

AMENDMENT NO. 84
TO THE
OFFICIAL PLAN
CITY OF WINDSOR

Part C (Details of the Amendment) of the following text constitute Amendment No. 84.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Background and Implementation of the Amendment and Appendix I (Results of Public Involvement).

A. PURPOSE

This amendment is the third part of the implementation of the Official Plan 5-Year Review. Subsequent amendments include the addition of updated Official Plan Volume 1 and Volume 2 schedules, and updates to the Environment, Land Use, and Infrastructure chapters. The purpose of this amendment is to incorporate into the Official Plan certain policy modifications that have been identified in the Official Plan Review. They involve no change in land use policy direction from what is contained in the current approved Official Plan. The changes include:

- Updating of the text in Chapter 10 – Procedures, Section 2 – Support Studies.
- Updating of the text in Chapter 11 – Tools, Section 3 – Secondary Plans.
- Updating of the text in Chapter 11 – Tools, Section 4 – Subdivisions and Consents.
- Updating of the text in Chapter 11 – Tools, Section 6 – Zoning.
- Updating of the text in Chapter 11 – Tools, Section 8 – Community Improvement.
- Addition of text in Chapter 11 – Tools, Section 10 – Community Benefits.
- Addition of text in Chapter 11 – Tools, Section 11 – Redevelopment Plans.

B. BACKGROUND

The current City of Windsor Official Plan (Volume 1: The Primary Plan) was adopted by City Council on October 25, 1999 and approved in part by the Minister of Municipal Affairs and Housing on March 28, 2000 with the remainder being approved by the Ontario Municipal Board on November 1, 2002.

The Support Studies and Information in Volume 1, Chapter 10 – Procedures need to be updated.

The Secondary Plans policies and the Community Improvement policies in Volume 1, Chapter 11 – Tools need to be updated to reflect the Urban Structure Plan policies to reflect the new policies added by OPA No. 79 – Urban Structure Plan in Chapter 3 – Development Strategy.

The Subdivisions and Consents policies in Volume 1, Chapter 11 – Tools need to be updated to include new policies for Condominium Conversions.

The Zoning policies in Volume 1, Chapter 11 – Tools need to be updated.

A new section describing Community Benefits policies needs to be added to implement powers authorized by Subsection 37(1) of the *Planning Act*. Subsection 37(1) of the *Planning Act* allows the council of a local municipality the power to authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

A new section describing Redevelopment Plan policies needs to be added to require an approved Redevelopment Plan prior to the issue of certain municipal permits.

C. DETAILS OF THE AMENDMENT

1. That Chapter 10, Procedures BE AMENDED by deleting sections 10.1.3, 10.2.1.5, 10.2.1.7, 10.2.1.8, 10.2.1.9, 10.2.1.12, 10.2.1.12(duplicate), 10.2.14 and 10.8.1 and replacing them with the following:

PERMITTED USES IN ALL LAND USE DESIGNATIONS 10.1.3 Infrastructure and services may be permitted in all areas of Windsor without requiring an amendment to this Plan.

IMPLEMENTATION 10.2.1.5 All relevant mitigation recommendations included in a support study shall be included as a condition of approval to be implemented by the proponent of development.

SUPPORT INFORMATION AND MATERIALS FOR PLANNING ACT APPLICATIONS 10.2.1.7 The municipality may require the applicant to submit any of the following information at any time during an application under the *Planning Act*:

- (a) Deed and/or Offer of Purchase;
- (b) Topographic Plan of Survey;
- (c) Conceptual Development Plan;
- (d) Floor Plans and/or Elevations;
- (e) Record of Site Condition (RSC);
- (f) Stormwater Management Plan;**
- (g) Approved Class Environmental Assessment;
- (h) Geotechnical Study;
- (i) Draft Plan of Subdivision;
- (j) Condominium Description;

- (k) Transportation Impact Study and/or Statement;
- (l) Environmental Evaluation Report;
- (m) Guideline Plan;
- (n) Sanitary and/or Storm Sewer Study;
- (o) Market Impact Assessment;
- (p) Noise and/or Vibration Study;
- (q) Planning Rationale Study;
- (r) Tree Inventory and Preservation Study;
- (s) Built Heritage Impact Study;
- (t) Archaeological Assessment;
- (u) Lighting Study;
- (v) Environmental Site Assessment;
- (w) Design Study;
- (x) Studies related to atmospheric gases than can be generated in soil and/or leachate;
- (y) Micro-Climate Study; and
- (z) Other Material or Studies relevant to the development and lands affected by the application.

COMPLETE
APPLICATION

10.2.1.12

When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application shall not be considered complete until the required study or studies are prepared and submitted to the satisfaction of the Municipality. Notification of a complete application shall be given to the applicant and all other parties by the Municipality in accordance with the *Planning Act*.

PUBLIC INFORMATION 10.2.1.13 Council shall ensure that information and material provided by a person or public body that has submitted a complete application for development approval shall be available to the public for review.

10.2.14 Tree Inventory and Preservation Study

The following policies should be read in conjunction with subsection 5.3.6 of this Plan.

PURPOSE 10.2.14.1 The purpose of a Tree Inventory and Preservation Study is to investigate existing tree vegetation, within and adjacent to development and determine how protection and enhancements can coincide with proposed development.

STUDY COMPONENTS 10.2.14.2 Where a Tree Inventory and Preservation Study is required, such a study should include:

- (a) An inventory of trees;
- (b) an evaluation of the impact of the proposed development upon the existing trees;
- (c) possible infrastructure modifications and construction staging procedures;
- (d) recommend trees/vegetation to be preserved;
- (e) measures to be taken during construction to mitigate the impact of development upon trees/vegetation;
- (f) provisions for replacement of trees/vegetation designated for preservation that are not successfully preserved; and,
- (g) a detailed maintenance program to be followed after development is complete.

CONSULTATION WITH FIRST NATIONS 10.6.8 Consultation with First Nations will take place as part of a development application or detailed planning study.

PROVINCIALPOLICY 10.8.1 This Official Plan shall conform to provincial legislation and shall have regard to matters of provincial interest and shall be consistent with provincial policy statements. This Plan has been prepared to meet these requirements within the context of both existing and emerging policy initiatives.

5YEARREVIEW 10.9.1 Council Shall, at intervals of no more than five years, hold a public meeting to consider the need for revisions to this Plan. The following factors need to be taken into consideration when determining the need for preparing a 5 year review of an Official Plan:

(a) That the Official Plan conforms or does not conflict with provincial plans;

(b) Has regard to the matters of provincial interest that are identified in the *Planning Act*;

(c) Is consistent with policy statements issued under the *Planning Act*;

(d) The need for confirmation or amendment of employment land policies in the Official Plan; and

(e) Any other matter that Council identifies as impacting an Official Plan.

2. That section 10.2.1.10 be renumbered to 10.2.1.8.
3. That section 10.2.1.11 be renumbered to 10.2.1.9.
4. That section 10.2.1.12 be renumbered to 10.2.1.10.
5. That section 10.2.1.13 be renumbered to 10.2.1.11.
6. That Chapter 11, Procedures BE AMENDED by deleting section 11.3 and replacing it with the following:

11.3 Secondary Plans

Secondary Plans will be used to guide the development or redevelopment of planning districts, neighbourhoods, corridors or any other area as identified on Schedule A: Planning Districts and Policy Areas. These plans provide specific schedules and policies for those areas of the city

where more detailed directions for land use, infrastructure, transportation, environment, urban design, heritage or other topics are required beyond the general framework provided by this Plan. All secondary plans are contained within Volume II: Secondary Plans and Special Policy Areas.

11.3.1 Objectives

<i>ADDRESS SPECIFIC AREAS</i>	11.3.1.1	To provide a process and a framework for addressing planning issues affecting or characterizing specific areas of the city.
<i>APPLY OFFICIAL PLAN PRINCIPLES</i>	11.3.1.2	To facilitate the application of the general planning principles expressed in this Plan.
<i>STRENGTHEN DEVELOPED AREAS</i>	11.3.1.3	To strengthen existing developed areas of the city and to facilitate, where desirable, appropriate and orderly redevelopment.
<i>VACANT LAND</i>	11.3.1.4	To ensure the orderly, efficient and appropriate development of large tracts of vacant or underutilized land.
<i>DESIRABLE CHARACTERISTICS</i>	11.3.1.5	To ensure that desirable characteristics of the city are protected and enhanced.
<i>SUSTAINABLE REVITALIZATION</i>	11.3.1.6	To ensure revitalization of existing developed areas and development of new growth areas is designed to be sustainable.
<i>URBAN STRUCTURE</i>	11.3.1.7	To provide an urban structure of Windsor consistent with the urban structure of Windsor as identified in Schedule J: Urban Structure Plan.

11.3.2 Policies

<i>AREAS FOR STUDY</i>	11.3.2.1	<p>Secondary Plans may be prepared as needed for planning districts, neighbourhoods, corridors or any other identified area of the city and in particular:</p> <ul style="list-style-type: none"> (a) large tracts of vacant or underutilized land to ensure the appropriate and orderly use of land, economic development and the efficient provision of infrastructure; (b) areas undergoing change where current policies require updating to guide redevelopment or warrant reconsideration and in particular:
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- (i) obsolete industrial areas;
 - (ii) declining commercial areas; and
 - (iii) areas with desirable characteristics or functions such as the City Centre, heritage areas, the waterfront and gateways;
- (c) areas in need of stability and strengthening such as older residential neighbourhoods and heritage areas.

*CONFORM TO
OFFICIAL PLAN*

11.3.2.2

Secondary plans shall be prepared to implement this Plan and may amend it as necessary. In the event of a conflict between a secondary plan and this Plan, the secondary plan shall prevail and take precedence provided the general goals and objectives of this Plan are maintained.

*TERMS OF
REFERENCE*

11.3.2.3

Prior to commencing the preparation of a secondary plan, the Municipality will prepare a draft terms of reference which will set out the need for the secondary plan, the intended scope, the process of plan preparation and the opportunities for public participation and involvement.

CONTENTS

11.3.2.4

Secondary plans shall generally include the following:

- (a) a statement of the basis or rationale for the preparation of the secondary plan;
- (b) a description of the planning area and/or area under study, including a reference map, and the role and relationship of the planning district and/or area under study to the city as a whole;
- (c) an inventory and assessment of the area in terms of land use, demographics and land ownership, economic and social conditions, natural and man-made heritage features, environmental characteristics and conditions, physiographic and soil characteristics, transportation, servicing infrastructure and external influences, natural and built heritage features;
- (d) current land use designations, zoning and similar policy or regulatory controls;

- (e) a statement of the desired land use of the area along with relevant and related environmental, social and economic goals;
- (f) the goals and objectives appropriate for the area including a statement demonstrating how they are in keeping with the strategic directions and general goals and objectives of this Plan and provincial legislation, policies and appropriate guidelines;
- (g) a large scale concept plan showing land use designations of the desired type and pattern of development with due consideration to urban form, scale, sustainable design, protection of environmentally significant areas and ecologically sensitive areas, compatibility with and potential impact on neighbouring uses and areas;
- (h) the nature, type and location of infrastructure and public lands;
- (i) the identification, protection and integration of significant natural and built heritage features;
- (j) the desired local transportation network and its links to the transportation network of the city as a whole;
- (k) the provision and upgrading of infrastructure which may be required;
- (l) specific policies and strategies for achieving the objectives established for the area which complement and are compatible with the more general policies of this Plan;
- (m) proposed changes to this Plan, zoning and other regulatory measures;
- (n) phasing of development, infrastructure and capital expenditures; and
- (o) urban design policies for the area.

ADOPTION,
NOTIFICATION
& APPEAL

11.3.2.5

Secondary plans shall be adopted as amendments to this Plan and the provisions of this Plan and the *Planning Act* regarding adoption, notification and appeal of amendments shall apply.

<i>REVIEW & UPDATE</i>	11.3.2.6	Secondary plans shall be reviewed and up-dated in accordance with the monitoring and review provisions of this Plan (refer to section 10.9).
<i>PEER REVIEW</i>	11.3.2.7	Secondary plans prepared by proponents other than the Municipality may be peer reviewed at the proponent's expense using a qualified consultant acceptable to the Municipality.

7. That Chapter 11, Procedures BE AMENDED by deleting section 11.4 and replacing it with the following:

11.4 Subdivisions and Consents

Land may be divided through the subdivision or consent process in accordance with the *Planning Act*. Both of these processes influence the pattern of development within a city including the desired street and lot layout, the location of parks and community facilities and the provision of infrastructure necessary for development.

11.4.1 Objective

<i>ORDERLY DEVELOPMENT</i>	11.4.1.1	To ensure the efficient creation of subdivisions and new lots.
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11.4.2 Subdivision Policies

<i>APPROVAL AUTHORITY</i>	11.4.2.1	Council is the approval authority for plans of subdivision.
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<i>REVIEW PROCEDURES</i>	11.4.2.2	All applications for subdivision approval shall be processed in accordance with the provisions of the <i>Planning Act</i> , and regulations pursuant thereto, and the 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:
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- (a) be circulated to appropriate agencies and those agencies be provided sufficient time to respond;
- (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,

- (c) be given due and thorough consideration by Council.
- EVALUATION CRITERIA* 11.4.2.3 Council will evaluate a plan of subdivision according to the following criteria:
- (a) provincial legislation, provincial policies and applicable provincial guidelines;
 - (b) conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines
 - (c) conformity with the recommendations of any support studies prepared as part of the application;
 - (d) the continuation of an orderly development pattern;
 - (e) impact of the development on adjacent properties; and
 - (f) the requirements or comments of Municipal departments and public agencies or authorities.
- ULTIMATE USE & ZONING* 11.4.2.4 The applicant shall be required to indicate the proposed uses for all lots, blocks and parcels in the subdivision and that the appropriate zoning classifications are approved or pending to reflect the intended use.
- CONDITIONS OF APPROVAL* 11.4.2.5 Council shall attach such conditions as it deems appropriate to the approval of a plan of subdivision. The applicant shall be required to satisfy these conditions, failing which, draft plan approval may be withdrawn. Such conditions may include, but are not limited to, the following:
- (a) the fulfillment of any financial requirement to the Municipality;
 - (b) the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;
 - (c) the conveyance of lands for public highways or widenings as may be required, including pedestrian pathways, bicycle pathways and transit right of ways;
 - (d) the conveyance of appropriate easements; and

- (e) the construction of infrastructure.

SUBDIVISION AGREEMENT 11.4.2.6 All applicants shall be required to enter into a subdivision agreement with the Municipality in accordance with the *Planning Act* before final approval for a plan of subdivision is given by Council. All applicants shall be required to provide performance and maintenance securities to the Municipality to ensure the conditions of the subdivision agreement are fulfilled.

11.4.3 Consent Policies

COMMITTEE OF ADJUSTMENT 11.4.3.1 Council has delegated to the City of Windsor Committee of Adjustment Council’s consent granting authority.

APPROPRIATE CIRCUMSTANCES FOR CONSENTS 11.4.3.2 Consents may only be granted when it is not necessary for the proper and orderly development of the city. Accordingly, consents will generally be limited to:

- (a) creation of lots for minor infilling;
and
- (b) the mortgaging or leasing of land beyond 21 years;
- (c) lot boundary adjustments; and
- (d) easements and rights-of-way.

CONFORM WITH PERMITTED USES 11.4.3.3 Consents shall only be granted for the creation of lots which comply with the *Zoning By-law* and/or unless appropriate minor variances are also granted concurrently.

ACCESS TO A PUBLIC HIGHWAY 11.4.3.4 Consents shall only be granted for lots which have access to a public highway which is paved with a hard surface and is of a reasonable standard of construction.

SEWER & WATER SERVICES 11.4.3.5 All lots created by consent shall be serviced by municipal sanitary sewer and water services.

EVALUATION CRITERIA 11.4.3.6 The Committee of Adjustment will evaluate consent applications according to the following criteria:

- (a) provincial legislation, policies and applicable guidelines;

- (b) the physical layout of the proposed lots having regard to the Urban Design policies of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (c) the continuation of an orderly development pattern;
- (d) impact upon the comprehensive development of adjacent properties;
- (e) the requirements or comments of Municipal departments and public agencies or authorities; and
- (f) previous consents granted on the land holdings on or in the area.

CONDITIONS OF APPROVAL 11.4.3.7

The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of a consent. Such conditions may include, but are not limited to, the following:

- (a) the fulfillment of any financial requirement to the Municipality;
- (b) the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;
- (c) the conveyance of lands for public highways or widenings as may be required;
- (d) the conveyance of appropriate easements;
- (e) the application of the site plan control process;
- (f) the provision of municipal infrastructure or other services; and
- (g) other such matters as the Committee of Adjustment considers necessary and appropriate.

11.4.4 Part Lot Control Policies

<i>PART LOT CONTROL BY-LAWS</i>	11.4.4.1	Council may pass by-laws to exempt all or parts of registered plans of subdivision from part lot control to permit resubdivision in accordance with the <i>Planning Act</i> , and in conformity with the Zoning By-law.
<i>AMENDING BY-LAW</i>	11.4.4.2	Part lot control by-laws may be subsequently repealed, amended or limited to a period of not more than 5 years by Council.
<i>AREAS FOR PART LOT CONTROL</i>	11.4.4.3	Council will generally limit the use of part lot control by-laws to the following: <ul style="list-style-type: none"> (a) the splitting of lots upon which semi-detached dwellings or street rowhousing is or is intended to be built; and (b) the resubdivision of older registered plans of subdivision where no new rights-of-way are to be created.

8. That Chapter 11, Procedures BE AMENDED by deleting section 11.6 and replacing it with the following:

11.6 Zoning

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

11.6.1 Objectives

<i>ZONING</i>	11.6.1.1	To provide for the establishment of a zoning by-law.
<i>COMPATIBLE USES</i>	11.6.1.2	To ensure compatibility between land uses.

11.6.2 Comprehensive Zoning By-law Policies

<i>PURPOSE</i>	11.6.2.1	Zoning By-law(s) will be used to regulate the use of land, and the character, location and use of buildings and structures in accordance with the <i>Planning Act</i> .
<i>COMPREHENSIVE ZONING BY-LAW(S)</i>	11.6.2.2	<p>The comprehensive Zoning By-law(s) shall specify the uses permitted in all areas of the city and shall contain regulations with respect to matters such as:</p> <ul style="list-style-type: none">(a) the use of land;(b) the type of construction and the height, bulk, size, floor area, spacing, character, erection, location and use of buildings;(c) development on or near lands identified on Schedule C: Development Constraint Areas and significant archeological sites;(d) the minimum elevation of building openings such as doors and windows;(e) the proportion of the area that any building or structure may occupy;(f) minimum frontage and depth of the parcel of land and the proportion of the area that any building or structure may occupy;(g) parking and loading facilities; and(h) minimum area and other provisions.
<i>CERTIFICATES OF OCCUPANCY</i>	11.6.2.3	The Zoning By-law(s) may require Certificates of Occupancy for the establishment of specified uses of land, buildings or structures and for any subsequent changes to those uses.
<i>ONE STRUCTURE PER LOT</i>	11.6.2.4	The Zoning By-law(s) shall provide that only one main building or structure may occupy one lot of record, unless the lot is developed as a condominium or multiple building project under common ownership.

FRONTAGE ON
A PUBLIC
HIGHWAY 11.6.2.5 The Zoning By-law(s) shall provide that every lot shall have frontage on a public highway except where special planning considerations apply and are specifically provided through appropriate development controls pursuant to the *Planning Act*.

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:

- (a) be circulated to appropriate agencies and those agencies be provided with sufficient time to respond;
- (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
- (c) be given due and thorough consideration by Council.

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

<i>DEFINITION</i>	11.6.4.1	Council may use bonus provisions to allow increases in height and intensity of a development beyond those generally permitted by the Zoning By-law(s) in exchange for facilities, services or matters of community benefit as are set out in the By-law.
<i>ITEMS ELIGIBLE FOR BONUS</i>	11.6.4.2	<p>Council will encourage the use of the bonus provisions with regard to the following matters:</p> <ul style="list-style-type: none">(a) provision of special needs, assisted or low income housing;(b) parkland conveyance beyond the minimum requirements of this Official Plan or the <i>Planning Act</i>, and/or parkland improvements beyond the minimum standards;(c) protection and enhancement of natural features and functions;(d) provision of public transportation facilities;(e) provision of public areas, walkways and linkages to the Greenway System;(f) provision of public parking;(g) provision of community facilities;(h) conservation of heritage resources; and(i) protection or enhancement of significant views and vistas.
<i>APPLICATION</i>	11.6.4.3	Council will only consider bonus provisions where such an increase would be in conformity with the intent of this Plan, compatible with the surrounding area, and provide a community benefit.

11.6.5 Holding Zone Policies

USE OF
HOLDING
ZONES

11.6.5.1

Council may use an “H” or “h” symbol in conjunction with any zoning designation in accordance with the provisions of the *Planning Act*. The holding provisions shall apply to lands to be zoned for specific uses but held or delayed from development or redevelopment for an interim period until such time as specified development conditions have been satisfied. Holding provisions will be applied in order to meet any one or more of the following:

- (a) to achieve orderly staging of development or redevelopment, in accordance with municipal and provincial policies;
- (b) to ensure that adequate infrastructure and community services and facilities are or will be available in accordance with municipal standards;
- (c) to adopt measures to mitigate negative impacts resulting from the proximity of lands to transportation and utility corridors, incompatible land uses or any other source of nuisance to public health and welfare;
- (d) to satisfy policies of the Official Plan related to heritage conservation, site plan control, potentially contaminated sites, protection of the natural environment, community improvement and any other matters which are deemed by Council or the province to be relevant to development or redevelopment of the lands;
- (e) to achieve the exchange of facilities, services or other matters set out in the bonusing policies of this Plan; and
- (f) to ensure the execution of legal agreement(s), approval of subdivision plans and/or approval of necessary studies by the appropriate authorities to satisfy the criteria set out in (a), (b), (c) (d) and (e) above.

IMPLEMENTATION
OF HOLDING
ZONES

11.6.5.2

Lands subject to holding provisions shall be identified within the implementing zoning by-law by the placement of an "H" or "h" immediately preceding the relevant zoning symbol.

Schedule A to By-law _____-2012

<i>PERMITTED USES IN HOLDING ZONES</i>	11.6.5.3	Permitted uses within an area subject to holding provisions shall be limited to lawfully existing uses and additions or alterations thereto and any use of the municipality, public authority or public utility.
<i>REMOVAL OF A HOLDING SYMBOL</i>	11.6.5.4	The holding symbol shall be removed by by-law amendment once Council is satisfied that all conditions, which were the reason for application of the holding provision, have been met. The conditions for removal shall be set out in the zoning by-law amendment. Council shall give notice of its intention to pass a by-law to remove an "H" or "h" symbol in accordance with the provisions of the <i>Planning Act</i> .
<i>DEVELOPMENT RESERVE DISTRICT</i>	11.6.5.5	Where no secondary plan is in place and/or specific uses of large relatively vacant areas are not yet determined, or, where specific development constraints identified in this Plan apply, the lands may be placed into a development reserve zone, on an interim basis. Development reserve zones will permit only lawfully existing land uses, additions thereto and accessory uses and any use of the City of Windsor or other public authority, as defined by the zoning by-law. Subsequent to the adoption of a secondary plan and/or the identification of specific land uses for the subject lands, or, approval of measures to mitigate the development constraint, the lands may be rezoned to an appropriate zone category, in accordance with the provisions and policies of this Plan.

11.6.6 Minor Variance Policies

COMMITTEE OF ADJUSTMENT 11.6.6.1 Council has appointed a Committee of Adjustment pursuant to the *Planning Act* to consider applications for minor variance from the Zoning By-law(s) and/or any other by-law that implements the Official Plan.

EVALUATION CRITERIA 11.6.6.2 When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that:

- (a) the general intent and purpose of the Official Plan is maintained;
- (b) the general intent and purpose of the By-law being varied is maintained;
- (c) the variance is minor in nature; and
- (d) the variance is desirable for the appropriate use of the land, building or structure.

TERMS & CONDITIONS 11.6.6.3 The Committee of Adjustment may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.

AGREEMENTS WITH MUNICIPALITY 11.6.6.4 The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality dealing with some or all of the terms and conditions of its decision. An agreement may be registered against the land to which it applies and the Municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.

11.6.7 Legal Non-Conforming Use Policies

EXTENSION & ENLARGEMENT 11.6.7.1 The Committee of Adjustment shall review applications for the extension or enlargement of a building or structure continuing as a legal non-conforming use.

EVALUATION CRITERIA 11.6.7.2 The Committee of Adjustment will evaluate applications for the extension or enlargement of a building or structure continuing as a legal non-conforming use using the following criteria:

- (a) the scale of the proposed extension or enlargement is appropriate to the size of the existing legal non-conforming use;
- (b) adequate municipal services and infrastructure are or can be provided;
- (c) there are adequate on site parking and loading facilities and amenities to accommodate the proposed expansion or enlargement;
- (d) the proposed extension or will not inhibit or discourage conforming development in the surrounding area; and
- (e) the extension or enlargement will include measures that will minimize any negative impacts on adjacent properties.

11.6.8 Temporary Use Policies

TEMPORARY
USE BY-LAW

11.6.8.1

Council may pass by-laws to permit the temporary use of land, buildings or structures for a specified time period for any purpose that is otherwise prohibited by the Zoning Bylaw(s) in accordance with the *Planning Act*.

EVALUATION
CRITERIA

11.6.8.2

In considering a request for a temporary use by-law, Council shall consider the following:

- (a) the proposed use is in general conformity with the intent and policies of this Plan;
- (b) the proposed use is temporary in nature and appropriate for a limited time span and can be terminated when the authorizing by-law expires;
- (c) circumstances which are unique or particular to the subject property or proposed use;
- (d) the proposed use is generally compatible with the surrounding area;
- (e) representations by the public; and
- (f) any required capital expenditures.

11.6.9 Interim Control By-law Policies

<i>INTERIM CONTROL BY-LAW</i>	11.6.9.1	Council may pass Interim Control By-laws in accordance with the <i>Planning Act</i> to control and restrict the use of land, buildings or structures within the municipality or defined area, where council has directed that a review or study be undertaken in respect of land use planning policies in the municipality or defined area.
<i>TIME PERIOD</i>	11.6.9.2	The Interim Control By-law shall be in force for the time period specified in the <i>Planning Act</i> , or such lesser time as determined by Council.
<i>SPECIFY USES</i>	11.6.9.3	The Interim Control By-law shall specify the uses to which the affected land, buildings or structures may be put during the time the by-law is in effect.
<i>LIMITATION</i>	11.6.9.4	Where an Interim Control By-law ceases to be in effect, Council shall not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied.

11.6.10 Existing Land Use Policy

<i>EXISTING LAND USES</i>	11.6.10.1	<p>Certain lawfully existing uses may, by their nature or location, not satisfy or conform to the land use policies or applicable land use designation in this Plan. They may have been established at their location for a long period of time and accepted as such within the neighbourhood or constructed more recently in compliance with the previous zoning. Notwithstanding any other provisions of this Plan in conflict herewith, such uses may be zoned as conforming uses in the zoning by-law provided that:</p> <ul style="list-style-type: none">(a) the use does not constitute a danger, a nuisance or blight to the adjacent neighbourhood by virtue of its function or operational characteristics; and(b) the extension or enlargement of the use or change in its functionality would not be detrimental to nor pose a nuisance to the adjacent neighbourhood; or(c) where the use is deemed to be sensitive land use, it shall be part of a viable larger grouping of similar land uses.
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9. That Chapter 11, Procedures BE AMENDED by deleting section 11.8 and replacing it with the following:

**USE EXISTING
POLICY**

10. That Chapter 11, Procedures BE AMENDED by adding section 11.10 comprised of the following:

11.10 Community Benefit

Community benefit initiatives described in this Official Plan will be used to implement Section 37 of the *Planning Act*. The purpose of this section of the Official Plan is to describe the provisions that permit increases in the height and/or density otherwise permitted in the Zoning By-law, in return for the provision by the owner of community benefits.

11.10.1 Objectives

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| <i>GENERAL</i> | 11.10.1.1 | To provide public benefits within the local community in which a contributing development project is located. Community benefits are provided by the developer at no cost to the City. |
| <i>CONTRIBUTING
DEVELOPMENT</i> | 11.10.1.2 | A development in which the height and/or density is increased above that which is normally permitted in the Zoning By-law as an incentive for the developer to provide community benefits. |

11.10.2 Policies

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| <i>ZONING BY-
LAW</i> | 11.10.2.1 | Community benefit policies shall be implemented through a Zoning By-law. |
| <i>COMMUNITY
BENEFITS</i> | 11.10.2.2 | Community benefits shall be specific capital facilities, or cash contributions to achieve specific capital facilities. |
| <i>CASH-IN-LIEU</i> | 11.10.2.3 | Cash-in-lieu means cash contributions towards specific capital facilities, in lieu of the developer being required to actually develop said facility or provide said facilities. Cash-in-lieu of capital facilities is only acceptable where cash is secured for specific capital facilities. Operating and non-capital funds are not appropriate for community benefits. |
| <i>PLANNING
RELATIONSHIP</i> | 11.10.2.4 | There should be a reasonable planning relationship between the community benefits and the increase in height and/or density in the contributing development. |

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<i>VALUE OF COMMUNITY BENEFIT</i>	11.10.2.5	The value of the community benefit shall be negotiated with the City on a case-by-case basis. The amount or value of the community benefit will be relative to the value of the density and/or height increase of the development project.
<i>TYPES OF COMMUNITY BENEFITS</i>	11.10.2.6	<p>The following are types of community benefits permitted in Windsor. Additional community benefits may be described by a Community Improvement Plan:</p> <ul style="list-style-type: none">(a) Replacement of rental housing;(b) Community facilities;(c) Parks;(d) Restoration of heritage building; and(e) Conservation of heritage resources.
<i>DEVELOPMENT SUPPORT</i>	11.10.2.7	Matters required to support a development may be secured in a community benefit agreement under s. 37 of the Planning Act.
<i>GOOD DESIGN</i>	11.10.2.8	Good design is not eligible for community benefits. Council may agree to allow community benefits to be used to secure materials, finishes or special built form.
<i>CAPITAL FACILITIES</i>	11.10.2.9	<p>Cash contributions may be secured toward infrastructure that:</p> <ul style="list-style-type: none">a) Address service needs or deficiencies in the existing community where a planning relationship exists between the contributing development and the community developments;b) Cannot be, or are not, funded by the Development Charges By-law;c) Represent the municipal share of providing services for new growth that are only partly funded through Development Charges; ord) Represent that portion of service levels for new growth above the maximum levels funded by Development Charges.
<i>AFFORDABLE HOUSING</i>	11.10.2.10	The provision of affordable housing shall be required as a priority community benefit on large development sites.

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<i>REPLACEMENT OF RENTAL HOUSING</i>	11.10.2.11	The replacement of rental housing shall be required as a priority community benefit on sites where existing rental housing is to be demolished.
<i>CONSERVATION OF HERITAGE RESOURCES</i>	11.10.2.12	The conservation of heritage resources shall be required as a priority community benefit on development sites.
<i>DISCUSSIONS AND NEGOTIATIONS WITH DEVELOPERS AND/OR OWNERS</i>	11.10.2.13	The City Planner has a responsibility to ensure that the Official Plan polices are being complied with and must recommend an appropriate package of community benefits when the administrative report recommending approval of the proposed development is forward to Council and/or a Standing Committee for consideration.
<i>ZONING CONSIDERATIONS</i>	11.10.3	Increased height and/or density shall be calculated from the existing Zoning height and/or density limits for the purpose of community benefits.
<i>TIMING OF AGREEMENT EXECUTION</i>	11.10.4	The community benefits agreement will usually be executed prior to the introduction of the By-law at Council that implements the rezoning for the increased density and/or height. The timing of payment or provision of benefits shall be stated in the agreement provisions.

11. That Chapter 11, Procedures BE AMENDED by adding section 11.11 comprised of the following:

11.11 Redevelopment Plans

For areas subject to a Demolition Control By-law, Council shall require the filing of redevelopment plans as a condition of approval for a demolition permit.

11.11.1 Policies

<i>ISSUANCE OF DEMOLITION PERMITS</i>	11.11.1.1	Redevelopment plans to the satisfaction of the City Planner shall be filed with the application for a demolition permit.
<i>CONTENTS OF REDEVELOPMENT PLANS</i>	11.11.1.2	Redevelopment plans shall include plans for: <ul style="list-style-type: none"> (a) Replacement buildings; (b) Replacement of demolished dwelling units and (c) Landscaped open space.

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<i>TIMING OF REDEVELOPMENT</i>	11.11.1.3	Redevelopment shall be completed within a maximum of two years following the issuance of approval of a redevelopment plan filed in Section 11.11.1.1 of the Official Plan.
<i>HOUSING STOCK</i>	11.11.1.4	An equal number or greater number of residential dwelling units shall be redeveloped to replace residential dwelling units demolished on a property.
<i>STATUTORY CONDITIONS</i>	11.11.1.5	As a condition of approval of a demolition permit, Council may also impose the statutory conditions dealing with demolition control.

D. IMPLEMENTATION:

This housekeeping amendment clarifies terminology and refines wording in the existing Official Plan and will be read and implemented in conjunction with the overall policies in the plan.