

TO: Mayor and Members of City Council
FROM: Greg Atkinson and Kristina Tang
DATE: August 10, 2017
SUBJECT: Additional Information and Changes to Recommended Official Plan Amendment and Zoning By-law Amendment for PHEDSC Report No. S 99/2017 – Interim Control By-law Land Use Study – Phase 2 Report: policy and regulatory changes for off-street parking areas within BIAs and Mainstreets areas (Traditional Commercial Streets) (Wards 2, 3, 4, 5 and 6)

RECOMMENDATION:

THAT the recommendations I-III adopted by the Planning, Heritage and Economic Development Standing Committee with respect to Report #: S 99/2017 be revised as follows:

- “ I THAT the Official Plan Amendment shown in Appendix B to the Memo dated August 10, 2017 regarding new land use policy and schedule applicable to off-street parking areas within Traditional Commercial Streets BE ADOPTED; and
- II THAT amendment to Zoning By-law 8600 as shown in Appendix C to the Memo dated August 10, 2017 regarding new zoning provisions applicable to off-street parking areas within Traditional Commercial Streets BE PASSED; and
- III THAT the Demolition Control By-law shown in Appendix D to Report # S 99/2017 BE PASSED; and”

BACKGROUND:

Report No. S 99/2017 was considered and endorsed by the Planning, Heritage and Economic Development Standing Committee (PHEDSC) at its July 10, 2017 meeting. The report provides policy and regulatory recommendations relating to the interim control by-law land use study of off-street parking areas within BIAs and mainstreet areas (i.e. Traditional Commercial Streets). The PHEDSC received comments from the Greater Essex County District School Board (GECDSB) on the day of the meeting and directed Planning staff to liaise with the GECDSB to address its concerns with the proposed policy and regulations.

Planning staff met with GECDSB Planning Officer, Bryan Pearce on July 19th to discuss the following concerns outlined in the GECDSB's comments (Appendix A):

1. Exemption for School Drop-off / Pick-up Areas

The GECDSB has requested the proposed Official Plan amendment be modified to exempt school drop-off / pick-up areas from polices that would prohibit new or expanded parking areas and vehicle access along Traditional Commercial Streets. Providing an explicit exemption for school drop-off / pick-up is supportable as these facilities are essential to the operation of schools and flexibility should be provided to accommodate the size and number of busses arriving/departing at the same time. Section 1.39.5 of the proposed Official Plan amendment has been modified accordingly.

2. Exemption for New Driveways

The GECDsB also requested the proposed Official Plan and Zoning By-law amendments be modified to exempt all school properties from policy and regulation that would prohibit new vehicle access from Traditional Commercial Streets where access may be provided from a local street or alley. Unlike the exemption for drop-off / pick-up areas this request would allow for all vehicles to enter and exit school properties via Traditional Commercial Streets. Rationale for the requested exemption is to allow a connection between a drop-off/pick-up area and parking area as well as improved internal site circulation.

An exemption for vehicle access to school properties where access may be provided from a local street or alley would introduce additional conflict between pedestrians and vehicles and have a negative effect on the walkability of the street. Further, providing an exemption for a particular land use would set a precedent that would be difficult to justify from a Planning perspective. While the proposed policies and regulations would prohibit vehicle access from a Traditional Commercial Street it doesn't provide direction regarding access from a drop-off / pick-up area. A request for such a connection is unlikely to occur as the GECDsB only has two properties within the study area (see Maps 1 and 2). Accordingly, Planning staff does not recommend making the requested changes—instead leaving the interpretation of the policies to the site plan approval process should a request come forward.

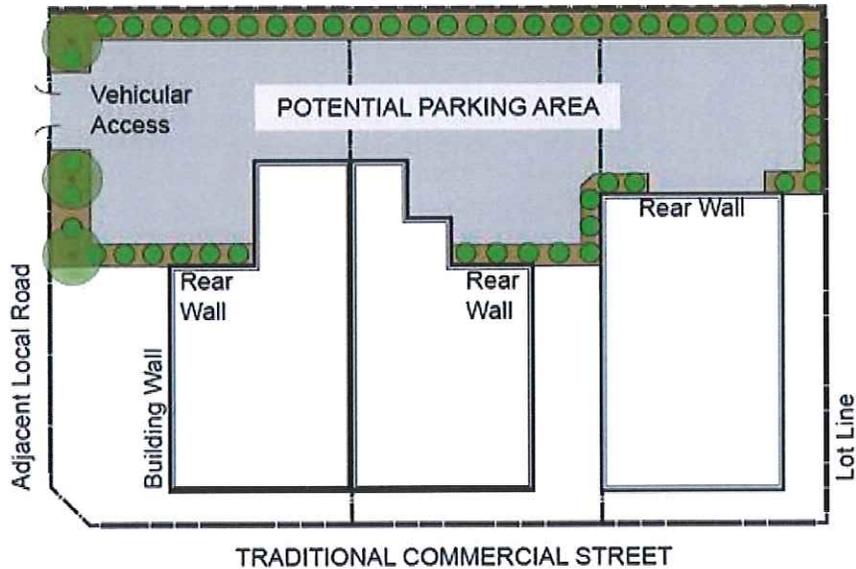
3. Accessory Parking

While examining the GECDsB's properties within context of the proposed policy and regulatory changes Planning staff has developed a more flexible approach to regulating the location of accessory parking (i.e. parking areas on the same property as a commercial or mixed use building). As drafted in the July 10th PHEDSC report—new or expanded accessory parking areas must be located behind the rear building wall located furthest from the Traditional Commercial Street. This approach would be unnecessarily restrictive for buildings with an irregular footprint, which may have multiple additions to the rear of building.

The intent of the accessory parking provisions is to ensure parking areas are hidden behind buildings and not visible from Traditional Commercial Streets. For example, the GECDsB's site located at 1255 Tecumseh Road East (John Campbell Public School) achieves this objective but would not conform to the regulations as they appear in the Phase 2 Report because the parking area along the east side of the building (i.e. along Parkwood Avenue) is not behind the furthest rear wall. To create flexibility for all land uses within the study area the proposed regulations have been modified to define the rear wall as:

“the building wall furthest from the Traditional Commercial Street. Where the rear wall of a building does not follow a straight line the closest parallel building wall to the facade shall be deemed the rear wall.”

An illustration is also provided within the proposed zoning regulations to illustrate the definition.



To ensure the definition of 'rear wall' is not exploited the regulations have been further modified to prohibit accessory parking areas within 10 metres (33 feet) of the exterior lot line that abuts a Traditional Commercial Street. Section 20(4)5.5 of the proposed Zoning By-law amendment has been modified accordingly.

4. Administrative Modifications

The proposed Official Plan Amendment has also been modified to reference the new Schedule A.1 – Special Policy Areas, which defines the area to which the policies apply. Recommendation III from the July 10th PHEDSC report has also been modified to reference Appendix D rather than Appendix C, which was an error.

CONSULTATION:

Planning Staff consulted Bryan Pearce, Planning Officer with the GECDSCB on the modifications to the proposed Official Plan and Zoning By-law amendments. Mr. Pearce has indicated support for the modified policies and regulations.

APPENDICIES:

Map 1: 1255 Tecumseh Road East

Map 2: 284 Cameron Avenue

Appendix A: Greater Essex County District School Board Comments Dated July 10, 2017

Appendix B: Proposed Official Plan Amendments: Special Policy Areas

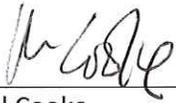
Appendix C: Proposed Zoning By-law 8600 Amendments



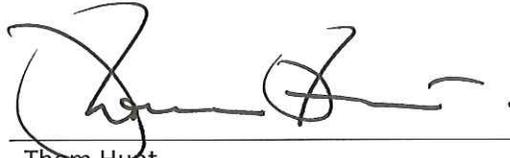
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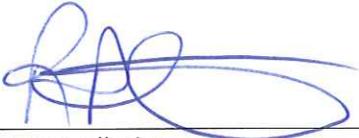
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Wira Vendrasco
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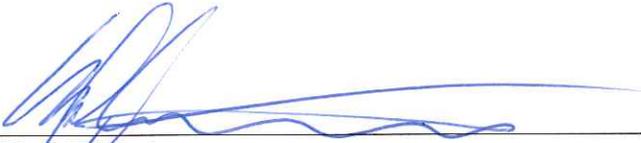
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Dwayne Dawson
Executive Director, Operations and Deputy
City Engineer



Mark Winterton
City Engineer



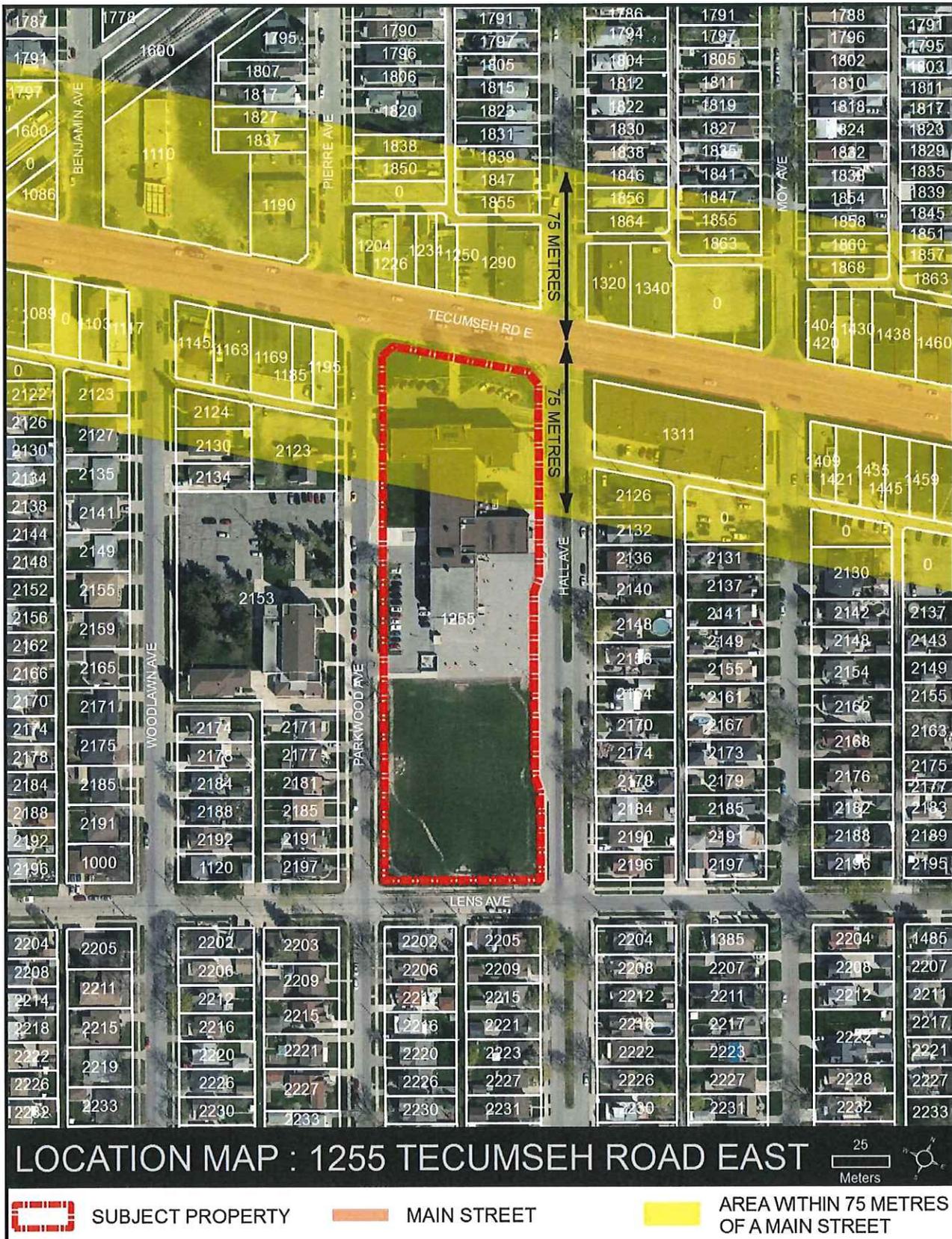
Onorio Colucci
Chief Administrative Officer

CITY OF WINDSOR
COUNCIL SERVICES

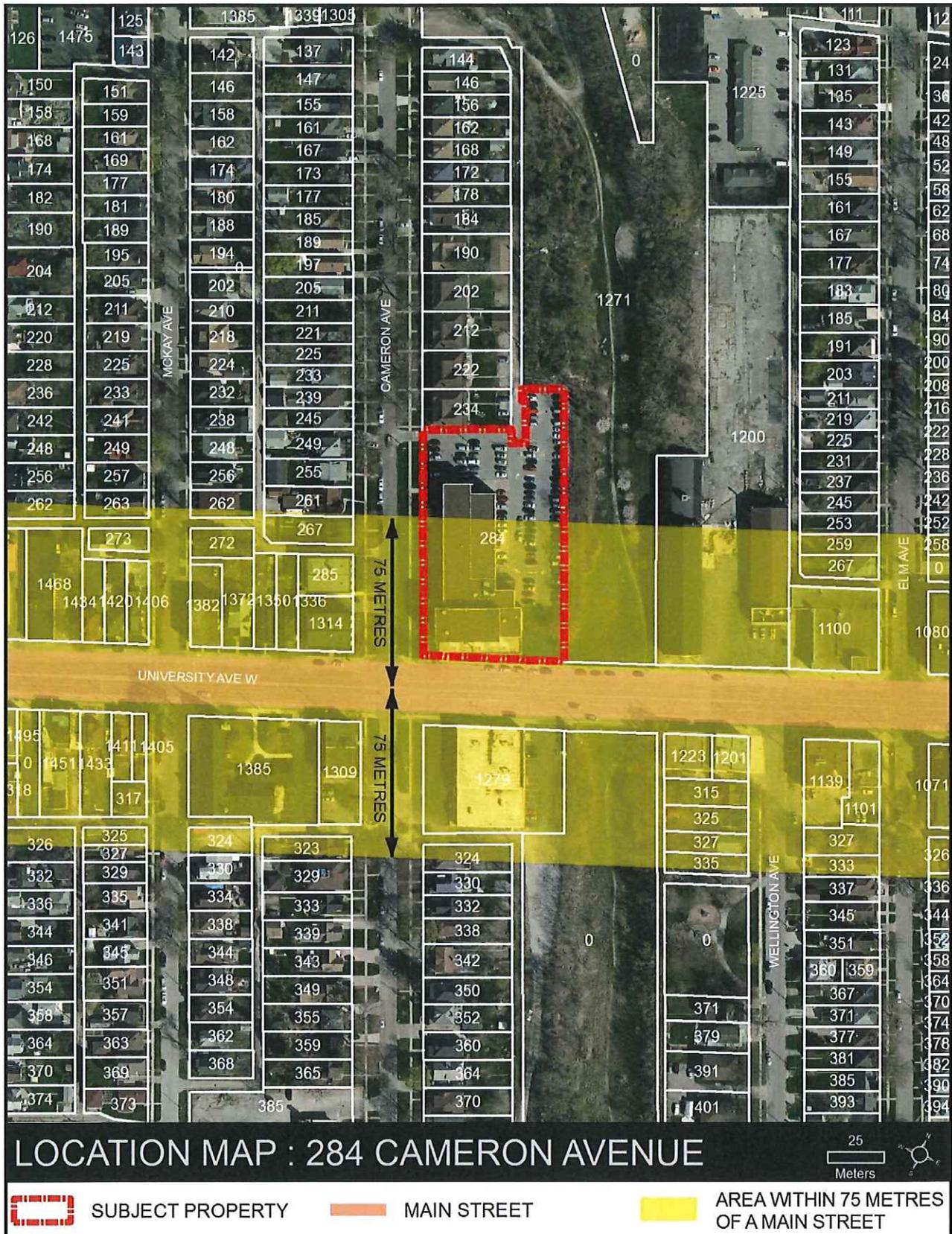
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Map 1: 1255 Tecumseh Road East



Map 2: 284 Cameron Avenue



Appendix A: Greater Essex County District School Board Comments Dated July 10, 2017

Greater Essex County District School Board

451 Park St. W., P.O. Box 210, Windsor, ON N9A 6K1 · 519-255-3200



VIA EMAIL ONLY

July 10, 2017

The Corporation of the City of Windsor
Planning, Heritage and Economic Development Standing Committee of Council
c/o Council Services Department
350 City Hall Square West, Room 203
Windsor, Ontario N9A 6S1
Email: clerks@citywindsor.ca

Chairperson Marra and Members of the Planning, Heritage and Economic Development Standing Committee:

Re: Item 7.1 of the July 10, 2017 Planning, Heritage and Economic Development Standing Committee of Council:

Interim Control By-law Land Use Study - Phase 2 Report: policy and regulatory changes for off-street parking areas within BIAs and mainstreet areas (Traditional Commercial Streets) (Wards 2, 3, 4, 5 and 6) (S 99/2017)

– Greater Essex County District School Board Comments

This correspondence is in response to the above-noted item, as it relates to the drafting of Official Plan Amendment 113 and Zoning By-law Amendment Application Z-011/17. The Greater Essex County District School Board (the "Board") have had an opportunity to review the City of Windsor (the "City") Liaison that was received through email on June 14, 2017; the Notice of Public Meeting, that was received in the mail on June 22, 2017; and the Phase Two Staff Recommendation Report # S 99/2017 to be heard at the Public Meeting on July 10, 2017 Planning, Heritage and Economic Development Standing Committee of Council. Previously, the City had an Open House on May 24, 2017 as a result of Phase 1 Report # S 66/2017 that was heard on May 15, 2017 at the Committee Meeting. As a result of the public engagements and discussions with City Planning Staff on the above-noted land use study, the Board offers the comments below.

The purpose and effect of the subject applications are to prohibit new or expanded parking area abutting traditional commercial streets and provide a framework for rezoning residential lands within 75 metres (250 feet) of traditional commercial streets for use as a parking area. The

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Item 7.1 of the July 10, 2017 Planning, Heritage and Economic Development Standing Committee of Council:

Interim Control By-law Land Use Study - Phase 2 Report: policy and regulatory changes for off-street parking areas within BIAs and mainstreet areas (Traditional Commercial Streets) (Wards 2, 3, 4, 5 and 6) (S 99/2017)

– Greater Essex County District School Board Comments

Dated: July 10, 2017

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Official Plan Amendment also includes enhanced landscaping requirements for new or expanded parking areas and provisions that prevent speculative demolition of residential dwellings. The Zoning By-law Amendment also propose to reduce required off-street parking space provisions for certain land uses located within Business Improvement Areas (the "BIA's") and traditional commercial streets. The City is also proposing a Demolition Control Area By-law on all of these BIA and Main Street areas, save and except for Old Sandwich Towne BIA (one already exists) and Drouillard Road main street area, pursuant to Section 33 of the *Planning Act*, but has no statutory requirement for a public meeting on the by-law enactment process for this planning tool.

The Board currently has two property assets that are within the identified areas of the study, one being within the Tecumseh Road East Mainstreet Area and one within the University Avenue West Mainstreet Area. We have given consideration of the planning policy and regulatory framework as a whole, since ownership controls have no bearing on the above-noted planning documents coming into force and effect.

As a result of the Board's review of the draft planning documents within the City's Phase Two Recommendation Report # S 99/2017, we would recommend that the City consider the following modifications:

1. Official Plan Amendment

- a) That Section 1.39.5 policies be modified with the addition of an exemption for school drop-off / pick-up area, so that there is policy basis for the proposed zoning by-law regulations under Section 20(4)5.5(a) of the Zoning By-law.
- b) That Section 1.39.11.3 polices be modified to add the land use of schools to driveway exceptions, so that a school could utilize the access from the school drop-off / pick-up area for parking areas as well; and have flexibility with internal traffic management design, when there is access from the side streets, subject to good planning design, rather than all parking accesses coming off the side street. Rather than an outright exception under Section 1.39.11.2, the policy framework could have separate criteria or similar to that of Drouillard Road, providing separation distance between the main street and parking areas.

2. Zoning By-law Amendment

- a) That Section 20(4)5.5(d) regulations be created to add the land use of schools to driveway exceptions, subject to criteria, based on the policy rationale of Item #1(b) above. Alternatively, schools could be added to the exception criteria, similar to that of Drouillard Road under Section 20(4)5.5(c).

The Board is pleased with the City Planning Staff's initiative in studying this matter and the proactive consultation process that has been completed on this project to-date. Based on above, the Board would like to continue to work with the City's Planning Staff to understand the implications of these recommendations for both parties, in efforts to refine the planning framework proposed in the Phase Two Staff Report; and recommend that the Planning, Heritage and Economic Development Standing Committee of Council direct City Planning Staff

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Interim Control By-law Land Use Study - Phase 2 Report: policy and regulatory changes for off-street parking areas within BIAs and mainstreet areas (Traditional Commercial Streets) (Wards 2, 3, 4, 5 and 6) (S 99/2017)

– Greater Essex County District School Board Comments

Dated: July 10, 2017
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to prepare an addendum to Report # 99/2017, to further review and analyze the above-noted comments, as well as any other comments received through this public meeting, in refining City Planning Staff's recommendations on these draft planning documents, prior to City Council making any decision on the matter.

The Board requests Notices of Decision rendered by the City on this above-noted Official Plan Amendment and Zoning By-law Amendment Applications; and if any Demolition Control Area By-law(s) or any other planning tool are enacted on this City-initiated project.

Should you have any questions or concerns on the above, please do not hesitate to contact this Planning Office on the matter.

Yours truly,

Bryan Pearce,
HBA, CPT,
MCIP, RPP

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Bryan Pearce, HBA, CPT, MCIP, RPP

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Appendix B: Proposed Official Plan Amendments: Special Policy Areas

AMENDMENT NO. 113
TO THE
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitutes Amendment No. 113.

Also Included, but not constituting parts of the Amendment are explanations of purpose, location, background, implementation, public involvement.

2017

A. PURPOSE

The purpose of Official Plan Amendment No. 113 (OPA 113) is to implement planning policy recommendations put forth in the City's Interim Control By-law land use study of off-street parking areas within BIAs and Mainstreets, so as to maintain and encourage continuous built form adjacent to and close to the commercial streets. This is accomplished through the addition of special policies within Volume 2 of the City's Official Plan concerning off-street parking areas within and adjacent to Business Improvement Areas (BIAs) and Mainstreets, which are collectively referred to a 'Traditional Commercial Streets'. A new schedule indentifying traditional commercial streets and areas in the vicinity is added to Volume 1 as Schedule A-1 of the City's Official Plan.

The new policies prohibit new or expanded parking areas abutting traditional commercial streets and provide a framework for rezoning of residential lands within 75 metres (250 feet) of traditional commercial streets for use as a parking area. New parking areas are directed to locate behind the rear wall of buildings. OPA 113 restricts vehicle access from Traditional Commercial Streets where access can be provided from an alley or local street and also includes enhanced landscaping requirements for new or expanded parking areas. Provisions for a Demolition Control area within 100 metres of Traditional Commercial Streets aims to prevent unnecessary and speculative demolition of dwellings units in buildings.

B. LOCATION

The text changes made to Volume 2 of the City of Windsor Official Plan apply to all land abutting and in close proximity to traditional commercial streets designated in Schedule A-1 of the Official Plan.

C. BACKGROUND

In the fall of 2015, Council passed Interim Control By-laws 126-2015, 127-2015 and 142-2015, to prohibit the creation of new or expanded off-street parking areas in Business Improvement Areas. The intent of the By-law was to prevent further demolition of commercial buildings for surface parking and to allow time for administration to undertake a study and review of land use policies and regulations related to all parking areas within the BIAs. Council approved the initial terms of reference for the land use study in March 2016, then in September 2016, extended the Interim Control Bylaws for a year and approved amended terms of reference for the study.

Administration undertook research and provided a Phase 1 background informational report to Planning, Heritage and Economic Development Standing Committee in May 2017, then to Council in June 2017. Public engagement through courtesy notification, public open house and comment forms provided opportunities for public consultation. Internal consultations

with departments and external agencies also resulted in the final recommendations report to City Council in August 2017, along with OPA 113, accompanying Zoning Bylaw Amendments, and a new Demolition Control Bylaw.

D. POLICY BASIS FOR THE AMENDMENT

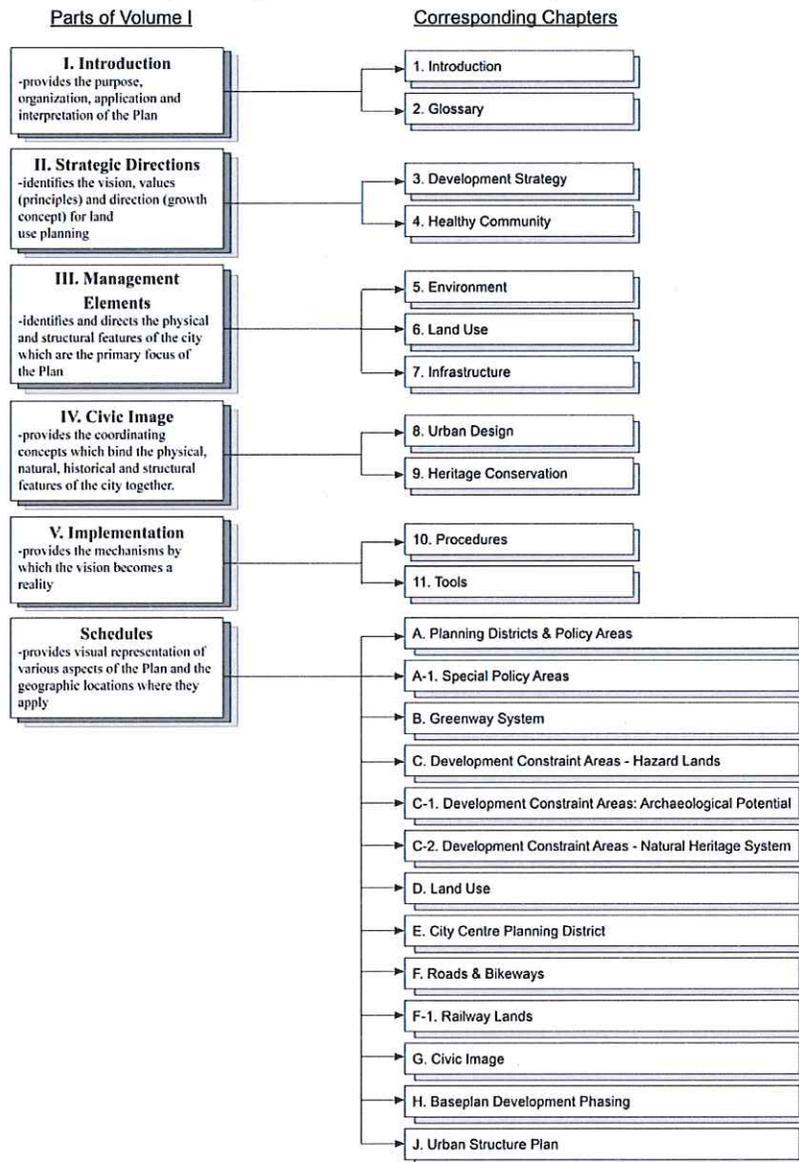
The underlying policy basis for OPA 113 comes from the Provincial Policy Statement (PPS) which directs municipalities to make planning decisions that promotes efficient development and land use patterns. The PPS encourages settlement areas to be the focus of growth and development and to identify and promote intensification and redevelopment in appropriate locations. More directly, the PPS states long-term economic prosperity should be supported by maintaining and enhancing mainstreets and encouraging a sense of place by promoting well-designed built form, and by conserving features that help defining character.

Lands abutting Traditional Commercial Streets in OPA 113 are designated with a Mixed use or Commercial Corridor land uses under the City's Official Plan, which supports Mainstreet areas to be designed with buildings along the street and parking at the rear, through its Land Use policies (Section 6) for Mixed Use and Commercial Corridor designation as well as Urban Design policies (Section 8) for Mainstreet, Built Form and Streetscape.

E. DETAILS OF THE AMENDMENT

- Volume 1 Chapter 5 Section 1.3, entitled Organization of the Plan, is amended by deleting Figure 2- Organization of Volume I: The Primary Plan and replacing it with the following:

Figure 2 - Organization of Volume I : The Primary Plan



2. Volume 1 Chapter 1 is amended by deleting Section 1.4.1, entitled Area or Parcel of Land, and replacing it with the following:

*AREA OR
PARCEL OF
LAND*

The following process is suggested to determine the land use designations that apply to, or impact on, an area or parcel of land:

- 1) review Schedule A: Planning Districts & Policy Areas to determine the planning district that the subject property is located within and determine, through discussions with City of Windsor Planning Division staff, if the planning district is subject to a secondary plan, special policy or any other planning study contained in Volume II;
- 2) locate the subject property on Schedule A-1: Special Policy Areas to identify Off-Street Parking policies on Traditional Commercial Streets and areas in the vicinity of Traditional Commercial Streets to the property;
- 3) locate the subject property on Schedule B: Greenway System to identify environmental and recreational opportunities on or in proximity to the property;
- 4) locate the subject property on Schedule C: Development Constraint Areas to identify potential development constraints on or in proximity to the property;
- 5) locate the subject property on Schedule C-1: Archaeological Potential to identify potential development constraints on or in proximity to the property;
- 6) locate the subject property on Schedule C-2: Provincially Significant Natural Features to identify potential development constraints on or in proximity to the property;
- 7) locate the subject property on Schedule D: Land Use or Schedule E: City Centre Planning District Land Use to determine, in consultation with the Planning Division, the land use designation(s) on and adjacent to the property;
- 8) locate the subject property on Schedule F: Roads & Bikeways to identify the nature of the cycling and road systems in the area;

- 9) locate the subject property on Schedule F-1: Railways to identify potential development constraints on or in proximity to the subject property;
- 10) locate the subject property on Schedule G: Civic Image to identify urban design and heritage opportunities on or adjacent to the property;
- 11) review Part III: Management Elements to determine the environmental, land use and infrastructure goals, objectives and policies affecting the property;
- 12) review Part IV: Civic Image to determine how the urban design and heritage conservation goals, objectives and policies affect the property;
- 13) if the property is subject to a secondary plan or any other planning study, that plan or study should also be reviewed in order to determine how it affects the property (refer to Volume II); and
- 14) Review Volume III, Schedule 'X' to determine if the subject property is subject to additional right-of-way width requirements.

*CONSULT
THE
PLANNING
DIVISION*

In determining which land use designations, development constraints and policies affect the subject property, proponents are encouraged to consult the City of Windsor Planning Division.

3. Volume 1 Chapter 1 is amended by deleting Section 1.4.2, entitled Municipal Infrastructure Undertaking or By-law, and replacing it with the following:

*MUNICIPAL
UNDERTAKING*

The following process is suggested to determine the goals, objectives and policies that apply to a municipal infrastructure undertaking or by-law:

- 1) review Part II: Strategic Directions to determine the vision, values (principles) and direction (growth concept) for Windsor;

- 2) review Schedule A: Planning Districts & Policy Areas to determine, through discussions with the City of Windsor Planning Division, if the planning district(s) where the municipal infrastructure undertaking or by-law is in/affecting is subject to a secondary plan, special policy or any other planning study contained in Volume II;
- 3) locate the subject property on Schedule A-1: Special Policy Areas to identify Off-Street Parking policies on Traditional Commercial Streets or in areas in the vicinity of Traditional Commercial Streets to identify potential development constraints on or in proximity to the subject property;
- 4) review Schedule B: Greenway System to identify environmental and recreational opportunities on or in proximity to the property that may be incorporated into the municipal infrastructure undertaking or by-law;
- 5) review Schedule C: Development Constraint Areas to identify any constraints to development which may apply to the proposed infrastructure undertaking or by-law;
- 6) locate the subject property on Schedule C-1: Archaeological Potential to identify potential development constraints on or in proximity to the property;
- 7) locate the subject property on Schedule C-2: Provincially Significant Natural Features to identify potential development constraints on or in proximity to the property;
- 8) review Schedule D: Land Use or Schedule E: City Centre Planning District to determine, in consultation with the City of Windsor Planning Division, the land use designation(s) on and adjacent to the municipal infrastructure undertaking or area the by-law will affect;
- 9) review Schedule F: Roads & Bikeways to identify the existing and planned transportation system that may be affected by the municipal infrastructure undertaking or by-law;

- 10) locate the subject property on Schedule F-1: Railways to identify potential development constraints on or in proximity to the subject property;
- 11) review Schedule G: Civic Image to identify urban design and heritage opportunities on or adjacent to the municipal infrastructure undertaking or area that the by-law will affect;
- 12) review Part III: Management Elements to determine the environment, land use and infrastructure goals, objectives and policies affecting the municipal infrastructure undertaking or by-law;
- 13) review Part IV: Civic Image to determine how the urban design and heritage conservation goals, objectives and policies affect the municipal infrastructure undertaking or by-law;
- 14) review Part V: Implementation to identify the procedures and tools goals, objectives and policies affecting the municipal infrastructure undertaking and/or by-law;
- 15) if the property is subject to a secondary plan or any other planning study, that plan or study should also be reviewed in order to determine how it affects the municipal infrastructure undertaking or by-law; and
- 16) Review Volume III, Schedule 'X' to determine if the subject property is subject to additional right-of-way width requirements.

*CONSULT
THE
PLANNING
DIVISION*

In determining which land use designations, development constraints and policies affect the municipal infrastructure undertaking or by-law, proponents are encouraged to consult the City of Windsor Planning Department.

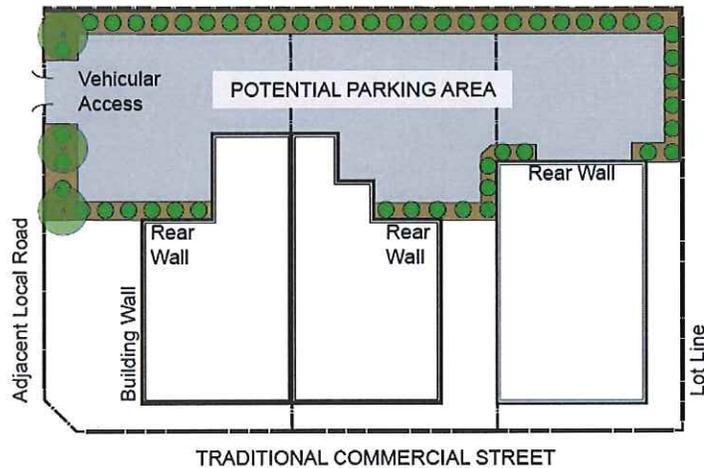
5. Volume 2 Chapter 1 is amended by adding Section 1.39, entitled Off-Street Parking Areas in the Vicinity of Traditional Commercial Streets:

<i>PURPOSE</i>	1.39.1	The intent of this policy is to allow for the retention of buildings on Traditional Commercial Streets to facilitate continuous building facades and provide a positive impact on the unique character and walkability of these areas. This policy also provides a policy framework for creating new or expanded off-street parking areas in the Vicinity of Traditional Commercial Streets—to the rear of commercial and mixed use buildings. This policy also prohibits the creation of new surface parking areas or the expansion of existing surface parking areas abutting Traditional Commercial Streets.
<i>TRADITIONAL COMMERCIAL STREETS</i>	1.39.2	‘Traditional Commercial Streets’ are public rights-of-way designated on Schedule A-1: Special Policy Areas in the Primary Plan. The location of Traditional Commercial Streets generally aligns with Business Improvement Areas and designated Mainstreets identified on Schedule G: Civic Image. Vicinity of Traditional Commercial Streets is conceptually shown on Schedule A-1: Special Policy Areas in the Primary Plan.
<i>POLICY APPLICATION</i>	1.39.3	This policy applies to: a) Property adjacent to Traditional Commercial Streets; and b) Property within a 100 metre perpendicular distance from the centreline of a Traditional Commercial Street.
<i>DROUILLARD ROAD</i>	1.39.4	Only Section 1.39.16 and the sections referenced within Section 1.39.16 applies to Drouillard Road Traditional Commercial Street Area.
<i>EXCEPTIONS</i>	1.39.5	This policy does not apply to: a) Bicycle parking areas b) School drop-off/pick up areas
<i>SPECIAL POLICY PREVAILS</i>	1.39.6	Where there is conflict between this Section 1.39 and any other sections of the Official Plan related to parking areas, Section 1.39 shall prevail.
<i>SURFACE PARKING AREAS NOT PERMITTED</i>	1.39.7	A surface parking area abutting a Traditional Commercial Street identified on Schedule A-1 is prohibited. For clarity, this includes parking spaces encroaching in the public right-of-way.
<i>OTHER OFF-STREET PARKING</i>	1.39.8	Underground parking and parking structures with permitted use(s) on the ground floor abutting Traditional Commercial

AREAS Streets and within the Vicinity described in Section 1.39.3 are permitted.

PARKING AREA PERMITTED AS AN ACCESSORY USE 1.39.9 Surface parking areas may be permitted as an accessory use subject to the following criteria:
 (a) The parking area shall be located further from the Traditional Commercial Street than the rear wall of the building located on the same property.

**FIGURE 1:
 EXAMPLE
 PARKING
 AREA**



PARKING AREAS PERMITTED IN RESIDENTIAL VICINITY THROUGH REZONING 1.39.10 Subject to Section 1.39.7 and 1.39.9, parking areas may be permitted through zoning by-law amendment within areas designated Residential within the Vicinity of Traditional Commercial Streets, subject to the following criteria:
 (a) The proposed parking area shall be located entirely within a perpendicular distance of 75m from the centerline of a Traditional Commercial Street.
 (b) *There are no low profile housing, small scale forms of development located between the proposed parking area and a Traditional Commercial Street;*
 (c) The subject property does not abut any Traditional Commercial Street; and
 (d) The subject property is not listed on the Municipal Heritage Register.

VEHICLE ACCESS TO PARKING AREAS 1.39.11.1 Vehicle access is not permitted from a Traditional Commercial Street as the access would interrupt the continuity of the pedestrian path and building facade/street wall, creating conflict between pedestrians and vehicles. Vehicle access may be provided from a local street or alley that is not identified on Schedule A-1.

<i>EXCEPTION</i>	1.39.11.2	Policy 1.39.11.1 does not apply to any property with no access other than from a Traditional Commercial Street.
<i>DRIVEWAY EXCEPTIONS</i>	1.39.11.3	For properties where Section 1.39.11. 2 applies, or where the property is abutting the Drouillard Road area, driveway access from the Traditional Commercial Street shall be limited to one driveway access per property and to the maximum width of access permitted by zoning regulations.
<i>SCREENING OF PARKING AREAS</i>	1.39.12	Parking areas described in Sections 1.39.3 and 1.39.4 shall be subject to the provisions of the zoning by-law and site plan control by-law. Appropriate screening through the use of decorative fencing, decorative walls or living walls, tree planting, low berms and other landscape elements will be required, to the satisfaction of the City Planner. These elements serve to reduce the visual impact of the parking areas from the streetscape. Screening of parked vehicles shall also consider safety of users by permitting views to adjacent rights-of-way or access ways for orientation and safety.
<i>DEMOLITION BUFFER FOR RESIDENTIAL PROPERTY IN VICINITY</i>	1.39.13	To encourage orderly development , residential properties located within a 100m perpendicular distance from the centerline of a Traditional Commercial Streets shall be subject to demolition control unless: a) A parking area has been approved in accordance with Section 1.39.9; or b) Explicitly exempted in the Demolition Control By-law.
<i>APPROVAL OF DEMOLITION REQUEST</i>	1.39.14	Council may approve a request for demolition within the area set out in 1.39.12 where redevelopment of the site is proposed. Council may also impose conditions to ensure redevelopment is completed within the proposed timeframe.
<i>REDEVELOPMENT POLICIES NOT APPLICABLE</i>	1.39.15	The policies regarding Redevelopment Plans, in Section 11.11 of the Primary Plan shall not apply to the properties described in Section 1.39.13.
<i>DROUILLARD ROAD</i>	1.39.16	The Drouillard Road area shown on Schedule A-1 inset is not subject to policies 1.39.7, 1.39.9 to 1.39.11.2 (inclusive) and 1.39.13 to 1.39.15. Surface parking areas are permitted on properties abutting Drouillard Road subject to the following criteria: (a) The parking area shall be located further from the Traditional Commercial Street than the front main wall of a building located on the same property.

F. IMPLEMENTATION

OPA 113 enhances the existing Official Plan policies respecting Mainstreets and prescribes the potential locations for off-street parking in the vicinity of Traditional Commercial Streets. The Amendment should be read and implemented in conjunction with the overall policies contained with the Plan. The associated Zoning Bylaw Amendments and the Demolition Control Bylaw will also be necessary to fully implement OPA 113.

Appendix C: Proposed Zoning By-law 8600 Amendments

BY-LAW NUMBER -2017

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER
8600 CITED AS THE "CITY OF WINDSOR ZONING BY-
LAW"

Passed the day of , 2017.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. That said By-law is amended by adding the following to Section 1.20.3:

"16 Schedule 'P'- Off-Street Parking Overlay"

and that Schedule 'P' - Off-Street Parking Overlay , attached hereto, be added to said By-law.
2. That said By-law is further amended by deleting and replacing Section 1.20.35 with the following:

".35 SPECIFIC ZONING EXCEPTION - In addition to the zoning district, an area on the Schedules identified in Section 1.20.3 may be further delineated and identified by a specific zoning exception symbol – S.20 a subsection – (1), (2), (3), or (4), and a paragraph of subsection (1), (2), (3), or (4).

For example S.20(1)275 identifies that the area is subject to the provisions of paragraph 275 of subsection (1) of Section 20.

An area so identified shall be subject to the provisions of the zoning district, the specific zoning exception as identified by the paragraph of subsection (1), (2) ,(3) or (4) of Section 20 and all other applicable provisions of this by-law.

Where an additional use is permitted under Section 20, any use accessory, excluding an outdoor storage yard except where permitted within the zoning district or specific zoning exception, shall also be permitted subject to the provisions of the zoning district, specific zoning exceptions and any other provisions of this by-law applicable to such accessory use."

3. That said By-law is amended by adding the following new zoning district to Section 14:

"(13) COMMERCIAL DISTRICT 1.13 (CD 1.13)

.1 PERMITTED USES

Parking Area
Public Parking Area

.5 PROVISIONS

- .1 The provisions of Section 20(4)5.5(a), Section 24 and Section 25 and the following additional provisions shall apply:
 - a) Each *parking space, parking aisle, collector aisle, access area, loading space* or *stacking space* shall have no greater than the minimum length and minimum width required under Section 24 and Section 25.
 - b) Parking area separation shall be provided as follows:
 1. Where the lot width is less than or equal to 18 m, a parking area separation of 0.9 m shall be provided between a *parking area* and an *interior lot line*.
 2. Where the lot width is greater than 18 m, a parking area separation between a *parking area* and an *interior lot line* shall be greater than 0.9m and shall include any area excess of Section 14(13).5.1(a).
 3. Parking area separation is not required between a *parking area* and an *alley*."

4. That Section 20 of said By-law is further amended by adding the following subsection:
- (4) **TRADITIONAL COMMERCIAL STREET - OFF-STREET PARKING PROVISIONS**
1. The following provisions apply to the lands identified on Schedule 'P' - Off-Street Parking Overlay to this By-law.
 3. The following *streets* are identified as a Traditional Commercial Street:
 - Devonshire Road between Riverside Drive East and Wyandotte Street East
 - Drouillard Road between Trenton Street and Deming Street
 - Erie Street between Mercer Street and Hall Avenue
 - Ottawa Street between Marentette Avenue and Windermere Road
 - Ouellette Avenue between Wyandotte Street and Tecumseh Road
 - Sandwich Street between Brock Street and Detroit Street
 - Tecumseh Road East between Forest Avenue and Chilver Road
 - Tecumseh Road East between Cadillac Street and Larkin Road
 - Tecumseh Road East between Westcott Road and Rossini Boulevard
 - University Avenue West between Randolph Avenue and Salter Avenue
 - Wyandotte Street East between Arthur Street and Raymo Road
 - Wyandotte Street East between McDougall Street to Argyle Road
 - Wyandotte Street East between Thompson Boulevard and Glidden Avenue
 - Wyandotte Street West between California Avenue and Campbell Avenue
 5. In the event of a conflict between the provisions of Section 20(4) and any provisions in any other section, the provisions of Section 20(4) shall prevail.
 - .1 **ADDITIONAL PERMITTED USES**

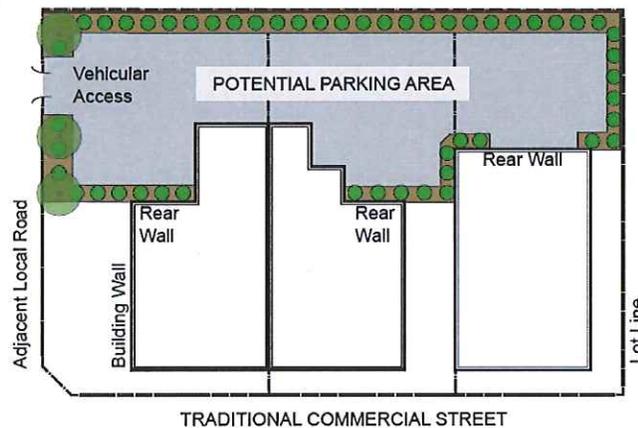
Parking Garage in a *combined use building* provided a minimum building depth of 10.0 m of the ground floor area abutting the Traditional Commercial Street is occupied by any use permitted by the *zoning district* in which the *lot* is located.
 - .3 **PROHIBITED USES**

A *Public Parking Area* is prohibited save and except for any bicycle parking spaces.
 - .5 **ADDITIONAL PROVISIONS**
 - (a) "New or expanded" *parking area* means the creation of five or more *parking spaces*.
 - (b) "Rear Wall" means the building wall furthest from the Traditional Commercial Street. Where the rear wall of a building does not follow a straight line the closest parallel building wall to the facade shall be deemed the rear wall.
 - (c) For any *parking area* with five or more *parking spaces*, that portion of the *parking area* not used for a *parking space*, *parking aisle*, *collector aisle*, *access area*, *loading space* or *stacking space* shall be maintained exclusively as a *landscaped open space yard*.
 - (d) The following additional provisions apply to any new or expanded *parking area*, *parking garage*, *access area* and *stacking space* with the exception of Drouillard Road Area shown on Schedule P.5 Off-Street Parking Overlay and any *school drop-off / pick-up area*:
 1. A *parking space*, *collector aisle*, *parking aisle*, or a *stacking space* is prohibited between the Traditional Commercial Street and:
 - (i) the *rear wall* of the building located on the same property; or
 - (ii) 10.0 metres from the exterior lot line that abuts a Traditional Commercial Street,
 whichever distance is greater.
 2. An *access area* to or from a Traditional Commercial Street is prohibited

where access can be provided from an *alley* or from a *street* not identified on Schedule P.

3. Where an *access area* cannot be provided from an *alley* or from a *street* not identified on Schedule P, a maximum of one *access area* may be provided from a Traditional Commercial Street.
 4. The width of the *access area* shall be a minimum of 3.0 m for *parking areas* with less than 20 *parking spaces* and shall not exceed 7.0 m for all *parking areas*.
- (e) These provisions apply only to any new or expanded *parking area*, *parking garage*, *access area* and *stacking space* in the Drouillard Road Area shown on Schedule P.5 Off-Street Parking Overlay:
1. A *parking space*, *collector aisle*, *parking aisle*, or a *stacking space* is prohibited between the Traditional Commercial Street and the building wall located closest to the Traditional Commercial Street.
 2. A maximum of one *access area* may be provided from a Traditional Commercial Street.
 3. The width of the *access area* shall be a minimum of 3.0 m for *parking areas* with less than 20 *parking spaces* and shall not exceed 7.0 m for all *parking areas*.

ILLUSTRATION 20.4.5.5 – EXAMPLE OF POTENTIAL PARKING AREA



5. That said By-law is further amended by deleting and replacing Section 24.20.3 with the following:

24.20.3 REQUIRED PARKING SPACES – BUSINESS IMPROVEMENT AREAS AND OTHER DEFINED AREAS

- .1 Excluding lands in the *Central Business District*, for lands in any *Business Improvement Area* and for all lands within a *Commercial District* located:
 1. on the north and south side of Wyandotte Street West between Dougall Avenue and Patricia Road;
 2. on the north and south side of University Avenue between Dougall Avenue and Randolph Avenue;
 3. on the north and south side of Tecumseh Road East between Forest Avenue and Chilver Road, Cadillac Street and Larkin Road, and Westcott Road and Rossini Boulevard;
 4. on the east and west side of Ouellette Avenue between Giles Boulevard and Tecumseh Road;

for an existing *building*, the required minimum number of *parking spaces* shall be as shown opposite the respective use in Table 24.20.3.1:

TABLE 24.20.3.1 – REQUIRED PARKING SPACES BUSINESS IMPROVEMENT AREAS & OTHER DEFINED AREAS	
USE	PARKING RATE – MINIMUM
Bake Shop	0
Business Office	0
Convenience Store	0
Food Convenience Store	0
Food Outlet – Take-out	0
Medical Office	1 for each 27 m ² GFA
Pawnshop	0
Personal Service Shop	0
Pharmacy	0
Professional Studio	0
Repair Shop – Light	0
Restaurant	None for the first 90 m ² GFA AND 1 for each additional 15 m ² GFA
Retail Store	0
Veterinary Office	1 for each 27 m ² GFA
All other uses not listed above	Section 24.20.5 shall apply

DREW DILKENS, MAYOR

CLERK

First Reading - , 2017
 Second Reading - , 2017
 Third Reading - , 2017