the following policies found in the Official Plan, Volume II (refer to [Appendix D – City of Windsor Official Plan Volume II, East Riverside Planning Area Secondary Plan Policies](#)) are supportive of the Official Plan Amendment and Zoning By-law Amendment applications:

Section 2.4.1, relating to the Greenway System;  
 Section 2.7.4.1, relating to Community Institutions;

Section 2.7.5.2, relating to the range of uses;  
 Section 2.7.5.3, relating to permitted uses;  
 Section 2.7.5.5, relating to maximum height;  
 Section 2.7.5.6, relating to exterior lot line development;  
 Section 2.7.5.7, relating to Parking Areas;  
 Section 2.7.5.8, relating to Mid Block Access;  
 Section 2.7.9.12, relating to Major Road Designations;  
 Section 2.6.2, relating to comprehensive Greenway System;  
 Section 2.6.14, relating to walking;  
 Section 2.6.18, relating to transit supportive development;  
 Section 2.6.28, relating to urban design principles;  
 Section 2.6.32, relating to infrastructure services;  
 Section 2.7.5.18, relating to Senior Housing;  
 Section 2.7.9.8, relating to sidewalks;  
 Section 2.7.9.22, relating to transit; and  
 Section 2.7.10.10, relating to utilities.

These policies are included in [Appendix D](#) and will be referenced throughout the remainder of this report.

## 3.4

## City of Windsor Zoning By-law 8600

The City of Windsor Zoning By-law 8600 provides specific standards and regulations for all developments within the City. The Zoning By-law implements the policies of the City of Windsor Official Plan by regulating built form and land uses throughout the Municipality.

The Subject Area is currently zoned as General Commercial (East Riverside) (CD2.7) with S.20(1)218 on North 'A', General Commercial (East Riverside) (CD2.7) on North 'B' Site, and Manufacturing District 1.4 (MD1.4) with S.20(1)112 on the South Site (refer to [Figure 4.0 - Existing City of Windsor Zoning By-law 8600 Designations](#)). The General Commercial (East Riverside) (CD2.7) with S.20(1)218, General Commercial (East Riverside) (CD2.7), and Manufacturing District 1.4 (MD1.4) zone currently do not permit proposed development. As such, a Zoning By-law Amendment is proposed to rezone the Subject Area from General Commercial (East Riverside) (CD2.7) with S.20(1)218, General Commercial (East Riverside) (CD2.7), and Manufacturing District 1.4 (MD1.4) to a site specific General Commercial (East Riverside) (CD2.7) with the following site specific provisions:

- Addition of "Multiple Dwelling" and "Residential Care Facility", following the Residential District 3.2 (RD3.2) zone standards, as permitted uses, with site specific provisions for the following:
  - To reduce the minimum Landscaped Open Space from 35.0% to 24.0%; and,
  - To increase the maximum Building Height from 30.0m to 35.0m.

The Zoning By-law Amendment proposes to rezone the Subject Area from Manufacturing District 1.4 (MD1.4) and General Commercial (East Riverside) (CD2.7) to a site specific General Commercial (East Riverside) (CD2.7) zone. The proposed site-specific reliefs are noted in bold, as follows:

Zone Provisions (CD2.7)	Required	Proposed
<b>Permitted Uses</b>	Bake Shop, Business Office, Child Care Centre, Commercial School, Food Outlet – Take-Out, Medical Office, Micro-Brewery, Personal Service Shop, Place of Entertainment and Recreation, Place of Worship, Professional Studio, Repair Shop – Light, Restaurant, Retail Store, School, Veterinary Office, Dwelling Units in a Combined Use Building with any one or more of the above uses  Any use accessory to any of the preceding uses.	Bake Shop, Business Office, Child Care Centre, Commercial School, Food Outlet – Take-Out, Medical Office, Micro-Brewery, Personal Service Shop, Place of Entertainment and Recreation, Place of Worship, Professional Studio, Repair Shop – Light, Restaurant, Retail Store, School, Veterinary Office, Dwelling Units in a Combined Use Building with any one or more of the above uses, Multiple Dwelling, and Residential Care Facility.  Any use accessory to any of the preceding uses.
Prohibited Uses	Drive-through facility or service, Retail Store for the following: concrete blocks, lumber, precast concrete products, roofing materials, sand aggregate or any similar building supplies; fuels, rags, scrap metal, used vehicle parts; automobiles, buses, combination trucks or vehicles of the tractor trailer and semitrailer type, construction vehicles and equipment, farm implements, farm tractors, mobile home dwellings, motor vehicles, motorcycles; machinery, machine tools and equipment for industrial use.	Drive-through facility or service, Retail Store for the following: concrete blocks, lumber, precast concrete products, roofing materials, sand aggregate or any similar building supplies; fuels, rags, scrap metal, used vehicle parts; automobiles, buses, combination trucks or vehicles of the tractor trailer and semitrailer type, construction vehicles and equipment, farm implements, farm tractors, mobile home dwellings, motor vehicles, motorcycles; machinery, machine tools and equipment for industrial use.
Provisions	Building Height – maximum 14.0 m  Gross Floor Area – Bake Shop – maximum 500.0 m <sup>2</sup>  Any building erected shall have one building wall located on the exterior lot line abutting Banwell Road.  A vehicle access area to Banwell Road is prohibited.	Building Height – maximum 35.0 m  (via addition of a site specific RD3.2 for the Multiple Dwelling and Residential Care Facility)  Gross Floor Area – Bake Shop – maximum 500.0 m <sup>2</sup>  Any building erected shall have one building wall located on the exterior lot line abutting Banwell Road.  A vehicle access area to Banwell Road is prohibited.

The new permitted uses of “Multiple Dwelling” and “Residential Care Facility” will adhere with site specific zone standards of the Residential District 3.2 (RD3.2) zone. The proposed site-specific reliefs are noted in bold, as follows:

Zone Provisions (RD3.2)	Required	Proposed
Minimum Lot Frontage	30.0m	North 'A' Site – 84.5 m North 'B' Site – 76.3 m South Site -180 m
Minimum Lot Area	For a corner lot having a minimum frontage of 30.0 m on each of the exterior lot lines:  a) For the first 5 dwelling units 540.0 m <sup>2</sup> b) For the next 19 dwelling units 67.0 m <sup>2</sup> per unit c) For each additional dwelling unit 44.0 m <sup>2</sup> per unit	14,300m <sup>2</sup>  North 'A' Site – 1.43 ha / 3.54 ac North 'B' Site – 1.66 ha / 4.11 ac South Site – 5.35 ha /13.23 ac
Maximum Lot Coverage	35.0%	35.0%
Maximum Main Building Height	24.0 m	35. 0m
Minimum Landscaped Open Space Yard	35.0%	24.5%
Maximum Dwelling Unit Density	180 units per hectare	110 units per hectares
Minimum Parking Rate	1.25 spaces per dwelling unit	North 'A' Site – 1.45 spaces per dwelling unit North 'B' Site – 1.50 spaces per dwelling unit South Site – 1.30 spaces per dwelling unit

The proposed development complies with the requirements for the above noted provisions. The requested site specific Zoning By-law Amendment provides an opportunity for mixed use development with residential intensification and growth in a strategic location within the City of Windsor. The proposed site specific General Commercial (East Riverside) (CD2.7) zone would facilitate the Subject Area to develop with a desirable built form of mixed uses and a higher density while complying with the general intent of the City of Windsor Zoning By-law 8600.

The proposed site specific CD2.7 zone permits the proposed business office, residential care facility, and multiple dwellings as well as providing the Subject Area with the appropriate lot width, lot area, building height, and building setbacks to support the proposed development. Overall, the proposed site specific provisions are in keeping with the general intent of the CD2.7 zone and, with regard to the multiple dwellings, the RD3.2 zone.

The proposed increase in maximum main building height from 24.0m to 35.0m will facilitate the introduction of a new form of residential units in the neighbourhood. This will provide a range and mix of housing options to existing and future residents. The development supports needed commercial uses and residential dwelling units to the area and will support intensification of the East Riverside community.

The requested reduction in minimum landscaped open space from 35.0% to 24.0% is not intended to have any negative impacts on the quality of life of future residents. The reduction to the permitted minimum landscaped open space will allow for a higher number of dwelling units to be located within the Subject Area. Further, the multiple dwelling buildings will introduce needed housing stock to the City. There are sufficient open space opportunities within the surrounding area. The Blue Huron Trail system and Elizabeth Kishkon Park are located near the Subject Area and are available for use.

The above noted policies are included in [Appendix E – City of Windsor Zoning By-law 8600](#) and will be referenced throughout the remainder of this report.

### 3.5 **Planning Analysis and Considerations**

Municipalities in Ontario are required under Section 3 of the Planning Act to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The Provincial Policy Statement includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns. According to the Provincial Policy Statement, healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns, accommodating a range and mix of housing, avoiding development and land use patterns which cause environmental or public health and safety concerns, and promoting cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(c)(e)).

The proposed mixed use development will support the future growth of the community and provide a greater diversity of built form in the area. The proposed development is compatible with the surrounding land uses and provides an opportunity for the use of underutilized lands, within an already built-up area, in a manner that is supportive of good land use principles. The development is in keeping with Provincial Policy Statement and Official Plan policies which support mixed use development and encourage multi-functional areas that integrate compatible land uses within settlement areas (OP, 3.2, 4.2.3.4, and 6.9.1).

#### 3.5.1 **Location**

The Subject Area is located north of the VIA Railway corridor along the west side Banwell Road, on the south and north sides of McHugh Street with an unassumed section of Leathorne Street bisecting the northern parcel within the East Riverside Planning Area in the City of Windsor (refer to [Figure 1.0 - Location Map](#)). The area is located within a settlement area, which are areas that are intended to be the focus of growth and development (PPS, 1.1.3.1). Settlement areas are directed to be developed based on a range of land uses with opportunities for intensification and redevelopment. Intensification and redevelopment are supported by transit-supportive developments which accommodate a significant supply and range of housing options, and should be considered where the availability of infrastructure and public service facilities exist or are planned to accommodate projected needs (PPS, 1.1.3.3). The

proposed development promotes a land use pattern with increased density, introducing a range and mix of residential and commercial uses to the area and encouraging transit-supportive development and intensification and infrastructure planning that minimizes land consumption and servicing costs (PPS, 1.1.1 (b, e)).

The location of the proposed development is appropriate based on the locational criteria for new Mixed Use Nodes as outlined in the Official Plan. The proposed Mixed Use Node developments will be located where there is access to a Class II Arterial Road (McHugh Street), full municipal physical services are available or planned, with public transportation service available, and a surrounding development pattern that is compatible with Mixed Use development (OP, 6.9.2.3).

There are full municipal services available or planned to support the Subject Area. The Subject Area is located along Banwell Road and McHugh Street, which are both classified as a Class II Arterial Roads (OP, Vol. II, 2.7.9.12 (a,d)). There is an existing transit route operating along the section of McHugh Street where the Subject Site has frontage. Nearby, there are a number of community services and open spaces available including East Riverside Park, Elizabeth Kishkon Park and the Tecumseh Arena.

The proposed development provides an opportunity to supply a range and mix of housing options, commercial establishments, and densities to the area in an effort to meet the projected requirements of current and future residents (PPS, 1.4.1). The introduction of High Profile development may encourage residents of the area to remain in their neighbourhood as they age given the mix of housing available which may boost the health and livability of the neighbourhood over the long term (OP, 4.2.1.5). Throughout the East Riverside area, there are a range of housing options including single-detached, semi-detached, and townhome dwellings. At present, the area is primarily comprised of low to medium density forms of housing; however, along Banwell Road, a number of existing medium and high density residential developments are located in proximity to the Subject Area. The proposed Business Office and Residential Care Facility will also support employment growth targets within the settlement area (OP, 3.2).

The proposed development encourages an efficient land use pattern, density and mix of uses that will minimize the length and number of vehicle trips as well as support current and future use of transit and active transportation (PPS, 1.6.7.4). The Subject Area is located on a bus route that operates along McHugh Street which will provide future residents with connection to other areas of the City. The existing transit route will allow residents to be within a 5 to 10 minute walk of the service providing convenient access and encouraging the use of transit (OP, Vol. II, 2.7.9.22).

There are existing sidewalks available along both sides of the Banwell Road right-of-way, and on the north side of McHugh Street, providing residents with safe and accessible opportunities for active transportation activities (OP, Vol II., 2.7.9.8). The East Riverside area has been identified as an area of moderate active transportation potential in the Active Transportation Master Plan (City of Windsor, 2019). There are various improvements planned for the existing sidewalk and bicycle network, as described in both the Active Transportation Master Plan and the Transportation Master Plan, which will increase the sites' accessibility and functionality for future residents. The proposed development is keeping with the City's

desire to promote development patterns that support the increase in walking, cycling and public transportation (OP, 7.2.2.5).

Nearby the Subject Area is the Blue Huron Trail system which hosts a variety of amenities and connections with other trails in the City, such as the Little River Extension which provides access to the Detroit River and other naturalized areas. The Subject Area is also located nearby to a Regional Park (RP) and Community Park (CP) as identified by Schedule ER1-3: Greenway System Plan of the East Riverside Planning Area. The Blue Huron Trail system, Regional and Community Parks are part of the larger Greenway System planned for the East Riverside area which is a key element to providing linkages among the communities' various areas and amenities (OP, Vol. II, 2.6.2). The Greenway System will act as an amenity space for existing and future residents of the area.

The proposed development is located advantageously along the Banwell Road right-of-way, with access to each site via McHugh Street and Leathorne Street. Both Banwell Road and McHugh Street are classified as a Class II Arterial Roads (OP, Vol. II, 2.7.9.12 (e)). Medium and high density residential developments and mixed use developments are encouraged to be located along either Collector or Arterial roads throughout the City (OP, 6.9.2.3 and 7.2.6.18 (c)). Banwell Road is also classified as a City Corridor as identified in the Official Plan - Schedule J: Urban Structure Plan. City Corridors may support higher density residential opportunities and are intended to promote the relationship between transit, pedestrians, and corridor intensification (OP, 3.3.2.1).

The proposed mixed use development is consistent with and meets all of the City of Windsor's locational criteria as the site has access to a Class II Arterial Road, full physical municipal services and public transportation service can be provided, and is compatible with the surrounding development pattern, including residential, institutional, and commercial uses (OP, 6.9.2.3).

### 3.5.2 Land Use

The Subject Area is located on lands designated as Business Park (South Site) and Mixed Use (North 'A' and 'B' Site) according to the City of Windsor – Primary Plan. Through Official Plan Amendment No. 159, adopted by the City of Windsor in July 2022, new policies were implemented regarding intensification within the City. These changes have impacted the above noted land use designations of the Subject Area. The Mixed Use land use designation was amended by changing the name to “Mixed Use Nodes” and a Mixed Use Node was identified at the Banwell Road and McHugh Street intersection (OP, 6.9). Per the amended land use designations, properties within 100 metres of a Mixed Use Node are considered to be within the Mixed Use Node land use designation and permit mixed uses. As such, the South Site is not considered to be within the Business Park land use designation or subject to the Business Park policies in the City of Windsor Official Plan. The South Site is considered to be within the Mixed Use Node land use designation.

The City of Windsor has reviewed an application for an Official Plan Amendment and Zoning By-law Amendment (OPA 156 [OPA/6702] & Z-010/22 [ZNG/6701]) for a property adjacent to the Subject Area, located on the east side of Banwell Road. The property was designated as Business Park and the applicant

proposed a land use change to Mixed Use to permit residential and commercial uses. As referenced in the City's report, the proposal was supported given the identification of roughly 939 hectares (2,322 acres) of vacant and viable employment land available throughout the City<sup>1</sup>. The removal of the South Site (5.25 ha / 13.23 ac) from the overall supply will leave approximately 933.75 hectares and 2,308.77 acres of employment designated lands in Windsor. Further, the projected demand for employment lands to 2026 is estimated to be between 400 and 500 net hectares to meet the demand of employment growth in this same period. As such, development of the South Site as Mixed Use Node, as amended by the City through Official Plan Amendment No. 159, will not cause negative impacts to the City's supply of Business Park and Industrial designated lands.

Permitted uses in the Mixed Use Node designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses of up to four (4)-storeys in height (OP, 6.9.2.1). Given the proposed height of the proposed development, a site specific Official Plan Amendment to the City of Windsor Official Plan will be required to facilitate the proposed development by adding High Profile residential dwelling units as a permitted use and an increased permitted height from four (4)-storeys to 10-storeys on the Subject Area.

The Subject Area is also located within the East Riverside Planning Area (Volume II of the Official Plan) and is designated as Banwell Road Mixed Use (North 'A' and 'B' Site) and Business Park (South Site). Residential uses are not a permitted land use under the Business Park designation. As such, an Official Plan Amendment will be required to facilitate the proposed development. Permitted uses in the Banwell Road Mixed Use designation include retail and service establishments; commercial offices; restaurants, including outdoor cafes; cultural, recreational and entertainment uses; theatres and cinemas; community, social and institutional uses; residential apartments, multi-plexes and stacked townhouses; and, public transportation facilities (OP, Vol. II, 2.7.5.3). The Banwell Road Mixed Use and Business Park land use designations do not permit multiple dwellings greater than four (4)-storeys in height or a residential care facility (OP, Vol. II, 2.7.5.3 and 2.7.5.5). As such, a site specific Official Plan Amendment to the East Riverside Secondary Plan is required to facilitate the proposed developments by changing the Subject Area to the Banwell Road Mixed Use Corridor land use designation, with Community Institutions added as a permitted use, per Section 2.7.4.1 of the East Riverside Planning Area (Volume II of the Official Plan), and an increased permitted height from four (4)-storeys to 10-storeys. The addition of Community Institutions as a site specific permitted use will facilitate the development of the Residential Care Facility (OP, Vol. II, 2.7.4.1). The proposed Residential Care Facility will serve a significant need in the community and will allow an aging population to remain in their community over a longer term.

The surrounding land uses are compatible with the proposed land use and do not present any potential adverse effects from odour, noise and other contaminants, as further demonstrated in the Noise and Vibration Study detailed in Section 3.6.5 of this Report (PPS, 1.2.6.1.). The results of the Noise and Vibration Assessment confirmed that the noise impacts on the proposed development can be sufficiently

<sup>1</sup> Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7 (Clerk's File #: Z/14510), January 20, 2023

controlled and the noise impacts from the surrounding commercial and industrial properties will not exceed MECP requirements. In terms of vibration, no vibration mitigation measures are deemed necessary to meet the applicable criterion.

The Official Plan includes policies directed towards supporting the projected growth of the municipality through efficient land use management strategies that promote a good pattern of development (OP, 3.2). The proposed development represents a compact pattern of development that will provide additional housing stock to the area to meet the projected needs over the long term. Within settlement areas, sufficient land to accommodate the projected needs is to be made available through intensification and redevelopment (PPS, 1.1.2). The proposed Zoning By-law Amendment to rezone the Subject Area from General Commercial (East Riverside) (CD2.7) with S.20(1)218, General Commercial (East Riverside) (CD2.7), and Manufacturing District 1.4 (MD1.4) with S.20(1)112 to a site specific General Commercial (East Riverside) (CD2.7) conforms to the policies of Windsor's Official Plan (OP, 11.6.3.1).

The Official Plan defines a neighbourhood development pattern as a neighbourhood which exhibits a characteristic lotting and/or development profile (OP, 6.2.1.3). The proposed development meets the evaluation criteria for a Mixed Use Node development pattern as it is feasible, is in keeping with the goals and objectives of the Primary Plan and Secondary Plan; is capable of being provided with full municipal physical services and emergency services; provides adequate off-street parking; supports a pedestrian oriented development pattern; and is compatible with the surrounding area (OP, 6.9.2.4). Other evaluation criteria including the massing, siting, orientation and gradual transition from Low Profile residential development to the proposed High Profile residential development may be addressed during the Site Plan Control process.

The Subject Area is currently underutilized parcels of land that are well suited to introduce an alternative, higher density housing options and mixed use developments (OP, Vol. II, 2.7.5.2). East Riverside Park, Elizabeth Kishkon Park and the Blue Huron Trail system represent some of the many parks and outdoor spaces that are available throughout the neighbourhood as part of the Greenway System for future residents (OP 4.2.1.2; OP, Vol. II, Schedule ER-3). The comprehensive Greenway System provides a network of pedestrian and cycling routes to link areas within the East Riverside Planning Area, as well as off-site amenities such as Riverside Drive, the waterfront, Sandpoint Park, etc. (OP, Vol. II, 2.4.1). Within an approximately 2.0km radius, there are other community facilities including schools, recreational facilities, and commercial amenities which will service the day-to-day needs of future residents.

Developments that promote densities for new housing which efficiently use land, resources, infrastructure, public services, and support the use of active transportation and transit are to be encouraged (PPS, 1.4.3 (d)). The proposed mixed use development on the Subject Area minimizes land consumption by developing lands that are underutilized and which efficiently use the existing and planned infrastructure services to cost-effective development (PPS, 1.1.1 (e)).

### 3.5.3 Housing

The Provincial Policy Statement speaks to providing an appropriate range and mix of housing types and densities required to meet the projected needs of current and future residents within the regional market

(PPS, 1.4.1). The proposed mixed use development will contribute to diversifying the housing stock of the East Riverside Area which primarily consists of single-detached and townhome dwellings at present. It is understood that a number of parcels surrounding the Subject Area are also seeking an increase for residential intensification. As an additional form of housing in this area of Windsor, the proposed development will promote a healthy quality of life and a sense of community for residents, which may suit and adapt to their changing needs (OP, 4.2.3.4 and 4.2.4.3). Encouraging a range and mix of housing types will provide residents with an opportunity to live in their neighbourhoods through the various stages of their lives (OP, 3.2.1.2).

The proposed mixed use development includes residential intensification which provides additional housing options which may meet the social, health, economic and well-being requirements of current and future residents (PPS, 1.4.3 (b.1)). As well, the proposed development includes a Residential Care Facility, which will provide an alternative form of housing to the East Riverside Community, providing accommodation for those requiring assisted living care (OP Vol. II, 2.7.5.18).

The proposed development efficiently uses land, resources, infrastructure and public services while supporting alternative transportation methods (PPS, 1.4.3 (d)). Public spaces, recreation, park, trails and open spaces contribute to a healthy and sustainable community. The proposed development is located in an area with access to a full range of publicly-accessible natural settings for recreation which may facilitate active transportation and encourage social interaction and community connectivity (PPS, 1.5.1 (a, b)). The proposed residential intensification is supported by available community services and open spaces.

#### 3.5.4 Transportation System

The Provincial Policy Statement encourages development that promotes a dense land use pattern which minimized the length and number of vehicle trips and encourages the use of alternative transportation methods (PPS, 1.6.7.4). The Subject Area is located advantageously along Banwell Road which is classified as a Class II Arterial Road and as a City Corridor. The Subject Area is well supported by the existing public transit route, pedestrian sidewalks, and nearby multi-use trails.

Intensification should be prioritized in support of transit-supportive development (PPS, 1.4.3 (e)). The proposed development represents a compact land use pattern, which may reduce the number of vehicle trips required and support alternative modes of transportation including public transit (OP, 7.2.1.5). The Subject Area makes efficient use of existing transportation infrastructure as it is located along the McHugh Street right-of-way which supports an existing public transit route as well as existing pedestrian sidewalks (OP, 7.2.1.2). The accessibility of alternative modes of transportation may reduce vehicle dependence and enable residents to walk to their destinations thus promoting an active lifestyle and improving community health (OP, 4.2.1.2 and OP, Vol. II, 2.6.14).

The transportation network that support the Subject Area promotes a community with functional connectivity and interconnectedness (OP, 7.2.1.4). Convenient access to transit and other active transportation networks allows for the development of a multimodal transportation system which

promotes connectivity among transportation systems, is efficient, cost-effective and reliable for existing and future residents (PPS, 1.7.1 (g)).

Transit stops along McHugh Street will provide convenient public transportation access for residents of the proposed development. Intensification and a mix of uses along City Corridors supports more frequent transit service and creates a symbiotic relationship between transit, pedestrians, and intensification (OP, 3.3.2). The location of the proposed mixed use development along McHugh Street represents transit-supportive development, linking the development to other areas of the City (OP, Vol II. 2.6.18).

The proposed development has access to barrier free and convenient walking conditions that will allow residents to have safe access to community amenities and services without the dependence on car ownership (OP, 7.2.3.1). Safe and accessible pedestrian movement will be encouraged through the existing sidewalks along Banwell Road and McHugh Street (OP, Vol II., 2.7.9.8). The proposed development also with in proximity to the Blue Huron Trail system and will promote neighbourhood connectivity (OP, 8.4.1.1).

The Blue Huron Trail system is located within proximity to the site and will provide future residents with access to an interconnected trail system for pedestrians and bicyclists. The Blue Huron Trail connects to the Greenway System which in turn provides linkages among the community's various areas and amenities (OP, Vol II., 2.6.2). These multi-use trails and other pedestrian networks are facilities that will foster an active lifestyle for future residents and improve community health (OP, 4.2.1.2).

The proposed development provides 1,100 parking spaces, in the form of a surface parking lot, to support of the multiple dwelling residential buildings, business office, and residential care facility. The proposed parking spaces are in excess of the required minimums in the City of Windsor Zoning By-law 8600. All required accessible and loading spaces are provided in accordance with the current Zoning By-law provisions.

### 3.5.5 Infrastructure

The proposed development has full municipal infrastructure available, or planned, and will ensure that sewage and water services provided comply with all regulatory requirements and protect human health and the natural environment (PPS, 1.6.6.1 (a)(b); OP, 7.3.2.3 and OP, Vol II., 2.6.32). The proposed development promotes the efficient use and optimization of existing infrastructure and public service facilities including stormwater management systems, electricity and communications systems, and transit and other transportation corridors and facilities (PPS, 1.6.3, 1.6.6.2 and OP, 7.3.1.3). Sanitary systems are planned for the area and will become available to the proposed development. The proposed mixed use development is located where appropriate levels of infrastructure are or will be available to support current and projected needs (PPS, 1.4.3 (c)). Infrastructure will be provided to the proposed development in a coordinated, efficient, and cost-effective manner in compliance with all regulatory requirements (OP, 7.3.1.1). Utilities such as electricity, water, gas, and telephone services will be provided to the development in coordination with the appropriate utility companies (OP, Vol. II, 2.7.10.10).

The north end of the Subject Area, on North 'A' Site, is located within a Floodplain Area as identified in the Official Plan, Schedule C – Development Constraint Areas. As such, a Stormwater Management Report has been prepared in support of development within a floodplain and has been included in Section 3.6 of this Report. The supporting studies and reports demonstrate how the proposed mixed use development meets the development criteria for Floodplain Areas (OP, 5.4.6.4).

The existing transportation infrastructure is also well suited to support the proposed mixed use development. The proposed development is compatible with the long-term purposes and uses of the existing transportation corridors and will avoid any negative impacts, as demonstrated in Section 3.6 of this Report detailing the Noise and Vibration Report (PPS, 1.6.8.3). The many options for transportation including public transit services and active transportation facilities form a multimodal transportation system which will provide connectivity within the neighbourhood (PPS, 1.6.7.3, OP 8.4.1.1). The transportation network available to future residents will be accessible, affordable, and available (OP, 7.1.3 and 7.2.1.4).

### 3.5.6

### Urban Design

The proposed mixed use development is compatible with the surrounding land uses in the area and is intended to make a positive contribution to the neighbourhood by introducing a range and mix of housing options and commercial uses available to meet the needs of current and future residents (PPS, 1.4.1). The mixed use development shall be designed in a manner that encourages high quality and consistent compact urban design which will encourage an attractive, safe, and pedestrian-friendly community (OP, 6.9.2.5 (b) and OP, Vol. II, 2.6.28). The proposed development is intended to achieve a complementary design relationship between the existing low density development and the proposed higher density developments by utilizing urban design styles that are compatible with the existing character of the neighbourhood (OP, 6.9.2.5 (j) and 8.7.1.2).

The Subject Area is located along Banwell Road which is considered a City Corridor, as per Schedule J - Urban Structure Plan in the City of Windsor Official Plan. Higher density land uses, such as the proposed development, are encouraged along City Corridors (OP, 3.3.2.1). Mixed use developments along City Corridors may include high profile developments of up to 56 metres in height (OP, 3.3.2.1). The proposed development is in keeping with similar heights along other City Corridors.

The design of the proposed development will provide pedestrian links with alternative transportation facilities and public transit services, will maintain the existing natural area features and functions, and will encourage attractive streetscapes which considers pedestrian scale amenities (OP, 6.9.2.5 (g) and 8.7.2.1 (b, c, d)). On each of the parcels, the developments are proposed to be located on the exterior lot line along Banwell Road, facilitating the ease of pedestrian access from the street (OP, Vol. II, 2.7.5.6). Through the Site Plan Control process the proposed high profile development will consider massing, architectural proportion, amenity spaces, and exterior building appearance to ensure that the proposed development is designed to be complementary to the existing development pattern of the area (OP, 6.9.2.5 (b) and 8.7.2.3).

The proposed development considers elements of design such as site circulation, landscaping elements, and architectural elements to enhance the pedestrian scale and provide user comfort (OP, 6.9.2.5 (d), 8.3.1.1 and 8.3.1.2). Surface parking areas are located to the rear of each proposed building and no new mid-block vehicular access driveways are proposed from Banwell Road, helping to facilitate pedestrian circulation (OP, Vol. II, 2.7.5.7 and 2.7.5.8). Integrated design strategies will be incorporated to ensure that barrier-free, convenient, and direct pedestrian routes are available within the Subject Area and connecting to existing pedestrian networks (OP, 8.4.1.1). To be determined through the Site Plan Control process, partial screening of the surface parking lot may be provided to maintain an attractive streetscape and will be considered at the Site Plan Control stage (OP, 8.11.2.19).

### 3.5.7 Site Plan Control

The proposed development of the Subject Area will require Site Plan Control Approval (OP 6.9.2.6). The application for Site Plan Control Approval will be filed following the approval of the Official Plan Amendment and Zoning By-law Amendments (OP, 11.7). Design guidelines will be adhered to and thoroughly reviewed during the Site Plan Control process.

### 3.5.8 Economic Prosperity

The proposed mixed use developments represent an opportunity for real estate investment which responds to the changing market-based needs and contributes to the long-term economic prosperity of the community (PPS, 1.7.1 (b)). The efficient use of and optimization of underutilized lands and existing infrastructure and public service facilities in a cost-effective manner is intended to contribute to the long-term success of the neighbourhood. The vitality of the area may be strengthened by introducing residential intensification which supports economic development and community investment readiness (PPS, 1.7.1 (a)).

The proposal demonstrates the orderly development of a range and mix of housing options and commercial establishments, which adapts to the changing needs of communities is encouraged throughout the City (PPS, 1.3.1; OP, 4.2.4.3). The multimodal transportation network that services the proposed development represents an efficient, cost-effective, and reliable transportation system which will meet the current and projected needs of the community (PPS, 1.7.1 (g)). Further, the proposed mixed use developments will promote an integrated mix of uses for people to live close to job opportunities within the City of Windsor.

### 3.5.9 Energy Conservation, Air Quality and Climate Change

The proposed development supports energy conservation and efficiency by utilizing a compact form of development, promoting the use of active transportation, supporting the use of transit, and promoting design and orientation with maximizing energy efficiency (PPS, 1.8.1 (a, b, e, f)). Policies relating to energy conservation within the City of Windsor include encouraging developments which utilize energy efficient designs and materials, are compact and clustered with compactible uses at densities which make transit

service a viable investment, utilize landscaping elements to reduce heating and cooling effects, and support a sustainable, effective, and efficient transportation system (OP, 8.5.2.8 (a, b, c, e)).

## 3.6 Background Studies

As identified through the Pre-Submission response from the City of Windsor, a number supporting background studies were identified as required for the Official Plan Amendment and Zoning By-law Amendment. Key findings of the required studies are summarized in the following sections.

### 3.6.1 Shadow Study

A Shadow Study, prepared by Dillon Consulting Limited, dated March 2023, reviewing the shadow impacts of the proposed development. This report has been provided under separate cover.

The shadow impacts from the proposed development are anticipated to be limited overall. Any shadow impacts occurring for extended periods of time on adjacent properties remains at an acceptable level. Access to sunlight during the daytime hours has been maintained in relation to the public realm, open space, existing and proposed residential properties, and proposed residential amenity areas.

The proposed shadows have a limited level of impact for the following reasons:

- The majority of cumulative shadowing impacts are moderate and shorter in duration, with shadow impact falling primarily away from residential properties;
- The shadow impacts occurring to the Subject Sites largely affect the proposed surface parking areas. The shadow coverage occurring to the surface parking areas may be beneficial in assisting to mitigate any heat island effect by keeping asphalt temperatures cooler during the daytime hours;
- Of the shadowing impacts identified, the majority occur around sunrise or sunset, meaning that the neighbouring residential properties will continue to retain adequate sunlight access for leisure and recreation activities during the daytime hours, and increasingly in the warmer months; and
- The public realm is anticipated to experience some shadow coverage; however, the shadowing is limited in duration and by time of year. Any affected pedestrian sidewalks/trails maintain adequate sunlight coverage during the daytime hours. As such, it will not cause unreasonably negative impacts for, or deter from, the ability for community members to use the public realm in these particular areas.
- Any significant shadow impacts for extended periods of time on adjacent properties remains at an acceptable level. Access to sunlight during the daytime hours has been maintained in relation to the public realm and the neighbouring residential dwellings, institutional uses, and private outdoor amenity spaces.

### 3.6.2 Noise and Vibration Assessment

A Noise and Vibration Assessment, completed by Dillon Consulting Limited, dated March 2023 to assess noise and vibration impacts from nearby transportation sources and stationary sources (i.e., nearby industrial operations) on the proposed development as well as vibration impacts from the nearby railway on the proposed development. This report has been provided under separate cover.

The results of the transportation noise assessment confirm that the noise impacts on the proposed development can be sufficiently controlled by:

- Buildings 'B' and 'D' require an upgraded glazing of STC 32 and 31, respectively, for sleeping quarters;
- Buildings 'B' and 'D' require a brick veneer or acoustical equivalent (STC 54) façade construction;
- Buildings 'B' and 'D' require the installation of central air conditioning with a Type D warning clause; and,
- Buildings 'A', 'C', 'E', 'F', 'G', 'H', and 'I' require the provision for the installation of central air conditioning with a Type C warning clause.

The noise impacts from surrounding commercial and industrial properties on the development were assessed through modelling of stationary sources in Cadna/A using ISO:9613 standards. It was determined that the noise impacts from the surrounding commercial and industrial properties will not exceed MECP requirements.

The maximum measured vertical ground-borne vibration level, 0.124 mm/s RMS, is below the 0.14 mm/s RMS FCM/RAC criterion. As such, no vibration mitigation measures are deemed necessary to meet the applicable criterion.

VIA requires that a warning clause regarding the potential for noise and vibration impacts be applied to all sensitive receptor locations within 300 metres of their right-of-way.

### 3.6.3 Natural Site Features Inventory and Preservation Study

A Tree Inventory and Preservation Study, prepared by Dillon Consulting Limited, dated March 2023, providing recommendations regarding tree removals and preservation, as well as information related to applicable tree protection policies. This report has been provided under separate cover.

An inventory of trees and SAR habitat assessment was completed on February 8 and 15, 2023 and 310 trees were documented. To facilitate construction of the proposed development, 215 client-owned, private trees that are also not already marked for removal are required to be removed. A total of 78 trees (58 client-owned trees and 20 not client-owned trees) are recommended for preservation during construction, however it should be noted that during detailed design, effort will be made to retain as many other trees as possible as landscaping trees. Detailed recommendations for tree removals, maintenance, and preservation were provided.

**3.6.4 Transportation Impact Study (TIS)**

A comprehensive Traffic Impact Study (TIS), prepared by Dillon Consulting Limited, dated March 2023, reviewing the impact of the developments located in the City of Windsor. This report has been provided under separate cover.

With the proposed developments in place, Leathorne Street will be extended between Questa Drive and Banwell, forming a four-legged intersection at Banwell Road. However, based on the surrounding road network and land uses, it is not anticipated there will be a significant number of vehicles diverted to this corridor.

The development parcels are forecast to generate 298 vehicle trips (97 inbound, 201 outbound) in the AM peak hour, 321 vehicle trips (178 inbound, 143 outbound) in the PM peak hour and 297 vehicle trips (156 inbound, 141 outbound) during the Saturday mid-day peak hour. When considering both auto and non-auto modes, these developments are projected to generate 340 total trips during the AM peak hour, 366 total trips during the PM peak hour and 339 total trips during the Saturday mid-day peak hour.

Most movements at the study area intersections are projected to operate in an acceptable manner through to the 2032 horizon year with the developments in place. During the AM peak hour, the northbound left turn movement at the Banwell Road and Tecumseh Road East intersection currently operates under capacity at LOS E but is anticipated to worsen where it will operate slightly over capacity and at LOS F once the parcels are developed as envisioned. As a result, it is recommended that the signal timing splits be optimized at this intersection during the AM peak hour in order to provide the northbound left-turn movement with some additional protected green time. With the optimized splits, the northbound left-turn movement is anticipated to operate at LOS D with a v/c ratio of 0.83 while all other movements at the intersection are anticipated to continue operating at LOS D or better.

**3.6.5 Functional Servicing Report**

A Functional Servicing Report, completed by Dillon Consulting Limited, outlining the preliminary grading, stormwater management, sanitary, water, hydro, gas and communication relating to the Subject Area will be provided under separate cover.

**3.6.6 Stormwater Management Report**

A Stormwater Management Brief (SWM), prepared by Dillon Consulting Limited, outlining the SWM strategy, results of the SWM analysis and the proposed stormwater management plan for the development will be provided under separate cover.

## CONCLUSIONS

After reviewing relevant policies and guidelines, it is my professional opinion that the proposed residential development is consistent with the intent of the Provincial Policy Statement and the City of Windsor's Official Plan by providing residential infill in a quality, compact form within an already established area close to major public facilities and resources. The proposed mixed use development will efficiently use existing services, provide an alternative form of housing to the area, and provides opportunities for an aging population to remain in their community within an area envisioned to accommodate a mix of compatible uses. Based on an extensive review of the technical planning and policy related issues, the proposed residential development is appropriate for the site and consistent with good planning principles.

An Official Plan Amendment will be required to facilitate the proposed development of nine (9) multiple dwellings ranging from six (6)-storeys to 10-storeys, which are considered High Profile residential dwellings. A site specific Official Plan Amendment to the City of Windsor Official Plan is requested for the Mixed Use land use designation to add High Profile residential dwelling units as a permitted use and add an increased permitted height from four (4)-storeys to 10-storeys on the Subject Area.

In addition, the Subject Area is located within the East Riverside Planning Area. Within the Secondary Plan, the Subject Area is designated as Banwell Road Mixed Use (North 'A' and 'B' Site) and Business Park (South Site). The Banwell Road Mixed Use land use designation does not permit residential care facilities or multiple dwellings greater than four (4) storeys in height. As such, a site specific Official Plan Amendment is required to permit the proposed development. A site specific Official Plan Amendment to the East Riverside Planning Area Secondary Plan is requested to change the Subject Area to the Banwell Road Mixed Use Corridor land use designation with the added permitted use of Community Institutions, per 2.7.4.1, and an increased permitted height from four (4)-storeys to 10-storeys.

The Subject Area is currently zoned as General Commercial (East Riverside) (CD2.7) with S.20(1)218 on North 'A', General Commercial (East Riverside) (CD2.7) on North 'B' Site, and Manufacturing District 1.4 (MD1.4) with S.20(1)112 on the South Site in the City of Windsor Zoning By-law 8600. The current CD2.7 and MD1.4 zones do not permit the proposed mixed use developments. As such, a Zoning By-law Amendment is required to facilitate the proposed development. A site specific Zoning By-law Amendment is requested to rezone the Subject Area from General Commercial (East Riverside) (CD2.7) with S.20(1)218, General Commercial (East Riverside) (CD2.7), and Manufacturing District 1.4 (MD1.4) with S.20(1)112. Relief from the following provisions is requested as part of the Zoning By-law Amendment:

- Addition of "Multiple Dwelling" and "Residential Care Facility", following the Residential District 3.2 (RD3.2) zone standards, as permitted uses, with site specific provisions for the following:
  - To reduce the minimum Landscaped Open Space from 35.0% to 24.0%; and,
  - To increase the maximum Building Height from 30.0m to 35.0m.

We recommend that the Official Plan and Zoning By-law Amendment application as submitted, be approved for the following reasons:

1. The proposed use is consistent with the Provincial Policy Statement for reasons outlined in Section 3.1;
2. The proposed Official Plan Amendment to the City of Windsor Official Plan to the Mixed Use Node designation to add High Profile residential dwelling units as a permitted use and add an increased permitted height from four (4)-storeys to 10-storeys will not have any negative impacts to the surrounding land uses, as outlined in Section 3.2 and Section 3.5;
3. The proposed Official Plan Amendment to the East Riverside Planning Area Secondary Plan to change the Subject Area to the Banwell Road Mixed Use Corridor land use designation with the added permitted use of Community Institutions, per 2.7.4.1, and an increased permitted height from four (4)-storeys to 10-storeys will not have any negative impacts to the surrounding land uses as outlined in Section 3.3 and Section 3.5;
4. The proposed Zoning By-law Amendment from Manufacturing District 1.1 (MD1.4) an General Commercial (East Riverside) (CD2.7) to rezone the Subject Area from General Commercial (East Riverside) (CD2.7) and Manufacturing District 1.4 (MD1.4) to a site specific General Commercial (East Riverside) (CD2.7) will maintain most of the existing zoning provisions, but with the following site-specific provisions:

Addition of "Multiple Dwelling" and "Residential Care Facility", following the Residential District 3.2 (RD3.2) zone standards, as permitted uses, with site specific provisions for the following:

- To reduce the minimum Landscaped Open Space from 35.0% to 24.0%; and,
- To increase the maximum Building Height from 30.0m to 35.0m.

As outlined in Section 3.4;

5. The proposed Zoning By-law Amendment respects the land use compatibility and site suitability directives of Official Plan, supporting healthy, complete neighbourhoods;
6. The proposed development will add to the vitality of the area while supporting the efficient use of land and existing infrastructure. The proposed development takes advantage of existing infrastructure and community facilities;
7. The proposed infill development promotes compact form and intensification. Nearby amenities will encourage residents to use active transportation and transit, minimizing the number and length of vehicle trips;
8. The site is physically suitable and strategically located at the intersection of two (2) Class II Arterial Roads, with Banwell Road also classified as a City Corridor;

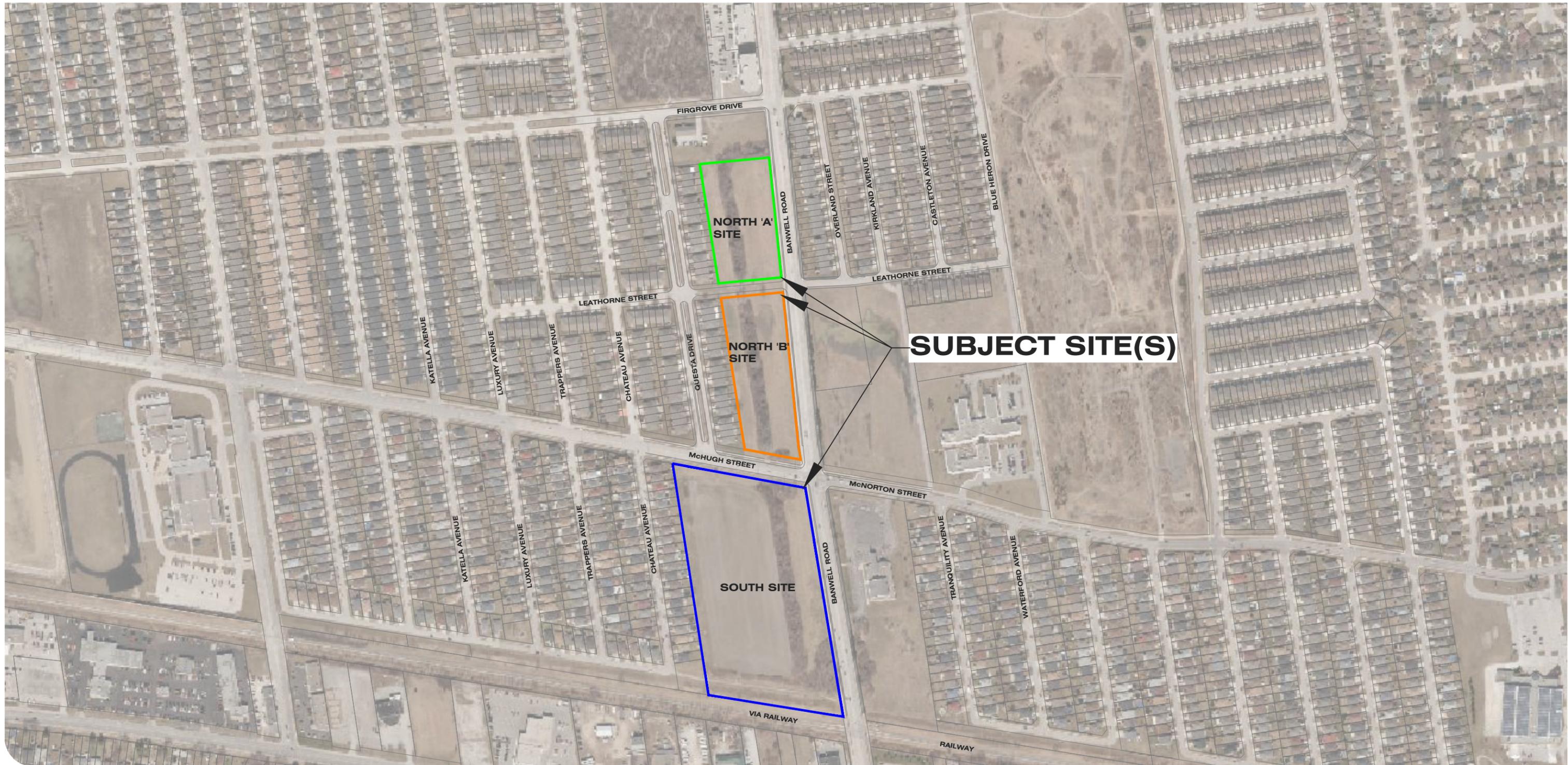
9. The proposed development introduces new housing options to the neighbourhood allowing more residents to enter into the neighbourhood or to remain in place. The proposed density will provide much needed housing stock and new employment opportunities to the area, contributing the growth and vitality of the neighbourhood;
10. The proposed residential development support public transportation as the Subject Area is located along an existing transit route;
11. The proposed development is compatible with the surrounding land uses and is consistent with the mix of land uses evident in the surrounding area; and
12. The Applicant will proceed with Site Plan Control Approval following adoption of the Official Plan Amendment and the Zoning By-law Amendment.

*Theresa O'Neill*

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Theresa O'Neill, Planner

# Figures



**1027458 ONTARIO LIMITED**  
 BANWELL AND McHUGH -  
 MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**LOCATION MAP**  
 FIGURE 1.0

 BANWELL AND McHUGH -  
 NORTH 'A' SITE  
 (± 1.43ha / 3.54ac)

 BANWELL AND McHUGH -  
 NORTH 'B' SITE  
 (± 1.66ha / 4.11ac)

 BANWELL AND McHUGH -  
 SOUTH SITE  
 (± 5.35ha / 13.23ac)

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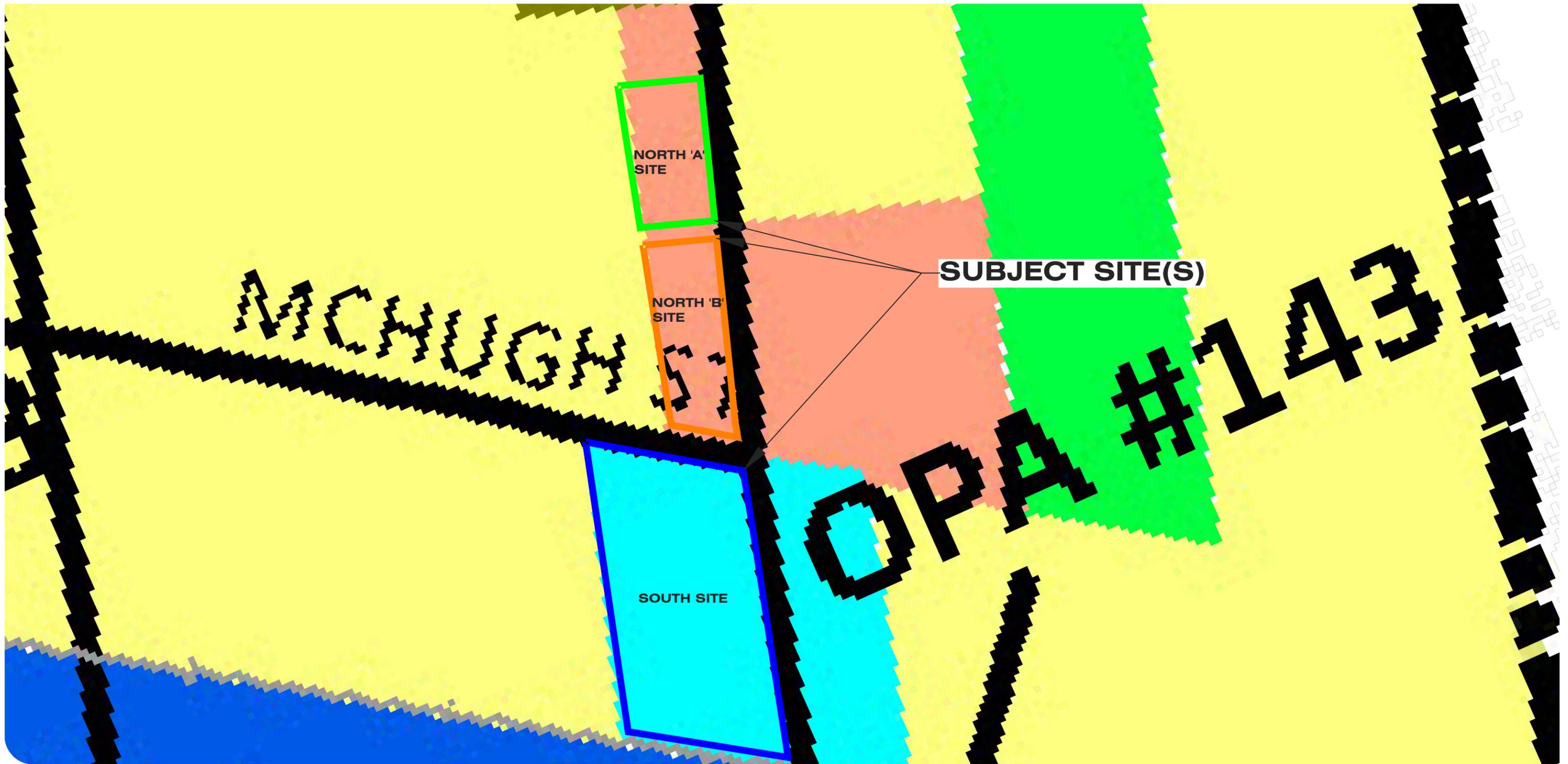
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**1027458 ONTARIO LIMITED**  
 BANWELL AND McHUGH -  
 MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**EXISTING CITY OF WINDSOR OFFICIAL  
 PLAN DESIGNATION  
 FIGURE 2.0**

 BANWELL AND McHUGH -  
 NORTH 'A' SITE  
 (±1.43ha / 3.54ac)

 BANWELL AND McHUGH -  
 NORTH 'B' SITE  
 (±1.66ha / 4.11ac)

 BANWELL AND McHUGH -  
 SOUTH SITE  
 (± 5.35ha / 13.23ac)

 BUSINESS PARK

 MIXED USE

 RESIDENTIAL

 INDUSTRIAL

 OPEN SPACE

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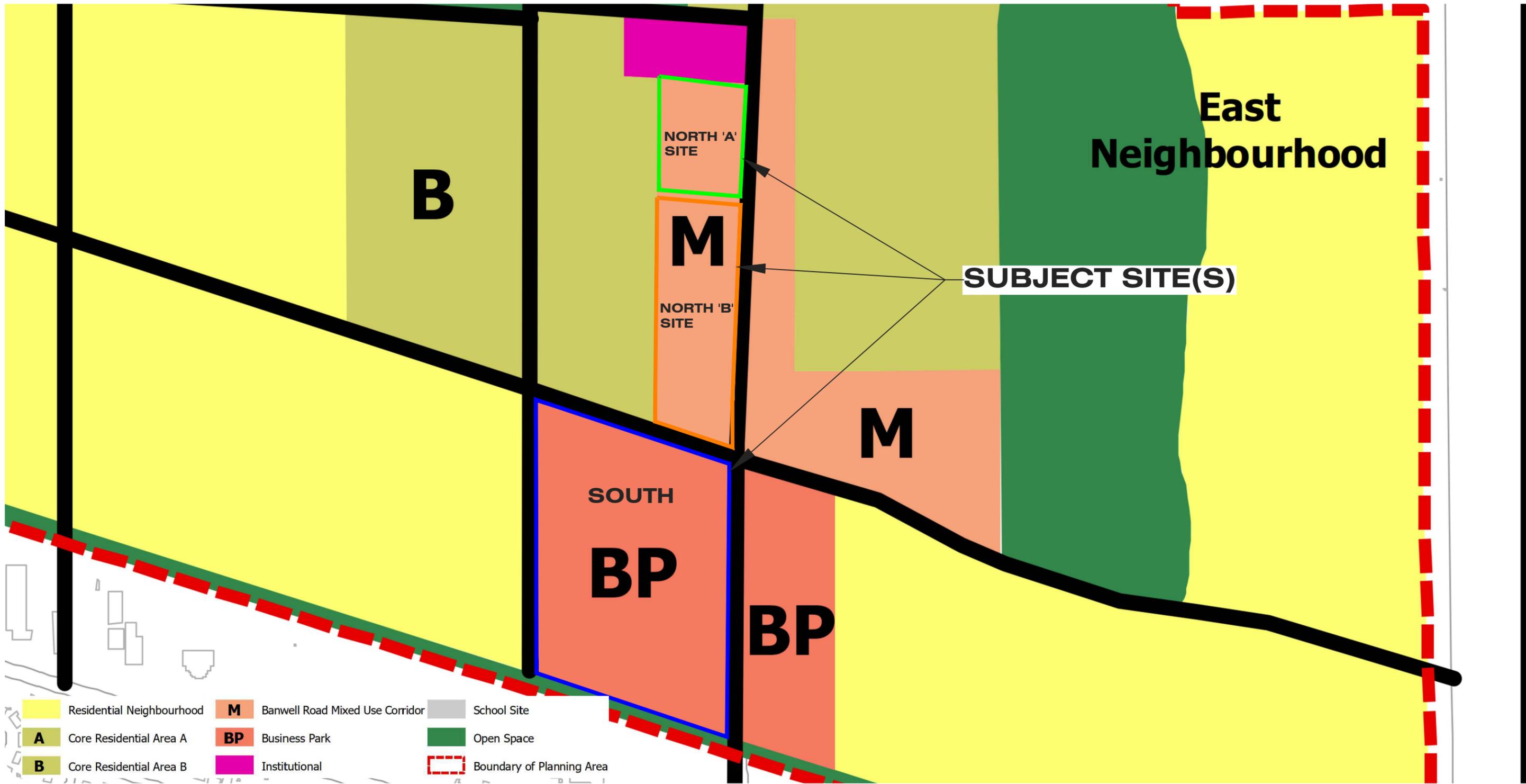
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SOURCE: THE CITY OF WINDSOR OFFICIAL PLAN  
 - SCHEDULE D: LAND USE



**1027458 ONTARIO LIMITED**  
 BANWELL AND McHUGH -  
 MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**EAST RIVERSIDE PLANNING AREA**  
**LAND USE PLAN**  
 FIGURE 3.0

 BANWELL AND McHUGH -  
 NORTH 'A' SITE  
 (±1.43ha / 3.54ac)

 BANWELL AND McHUGH -  
 NORTH 'B' SITE  
 (±1.66ha / 4.11ac)

 BANWELL AND McHUGH -  
 SOUTH SITE  
 (± 5.35ha / 13.23ac)

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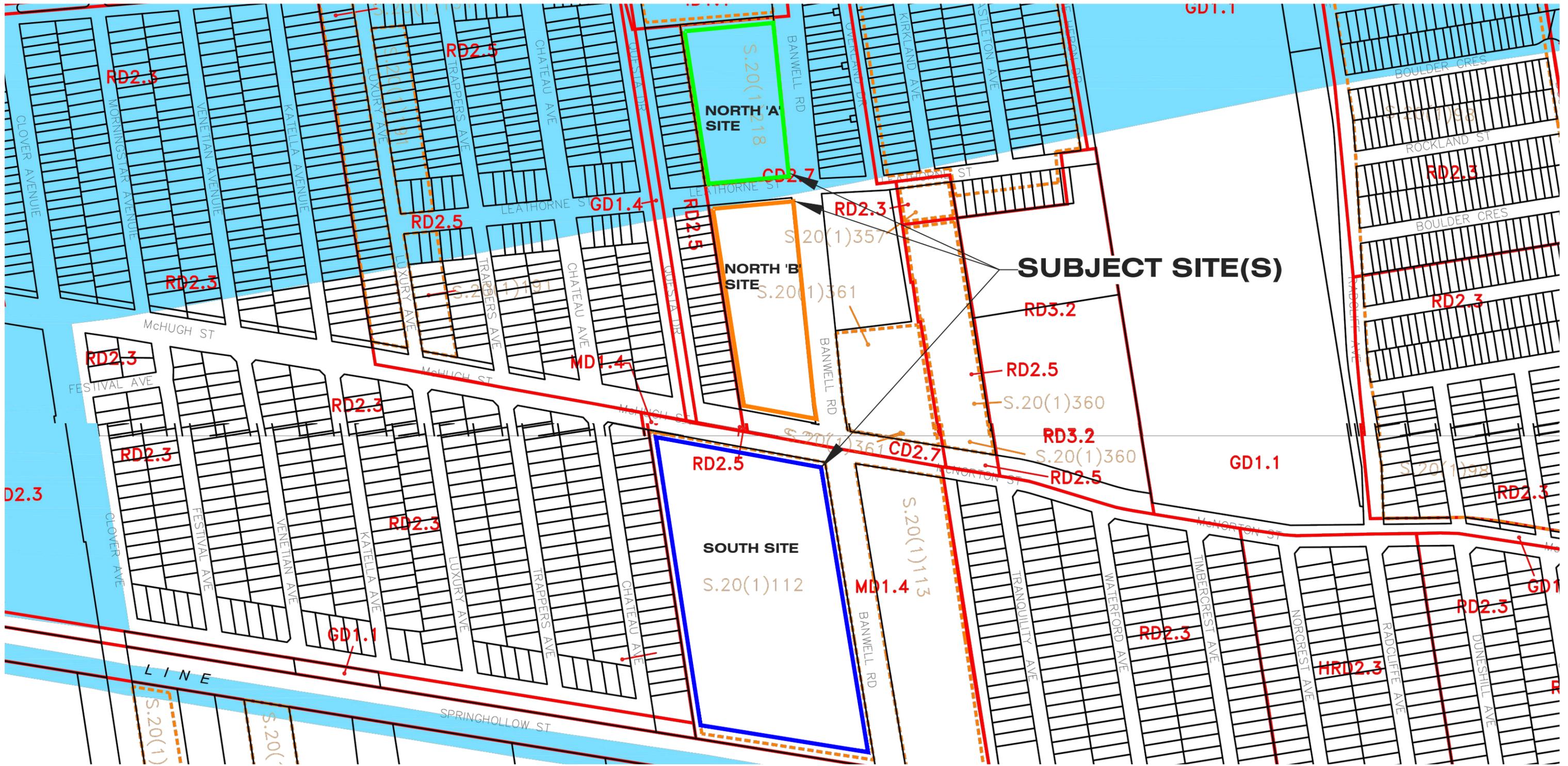
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 - SCHEDULE D: LAND USE

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**1027458 ONTARIO LIMITED**  
 BANWELL AND McHUGH -  
 MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**EXISTING CITY OF WINDSOR ZONING**  
**BY-LAW 8600**  
 FIGURE 4.0

BANWELL AND McHUGH -  
 NORTH 'A' SITE  
 (±1.43ha / 3.54ac)

BANWELL AND McHUGH -  
 NORTH 'B' SITE  
 (±1.66ha / 4.11ac)

BANWELL AND McHUGH -  
 SOUTH SITE  
 (± 5.35ha / 13.23ac)

ZONE BOUNDARY

SPECIFIC ZONING  
 EXEMPTIONS

SPECIFIC ZONING  
 REGULATION

RD - Residential Districts  
 CD - Commercial Districts

ID - Institutional Districts  
 MD - Manufacturing Districts

GD - Green Districts

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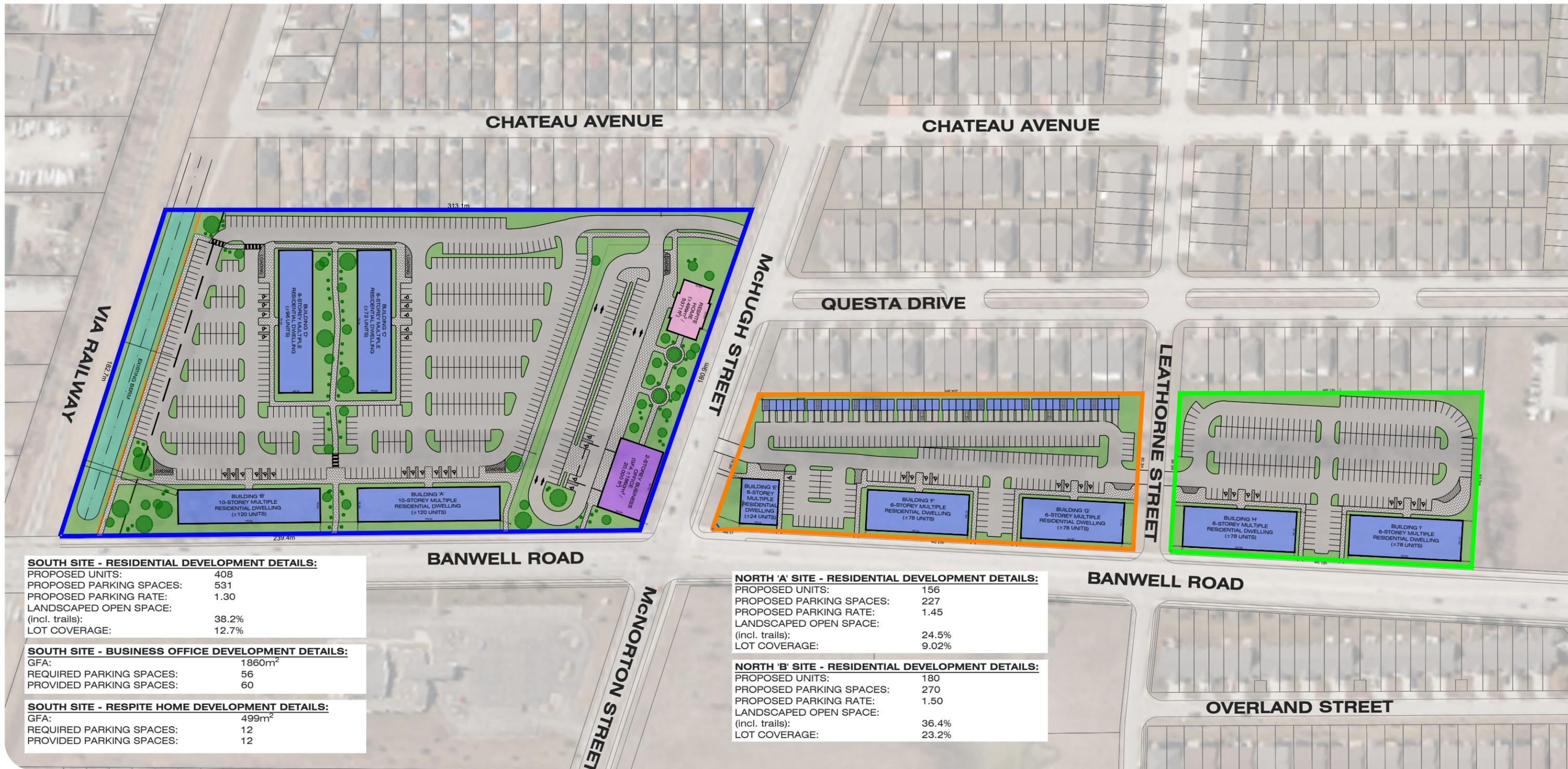
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SOURCE: THE CITY OF WINDSOR  
 - ZONING BY-LAW 8600 MAP



**SOUTH SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

PROPOSED UNITS:	408
PROPOSED PARKING SPACES:	531
PROPOSED PARKING RATE:	1.30
LANDSCAPED OPEN SPACE: (incl. trails):	38.2%
LOT COVERAGE:	12.7%

**SOUTH SITE - BUSINESS OFFICE DEVELOPMENT DETAILS:**

GFA:	1860m <sup>2</sup>
REQUIRED PARKING SPACES:	56
PROVIDED PARKING SPACES:	60

**SOUTH SITE - RESPITE HOME DEVELOPMENT DETAILS:**

GFA:	499m <sup>2</sup>
REQUIRED PARKING SPACES:	12
PROVIDED PARKING SPACES:	12

**NORTH 'A' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

PROPOSED UNITS:	156
PROPOSED PARKING SPACES:	227
PROPOSED PARKING RATE:	1.45
LANDSCAPED OPEN SPACE: (incl. trails):	24.5%
LOT COVERAGE:	9.02%

**NORTH 'B' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

PROPOSED UNITS:	180
PROPOSED PARKING SPACES:	270
PROPOSED PARKING RATE:	1.50
LANDSCAPED OPEN SPACE: (incl. trails):	36.4%
LOT COVERAGE:	23.2%

**1027458 ONTARIO LTD.**  
BANWELL AND McHUGH -  
MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**CONCEPTUAL DEVELOPMENT PLAN -  
COMBINED**  
FIGURE 5.0

BANWELL AND McHUGH -  
SOUTH SITE  
(± 5.35 ha / 13.23 ac)

BANWELL AND McHUGH -  
NORTH 'A' SITE  
(± 1.43 ha / 3.54 ac)

BANWELL AND McHUGH -  
NORTH 'B' SITE  
(± 1.66 ha / 4.11 ac)

PROPOSED MULTI-UNIT  
RESIDENTIAL

PROPOSED LANDSCAPED  
OPEN SPACE

30m BUFFER FROM  
RAILWAY

EXTENT OF BERM

EXISTING BERM

PROPOSED BUSINESS  
OFFICES

PROPOSED RESPITE  
HOME

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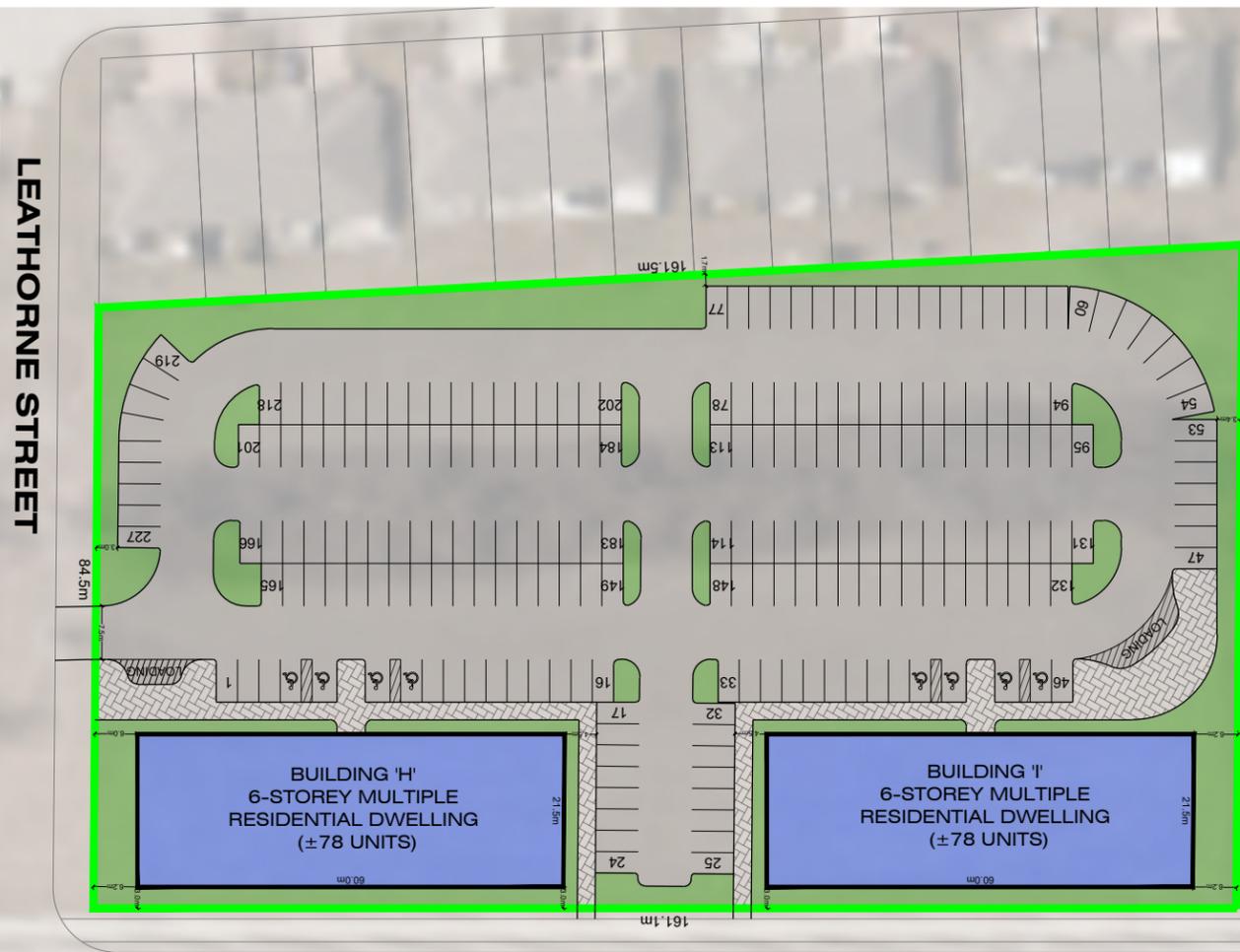
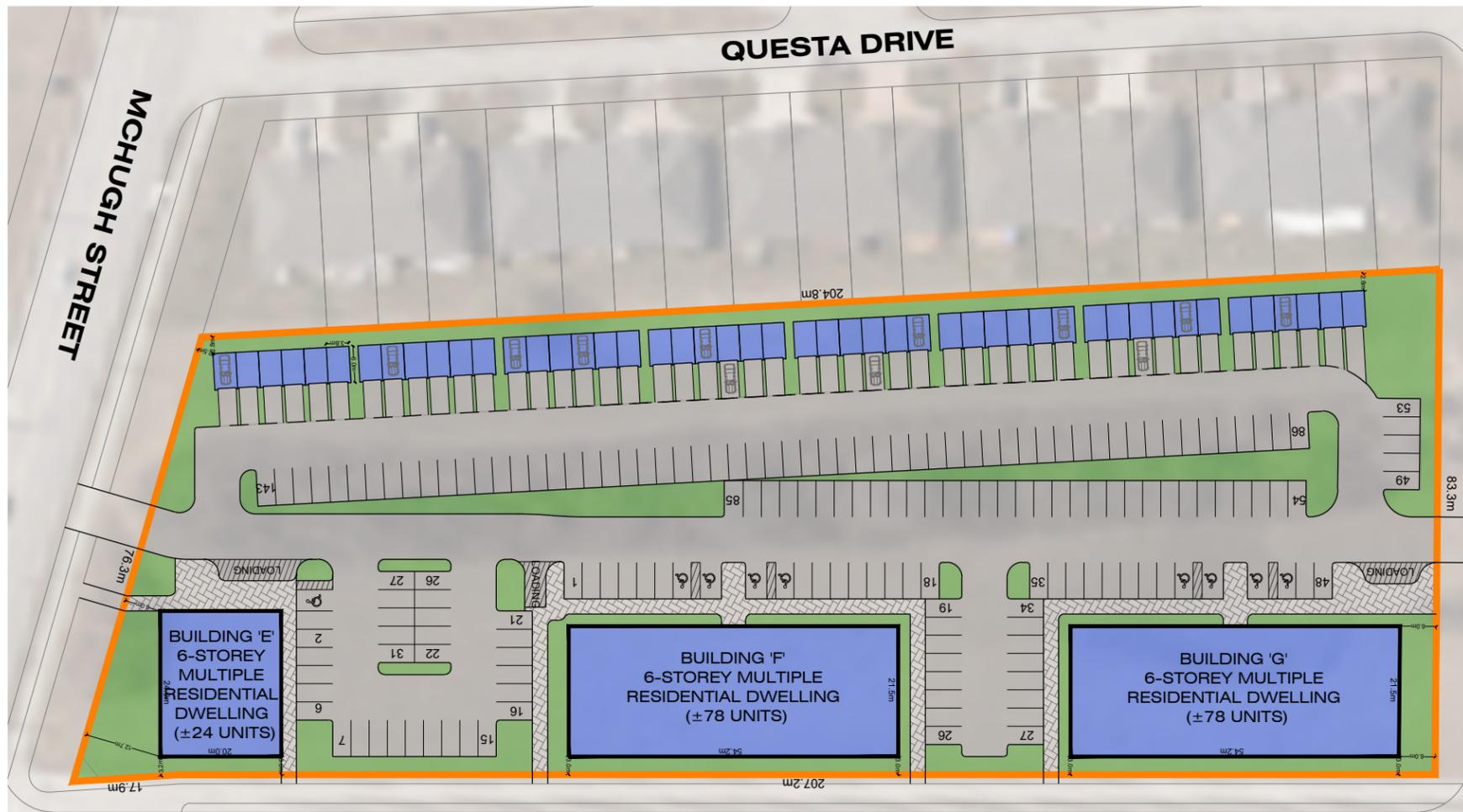
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SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2021)

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**BANWELL ROAD**

**BANWELL ROAD**

**NORTH 'A' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

PROPOSED UNITS:	156
PROPOSED PARKING SPACES:	227
PROPOSED PARKING RATE:	1.45
LANDSCAPED OPEN SPACE: (incl. trails):	24.5%
LOT COVERAGE:	9.02%

**NORTH 'B' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

PROPOSED UNITS:	180
PROPOSED PARKING SPACES:	270
PROPOSED PARKING RATE:	1.50
LANDSCAPED OPEN SPACE: (incl. trails):	36.4%
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**1027458 ONTARIO LTD.**  
BANWELL AND McHUGH -  
MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**CONCEPTUAL DEVELOPMENT PLAN -  
NORTH SITE 'A' AND 'B'  
FIGURE 5.1**



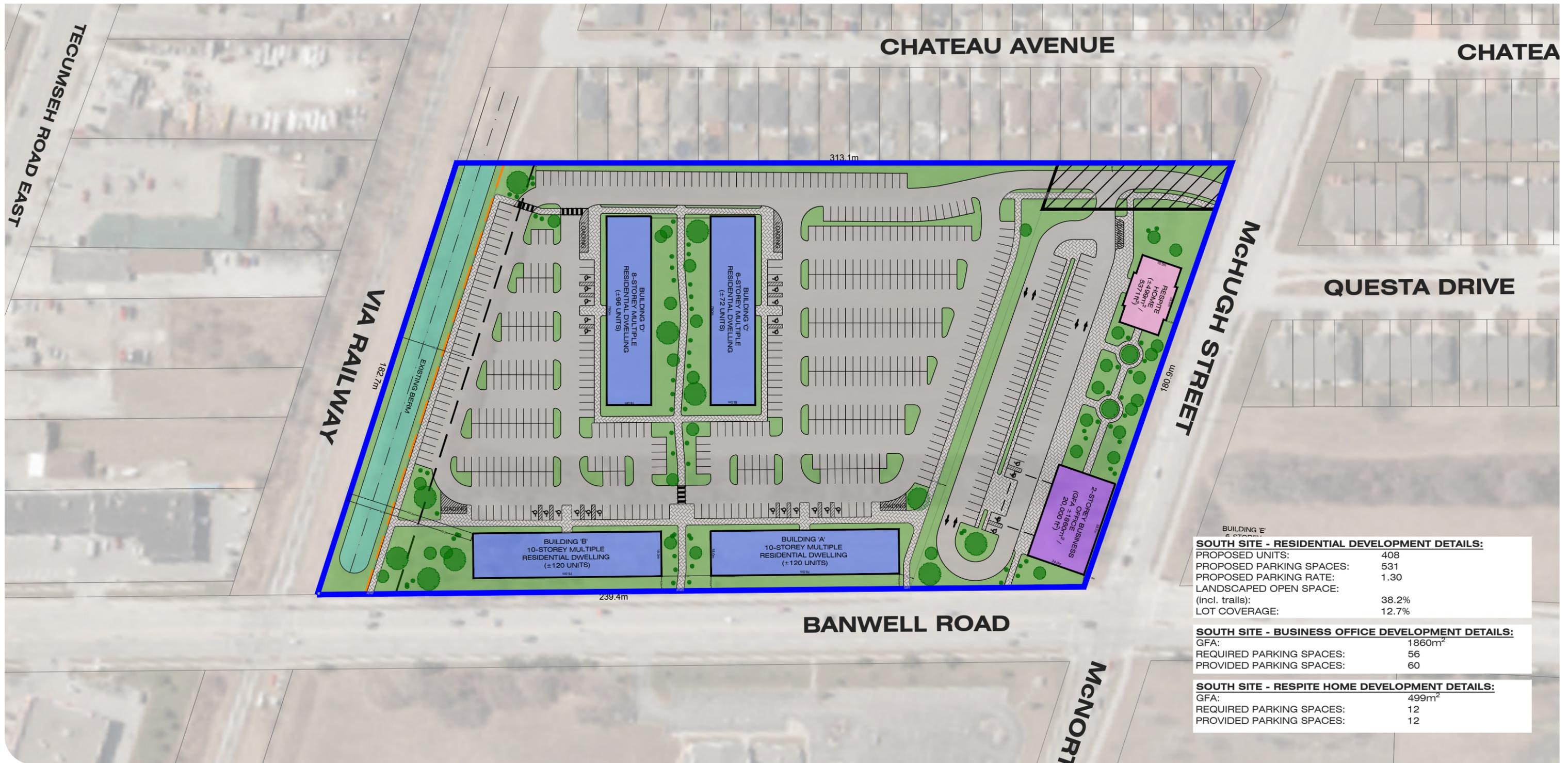
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SOUTH SITE - RESIDENTIAL DEVELOPMENT DETAILS:	
PROPOSED UNITS:	408
PROPOSED PARKING SPACES:	531
PROPOSED PARKING RATE:	1.30
LANDSCAPED OPEN SPACE:	
(incl. trails):	38.2%
LOT COVERAGE:	12.7%

SOUTH SITE - BUSINESS OFFICE DEVELOPMENT DETAILS:	
GFA:	1860m <sup>2</sup>
REQUIRED PARKING SPACES:	56
PROVIDED PARKING SPACES:	60

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GFA:	499m <sup>2</sup>
REQUIRED PARKING SPACES:	12
PROVIDED PARKING SPACES:	12

**1027458 ONTARIO LTD.**  
 BANWELL AND McHUGH -  
 MIXED USE DEVELOPMENTS  
**PLANNING JUSTIFICATION REPORT**

**CONCEPTUAL DEVELOPMENT PLAN -  
 SOUTH SITE  
 FIGURE 5.2**

BANWELL AND McHUGH - SOUTH SITE (± 5.35 ha / 13.23 ac)	AREA SUBJECT TO SHARED ACCESS AGREEMENT (±0.13ha / 0.32ac)	PROPOSED MULTI-UNIT RESIDENTIAL	PROPOSED LANDSCAPED OPEN SPACE	PROPOSED RESPITE HOME
30m BUFFER FROM RAILWAY	EXTENT OF BERM	EXISTING BERM	PROPOSED BUSINESS OFFICE BUILDING	PROPOSED SIDEWALK / MULTI-USE TRAIL

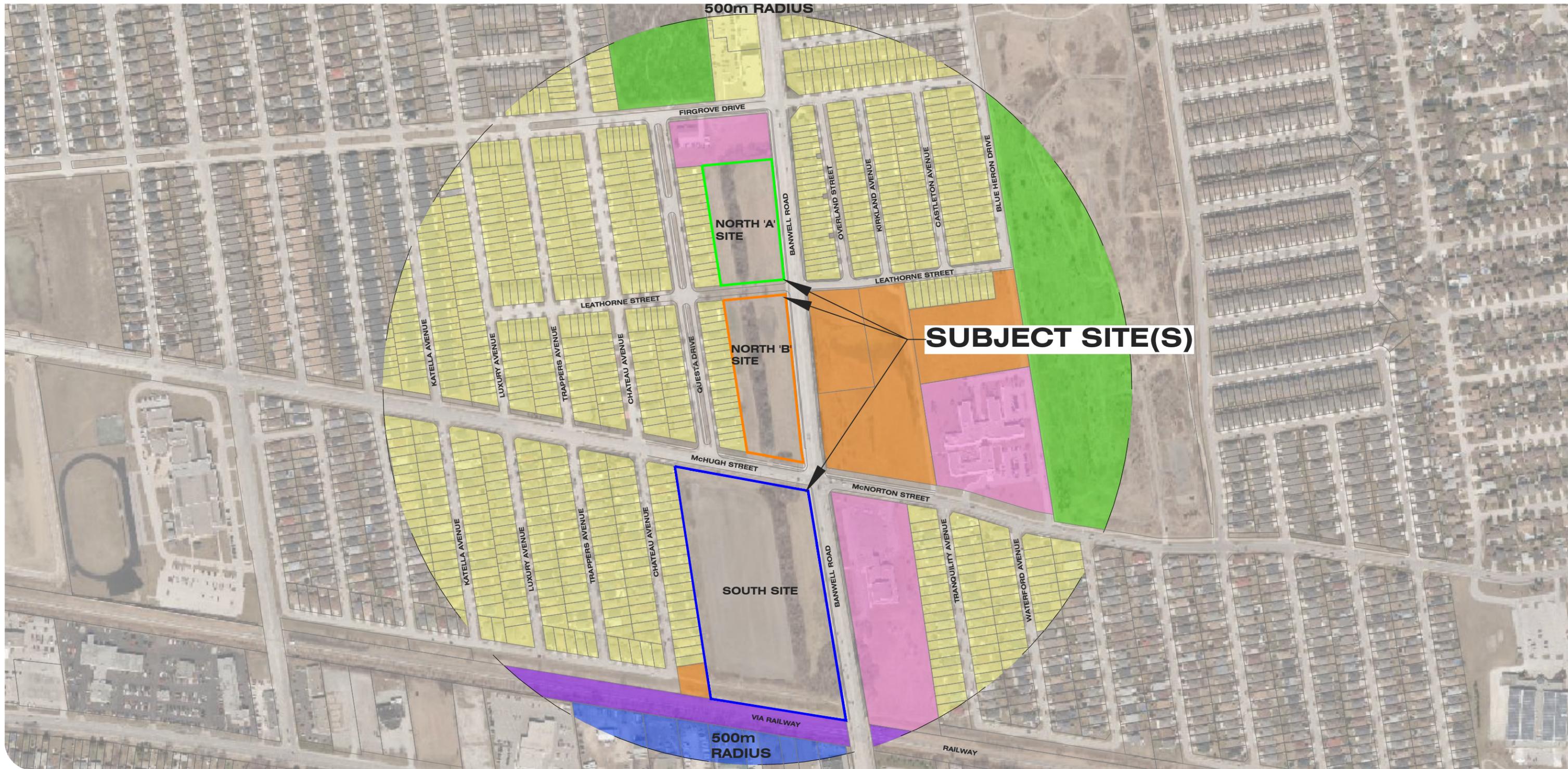
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SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2021)

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**1027458 ONTARIO LIMITED**  
**BANWELL AND McHUGH -**  
**MIXED USE DEVELOPMENTS**  
**PLANNING JUSTIFICATION REPORT**

**SURROUNDING LAND USE**  
**FIGURE 6.0**

  BANWELL AND McHUGH -  
 NORTH 'A' SITE  
 (± 1.43ha / 3.54ac)

  BANWELL AND McHUGH -  
 NORTH 'B' SITE  
 (± 1.66ha / 4.11ac)

  BANWELL AND McHUGH -  
 SOUTH SITE  
 (± 5.35ha / 13.23ac)

  RESIDENTIAL

  OPEN SPACE

  INDUSTRIAL

  COMMERCIAL

  INSTITUTIONAL

  VACANT

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SOURCE: THE CITY OF WINDSOR AERIAL (2019)

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PROJECT: 22-5144 & 22-5266  
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# Appendix A

## ***Development Applications***

## OFFICIAL PLAN AMENDMENT APPLICATION

### INSTRUCTIONS

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**Verify that you are using the most current application form.**

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report". If the question is not applicable, check the box beside "Not Applicable".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres of it.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Check the appropriate box based on the pre-submission consultation with the Planner.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Schedules: Read and complete Schedule A in full and sign.

Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca).

Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

**DATE RECEIVED STAMP**

### CONTACT INFORMATION

---

Planning & Development Services  
Suite 210  
350 City Hall Square West  
Windsor ON N9A 6S1

Telephone: 519-255-6543  
Fax: 519-255-6544  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Web Site: [www.citywindsor.ca](http://www.citywindsor.ca)

# OFFICIAL PLAN AMENDMENT APPLICATION

## 1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO  YES  File Number: PS- 090/22

*Staff Use Only*

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

## 2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other documents shall be provided in Word and PDF format. All PDF documents shall be flattened with no layers.

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual	<input checked="" type="checkbox"/> Sketch of Subject Land
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

# OFFICIAL PLAN AMENDMENT APPLICATION

## 3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

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Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

### Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco  
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: N/A

Email: JCoco@cocogroup.com

### Registered Owner Same as Applicant

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Name of Contact Person

Address: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill  
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: N/A

Email: toneill@dillon.ca

## 4. COMPANION APPLICATIONS

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Are you submitting a companion Rezoning application? NO  YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO  YES

Are you submitting a companion Site Plan Control Application? NO  YES

# OFFICIAL PLAN AMENDMENT APPLICATION

## 5. SUBJECT LAND INFORMATION

Municipal Address 0 Questa Drive (North 'A' Site)

Legal Description Part of block 1 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13317-0000

Frontage (m) 161.1m Depth (m) Irregular Area (sq m) 14,322.52 sq m (1.43 ha / 3.54 ac)

Current Official Plan Designation Mixed Use Node (Primary Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

What land uses are permitted by the Official Plan Designation? Mixed Use Node - Retail and service commercial establishments offices, cultural, recreation and entertainment uses, and institutional open space and residential uses of up to four stories in height & Banwell Road Mixed Use Corridor - Retail and service establishments; commercial offices; restaurants, including outdoor cafes; cultural, recreational and entertainment uses; theatres and cinemas; community, social and institutional uses; residential apartments, multi-plexes and stacked townhouses; and public transportation facilities. (Secondary Plan).

## 6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: The City of Windsor Official Plan

Amendment to Official Plan from Mixed Use Node & Banwell Road Mixed Use Corridor to Site Specific Mixed Use Node & Banwell Road Mixed Use Corridor

Purpose of the proposed OPA: To facilitate the development of the subject site for High Profile residential buildings.

The proposed multiple dwelling residential buildings are six (6)-storeys in height, each with 78 units.

What land uses will the proposed official plan amendment (OPA) authorize? Mixed Use Node land use permitting High Profile residential dwelling units as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Banwell Road Mixed Use Corridor permitting use of Community Institutions (per 2.7.4.1) as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No  Yes

If yes, the policy to be changed, replaced or deleted: N/A

Does the proposed OPA add a policy to the Official Plan? No  Yes

# OFFICIAL PLAN AMENDMENT APPLICATION

## 6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

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Does the proposed OPA change or replace a designation in the Official Plan? No  Yes

If yes, the designation to be changed or replaced: \_\_\_\_\_

Site Specific Mixed Use Node (Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

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If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable                       See Planning Rationale Report                       See Attached

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Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report                       See Attached

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# OFFICIAL PLAN AMENDMENT APPLICATION

## 7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No  Yes

~~File number: \_\_\_\_\_ Status: \_\_\_\_\_~~

~~Approval authority: \_\_\_\_\_~~

~~Affected lands: \_\_\_\_\_~~

~~Purpose of Minor Variance or Consent: \_\_\_\_\_~~

~~Effect on the proposed OPA: \_\_\_\_\_~~

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No  Yes

File number: PS 090-22 Status: Submitted; under review.

Approval authority: City of Windsor

Affected lands: North 'B' Site and South Site of the Banwell and McHugh Mixed Use Developments

Purpose of OP or ZBL amendment or Zoning Order: \_\_\_\_\_

To permit the development of High Profile residential dwellings; a business office; and a residential care facility.

Effect on the proposed OPA: N/A (applications are related)

Approval of a plan of subdivision or a site plan? No  Yes

~~File number: \_\_\_\_\_ Status: \_\_\_\_\_~~

~~Approval authority: \_\_\_\_\_~~

~~Affected lands: \_\_\_\_\_~~

~~Purpose of plan of subdivision or site plan: \_\_\_\_\_~~

~~Effect on the proposed OPA: \_\_\_\_\_~~

# OFFICIAL PLAN AMENDMENT APPLICATION

## 8. WATER & SANITARY SEWAGE DISPOSAL

---

**WATER** – Indicate whether water will be provided to the subject land by:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system | <input type="checkbox"/> A lake or other water body |
| <input type="checkbox"/> Privately owned & operated individual well              | <input type="checkbox"/> Other means: _____         |
| <input type="checkbox"/> Privately owned & operated communal well                |   |

**SANITARY** - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system | <input type="checkbox"/> A privy            |
| <input type="checkbox"/> Privately owned & operated individual septic system         | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal septic system           |   |

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

## 9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

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### TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The type of amendment is determined by the City Planner or their designate.

**Minor OPA:** A minor revision to the text of the Official Plan or a Site Specific Policy direction.

**Major OPA:** A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

### APPLICATION FEE

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa, or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca) or 519-255-6543.

	<i>Code</i>	<input type="checkbox"/> Minor OPA	<input checked="" type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
<b>Total Application Fee</b>		<b>= \$2,508.40</b>	<b>= \$8,462.35</b>

### OTHER FEES

**Re-Notification/Deferral Fee** 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

**Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00

An appeal is made through Council Services (519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

# OFFICIAL PLAN AMENDMENT APPLICATION

## 10. PROPOSED PUBLIC CONSULTATION STRATEGY

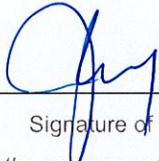
Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House       Website       Other \_\_\_\_\_

## 11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



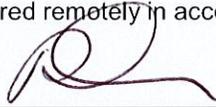
Signature of Applicant

Sign in the presence of a Commissioner  
For Taking Affidavits

Toronto, Ontario

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6<sup>TH</sup> day of APRIL, 2023  
day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

**ROCK-ANTHONY COCO,**  
a Commissioner, etc., Province of Ontario,  
for Coco International Inc.,  
and its subsidiaries, associated companies,  
and affiliates.  
Expires May 18, 2025.

**READ & COMPLETE SCHEDULE A IN FULL & SIGN**

# OFFICIAL PLAN AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgement

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### A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is  
*name of registered owner*

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.  
*name of agent*



Signature of Registered Owner

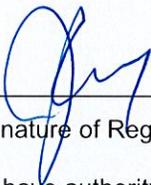
April 6, 2023

Date

If Corporation - I have authority to bind the corporation

### A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

**SCHEDULE A CONTINUES ON NEXT PAGE**

# OFFICIAL PLAN AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements - Continued

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### A3. Acknowledgements

#### Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that once the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

#### Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)

#### Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

END OF SCHEDULE A

# OFFICIAL PLAN AMENDMENT APPLICATION

## DO NOT COMPLETE BELOW – STAFF USE ONLY

<b>Receipt and Assignment of Application</b>		Date Received Stamp
This application has been assigned to:		
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)	
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)	
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)	
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)	
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____	

<b>Complete Application</b>		
This application is deemed complete on _____		
<i>Date</i>		
_____		
<i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

<b>Internal Information</b>			
Fee Paid: \$ _____	Receipt No: _____	Date: _____	
Payment Type: <input type="checkbox"/> Cash	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Personal Cheque
NEW File No. OPA/ _____			
Previous OPA File No. OPA/ _____			
Related Zoning File No. ZNG/ _____			
Other File Numbers: _____			
Notes: _____			
_____			

**THIS IS THE LAST PAGE OF THE APPLICATION FORM**

## ZONING BY-LAW AMENDMENT APPLICATION

### INSTRUCTIONS

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**Verify that you are using the most current application form.**

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

### TYPE OF REZONING AMENDMENT

### DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

#### Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
  - Addition to the list of permitted uses
- Site already zoned
  - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
  - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
  - Site-specific zoning for a site with a lot area of less than 1,000.0 m<sup>2</sup>

#### Major Zoning Amendment

- Any other amendment not listed as minor.

# ZONING BY-LAW AMENDMENT APPLICATION

## ZONING BY-LAW AMENDMENT PROCESS

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The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

## CONTACT INFORMATION

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Planning & Development Services  
Suite 210  
350 City Hall Square West  
Windsor ON N9A 6S1

Telephone: 519-255-6543  
Fax: 519-255-6544  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Web Site: [www.citywindsor.ca](http://www.citywindsor.ca)

# ZONING BY-LAW AMENDMENT APPLICATION

## 1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO  YES  File Number: PS- 090/22

*Staff Use Only*

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs <input type="checkbox"/> Brian Nagata <input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> Kevin Alexander <input type="checkbox"/> Justina Nwaesei <input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson <input type="checkbox"/> Frank Garardo	<input type="checkbox"/> Simona Simion <input type="checkbox"/> Laura Strahl

## 2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

# ZONING BY-LAW AMENDMENT APPLICATION

## 3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

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Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

### Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco  
*Name of Contact Person*

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: \_\_\_\_\_

Email: jcoco@cocogroup.com

### Registered Owner Same as Applicant

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
*Name of Contact Person*

Address: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill  
*Name of Contact Person*

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: \_\_\_\_\_

Email: toneill@dillon.ca

## 4. COMPANION APPLICATIONS

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Are you submitting a companion Official Plan Amendment application? NO  YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO  YES

Are you submitting a companion Site Plan Control application? NO  YES

# ZONING BY-LAW AMENDMENT APPLICATION

## 5. SUBJECT LAND INFORMATION

Municipal Address 0 Questa Drive (North 'A' Site)

Legal Description Part of block 1 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13317-0000

If known, the date the subject land was acquired by the current owner: +/- 25 years

Frontage (m) 161.1m Depth (m) Irregular Area (sq m) 14,322.52 sq m (1.43 ha / 3.54 ac)

Official Plan Designation Mixed Use Node (City of Windsor Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

Current Zoning General Commercial (East Riverside) (CD2.7) with S.20(1)218

Existing Uses Vacant

If known, the lengths of time that the existing uses have continued: +/- 40 years

Previous Uses Vacant / Agricultural

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO  YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO  YES  File: \_\_\_\_\_

An application for an amendment to a Zoning By-law: NO  YES  File: \_\_\_\_\_

An application for approval of a Site Plan: NO  YES  SPC- \_\_\_\_\_

A Minister's Zoning Order (Ontario Regulation): NO  YES  OR#: \_\_\_\_\_

# ZONING BY-LAW AMENDMENT APPLICATION

## 6. DESCRIPTION OF AMENDMENT

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Amendment to Zoning By-law from: General Commercial (East Riverside) (CD2.7) with S.20(1)218

to: Site-specific General Commercial (East Riverside) (CD2.7).

Proposed uses of subject land: Mixed use development including High Profile Multiple Dwellings, a Business Office, and a Residential Care Facility.

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Describe the nature and extent of the amendment(s) being requested:

A site-specific General Commercial (East Riverside) (CD2.7) zone with added permitted uses and relief from maximum building height and minimum landscaped open space provisions

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Added permitted uses of "Multiple Dwelling" and "Residential Care Facility" per Residential District 3.2 (RD3.2) with an increase in maximum building height from 30.0m to 35.0m, a reduction in minimum landscaped open space from 30.0% to 24.5% are requested to facilitate the proposed development.

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Why is this amendment or these amendments being requested?

The amendment is requested to facilitate the development of two (2) six (6)-storey High Profile multiple dwelling residential buildings on North 'A' Site. Each building is proposed to have 78 dwelling units for a sum total of 156 dwelling units. 227 parking spaces are proposed in the form of a surface parking lot for a proposed parking ratio of 1.45 spaces per dwelling unit.

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Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report \_\_\_\_\_

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Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report \_\_\_\_\_

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If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report

See Official Plan Amendment

N/A

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# ZONING BY-LAW AMENDMENT APPLICATION

## 7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

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Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
  - See attached Existing Plan or Sketch of Subject Land

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## 8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

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Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
  - See attached Site Plan Conceptual

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# ZONING BY-LAW AMENDMENT APPLICATION

## 9. ACCESS TO SUBJECT LAND

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Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road                       Provincial Highway                       Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

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## 10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

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**WATER** – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other \_\_\_\_\_

**SANITARY** - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other \_\_\_\_\_

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

**STORM DRAINAGE** - Indicate whether storm drainage will be provided by:

- Sewers                       Ditches                       Swales                       Other \_\_\_\_\_

# ZONING BY-LAW AMENDMENT APPLICATION

## 11. SKETCH OF SUBJECT LAND

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Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

## 12. APPLICATION FEE & OTHER FEES

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The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca) or 519-255-6543.

### APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input checked="" type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
<b>Total Application Fee</b>		<b>= \$4,597.00</b>	<b>= \$6,187.40</b>

### OTHER FEES

- Re-Notification/Deferral Fee** Code 53016 \$2,258.40  
 Required when an applicant requests a deferral after notice of a public meeting has been given.
- Legal Fee - Servicing Agreement** Code 63002 \$597.64 plus \$50 per unit, lot, or block  
 Required when the preparation of a servicing agreement is a condition of approval.
- Removal of the Holding Symbol Application** Code 53001 \$1,536.00  
 It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.
- Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00  
 An appeal is made through Council Services (519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information

# ZONING BY-LAW AMENDMENT APPLICATION

## 13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House

Website

Other \_\_\_\_\_

## 14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant

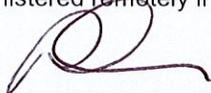
*Sign in the presence of a Commissioner  
For Taking Affidavits*

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me



at the

TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6 day of APRIL, 20 23  
day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

**ROCK-ANTHONY COCO,**  
a Commissioner, etc., Province of Ontario,  
for Coco International Inc.,  
and its subsidiaries, associated companies,  
and affiliates.

Expires May 18, 2025.

**READ & COMPLETE SCHEDULES A & E IN FULL & SIGN**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements

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### A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is  
*Name of Registered Owner*

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.  
*Name of Agent*



Signature of Registered Owner

April 6, 2023

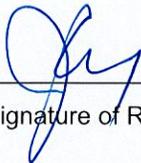
Date

If Corporation - I have authority to bind the corporation

### A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco,  
*Name of Registered Owner*

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

**SCHEDULE A CONTINUES ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements - *Continued*

### A3. Acknowledgements

#### Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

#### Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)

#### Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

**END OF SCHEDULE A  
COMPLETE SCHEDULE E ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE E – Environmental Site Screening Questionnaire

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### Previous Use of Property

- Residential       Industrial       Commercial       Institutional  
 Agricultural       Parkland       Vacant       Other \_\_\_\_\_

- a) If previous use of the property is Industrial or Commercial, specify use:  
N/A
- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?  
 Yes       No       Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?  
 Yes       No       Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?  
 Yes       No       Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*
- Yes       No       Unknown
- \* Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*
- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

**SCHEDULE E CONTINUES ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE E - CONTINUED

### Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

1027458 Ontario Inc. c/o Jenny Coco

Name of Applicant (print)

Signature of Applicant

April 6, 2023

Date

Dillon Consulting Limited c/o Theresa O'Neill

Name of Agent (print)



Signature of Agent

March 31, 2023

Date

**END OF SCHEDULE E**

# ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

<b>Receipt and Assignment of Application</b>	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

<b>Complete Application</b>		
This application is deemed complete on _____ <i>Date</i>		
_____ <i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

<b>Internal Information</b>			
Fee Paid: \$ _____	Receipt No: _____	Date: _____	
Payment Type: <input type="checkbox"/> Cash	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Personal Cheque
NEW Zoning File No. ZNG/ _____	Z- _____		
Previous Zoning File No. ZNG/ _____	Z- _____		
Related OPA File No. OPA/ _____	OPA _____		
Other File Numbers: _____			
Notes: _____			
_____			

**THIS IS THE LAST PAGE OF THE APPLICATION FORM**

## OFFICIAL PLAN AMENDMENT APPLICATION

### INSTRUCTIONS

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**Verify that you are using the most current application form.**

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report". If the question is not applicable, check the box beside "Not Applicable".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres of it.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Check the appropriate box based on the pre-submission consultation with the Planner.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Schedules: Read and complete Schedule A in full and sign.
- Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca).
- Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

**DATE RECEIVED STAMP**

### CONTACT INFORMATION

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Planning & Development Services  
Suite 210  
350 City Hall Square West  
Windsor ON N9A 6S1

Telephone: 519-255-6543  
Fax: 519-255-6544  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Web Site: [www.citywindsor.ca](http://www.citywindsor.ca)

# OFFICIAL PLAN AMENDMENT APPLICATION

## 1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO  YES  File Number: PS- 090/22

*Staff Use Only*

Signature of Staff Planner		Date of Consultation	
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander	<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei	<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____		

## 2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other documents shall be provided in Word and PDF format. All PDF documents shall be flattened with no layers.

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual	<input checked="" type="checkbox"/> Sketch of Subject Land
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

# OFFICIAL PLAN AMENDMENT APPLICATION

## 3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

---

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

### Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco  
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: N/A

Email: JCoco@cocogroup.com

### Registered Owner Same as Applicant

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Name of Contact Person

Address: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill  
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: N/A

Email: toneill@dillon.ca

## 4. COMPANION APPLICATIONS

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Are you submitting a companion Rezoning application? NO  YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO  YES

Are you submitting a companion Site Plan Control Application? NO  YES

# OFFICIAL PLAN AMENDMENT APPLICATION

## 5. SUBJECT LAND INFORMATION

Municipal Address 0 Banwell Road (North 'B' Site)

Legal Description Part of block 7 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13375-0000

Frontage (m) 207.2m Depth (m) Irregular Area (sq m) 16,632.95 sq m (1.66 ha / 4.11 ac)

Current Official Plan Designation Mixed Use Node (Primary Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

What land uses are permitted by the Official Plan Designation? Mixed Use Node - Retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional open space and residential uses of up to four stories in height & Banwell Road Mixed Use Corridor - Retail and service establishments; commercial offices; restaurants, including outdoor cafes; cultural, recreational and entertainment uses; theatres and cinemas; community, social and institutional uses; residential apartments, multi-plexes and stacked townhouses; and public transportation facilities. (Secondary Plan).

## 6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: The City of Windsor Official Plan

Amendment to Official Plan from Mixed Use Node & Banwell Road Mixed Use Corridor to Site Specific Mixed Use Node & Banwell Road Mixed Use Corridor

Purpose of the proposed OPA: To facilitate the development of the subject site for High Profile residential buildings.

The proposed development includes two (2) multiple dwelling residential buildings that are six (6)-storeys in height, each with 78 units and one (1) multiple dwelling residential building that is six (6)-storeys in height, with 24 units.

What land uses will the proposed official plan amendment (OPA) authorize? Mixed Use Node land use permitting High Profile residential dwelling units as a permitted use and an increased building height from four (4)-storeys to 10-storeys and Banwell Road Mixed Use Corridor permitting use of Community Institutions (per 2.7.4.1) as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No  Yes

If yes, the policy to be changed, replaced or deleted: N/A

Does the proposed OPA add a policy to the Official Plan? No  Yes

# OFFICIAL PLAN AMENDMENT APPLICATION

## 6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

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Does the proposed OPA change or replace a designation in the Official Plan? No  Yes

If yes, the designation to be changed or replaced: \_\_\_\_\_

Site Specific Mixed Use Node (Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

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If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable                       See Planning Rationale Report                       See Attached

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Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report                       See Attached

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# OFFICIAL PLAN AMENDMENT APPLICATION

## 7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No  Yes

~~File number: \_\_\_\_\_ Status: \_\_\_\_\_~~

~~Approval authority: \_\_\_\_\_~~

~~Affected lands: \_\_\_\_\_~~

~~Purpose of Minor Variance or Consent: \_\_\_\_\_~~

~~Effect on the proposed OPA: \_\_\_\_\_~~

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No  Yes

File number: PS 090-22 Status: Submitted; under review.

Approval authority: City of Windsor

Affected lands: North 'A' Site and South Site of the Banwell and McHugh Mixed Use Developments

Purpose of OP or ZBL amendment or Zoning Order: \_\_\_\_\_

To permit the development of High Profile residential dwellings; a business office; and a residential care facility.

Effect on the proposed OPA: N/A (applications are related)

Approval of a plan of subdivision or a site plan? No  Yes

~~File number: \_\_\_\_\_ Status: \_\_\_\_\_~~

~~Approval authority: \_\_\_\_\_~~

~~Affected lands: \_\_\_\_\_~~

~~Purpose of plan of subdivision or site plan: \_\_\_\_\_~~

~~Effect on the proposed OPA: \_\_\_\_\_~~

# OFFICIAL PLAN AMENDMENT APPLICATION

## 8. WATER & SANITARY SEWAGE DISPOSAL

---

**WATER** – Indicate whether water will be provided to the subject land by:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system<br><input type="checkbox"/> Privately owned & operated individual well<br><input type="checkbox"/> Privately owned & operated communal well | <input type="checkbox"/> A lake or other water body<br><input type="checkbox"/> Other means: _____ |
|--|--|

**SANITARY** - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system<br><input type="checkbox"/> Privately owned & operated individual septic system<br><input type="checkbox"/> Privately owned & operated communal septic system | <input type="checkbox"/> A privy<br><input type="checkbox"/> Other means: _____ |
|--|---|

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

## 9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

---

### TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The type of amendment is determined by the City Planner or their designate.

**Minor OPA:** A minor revision to the text of the Official Plan or a Site Specific Policy direction.

**Major OPA:** A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

### APPLICATION FEE

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa, or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca) or 519-255-6543.

	<i>Code</i>	<input type="checkbox"/> Minor OPA	<input checked="" type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
<b>Total Application Fee</b>		<b>= \$2,508.40</b>	<b>= \$8,462.35</b>

### OTHER FEES

**Re-Notification/Deferral Fee** 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

**Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00

An appeal is made through Council Services (519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

# OFFICIAL PLAN AMENDMENT APPLICATION

## 10. PROPOSED PUBLIC CONSULTATION STRATEGY

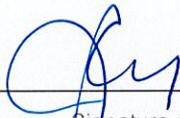
Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House     Website     Other \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## 11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant

Sign in the presence of a Commissioner  
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6<sup>th</sup> day of APRIL, 2023

day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

**ROCK-ANTHONY COCO,**  
a Commissioner, etc., Province of Ontario,  
for Coco International Inc.,  
and its subsidiaries, associated companies,  
and affiliates.  
Expires May 18, 2025.

**READ & COMPLETE SCHEDULE A IN FULL & SIGN**

# OFFICIAL PLAN AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgement

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### A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is  
*name of registered owner*

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.  
*name of agent*



Signature of Registered Owner

April 6, 2023

Date

If Corporation - I have authority to bind the corporation

### A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

**SCHEDULE A CONTINUES ON NEXT PAGE**

# OFFICIAL PLAN AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements - Continued

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### A3. Acknowledgements

#### Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that once the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

#### Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)

#### Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

END OF SCHEDULE A

# OFFICIAL PLAN AMENDMENT APPLICATION

## DO NOT COMPLETE BELOW – STAFF USE ONLY

<b>Receipt and Assignment of Application</b>	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

<b>Complete Application</b>		
This application is deemed complete on _____ <div style="text-align: right;"><i>Date</i></div>		
_____ <i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

<b>Internal Information</b>
Fee Paid: \$ _____ Receipt No: _____ Date: _____
Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Certified Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Personal Cheque
NEW File No. OPA/ _____
Previous OPA File No. OPA/ _____
Related Zoning File No. ZNG/ _____
Other File Numbers: _____
Notes: _____
_____

**THIS IS THE LAST PAGE OF THE APPLICATION FORM**

## ZONING BY-LAW AMENDMENT APPLICATION

### INSTRUCTIONS

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**Verify that you are using the most current application form.**

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

### TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

#### Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
  - Addition to the list of permitted uses
- Site already zoned
  - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
  - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
  - Site-specific zoning for a site with a lot area of less than 1,000.0 m<sup>2</sup>

#### Major Zoning Amendment

- Any other amendment not listed as minor.

# ZONING BY-LAW AMENDMENT APPLICATION

## ZONING BY-LAW AMENDMENT PROCESS

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The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

## CONTACT INFORMATION

---

Planning & Development Services  
Suite 210  
350 City Hall Square West  
Windsor ON N9A 6S1

Telephone: 519-255-6543  
Fax: 519-255-6544  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Web Site: [www.citywindsor.ca](http://www.citywindsor.ca)

# ZONING BY-LAW AMENDMENT APPLICATION

## 1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO  YES  File Number: PS- 090/22

*Staff Use Only*

Signature of Staff Planner		Date of Consultation	
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander	<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei	<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____		

## 2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

# ZONING BY-LAW AMENDMENT APPLICATION

## 3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

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Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

### Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco  
*Name of Contact Person*

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: \_\_\_\_\_

Email: jcoco@cocogroup.com

### Registered Owner Same as Applicant

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
*Name of Contact Person*

Address: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill  
*Name of Contact Person*

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: \_\_\_\_\_

Email: toneill@dillon.ca

## 4. COMPANION APPLICATIONS

---

Are you submitting a companion Official Plan Amendment application? NO  YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO  YES

Are you submitting a companion Site Plan Control application? NO  YES

# ZONING BY-LAW AMENDMENT APPLICATION

## 5. SUBJECT LAND INFORMATION

Municipal Address 0 Banwell Road (North 'B' Site)

Legal Description Part of block 7 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13375-0000

If known, the date the subject land was acquired by the current owner: +/- 25 years

Frontage (m) 207.2m Depth (m) Irregular Area (sq m) 16,632.95 sq m (1.66 ha / 4.11 ac)

Official Plan Designation Mixed Use Node (City of Windsor Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

Current Zoning General Commercial (East Riverside) (CD2.7)

Existing Uses Vacant

If known, the lengths of time that the existing uses have continued: +/- 40 years

Previous Uses Vacant / Agricultural

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO  YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO  YES  File: \_\_\_\_\_

An application for an amendment to a Zoning By-law: NO  YES  File: \_\_\_\_\_

An application for approval of a Site Plan: NO  YES  SPC- \_\_\_\_\_

A Minister's Zoning Order (Ontario Regulation): NO  YES  OR#: \_\_\_\_\_

# ZONING BY-LAW AMENDMENT APPLICATION

## 6. DESCRIPTION OF AMENDMENT

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Amendment to Zoning By-law from: General Commercial (East Riverside) (CD2.7)

to: Site-specific General Commercial (East Riverside) (CD2.7).

Proposed uses of subject land: Mixed use development including High Profile Multiple Dwellings, a Business Office, and a Residential Care Facility.

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Describe the nature and extent of the amendment(s) being requested:

A site-specific General Commercial (East Riverside) (CD2.7) zone with added permitted uses and relief from maximum building height and minimum landscaped open space provisions

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Added permitted uses of "Multiple Dwelling" and "Residential Care Facility" per Residential District 3.2 (RD3.2) with an increase in maximum building height from 30.0m to 35.0m, a reduction in minimum landscaped open space from 30.0% to 24.5% are requested to facilitate the proposed development.

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Why is this amendment or these amendments being requested?

The amendment is requested to facilitate the development of three (3) six (6)-storey High Profile multiple dwelling residential buildings on North 'B' Site. Two (2) of the buildings are proposed to have 78 dwelling units and one (1) building is proposed to have 24 units, for a sum total of 180 dwelling units. 270 parking spaces are proposed in the form of a surface parking lot and single car garages for a proposed parking ratio of 1.50 spaces per dwelling unit.

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Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report \_\_\_\_\_

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Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report \_\_\_\_\_

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If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report

See Official Plan Amendment

N/A

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# ZONING BY-LAW AMENDMENT APPLICATION

## 7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

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Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
  - See attached Existing Plan or Sketch of Subject Land

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## 8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

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Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
  - See attached Site Plan Conceptual

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# ZONING BY-LAW AMENDMENT APPLICATION

## 9. ACCESS TO SUBJECT LAND

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Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road                       Provincial Highway                       Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

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## 10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

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**WATER** – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other \_\_\_\_\_

**SANITARY** - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other \_\_\_\_\_

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

**STORM DRAINAGE** - Indicate whether storm drainage will be provided by:

- Sewers                       Ditches                       Swales                       Other \_\_\_\_\_

# ZONING BY-LAW AMENDMENT APPLICATION

## 11. SKETCH OF SUBJECT LAND

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Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

## 12. APPLICATION FEE & OTHER FEES

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The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca) or 519-255-6543.

### APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input checked="" type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ \$200.00	+ \$300.00
<b>Total Application Fee</b>		<b>= \$4,597.00</b>	<b>= \$6,187.40</b>

### OTHER FEES

<b>Re-Notification/Deferral Fee</b>	Code 53016	\$2,258.40
Required when an applicant requests a deferral after notice of a public meeting has been given.		
<b>Legal Fee - Servicing Agreement</b>	Code 63002	\$597.64 plus \$50 per unit, lot, or block
Required when the preparation of a servicing agreement is a condition of approval.		
<b>Removal of the Holding Symbol Application</b>	Code 53001	\$1,536.00
It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.		
<b>Ontario Land Tribunal (OLT) Appeal Fee</b>		\$1,100.00
An appeal is made through Council Services (519-255-6211 or <a href="mailto:clerks@citywindsor.ca">clerks@citywindsor.ca</a> ). Fees, forms, and processes are subject to change. Visit <a href="https://olt.gov.on.ca">https://olt.gov.on.ca</a> for additional information		

# ZONING BY-LAW AMENDMENT APPLICATION

## 13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House

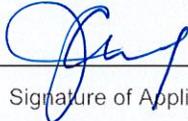
Website

Other \_\_\_\_\_

## 14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant

*Sign in the presence of a Commissioner  
For Taking Affidavits*

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me



Signature of Commissioner

at the

TORONTO, ONTARIO

Location of Commissioner

this 6 day of APRIL, 2023  
day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

**ROCK-ANTHONY COCO,**  
a Commissioner, etc., Province of Ontario,  
for Coco International Inc.,  
and its subsidiaries, associated companies,  
and affiliates.

**READ & COMPLETE SCHEDULES A & E IN FULL & SIGN**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements

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### A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is  
*Name of Registered Owner*

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.  
*Name of Agent*

April 6, 2023

  
\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
Date

If Corporation - I have authority to bind the corporation

### A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco,  
*Name of Registered Owner*

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.

  
\_\_\_\_\_  
Signature of Registered Owner

April 6, 2023  
\_\_\_\_\_  
Date

If Corporation – I have authority to bind the corporation

**SCHEDULE A CONTINUES ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements - *Continued*

### A3. Acknowledgements

#### Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

#### Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)

#### Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

**END OF SCHEDULE A  
COMPLETE SCHEDULE E ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE E – Environmental Site Screening Questionnaire

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### Previous Use of Property

- Residential       Industrial       Commercial       Institutional  
 Agricultural       Parkland       Vacant       Other \_\_\_\_\_

- a) If previous use of the property is Industrial or Commercial, specify use:  
N/A
- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?  
 Yes       No       Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?  
 Yes       No       Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?  
 Yes       No       Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*
- Yes       No       Unknown

*\* Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*

- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

**SCHEDULE E CONTINUES ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE E - CONTINUED

### Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

1027458 Ontario Inc. c/o Jenny Coco

Name of Applicant (print)



Signature of Applicant

April 6, 2023

Date

Dillon Consulting Limited c/o Theresa O'Neill

Name of Agent (print)

Signature of Agent

March 31, 2023

Date

**END OF SCHEDULE E**

# ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

<b>Receipt and Assignment of Application</b>	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

<b>Complete Application</b>		
This application is deemed complete on _____ <i>Date</i>		
_____ <i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

<b>Internal Information</b>			
Fee Paid: \$ _____	Receipt No: _____	Date: _____	
Payment Type: <input type="checkbox"/> Cash	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Personal Cheque
NEW Zoning File No. ZNG/ _____	Z- _____		
Previous Zoning File No. ZNG/ _____	Z- _____		
Related OPA File No. OPA/ _____	OPA _____		
Other File Numbers: _____			
Notes: _____			
_____			

**THIS IS THE LAST PAGE OF THE APPLICATION FORM**

## OFFICIAL PLAN AMENDMENT APPLICATION

### INSTRUCTIONS

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**Verify that you are using the most current application form.**

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report". If the question is not applicable, check the box beside "Not Applicable".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres of it.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Check the appropriate box based on the pre-submission consultation with the Planner.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Schedules: Read and complete Schedule A in full and sign.

Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca).

Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

**DATE RECEIVED STAMP**

### CONTACT INFORMATION

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Planning & Development Services  
Suite 210  
350 City Hall Square West  
Windsor ON N9A 6S1

Telephone: 519-255-6543  
Fax: 519-255-6544  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Web Site: [www.citywindsor.ca](http://www.citywindsor.ca)

# OFFICIAL PLAN AMENDMENT APPLICATION

## 1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO  YES  File Number: PS- 090/22

*Staff Use Only*

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

## 2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other documents shall be provided in Word and PDF format. All PDF documents shall be flattened with no layers.

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual	<input checked="" type="checkbox"/> Sketch of Subject Land
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

# OFFICIAL PLAN AMENDMENT APPLICATION

## 3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

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Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

### Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco  
*Name of Contact Person*

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: N/A

Email: JCoco@cocogroup.com

### Registered Owner Same as Applicant

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
*Name of Contact Person*

Address: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill  
*Name of Contact Person*

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: N/A

Email: toneill@dillon.ca

## 4. COMPANION APPLICATIONS

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Are you submitting a companion Rezoning application? NO  YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO  YES

Are you submitting a companion Site Plan Control Application? NO  YES

# OFFICIAL PLAN AMENDMENT APPLICATION

## 5. SUBJECT LAND INFORMATION

Municipal Address 0 McHugh Street (South Site)

Legal Description Part of Blocks 8 and 9, Plan 12M-425 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-04150-0010

Frontage (m) 239.4m Depth (m) Irregular Area (sq m) 53,592.96 sq m (5.35 ha / 13.23 ac)

Current Official Plan Designation Mixed Use Node (Primary Plan) & Business Park (East Riverside Secondary Plan)

What land uses are permitted by the Official Plan Designation? Mixed Use Node - Retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional

open space and residential uses of up to four stories in height & Business Park - offices, Class 1 Industrial Facilities as defined by the Ontario, retail outlets ancillary to industrial uses, research, development and technology uses, large-scale warehouse type "big box"

retail establishments (having floor areas of between 4,000 and 20,000 square metres/43,000 and 215,000 square feet), public, separate or commercial schools, fitness centres, and restaurant; and other service commercial uses intended to serve employees of the area. (Secondary Plan).

## 6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: The City of Windsor Official Plan

Amendment to Official Plan from Mixed Use Node & Business Park to Site Specific Mixed Use Node & Banwell Road Mixed Use Corridor

Purpose of the proposed OPA: To facilitate the development of the subject site for High Profile residential buildings.

The proposed development includes one (1) multiple dwelling residential building that is six (6)-storeys with 72 units; one (1) multiple dwelling residential building that is eight (8)-storeys with 96 units;

two (2) multiple dwelling residential buildings that are 10-storeys in height, each with 120 units; a two (2)-storey business office; and a residential care facility.

What land uses will the proposed official plan amendment (OPA) authorize? Mixed Use Node land use permitting High Profile residential dwelling units as a permitted use and an increased building height from four (4)-storeys to 10-storeys and

Banwell Road Mixed Use Corridor permitting use of Community Institutions (per 2.7.4.1) as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No  Yes

If yes, the policy to be changed, replaced or deleted: N/A

Does the proposed OPA add a policy to the Official Plan? No  Yes

# OFFICIAL PLAN AMENDMENT APPLICATION

## 6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

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Does the proposed OPA change or replace a designation in the Official Plan? No  Yes

If yes, the designation to be changed or replaced: \_\_\_\_\_

Site Specific Mixed Use Node (Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

---

If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable                       See Planning Rationale Report                       See Attached

---

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If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable                       See Planning Rationale Report                       See Attached

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If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable                       See Planning Rationale Report                       See Attached

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Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report                       See Attached

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# OFFICIAL PLAN AMENDMENT APPLICATION

## 7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No  Yes

File number: \_\_\_\_\_ Status: \_\_\_\_\_

Approval authority: \_\_\_\_\_

Affected lands: \_\_\_\_\_

Purpose of Minor Variance or Consent: \_\_\_\_\_

Effect on the proposed OPA: \_\_\_\_\_

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No  Yes

File number: PS 090-22 Status: Submitted; under review.

Approval authority: City of Windsor

Affected lands: North 'A' Site and North 'B' Site of the Banwell and McHugh Mixed Use Developments

Purpose of OP or ZBL amendment or Zoning Order: \_\_\_\_\_

To permit the development of High Profile residential dwellings; a business office; and a residential care facility.

Effect on the proposed OPA: N/A (applications are related)

Approval of a plan of subdivision or a site plan? No  Yes

File number: \_\_\_\_\_ Status: \_\_\_\_\_

Approval authority: \_\_\_\_\_

Affected lands: \_\_\_\_\_

Purpose of plan of subdivision or site plan: \_\_\_\_\_

Effect on the proposed OPA: \_\_\_\_\_

# OFFICIAL PLAN AMENDMENT APPLICATION

## 8. WATER & SANITARY SEWAGE DISPOSAL

---

**WATER** – Indicate whether water will be provided to the subject land by:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system<br><input type="checkbox"/> Privately owned & operated individual well<br><input type="checkbox"/> Privately owned & operated communal well | <input type="checkbox"/> A lake or other water body<br><input type="checkbox"/> Other means: _____ |
|--|--|

**SANITARY** - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system<br><input type="checkbox"/> Privately owned & operated individual septic system<br><input type="checkbox"/> Privately owned & operated communal septic system | <input type="checkbox"/> A privy<br><input type="checkbox"/> Other means: _____ |
|--|---|

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

## 9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

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### TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The type of amendment is determined by the City Planner or their designate.

**Minor OPA:** A minor revision to the text of the Official Plan or a Site Specific Policy direction.

**Major OPA:** A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

### APPLICATION FEE

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa, or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca) or 519-255-6543.

	<i>Code</i>	<input type="checkbox"/> Minor OPA	<input checked="" type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
<b>Total Application Fee</b>		<b>= \$2,508.40</b>	<b>= \$8,462.35</b>

### OTHER FEES

**Re-Notification/Deferral Fee** 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

**Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00

An appeal is made through Council Services (519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

# OFFICIAL PLAN AMENDMENT APPLICATION

## 10. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House

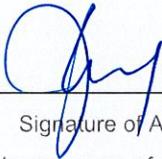
Website

Other \_\_\_\_\_

## 11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant

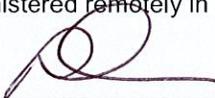
Sign in the presence of a Commissioner  
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me



Signature of Commissioner

at the

TORONTO, ONTARIO

Location of Commissioner

this

6<sup>TH</sup>

day

day of

APRIL

month

2023

year

PLACE AN IMPRINT OF YOUR STAMP BELOW

**ROCK-ANTHONY COCO,**  
a Commissioner, etc., Province of Ontario,  
for Coco International Inc.,  
and its subsidiaries, associated companies,  
and affiliates.  
Expires May 18, 2025.

**READ & COMPLETE SCHEDULE A IN FULL & SIGN**

# OFFICIAL PLAN AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgement

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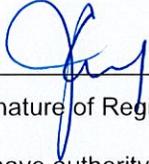
### A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is  
*name of registered owner*

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.  
*name of agent*



Signature of Registered Owner

April 6, 2023

Date

If Corporation - I have authority to bind the corporation

### A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

**SCHEDULE A CONTINUES ON NEXT PAGE**

# OFFICIAL PLAN AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements - Continued

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### A3. Acknowledgements

#### Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that once the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

#### Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)

#### Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

END OF SCHEDULE A

# OFFICIAL PLAN AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

## Receipt and Assignment of Application

Date Received Stamp

This application has been assigned to:

- |   |   |
|---|---|
| <input type="checkbox"/> Adam Szymczak (AS)   | <input type="checkbox"/> Brian Nagata (BN)    |
| <input type="checkbox"/> Frank Garardo (FG)   | <input type="checkbox"/> Greg Atkinson (GA)   |
| <input type="checkbox"/> Jim Abbs (JA)        | <input type="checkbox"/> Justina Nwaesei (JN) |
| <input type="checkbox"/> Kevin Alexander (KA) | <input type="checkbox"/> Laura Strahl (LS)    |
| <input type="checkbox"/> Simona Simion (SS)   | <input type="checkbox"/> _____                |

## Complete Application

This application is deemed complete on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Delegated Authority*

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Neil Robertson, MCIP, RPP<br>Manager of Urban Design | <input type="checkbox"/> Michael Cooke, MCIP, RPP<br>Manager of Planning Policy | <input type="checkbox"/> Thom Hunt, MCIP, RPP<br>City Planner & Executive Director |
|---|---|--|

## Internal Information

Fee Paid: \$ \_\_\_\_\_ Receipt No: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Type:  Cash  Certified Cheque  Credit Card  Personal Cheque

NEW File No. OPA/ \_\_\_\_\_

Previous OPA File No. OPA/ \_\_\_\_\_

Related Zoning File No. ZNG/ \_\_\_\_\_

Other File Numbers: \_\_\_\_\_

Notes: \_\_\_\_\_

**THIS IS THE LAST PAGE OF THE APPLICATION FORM**

## ZONING BY-LAW AMENDMENT APPLICATION

### INSTRUCTIONS

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**Verify that you are using the most current application form.**

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

### TYPE OF REZONING AMENDMENT

### DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

#### **Minor Zoning Amendment**

- Site zoned commercial, institutional, or manufacturing
  - Addition to the list of permitted uses
- Site already zoned
  - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
  - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
  - Site-specific zoning for a site with a lot area of less than 1,000.0 m<sup>2</sup>

#### **Major Zoning Amendment**

- Any other amendment not listed as minor.

# ZONING BY-LAW AMENDMENT APPLICATION

## ZONING BY-LAW AMENDMENT PROCESS

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The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

## CONTACT INFORMATION

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Planning & Development Services  
Suite 210  
350 City Hall Square West  
Windsor ON N9A 6S1

Telephone: 519-255-6543  
Fax: 519-255-6544  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Web Site: [www.citywindsor.ca](http://www.citywindsor.ca)

# ZONING BY-LAW AMENDMENT APPLICATION

## 1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO  YES  File Number: PS- 090/22

*Staff Use Only*

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

## 2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

# ZONING BY-LAW AMENDMENT APPLICATION

## 3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

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Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

### Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco  
*Name of Contact Person*

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: \_\_\_\_\_

Email: jcoco@cocogroup.com

### Registered Owner Same as Applicant

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
*Name of Contact Person*

Address: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill  
*Name of Contact Person*

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: \_\_\_\_\_

Email: toneill@dillon.ca

## 4. COMPANION APPLICATIONS

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- Are you submitting a companion Official Plan Amendment application? NO  YES
- Are you submitting a companion Plan of Subdivision/Condominium application? NO  YES
- Are you submitting a companion Site Plan Control application? NO  YES

# ZONING BY-LAW AMENDMENT APPLICATION

## 5. SUBJECT LAND INFORMATION

Municipal Address 0 McHugh Street (South Site)

Legal Description Part of Blocks 8 and 9, Plan 12M-425 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-04150-0010

If known, the date the subject land was acquired by the current owner: +/- 25 years

Frontage (m) 239.4m Depth (m) Irregular Area (sq m) 53,592.96 sq m (5.35 ha / 13.23 ac)

Official Plan Designation Mixed Use Node (City of Windsor Official Plan) & Business Park (East Riverside Secondary Plan)

Current Zoning Manufacturing District 1.4 (MD1.4) with S.20(1)112

Existing Uses Vacant

If known, the lengths of time that the existing uses have continued: +/- 40 years

Previous Uses Vacant / Agricultural

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO  YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO  YES  File: \_\_\_\_\_

An application for an amendment to a Zoning By-law: NO  YES  File: \_\_\_\_\_

An application for approval of a Site Plan: NO  YES  SPC- \_\_\_\_\_

A Minister's Zoning Order (Ontario Regulation): NO  YES  OR#: \_\_\_\_\_

# ZONING BY-LAW AMENDMENT APPLICATION

## 6. DESCRIPTION OF AMENDMENT

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Amendment to Zoning By-law from: Manufacturing District 1.4 (MD1.4) with S.20(1)112

to: Site-specific General Commercial (East Riverside) (CD2.7).

Proposed uses of subject land: Mixed use development including High Profile Multiple Dwellings, a Business Office, and a Residential Care Facility.

---

Describe the nature and extent of the amendment(s) being requested:

A site-specific General Commercial (East Riverside) (CD2.7) zone with added permitted uses and relief from maximum building height and minimum landscaped open space provisions

---

Added permitted uses of "Multiple Dwelling" and "Residential Care Facility" per Residential District 3.2 (RD3.2) with an increase in maximum building height from 30.0m to 35.0m, a reduction in minimum landscaped open space from 30.0% to 24.5% are requested to facilitate the proposed development.

---

Why is this amendment or these amendments being requested?

The amendment is requested to facilitate the development of two (2) 10-storey High Profile multiple dwelling residential buildings each with 120 units; one (1) eight (8)-storey High Profile multiple dwelling residential building with 96 units; one (1) six (6)-storey High Profile multiple dwelling residential building with 72 units; a two (2)-storey business office with 1,860m<sup>2</sup> of GFA; and one (1) respite care home with 499m<sup>2</sup> of GFA on South Site. A sum total of 408 dwelling units are proposed with 603 parking spaces in the form of a surface parking lot for a proposed parking ratio of 1.30 spaces per residential dwelling unit.

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Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report \_\_\_\_\_

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Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report \_\_\_\_\_

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If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report  See Official Plan Amendment

N/A

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# ZONING BY-LAW AMENDMENT APPLICATION

## 7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

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Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
  - See attached Existing Plan or Sketch of Subject Land

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## 8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

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Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
  - See attached Site Plan Conceptual

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# ZONING BY-LAW AMENDMENT APPLICATION

## 9. ACCESS TO SUBJECT LAND

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Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road                       Provincial Highway                       Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

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## 10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

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**WATER** – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other \_\_\_\_\_

**SANITARY** - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other \_\_\_\_\_

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

**STORM DRAINAGE** - Indicate whether storm drainage will be provided by:

- Sewers                       Ditches                       Swales                       Other \_\_\_\_\_

# ZONING BY-LAW AMENDMENT APPLICATION

## 11. SKETCH OF SUBJECT LAND

---

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

## 12. APPLICATION FEE & OTHER FEES

---

The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca) or 519-255-6543.

### APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input checked="" type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
<b>Total Application Fee</b>		<b>= \$4,597.00</b>	<b>= \$6,187.40</b>

### OTHER FEES

- Re-Notification/Deferral Fee** Code 53016 \$2,258.40  
 Required when an applicant requests a deferral after notice of a public meeting has been given.
- Legal Fee - Servicing Agreement** Code 63002 \$597.64 plus \$50 per unit, lot, or block  
 Required when the preparation of a servicing agreement is a condition of approval.
- Removal of the Holding Symbol Application** Code 53001 \$1,536.00  
 It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.
- Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00  
 An appeal is made through Council Services (519-255-6211 or [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information

# ZONING BY-LAW AMENDMENT APPLICATION

## 13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House       Website       Other \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## 14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



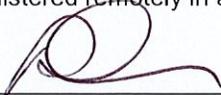
Signature of Applicant

Sign in the presence of a Commissioner  
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6<sup>TH</sup> day of APRIL, 20 23

day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

**ROCK-ANTHONY COCO,**  
a Commissioner, etc., Province of Ontario,  
for Coco International Inc.,  
and its subsidiaries, associated companies,  
and affiliates.

Expire: Mar 19, 2025  
**READ & COMPLETE SCHEDULES A & E IN FULL & SIGN**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements

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### A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is  
*Name of Registered Owner*

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.  
*Name of Agent*

  
Signature of Registered Owner

April 6, 2023  
Date

If Corporation - I have authority to bind the corporation

### A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco,  
*Name of Registered Owner*

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.

  
Signature of Registered Owner

April 6, 2023  
Date

If Corporation – I have authority to bind the corporation

**SCHEDULE A CONTINUES ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE A – Authorizations & Acknowledgements - *Continued*

### A3. Acknowledgements

#### Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

#### Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)

#### Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

**END OF SCHEDULE A  
COMPLETE SCHEDULE E ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE E – Environmental Site Screening Questionnaire

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### Previous Use of Property

- Residential       Industrial       Commercial       Institutional  
 Agricultural       Parkland       Vacant       Other \_\_\_\_\_

- a) If previous use of the property is Industrial or Commercial, specify use:  
N/A
- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?  
 Yes       No       Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?  
 Yes       No       Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?  
 Yes       No       Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*

*\* Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*

- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

**SCHEDULE E CONTINUES ON NEXT PAGE**

# ZONING BY-LAW AMENDMENT APPLICATION

## SCHEDULE E - CONTINUED

### Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

1027458 Ontario Inc. c/o Jenny Coco

Name of Applicant (print)

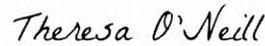
Signature of Applicant

April 6, 2023

Date

Dillon Consulting Limited c/o Theresa O'Neill

Name of Agent (print)



Signature of Agent

March 31, 2023

Date

**END OF SCHEDULE E**

# ZONING BY-LAW AMENDMENT APPLICATION

**DO NOT COMPLETE BELOW – STAFF USE ONLY**

<b>Receipt and Assignment of Application</b>	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

<b>Complete Application</b>		
This application is deemed complete on _____ <div style="text-align: right;"><i>Date</i></div>		
_____		
<i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

<b>Internal Information</b>
Fee Paid: \$ _____ Receipt No: _____ Date: _____
Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Certified Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Personal Cheque
NEW Zoning File No. ZNG/ _____ Z- _____
Previous Zoning File No. ZNG/ _____ Z- _____
Related OPA File No. OPA/ _____ OPA _____
Other File Numbers: _____
Notes: _____
_____

**THIS IS THE LAST PAGE OF THE APPLICATION FORM**

# Appendix B

## Provincial Policy Statement 2020

## Part V: Policies

### 1.0 Building Strong Healthy Communities

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

Accordingly:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

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

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

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

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

### 1.1.3 Settlement Areas

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

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

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

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

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

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

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

## 1.2.6 Land Use Compatibility

1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) *adverse effects* to the proposed *sensitive land use* are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

## 1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

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

## 1.4 Housing

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

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

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

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

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

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

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

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

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

1.5.1 Healthy, active communities should be promoted by:

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

## 1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

## 1.6.6 Sewage, Water and Stormwater

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

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

1.6.6.7 Planning for stormwater management shall:

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

## **1.6.7 Transportation Systems**

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

## **1.6.8 Transportation and Infrastructure Corridors**

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

## 1.6.11 Energy Supply

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

## 1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

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

## 1.8 Energy Conservation, Air Quality and Climate Change

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

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

# Appendix C

## City of Windsor *Official* Plan Policies

**FOUR  
INTERRELATED  
THEMES**

The Community's commitment to the vision is reflected in an action strategy centred around four interrelated pillars, namely:

- (a) Our Economy: Cultivated and Competitive;
- (b) Our Society: Diverse and Caring;
- (c) Our Environment: Clean & Efficient; and
- (d) Our Government: Responsive & Responsible.



**3.2 Growth Concept**

The 1996 Census population of Windsor was 197,695. Windsor's population is expected to increase by between 11,980 to 23,280 from 1996 to 2016. This growth and corresponding demographic changes, is projected to result in the need for an additional 10,950 dwelling units and create between 13,900 and 29,600 new jobs. This, in turn, will result in the projected development of between 390 to 476 hectares of residential lands and 243 to 514 hectares of employment and commercial lands.

The policies of this Plan are directed toward accommodating the projected growth through practical and efficient land use management strategies that promote a compact pattern of development and balanced transportation system. Compatible residential, commercial and employment growth will be directed to appropriate locations within existing and planned neighbourhoods to reduce development and infrastructure costs and provide opportunities to live, work and shop in

close proximity. Mixed use developments will be encouraged with strong pedestrian orientations and to support public transit. This concept will enable Windsor to continue its growth and foster a vibrant economy, while ensuring a safe, caring and diverse community and a sustainable, healthy environment.

In order to manage growth consistent with the community vision, the following key policy directions are provided for in the other chapters of this Plan.

### 3.2.1 Safe, Caring and Diverse Community

*NEIGHBOURHOOD CENTRES* 3.2.1.1 Windsorites want to be a part of neighbourhoods that meet their needs as places to live, shop and play. Each neighbourhood will have a central area that provides a focus for activities and is within a convenient walking distance. Here, people will find shops, jobs, neighbourhood based services, public places that are safe and inviting, and a place to meet with neighbours and join in community life. The neighbourhood centre will provide a variety of housing types for all ages and incomes.

*NEIGHBOURHOOD HOUSING VARIETY* 3.2.1.2 Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

*DISTINCTIVE NEIGHBOURHOOD CHARACTER* 3.2.1.3 Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced. Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of homes, amenities and services.

*COMMUNITY DESIGN* 3.2.1.4 The design of buildings and spaces will respect and enhance the character of their surroundings, incorporating natural features and creating interesting and comfortable places. Streets, open spaces and the greenway system will serve as public amenities connecting and defining neighbourhoods and contributing to Windsor’s image. New development in Windsor will accommodate the needs of pedestrians, cyclists and other recreational activities.

### 3.3.2 Vibrant Economy

*EMPLOYMENT* 3.2.2.1 Windsor’s economy will be stimulated by active employment centres that

city and region. This type of node typically serves as a location for the provision of hospital-based health care and/or major post-secondary institutions. Regional Institutional Centres can also function as employment centres providing jobs in the health care, education, research and development, offices, retail and personal service sectors.

(c) Regional Employment Centres

Regional Employment Centres are a type of Major Activity Centre where a large number of jobs are located. This type of node typically serves as a location for the large scale manufacturing or distribution of goods. Additionally, retail, office and personal service uses may be established as ancillary uses.

(d) Regional Open Space System

The Regional Open Space System includes the major natural and open space features that form part of a continuous system throughout Windsor. Some components of the Regional Open Space System are also designated as Natural Heritage in the Official Plan although not all Natural Heritage features are components of the Regional Open Space System. The Regional Open Space System includes an existing and future natural and naturalized corridor around Windsor with opportunities for future recreation and recreational pathways.

### 3.3.2 Corridors

Corridors represent the backbones of the urban network structure. Neighbourhoods gravitate towards these corridors to serve their everyday needs or to connect with larger nodes, commercial centres and employment centres to access a wider range of services and opportunities. Corridors have opportunities for intensification that would provide a wider range of services and opportunities for adjacent neighbourhoods but also more opportunities to live and work in the area. Corridors may connect with nodes and extend along roadways radiating away from a central point. Some corridors exist without such connections and represent stand alone sections.

Corridors are located along transit routes, with City Corridors having the most frequent service. Ideally, corridors are walkable, providing neighbourhoods and those who use transit with easy access to services along main streets. Corridors provide residents with opportunities to travel by bus, bicycle or on foot to their desired destination within or

beyond their neighbourhood. Increased employment and residential densities along corridors support more frequent transit, and in turn more frequent transit supports and attracts higher density land uses along the corridor. This symbiotic relationship between transit, pedestrians and corridor intensification is key to the success of any corridor. Thus, corridors and transit should be planned and fostered together.

**CITY  
CORRIDORS**

**3.3.2.1** City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. City corridors radiate from these Centres following numerous high frequency transit corridors. City corridors connect to Regional Commercial Centres along selected arterial roads but do not extend as far outward or as numerous as corridors connected to the City Centre. These corridors are intended to provide services for those living in close proximity to the area but also those who may arrive by transit, bicycle and by car.

There are higher density employment and residential opportunities, with a significant amount of retail to support both every day needs, but also needs beyond the day such as furniture and appliance stores, home improvement stores, and stores that carry specialty items.

Pharmacies and medical service are available with multiple choices for specialized care including doctors who specialize in specific types of care.

Government services and buildings associated with the municipality, province or federal government are also found in these areas.

Entertainment facilities, designed to attract people from well beyond the immediate area are also found on corridors that radiate from the City Centre.

Transit service is frequent (10-20 minute peak headways) and offers multiple connections to other nodes and corridors throughout the city by a main transfer location or transit station. Regional transit connections are also available.

Residential development may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts.

**NEIGHBOURHOOD  
CORRIDORS**

**3.3.2.2** The purpose and function of neighbourhood corridors is to link street sections to neighbourhood nodes or as standalone sections of community retail and services. These corridors provide for the day to day needs of the immediate neighbourhood that surrounds them. While employment is not the major focus, these corridors create a sense of community by

*ECONOMIC  
OPPORTUNITY*

4.1.6 Economic opportunities throughout Windsor.

*STAY SAFE*

4.1.7 A safe environment throughout Windsor.

*BALANCED  
DECISION  
MAKING*

4.1.8 A decision making process that balances environmental, economic and social considerations.

## **4.2 Objectives**

### **4.2.1 Healthy and Liveable City**

*PLANNING &  
DESIGN*

4.2.1.1 To consider community health in the planning and design of Windsor and its neighbourhoods.

*ACTIVE  
LIFESTYLE*

4.2.1.2 To provide for activities and facilities which will foster an active lifestyle to improve community health.

*MONITOR  
HEALTH*

4.2.1.3 To regularly monitor community health.

*CLIMATE  
PROTECTION*

4.2.1.4 To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.

*AGING IN  
PLACE*

4.2.1.5 To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.

*PEDESTRIAN  
SCALE*

4.2.1.6 To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.

### **4.2.2 Environmental Sustainability**

*PLANNING &  
DESIGN*

4.2.2.1 To consider the environment in the planning and design of Windsor.

*ECOSYSTEMS*

4.2.2.2 To protect and restore ecosystems.

*SUSTAINABLE  
DEVELOPMENT*

4.2.2.3 To encourage community planning, design and development that is sustainable.

*COMPATIBLE  
DEVELOPMENT*

4.2.2.4 To promote development that meets human needs and is compatible with the natural environment.

*REDUCE  
ENVIRONMENTAL  
IMPACTS*

4.2.2.5 To reduce environmental impacts.

### **4.2.3 Quality of Life**

- MIX OF USES* 4.2.3.1 To encourage a mix of uses.
- PROXIMITY OF BASIC SERVICES* 4.2.3.2 To encourage the location of basic goods and services close to where people live and work.
- COMMUNITY NEEDS* 4.2.3.3 To recognize the needs of the community in terms of shelter, support services, accessibility and mobility.
- HOUSING MIX** 4.2.3.4 To accommodate the appropriate range and mix of housing.
- LOCATION OF COMMUNITY SERVICES* 4.2.3.5 To encourage community services at appropriate locations throughout Windsor.
- FIRST NATIONS* 4.2.3.6 To recognize the needs of the First Nations communities for housing and support services.

### **4.2.4 Sense of Community**

- SOCIAL INTERACTION* 4.2.4.1 To encourage development that fosters social interaction.
- COMMUNITY LIVING* 4.2.4.2 To encourage development that fosters the integration of all residents into the community.
- ADAPTABLE DEVELOPMENT** 4.2.4.3 To encourage developments that adapt to changing resident needs.
- COMMUNITY FACILITIES* 4.2.4.4 To co-locate community facilities.

### **4.2.5 Community Empowerment**

- EDUCATION & TRAINING* 4.2.5.1 To encourage the development of education and training facilities throughout Windsor.
- PUBLIC INVOLVEMENT* 4.2.5.2 To encourage and facilitate public involvement in planning and development initiatives.
- INFORMATION SYSTEM* 4.2.5.3 To ensure effective public information and communication on planning and development initiatives.

## 5.4.6 Floodplain Areas Policies

The following policies apply to lands within the Floodplain Areas designated on Schedule C: Development Constraint Areas and should be read in conjunction with the Infrastructure chapter of this Plan. Floodplains contain both a floodway (where flood depths and velocities are the greatest) and a flood fringe.

<i>FLOODPLAIN BOUNDARIES</i>	5.4.6.1	The Floodplain Areas subject to the following policies were determined in consultation with the Essex Region Conservation Authority and follow the general boundaries shown on Schedule C: Development Constraint Areas.
<i>FLOODWAY</i>	5.4.6.2	Council will prohibit new development within the floodway of inland watercourses. The Municipality, in consultation with the Essex Region Conservation Authority, will identify the floodway on a site-specific basis and may include it in secondary plans and/or the zoning by-law as appropriate.
<i>DEVELOPMENT WITHIN FLOODPLAIN</i>	5.4.6.3	Council will prohibit buildings or structures in Floodplain Areas except:  (a) in accordance with policies set out below; and  (b) works and facilities related to flood and erosion control.
<i>DEVELOPMENT CRITERIA</i>	5.4.6.4	Council may permit development in a floodplain in recognized flood fringe areas outside of the floodway, including behind flood control dykes (so as to address the matter of the potential failure of protective works) provided:  (a) sufficient information accompanies the application to show that the proposed development and its occupants will be protected from the effects of a Regulatory Flood;  (b) the potential upstream and downstream impacts of the development proposal will not significantly affect the hydrology or hydraulics of the floodplain; and  (c) that adequate floodproofing measures, determined in consultation with the Essex Region Conservation Authority, are incorporated in the development.

- (o) Future Employment Area (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

TYPES OF  
DEVELOPMENT  
PROFILE

6.2.1.2

For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

TYPES OF  
DEVELOPMENT  
PATTERN

6.2.1.3

For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for:

- (a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and
- (b) an Undeveloped Area which does not have characteristic lotting or development profile.

## 6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

The following objectives and policies establish the framework for development decisions in Residential areas.

### 6.3.1 Objectives

*EER REQUIRED  
FOR ADJACENT  
LANDS*

6.8.2.4

Council shall protect lands designated as Natural Heritage from incompatible development. Accordingly any proponent of development adjacent to lands designated as Natural Heritage may be required to complete an Environmental Evaluation Report or other suitable study in accordance with the Procedures chapter of this Plan. The identification of adjacent lands subject to this requirement will be determined on a site specific basis by the Municipality, in consultation with the province and/or the Essex Region Conservation Authority, and in accordance with policy 10.2.5.4 of this Plan.

*CONSERVATION  
MANAGEMENT  
PLAN*

6.8.2.5

The Municipality will prepare a conservation management plan for municipally-owned lands which are designated as Natural Heritage and will encourage other land owners to do the same.

## **6.9 Mixed Use**

The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use areas.

### **6.9.1 Objectives**

*MULTI-  
FUNCTIONAL  
AREAS*

6.9.1.1

To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses.

*COMPACT FORM*

6.9.1.2

To encourage a compact form of mixed use development.

*SPECIAL  
IDENTITIES*

6.9.1.3

To provide opportunities to create and maintain special area identities and focal points within Windsor.

*STRATEGIC  
LOCATIONS*

6.9.1.4

To identify strategic locations which are highly visible and accessible for mixed use development.

*VIABLE AREAS*

6.9.1.5

To ensure the long term viability of Mixed Use areas.

*PUBLIC SPACES*

6.9.1.6

To provide public places for strolling, recreation, conversation and entertainment.

**TRANSPORTATION MODES** 6.9.1.7 To increase the use of walking, cycling and public transportation within the designated Mixed Use area by fostering a strong live-work-shopping-recreation relationship.

## 6.9.2 Policies

**PERMITTED USES** 6.9.2.1 Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.

**FORM OF MIXED USE AREAS** 6.9.2.2 For the purpose of this Plan, Mixed Use development is further classified as follows:

- (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and
- (b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.

**LOCATIONAL CRITERIA** 6.9.2.3 Mixed Use development shall be located where:

- (a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and
- (d) the surrounding development pattern is compatible with Mixed Use development.

**EVALUATION CRITERIA** 6.9.2.4 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) within a site of potential or known contamination;
  - (iii) where traffic generation and distribution is a provincial or municipal concern; and
  - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off street parking;
- (e) pedestrian oriented;
- (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (g) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

**DESIGN  
GUIDELINES**

**6.9.2.5**

The following guidelines shall be considered when evaluating the proposed design of a Mixed Use development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment;

- (c) at least one building wall should be located on an exterior lot line and oriented to the street to afford direct sidewalk pedestrian access from the public right-of-way;
- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties is generally discouraged and is encouraged via a rear yard service road or alley;
- (f) parking areas shall be encouraged at the rear of buildings;
- (g) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (h) the development is designed to foster distinctive and attractive area identity;
- (i) the public rights-of-way are designed to foster distinctive and attractive area identity and to provide for vehicle use, regular public transportation service as well as pedestrian and cycling travel; and
- (j) integration of the development with the surrounding uses to contribute to the unique character of the area.

**SITE PLAN  
CONTROL**

**6.9.2.6**

Council will require all development within areas designated Mixed Use to be subject to site plan control.

*REDUCED  
PARKING  
REQUIREMENT*

**6.9.2.7**

Council may establish off street parking standards to reflect public transportation supportive designs or shared parking arrangements in Mixed Use developments.

# 7 Infrastructure

This chapter was amended as part of Official Plan Amendments #81 as part of a 5-year review of the Official Plan. Official Plan Amendment #81 was approved by the Ministry of Municipal Affairs and Housing on 09/07/2012.

## 7.0 Preamble

The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion. This chapter of the Official Plan provides goals, objectives and policies for the transportation system identified on Schedule 'F': Roads and Bikeways as well as the provision of infrastructure such as sewerage and stormwater management works and utilities. This chapter should be read in conjunction with other parts of this Plan.

## 7.1 Goals

In keeping with the Strategic Directions, Council's infrastructure goals are to achieve:

*SUSTAINABLE  
INFRASTRUCTURE*

7.1.1 Safe, sustainable, effective and efficient infrastructure.

*OPTIMAL USE*

7.1.2 Optimal use of existing infrastructure.

*COMMUNITY  
TRANSPORTATION*

7.1.3 An accessible, affordable and available transportation system.

*BALANCED  
SYSTEM*

7.1.4 An environment in which all modes of transportation can play a balanced role.

*COORDINATED,  
EFFICIENT AND  
COST  
EFFECTIVE*

7.1.5 The provision of infrastructure in a coordinated, efficient and cost effective manner.

*INTEGRATED  
PLANNING*

7.1.6 Integration of planning for infrastructure with the planning for growth.

*PROTECT  
NATURAL  
FEATURES*

7.1.7 For development and site alteration on lands located within or adjacent to the significant habitat of endangered species or threatened species; Provincially Significant Wetlands; or, natural heritage features; the

policies contained within Chapter 5 and Chapter 6 of this Plan will also apply.

Activities that create or maintain infrastructure authorized under the *Environmental Assessment Act* process are not considered to be development or site alteration under the *Planning Act*. Wherever possible, those activities should avoid natural heritage features and areas, and if avoidance is not possible, minimize the impact to natural heritage features. Only when avoidance and minimization are not feasible, compensatory mitigation should be applied.

## 7.2 Transportation System

A safe, sustainable, effective and efficient transportation system is one which meets the needs of all users in a manner consistent with a healthy environment and vibrant economy. In order to achieve this balance, Council will manage Windsor's transportation system to enhance physical mobility and ensure that the economic, social and environmental needs of the community are met.

### 7.2.1 Objectives

- |  |         |   |
|--|---------|---|
| <i>ESTABLISH SYSTEM</i>                        | 7.2.1.1 | To establish a safe and efficient transportation system that facilitates the movement of people and goods and is appropriate to address projected needs.  |
| <i>EFFICIENT USE</i>                           | 7.2.1.2 | To make efficient use of existing and planned transportation infrastructure.  |
| <i>INTEGRATED TRANSPORTATION SYSTEM</i>        | 7.2.1.3 | To provide for the integration, coordination and extension of the transportation system within, to and from Windsor.                                      |
| <i>INTERCONNECTED TRANSPORTATION SYSTEM</i>    | 7.2.1.4 | To provide a system with functional connectivity and interconnectedness.  |
| <i>LAND USE, DENSITY AND MIX</i>               | 7.2.1.5 | To promote a land use pattern, density and mix of uses that reduces vehicle trips and supports alternative transportation modes including public transit. |
| <i>INTEGRATING LAND USE AND TRANSPORTATION</i> | 7.2.1.6 | To integrate land use and transportation considerations at all stages of the planning process.  |
| <i>TRANSPORTATION CORRIDORS</i>                | 7.2.1.7 | To plan and protect transportation corridors and their infrastructure facilities to meet current and projected needs.                                     |

(e) Establishes the preferred solution and corresponding implementation measures; and

(f) Includes a comprehensive public participation program.

COOPERATION  
&  
COORDINATION

7.2.2.4 Council shall work to achieve the coordinated planning, expansion and maintenance of the transportation system in cooperation with other public agencies and private organizations to promote increased density of development.

ALTERNATIVE  
DEVELOPMENT  
PATTERNS

7.2.2.5 Council shall promote development patterns that support an increase in walking, cycling and public transportation in accordance with the Land Use and Urban Design chapters of this Plan.

BALANCED  
TRANSPORTATION  
SYSTEM

7.2.2.6 Council shall develop a balanced transportation system by:

(a) Adopting strategies and programs that increase public transportation use, cycling and walking;

(b) Implementing the land use policies of this Plan that provide for a more compact urban form and are intended to reduce the growth in home based trip making;

(c) Maintaining a road level-of-service that optimizes the use of the existing network;

(d) Directing the expansion of existing roads or the construction of new ones in association with the application of transportation demand management strategies; and

(e) Implementing the urban design policies of this Plan that provide for an improved street environment.

(f) Implementing traffic calming devices in existing neighbourhoods and requiring traffic calming in new neighbourhoods consistent with the Traffic Calming Policy.

TRAFFIC  
CALMING  
DEVICES

7.2.2.7 Council may require traffic calming devices on:

(a) Existing roads;

(b) All proposed development;

(c) Infrastructure undertakings;

*SCHOOL  
ACTIVE  
TRANSPORTATION  
PLANS*

7.2.2.27

(f) Requiring all schools to provide adequate on-site parking and loading/unloading facilities.  
Council shall require that school boards implement active transportation plans for new or refurbished schools that include:

- (a) Safe walking routes including new sidewalk connections, street crossing improvements and other pedestrian infrastructure within the school property or municipal road allowance fronting the school property;
- (b) Appropriate way finding signage where necessary; and
- (c) Sufficient bicycle parking facilities for all students.

*CONTROLLED  
ACCESS  
DESIGNATION*

7.2.2.28

Council may designate any road as a controlled access road, regardless of classification for the purpose of protecting said roadway from driveway accesses that would be detrimental to the road's intended purpose or function.

*SCHEDULE F-1  
AND OPA #43*

7.2.2.29

Schedule F-1 to the Plan designates those elements that consist of rail corridors and some rail yards. The uses permitted on the lands so designated are those currently in existence and those uses permitted by the zoning by-law.

These elements of the transportation system, while important to broader economic goals, have historically resulted in significant land use impacts on adjacent uses. It is a policy of this Plan that, for uses other than those permitted by the zoning by-law:

- (a) No change to rail uses on, and
- (b) No expansions for non-rail uses of

those rail corridors and rail yards designated on Schedule F-1 will be made without amendment to this Plan as may be required by s. 7.2.8.4.

**7.2.3 Pedestrian Network Policies**

**PEDESTRIAN  
MOVEMENT**

**7.2.3.1**

Council shall require all proposed developments and infrastructure undertakings to provide facilities for pedestrian movements wherever appropriate by:

- (a) Requiring safe, barrier free, convenient and direct walking conditions for persons of all ages and abilities;

(b) Ensuring that all residents have access to basic community amenities and services and public transit facilities without dependence on car ownership; and

(c) Providing a walking environment within public rights-of-ways that encourages people to walk to work or school, for travel, exercise, recreation and social interaction.

*PEDESTRIAN  
NETWORK*

7.2.3.2 Council shall make pedestrian movement safer and more convenient by:

- (a) Requiring the provision of sidewalks in new developments as follows:
  - (i) On both sides of all Class I and Class II Arterial Roads, Class I and Class II Collector Roads and Scenic Drives; and
  - (ii) On at least one side of all Local Roads.
- (b) Giving priority to the completion of the pedestrian network in areas where there is significant vehicular and pedestrian traffic and policy clause (a) her-in has not been met;
- (c) Installing signalized pedestrian refuge median islands where warranted;
- (d) Maintaining the structural integrity of all existing pedestrian network and walkway connections in neighbourhoods;
- (e) Ensuring the natural surveillance of all existing pedestrian walkway connections in neighbourhoods to optimize safety such that the amount of unobservable space is minimized;
- (f) Requiring street lighting;
- (g) Requiring that all new residential subdivisions incorporate traffic calming measures consistent with the Traffic Calming Policy; and
- (h) Providing special sidewalk treatments at all intersections to make visible the location of the pedestrian crossing to drivers and to provide a tactile warning to visually impaired pedestrians that they are about to cross a roadway.

*RECREATIONWAY* 7.2.3.3 The Recreationway is designated on Schedule B: Greenway System.

*RECREATIONWAY  
DEVELOPMENT* 7.2.3.4 Council shall provide for the development of the Recreationway by:

- (ii) Minimizing conflicts between local and non-local traffic;
- (iii) Improving the level-of-service and road capacity;
- (iv) Minimizing any negative impacts on the social and natural environment of adjacent areas;
- (v) Providing for cycling facilities, as appropriate; and
- (vi) Providing for transit service, as appropriate.

**GUIDELINES  
FOR NEW  
ROADS**

**7.2.6.17** Council shall consider the following criteria when reviewing the roads proposed as a part of a new development:

- (a) The ability to achieve the Urban Design policies of this Plan;
- (b) Where new roads are required to serve a developing area, a logical hierarchy of roads is identified and designated with the capacity to accommodate anticipated traffic generated by the development;
- (c) The design of the road provides for safe traffic movement;
- (d) The carrying capacity of the adjacent roads is sufficient to accommodate the anticipated traffic generated by the proposed development, as well as existing traffic and anticipated growth levels of background traffic;
- (e) The carrying capacity of existing and proposed Class I and Class II Arterial Roads and Class I and Class II Collector Roads is protected by:
  - (i) The use of shared access, where appropriate, for new development; and
  - (ii) Limiting the number of entrances/exits for non-residential development located adjacent to these roads.
- (f) The ability to improve cycling network connections.

**RESIDENTIAL  
AREAS**

**7.2.6.18** Council shall encourage the development of a peaceful atmosphere in residential areas by:

- (a) Maintaining an adequate system of Collector and Arterial roads to serve residential areas;

- (b) Requiring the provision of appropriate noise control measures and off-street parking;
- (c) Locating medium and high density residential development along Collector and Arterial roads; and
- (d) Requiring the construction of sidewalks in accordance with policy 7.2.3.2;
- (e) Requiring that traffic calming devices be included in the road design of any new residential subdivision in accordance with the Traffic Calming Policy;
- (f) Applying the principles of the Traffic Calming Policy to existing roads in residential areas by ensuring that traffic calming is considered as part of any neighbourhood management plan and that traffic calming devices are placed where deemed to be necessary; and
- (g) Requiring that the impact of noise and the feasibility of achieving noise control objectives must be considered as factors in determining the design of residential areas and that noise barriers be considered only when it has been demonstrated that alternate noise abatement solutions are not feasible.

*NEW DEVELOPMENT*

7.2.6.19 All proponents of development may be required to complete a Traffic Impact Study to support the feasibility of a proposal, and if feasible, identify appropriate traffic management measures, in accordance with the Procedures chapter of this Plan.

*TRAFFIC CALMING IN NEW RESIDENTIAL SUBDIVISIONS*

7.2.6.20 Council shall require that all new residential subdivisions include traffic calming measures as an integral part of the road design. Administration will recommend appropriate traffic calming devices in all new subdivisions as follows:

- (a) Traffic calming devices must permit and enhance safe movement by all non-vehicular modes of travel and by bicycle; and
- (b) Traffic calming devices will conform with the provisions of the Traffic Calming Policy and will be considered within the context of the guidelines below:
  - (i) At the intersections of two local roads, roundabouts or traffic circles maybe utilized;
  - (ii) Curb extensions should be required at all intersections of Local

### 7.3.1 Objectives

**COORDINATED, EFFICIENT AND COST EFFECTIVE** 7.3.1.1 To provide infrastructure in a coordinated, efficient and cost effective manner to accommodate projected needs.

~~INTEGRATED PLANNING 7.3.1.2 To integrate the planning for infrastructure with the planning for growth so that these are available to meet current and projected needs.~~

**MAXIMIZE USE OF EXISTING INFRASTRUCTURE** 7.3.1.3 To maximize and optimize the use of existing infrastructure and corridors prior to the extension and creation of new ones.

~~MAINTAIN & UPGRADE 7.3.1.4 To establish priorities for the maintenance and up-grading of existing infrastructure.~~

~~SUFFICIENT SUPPLY 7.3.1.5 To ensure that there is sufficient infrastructure to accommodate anticipated growth in Windsor.~~

~~NATURAL & RECREATION OPPORTUNITIES 7.3.1.6 To encourage the integration of natural and recreational opportunities with physical services.~~

~~STORMWATER MANAGEMENT 7.3.1.7 To manage stormwater to effectively control the quality and quantity of urban runoff.~~

~~WATER QUALITY 7.3.1.8 To protect, manage and enhance water quality and quantity.~~

~~SOLID WASTE MANAGEMENT 7.3.1.9 To provide for the minimization and management of solid waste.~~

~~WATER CONSERVATION 7.3.1.10 To promote water conservation measures.~~

~~SEWAGE MANAGEMENT 7.3.1.11 To provide and maintain sanitary sewers, pumping stations and sewage treatment plants with sufficient capacity to accommodate the existing and future development.~~

~~NATURAL HERITAGE 7.3.1.12 To direct infrastructure, where possible, away from Natural Heritage Features and Areas.~~

### 7.3.2 General Policies

*INFRASTRUCTURE DEFINITION* 7.3.2.1 For the purpose of this Official Plan, infrastructure include sewerage, stormwater management and water works, waste management systems, electric power, communications, telecommunications, transit corridors, transportation corridors, and oil and gas pipelines and associated facilities.

*MANAGEMENT PLAN* 7.3.2.2 Council may require the preparation, implementation and monitoring of an Infrastructure Management Plan for Municipally owned and/or operated infrastructure, such as sewerage and stormwater management works, as a basis to:

- (a) Prioritize strategies for the maintenance and rehabilitation of existing infrastructure and the provision of new infrastructure; and
- (b) Monitor available capacity for new development.

**NEW DEVELOPMENT** 7.3.2.3 Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.

*INDIVIDUAL ON-SITE SEWAGE SERVICES* 7.3.2.4 Council shall not permit development on individual on-site sewage services beyond existing farm living lots.

**NEW INDIVIDUAL ON-SITE SEWAGE SERVICES** 7.3.2.5 Council shall not permit the installation of individual on-site sewage services in new developments.

*MONITOR CAPACITY* 7.3.2.6 Council shall monitor the available uncommitted reserve capacity of existing Municipally owned and/or operated infrastructure to ensure that they can accommodate projected long-term growth.

### 7.3.3 Infrastructure Provision Policies

*INFILLING GIVEN PRIORITY* 7.3.3.1 Council shall encourage the development of existing serviced, underutilized or undeveloped lands within Windsor prior to the extension of municipally owned and/or operated infrastructure to vacant areas within Windsor.

*EVALUATING A PROPOSED EXTENSION* 7.3.3.2 Council shall only approve the extension of municipally owned and/or operated infrastructure within Windsor when the following factors have been addressed:

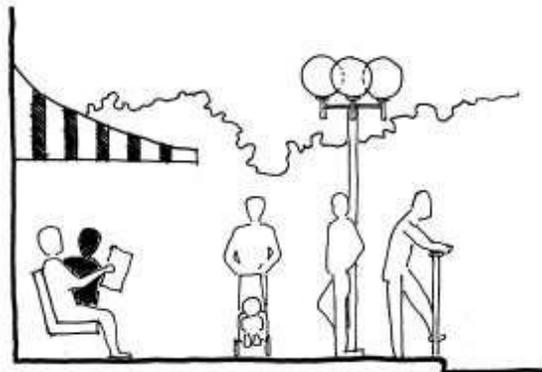
## 8.3 Design For People

### 8.3.1 Objectives

- COMFORT** 8.3.1.1 To achieve maximum user comfort in the design of new development.
- PEDESTRIAN SCALE** 8.3.1.2 To foster development that provides a pedestrian scale.
- SENSE OF PLACE** 8.3.1.3 To foster a sense of place within Windsor and its neighbourhoods.

### 8.3.2 Policies

- INTERPERSONAL COMMUNICATION & OBSERVATION** 8.3.2.1 Council will encourage buildings and spaces to be designed to accommodate interpersonal communication and observation.
- PEDESTRIAN SCALE** 8.3.2.2 Council will encourage buildings and spaces that establish a pedestrian scale by promoting:
- (a) the placement of continuous horizontal features on the first two storeys adjacent to the road;
  - (b) the repetition of landscaping elements, such as trees, shrubs or paving modules; and
  - (c) the use of familiar sized architectural elements such as doorways and windows.
- REST AREAS** 8.3.2.3 Council will support the provision of furniture, stairs, walls, and benches in public spaces that provide comfortable rest areas for pedestrians.



LIGHTING

8.3.2.4

Council will encourage the use of lighting fixtures along Mainstreets and in residential and mixed use areas to reinforce the pedestrian orientation of the streetscape.

## 8.4 Pedestrian Access

### 8.4.1 Objective

INTEGRATED DESIGN

8.4.1.1

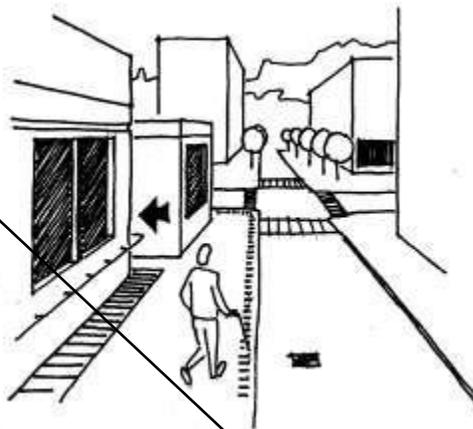
To integrate barrier-free pedestrian routes in the design of urban spaces.

### 8.4.2 Policies

WAY-FINDING

8.4.2.1

Council will encourage the design of pedestrian networks with a standard “way finding system” for persons with visual or hearing impairment. Design features may include raised letters, audio signals, large lettering, textured surfaces, coloured lines and patterns, and other clearly understandable directional cues.



REMOVAL OF OBSTRUCTIONS

8.4.2.2

Council will ensure that pedestrian movement is not obstructed by street furniture and landscaping elements.

INTEGRATED DESIGN

8.4.2.3

Council will ensure that barrier-free features are well integrated within existing and proposed pedestrian networks.

RETROFITTING

8.4.2.4

Council will ensure that retrofitting with barrier-free features is not detrimental to the architectural, historical and aesthetic value of heritage resources and buildings.

~~MINIMUM  
LANDSCAPING  
STANDARD~~

~~8.5.2.6~~

~~Council may establish:~~

- ~~(a) a minimum standard for landscaping; and~~
- ~~(b) a minimum landscaped area.~~

TREE  
CONSERVATION  
AND  
PROTECTION

8.5.2.7

Council will conserve and protect trees in accordance with the urban forestry policies of this Plan (see Environment Chapter).

ENERGY  
CONSERVATION

8.5.2.8

Council will encourage energy conservation through various guidelines that promote:

- ~~(a) developments to incorporate energy efficient designs;  
(Deleted by OPA #66-11/05/07-B/L209-2007)~~
- (a) energy efficient designs, materials and alternative energy sources such as water, wind and sun;  
(Added by OPA #66-11/05/07-B/L209-2007)
- ~~(b) a compact pattern of development that clusters compatible uses within close proximity to one another;  
(Deleted by OPA #66-11/05/07-B/L209-2007)~~
- (b) a compact, transit-oriented pattern of development that clusters compatible uses within close proximity to one another at densities that make transit service a viable investment;  
(Added by OPA #66-11/05/07-B/L209-2007)
- (c) landscaping that can assist in reducing heating and cooling requirements;
- (d) the conversion and reuse of buildings; and
- (e) a sustainable, effective and efficient transportation system.

EFFICIENT USE  
OF WATER

8.5.2.9

Council will encourage development to include features that reduce, control or treat site-runoff, use water efficiently and reuse or recycle water for on-site use when feasible.  
(Added by OPA #66-11/05/07-B/L209-2007)

## 8.7 Built Form

### 8.7.1 Objectives

VARIED  
DEVELOPMENT  
PATTERN

8.7.1.1 To achieve a varied development pattern which supports and enhances the urban experience.

COMPLEMENTARY  
DESIGN

8.7.1.2 To achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles.

VISUAL  
INTEREST

8.7.1.3 To maximize the variety and visual appeal of building architecture.

ART AND  
LANDSCAPING

8.7.1.4 To integrate art and landscaping with the built form.

UNIQUE  
CHARACTER

8.7.1.5 To enhance the unique character of a district, neighbourhood, prominent building or grouping of buildings.

SIGNS

8.7.1.6 To ensure that signs respect and enhance the character of the area in which they are located.

8.7.1.7 To achieve external building designs that reflect high standards of character, appearance, design and sustainable design features.  
(Added by OPA #66-11/05/07-B/L209-2007)

### 8.7.2 Policies

NEW  
DEVELOPMENT

8.7.2.1 ~~Council will ensure that the design of new development:~~  
(Deleted by OPA #66-11/05/07-B/L209-2007)

NEW  
DEVELOPMENT

8.7.2.1 Council will ensure that the design of new development:  
(Added by OPA #66-11/05/07-B/L209-2007)

~~(a) is complementary to adjacent development in terms of its overall massing, orientation and setback;~~  
(Deleted by OPA #66-11/05/07-B/L209-2007)

(a) is complementary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance;  
(Added by OPA #66-11/05/07-B/L209-2007)

(b) provides links with pedestrian, cycle, public transportation and road networks; and

- (c) maintains and enhances valued heritage resources and natural area features and functions.
- (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

REDEVELOPMENT  
AREAS

8.7.2.2

Council will ensure that the design of extensive areas of redevelopment achieves the following:

- (a) provides a development pattern that support a range of uses and profiles;
- (b) defines the perimeter of such an area by a distinct edge which may be formed by roads, elements of the Greenway System or other linear elements;
- (c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- (d) provides transportation links to adjacent areas; and
- (e) maintains and enhances valued historic development patterns or heritage resources.
- (f) is complementary to adjacent development in terms of overall massing, orientation, setback and exterior design, particularly character, scale and appearance.  
(Added by OPA #66-11/05/07-B/L209-2007)

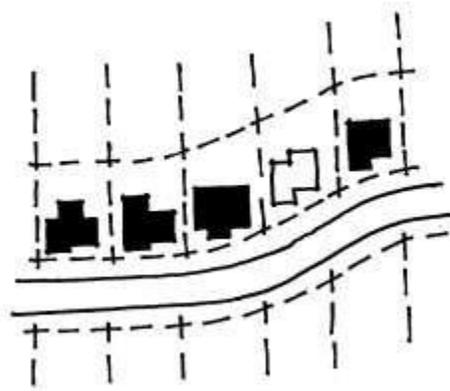
INFILL  
DEVELOPMENT

8.7.2.3

Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;
- (b) building height;
- (c) architectural proportion;

- (d) volumes of defined space;
- (e) lot size;
- (f) position relative to the road; and
- (g) building area to site area ratios.
- (h) the pattern, scale and character of existing development; and,  
(Added by OPA #66-11/05/07-B/L209-2007)
- (i) exterior building appearance  
(Added by OPA #66-11/05/07-B/L209-2007)



*TRANSITION IN  
BUILDING  
HEIGHTS*

8.7.2.4

Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.

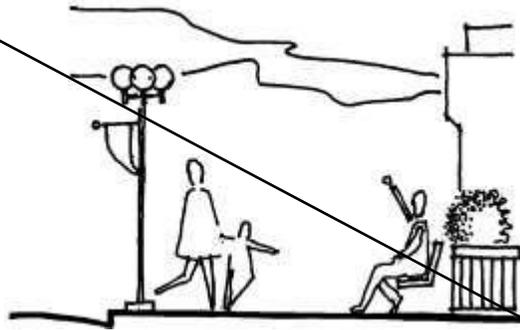
*CONTINUOUS  
BUILDING  
FACADES*

8.7.2.5

Council will require new development to support the creation of continuous building facades along Mainstreets through the street level presence of:

- (a) community facilities, retail shops, and other frequently visited uses; and
- (b) architectural features and elements which can be experienced by pedestrians.

- (d) provide a degree of protection from inclement weather;
- (e) provide seating surfaces in proportion to the intensity of activities and the size of the space; and
- (f) encourage an active street-life in all seasons.

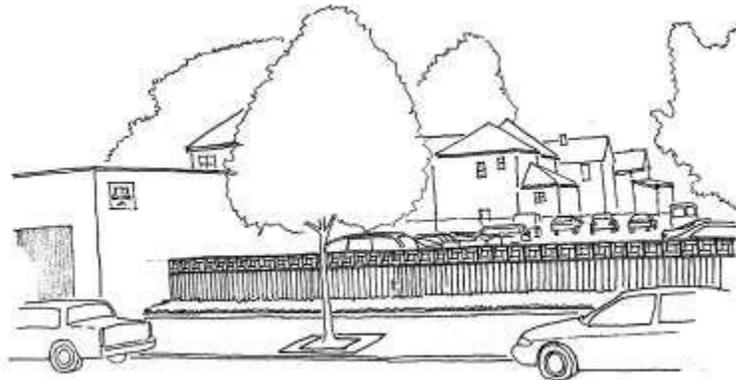


SIDEWALK  
CAFES

8.11.2.18 Council may support sidewalk cafes subject to appropriate design guidelines.

PARTIAL  
SCREENING OF  
PARKING LOTS

8.11.2.19 Council will encourage the partial screening of surface parking lots through the use of low fences, walls, berms and other landscape elements, and through the location of lots away from street view, while still permitting views for orientation and safety.



SCALE OF  
SURFACE  
PARKING LOTS

8.11.2.20 Council will encourage a reduction in the scale of large surface parking lots through subdivision into smaller areas by means of landscaping, fencing and walls.

LOCATION OF  
SURFACE  
PARKING LOTS

8.11.2.21 Council will encourage parking lots that avoid large expanses fronting the road.

### 11.6.3 Zoning By-law Amendment Policies

*AMENDMENTS  
MUST  
CONFORM*

11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.

*REVIEW  
PROCEDURE*

11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant's pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: **Added by OPA 65 – 10/22/2007– By-law 192-2007**

- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the *Planning Act*; and **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (c) Be given due and thorough consideration by Council. **Added by OPA 65 – 10/22/2007– By-law 192-2007**

*EVALUATION  
CRITERIA*

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

### 11.6.4 Bonusing Policies

## 11.7 Site Plan Control

Site Plan Control may be used to regulate the design of a development in accordance with the provisions of the *Planning Act*.

### 11.7.1 Objective

*URBAN DESIGN* 11.7.1.1 To implement the urban design policies of this Plan.

### 11.7.2 Policies

*SITE PLAN CONTROL AREA* 11.7.2.1 The entire area within the City of Windsor is designated as a Site Plan Control Area. ~~Council may enact a Site Plan Control By-law for all or part of the Site Plan Control area with immediate attention given to the following areas:~~

~~(a) The entire area within the City of Windsor is designated as a Site Plan Control Area; (Added by OPA #66-11/05/07-B/L209-2007)~~

~~(b) Commercial, industrial, mixed use, waterfront and medium and high profile residential development areas;~~

~~(c) Areas subject to secondary plans or community improvement plans;~~

~~(d) The City Centre Planning District;~~

~~(e) Areas designated as heritage conservation districts;~~

~~(f) Areas subject to the environmental policies of this Plan; and~~

~~(g) Areas in need of improvement.~~

(Amended by OPA #89 effective 19/11/12)

*EXEMPTIONS* 11.7.2.2 Council may exempt the following developments from site plan control: (Added by OPA #66-11/05/07-B/L209-2007)

~~(a) An addition to an accessory building as defined in the Zoning By-law where such addition is for the purpose of replacing a temporary building or buildings, structure or structures, provided that the lot coverage of such addition does not exceed the lot coverage of the temporary building(s) or structures(s) it is intended to replace. A building to be used for residential purposes containing less than 25 dwelling units unless the building is:~~

- (i) ~~Subject to the environmental, heritage conservation and/or community improvement policies of this Plan;~~
- (ii) ~~Located in a Business Improvement Area;~~
- (iii) ~~Situated within and/or adjacent to a Civic Way, Theme Street, Gateway and/or Heritage Area as set out in Schedule G: Civic Image of this Plan;~~

(Amended by OPA #89 effective 19/11/12)

- (b) ~~Small scale additions and small new buildings for commercial, combined commercial and residential, industrial or institutional use as noted in the Site Plan Control By-law;~~

Small scale low profile residential development unless the property is:

- (i) situated within an area that has been Designated a Heritage Conservation District under Part V of the Ontario Heritage Act;
- (ii) situated within the following Community Improvement Plan (CIP) Areas:

- City Centre West Urban Village CIP;
- Glengarry-Marentette Waterfront Village CIP;
- Olde Sandwich Towne CIP.

- (iii) situated within an area where Urban Design Guidelines have been adopted by Council;

(Amended by OPA #89 effective 19/11/12)

- (c) A commercial or combined commercial and residential building provided that the total floor area, at grade, measured from the exterior walls does not exceed fifty (50) square metres;

(Added by OPA #89 effective 19/11/12)

- (d) An addition to an existing commercial or combined commercial and residential building provided that the floor area measured, at grade, from the exterior walls of the addition does not exceed: i) fifty (50) square metres or ii) ten per cent (10%) of the total floor area, at grade, of the existing building, provided, that the ten percent (10%) does not exceed one hundred and fifty (150) square metres;

(Added by OPA #89 effective 19/11/12)

- (e) An industrial or institutional building provided that the total floor area, at grade, measured from the exterior walls does not exceed on hundred (100) square metres;

(Added by OPA #89 effective 19/11/12)

- (f) An addition to an existing industrial or institutional building provided that the total floor area, at grade, measured from the

exterior walls does not exceed i) one hundred square metres, or ii) ten per cent (10%) of the total floor area, at grade, of the existing building provided that the ten percent (10%) does not exceed two hundred and fifty (250) square metres;  
(Added by OPA #89 effective 19/11/12)

- (g) A temporary building or structure that is designed, constructed and placed on land in a manner which permits its removal after a period of time not to exceed one hundred and twenty (120) consecutive days;
- (h) A sign including any alternation to an existing sign;  
(Added by OPA #89 effective 19/11/12)
- (i) Building features or mechanical elements more particularly described as: a church spire, belfry, skylight, cupola, scenery loft chimney, smokestack, water tank, air-conditioning and/or heating equipment, ventilator, mechanical penthouse, protective and screening fences, communications equipment, pedestrian bridge, fire escape, building entrance/exit and canopy or awning, provided further that the said building feature or mechanical element is to be constructed separate and apart from any other development which requires approval;  
(Added by OPA #89 effective 19/11/12)
- (j) A parking area containing less than 5 parking spaces including all parking spaces, collector aisles and manoeuvring aisles, provided further that the said parking area is to be constructed separate and apart from any other developments as defined in this by-law which requires approval; and ~~A parking area capable of accommodating less than 5 parking spaces, including all parking spaces, collector aisles and maneuvering aisles, provided that the parking area is constructed separate and apart from any other development; and,~~  
(Amended by OPA #89 effective 19/11/12)
- (k) 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.  
(Amended by OPA #89 effective 19/11/12)

*REVIEW  
PROCEDURES*

11.7.2.3 Site plan control applications shall consult with municipal staff prior to the submission of plans and drawings for approval under the provisions of the Planning Act. ~~An application for site plan control shall include plans and drawings showing one or more of the following:~~

- (a) ~~The location of all buildings, structures, facilities and works to be~~

~~provided as a part of the proposed development;~~

- ~~(b) Plan, evaluation and cross-section views of each building to be erected;~~
- ~~(c) The massing and conceptual design of the building(s);~~
- ~~(d) The relationship of the building(s), streets and exterior areas to which the public have access;~~
- ~~(e) Interior walkways, stairs, elevators and escalators to which the public have access;~~
- ~~(f) Facilities designed to have regard for accessibility for persons with disabilities;~~
- ~~(g) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design;~~
- ~~(h) Sustainable design elements on adjoining highways including trees, other vegetation and permeable paving materials; and,~~
- ~~(i) Street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.~~  
(Amended by OPA #89 effective 19/11/12)

*PLANS &  
DRAWINGS*

- 11.7.2.4 An application for site plan control approval shall include the plans required by s.41 of the Planning Act. ~~An application for site plan control approval shall include the submission of plans and drawings showing the location of all buildings, structures, facilities and works to be provided as a part of the proposed development.~~  
(Amended by OPA #89 effective 19/11/12)

*ADDITIONAL  
INFORMATION  
FOR  
APPLICATION*

- 11.7.2.5 In addition to the provisions of Section 11.7.2.4, an application for site plan control approval shall include drawings showing plan and elevation views for each building to be erected and for each building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design.  
(Amended by OPA #89 effective 19/11/12)

*LOCATIONAL  
CRITERIA  
WHERE*

- 11.7.2.6 The provisions of Section 11.7.2.5 apply to the following:
- (a) Development situated within an area that has been designated a

*ADDITIONAL  
INFORMATION  
FOR  
APPLICATIONS  
REQUIRED*

Heritage Conservation District under Part V of the Ontario Heritage Act;

(b) Development situated within the following Community Improvement Plan (CIP) Areas;

- City Centre West Urban Village CIP;
- Glengarry-Marentette Waterfront Village CIP;
- Olde Sandwich Towne CIP;

(c) Development situated within an area where Urban Design Guidelines have been adopted by Council;

(d) Development situated with and/or adjacent to a Civic Way, Main Street, or Gateway area; and

(e) Development situated in a Business Improvement Area.  
(Amended by OPA #89 effective 19/11/12)

*EVALUATION  
CRITERIA*

11.7.2.7

Where an application for site plan control approval is made, Council or its designate shall review the submission based on the provisions of the *Planning Act* and the Site Plan Control By-law, including such criteria as:

- (a) The relevant design guidelines and policies provided in Land use, Urban Design and Heritage Conservation chapters of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Other municipal guidelines as may be appropriate;
- (c) Function and efficiency;
- (d) Safety and access;
- (e) Adequacy of servicing;
- (f) Grading and drainage;
- (g) Landscaping and lighting;
- (h) Sustainable design elements for the site and any adjacent boulevard; (Added by OPA #66-11/05/07-B/L209-2007)
- (i) Matters related to exterior design; (Added by OPA #66-11/05/07-B/L209-2007)
- (j) Accessibility for persons with disabilities; and (Added by OPA #66-11/05/07-B/L209-2007)

- (k) The design guidelines in the Sandwich Heritage Conservation District Plan dated July 2008, adopted by By-law No. 22-2009. (OPA 68, effective October 19, 2012, OMB Case Order No. PL090206)
- (l) Olde Sandwich Towne – Community Improvement Plan Supplemental Development and Urban Design Guidelines dated October 2008, adopted by By-Law 28-2009. (OPA 69, effective October 19, 2012, OMB Case Order No. PL090206)
- (m) Applicable Community Improvement Plans.  
(Amended by OPA #89 effective 19/11/12)

**AGREEMENTS**      11.7.2.8      All applicants will normally enter into one or more agreements which the City may register on title in accordance with the *Planning Act*. All applicants shall be required to post security to the Municipality to ensure the conditions of the site plan control agreement(s) are fulfilled. (Added by OPA #66-11/05/07-B/L209-2007)

**CONDITIONS OF APPROVAL**      11.7.2.9      The approval authority may attach such conditions as it deems appropriate to the approval of an application in accordance with the *Planning Act*. Such conditions may include, but are not limited to the following: (Added by OPA #66-11/05/07-B/L209-2007)

- (a) A gratuitous land dedication at no expense to the municipality for highway widening and intersection improvements in accordance with section 7.2.6 of this Plan;
- (b) The conveyance of property for daylighting triangles and corner roundings in accordance with the City of Windsor Development Standards;
- (c) Street furniture, curb ramps, waste and recycling containers, bicycle parking facilities and the sustainable design elements on any adjoining highway under the Municipality’s jurisdiction including trees, other vegetation and permeable paving materials; and, (Added by OPA #66-11/05/07-B/L209-2007)
- (d) Facilities designed to have regard for accessibility for persons with disabilities. (Added by OPA #66-11/05/07-B/L209-2007)

## **11.8      Community Improvement**

The Community Improvement provisions of the Planning Act allow municipalities to prepare community improvement plans for designated community improvement project areas that require community improvement as the result of age, dilapidation, overcrowding, faulty

**NOTICE OF ADOPTION  
FOR OFFICIAL PLAN AMENDMENT NO. 159  
TO THE CITY OF WINDSOR OFFICIAL PLAN**

**Issued Pursuant to Section 17(23) of The Planning Act  
R.S.O. 1990 and Ontario Regulation 198/96**

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1. By-law 100-2022, which adopts Official Plan Amendment No. 159, was passed by City Council on July 11, 2022.

2. Official Plan Amendment No. 159 has the following purpose and effect.

*Copy/paste*

3. Location of lands affected by Official Plan Amendment No. 159.

*City Wide*

**Ward: N/A**

**Planning District: N/A**

**ZDM: N/A**

4. Copies of the Official Plan Amendment and Planning Department staff reports are available for review by contacting the City Clerk's Office at [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca).

5. The last date for filing a notice of appeal is Tuesday, August 2, 2022.

6. (i) Any notice of appeal:

(a) Must be filed with the City Clerk of the City of Windsor;

(b) Must set out the reasons for the appeal and the specific part of the Official Plan Amendment to which the appeal applies;

(c) Must include the fee required by the Tribunal (***\$1,100.00 per person/per appeal***) prescribed under the Ontario Land Tribunal. The fee is made payable to the '***Minister of Finance***' and ***must be a certified cheque or money order***. If you wish to appeal to the Ontario Land Tribunal (OLT), a copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/>.

(ii) The proposed Official Plan Amendment is exempt from approval by the Regional Director, of the Ministry of Municipal Affairs Municipal Services Office. The Decision of the Council is ***final if a notice of appeal is not received*** on or before the last day for filing a notice of appeal.

(iii) Only individuals, corporations or public bodies may appeal a decision of the municipality or planning board to the Local Planning Appeal Tribunal. A notice of appeal may not be filed

by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

(iv) No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

7. **PLEASE BE ADVISED THAT** Council considered written and oral submissions related to the Official Plan Amendment or Zoning By-law Amendment before adoption. No edits were made to the Official Plan Amendment or Zoning By-law Amendment as a result of the written and oral submissions.

8. **FURTHER BE ADVISED** that the land to which the Official Plan Amendment applies is the subject of an application under The Planning Act, R.S.O. 1990 for the following:

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| (a) Minor Variance Application      | File No. ( <i>Not applicable</i> ) |
| (b) Plan of Subdivision Application | File No. ( <i>Not applicable</i> ) |
| (c) Zoning Amendment                | File No (Z-019/21 [ZNG/6756])      |

**DATED** at the City of Windsor this 15th day of July, 2022.



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ANNA CIACELLI, DEPUTY CITY CLERK  
WINDSOR, ONTARIO

**AMENDMENT NO. 159**  
**TO THE**  
**OFFICIAL PLAN**  
**CITY OF WINDSOR**

Part B (The Amendment) of the following text, and attached map of the City of Windsor Official Plan constitute Amendment No. 159.

Also included, but not constituting part of the Amendment, are Part A – Basis (explanations of Purpose, Location, and Background), Part C - Implementation, and Schedule I (Results of Public Involvement)

		<p>a) no more than four storeys in height, except on lands at an intersection of any combination of the following roads: Class I Arterial Road, Class II Arterial Road, Class I Collector, or Class II Collector Road. The height of buildings shall generally not exceed the width of the road right-of-way abutting the development site; and</p> <p>b) Notwithstanding the identified maximum building height, the Council may consider additional height, where the Council is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific Zoning By-law Amendment.</p> <p>c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.</p>
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xii) Section 6.5.3.8 is hereby amended by adding the following after subsection (e);

<i>DESIGN GUIDELINES</i>	6.5.3.8	(f) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.
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xiii) Section 6.9, Mixed Use, is hereby amended by changing the name “Mixed Use” to “Mixed Use Nodes” throughout the section.

xiv) Section 6.9, Mixed Use, is hereby amended by deleting and replacing it with the following:

<p><b>6.9 MIXED USE NODES</b></p>	<p>The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are generally located within 100 metres of intersections of arterial and collector roads however the size and scale of these Nodes range throughout the City and are defined by the proximity of the non-residential uses to the intersection. Mixed Use Nodes are intended to serve as the focal point for the surrounding neighbourhoods, community or community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.</p> <p>The following objectives and policies establish the framework for development decisions in Mixed Use Areas.</p>
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- xv) Section 6.9.2.1 is hereby amended by deleting d replacing it with the following;

<p><i>PERMITTED USES</i></p>	<p>6.9.2.1</p>	<p>Uses permitted in the Mixed Use Nodes land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses of up to four stories in height</p>
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- xvi) Delete and replace Section 6.9.2.2:  
“Intentionally Deleted”
- xvii) Section 6.9.2.5 is hereby amended by deleting sub-sections (a) and (b) and replacing them with the following;

<i>DESIGN GUIDELINES</i>	6.9.2.5	<p>a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan and Design Guidelines adopted by Council;</p> <p>b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Buildings should not exceed 4 storeys in height;</p>
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**2. Volume 1, Chapter 8, Urban Design, of the Official Plan is hereby amended by adding the following after Section 8.7.2.3 (i)**

<i>DESIGN GUIDELINES</i>	8.7.2.3 (j)	(j) Council adopted Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above
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**3. Volume 1, Chapter 10, Process of the Official Plan is hereby amended by adding the following:;**

<b>10.2.20 Design Briefs</b>	A Design Brief identifies the character of a street or neighbourhood over a smaller area than an Urban Design Study. Where this Plan requires the preparation of a Design Brief the following steps shall be taken:	
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<i>EXISTING SITE CONDITIONS AND SURROUNDING CONTEXT</i>	10.2.20.1	The Urban Design Brief should provide a description and analysis of the site and surrounding context. Photographs and a context map showing the subject site in relation to the existing neighbourhood should be included.
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# Appendix B to Official Plan Amendment No 159

## City of Windsor Official Plan, Volume 1



## Appendix D

### City of Windsor *Official Plan* Volume II, East Riverside Planning Area Secondary Plan Policies

and November of 1994, involving participants representing City of Windsor, local agencies, several provincial ministries, the Essex Region Conservation Authority, and selected local residents. A public open house was held in March 1996 to solicit public opinion on the background document.

## 2.4 Development Concept

### DEVELOPMENT CONCEPT

The development concept embodied in this Secondary Plan is based upon a number of key elements, including:

- (a) a comprehensive **Greenway System** which will become the planning area's major structuring element, organizing and defining its major neighbourhoods;
- (b) a series of distinct new **Residential Neighbourhoods**;
- (c) a vibrant, **Multi Use Core Area**; and
- (d) a **Business Park** designed to accommodate larger scale employment and/or retail uses.

### COMMUNITY CONCEPT PLAN

The **Community Concept Plan** is attached as Appendix A. While the detailed pattern of roads, blocks and land uses established in the Community Concept Plan does not form part of the Official Plan, it is intended to serve as a guide to subdivision plans, consents, zoning designations and site planning.

### 2.4.1 The Greenway System

#### LINK AREAS

The Greenway System will be composed of a linear assembly of open spaces, natural features, stormwater management areas and community services. It will provide a network of off-road pedestrian/cycle routes (recreationways), linking areas within the planning area with one another and to important off-site amenities, including the Ganatchio Trail, Riverside Drive, the waterfront, Sandpoint Park and the new Recreation Centre in Tecumseh.

#### HIGHLIGHT NATURAL FEATURES

The Greenway System will highlight elements of the planning area's natural and topographic features, which are to be preserved. These include the Little River corridor, the three significant woodlots and the three heights of land (the former East Riverside Landfill, the Little River Toboggan Hill and the Centennial Forest) which are unique attributes in this area, occurring nowhere else in Windsor.

## 2.6 Objectives

BALANCED  
COMMUNITY

2.6.1

To create a socially and economically balanced community of a diverse mix of housing forms in pedestrian oriented neighbourhoods focused around a mixed use “village centre”, and complemented by a designated Business Park providing residents with opportunities for nearby work.

COMPREHENSIVE  
GREENWAY  
SYSTEM

2.6.2

To create a comprehensive Greenway System comprising open spaces, natural features, community services, stormwater management areas and recreationways, functioning as a key element of physical design for the new community, providing linkages among the community’s various areas and amenities, and connecting the community to amenities elsewhere in Windsor.

FEATURE  
ELEVATED  
POINTS

2.6.3

To feature in the Greenway System, and ensure ongoing public accessibility to, the three high points of land which exist in the area: the former East Riverside Landfill site, the Little River Toboggan Hill, and the Centennial Forest in recognition of their uniqueness within the City. Opportunities for significant views of the Detroit skyline, downtown Windsor, Belle Isle, Peche Island, the Detroit River and Lake St. Clair from these high points shall be maximized.

GREENWAY  
AMENITY

2.6.4

To design the Greenway System as an amenity for both residents and visitors.

DISTINCT  
RESIDENTIAL  
NEIGHBOURHOODS

2.6.5

To create distinct, functional and attractive residential neighbourhoods. While the neighbourhoods are expected to accommodate comparatively low profile housing, primarily in the form of single detached dwellings, opportunities will be afforded in each neighbourhood to develop areas characterized by more compact dwelling forms.

PARKS

2.6.6

To locate parks so that they function as the focus of each neighbourhood, and are within direct and easy walking distance of all residences.

CORE  
RESIDENTIAL  
AREA

2.6.7

To accommodate a diversity of lifestyle choices by creating a “Core Residential” Area which offers a range of higher density housing forms than that found within the neighbourhoods.

*VILLAGE CENTRE* 2.6.8 To create a vibrant Mixed Use Core Area which will function as a village centre for the new community, accommodating its important cultural, recreational, community and institutional facilities, and providing a mix of comparatively intense retail, personal service, office and residential uses.

*PEDESTRIAN ORIENTED* 2.6.9 To ensure that the form of development within the Core Area creates an environment which is safe, attractive and amenable for pedestrians.

*EMPLOYMENT OPPORTUNITY* 2.6.10 To capitalize upon the site's strong locational advantages by designating an area for business development. This will provide opportunities for residents to both live and work within the community.

*HOME BASED OCCUPATIONS* 2.6.11 To provide opportunities for home based occupations.

*ROAD PATTERN* 2.6.12 To develop an interconnected pattern of public roads which facilitates direct and safe pedestrian, cycle and vehicular movement throughout the community.

*TRAFFIC CALMING* 2.6.13 To encourage the use of traffic calming measures to ensure the safe, efficient and convenient movement of people and goods within the community. Such design elements include, but are not limited to landscaped centre boulevards, roundabouts, reduced rights of way, on street parking and curb geometrics.

***WALKING*** **2.6.14** To promote walking, reducing automobile dependence within the community by enabling residents to walk along an on-street sidewalk system to retail, service, recreational and community services and facilities.

*WATERFRONT ROAD ORIENTATION* 2.6.15 To adopt a pattern of major roads and blocks which is oriented perpendicular to the waterfront, conserving the pattern established by the seigneurial lotting pattern still evident on the site, and maintaining existing long views to the lakeshore.

*SOCIAL SPACES* 2.6.16 To design local roads as social spaces, conducive to neighbourliness.

*GREEN STREETScape* 2.6.17 To encourage the greening of roads within the new community, by providing for roads abutting and paralleling the Greenway System and incorporating such design elements as roundabouts and boulevards wherever feasible.

<b>TRANSIT SUPPORTIVE</b>	<b>2.6.18</b>	To develop a road pattern which is transit-supportive so as to increase the potential for transit serving the community and linking it with other areas of Windsor.
<i>EFFICIENT ACCESS</i>	2.6.19	To ensure the pattern of roads and blocks within the community provides for the most efficient access between the Greenway System and the Residential Neighbourhoods, the Core Area and Business Park.
<i>OPEN SPACE</i>	2.6.20	To provide open spaces which have a clear functional relationship to the neighbourhood and which are in accessible and visible locations for residents and visitors.
<i>ACTIVE &amp; PASSIVE PARKS</i>	2.6.21	To provide a range of parks capable of meeting both active and passive recreational needs and designed to reduce conflicts between the two needs.
<i>NATURAL FEATURES</i>	2.6.22	To preserve and enhance the natural features which exist on the site, including significant woodlots, vegetated areas, waterways, topographic features and scenic views, by incorporating them within the Greenway System.
<i>LITTLE RIVER CORRIDOR PARK</i>	2.6.23	To accent the Little River Corridor Park as a major open space area and help to restore its ecological health.
<i>ENVIRONMENTAL EDUCATION</i>	2.6.24	To provide an appropriate location for an outdoor environmental education facility suitable for children and adults.
<i>HERITAGE PRESERVATION</i>	2.6.25	To protect and preserve buildings and landmarks of architectural, cultural and/or historical value.
<i>COMMUNITY SERVICES &amp; INSTITUTIONS</i>	2.6.26	To provide opportunities for community services, such as libraries and community centres, and institutions to meet the needs of the residents, in locations which are both visible and accessible.
<i>MULTIPLE FUNCTIONS</i>	2.6.27	To encourage shared use of public lands and buildings, and the provision of facilities capable of accommodating a multiplicity of functions.
<b>URBAN DESIGN PRINCIPLES</b>	<b>2.6.28</b>	To establish urban design principles which result in the development of an attractive, safe and pedestrian-friendly community.

*DESIGN STANDARDS* 2.6.29 To encourage a high quality and consistent level of urban design in both public and private areas by establishing appropriate zoning, subdivision and site planning standards.

*DISTINCT PUBLIC AREAS* 2.6.30 To create distinct public areas and spaces that are clearly defined and delimited by roads, sidewalks, street furniture, open spaces, buildings and other visual elements.

*TRANSITION AREAS* 2.6.31 To ensure that in the boundary areas between new and existing development and between the Core Area and Business Park and the Residential Neighbourhoods that the transition from one area to another is not abrupt and there remains compatibility amongst all adjacent uses.

*INFRASTRUCTURE SERVICES* 2.6.32 To ensure that development does not occur without required infrastructure services, including sanitary and stormwater sewers, utilities and paved roads in accordance with current City of Windsor standards.

*ALTERNATIVE DEVELOPMENT STANDARDS* 2.6.33 To utilize alternative development standards, wherever feasible so as to reduce infrastructure costs and promote a more compact urban form. Such standards may include reduced street rights of way and pavement widths.

*STORMWATER MANAGEMENT* 2.6.34 To provide for a stormwater management system which minimizes the impact of urban development on the natural environment, is integrated as an amenity within the Greenway System, and is capable of meeting applicable water quality and quantity requirements.

## 2.7 Development Policies

### 2.7.1 Schedules

*SCHEDULE ER-2: LAND USE PLAN* 2.7.1.1 The following land use designations shall be identified on Schedule ER-2: Land Use Plan:

- (a) Residential Neighbourhood;
- (b) Core Residential Area A;
- (c) Core Residential Area B;

~~INSTITUTIONAL  
SITES ON  
SCHEDULE ER-2~~

~~2.7.4.17~~

~~Two institutional sites have been specifically designated within the Core Area , as shown on Schedule ER-2: Land Use Plan. One site is located in the Core Area, the other in the north neighbourhood adjacent to Neighbourhood Park 1. Both sites would be ideal for development of a place of worship, or other community institution.~~

~~SURPLUS  
INSTITUTIONAL  
SITE~~

~~2.7.4.18~~

~~In the event that either institutional site is not required after a demonstrable search, the provisions of paragraphs b) and c) of policy 2.7.4.15 apply.~~

~~TRANSIT  
ACCESS~~

~~2.7.4.19~~

~~School Sites provided under the provisions of this section shall be designed to provide either on-site or on-street bus bays and shelters so as to accommodate a large service area.~~

### **2.7.5 Core Area**

**Policies applicable to the development within the Core Area fall into three designations, namely the Banwell Road Mixed Use Corridor, Core Residential Area A and Core Residential Area B.**

~~HIGH QUALITY  
CORE AREA~~

~~2.7.5.1~~

~~In keeping with the objective to create a high quality Core Area, specific zoning and site plan control policies shall be followed as set in this section. Such policies, however, may be altered without amendment to this Secondary Plan by preparation and approval by Council of a comprehensive Urban Design Plan as set out in Section 2.8 of this Secondary Plan.~~

**RANGE OF USES**

**2.7.5.2**

**The Banwell Road Mixed Use Corridor designated on Schedule ER-2: Land Use Plan is intended to accommodate a broad range of higher intensity, mixed-use developments.**

**PERMITTED  
USES**

**2.7.5.3**

**Permitted uses in the lands designated as Banwell Mixed Use Corridor on Schedule ER-2: Land Use Plan shall include:**

**(a) retail and service establishments;**

**(b) commercial offices;**

**(c) restaurants, including outdoor cafes;**

**(d) cultural, recreational and entertainment uses;**

- (e) theatres and cinemas;
- (f) community, social and institutional uses;
- (g) residential apartments, multi-plexes and stacked townhouses; and
- (h) public transportation facilities.

RETAIL &  
SERVICE USES  
AT GRADE

2.7.5.4

Individual buildings will be encouraged to include a mix of uses. Retail and/or service uses will be strongly encouraged at grade, particularly fronting onto Banwell Road or adjacent to other retail and service uses, to promote street level pedestrian activity and security.

MAXIMUM  
HEIGHT

2.7.5.5

Development along Banwell Road shall have a maximum building height of four storeys.

EXTERIOR LOT  
LINE  
DEVELOPMENT

2.7.5.6

Developments shall be designed so that at least one building wall is located on an exterior lot line so as to afford sidewalk pedestrian access from the street.

PARKING AREAS

2.7.5.7

Permanent loading, service and parking areas shall be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the street. In general, parking areas will be encouraged at the side and rear of buildings.

MID BLOCK  
ACCESS

2.7.5.8

Mid-block vehicular access shall not be permitted to properties fronting Banwell Road in order to encourage the use of signalized intersections for access and to facilitate pedestrian circulation.

CORRIDOR  
EXTENSIONS

2.7.5.9

The northerly limit of the Banwell Mixed Use Corridor may be extended northerly along the east side of Banwell Road provided it is extended contiguous to the lands shown on Schedule ER-2: Land Use Plan.

CORE  
RESIDENTIAL

2.7.5.10

Lands within the Core Residential Area fall within two sub categories, Core Residential Area "A" and Core Residential Area "B".

HIGHER  
DENSITY  
DEVELOPMENT

2.7.5.11

Development within Core Residential Area “A” and “B” will accommodate a higher density of residential dwelling forms than found within the Residential Neighbourhoods, providing residents with alternative life style options, capitalizing upon the high level of service and amenity available within the adjacent mixed use corridor.

HOME BASED  
OCCUPATIONS

2.7.5.12

Opportunities for home based occupations shall be encouraged through the design of development projects and individual residences in both Core Residential Areas.

ON-STREET  
PARKING

2.7.5.13

On-street parking shall be encouraged throughout the Core Area.

CORE  
RESIDENTIAL  
AREA A

2.7.5.14

Core Residential Area “A” will be the location of the community’s highest residential density.

DWELLING  
TYPES IN CORE  
RESIDENTIAL  
AREA A

2.7.5.15

Within Core Residential Area “A”, permitted dwelling types shall include:

- (a) stacked townhouses,
- (b) multiplexes; and
- (c) multiple dwellings.

DENSITY IN  
CORE  
RESIDENTIAL  
AREA A

2.7.5.16

Developments shall have densities of not less than 60 units per net hectare (24 units per net acre) and not more than 110 units per net hectare (45 units per net acre) in Core Residential Area A.

RESIDENTIAL  
FRONTING  
BANWELL ROAD

2.7.5.17

Residential developments fronting onto Banwell Road shall be permitted to have retail facilities located on the ground floor, provided they are intended to serve the convenience needs of core area residents, and have a maximum gross floor area of 200 square metres (2,150 square feet).

SENIORS’  
HOUSING

2.7.5.18

The Municipality shall encourage the location of seniors’ housing in this area, in proximity to the concentration of commercial, institutional and open space uses foreseen in the adjacent Mixed Use Corridor.

<i>REDUCED RIGHT-OF-WAY</i>	2.7.9.1	Notwithstanding the provisions of Section 7.2 in Volume I: The Primary Plan, roads within the East Riverside Planning Area may be designed with reduced rights-of-way and accompanying alternative service placement standards, to encourage efficiency in the use of land and public resources, and to create a community which is more pedestrian oriented.
<i>EVALUATING REDUCED RIGHT-OF-WAY</i>	2.7.9.2	Reduced rights-of-way will be evaluated on the basis of development applications accompanied by a traffic impact and functional design study. Such study shall be approved by Council.
<i>CONTINUITY</i>	2.7.9.3	The road system within the Secondary Plan area shall demonstrate continuity across development blocks throughout the community; connectivity between local roads, with major roads, and with existing roads off-site; and accessibility to all areas and amenities within the community.
<i>NORTH-SOUTH ROADS</i>	2.7.9.4	North-south roads shall be designed, wherever feasible, to follow the historic pattern of long narrow lots aligned on a north/south axis, mirroring the overall road pattern in Windsor.
<i>ACCESS TO GREENWAY SYSTEM</i>	2.7.9.5	The road system shall be designed to ensure that, wherever feasible, local roads terminate at a park or greenway corridor to maximize public access to, and community integration with, the Greenway System.
<i>VISTAS</i>	2.7.9.6	Roads bordering the greenway corridors and major parks shall be designed to facilitate visual and physical access into the open space areas.
<i>LANDSCAPE CENTRAL BOULEVARDS</i>	2.7.9.7	Landscaped central boulevards shall be encouraged in accordance with the policies 2.7.2.34 and 2.7.2.35.
<i>SIDEWALKS</i>	2.7.9.8	Sidewalks shall be required on both sides of arterial and collector roads as shown on Schedule ER-4: Major Road Plan and on one side of local roads. Sidewalks shall be encouraged on both sides of all roads where semi-detached, townhouses and/or multiple residential uses are proposed.
<i>REVERSE LOTTING</i>	2.7.9.9	Road layouts which result in reverse lotting shall be avoided except where there are demonstrable safety or environmental hazards.

(iii) a new road bounding the east side of Little River Corridor extending from Wyandotte Road to Tecumseh Road East at the Scarsdale Road right-of-way. This road will be the community's second major road forming part of a scenic open space corridor.

**MAJOR ROAD  
DESIGNATIONS**

**2.7.9.12**

Major roads within the East Riverside Planning Area are designated on Schedule ER-4: Major Road as follows:

- (a) **Banwell Road:** Tecumseh Road to Wyandotte Street- Class II Arterial Road;
- (b) **Clover Street:** Tecumseh Road to Wyandotte - Class I Collector Road;
- (c) **Scarsdale Road:** Tecumseh Road to Wyandotte - Class II Collector Road;
- (d) **McHugh Road:** Little River to City Limits - Class II Arterial Road;
- (e) **Wyandotte Street:** Little River to Banwell - Class II Arterial Road;
- (f) **Little River Road:** Scarsdale to City Limits - Class I Collector Road;
- (g) **N/S West of Banwell:** McHugh to Wyandotte - Class II Collector Road; and
- (h) **E/W North of McHugh:** Scarsdale to Banwell - Class II Collector Road.

**CONVEYANCE**

**2.7.9.13**

Major roads as shown on Schedule ER-4: Major Road Plan may be conveyed and improved prior to approval of plans of subdivision, wherever necessary to facilitate traffic flow, access and servicing.

**COMPLEMENT  
LOCAL ROADS**

**2.7.9.14**

The major road network described in policy 2.7.9.11 and designated on Schedule ER-4: Major Road Plan shall be complemented by a much more extensive local road system.

<i>INTEGRATE LOCAL ROADS</i>	2.7.9.15	The local road system shall be designed as a part of the larger transportation network.
<i>FINAL LOCAL ROAD SYSTEM</i>	2.7.9.16	The local road system shall be finalized at the time of preparation of the neighbourhood subdivision plans required in Section 2.8 of this Secondary Plan. The concept plan referenced as Appendix A shall be used as a guideline for the local road system.
<i>DESIGN OF LOCAL ROADS</i>	2.7.9.17	Local roads shall be designed with consideration to policies 2.7.9.3 through 2.7.9.9, inclusive.
<i>TRANSIT USE</i>	2.7.9.18	The system of local roads shall be designed to facilitate transit use by providing direct walking routes to major roads and transit stops.
<i>LANEWAYS</i>	2.7.9.19	Rear access public laneways shall be permitted within the Banwell Road Mixed Use Corridor, to provide access to the parking, service and loading areas required to be located at the side and rear of buildings.
<i>AREAS FOR LANEWAY</i>	2.7.9.20	Rear access public laneways shall be permitted within the Core Residential Area, Business Park and Residential Neighbourhood designations on Schedule ER-2: Land Use Plan.
<i>DESIGN OF LANEWAYS</i>	2.7.9.21	The layout and functional design of public laneways shall be subject to review and approval by the City of Windsor at the time of submission of a neighbourhood subdivision plan.
<b>TRANSIT</b>	<b>2.7.9.22</b>	<b>The major road system designated on Schedule ER-4: Major Road Plan has been designed to facilitate the provision of transit service to the community and each major road is encouraged to be used for public transit so that all residents of the community shall be within a 5 to 10 minute walk to transit service. Local roads shall be designed in accordance with policy 2.7.9.18 to enhance access to public transit.</b>
<i>PUBLIC TRANSIT TERMINUS</i>	2.7.9.23	The City of Windsor and Transit Windsor will encourage development of a public transit terminus in the Banwell Mixed Use Corridor to provide a visible focal point for public transit and an additional public use in the corridor.

*PHASING PLAN*

2.7.10.3

~~Given the magnitude of development provided for in this Secondary Plan, it is necessary to establish a sequence of development phases, to ensure that growth occurs in a logical and economical way, and that appropriate services are available prior to construction. The phasing of development shall occur in accordance with Schedule ER-5: Phasing Plan. The geographic and chronological sequence of development beyond shown on Schedule ER-5, shall therefore be established in the Master Servicing Plan. (deleted by OPA #1 – 12/28/00)~~

*NATURALIZE  
STORMWATER  
MANAGEMENT  
FACILITIES*

2.7.10.4

Stormwater management facilities shall be designed to maintain environmental and ecological integrity, and to provide net benefit to the natural environment if feasible. Where appropriate, they shall also be designed as community amenities, suitable for passive recreational activities.

*NATURAL  
CHANNEL*

2.7.10.5

Where existing streams are to be retained, this will be done in naturalized, open channels to maintain and, if feasible, improve stream corridor integrity.

*STORMWATER  
DETENTION  
PONDS*

2.7.10.6

Stormwater detention ponds shall be multi-purpose and function as part of the Greenway System. They shall be located adjacent to parkland wherever feasible, and be designed to provide community amenities and functioning wildlife habitat.

*CABLE  
SERVICES*

2.7.10.7

All local power and telephone lines and other “cable” services shall be located below ground. Wherever feasible, they shall be grouped into a single utility conduit, in keeping with policy 2.7.9.1.

*COSTS*

2.7.10.8

The costs of all studies and all required regional infrastructure and facilities shall be paid for by benefiting owners on a pro-rated basis. Local facilities are the responsibility of the owner.

*DEVELOPMENT  
CHARGES*

2.7.10.9

All developments are subject to a Development Charge in accordance with the Development Charges Act. Development charges (costs) are collected at the time of issuance of building permits.

*UTILITIES*

2.7.10.10

Electricity, water, gas and telephone service will be provided by owners in consultation with the utility companies.

# Appendix E

## City of Windsor Zoning By-law 8600

# ZONING BY-LAW 8600

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**12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)**

**12.2.1 PERMITTED USES**

- Lodging House*
- Multiple Dwelling*
- Religious Residence*
- Residential Care Facility*

Any of the following *existing* dwellings:

- Double Duplex Dwelling*
- Duplex Dwelling*
- Semi-Detached Dwelling*
- Single Unit Dwelling*

Any use accessory to any of the preceding uses

**12.2.5 PROVISIONS**

- .1 Lot Frontage – minimum 30.0 m
  - .2 Lot Area – minimum
    - For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:
      - a) For the first 5 *dwelling units* 540.0 m<sup>2</sup>
      - b) For the next 19 *dwelling units* 67.0 m<sup>2</sup> per unit
      - c) For each additional *dwelling unit* 44.0 m<sup>2</sup> per unit
    - For any other *lot*:
      - d) For the first 4 *dwelling units* 540.0 m<sup>2</sup>
      - e) For the next 15 *dwelling units* 85.0 m<sup>2</sup> per unit
      - f) For each additional *dwelling unit* 55.0 m<sup>2</sup> per unit
  - .3 Lot Coverage – maximum 35.0%
  - .4 Main Building Height – maximum
    - Corner Lot* 24.0 m
    - Interior Lot* 18.0 m
  - .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
  - .13 Dwelling Unit Density – *dwelling units* per hectare – maximum
    - For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines* 188 units per ha
    - For any other *lot* 150 units per ha
  - .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*. [ZNG/5630]
- (AMENDED by B/L 95-2019, Sept. 27/2019)
- .55 A addition to an *existing Double Duplex Dwelling, existing Duplex Dwelling, existing Semi-Detached Dwelling* or an *existing Single Unit Dwelling* and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.

## 15.7 COMMERCIAL DISTRICT 2.7 (CD2.7)

### 15.7.1 PERMITTED USES

*Bake Shop*

*Business Office*

*Child Care Centre*

*Commercial School*

*Food Outlet – Take-Out*

*Medical Office*

*Micro-Brewery*

*Personal Service Shop*

*Place of Entertainment and Recreation*

*Place of Worship*

*Professional Studio*

*Repair Shop – Light*

*Restaurant*

*Retail Store*

*School*

*Veterinary Office*

*Dwelling Units in a Combined Use Building with any one or more of the above uses.*

*Multiple Dwelling on Block 8 and 12 as shown on Schedule ‘A’ to By-law 172-1998.*

*Any use accessory to any of the preceding uses.*

### 15.7.3 PROHIBITED USES

Drive-through facility or service

*Retail Store* for the following:

concrete blocks, lumber, precast concrete products, roofing materials, sand aggregate or any similar building supplies;

fuels, rags, scrap metal, used vehicle parts;

automobiles, buses, combination trucks or vehicles of the tractor trailer and semi-trailer type, construction vehicles and equipment, farm implements, farm tractors, mobile home dwellings, motor vehicles, motorcycles;

machinery, machine tools and equipment for industrial use.

### 15.7.5 PROVISIONS

.4 Building Height – maximum 14.0 m

.10 Gross Floor Area – *Bake Shop* – maximum 500.0 m<sup>2</sup>

.50 Any *building* erected shall have one building wall located on the *exterior lot line* abutting Banwell Road.

.90 A vehicle *access area* to Banwell Road is prohibited.

**18.4 MANUFACTURING DISTRICT 1.4 (MD1.4)**

**18.4.1 PERMITTED USES**

*Ambulance Service*

*Bakery*

*Business Office*

*Commercial School*

*Food Catering Service*

*Food Packaging Facility*

*Manufacturing Facility*

*Medical Appliance Facility*

*Medical Office*

*Micro-Brewery*

*Professional Studio*

*Research and Development Facility*

Any of the following *Ancillary Uses*:

*Child Care Centre*

*Club*

*Convenience Store*

*Food Convenience Store*

*Food Outlet - Drive-through*

*Food Outlet - Take-out*

*Gas Bar*

*Health Studio*

*Personal Service Shop*

*Restaurant*

*Restaurant with Drive-through*

*Veterinary Office*

*Warehouse*

*Wholesale Store*

Any of the following *Existing Uses*:

*Motor Vehicle Dealership*

*Sports Facility*

*Transport Terminal*

Any use accessory to any of the above uses, including a *Retail Store*

**18.4.3 PROHIBITED USES**

*Outdoor Storage Yard*

**18.4.5 PROVISIONS**

- .1 Lot Width – minimum 30.0 m
- .4 Building Height – maximum 20.0 m
- .5 Front Yard Depth – minimum 9.0 m
- .6 Rear Yard Depth – minimum
  - From a *rear lot line* that abuts a *lot* on which a *dwelling* or *dwelling unit* is located 6.0 m
- .7 Side Yard Width – minimum
  - From a *side lot line* that abuts a *lot* on which a *dwelling* or *dwelling unit* is located or from a *side lot line* that abuts a *street* 6.0 m
- .8 Landscaped Open Space Yard – minimum 15.0% of *lot area*
- .10 Gross Floor Area – *Retail Store* – maximum 20.0% of the *GFA* of the *main use*
- .50 All activities or uses shall take place entirely within a fully enclosed *building*. This provision does not apply to the following activity or use: *child care centre*, *gas bar*, *loading space*, *outdoor eating area*, *parking area*, *parking space*, *sports facility*, or *refuelling area*.

Plan 370, situated on the west side of Bridge Avenue, north of University Avenue, a lodging house shall be an additional permitted use. (ZDM 3)

111. For the lands comprising Part of Lots 24 and 34 to 39 both inclusive, Plan 12R-16773, situated on the southwest corner of Tecumseh Road West and Tecumseh Road North, a food convenience store, restaurant and a drive-through restaurant shall be additional permitted use. (ZDM 4)
112. For the lands comprising Part of Farm Lots 143 and 144, Concession 2, situated on the southwest corner of Banwell Road and McHugh Street, shown as Block 16, in Schedule “A” to By-law 3-1999, no building shall be situated within 30 metres of the north limit of the Canadian National Railway right-of-way and an athletic and/or sports facility shall be an additional permitted use. (ZDM 15)
113. For the lands comprising Part 1 on Plan 12R-17595, situated at the southeast corner of Banwell Road and McNorton Street, no building shall be situated within 30 metres of the north limit of the Canadian National Railway right-of-way and a church, church hall, day nursery and school shall be additional permitted use. (ZDM 15)
114. For the lands comprising Part of Farm Lots 143 and 144, Concession 1, designated as Block 27, in Schedule “A” to By-law Number 13121, a business office having a maximum gross floor area of 250 square metres, a residential care facility and a lodging house shall be additional permitted use. (ZDM 14)
115. For the lands comprising Lots 7 to 14 both inclusive, Part of Lots 1 to 6, Part of Block “A”, Registered Plan 1275, Lots 7 to 10 both inclusive, Part of Lots 4, 5 and 6 and Part of Block “A”, Registered Plan 1335, Part of Lots 1, 2, 3 and 4, Registered Plan 948 and the enclosed north/south alley, situated on the east side of Huron Church, south of Malden Road, the maximum building height of a hotel shall be 7 storeys and a restaurant shall be an additional permitted use. (ZDM 4)
116. For all lands on the east side of Devon Drive from the north limit of Lot 3, Registered Plan 1629, to the north limit of Kamloops Street as extended westward, an outdoor storage yard shall not be permitted. (ZDM 8)
117. For the lands comprising Part of Farm Lot 97, Concession 1, designated as Parts 1 and 2, Plan 12R-11729, situated on the west side of St. Luke Road, south of Edna Street, an outdoor storage yard, exclusively for the storage of motor vehicles, shall be an additional permitted use. Each motor vehicle shall be stored on this lot for a maximum of 100 days and no motor vehicle restoration or repair shall take place within the outdoor storage yard. (ZDM 6)
118. For the lands comprised of Part of Lot 13, Concession 6, City of Windsor, Parts 9 to 18, inclusive, 12R-20103, north of Holburn Street between Sixth Concession Road and Ducharme Street, the minimum front yard depth shall be 4.5 metres.  
(ZDM 13; ZNG/4965; ZNG/5359]  
**(AMENDED by B/L 112-2017, August 18, 2017; AMENDED by B/L 97-2018, August 21, 2018)**
119. For the lands comprising Lots 80 to 104, both inclusive, situated on the east side of Dandurand Avenue, south of Ojibway Street, as shown on Zoning District Map 8, the following provisions shall apply:
- |      |                         |   |  |
|------|-------------------------|---|--|
| (i)  | Minimum rear yard depth | - | 17 metres;                                   |
| (ii) | Maximum rear yard depth | - | 27 metres for Lots 97 to 104 both inclusive; |

Plan 12R-11613, between Legacy Park Drive and Provincial Road, the boarding of animals and pets shall be an additional permitted use (ZDM 13).

(ADDED by B/L 56-2007, May 8, 2007)

212. For the lands comprising Part 2, Plan 12R-22474, located on the west side of Enterprise Way, north of Hawthorne Drive, a church shall be an additional permitted use. (ADDED by B/L 69-2007, May 29, 2007)

For the lands comprising Lot 10, Part of Lot 11, and Part of the closed alley, Registered Plan 499 (north side of Wyandotte Street East, east of Pratt Place) as shown delineated by a heavy black line on Schedule 'A', attached to by-law 130-2007, the sale of automobiles shall be an additional permitted use.

(ADDED by B/L 130-2007, Aug. 2, 2007)

214. For the lands comprising Parts 3, 6, 9 and 12, Plan 12R-19365, located on the west side of Banwell Road, south of Tecumseh Road East, the rental of automobiles, a lube and service centre, and the retail sale of tires shall be additional permitted uses subject to the provision of a minimum of two stacking spaces in advance of each bay or a lube centre. (ADDED by B/L 129-2007, Aug. 2, 2007)

215. For the land comprising Parts 1 and 2, Plan 12R-6105 and Part of Lot 171, Registered Plan 1303, situated on the east side of Goyeau Street, south of Erie Street East, a public parking area shall be an additional permitted use. (ZDM 7)

(ADDED by B/L 135-2007, Aug. 9, 2007)

216. For the lands comprising Lots 11, 12 and 13, and Parts of Lots 8, 9 and 10, Plan 1354, located on the east side of Howard Avenue between Hildegard and Charlotte Streets, and delineated by a heavy black line on Schedule 'A' of By-law 167-2007, an automatic car wash shall be an additional permitted use.

(ADDED by B/L 167-2007, Oct. 2/2007)

217. (ADDED by B/L 160-2007, OMB Order PL070810, Dec. 19, 2007; DELETED by B/L 132-2011 August 5, 2011)

218. For the lands comprising Part of Block 1, Plan 12M-425, save and except for all of Plans 12R-17805, 12R-178089 & 12R-18634 situated at the northwest corner of Banwell Road and Leathorne Street, a *Residential Care Facility* shall be an additional permitted use and that for a *Residential Care Facility* the following additional provisions shall apply:

- a) Section 15.7.5.50 shall not apply;
- b) That a sidewalk from the main entrance of the *Residential Care Facility* to Banwell Road shall be provided; and
- c) That said sidewalk shall not cross an *access area, collector aisle, parking aisle or parking area*.

[ZDM 14; ZNG/5271]

(ADDED B/L 183-2007, Nov 1/2007; AMENDED by B/L 7-2018, Feb. 23/2018)

219. For the lands comprising Part of Block 'A' and Lots 50 to 54 inclusive, Registered Plan 91 and part of Block 'O', Registered Plan 85 situated at the southwest corner of University Avenue East and Goyeau Street, as shown delineated by a heavy black line on Schedule 'A' attached to By-law 182-2007, a drive-thru restaurant shall be an additional permitted use subject to the provision of a minimum of nine stacking spaces. Further:

- (i) Section 25.5.20.1.2 shall not apply;
- (ii) Access from an alley to a parking area or egress from a parking area to an alley shall be permitted. [ZDM 6; ZNG/4249]

(ADDED by B/L 182-2007, Nov. 1, 2007; AMENDED by B/L 18-2015, March 4, 2015)

220. For the lands comprising Lot 2, Plan 12M-256, situated at the southwest corner of Temple Drive and Starway Avenue, a contractor's office shall be an additional permitted use. (ZDM12)

(ADDED by B/L 45-2008, April 24, 2008)

Art Gallery	1 for each 45 m <sup>2</sup> GFA
Automatic Car Wash	0
Automobile Repair Garage	1 for each 45 m <sup>2</sup> GFA
Automobile Sales Lot	1 for each 45 m <sup>2</sup> GFA
Bake Shop	1 for each 22.5 m <sup>2</sup> GFA
Bakery	1 for each 45m <sup>2</sup> GFA for the first 2,700 m <sup>2</sup> GFA and 1 for each additional 180 m <sup>2</sup>
Billiard Hall	1 for each 22.5 m <sup>2</sup> GFA
Bingo Hall	1 for each 22.5 m <sup>2</sup> GFA
Bowling Alley	4 per alley
Building Material Recycling Centre	1 for each 45 m <sup>2</sup> GFA
Business Office	1 for each 45 m <sup>2</sup> GFA
Church (including a Church Hall)	1 for each 5.5 m <sup>2</sup> GFA uses as a church, chapel or sanctuary AND 1 for each 36 m <sup>2</sup> GFA not used as a church, chapel or sanctuary
Club	1 for each 22.5 m <sup>2</sup> GFA
Coin Operated Car Wash	0
College Student Residence	1 for each 4 beds
Collision Shop	1 for each 45 m <sup>2</sup> GFA
Combined Use Building – Dwelling Units	1.25 for each dwelling unit
Commercial School	2.5 for each classroom or teaching area AND 1 for each 22.5 m <sup>2</sup> of GFA of cafeteria, auditorium, gymnasium and other area of assembly
Confectionary	1 for each 45 m <sup>2</sup> GFA for the first 2,700 m <sup>2</sup> GFA AND 1 for each additional 180 m <sup>2</sup>
Confectioner’s Shop	1 for each 22.5 m <sup>2</sup> GFA
Contractor’s Office	1 for each 45 m <sup>2</sup> GFA used as a business office AND 1 for each 200 m <sup>2</sup> GFA used as a warehouse
Convenience Store	1 for each 22.5 m <sup>2</sup> GFA
Convent or Monastery	1 for each 4 beds
Correctional Facility	1 for each 2 beds
Day Nursery	1.5 for each classroom or teaching area
Double-duplex Dwelling	4
Drive-through Food Outlet	1 for each 22.5 m <sup>2</sup> GFA
Drive-through Restaurant	1 for each 7.5 m <sup>2</sup> GFA
Duplex Dwelling	2
<b>TABLE 24.20.5.1 - REQUIRED PARKING SPACES</b>	
<b>USE</b>	<b>PARKING RATE - MINIMUM</b>
Elementary School	1.5 for each classroom or teaching area
Entertainment Lounge	1 for each 7.5 m <sup>2</sup> GFA

Motor Vehicle Salvage Operation	1 for each 45 m <sup>2</sup> GFA for the first 2,700 m <sup>2</sup> GFA AND 1 for each additional 180 m <sup>2</sup>
Multiple Dwelling containing a maximum of 4 Dwelling units	1 for each dwelling unit
Multiple Dwelling containing a minimum of 5 Dwelling units	1.25 for each dwelling unit
Museum	1 for each 45 m <sup>2</sup> GFA
Outdoor Market	0
Pawnshop	1 for each 22.5 m <sup>2</sup> GFA
Personal Service Shop	1 for each 22.5 m <sup>2</sup> GFA
Pharmacy	1 for each 22.5 m <sup>2</sup> GFA
Place of Entertainment and Recreation	1 for each 36 m <sup>2</sup> GFA
Power Generation Plant	1 for each 200 m <sup>2</sup> GFA
Professional Studio	1 for each 45 m <sup>2</sup> GFA
Public Hall	1 for each 7.5 m <sup>2</sup> GFA
Residential Care Facility	1 for each 4 beds
Restaurant	1 for each 7.5 m <sup>2</sup> GFA
Retail Store	1 for each 22.5 m <sup>2</sup> GFA
Secondary School	1.5 for each classroom or teaching area AND 1 For each 22.5 m <sup>2</sup> of GFA of cafeteria , auditorium, gymnasium and other area of assembly
Self-storage Facility	2
Semi-Detached Dwelling	1 for each dwelling unit
Service Station	1 for each 45 m <sup>2</sup> GFA
Shelter	1 for each 6 beds
Single –unit Dwelling	1
Stacked Dwelling Unit	1 for each dwelling unit
Take-Out Food Outlet	1 for each 22.5 m <sup>2</sup> GFA
Temporary Outdoor Vendor’s Site	0
Theatre	1 for each 6 seats
Tourist Home	1 for each guest room AND 1 for each 22.5 m <sup>2</sup> GFA used for a restaurant, convention hall, meeting room and other places of assembly
<b>TABLE 24.20.5.1 - REQUIRED PARKING SPACES</b>	
<b>USE</b>	<b>PARKING RATE - MINIMUM</b>
Townhome Dwelling having an attached garage or carport	1 for each dwelling unit
Townhome Dwelling without an attached garage or carport	1.25 for each dwelling unit

Transport Terminal	5 parking spaces, or 1 for each 45.0 m <sup>2</sup> GFA, whichever is greater
University Student Residence	1 for each 4 beds
Veterinary Clinic	1 for each 13.5 m <sup>2</sup> GFA
Veterinary Office	1 for each 13.5 m <sup>2</sup> GFA
Warehouse	1 for each 200 m <sup>2</sup> GFA
Wholesale Store	1 for each 45 m <sup>2</sup> GFA
Workshop	1 for each 45 m <sup>2</sup> GFA for the first 2,700 m <sup>2</sup> GFA AND 1 for each additional 180 m <sup>2</sup>
All other commercial uses not specifically listed	1 for each 36 m <sup>2</sup> GFA
All other industrial uses not specifically listed	1 for each 45 m <sup>2</sup> GFA for the first 2,700 m <sup>2</sup> GFA AND 1 for each additional 180 m <sup>2</sup> GFA

(AMENDED by B/L 144-2015, Nov. 6, 2015; B/L 169-2018, Dec. 19/2018)

**24.20.7 CALCULATION OF REQUIRED PARKING SPACES**

- .1 The required number of parking spaces for each use listed in Tables 24.20.1.1, 24.20.3.1 and 24.20.5.1 is calculated as follows:
  - .1 The gross floor area of that part of a building designed and used for a parking area, parking space, visitor parking space, accessible parking space, bicycle parking space, loading space, automatic car wash or coin-operated car wash is not included in the calculation of required number of vehicle parking spaces.
  - .2 If a parking rate is expressed as a ratio of parking spaces to the gross floor area, the parking space requirement for a use is to be calculated by dividing the applicable gross floor area of the use by the applicable parking rate.
  - .3 If the calculation of the number of required parking spaces results in a number containing a fraction, the number shall be rounded DOWN to the nearest whole number, but in no case may there be less than one parking space, except when the parking rate is zero.
  - .4 If a building is occupied or proposed to be occupied by more than one main use, the required parking for each main use is calculated on the basis of the percentage of gross floor area devoted to that use plus the equivalent percentage of any common areas and shared accessory uses in the building.
  - .5 If a Combined use Building is occupied in part by a Minor Commercial Centre or a Major Commercial Centre, the total required number of parking spaces is the sum of the required number of parking spaces for each Dwelling Unit and for the Minor Commercial Centre of a Major Commercial Centre.

**24.20.10 SIZE OF PARKING SPACE**

- .1 Each parking space shall have a minimum length of 5.5 metres and a minimum width of 2.5 metres, except where one side of the parking space is flanked by a wall or fence, each parking space shall have a minimum length of 5.5 metres and a minimum width of 3.5 metres.

**24.22 VISITOR PARKING SPACE PROVISIONS**

**24.22.1 REQUIRED VISITOR PARKING SPACES**

- .1 For a Townhome Dwelling without an attached garage or carport, Multiple Dwelling with a minimum of five dwelling units, or Dwelling Units in a Combined Use Building, a minimum of 15 percent of parking spaces shall be marked as visitor parking.
- .5 If the calculation of the number of visitor parking spaces results in a number containing a fraction, the number shall be rounded DOWN to the nearest whole number, but in no case shall there be less than one visitor parking space and one required parking space.

**24.22.10 SIZE OF VISITOR PARKING SPACE**

- .1 Each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 2.5 metres, except where one side of the parking space is flanked by a wall or fence, each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 3.5 metres.

**24.24 ACCESSIBLE PARKING SPACE PROVISIONS [ZNG/4046]**

(AMENDED by B/L 48-2014, April 15, 2014)

**24.24.1 REQUIRED ACCESSIBLE PARKING SPACES**

- .1 There shall be provided accessible parking spaces as shown in Table 24.24.1:

<b>TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES</b>		
<b>TOTAL NUMBER OF PARKING SPACES IN PARKING AREA</b>	<b>REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES – MINIMUM</b>	
	<b>TYPE A</b>	<b>TYPE B</b>
1 to 25	1 space	0
26 to 100	2 percent of parking spaces	2 percent of parking spaces
101 to 200	1.5 percent of parking spaces	0.5 space plus 1.5 percent of parking spaces
201 to 1,000	0.5 space plus 1 percent of parking spaces	1 space plus 1 percent of parking spaces
1,001 or more	5 spaces plus 0.5 percent of parking spaces	5.5 spaces plus 0.5 percent of parking spaces

- .2 If the calculation of the number of required Type A and Type B accessible parking spaces results in a number containing a fraction, the number shall be rounded up to the nearest whole number:

**24.24.10 SIZE OF ACCESSIBLE PARKING SPACE**

- .1 A Type A accessible parking space shall have a minimum width of 3.5 metres and a minimum length of 5.5 metres.
- .2 A Type B accessible parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.

**24.24.15 ACCESS AISLES**

- .1 An access aisle, that is the space between or beside accessible parking spaces that allows persons with disabilities to get in and out their vehicles, shall be