

Development & Heritage Standing Committee Meeting

**Date:** Monday, February 7, 2022

**Time:** 4:30 o'clock p.m.

**Location:** Council Chambers, 1<sup>st</sup> Floor, Windsor City Hall

All members will be participating electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings during a declared emergency. The minutes will reflect this accordingly.

**MEMBERS:**

Ward 3 – Councillor Rino Bortolin (Chairperson)

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 7 – Councillor Jeewen Gill

Ward 10 – Councillor Jim Morrison

Lynn Baker

Andrew Foot

Joseph Fratangeli

Anthony Gyemi

John Miller

Dorian Moore

Jake Rondot

## ORDER OF BUSINESS

**Item #      Item Description**  
1.            **CALL TO ORDER**

READING OF LAND ACKNOWLEDGEMENT

We [] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomie. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2.            **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

3.            **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

4.            **COMMUNICATIONS**

5.            **ADOPTION OF THE PLANNING ACT MINUTES**

5.1.        Minutes of the Development & Heritage Standing Committee Meeting (*Planning Act Matters*) held January 10, 2022 (**SCM 14/2022**)

6.            **PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)**

7.            **PLANNING ACT MATTERS**

7.1.        Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7 (**S 2/2022**)

7.2.        RICBL Exemption 2021-4 - Dillon Consulting Limited - 0 Tecumseh Road East - Ward 7 (**S 3/2022**)

7.3.        Rezoning - 2776557 Ontario Ltd - 1153-1159 Riverside Drive East - Z-037/21 ZNG/6588 - Ward 4 (**S 5/2022**)

7.4. Rezoning - 2156567 Ontario Ltd. – 1092-1096 Dougall Avenue - Z-041/21 ZNG/6624 - Ward 3 (**S6/2022**)

8. **ADOPTION OF THE MINUTES**

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**

10. **HERITAGE ACT MATTERS**

11. **ADMINISTRATIVE ITEMS**

11.1. Pillette Village BIA Streetscape Improvements - Funding Proposal (**C 21/2020**)

11.2. Response to CQ 32-2020: Tree Protection and Replacement Policies Related to Development - City Wide (**C 142/2021**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



**Committee Matters: SCM 14/2022**

**Subject: Minutes of the Development & Heritage Standing Committee Meeting  
(*Planning Act* Matters) held January 10, 2022**

**Development & Heritage Standing Committee**  
*(Planning Act Matters)*

**Date: Monday, January 10, 2022**  
**Time: 4:30 pm**

**MEMBERS PRESENT:**

**Councillors:**

Ward 3 - Councillor Bortolin (Chair)  
Ward 4 - Councillor Holt  
Ward 5 - Councillor Sleiman  
Ward 7 - Councillor Gill  
Ward 10 - Councillor Morrison

**Members:**

Member Gyemi  
Member Moore  
Member Rondot

Clerk's NOTE: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

**ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:**

Thom Hunt, City Planner  
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
Michael Cooke, Manager of Planning Policy / Deputy City Planner  
Neil Robertson, Manager of Urban Design / Deputy City Planner  
Simona Simion, Planner II – Research & Policy Support  
Tracy Tang, Planner II – Revitalization & Policy Initiatives  
Kevin Alexander, Planner III – Special Projects  
Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Rania Toufeili, Policy Analyst  
Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

**1.**

# MINUTES

## Development & Heritage Standing Committee January 10, 2022

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### CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 pm.

### 2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

### 3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

### 4. COMMUNICATIONS

None

### 5. ADOPTION OF THE PLANNING ACT MINUTES

#### 5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held December 6, 2021.

Moved by: Member Gyemi

Seconded by: Councillor Sleiman

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held December 6, 2021 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 404/2021

Clerk's File:

# MINUTES

## Development & Heritage Standing Committee January 10, 2022

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### 6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

#### Delegations—participating via video conference

- Item 7.1 Melanie Muir, Dillon Consulting representing Applicant
- Item 7.1 Gerald Trottier, Legal Counsel for Applicant
- Item 7.3 Mike Stamp, Consultant representing Property Owner

### 7. PLANNING ACT MATTERS

#### 7.1 Z-014/19 [ZNG/5896] – 2319576 Ontario Ltd 3985 & 3945 Dougall Ave – Rezoning Ward 1

Justina Nwaesei, author, Planner III – Subdivisions

Ms Nwaesei provides a brief presentation of the application noting recommendation to deny approval.

Melanie Muir – Dillon Consulting (agent) – disagrees with the recommendation and provides a brief presentation of her own.

Gerald Trottier (attorney for applicant) is in agreement with the proposal provided by Ms. Muir and is available for questions.

Member Gyemi seeks clarification that the report is the same as previously presented. Members Gyemi, Moore & Rondot and Councillors Morrison & Sleiman seek further clarification with respect to Commercial uses in the Provincial Policy Statement, OP designation, OP policy regarding extension of Commercial Corridor, clarification of the role of vacancy rate in the Planning Justification, parking requirements and provisions. The Chair advises that some of the inquiries relate to Site Plan Control and those issues will be addressed at that time.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 357**

#### RECOMMENDATIONS

- I. THAT an amendment to the Zoning By-law 8600 to change the zoning of Part of lots 133 and 134, RP 1478, located on the northwest corner of the intersection of Dougall Avenue and Roseland Drive East, and municipally known as 3945 and 3985 Dougall Avenue, from RD1.4 to CD1.3 **BE DENIED** for reasons noted in the report, particularly the following:
  - a. The amendment is not consistent with the PPS;
  - b. The amendment does not conform with the Official Plan; and
  - c. Approval of the requested amendment is not good planning.

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Motion CARRIED  
Member Gyemi voting nay.

Report Number: S 39/2020  
Clerk's File: ZB/13592

### 7.2 Z-035/21 [ZNG/6573] – Chantelle Bayley 2422 Rossini Blvd – Rezoning Ward 5

Steven Payne & Simona Simion, Authors, Coop Student & Planner III – Research & Policy Support

Ms Simion provides a brief presentation of the application.

Moved by: Councillor Sleiman  
Seconded by: Member Gyemi

Decision Number: **DHSC 358**

#### RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** for Lot 81 and Pt Block I, Plan 1102 municipally known as 2422 Rossini Blvd, by adding a site-specific exception to Section 20(1) as follows:

#### 431. **EAST SIDE OF ROSSINI BOULEVARD, SOUTH OF YPRES STREET**

For the lands comprising Lot 81 and Pt Block I, Plan 1102, one *multiple dwelling* with a maximum of three *dwelling units* shall be an additional permitted main use and shall be subject to the following additional provisions:

- |    |                                |                      |
|----|--------------------------------|----------------------|
| a) | Lot Width – minimum            | 15.0 m               |
| b) | Lot Area – minimum             | 450.0 m <sup>2</sup> |
| c) | Lot Coverage – maximum         | 45.0%                |
| d) | Main Building Height – maximum | 10.0 m               |
| e) | Front Yard Depth – minimum     | 6.0 m                |
| g) | Side Yard Width – minimum      | 1.20 m               |

Motion CARRIED UNANIMOUSLY.

Report Number: S 166/2021  
Clerk's File: ZB/14252



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### 7.3 Z-033/21 [ZNG/6544] – Brisson Property Management Inc 2920 Langlois Ave – Rezoning Ward 10

Adam Szymczak, Author – Planner III – Zoning

Mr. Szymczak provides a brief presentation of the application.

Mike Stamp (agent) is in agreement with Administration's recommendations and is available for questions.

Moved by: Councillor Morrison

Seconded by: Member Moore

Decision Number: **DHSC 359**

#### RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 5 & Part Lot 6, Registered Plan 1246 (known municipally as 2920 Langlois Avenue; Roll No 070-070-02200) situated on the east side of Langlois, south of Grand Marais Road East, from Residential District 1.1 (RD1.1) to Residential District 2.1 (RD2.1).

Motion CARRIED UNANIMOUSLY.

Report Number: S 168/2021  
Clerk's File: ZB/14230

## 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 6:02 p.m.

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Ward 3 – Councillor Bortolin  
(Chairperson)

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Thom Hunt  
(Secretary)

**Subject: Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7**

**Reference:**

Date to Council: February 7, 2022  
Author: Justina Nwaesei, MCIP, RPP  
Senior Planner - Subdivisions  
519-255-6543, ext. 6165  
jnwaesei@citywindsor.ca

Planning & Building Services  
Report Date: January 14, 2022  
Clerk's File #: ZB/14064 ZO/14063

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;
- II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

**16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)**

**16.10.1 PERMITTED USES**

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>

*9 or more dwelling units in a Combined Use Building with any of the above uses*

*Multiple Dwelling with 9 or more dwelling units*

*Residential Care Facility*

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

**16.10.5 PROVISIONS**

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
  - For a *building* containing only non-residential uses 400.0 m<sup>2</sup>
  - For each *dwelling unit* 85.0 m<sup>2</sup>
- .4 Building Height – maximum 20.0 m
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.
- .16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback – minimum
  - a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m
  - b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m
  - c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m
  - d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m
- .90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *exterior lot line*.

III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

**“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), the following additional regulations shall apply:

- a) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*.

- b) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice.
- c) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.  
[ZDM 15; ZNG/6323]

IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

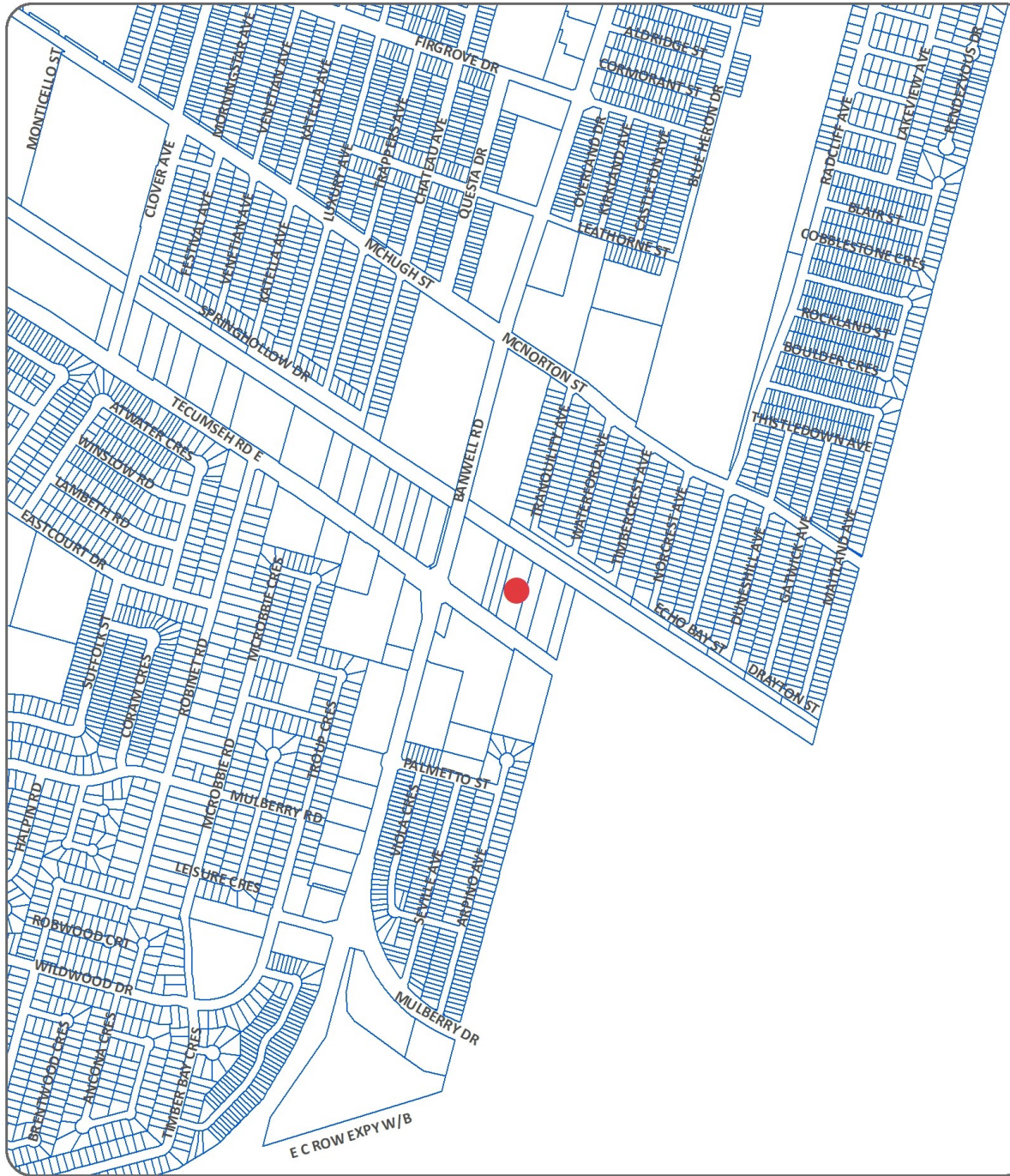
- a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
- d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
- e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
- f) Enbridge Gas minimum separation requirements;
- g) Adequate clearance from existing ENWIN's pole lines and power lines; and
- h) Canada Post multi-unit policy;
- i) SAR Snake mitigation measures as in the attached Appendix F to this report.

### **Executive Summary:**

N/A

### **Background:**

#### 1. KEY MAP



KEY MAP - Z-005/21, ZNG-6323 & OPA 143 OPA-6324



● SUBJECT LANDS

## 2. APPLICATION INFORMATION

**LOCATION:** 11646 TECUMSEH ROAD E. [North side of Tecumseh Road E., west of the City's boundary with Town of Tecumseh; mid-block between Banwell and the City's east limit; municipally known as 11646 Tecumseh Road East.]

**APPLICANT:** Maple Leaf Homes Ltd. [c/o Bruno Cacilhas]

**AGENT:** ADA INC., ARCHITECT [c/o Tony Chau]

**PROPOSAL:** The applicant is requesting amendments to the Official Plan and Zoning By-law 8600 to permit a multi-unit residential development on the land municipally known as 11646 Tecumseh Rd. E.

The subject land is designated Industrial on Schedule D: Land Use, Official Plan Volume 1, and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-law 8600. The applicant proposes to change the land use designation of the subject land from Industrial to Residential and change the zoning category from MD1.2 to RD3.1 to permit a 7-storey residential building (Condo development) with 90 residential units.

The applicant is also requesting the following site-specific zoning provisions:

1. *Decrease the minimum lot area from 9470m<sup>2</sup> to 6,258m<sup>2</sup>*
2. *Increase the maximum building height from 10m to 24.9m*
3. *Decrease the minimum front yard depth from 6m to 3m*
4. *Decrease the minimum side yard setback from 6m to 2.23m on the east side of the site*
5. *Decrease the minimum landscape from 35% to 25.3%*
6. *Decrease the minimum parking space requirement from 112 spaces to 90 spaces*
7. *No required visitor parking*

### SUBMISSIONS BY APPLICANT:

- Official Plan Amendment and Zoning Bylaw Amendment Application forms and fees;
- Concept Site Plan;
- Agreement of Purchase and Sale (signed Aug. 18, 2020);
- Employment Lands Review (dated Oct. 2021, prepared by Dillon Consulting Limited);
- Planning Rationale Report (dated Jan. 25, 2021, revised Oct. 24, 2021, prepared by Pillon-Abbs Inc.);
- Stormwater Management Report (dated Jan. 21, 2021, prepared by Aleo Associates Inc.);
- Transportation Impact Study (dated Jan. 2021, prepared by R C Spencer Associates Inc.);
- Noise Study (dated Jan. 11, 2021, updated Sep. 18, 2021, prepared by J.J Acoustic Engineering Ltd (JJA));
- Vibration Study (dated Jan. 11, 2021, prepared by Akoustik Engineering Limited);
- Tree Inventory and Preservation Study (dated Dec. 2020, prepared by Bezaire Partners);
- Topographic Survey (dated Dec. 7, 2020, prepared by Verhaegen Land Surveyors);
- Species at Risk Impact Assessment (dated Jan. 2020, prepared by Insight Environmental Solutions Inc).

## 3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
Industrial	Manufacturing District 1.2 (MD1.2) ZDM15	Vacant	Single Unit Dwellings (SUDs)
FRONTAGE	DEPTH	AREA	SHAPE
46.9m	Irregular	6,258 sq.m.	irregular
Note: All measurements are approximate			

4. REZONING MAP



# 5. NEIGHBOURHOOD CHARACTERISTICS

## NEIGHBOURHOOD MAP



NEIGHBOURHOOD MAP - Z-005/21, ZNG/6323

 SUBJECT LANDS



## **SURROUNDING LAND USE**

The subject land is in an area with a mix of uses. There are commercial and industrial uses, plus two low profile residential developments of the single unit dwelling type (at 11744 & 11788 Tecumseh Rd E.) within the affected City block.

### **North** of the subject land:

VIA Rail Corridor and on the north side of the rail corridor are low Profile Residential developments (Single Unit Dwellings) and a Place of Worship (Banwell Community Church).

### **South** of the subject land:

Tecumseh Road right-of-way and on the south side of the municipal right-of-way are Financial Office, Funeral Home (Windsor Chapel) and a Retail Store (Metro).

### **East** of the subject land:

A repair garage with spray booths abuts the east lot line of the subject land; next east are a warehouse and 2 legal non-conforming single unit dwellings. Further east are developments in the Town of Tecumseh.

### **West** of the subject land:

A Pool Contractor's Office with accessory retail store abuts the west lot line of the subject land; next west is a vacant land, followed by a Pharmacy and Retail Store (Shoppers Drug Mart) abutting Banwell Road right-of-way.

## **MUNICIPAL INFRASTRUCTURE IN THE SUBJECT AREA**

- The City's records show that there is a 750mm diameter concrete pipe storm sewer and a 375mm diameter polyvinylchloride pipe sanitary sewer within Tecumseh Road East right-of-way, along the south side of the R.O.W. The sewers are available to service the subject land and other lands in the immediate area.
- On both sides of Tecumseh Road R.O.W, there are curb & gutter, concrete sidewalks, LED street lights, and hydro poles with overhead wires in the subject area.
- There are water mains, fire hydrants, and telecommunications & Fibre Optics in the subject area.
- Public Transit is available via Lauzon 10, which runs along Banwell Road. The closest existing bus stop is located at the northeast corner of Banwell and Tecumseh Rd E. The bus stop is approximately 240 metres from the subject property.
- Tecumseh Road E. is classified as Class II Arterial Rd in the Official Plan.

## **Discussion:**

As a matter of background, the subject land is located within an employment area that is situated on the north side of Tecumseh Rd E., extending from the east limit of the City of Windsor to the Rail Corridor east of Jefferson Blvd. The subject broader area described above is designated in the official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. There are also some commercial lands within the noted area.

### **1. PROVINCIAL POLICY STATEMENT (PPS) 2020**

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. This Provincial Policy Statement applies to all decisions in respect of the

exercise of any authority that affects a planning matter made on or after May 1, 2020, and shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Section 2 of the Planning Act states that “*The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as*

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development; ”*

This part of the discussion focuses on the relevant PPS policy directions regarding the above noted provincial interests in relation to the subject amendments:

### **PPS Policy 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;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i) preparing for the regional and local impacts of a changing climate*

The subject land is situated midblock between Banwell Road and the east limit of the City and was previously occupied by two single unit dwellings that have been demolished; thereby, creating the opportunity for a more efficient use of the land. The proposed amendments will promote efficient development and land use pattern in the subject area.

The amendments will facilitate the redevelopment of an industrial land in a manner that promotes efficient development, such as the proposed multi-unit residential use, on the subject land. The recommended amendments will improve the mix and range of residential types in the area. Policies 1.1.1(a) & (b) are satisfied.

With respect to policy 1.1.1(c), the results of the Road Traffic and Stationary Noise Impact Study, dated January 11, 2021 and updated September 18, 2021, by JJ Acoustic Engineering Ltd, indicate that the potential environmental noise impact from road traffic and stationary noise is significant. According to the Study, “*the proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components.*” The noise warning clauses will be required for each unit. These mitigation measures will be integrated into the Site Plan review and approval process for the proposed development on the subject site.

With respect to policy 1.1.1(d), there are existing developments abutting both sides of the subject land; therefore, the proposed amendments will **not** prevent the efficient expansion of the settlement areas (City of Windsor and Town of Tecumseh).

The subject land and area are currently serviced by existing infrastructure, electricity generation facilities, electricity transmission and distribution systems, and public service facilities per policy 1.1.1(g).

With respect to 1.1.1(i) – Existing active transportation, nearby public transit service and, the fact that people can live and work in their neighbourhood, all contribute to reduction in carbon footprint and positively impact our environment and climate change.

The following relevant policies have also been examined with respect to these amendments:

### **1.1.3 Settlement Areas**

*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;*

*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.*

The proposed amendments are mostly supported by the above policies (policies 1.1.3.1, 1.1.3.2 and 1.1.3.3.) The recommended amendments create opportunity for growth and development within the settlement area. The amendments promote a development type (multi-storey, multi-unit residential housing) that will make efficient use of existing infrastructure. Discussion provided under policy 1.1.1 also applies to policy 1.1.3.2.

There are existing active transportation options (such as sidewalks) adjacent to the subject land and transit services nearby on Banwell Road. The proposed redevelopment/infill development creates an increase in residential density, which in turn supports public transit. The subject land has frontage on Tecumseh Road East, a Class II Arterial Road.

“Taking into account existing building stock or areas” is a phrase from policy 1.1.3.3, which directs our attention to compatibility. Perhaps, this phrase expects us to consider the existing built form in the area to ensure compatibility in terms of scale, massing, height, orientation, etc. It should be noted that the proposed amendments **have to be** designed in a manner that shows regard for existing building stock or area within the City of Windsor boundary.

The recommended amendments promote the opportunity for a transit-supportive development that can be designed to take into account existing building stock or areas. The subject amendments are consistent with policies 1.1.3.1, 1.1.3.2 and 1.1.3.3 of the PPS.

### **PPS Policy 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.*

The subject amendments will introduce a high density, medium profile, sensitive land use in the subject block within the City. Comment received from the abutting major facility (VIA Rail Canada) states that they are “*not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.*”

However, it should be noted that low and medium density residential developments already exist along the north and south limits of the subject major facility (VIA Rail) within the surrounding area in Windsor and Tecumseh Town. In recognition of this fact, VIA also states that “*should the City of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement.*” In addition, VIA requires that “*any new residential development would be expected to address noise, vibration and safety measures to both the Municipality’s and the Railway’s satisfaction.*”

As noted already in this report, a noise report was submitted by the applicant. Please refer to the discussion under policy 1.1.1(c) above. One of the recommended warning clauses (WARNING CLAUSE E) pertains to the abutting Rail Corridor (VIA Rail). A vibration study was also submitted by the applicant. The measured vibration data demonstrated that the ground vibration levels due to rail traffic on the nearby rail corridor do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada’s criteria of 0.14 mm/s RMS velocity. The study concludes that vibration abatement is not required for the proposed development on the subject site. Berms and fences are additional safety measures typically required for developments on lands abutting rail corridors and yards. This report recommends those safety measures including the 30m separation requirement.

### **PPS Policy 1.3 – Employment**

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

*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;*

#### *1.3.2 Employment Areas*

*1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

Despite the above statement in policy 1.3.2.1, Council can consider request(s) for conversion of employment lands to non employment uses subject to the provisions stipulated in policy 1.3.2.4 below.

*1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.*

The proposed residential development is prohibited on the subject site per policy 1.3.2.3; however, policy 1.3.2.4 gives Council the authority to consider a request for conversion of employment lands to non-employment uses.

1.3.2.4 Planning authorities **may permit** conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Policy 1.3.2.4 gives Council the power to permit the conversion of employment land to non-employment use through comprehensive review, and “*only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.*”

The applicant submitted an Employment Land Review Report dated October 2021, prepared by Dillon Consulting Ltd. According to the report, a review of the designated employment lands in the City of Windsor reveals that approximately 982 hectares are deemed to be vacant and viable for development, which includes the subject site. The report further notes that “*The subject site requested for conversion total 0.63 hectares (1.56 acres), representing approximately 0.06% of the City’s estimated vacant employment lands inventory.*” According to Dillon Consulting’s October 2021, Employment Land Review, 981.37 hectares of vacant employment lands would remain available should the subject land be converted and removed from the employment lands inventory. Furthermore, the 2021 Employment Land Review by Dillon Consulting shows the projected demand for employment lands in the City of Windsor to the year 2026 is estimated to be between 400 and 500 hectares. In the opinion of the planning consultant, the Employment Land Review dated October 2021, “*demonstrates that the employment lands of the subject site are surplus to the supply by the City of Windsor over the 25 year planning period, and that the removal of the subject property from the Employment Lands inventory will have no adverse impact on the City’s ability to accommodate employment growth in the future.*”

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas **may be** converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities **and subject to the following:**

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

Based on the applicant’s development proposal, the planning analysis (5.0) in the Planning Rationale Report submitted for these amendments, the Employment Land Review by Dillon, and the discussion under policy 1.3.2.4 above, it is fair to say that policy 1.3.2.5 has been satisfied. The Employment Land Review and the Planning Rationale Report identified the need for the conversion. The Employment Land Review concluded that the subject land is not required for employment purposes over the long term and that the proposed residential use would not adversely affect the overall viability of the employment area. As noted already in this report, there are existing infrastructure and public service facilities available to service existing and new developments in the subject area.

## PPS Policy 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;

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:

- 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;*

The above policies 1.4.1 & 1.4.3 are positive directives to Planning Authorities with respect to using residential intensification and redevelopment to provide for appropriate range and mix of housing options and densities in the regional market area. These positive directives support the applicant's proposed amendments and help to increase housing supply in the region.

The recommended amendments promote the redevelopment and infilling of a vacant industrial land previously occupied by two single unit dwellings that were demolished more than 14 years ago. These amendments will encourage commercial activities at street level, while accommodating residential use on the site.

The proposed multi-unit residential use creates the opportunity for a higher density and compact development in the subject area; thereby, resulting in a net increase in residential units or accommodation. The recommended amendments will accomplish the following and more:

- result in the intensification of the subject site and area;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- provide a variety in housing options;
- provide a form of housing that is appropriate in terms of range and mix; and
- meet the social, health and well being of current and future residents.

Appropriate level of infrastructure, active transportation and transit services are available in the subject area. The subject amendments are consistent with policy 1.4 of the PPS.

## **PPS Policy 1.6 Infrastructure and Public Service Facilities**

### ***1.6.6 Sewage, Water and Stormwater***

*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.*

There are existing municipal sewers and water services in the subject area. The recommended amendments promote intensification and redevelopment in an area serviced by municipal sewage and water; therefore, the amendments are consistent with policy 1.6.6.2 of the PPS.

*1.6.6.7 Planning for stormwater management shall:*

*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.*

The recommended amendments will help to promote landscaping on the subject land; thereby, creating the opportunity to maximize vegetation on the site. In addition, stormwater management plan for the subject development is required to be completed in accordance with regional guidelines. Therefore, the recommended amendments are consistent with policies 1.6.6.7 (e) & (f) of the PPS.

### ***1.6.9 Airports, Rail and Marine Facilities***

*1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*

*a) their long-term operation and economic role is protected; and*

*b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.*

Policy 1.6.9.1 (b) references policy 1.2.6, which has already been discussed in this report.

The subject parcel abuts a rail corridor. Consequently, required noise study and vibration study were submitted by the applicant as part of a complete application for the requested amendments. The Noise Study recommends mitigation measures, including ventilation requirements, special building components and noise warning clauses as summarized in the Study. The Vibration Study did not require any vibration abatement to reduce the vibration levels at the proposed development site.

#### PPS Policies related to Species at Risk

*2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

The applicant submitted Species at Risk Impact Assessment dated Jan 2020, prepared by Insight Environmental Solutions Inc., for the subject land, along with response letter from Ministry of Environment, Conservation and Parks (MECP). The conclusion and recommended mitigation measures for the Species at Risk Impact Assessment are included in Appendix F, attached to this planning report.

EXCERPT FROM MECP'S MARCH 26, 2021 RESPONSE TO THE APPLICANT'S BIOLOGIST: *"MECP notes that the proponent has committed to mitigation measures being implemented as part of the project to ensure that unanticipated impacts to SAR do not occur. We encourage the proponent to carry out these mitigation measures. Further, it is recommended that you and the proponent continue to monitor for SAR activity during the course of the project to document changes, in the event that there should be any"*.

**Summary:** With respect to the PPS policies discussed in this report, I am of the opinion that the requested amendments are consistent with relevant policies of the PPS 2020 as shown in this report. The applicant's planning consultant provided a Planning Rationale Report (PRR) in support of the requested amendments. In addition, the Employment Land Review submitted by the applicant also supports the employment land conversion.

## 2. OFFICIAL PLAN (OP)

The subject land is designated **Industrial** in the Land Use Schedule D of the OP Vol. 1.

Section 3.3.2, OP Vol. 1 states that Corridors represent the backbones of the urban network structure. City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. Tecumseh Road is classified as a *City Corridor* in the Urban Structure Plan, Schedule J, OP Vol. 1. 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, (3.3.2.1, OP Vol. 1.) These City Corridors have higher density employment and residential opportunities, with a significant amount of retail to support everyday needs and needs beyond the day.

Section 4.2.1.5, OP Vol. 1 encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age.

Section 4.2.3.1, OP Vol. 1 encourages a mix of uses.

Section 4.2.3.4, OP Vol. 1 requests the accommodation of appropriate range and mix of housing.

Council's land use goals, in keeping with the Strategic Directions, are to achieve "*Housing suited to the needs of Windsor's residents*" (6.1.3, OP Vol. 1), "*The retention and expansion of Windsor's employment base*" (6.1.4, OP Vol. 1) and "*Pedestrian oriented clusters of residential, commercial, employment and institutional uses*" (6.1.10, OP Vol. 1), among others.

The Employment Land Review submitted by the applicant supports the proposed conversion of the 0.63 hectare (1.55 acres) employment land and states that the proposed conversion will have negligible impacts to the supply of employment lands in the City of Windsor.

The recommended change in land use designation from Industrial to Mixed Use promotes Council's goals as shown in 6.1.3 and 6.1.10 of OP Vol. 1.

**Section 6.2.1.2 (OP Vol. 1): Types of Development Profile** – Development Profile refers to the height of a building or structure and it applies to all land use designations in Schedule D unless specifically provided elsewhere in OP Vol. 1. It should be noted that the existing building stock in the area between Banwell and the City of Windsor east limit generally have building heights no greater than three storeys. Based on the heights of surrounding structures in the subject area, compatibility in terms of massing, scale and height would be less challenging if a low or medium profile development is permitted on the subject land.

As noted already, the subject employment area is designated industrial in Schedule D: Land Use, Official Plan, Volume 1. Below are the relevant policies that guide the proposed conversion of employment lands to non-employment use:

6.4.2.7- Council **may support** the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:

- (a) the proponent can demonstrate that:
  - (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and
  - (ii) the redevelopment of the area is in keeping with the long term transition of the entire area to similar uses;
- (b) the environmental conditions of the site do not preclude development (see Environment chapter); and
- (c) subject to an amendment to this Plan that is consistent with the appropriate policies for the desired land use.

The Employment Land Review and Planning Rationale Report submitted by the applicant both indicate that the proposed redevelopment of the subject site would not be detrimental to other uses in the area and is in keeping with the long term transition of the entire area. The subject land is not within a Development Constraint Area per Schedule C, OP Vol.1. The environmental conditions of the site do not preclude development.

As shown below, the recommended amendment to this Plan (OPA 143) is consistent with the appropriate policies for the desired land use (the Mixed Use designation), per s.6.4.2.7 (c).

Following a detailed review of the relevant PPS policies and OP land use policies in the Primary Plan, it is my opinion that the conversion of the employment lands to a **Mixed Use land use designation** is more appropriate for the subject land in the subject Area. Analysis of the Mixed Use designation is provided below.

**6.9 – Mixed Use Land Use designation:** 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 are relevant objectives and policies that help establish the framework for development decisions in Mixed Use areas.

**6.9.1 - Mixed Use Objectives:**

6.9.1.1 - To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses

6.9.1.2 - To encourage a compact form of mixed use development.

**6.9.2 - Mixed Use Policies:**

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**. The recommended OPA#143 and ZBA do not permit small scale low profile residential developments.

6.9.2.2(a) - **Form of Mixed Use Area - 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. This report recommends a *Mixed Use Corridor* form of development due to the land use pattern in the subject area. Note that a *Mixed Use Centre* is not appropriate form of Mixed Use in the subject area.

6.9.2.3 – **Locational Criteria** - see Appendix B attached to this report.

The locational criteria in s.6.9.2.3 are satisfied. The subject land has direct access to a Class II arteria Road (Tecumseh Rd E.); full municipal services are available in the subject area; transit Windsor Bus service is available within comfortable walking distance from the subject land; and the subject land is in an area with a mix of uses (employment, commercial and residential uses).

6.9.2.4 - **Evaluation Criteria** – see Appendix B attached to this report.

The applicant's Noise Study and Vibration Study for the proposed amendments suggest that the proposed residential development is feasible in the subject location, provided all recommended mitigation measures and warning clauses are adhered to. The subject area is not within a secondary plan. The evaluation criteria in sections 6.9.2.4(a) & (b), OP Vol. 1 are satisfied. Full municipal services are available in the area and emergency services can be provided. Therefore, s.6.9.2.4 (c), OP Vol. 1, is satisfied.

This report does not recommend a reduction in required parking spaces; therefore, the developer is required to provide parking in compliance with the Zoning By-law 8600. The applicant's conceptual development proposal does not fulfill the Official Plan off-street parking requirement, but the subject development can be designed to provide adequate off street parking per s.6.9.2.4 (d), OP Vol. 1.

The concept plan shows a pedestrian oriented design, which satisfies s.6.9.2.4 (e), OP Vol. 1. The recommended amendments contain provisions that would guide the design of a compatible development on the subject land per s.6.9.2.4 (f), OP Vol. 1. The scale, massing and building height require special design considerations in order to achieve compatibility with the abutting area. The compatibility requirement in policy 6.9.2.4 (f) of the OP, will be further examined through the Site Plan Review and Approval process.

7.2.8.8 - **Development Adjacent to a Corridor** - See Appendix B attached to this report. As noted already in this planning report, the applicant submitted the required Noise Study and Vibration Study. See Appendix F for excerpts from the studies received from the applicant.

11.6.3.3 - Zoning By-law Amendment **Evaluation Criteria** – see Appendix B hereto attached. This planning report considered the relevant evaluation criteria in the Land Use Chapter of the OP, as well as the recommendations and conclusions contained in the required support studies submitted by the applicant. The relevant provincial policies and comments and recommendations of municipal staff and circularized agencies were also considered in this report. A decision to approve the requested zoning by-law amendment could trigger the loss of employment uses and lands on adjacent or similar lands. However, based on the findings in the 2021 Employment Land Review submitted by the applicant, any request for conversion of adjacent lands to non-employment uses could similarly be accommodated.

Based on the above analysis of the relevant policies and objectives of the OP, together with the zoning analysis below, I am of the opinion that the recommended zoning by-law amendment will be in conformity with the Official Plan when OPA#143 comes into effect.

### 3. ZONING

As noted already in this report, the subject land is zoned Manufacturing District 1.2 (MD1.2) by the City of Windsor Zoning By-law 8600. Excerpts from Zoning By-law 8600 hereby attached as Appendix C to this report, show the MD1.2 zone does not permit residential use.

The applicant proposes to amend the zoning of the subject land from MD1.2 to RD3.1 (Residential District 3.1) to permit a *Multiple Dwelling* on the land. There is an accompanying Official Plan Amendment (OPA #143). Details of the proposal are found on page 5 of this report.

Upon a thorough review of the Zoning Categories in By-law 8600, along with the Mixed Use land use policies of OP Vol. 1, it was determined that a new zoning category would be required for the subject development because the RD3.1 zoning district is not suitable for the recommended Mixed Use designation. Furthermore, the existing zoning categories (CD3.2 and CD3.5) for mixed use developments permit *small scale low profile residential developments*, which are not permitted in the Mixed Use designation. Consequently, a new zoning district, Commercial District 3.10 (CD3.10) under By-law 8600, as shown in Recommendation II of this report, is being recommended for approval. In addition, site-specific provisions that are different from the applicant's request but implement the OP rail safety policies, are recommended for approval. See Recommendation III of this report.

The applicant's request for an increase in building height from 10 m to 24.9 m has been considered and a 20m maximum building height is being recommended in this report, so as to encourage a medium profile development with a maximum of 6 storeys (see OP section 6.2.1.2.) The recommended height allows for intensification while paying close attention to building height compatibility with surrounding uses in the subject area.

Since the applicant has challenges with provision of required parking for the proposed 90 dwelling units, it makes sense to anticipate a reduction in number of dwelling units. The recommended minimum lot area provision of 85 m<sup>2</sup> per dwelling unit is deemed appropriate for the subject land.

The applicant's request for reduction in the (i) minimum lot area (ii) minimum front yard depth (iii) minimum side yard setback on the east side of the site; (iv) minimum landscape open space, and (v) minimum parking space requirement, with zero visitor parking, would suggest that the proposed development is excessive for the subject site area. The proposed development as shown in the conceptual site plan is not compatible with the surrounding area (within the City) in

terms of scale, massing, height, setbacks, parking and amenity areas / landscape areas. Furthermore, the applicant's request for site-specific zoning provisions are based on their proposed RD3.1 zoning district for the subject land, but this report recommends the CD3.10 zoning district with other site-specific provisions. Therefore, the applicant's proposal would need to comply with CD3.10 and S.20(1)438 as found in this report. The recommended new zoning district with the recommended site-specific provisions are intended to lead to a development proposal that will conform with OPA#143 and other relevant OP policies.

Section 24.20.5.1 (Required Parking Spaces) of Zoning Bylaw 8600 contains the following:

*“Combined use building - Dwelling Units”* and *“Multiple dwelling containing a minimum of 5 dwelling units”*, the minimum required parking is 1.25 spaces for each dwelling unit.

In line with the above, 112 parking spaces minimum are required for the proposed 90 dwelling units. The required residential parking spaces shall be clearly marked and separated from the commercial parking spaces on the subject land. With respect to visitor parking requirements, a minimum of 15% of parking spaces shall be marked for visitor parking.

DRAFT BY-LAW: A draft by-law is attached as Appendix H to this report. The Planning Act, in subsection 24(1) requires that no by-law shall be passed for any purpose that does not conform with the Official Plan. As noted already under OFFICIAL PLAN section of this report, the recommended amendment will conform with the OP when OPA#143 comes into effect; therefore, the draft by-law can be passed at the appropriate time.

#### 4. RESIDENTIAL INTERIM CONTROL BY-LAW

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. Residential Interim Control By-law 103/2020 (RICBL) came into effect in the City of Windsor on July 13, 2020.

On July 13, 2020, Council adopted CR364/2020 directing that land use study be undertaken to consider, among other things, residential density and the appropriate location for higher density residential uses in the City of Windsor. The study will review the Official Plan and Zoning By-laws 85-18 and 8600 with respect to land use policies and provisions related to higher density dwellings such as, but not limited to, Group Home, Lodging House, Residential Care Facility, Shelter, and any dwelling with five or more dwelling units within the City of Windsor.

“The main purposes of the study are to:

- 1) Review those definitions that relate to dwellings and dwelling units, or are residential in nature;
- 2) Review zones, zoning districts, and provisions to determine an appropriate range of permitted residential uses and provisions, including merging zones and zoning districts and to ensure that the zones, zoning districts and provisions are consistent with the Provincial Policy Statement 2020 (PPS), especially, but not limited to, Policy 4.4 that requires the implementation of the PPS in a *“manner that is consistent with the Ontario Human Rights Code”* – and are consistent with the policy direction of the Official Plan;
- 3) Ensure compatibility with existing development, while allowing or encouraging certain areas to evolve to a higher-density and/or higher profile residential development.”  
[excerpt from Report C141/2020]

Interim Control By-law (ICBL) 99-2021 came into effect on June 7, 2021 and extended the effective date of RICBL 103-2020 to July 13, 2022. The extension allows for the additional time required to complete the land use study commenced under the IRCBL 103-2020, and provides

the necessary time to implement, if deemed appropriate, the findings of the land use study including any amendments to the Official Plan and /or Zoning By-laws.

The following criteria are hereby deemed acceptable for determining if the proposed development can be exempt from the RICBL:

- *Conformity with the Official Plan* – As noted already in this report, the subject development will be in conformity with the Official Plan when OPA 143 is in effect.
- *Distance to Nearby Services and Amenities* – Neighbourhood Parks, Schools, Places of worship, restaurant and retail store are within a 1.4 km or less walk. The proposed development is within an acceptable distance to nearby services and amenities.
- *Distance to Public Transit* - Existing Lauzon 10 route runs along Banwell and provides service to the subject land and surrounding area. The closest existing bus stop is located at the northeast corner of Banwell and Tecumseh Rd E. The bus stop is approximately 240 metres from the subject property. The proposed development is within an acceptable distance to public transit.
- *Potential for impact on the Land Use Study* - The recommended Zoning By-law amendment meets the three criteria analyzed above. Furthermore, the subject area already has a mix of uses as noted in this report. The City's Urban Structure Plan classifies Tecumseh Rd as a City Corridor. Along City Corridors, the OP states that "*Residential development may include high profile, medium profile, and residential over retail at street.*" (see s.3.3.2.1, OP Vol. 1). Therefore, conflict between the proposed development and the land use study is not anticipated.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should the request for an amendment to Zoning By-law 8600 be approved, and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

## 5. SITE PLAN.

The proposed redevelopment meets the definition of a "development" per the Planning Act and the City of Windsor Site Plan Control By-law 1-2004. The applicant is required to submit an application for Site Plan Approval. Execution of a Site Plan Agreement would be required.

Please note that Site Plan Control is the more appropriate planning tool for addressing the following requirements, among others, of municipal departments and external agencies contained in the attached Appendix D of this report as well as the recommendations contained in the Studies submitted by the applicant for these amendments:

- a) noise mitigation measures recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) appropriate safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) redundant curb cuts, video inspections and existing sewers and connection;
- d) preservation of 2 existing Burr Oak (Tress #4 & #9 on applicant's Tree Preservation Plan) and one large Red Maple (Tree #6 on applicant's Tree Preservation Plan);
- e) provide necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge;
- f) provide and maintain a minimum separation of 0.3m from all of Enbridge plant;
- g) provide adequate clearance from existing ENWIN's pole lines and power lines;
- h) Canada Post's multi-unit policy; and
- i) SAR Snake mitigation measures as in Appendix F, attached.

## **Risk Analysis: Climate Change Risks**

### **Mitigation:**

- Encourage the use of existing public transit and promote active transportation (the use of existing & future sidewalks and bike lanes) in the area; thereby, reducing carbon footprint.
- Minimize run-off from impervious surfaces (e.g. paved parking areas).
- Increase vegetation on the site by providing soft landscape areas on the property. The proposed development can be designed to promote green roofs and increase the overall vegetation on site; thereby, mitigating the heat effect on the residents.

**Adaptation:** Low-impact development practice and design should be encouraged at the site plan control and building permit stages. Landscaping, stormwater management, tree-planting and lot-grading help mitigate adverse impacts on our changing climate. Therefore, during the site plan control process, stormwater management measures, servicing study, landscaping requirements and much more, would be discussed in details and incorporated in the site plan approval and site plan agreement. Tree-planting and lot-grading requirements are usually implemented through the building permit process.

**FINANCIAL MATTERS:** N/A

### **CONSULTATIONS:**

#### **1. DEPARTMENT AND AGENCIES**

Municipal departments and external agencies were consulted. Most of the respondents had no objections to the proposed amendments. Their comments can be found in the attached Appendix D to this report. VIA has reservations about the introduction of a new high-density residential development abutting their busy railway corridor. If approved, VIA requests that the Zoning Amendment include their 30 m building setback requirement and appropriate safety measures. This report recommends the 30 m building setback requested by VIA and applicable safety measures.

#### **2. PUBLIC NOTICE**

The official notice of the statutory public meeting will be advertised in the local newspaper, the Windsor Star.

Courtesy notice will be mailed to all properties within 120m (400 feet) of the subject parcel prior to the Development & Heritage Standing Committee (DHSC) meeting.

### **PLANNER'S OPINION AND CONCLUSION:**

The proposed medium density residential development will help increase the much needed housing supply in the City of Windsor. Housing is a matter of municipal and provincial interest as evidenced in this report. The Planning Department supports these types of proposal, provided there is consistency with the PPS and conformity with the OP.

The recommended Mixed Use designation and CD3.10 plus site-specific zoning provisions [s.20(1)438] will facilitate the proposed conversion of the subject employment land for a medium profile residential development. The recommended employment land conversion to non-employment use(s) is supported by Employment Land Review and Planning Rationale Report submitted by the applicant.

The recommended Official Plan and Zoning By-law amendments complement the existing developments in the immediate area and promote an efficient use of the subject land, existing services and infrastructure. As noted already in this report, the required noise mitigation

measures, ENWIN and Enbridge separation requirements and other key municipal requirements can be addressed through the Site Plan Review and Approval process.

In my opinion, the recommended amendments to the Official Plan and Zoning By-law are consistent with the Provincial Policy Statement 2020; the recommended Zoning By-law Amendment will maintain conformity with the Official Plan when OPA 143 comes into effect.

The amendments constitute good planning and approval is recommended.

### Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

**Michael Cooke, MCIP, RPP**  
*Manager, Planning Policy / Deputy City Planner*

**Thom Hunt, MCIP, RPP**  
*City Planner/ Executive Director*

I am not a registered Planner and have reviewed as a Corporate Team Leader

**SAH, Commissioner, Legal & Legislative Services**

**JR, Chief Administrative Officer**

### Approvals:

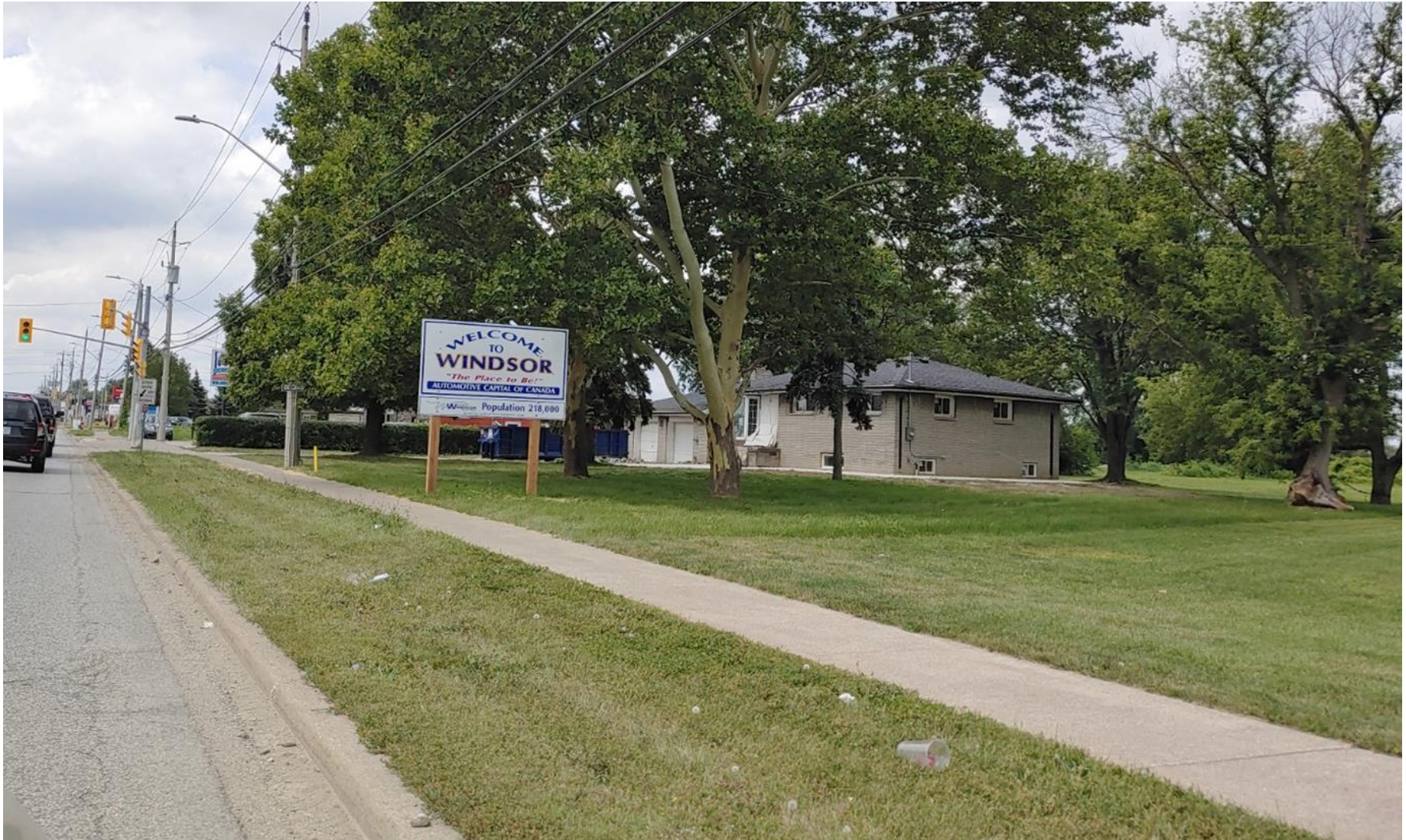
Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

### Notifications:

Name	Address	Email
Abutting property owners and tenants within 120 meter (400 feet) radius of the subject land		
<b>Neighbouring Municipality:</b> Town of Tecumseh (c/o Brian Hillman)	Town Hall, 917 Lesperance Road, Tecumseh, ON, N8N 1W9	<a href="mailto:info@tecumseh.ca">info@tecumseh.ca</a> and <a href="mailto:bhillman@tecumseh.ca">bhillman@tecumseh.ca</a>
<b>Applicant:</b> Maple Leaf Homes Ltd. (c/o Bruno Cacilhas)	1288 Hawthorne dr. , Windsor ON N0R 1V0	<a href="mailto:Mapleleafhomes@live.ca">Mapleleafhomes@live.ca</a>
<b>Agent:</b> ADA Inc. Architect (c/o Tony Chau)	1670 Mercer Street, Windsor ON N8X 3P7	<a href="mailto:tchau@ada-architect.ca">tchau@ada-architect.ca</a>
<b>Planning Consultant:</b> Pillon-Abbs Inc. [c/o Tracey Pillon-Abbs]	23669 Prince Albert Rd., Chatham, ON N7M 5J7	<a href="mailto:tpillonabbs@gmail.com">tpillonabbs@gmail.com</a>
Councillor Jeewen Gill	350 City Hall Square West - Suite 220, Windsor, ON, N9A 6S1	<a href="mailto:jgill@citywindsor.ca">jgill@citywindsor.ca</a>

### Appendices:

- |  |  |
|--|--|
| 1 Appendix A, Site Photos                      | 6 Appendix E-2, Data for Concept Site Plan                             |
| 2 Appendix B, Excerpt from OP                  | 7 Appendix F, Excerpts from Reports and Studies submitted by applicant |
| 3 Appendix C, Excerpts from Zoning By-law 8600 | 8 Appendix G, DRAFT OPA 143  |
| 4 Appendix D, Consultations                    | 9 Appendix H - DRAFT Zoning By-law, Z-005-21                           |
| 5 Appendix E-1, Concept Site Plan              |  |

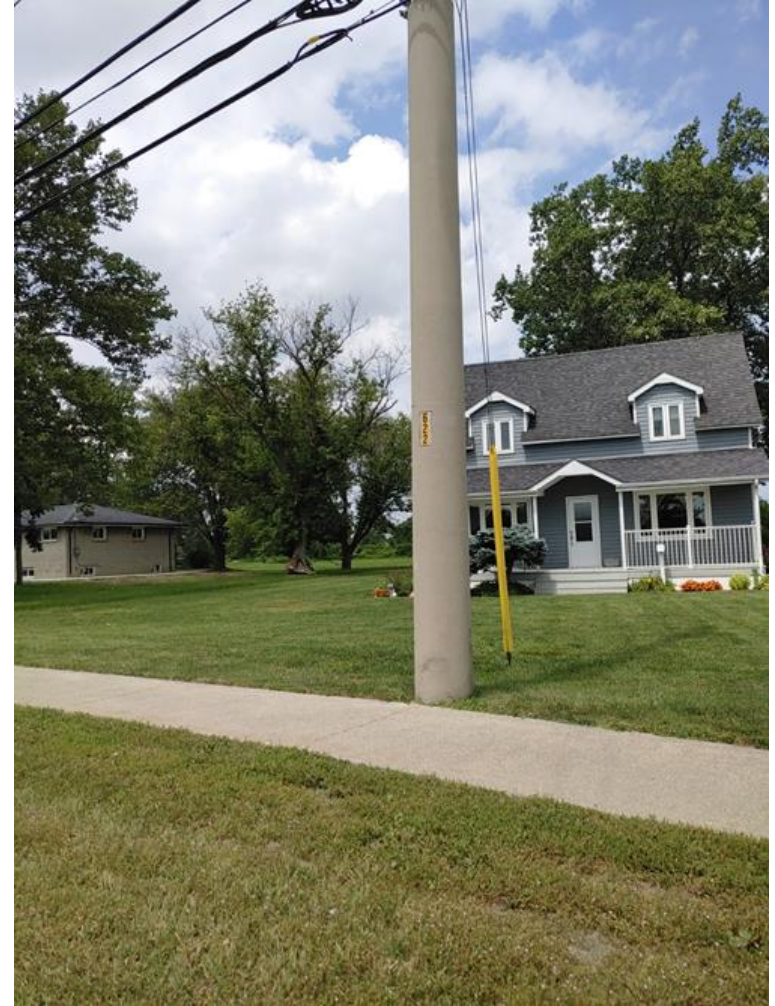


APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



11744 Tecumseh Rd E.

*These two are the remaining homes on the subject block between Banwell and the City's east limit*



11788 Tecumseh Rd E.



APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



11702 Tecumseh Rd E., abutting east of the subject land



## VACANT SUBJECT LAND

Development & Heritage Standing Committee - February 7, 2022  
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APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



East wall of 11624 Tecumseh Rd E., abutting west of the subject land



West view of 11624 Tecumseh Rd E., abutting west of the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



Street view of Tecumseh Rd E. looking west of the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



View of Tecumseh Rd & Banwell intersection, from the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



Street view of Tecumseh Rd E. looking east from 11624 Tecumseh Rd E.

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



Street view looking east from the subject land



## APPENDIX B – EXCERPTS FROM OFFICIAL PLAN VOLUME 1

### OP Volume 1 – Primary Plan

## 6. Land Use

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### 6.4 Employment

Employment lands provide the main locations for business and industrial activities. In order to strengthen Windsor's economy, meet the land and infrastructure needs of employment activities and address concerns over compatibility, employment land uses are provided under two designations on Schedule D as either Industrial or Business Park.

The following objectives and policies establish the framework for development decisions in Employment areas.

#### 6.4.1 Objectives

<i>POSITIVE BUSINESS ENVIRONMENT</i>	6.4.1.1	To ensure Windsor continues to be an attractive place to establish businesses and locate employees.
<i>ASSESSMENT BASE</i>	6.4.1.2	To expand Windsor's assessment base by attracting employers and economic development.
<i>COMPATIBLE DEVELOPMENT</i>	6.4.1.3	To ensure that employment uses are developed in a manner which are compatible with other land uses.
<i>RANGE OF USES</i>	6.4.1.4	To accommodate a full range of employment activities in Windsor.
<i>SUPPORT SERVICES</i>	6.4.1.5	To enhance the quality of employment areas by providing for complementary services and amenities.
<i>ACCESSIBLE</i>	6.4.1.6	To locate employment activities in areas which have sufficient and convenient access to all modes of transportation.
<i>SUFFICIENT LAND SUPPLY</i>	6.4.1.7	To ensure that a sufficient land supply for employment purposes is maintained over the 20 year period of this Plan.
<i>INFRASTRUCTURE</i>	6.4.1.8	To ensure that adequate infrastructure services are provided to employment areas.
<i>VIALE AREAS</i>	6.4.1.9	To maintain and develop viable industrial areas.

*VISIBLE LOCATIONS* 6.4.1.10 To provide highly visible and attractive locations for business park development.

*COMPREHENSIVELY PLANNED* 6.4.1.11 To promote comprehensively planned employment areas.

## 6.4.2 General Policies

*SUFFICIENT SUPPLY* 6.4.2.1 Council shall designate a sufficient supply of appropriately located Industrial and Business Park lands to meet the projected 20 year employment demands.

*ATTRACT BUSINESS* 6.4.2.2 Council shall encourage businesses and industries to locate and expand in Windsor.

*CITY PARTICIPATION* 6.4.2.3 Council shall facilitate economic investment by:

- (a) planning and developing Industrial and Business Park areas;
- (b) participating in the development or redevelopment of strategic areas of Windsor;
- (c) fostering public-private partnerships to facilitate economic development; and
- (d) other measures as may be appropriate.

*SITE PLAN CONTROL* 6.4.2.4 Council shall require all development within areas designated as Industrial and Business Park to be subject to site plan control, with the exception of Public Open Space uses.

*HERITAGE CONSERVATION* 6.4.2.5 Council shall encourage the conservation and adaptive reuse of historic and/or architecturally significant buildings within areas designated as Industrial or Business Park in accordance with the Heritage Conservation chapter of this Plan.

*CONTAMINATED SITES* 6.4.2.6 Council shall encourage the redevelopment of contaminated Industrial or Business Park sites in accordance with section 5.4.8 of the Environment chapter of this Plan.

*AREAS IN TRANSITION* 6.4.2.7 Council may support the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:

- (a) the proponent can demonstrate that:

- HIGH QUALITY DESIGN* 6.4.2.8
- (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and
  - (ii) the redevelopment of the area is in keeping with the long term transition of the entire area to similar uses;
- (b) the environmental conditions of the site do not preclude development (see Environment chapter); and
  - (c) subject to an amendment to this Plan that is consistent with the appropriate policies for the desired land use.
- Council shall require a high standard of architectural and landscape design for Industrial and Business Park designations adjacent to the Highway 401 corridor given its visibility along an international gateway, in accordance with the Urban Design chapter of this Plan. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

### 6.4.3 Industrial Policies

The Industrial land use designation provides for a broad range of industrial uses which, because of their physical and operational characteristics, are more appropriately clustered together and separated from sensitive land uses. This designation is also applied to certain older industrial areas of Windsor where such a separation may not have been achieved.

- PERMITTED USES* 6.4.3.1
- Uses permitted in the Industrial land use designation identified on Schedule D: Land Use include establishments which may exhibit any or all of the following characteristics:
- (a) large physical size of site or facilities;
  - (b) outdoor storage of materials or products;
  - (c) large production volumes or large product size;
  - (d) frequent or continuous shipment of products and/or materials;
  - (e) long hours of production and shift operations;
  - (f) likelihood of nuisances, such as noise, odour, dust or vibration;
  - (g) multi-modal transportation facilities;

- (h) is dependent upon, serves or otherwise complements the industrial function of the area; and (amended by OPA #22 – 07/16/02)
- (i) service and repair facilities. (amended by OPA #22 – 07/16/02)

ANCILLARY  
USES

6.4.3.2

In addition to the uses permitted above, Council may also permit the following ancillary uses in areas designated as Industrial on Schedule D: Land Use without requiring an amendment to this Plan:

- (a) Open Space uses;
- (b) convenience stores and restaurants provided that:
  - (i) by their size the uses are designed to serve the employees in the Industrial area; and
  - (ii) the evaluation criteria of policy 6.5.3.7 are satisfied.
- (c) adult entertainment parlours provided that:
  - (i) such uses are a minimum of 150 metres from lands used or zoned for residential, institutional or open space purposes; and
  - (ii) the evaluation criteria of policy 6.5.3.7 are satisfied, with the exception of the requirement that the proponent demonstrate that market impacts on other commercial areas is acceptable.
- (d) Motor vehicle sales; club; athletic or sports facility; wholesale store; the sale of goods produced by an industrial use and accessory thereto; retail sale of building supplies and materials, home improvement products, nursery products. (amended by OPA #22 – 07/16/02)

LOCATIONAL  
CRITERIA

6.4.3.3

Industrial development shall be located where:

- (a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses;
- (b) there is access to an arterial road;
- (c) full municipal physical services can be provided;
- (d) industry related traffic can be directed away from residential areas;

- (e) peak period public transportation service can be provided;  
and
- (f) there is access to designated truck routes.

## 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

<i>MULTI-FUNCTIONAL AREAS</i>	6.9.1.1	To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses.
<i>COMPACT FORM</i>	6.9.1.2	To encourage a compact form of mixed use development.
<i>SPECIAL IDENTITIES</i>	6.9.1.3	To provide opportunities to create and maintain special area identities and focal points within Windsor.
<i>STRATEGIC LOCATIONS</i>	6.9.1.4	To identify strategic locations which are highly visible and accessible for mixed use development.
<i>VIABLE AREAS</i>	6.9.1.5	To ensure the long term viability of Mixed Use areas.
<i>PUBLIC SPACES</i>	6.9.1.6	To provide public places for strolling, recreation, conversation and entertainment.
<i>TRANSPORTATION MODES</i>	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

<i>PERMITTED USES</i>	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.
<i>FORM OF MIXED USE AREAS</i>	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.

## 7.2.8 Rail Zoning By-law Amendment Policies

*DEVELOPMENT  
ADJACENT TO A  
CORRIDOR*

7.2.8.8 Council shall evaluate a proposed development adjacent to a Rail Corridor, in accordance with the following:

- (a) All proponents of a new development within 300 metres of a rail corridor, may be required to complete a noise study to support the proposal, and if the need for mitigation measures is determined by such study, shall identify and recommend appropriate mitigation measures, in accordance with the Procedures chapter of this Plan;
- (b) All proponents of new development, located within 75 metres of a rail corridor, shall complete a vibration study to support the proposal, and if the need for mitigation measures is determined by such study, shall identify and recommend appropriate mitigation measures, in accordance with the Procedures chapter of this Plan;
- (c) All proponents of new development adjacent to a rail corridor will consult with the appropriate railway company prior to the finalization of any noise or vibration study required by this Plan;
- (d) All proponents of new development abutting a rail corridor shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality, in consultation with the relevant public agency and the appropriate railway company.

## 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.

*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.



# APPENDIX C – EXCERPTS FROM ZONING BY-LAW 8600

## SECTION 18 - MANUFACTURING DISTRICTS 1. (MD1.)

### 18.2 MANUFACTURING DISTRICT 1.2 (MD1.2)

#### 18.2.1 PERMITTED USES

<i>Ambulance Service</i>	<i>Medical Appliance Facility</i>
<i>Building Materials Recycling Store</i>	<i>Micro-Brewery</i>
<i>Bulk Storage Facility</i>	<i>Public Parking Area</i>
<i>Business Office</i>	<i>Repair Shop - Heavy</i>
<i>Contractor's Office</i>	<i>Repair Shop – Light</i>
<i>Equipment Rental Shop</i>	<i>Self-Storage Facility</i>
<i>Food Catering Service</i>	<i>Towing Service</i>
<i>Food Processing Facility</i>	<i>Warehouse</i>
<i>Laundry Plant</i>	<i>Water Transportation Facility</i>
<i>Manufacturing Facility</i>	<i>Welding Shop</i>
Any of the following <i>Ancillary Uses</i> :	
<i>Automobile Sales Lot</i>	<i>Health Studio</i>
<i>Car Wash Automatic</i>	<i>Restaurant</i>
<i>Car Wash Coin Operated Club</i>	<i>Restaurant with Drive-through</i>
<i>Food Outlet - Drive-through</i>	<i>Retail Store – Equipment &amp; Supplies</i>
<i>Food Outlet - Take-out</i>	<i>Veterinary Office</i>
<i>Gas Bar</i>	<i>Wholesale Store</i>

Any of the following *Existing Uses*:

*Transport Terminal*

Any use accessory to any of the above uses, including a *Caretaker's Residence* or a *Retail Store*

#### 18.2.3 PROHIBITED USES

Outdoor storage of *aggregate*

#### 18.2.5 PROVISIONS

.4	Building Height – maximum	14.0 m
.5	Front Yard Depth – minimum	6.0 m
.7	Side Yard Width – minimum	
	a) From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located	6.0 m
	b) From an <i>exterior lot line</i> :	3.0 m
.8	Landscaped Open Space Yard – minimum	15.0% of <i>lot area</i>
.10	Gross Floor Area – <i>Retail Store</i> – maximum	25.0% of the <i>GFA</i> of the <i>main building</i>

# SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

## 12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

### 12.1.1 PERMITTED USES

<i>Double Duplex Dwelling</i>	<i>Residential Care Facility</i>
<i>Duplex Dwelling</i>	<i>Semi-Detached Dwelling</i>
<i>Lodging House</i>	<i>Single Unit Dwelling (Existing)</i>
<i>Multiple Dwelling</i>	<i>Townhome Dwelling</i>
<i>Religious Residence</i>	Any use accessory to any of the preceding uses

### 12.1.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 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 each additional *dwelling unit* 67.0 m<sup>2</sup> per unit
  - For any other *lot*:
    - c) For the first 4 *dwelling units* 540.0 m<sup>2</sup>
    - d) For each additional *dwelling unit* 85.0 m<sup>2</sup> per unit
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
  - Corner Lot* 14.0 m
  - Interior Lot* 10.0 m
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
  - a) Where a *habitable room window* of any *dwelling unit* faces a *side lot line* 6.0 m
  - b) Any other side yard 3.0 m
- .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
- .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]
- .55 A *Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling* having a maximum of 4 *dwelling units, Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

## APPENDIX D: CONSULTATIONS TABLE

### Comments from Municipal Departments & External Agencies

#### **ASSESSMENT MANAGEMENT OFFICER – Mejalli, March 30, 2021**

No objection to the proposed land use designation change of the subject roll# from Industrial to Residential; to amend the zoning to permit a 7-storey residential building (Condo development) with 90 residential units dwellings.

#### **CANADA POST - Bruno DeSando, March 31, 2021**

Canada Post comments are found on pages 6 & 7 of this document.

#### **ENBRIDGE GAS (Operating as UNION GAS) Analyst Land Support – Barbara M.J. Baranow, March 30, 2021**

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

#### **ENBRIDGE GAS - Construction & Growth - Drafter/Estimator – Gord Joynson, March 30, 2021**

After reviewing the provided drawing at 11646 Tecumseh Rd E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

Enbridge Gas requires a minimum separation of 0.3m from all of our plant. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly.

Please contact me if you have any further questions or concerns.



Enbridge Gas pdf drawing

**ENGINEERING - DEVELOPMENT, PROJECTS & ROW** – Robert Crescenzi & Pat Winters, April 13, 2021

The subject lands are located at 11646 Tecumseh Road East, designated “Industrial” by the City of Windsor Official Plan and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-Law 8600. The Applicant is proposing to change the land use designation from Industrial to Residential on the Official Plan and to change the zoning of the subject property from MD1.2 to RD3.1 to permit a 7-storey residential building (condo development) with 90 residential units. This department has previously provided comments on the proposed development under SPC002/21. Our comments remain consistent with those previously provided, which are included below for reference.

The site may be serviced by a 750mm concrete pipe storm sewer and a 375mm PVC sanitary sewer within Tecumseh Road East right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. Boulevard to be restored to the satisfaction of the City Engineer. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required. There is also an open ditch bordering the north property line of the site.

Tecumseh Road East is classified as a Class 2 Arterial road requiring a 38m ROW width according to Schedule X. The current ROW width is 36.6m. However, this property is within the limits of the previously completed Tecumseh Road East Improvements Class Environmental Assessment Study which does not identify a need for land conveyance, therefore none is required.

Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.

In summary, we have no objections to the proposed site plan application, subject to the following requirements:

**Site Plan Control Agreement** – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

**Redundant Curb Cuts** – The owner agrees to remove and replace the redundant curb cut on Tecumseh Road with full height curb to the satisfaction of the City Engineer.

**Existing Sewers and Connections** - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

If you have any further questions or concerns, please contact Robert Crescenzi, of this department by email at [rcrescenzi@citywindsor.ca](mailto:rcrescenzi@citywindsor.ca).

**ENWIN UTILITIES (Hydro Engineering)** – Technical Services Dispatch, April 13, 2021

Hydro Engineering: No Objection. However, ENWIN has an existing overhead distribution in the right of way along the south property boundary that include 27.6kV primary distribution and 120/240V & 600/347V secondary distribution. We recommend referring to the Occupational Health and Safety Act (Ministry of Labour) and the Building code to ensure that safe limits of approach and minimum clearance requirements are achieved both during and after construction.

**ENWIN UTILITIES (Water Engineering)** – Technical Services Dispatch, April 13, 2021

Water Engineering Has No Objections.

**ESSEX REGION CONSERVATION AUTHORITY (ERCA)** – Vitra Chodha, April 12, 2021

See comment on pages 8 & 9 of this document.

**HERITAGE PLANNER**– Tang Tracy, on behalf of Kristina Tang, April 20, 2021

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

- In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staaegaard, (O) 519-253-2300x2726, (C) 519-816-0711,

[mstaaegaard@citywindsor.ca](mailto:mstaaegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

**LANDSCAPE ARCHITECT** – Stefan Fediuk, April 30, 2021

The Landscape Architect does not object to the rezoning from Industrial MD1.2 to Residential RD3.1. From a climate change and over-intensification perspective, the landscape architect supports the Planner's comments and does not support the site specific proposed reductions in landscape area and setbacks.

In addition, the Development Proposal in Section 3.1 of the Planning Rationale Report recognizes the existing trees along the north property boundary adjacent to the railway line, and appears to preserve the healthy trees. It is recommended that the applicant be required to preserve the 2 Burr Oak (Trees #4 & 9) along the north property boundary, as well as one large Red Maple (Tree #6) near the east property boundary, as identified on the Tree Preservation Plan provided with this application.

**MANAGER OF POLICY & REGULATORY SERVICES** - Barbara Rusan, April 16, 2021

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca).

**TRANSIT WINDSOR** – Jason Scott, March 31, 2021

Transit Windsor has no objections to this development. The closest existing transit route is with our Lauzon 10. The closest existing bus stop is located on Banwell at Tecumseh NE Corner. This bus stop is approximately 240 metres away from this property falling within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our Council approved Transit Master Plan as the current route is a one way loop where as the plan will introduce two way conventional transit service. Transit Windsor is pleased to see the building at the road, which will help promote active transportation, such as transit, by reducing the walking distance.

**TRANSPORTATION PLANNER** – Rania Toufeili, April 20, 2021

- The Official Plan classifies Tecumseh Road East as a Class II Arterial Road. The current right-of-way is sufficient as per the Tecumseh Road Environmental Assessment and Schedule X.
- The applicant will be responsible to remove any redundant curb cuts and accesses along the Tecumseh Road frontage.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- Comments on the TIS will be provided to the planner in a separate memo.

**TRANSPORTATION PLANNING** (Comment on Applicant's Transportation Impact Study (TIS)) – Jeff Hagan (Transportation Planning Senior Engineer) & Rania Toufeili (Transportation Planner) April 20, 2021

We have reviewed the transportation impact study report for the above-noted application ("11646 Tecumseh Road East Transportation Impact Study" dated January 2021, by RC Spencer Associates).

Detailed comments are as follows:

1. **Overall:** The report establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network without off-site improvements.
2. **Author:** ~~The author of the TIS is not identified and the TIS is not stamped. The author of the TIS should be identified. The TIS should be signed and stamped by the professional engineer taking professional responsibility for its contents.~~ *[This matter has been resolved].*
3. **Parking Deficiency:** 113 parking spaces are required for this proposal as per the City of Windsor Zoning By-Law 8600. This proposal plans to provide 90 parking spaces to serve the development. The following information is required:
  - a. The study states that "based on local observations and proxy site studies, a 1:1 parking supply ratio should adequately accommodate the proposed higher-density mid-rise dwelling". The related studies and information must be provided to support this statement and the proposed parking reduction.
  - b. The study justifies the reduction in parking supply ratio as a means to encourage active transportation. Recommendations must be provided on how active transportation will be promoted or enhanced with this proposed development. Potential recommendations for this proposal include; secure bike parking and providing a bike room, a connection to the multi use trail off of Banwell Road, and promoting transit ridership within the area serving this development.

**VIA Rail Canada** – John Walsh, P.Eng., August 9, 2021

VIA is not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.

We acknowledge the pressure for the expansion of new residential development in urban areas throughout Ontario. As a result the major Railways developed appropriate noise, vibration and safety mitigation measures due to such pressures and historically defended their implementation at the OMB throughout Ontario, including Windsor.

Any new residential development would be expected to address noise, vibration and safety measures to both the Municipality's and the Railway's satisfaction. Should the City of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement, especially in the event that neighbouring lands may seek similar Amendments in the future. The Official Plan Amendment should include wording that compels the proponent to have regard for railway noise, vibration and safety measures when adjacent to railway corridors. I believe such provisions may already exist for other locations within the City of Windsor. I trust the above clarifies VIA's concerns.



CANADA POST  
955 Highbury Ave N  
London ON N5Y 1A3  
CANADAPOST.CA

POSTES CANADA  
955 Highbury Ave N  
London ON N5Y 1A3  
POSTESCANADA.CA

March 31, 2021

JUSTINA NWAESEI  
CITY OF WINDSOR  
350 CITY HALL SQUARE WEST, ROOM 210  
WINDSOR ON N9A 6S1

Re: **File No.: Z-005/21 & OPA 143**

Dear Justina,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes:

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

*Bruno DeSando*

Bruno DeSando  
CANADA POST CORPORATION  
Delivery Planning  
955 Highbury Avenue  
LONDON ON N5Y 1A3  
tel: 519-494-1596  
fax: 519-457-5412  
e-mail: [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)





### Lock-Box Assembly Requirements

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)

#### Compartments Size

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

#### Heights

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

#### Rear-loading Lock-boxes

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

#### Access

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

#### Numbering

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

101	109	207	→
102	110	208	
103	201	209	
104	202	210	
105	203	301	
106	204	302	
107	205	303	
108	206	304	

#### Grade-level Components

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

# Essex Region Conservation

the place for life



April 12, 2021

Ms. Justina Nwaesei, Senior Planner – Subdivisions  
City of Windsor, Development Services  
350 City Hall Square West  
Windsor, Ontario, N9A 6S1

planning@erca.org  
P.519.776.5209  
F.519.776.8688  
360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

Dear Ms. Nwaesei:

RE: Application for Official Plan Amendment OPA 143 [OPA 6324]  
and Zoning By-Law Amendment Z-005-21 [ZNG 6323]  
11646 TECUMSEH RD E  
ARN 373907073005850; PIN: 015970358  
Applicant: THE LALLY GROUP LTD

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 143 [OPA 6324], and Zoning By-Law Amendment Z-005-21 [ZNG 6323] for a proposed 7 storey condominium.

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

## **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.



**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment and Official Plan Amendment.

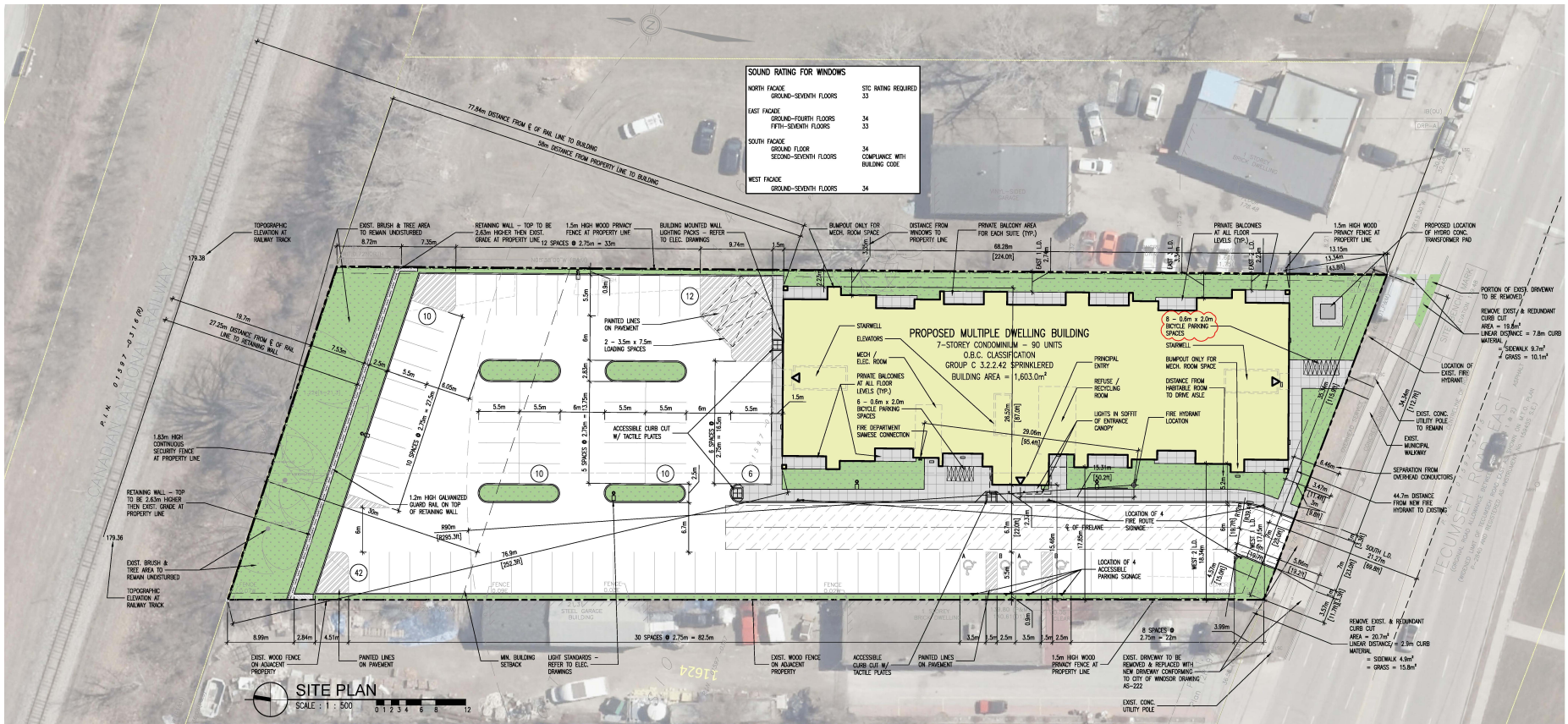
If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha  
Resource Planner  
/vc





ITEM	SITE DATA MATRIX				OBC REFERENCE	
1	PROJECT DESCRIPTION PROPOSED 7 STOREY MULTI DWELLING BUILDING - CONDO WITH 90 UNITS		<input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE		<input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11	
2	ZONING DESIGNATION:		MD1.1 - TO BE REZONED			
3	EXISTING LAND USE:		NONE - CURRENTLY VACANT			
4	MAJOR OCCUPANCY(S):		PROPOSED MULTI-DWELLING			
5	BUILDING CLASSIFICATION:		GROUP C, DIVISION N/A 3.2.2.42			
6	SITE AREA		BUILDING AREA		GROSS AREA	
	EXISTING:	6,258.8 m <sup>2</sup>	EXISTING:	N/A	EXISTING:	N/A
	PROPOSED:	6,258.8 m <sup>2</sup>	PROPOSED:	1,603.0 m <sup>2</sup>	PROPOSED:	11,026.5 m <sup>2</sup>
	TOTAL:	6,258.8 m <sup>2</sup>	TOTAL:	1,603.0 m <sup>2</sup>	TOTAL:	11,026.5 m <sup>2</sup>
7	LOT COVERAGE		MINIMUM LOT WIDTH		BUILDING HEIGHT	
	MAXIMUM:	N/A	REQUIRED:	N/A	MAXIMUM:	N/A
	PROVIDED:	25.6 %	PROVIDED:	44.5 m	PROVIDED:	24.9 m
8	MINIMUM FRONT YARD DEPTH		MINIMUM REAR YARD DEPTH		MINIMUM SIDE YARD DEPTH	
	REQUIRED:	XXX.X m	REQUIRED:	XXX.X m	MAXIMUM:	XXX.X m
	PROVIDED:	3.0 m	PROVIDED:	58.0 m	PROVIDED:	2.23 m
9	PARKING		BICYCLE SPACES		LOADING SPACES	
	USE CLASSIFICATION:		EXISTING:		EXISTING:	
			N/A		N/A	
	EXISTING:	N/A	PROPOSED:	6 SPACES	PROPOSED:	2 SPACES
	PROPOSED:	90 SPACES	REQUIRED:	6 SPACES	REQUIRED:	2 SPACES
	REQUIRED:	90 SPACES	TOTAL:	6 SPACES	TOTAL:	2 SPACES
TOTAL:	90 SPACES					
10	LANDSCAPED AREA		CURBING LENGTH		SCREENING FENCE LENGTH	
	EXISTING:	N/A	EXISTING:	N/A	EXISTING:	0.0 m
	PROPOSED:	1,548.4 m	PROPOSED:	338.9 m	PROPOSED:	158.6 m
	TOTAL:	1,548.4 m	TOTAL:	338.9 m	TOTAL:	158.6 m
<p><i>Should archaeological deposits be found during construction activities, all work in the area must stop immediately and the City's Manager of Cultural Affairs and the Ontario Ministry of Tourism, Culture and Sport must be notified, and clearance given by the Ministry.</i></p> <p><i>In the event that human remains are encountered during construction, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services must then be notified, and clearance be given by the Ministry of Tourism, Culture and Sport.</i></p> <p><i>A building shall not be located beneath existing above ground electrical conductors. Where a building is to be constructed in proximity to above ground electrical conductors, horizontal clearances between buildings and conductors shall comply with Subsection 3.1.19. of the Ontario Building Code.</i></p>						

## **Excerpts from Reports / Studies received from the Applicant.**

### **A. STORM WATER MANAGEMENT REPORT by Aleo Associates Inc., Jan 21, 2021**

The proposed development has a drainage area of 5,866 m<sup>2</sup> (0.59 ha). The site drainage will discharge to the existing 750 mm diameter storm sewer located within the grass boulevard on the south side of Tecumseh Road East. The developed runoff coefficient for the stormwater management boundary area is 0.83 for both the 1:2 year and 1:100 year storm events.

We have carried out storm detention design for a 1:2 year and 1:100 year frequency storm event. The pre-development runoff coefficient was taken to be 0.25. The release rate from the site for both design storms is being restricted to the 1:2 year allowable discharge rate which is 23.6 L/s. The development flow will be restricted by a 100 mm diameter orifice installed on the 200 mm diameter storm outlet.

Storage has been provided above the catch basins on the surface of the asphalt paved parking lot, and within storm sewer pipe and structures. However, storage for the 1:2 year storm event will occur exclusively underground in storm pipe and structures. Please see the attached calculations showing the storage provided. The 1:2 year and 1:100 year storage elevations are 178.45 m and 178.66 m, respectively. The 1:100 year storage elevation is more than 0.3 m below the proposed floor elevation of 179.05 m. A total volume of 67 m<sup>3</sup> is required to be stored for the 1:2 year storm and 69 m<sup>3</sup> has been provided. A total volume of 211 m<sup>3</sup> is required to be stored for the 1:100 year storm and 215 m<sup>3</sup> has been provided.

Stormwater quality control is being accomplished by installing tee traps in all new catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system. Trapped oil and sediments will be removed during routine catch basin cleaning.

### **B. VIBRATION REPORT by Akoustik Engineering Limited, Jan 11, 2021**

#### **Purpose:**

condominium development at 11646 Tecumseh Road East, in the City of Windsor. The purpose of this study is to measure and report the ground-borne vibration levels resulting from the nearby railroad line on the proposed residential building. The revision reflects the updated location of the

#### **Rail Vibration Criteria**

There are no MECP guidelines for rail vibration limits on proposed sensitive land uses. Instead, the applicable guidelines for rail vibration impacts are given in the 2013 document published by the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC), "Guidelines for New Development in Proximity to Railway Operations". From this, the overall vibration levels from the railway operations should not exceed 0.14 mm/s RMS, measured minimally between the frequency range of 4 Hz and 200 Hz, on and above the first floor of the residential dwelling.

Given that the proposed building has not been constructed, the measurements are conducted on the ground at the perimeter of the proposed building nearest to the rail right-of-way. The 0.14 mm/s RMS limit is based on the threshold limit for human perception of ground-borne vibration and is intended to ensure that vibration levels from the passing trains will not cause discomfort to the building occupants.

## **Conclusion**

A vibration assessment of the nearby rail line operations, consisting of ground-borne vibration measurements, was carried out for the proposed 7-story residential condominium development to be located at 11646 Tecumseh Road East, in the City of Windsor. The measured vibration data has demonstrated that the ground vibration levels due to rail traffic on the nearby CP rail line do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada's criteria of 0.14 mm/s RMS velocity. Given that the measured vibration levels are within compliance to the guideline, and that vibration abatement is not required to reduce the vibration levels at the proposed development, it is recommended that the development be given approval with respect to vibration impacts from the CN/VIA rail line.

### **C. NOISE STUDY by JJ Acoustic Engineering Ltd., dated Jan. 11, 2021; updated Sep. 18, 2021**

The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Park (MOECP) NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources— Approval and Planning" dated August 2013.

This Study has determined that the potential environmental noise impact from road traffic and stationary noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor and forecasted to 10 years from the date of this study.

#### **RECOMMENDED NOISE WARNING CLAUSES IN SECTION 6 OF THE STUDY**

**Warning Clause C:** "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

**Warning Clause D:** "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

**Warning Clause E:** VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings(s). VIA will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

***Indoor Living Areas – Building Components (NPC 300, Section C7.1.3)***

## 6. Recommendations

The road traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures include:

- Warning Clause Type C for the South Façade from Levels 2 to Levels 7.
- Warning Clause Type D for all other façades and floors.
- Warning Clause Type E for all units within the building.
- Requirement for Air Conditioning for the entire building.
- A minimum of STC 34 windows for all windows on the North, East and West Facades as well as Level 1 on the South Façade.

These have been summarized in Attachment B under Table B1.

JJAE reviewed the noise impacts from the neighboring buildings and determined the noise impact to be below the NPC 300 requirements. Furthermore, JJAE reviewed the noise impact from the neighboring mechanic garage next door to the Site. JJAE had measured data for a similar sized mechanical garage on a previous project and added this data to our model. The data showed that with the garage door of the mechanic shop closed the noise impact was below the NPC 300 requirements and therefore, no further mitigation measures were required. Typically, these types of facilities operate with the garage door closed to minimize noise impacts as well as maintain temperate control. If the facility needs to operate with the garage door opens during hot days to minimize heat inside the garage space, an agreement should be made between the Site owner, the City, and the owner of the mechanic shop (called a Tri-party agreement) to have air conditioning installed at each of the garage locations (front and back locations) to ensure the garage doors remain closed. This process should be done at Site Plan and can be further discussed in the addendum reviewing the Site's mechanical equipment.

## 7. Conclusions

The results of this Study indicate that the potential environmental impact from road and rail traffic sources are significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit as summarized above.

### D. TRAFFIC INFORMATION STUDY by RC Spencer Associates, Jan 2021

#### Purpose:

The purpose of this study is to examine the implications of the proposed development on traffic operations in the area, particularly on Tecumseh Road East and its signalized intersection with Banwell Road. The study will also assess the need for geometric or traffic control improvements at area intersections.

#### Conclusion:



Using recently obtained turning movement counts and applying industry-standard trip generation and distribution methodologies, an analysis was completed to quantify the development's impact on area traffic operations. Site generated traffic volumes were applied to all horizon scenarios; area background traffic was increased by 2% per year for the 2025 and 2030 horizon years. Upon completion of the analysis, it was concluded that:

- The signalized intersection of Banwell Road at Tecumseh Road East is currently performing satisfactorily; in all peak hour traffic scenarios, it is anticipated that the intersection will exhibit an overall LOS C; the effect of site generated traffic is nominal;
- The proposed stop-controlled intersection of the site access at Tecumseh Road East will operate satisfactorily into the future; even in the most critical traffic scenario, adequate storage is provided on-site, so it is anticipated that a single egress lane will sufficiently accommodate the projected traffic demand;
- The intersection of the Metro Access at Tecumseh Road East is operating at very good levels of service; this is expected to continue in all horizon scenarios;
- There is sufficient sight distance for safe egress from the proposed site access;
- The developer's proposed 1:1 parking supply ratio is in line with provincial trends aiming to encourage increased active transportation and transit use; however, the developer should ensure that appropriate active transportation infrastructure is integrated into the final site plan to support and encourage non-auto modes of travel.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development, as presented, will not adversely affect area traffic operations.

E. **SPECIES AT RISK IMPACT ASSESSMENT**, by Insight Environmental Solutions Inc, Jan 2020

This report provides an overview of the existing site conditions and applicable *Endangered Species Act* (ESA), 2007 policies, identifies any environmental constraints and opportunities, and provides recommendations with respect to the proposed project. The goal of this report is to attain the Ministry of the Environment, Conservation and Parks (MECP) Species at Risk Branch (SARB)'s review of the project documentation to ensure that the project is not likely to contravene Section 9 (Species Protection) or Section 10 (Habitat Protection) of the ESA 2007.

## 5.0 MITIGATION TO AVOID IMPACTS

The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation. The various mitigation measures are further discussed below.

## 5.4 SPECIES AT RISK SNAKE MITIGATION

1. All on-site personnel must be made aware of the potential presence of SAR snakes, including Eastern Foxsnake, Massasauga and Butler's Gartersnake.
2. A construction barrier fence and/or a sediment and erosion control fence must be installed before any construction activity is to occur to ensure no harm to the natural system and to exclude snakes from the construction zone.
3. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, and dump sites are likely to provide habitat functions for SAR snakes in the project area. If any of these features are found to occur, they must be protected from all disturbances that would result in damage or destruction of their habitat functions.
4. The development footprint should be visually marked with flagging tape to avoid encroachment into natural features.
5. Construction machinery and equipment that is left idle for over 1 hour or is parked overnight on the property between April 1st to November 30th must be surveyed for the presence of Eastern Foxsnake before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.
6. Any SAR individual that is present on the property should be reported to the Ministry of Environment, Conservation and Parks (MECP) within 48 hours of the observation or the next working day, whichever comes first.
7. If an Eastern Foxsnake, Massasauga or Butler's Gartersnake is incidentally encountered, the snake must be allowed to disperse from the project site under its own ability, and project machinery and equipment must maintain a minimum operating distance of 30 meters from the individual. MECP must be contacted if this cannot be done.
8. If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container maintained at an appropriate temperature and MECP staff must be contacted immediately.

## 6.0 CONCLUDING STATEMENT

Based on the results of this SAR Impact Assessment the following conclusions are presented:

1. The proposed project at 11646 Tecumseth Road East, Essex County, Windsor, Ontario.
2. The project proposes to construct a seven-story condominium building consisting of 90 units with the associated servicing and parking.
3. the subject property does not support any natural heritage features nor do any natural heritage features exist within 120m of the subject property.
4. Review of the literature and available data suggests that the only SAR that has potential to occur within the vicinity of the subject property based on available habitats is Eastern Foxsnake.
5. The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation.

Based on Species at Risk information gathering efforts conducted by IES it is argued that the project is not likely to contravene Section 9 or Section 10 of the ESA 2007. The proposed development will have no impact on any Endangered or Threatened species or their habitat if the mitigation measures stated in this report are implemented during construction activities.

# **APPENDIX G**

## **DRAFT**

### **AMENDMENT NO. 143**

#### **TO THE**

#### **OFFICIAL PLAN**

#### **CITY OF WINDSOR**

Part D (Details of the Amendment) of the following text, and attached map of the City of Windsor Official Plan constitute Amendment No. 143.

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

**A. PURPOSE:**

The purpose of this recommended amendment is to allow residential use on the subject land by converting the employment land to a non-employment designation that would permit residential use and allow the development of a multi-storey, multi-unit dwelling on the subject land.

**B. LOCATION:**

The amendment applies to the land generally described as located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road East.

**Ward: 7**

**Planning District: Forest Glade**

**ZDM: 15**

**C. BACKGROUND:**

The subject land is designated Industrial in the land use schedule of the Official Plan Vol. 1. *Residential use* is not listed as a permitted use or permitted ancillary use in the subject land use designation.

The applicant proposes to change the land use designation of the subject land from Industrial to Residential to allow *Residential use* as an additional permitted use on the land. A 7-storey residential building (Condo development) with 90 residential units is proposed on the subject land. However, after a detailed planning review of the supporting documents and relevant policies, it was determined that a Mixed Use designation would be more appropriate for the subject land in the subject area.

The recommended amendment seeks to change the land use designation from Industrial to Mixed Use designation to permit *residential use* as additional permitted use on the subject land. The recommended amendment will allow the development of commercial use(s) at street level, while accommodating residential units above commercial uses or, alternatively, above grade at the rear of the commercial use(s).

**D. DETAILS OF THE AMENDMENT:**

THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from INDUSTRIAL to MIXED USE.

**E. IMPLEMENTATION:**

- i. Amend Schedule D: Land Use, in Volume 1: The Primary Plan to add OPA #143.

- ii. This amendment shall be implemented through amendment to the Zoning By-law 8600 as recommended in Report Number S xxx/2021 (Z-005/21; ZNG-6323).
- iii. Site Plan Control shall be an additional implementation tool for this Official Plan Amendment (OPA #143).

## APPENDIX I

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan amendment and the associated rezoning.

A public meeting of the Development & Heritage Standing Committee (DHSC), the statutory meeting, was held on *(insert date later)*. Below is an extract from the minutes of the meeting.

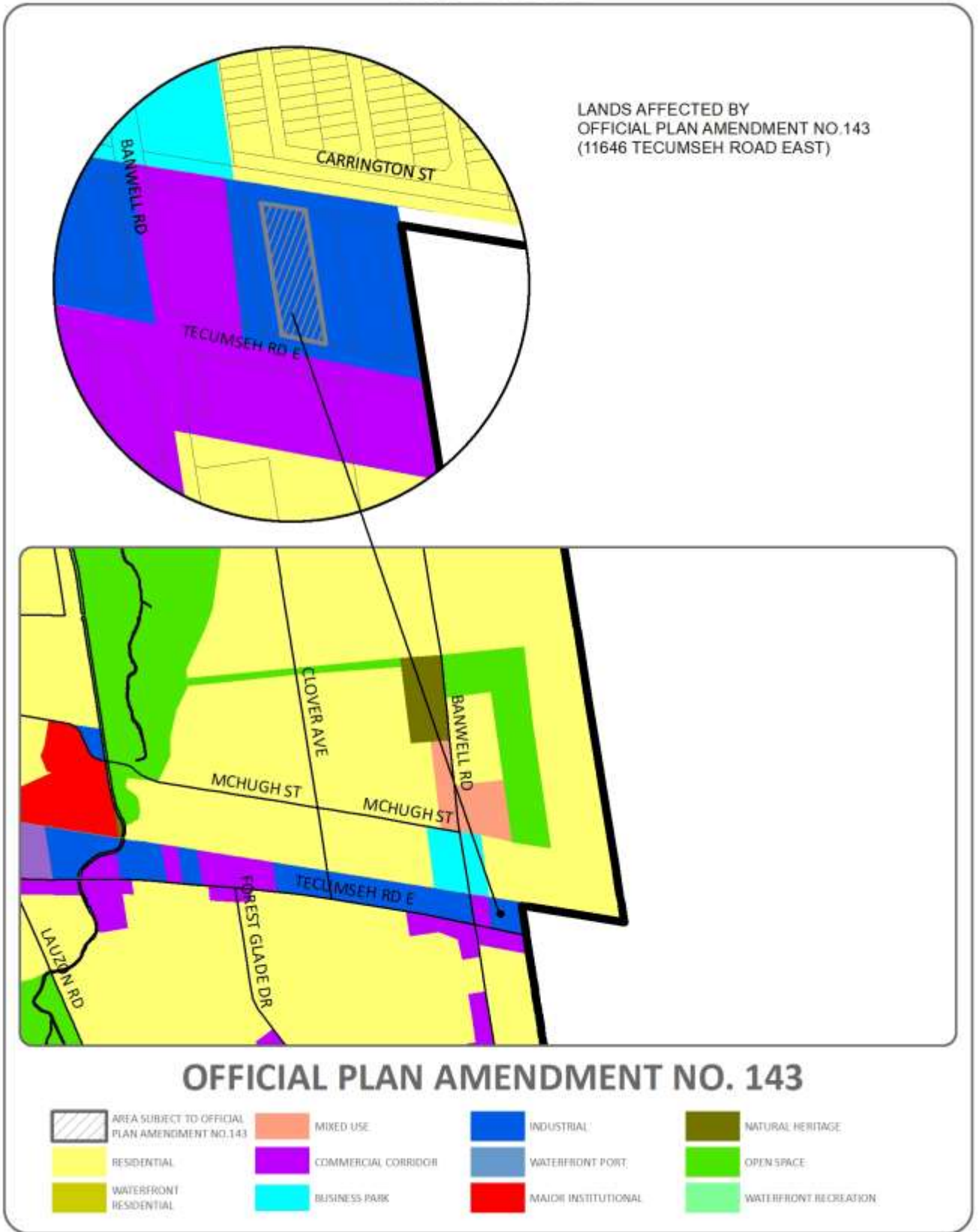
Following the *(insert date later)* DHSC meeting, another public meeting (Council meeting) was held on *(insert date later)* as noted below.

---

### **COUNCIL MEETING:** *(insert date later)*

A meeting of City Council was held on *(insert date later)*, at which time the Official Plan Amendment application was considered along with the accompanying Zoning By-law Amendment application (File No. Z-005/21; ZNG/6232). The recommended OPA #143 was *(insert Council decision)* by *CRxxx/2022*, and the recommended amendment to the zoning by-law was *(insert Council decision)*, by the same *CRxxx/2022*.

# SCHEDULE D



# APPENDIX H

BY - LAW NUMBER -2022

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

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**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 Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

## 16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

### 16.10.1 PERMITTED USES

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>

*9 or more dwelling units in a Combined Use Building with any of the above uses*

*Multiple Dwelling with 9 or more dwelling units*

*Residential Care Facility*

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

### 16.10.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
  - For a *building* containing only non-residential uses 400.0 m<sup>2</sup>
  - For each *dwelling unit* 85.0 m<sup>2</sup>
- .4 Building Height – maximum 20.0 m
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.
- .16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback – minimum
  - a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m
  - b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m
  - c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m
  - d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m
- .90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *exterior lot line*.

2. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	15	Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit.	143	MD1.2	CD3.10

3. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

**“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), the following additional regulations shall apply:

- a) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*.
- b) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice.
- c) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.  
[ZDM 15; ZNG/6323]”

4. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	15	Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit.	143	S.20(1)438

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022  
 Second Reading - , 2022  
 Third Reading - , 2022



## SCHEDULE 2

1. By-law \_\_\_\_\_ has the following purpose and effect:

To amend the zoning of the lands described as Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, so as to permit the construction of a multi-storey, multi-unit residential building on the subject land.

This amendment also has the effect of accommodating a housing type that increases density and housing options in the area. This amendment has the potential to enhance public transit ridership in the area as a result of the residential units that will be accommodated on the subject land.

2. Key map showing the location of the lands to which By-law \_\_\_\_\_ applies.



PART OF ZONING DISTRICT MAP 15

## SCHEDULE 2

Applicant: Maple Leaf Homes Ltd. c/o Bruno Cacilhas



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

N.T.S.



DATE : JUNE, 2021  
FILE NO. : 2-005/21, ZNG/6323

**Subject: RICBL Exemption 2021-4 - Dillon Consulting Limited - 0  
Tecumseh Road East - Ward 7**

**Reference:**

Date to Council: February 7, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 ext 6250  
aszymczak@citywindsor.ca  
Planning & Building Services  
Report Date: January 17, 2022  
Clerk's File #: Z/14231

**To:** Mayor and Members of City Council

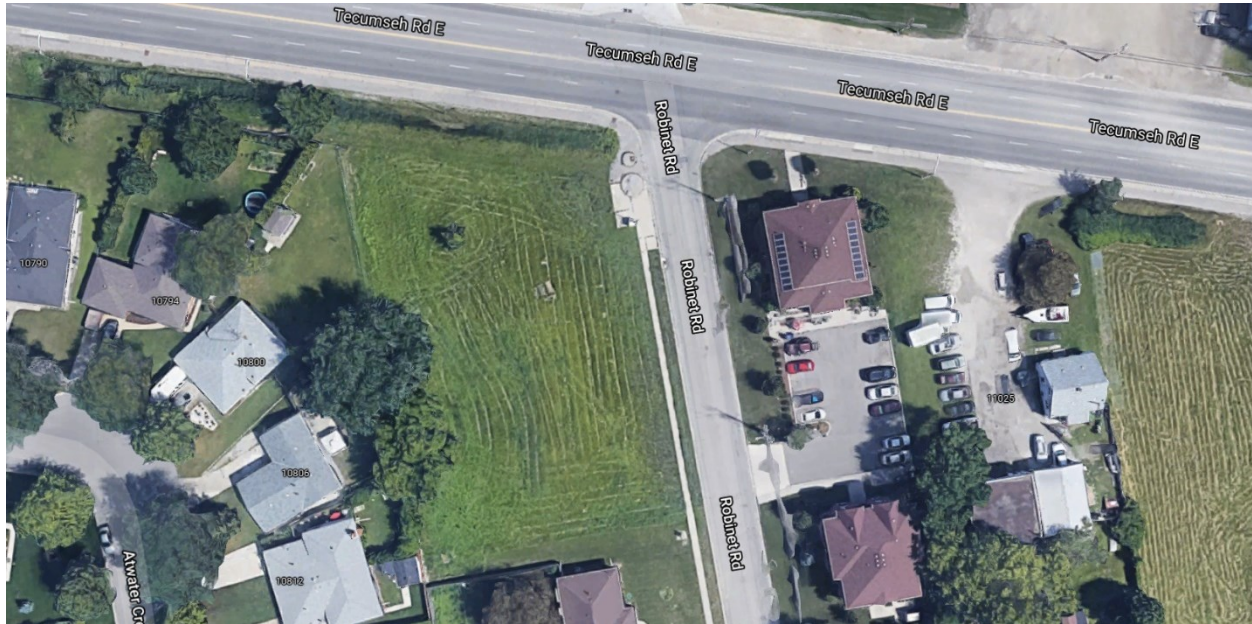
**Recommendation:**

- 1) That Council **APPROVE** the request of Dillon Consulting Limited, on behalf of Sfera Architectural Associated Inc. / The D'Amore Group, for an exemption from the provisions of Interim Control By-law 103-2020 for the property known municipally as 0 Tecumseh Road East (Roll No. 070-880-00200; southwest corner of Tecumseh Road East and Robinet Road).
- 2) That Council **AMEND** Interim Control By-law 103-2020 by adding to Section 5 the following clause using the next sequential clause number:
  - (?) **0 Tecumseh Road East (southwest corner of Tecumseh Road East and Robinet Road)**  
N Part Lot 5, Registered Plan 62; Roll No. 070-880-00200

**Executive Summary:**

N/A

## Neighbourhood Map:



## Background:

### Timeline

- |                 |   |
|-----------------|---|
| 2020 July 13    | Council approves Interim Control By-law 103-2020 (RICBL)  |
| 2021 June 7     | Council approves By-law 99-2021 which extends RICBL by one additional year, expiring on July 13, 2022.  |
| 2021 October 29 | Dillion Consulting Limited, agent for Sfera Architectural Associated Inc. / The D'Amore Group, submits a request for an exemption from RICBL. |

### Interim Control By-law 103-2019

Section 38(1) of the *Planning Act* permits a municipality to pass an interim control by-law (ICBL) that prohibits the use of land, buildings or structures for such purposes as set out in the by-law. This “freezes” development on the specified lands for a period not to exceed one year. An ICBL is an important planning tool that allows the municipality to rethink its land use policies by suspending development that may conflict with any new policy.

On July 13, 2020, Council approved Interim Control By-law 103-2020 that prohibits “*the use on all lands, buildings, and structures for a Group Home, Shelter, Lodging House, and a Dwelling with five or more dwelling units*” in the City of Windsor. This will allow Administration to study the extent of the challenges, propose possible solutions and provide revised policies and provisions that aim to balance the housing needs of the community and the concerns of businesses, institutions, and residents.

Council Resolution 364/2020, which approved Interim Control By-law 103-2020, states:

*That Council MAY REVIEW, on a case-by-case basis, any requested amendment to the Interim Control By-law where there is a determination that the requested amendment will not conflict with the general purpose and intent of the Interim Control By-law,*

### **Proposed Development**

The applicant proposes to construct a multiple dwelling with 21 dwelling units over 3 floors with 26 parking spaces that will have access from Robinet Road. No vehicular access is proposed from Tecumseh Road East.

### **Request for Exemption from ICBL**

Dillion Consulting Limited, agent for Sfera Architectural Associated Inc. / The D'Amore Group submits a request (see Appendix A) for an exemption from the RICBL to allow the processing of an application for Site Plan Control for the proposed development. The applicant is currently in discussions with the Site Plan Approval Officer.

### **Discussion:**

This exemption request will be evaluated against the following criteria:

**Consistency with the Official Plan** – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan.

**Compliance with the Zoning By-law** – Whether the proposed development is a permitted use and complies with the provisions, including any approval from the Committee of Adjustment.

**Distance to Nearby Services and Amenities** – Whether residents have access to services and amenities such as a grocery store, a community or recreational facility, or other uses that meet their daily needs within a 1 km or less walk.

**Distance to Public Transit** – Whether residents have access to current and future public transit within an approximate 1 km or less walk.

**Potential impact on the Land Use Study** – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the study.

### **Analysis of Evaluation Criteria**

**Consistency with the Official Plan** - The subject parcel is designated Residential on Schedule D: Land Use in the City of Windsor Official Plan. The proposed development is consistent with the general policy direction, including permitted uses, locational criteria, evaluation criteria, and design guidelines, of the Residential land use designation.

**The proposed development IS consistent with the direction of the Official Plan.**

**Compliance with the Zoning By-law** - The parcel is zoned Residential 3.1 (RD3.1) with a holding symbol in Zoning By-law 8600. The RD3.1 zoning permits a Multiple Dwelling subject to the provisions in RD3.1. The agent indicates that the proposed development complies with the RD3.1 provisions.

**The proposed development IS a permitted use and CAN COMPLY with the provisions of Zoning By-law 8600 when the holding symbol is removed.**

**Distance to Nearby Services and Amenities** – Restaurants, a grocery store, retail stores, pharmacy, places of worship, parks, a high school, and elementary schools are within a 1 km or less walk.

**The proposed development IS within an acceptable distance to nearby services and amenities.**

**Distance to Public Transit** - Transit Windsor operates two bus routes within a 1 km or less walk. The Lauzon 10 is accessible at Tecumseh Road and Banwell, about 560 m to the east, and at Clover and McHugh, about 880 m to the northwest. The Transway 1C bus is approximately 890 m to the east. The Transit Master Plan proposes a local bus route that will run along this portion of Robinet Road that will connect with other bus routes at the East End Terminal currently located at Tecumseh Mall.

**The proposed development IS within an acceptable distance to public transit.**

**Potential for impact on the Land Use Study** - The proposed development is consistent with the Official Plan, complies with the Zoning By-law, and is within an acceptable distance of nearby services, amenities and public transit. These lands have been zoned for this type of housing for several years. The proposed development is consistent with existing dwellings and uses. Planning does not anticipate any impact on the Land Use Study.

**The proposed development WILL NOT have any impact on the Land Use Study.**

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Jason Campigotto, Site Plan Approval Officer; Neil Robertson, Manager of Urban Design;

**Conclusion:**

The Planning Department concurs with the Residential Interim Control By-law Addendum submitted by the Agent. The proposed development satisfies the criteria listed in this report. Planning recommends that the parcel be exempt from Interim Control By-law 103-2020. Approval of the exemption will allow the applicant to proceed with site plan approval for the proposed multiple dwelling development.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

Thom Hunt, MCIP, RPP  
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

SAH            JR

**Approvals:**

Name	Title
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Dillon Consulting Limited Zoe Sotirakos	3200 Deziel Drive, Suite 608, Windsor, ON N8W 5K8	zsotirakos@dillon.ca
Councillor Gill		

**Appendices:**

- 1 Appendix A - Residential Interim Control By-law Addendum
- 2 Appendix B - Proposed Site Plan
- 3 Appendix C - Design Data Table

# Memo



**To:** Jason Campigotto, Site Plan Approval Officer, City of Windsor  
**From:** Zoe Sotirakos and Theresa O'Neill, Dillon Consulting Limited  
**cc:** Scott D'Amore, The D'Amore Group  
John Bortolotti, Sfera Architectural Associates Inc.  
Kyle Edmunds, Dillon Consulting Limited  
**Date:** October 29, 2021  
**Subject:** Robinet Lane Apartment, Residential Interim Control By-law Addendum  
**Our File:** 15-2513

This addendum has been prepared to request an exemption from Residential Interim Control By-law (RICBL) 103-2020. Clause 2(1) in RICBL will automatically exempt any lands where an amending by-law comes into force on or after January 1, 2017. Notwithstanding that automatic exemption, the Planning Division is requesting that applicants submit a formal request for an exemption from B/L 103-2020 with rationale for the exemption.

Dillon Consulting Limited (Dillon) has been retained by The D'Amore Group to assist Sfera Architectural Associated Inc. (Sfera) in obtaining the necessary engineering and planning approvals associated with a proposed residential development located at 0 Robinet Road, on the southwest corner of Tecumseh Road East and Robinet Road (subject site). An application for Site Plan Control has been filed by Sfera to facilitate and support the proposed multiple dwelling development.

We understand this exemption request will be evaluated against the following criteria and have provided our rationale for each:

## Consistency with the Official Plan

The subject site is designated Residential in the City of Windsor Official Plan. The Residential land use policies are designed to promote compact neighbourhoods through development of a broad range of housing forms and tenures, and complementary services and amenities which enhance the quality of residential areas. The proposed Low Profile (3 storey) development is intended to contribute to the range of housing forms and tenures in the surrounding area.

The proposed development is consistent with the direction of the Official Plan.

## Compliance with the Zoning By-law

The subject site is currently zoned Residential District 3.1, with a Holding Zone (HRD3.1) in the City of Windsor Zoning By-law 8600. The RD3.1 Zone permits a range of dwelling types including: Double Duplex Dwelling; Duplex Dwelling; Lodging House; Multiple Dwelling; Religious Residence; Residential Care Facility; Semi-Detached Dwelling; Single Unit Dwelling (Existing); Townhome Dwelling; and any use accessory to any of the preceding uses.

The Holding Zone provision (H) is in place to defer development until the specified conditions have been satisfied. The H symbol may be removed when the following conditions are satisfied: the property is on a registered Plan of Subdivision or Condominium; municipal services are available or the street is paved to the municipality's standard; full compliance with remediation/mitigation recommendations is achieved; a Site Plan Control agreement is registered on title to the property; or, any other holding zone conditions contained in an amending zoning by-law are satisfied.

The current zoning permits the proposed Multiple Dwelling residential use. The proposed residential use is designed in a manner compatible with the surrounding area. The subject site's accessibility by transit and active transportation facilities may encourage future residents to utilize the surrounding area for day to day needs. The proposed Site Plan and Design Data Table dated August 23, 2021, prepared by Sfera is in compliance with the all zoning provisions of the RD3.1 zone.

The proposed development will comply with the provisions of Zoning By-law 8600, subject to the Removal of H Symbol.

### **Distance to Nearby Services and Amenities**

The subject site is located within 1.0km or less walking distance to:

- Grocery stores (Metro, Food Basics);
- Restaurants (various dine in and take-out);
- Recreational facilities (Bowling Alley, Tecumseh Arena); and
- Parks (Palmetto Park, Wildwood Park, and Stillmeadow Park).

Additionally, the Forest Glade Public Library, Eastwood Public School and Forest Glade Arena are approximately 2km southwest of the subject site. Parkview Public Elementary School is approximately 1.0km southwest of the subject site and St. Joseph's Catholic High School is approximately 900m northwest of the subject site. A variety of fitness centres (gyms and yoga studios) are located approximately 1.5km east and 2km west of the site. A number of churches are also located within a 2km radius of the subject site.

The proposed development is within an acceptable distance to nearby services and amenities.

### **Distance to Public Transit**

The subject site is currently serviced by existing public transit services and some cycling infrastructure. Future residents will have access to current and future public transit within 1 km or less walking distance. The subject site is in close proximity to bus stops for the Lauzon 10 and Transway 1C bus routes. These bus routes stop at the Transit Windsor Terminal located at Tecumseh Mall, which is a boarding point for the Crosstown 2 and Ottawa 4 bus routes as well. Both the Transway 1C and Crosstown 2 have a service frequency of 10-15 minutes. Tecumseh Mall is also a destination and departure point for Tecumseh Transit. Bus stops near the site are located on Tecumseh Road East, Forest Glade Drive, and on Banwell Road. The proposed implementation of additional facilities and services nearby will further strengthen the site's ability to be accessed by alternative modes of transportation.



The proposed development is within an acceptable distance to public transit.

### **Potential Impact on the Land Use Study**

The proposed development is consistent with the Official Plan. Subject to the Removal of H Symbol, the proposed development will comply with the Zoning By-law. The proposed development is within an acceptable distance of nearby services, amenities and public transit. These lands are strategically located to host this form of medium density housing and the proposed multiple dwelling development is a permitted use on the subject site.

The proposed development is not anticipated to have any impact on the Land Use Study.

### **Conclusion**

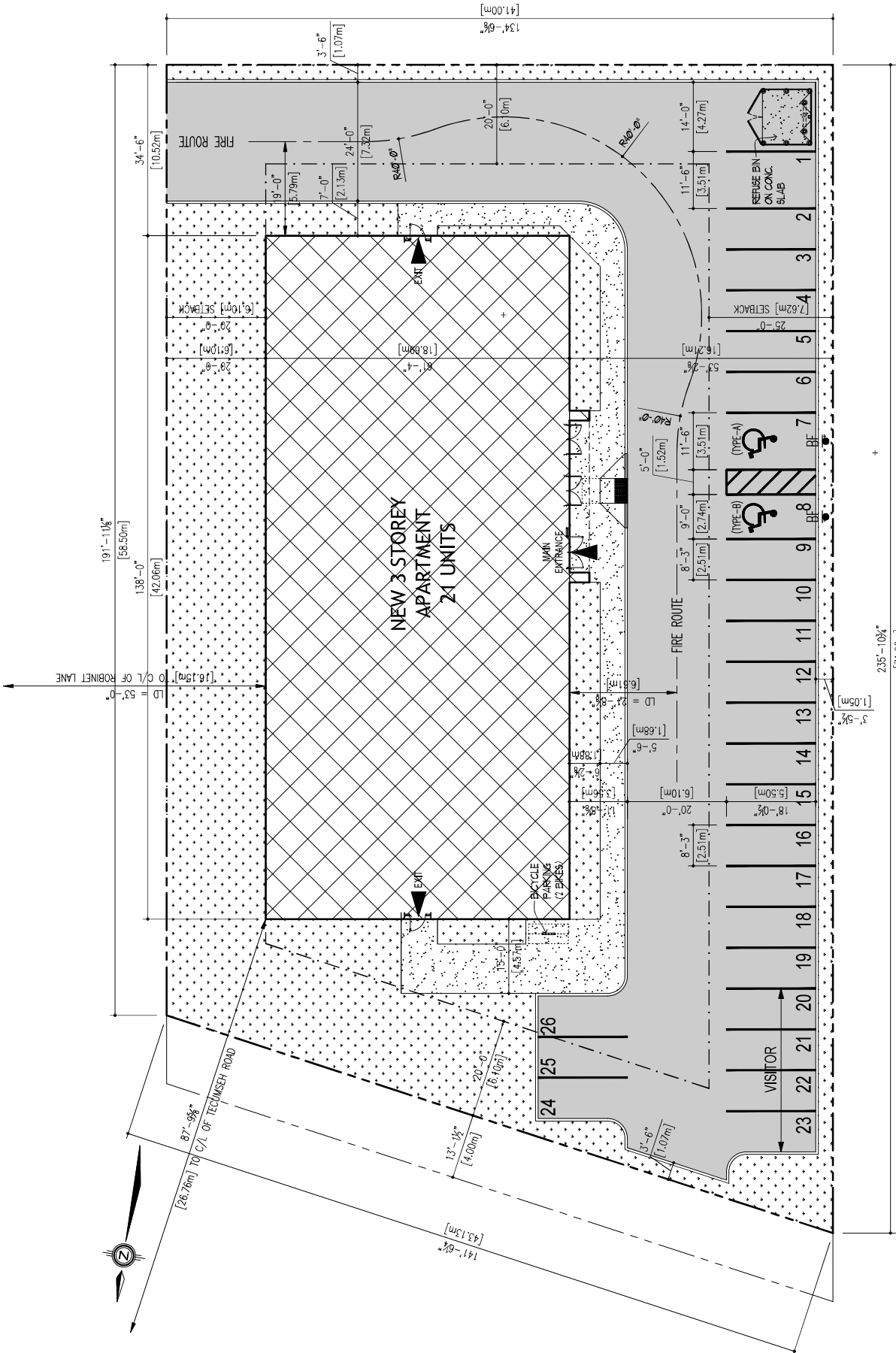
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The proposed development is supported by the Official Plan and Zoning By-law, subject to the Removal of H Symbol, and as such will satisfy the criteria listed above. We are of the opinion that the parcel be exempt from Interim Control By-law 103-2020. Approval of the exemption will allow the applicant to proceed with Site Plan Control Approval for the proposed multiple dwelling development.



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Zoe Sotirakos, MES, LEED GA  
Planner



**SITE PLAN**  
SCALE: 1/16" = 1'-0"

# DESIGN DATA TABLE

DESCRIPTION/REGULATION	REQUIRED	PROPOSED
INTENDED USE		
LOT AREA	<p>Minimum</p> <p>For corner lot having 30.0 m on each of the exterior lot lines:</p> <p>First 5 dwelling units      540.0 s.m. Each additional dwelling unit   67.0 s.m./unit</p> <p>540.0 + (67.0 x 16 units)    =1,612.0 s.m (17,351.42 s.f.)</p>	<p>Lot Area                      30,859 s.f.      (2,866.89 s.m.)    0.708 acres      (0.2865 ha.)</p>
LOT FRONTAGE	Minimum                      59.05 l.f.              (18.0 m)	Robinet Lane                      191'-8"              (58.5 m)
BUILDING AREA		New Apartment                      8,464 s.f.              (786.33 s.m.)
LOT COVERAGE	Maximum                      35%	Total Building                      27.42%
PAVED AREA		Paving                              10,965.90 s.f.      (1,018.76 s.m.)
LENGTH OF CURB		703'-6"                      (214.42 m)
LANDSCAPE AREA OPEN SPACE	Minimum                      35%	<p>Plantings                      9,696.69 s.f.      (900.85 s.m.) Concrete walks                      1,732.41 s.f.      (160.94 s.m.) Total                              11,429.10 s.f.      (1,061.79 s.m.) 37.03%</p>
GROSS BUILDING AREA		<p>First Floor                      8,464 s.f.              (786.33 s.m.) Second Floor                      8,464 s.f.              (786.33 s.m.) Third Floor                      8,464 s.f.              (786.33 s.m.) Total                              25,392.00 s.f.      (2,358.99 s.m.)</p>
NUMBER OF FLOORS		3 Floors
MAX. BUILDING HEIGHT	45'-11" (14.0 m)	31'-6" (9.60 m)
SETBACKS	<p>Front Yard                      19'-8" (6.0 m) Rear Yard                      24'-7" (7.5 m) Northern Side Yard                      19'-8" (6.0 m) Southern Side Yard                      19'-8" (6.0 m)</p>	See Site Plan
PARKING SPACES	<p>Regular (MIN. SIZE: 8'-3" X 18'-0" 5.5m X 2.5m) Barrier Free Type A (MIN. SIZE: 11'-6" X 18'-0" 3.5m X 5.5m) Barrier Free Type B (MIN. SIZE: 8'-3" X 18'-0" 5.5m X 2.5m)</p> <p>Number Of Parking Spaces Req'd 21 Apartment units x 1.25 spaces per unit = 26.25 spaces</p> <p>Number Of B.F. Spaces Req'd For 26 to 99 2% of Type A      26 x 0.02 = 0.52 2% of Type B      26 x 0.02 = 0.52</p> <p>= 2 (1 Type A and 1 Type B)</p> <p>Total Required = 24 Regular + 2 B.F. = 26 spaces</p>	<p>Number of Regular Spaces Proposed = 24 spaces</p> <p>Number Of B.F. Spaces Proposed = 2 (1 Type A and 1 Type B)</p> <p>Total Proposed = 24 Regular + 2 B.F. = 26 spaces</p>
BICYCLE PARKING	<p>Regular (MIN. SIZE: 2'-0" X 8'-3" 0.6m X 2.5m)</p> <p>Min. req'd bicycle spaces for 20 or more parking spaces: 2 for the first 19 spaces + 1 for each additional 20 parking spaces</p> <p>Total Required = 2 spaces</p>	Total bicycle parking provided                      2
LOADING AREA	<p>Loading Area (MIN. SIZE: 9'-10" X 24'-7" 3.0m X 7.5m)</p> <p>Gross floor area over 1,000 sq m to 7,500 sq m requires 1 loading space</p>	Loading spaces provided                      0



**Subject: Rezoning - 2776557 Ontario Ltd - 1153-1159 Riverside Drive East - Z-037/21 ZNG/6588 - Ward 4**

**Reference:**

Date to Council: February 7, 2022  
 Author: Adam Szymczak, MCIP, RPP  
 Senior Planner  
 519-255-6543 x 6250  
 aszymczak@citywindsor.ca

Planning & Building Services  
 Report Date: January 18, 2022  
 Clerk's File #: ZB/14253

To: Mayor and Members of City Council

**Recommendation:**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 1, Plan 433 (Roll No: 030-020-10200), situated on the south side of Riverside Drive East, west of Pierre Avenue and known municipally as 1153-1159 Riverside Drive East by adding a site specific exception to Section 20(1) as follows:

**434. SOUTH SIDE OF RIVERSIDE DRIVE EAST, WEST OF PIERRE AVENUE**

For the lands comprising of Lot 1, Registered Plan 433, a *multiple dwelling* containing a maximum of 8 *dwelling units* shall be an additional permitted *main use* and shall be subject to the following additional provisions:

- |   |                                  |
|---|----------------------------------|
| a) Lot Width – minimum                    | 15.0 m                           |
| b) Lot Coverage – maximum                 | 52.5 %                           |
| c) Side Yard Width – minimum              | 1.50 m                           |
| d) Required Parking – minimum             | 1 space per <i>dwelling unit</i> |
| e) Required Visitor Parking – minimum     | 0                                |
| f) Parking Area Separation – minimum      |                                  |
| From an <i>interior lot line</i> or alley | 0.60 m                           |

[ZDM 6; ZNG/6588]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to:

- a) Circulate any application to the Essex Region Conservation Authority for their review and comment;
- a) Enhance the landscaped area along the Riverside Drive frontage per the comments of the Landscape Architect; and
- b) Consider maximizing the number of bicycle parking spaces to mitigate the reduction in motor vehicle parking spaces;

### **Executive Summary:**

N/A

### **Background:**

#### **Application Information**

**Location:** 1153-1159 Riverside Drive East  
(Lot 1, Registered Plan 433; South side of Riverside Drive East, west of Pierre Avenue; Roll No: 030-020-10200)

**Ward:** 4      **Planning District:** Walkerville      **Zoning District Map:** 6

**Applicant:** 2776557 Ontario Ltd (Adrian Lai)

**Owner:** Same as Applicant

**Agent:** Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

#### **Submitted Documents**

Application Form, Conceptual Site Plan (attached as Appendix A), Elevations, Topographic Survey, Planning Rationale Report (attached as Appendix B), Archaeological Assessment Report, Ontario Public Register of Archaeological Reports Record

#### **Proposal**

The applicant is requesting an amendment to Zoning By-law 8600 by adding a site specific exception to allow a multiple dwelling consisting of three floors, 8 dwelling units and 8 parking spaces as an additional permitted use. Relief from minimum lot width (from 18 m to 15.16 m), maximum lot coverage (from 45% to 52.5%), minimum side yard width (from 1.8 m to 1.5 m), required parking (from 1.25 spaces per unit to 1 space per unit – total of 10 spaces to 8 spaces) and minimum parking area separation from an interior lot line (from 0.90 m to 0.60 m) are also being requested.

Dwelling units are accessed from external entrances via external corridors. The parking spaces are located under and at the rear of the building with access from the alley. The proposed development is subject to site plan control. The applicant is also requesting an exemption from Interim Control By-law 103-2020.

## Site Information

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 2.2 (RD2.2)	Multiple Dwelling with 3 dwelling units (triplex)	Unknown
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
15.16 m	37.3 m	562.5 m <sup>2</sup>	Rectangular
49.7 ft	122.3 ft	6,054.6 sq. ft	
<i>All measurements are provided by the applicant and are approximate.</i>			

### Neighbourhood Description:

The subject parcel is located on the south side of Riverside Drive East, west of Pierre Avenue. Site images are provided in Appendix C. The Planning Rational Report attached as Appendix B also contains site images.

Riverside Drive in this neighbourhood serves as the dividing line between the Central Riverfront park system on the north side and the developed area to the south. The developed area to the east, south and west consists mostly of low-profile residential dwellings. There are some multiple dwellings along Riverside Drive, including the adjacent property next west at 1139 Riverside Drive East, which contains 7 dwelling units and Riverside Heights about 100 m to the west at 1070 Chatham Street.

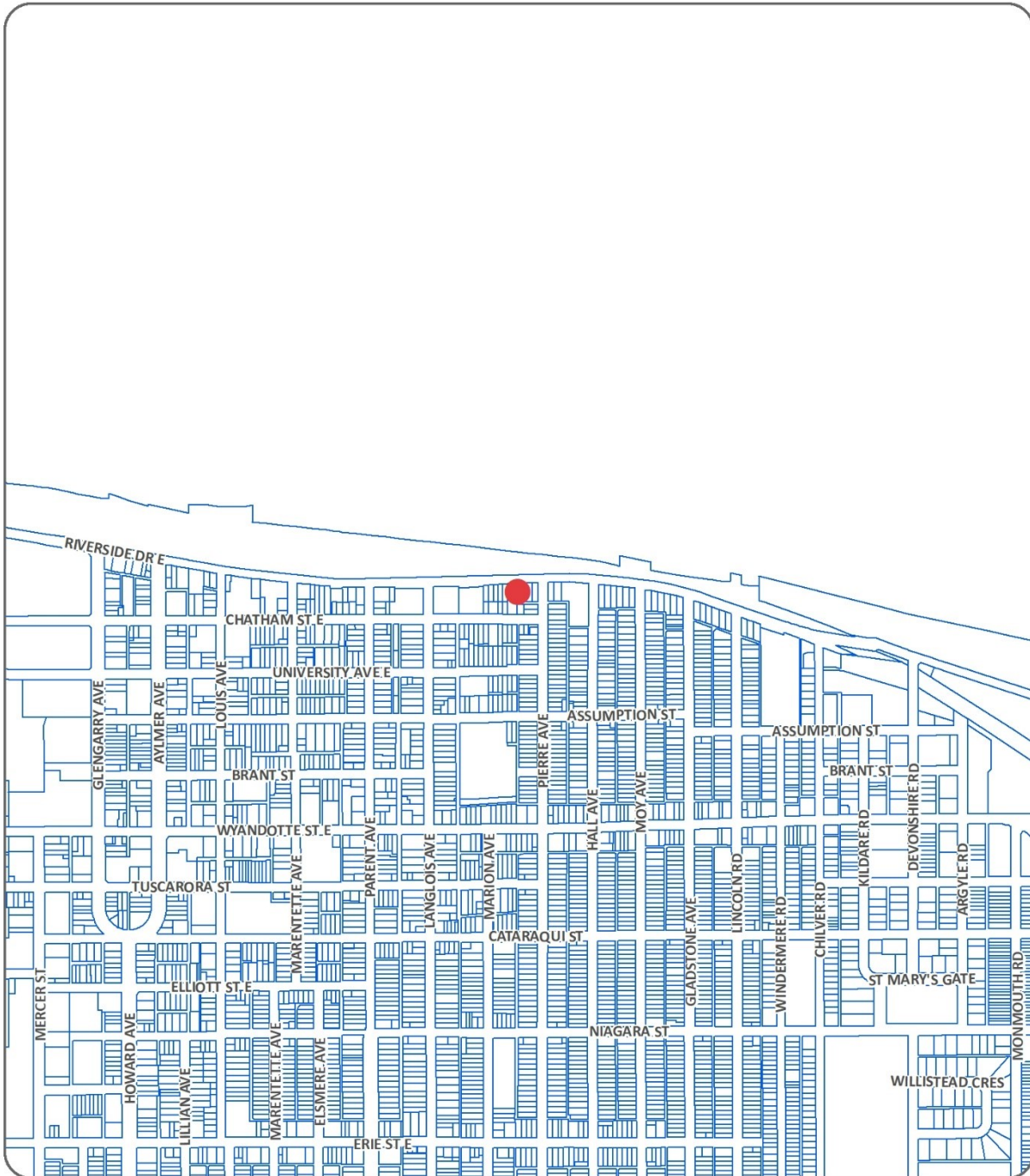
An established industrial use, Hiram Walker, is located about 800 m to the east. Wyandotte Street East provides various commercial uses including restaurants, take-out restaurants and food and retail stores almost 500 m to the south. Downtown Windsor, which includes facilities of the University of Windsor and St. Clair College, Caesars Windsor and various municipal, provincial and federal offices, is 1.5 km to the west. An elementary school (Frank W. Begley Public School) is located about 380 m to the south.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Riverside Drive is a Scenic Drive consisting of four lanes, a sidewalk along the south side and a multi-use trail on the north side. The parcel is adjacent to an open and travelled east-west alley.

Sanitary and storm sewers are available to service the subject lands.

Public Transit is available on the Walkerville 8 bus route located on Riverside Drive. The closest existing bus stops are located on Riverside at Langlois SE Corner and Riverside at Hall SW Corner. Both of these bus stops are approximately 140 metres away from this property. Additional public transit is available along Wyandotte Street to the south. The 2019 Transit Master Plan maintains similar access to public transit.

Figure 1: Key Map

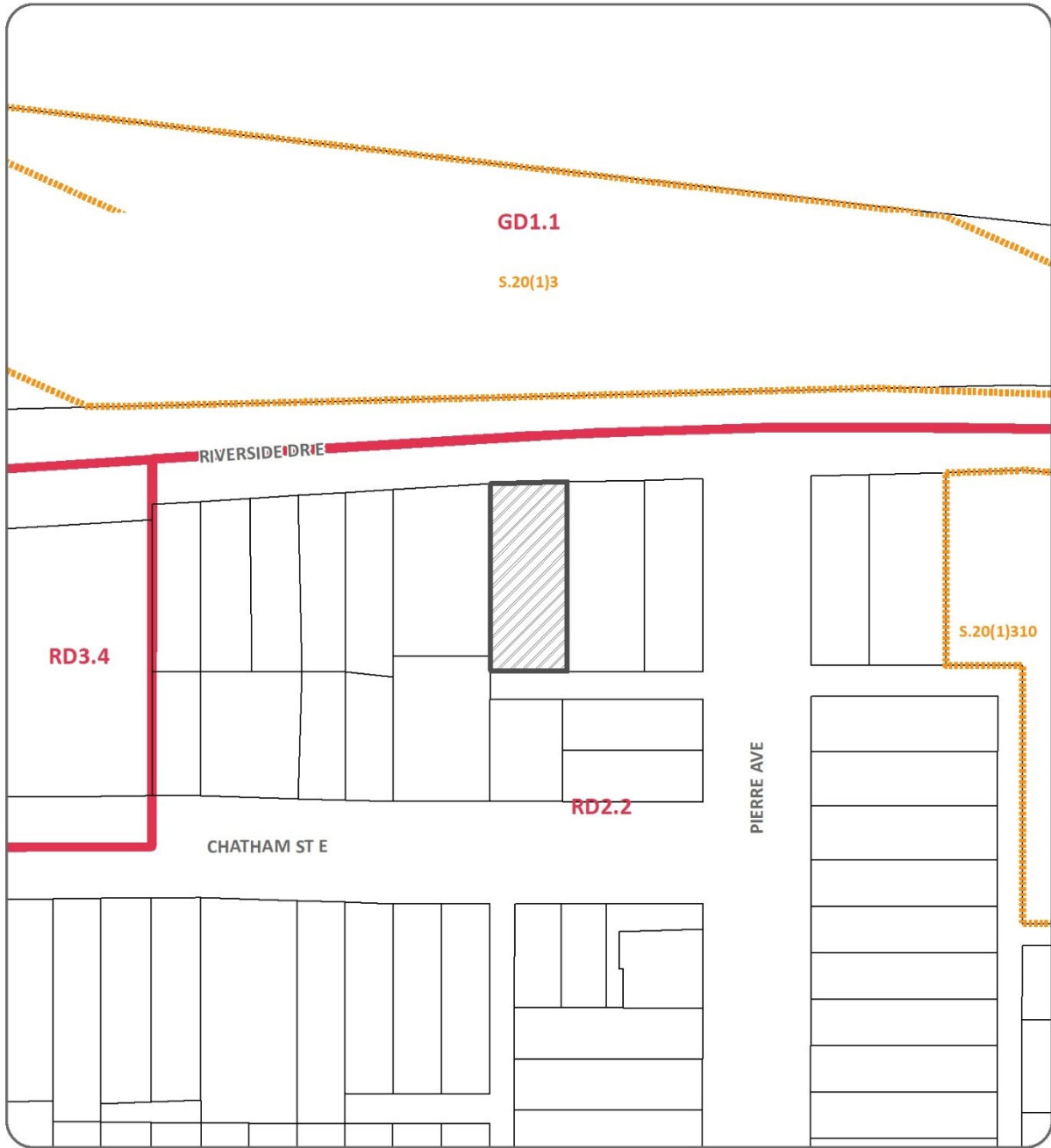


KEY MAP - Z-037/21, ZNG-6588



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 6

N.T.S.

## REZONING

Applicant: 2776557 Ontario Ltd



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : NOVEMBER, 2021  
FILE NO. : Z-037/21, ZNG/6588



Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-037/21, ZNG-6588



SUBJECT LANDS

## Discussion:

### Provincial Policy Statement 2020:

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Policy 1.1.1 of the PPS states:

*“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;*
- 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;”*

The proposed multiple dwelling with a maximum of eight dwelling units represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit and infrastructure. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states *“Settlement areas shall be the focus of growth and development”* and Policy 1.1.3.2 of the PPS states:

*“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;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The parcel is located within the settlement area. The proposed zoning amendment promotes a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS. The Planning Division concurs with the PPS analysis in section 5.1.1 of the Planning Rational Report submitted by the Applicant.

**Official Plan:**

The subject property is located within the Walkerville Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed multiple dwelling containing a maximum of 8 dwelling units represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation. The zoning amendment satisfies the objectives set out in Section 6.5.1 of the Official Plan.

The proposed dwelling is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use in the Residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

The parcel is located in an area of high Archaeological Potential. Per Section 9.3.7.1(a), the applicant submitted an Archaeological Assessment Report dated August 30, 2021. The report recommends no further archaeological assessment is required. A copy of the report was filed with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. The Heritage Planner has no concerns from an archaeological perspective. The proposed development satisfies the policy to “integrate heritage conservation into the development and infrastructure approval process” in Section 9.3.7.1.

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

The Planning Division concurs with the Official Plan analysis in section 5.1.2 of the Planning Rational Report submitted by the Applicant.

**Zoning By-Law:**

The parcel is zoned Residential District 2.2 (RCD2.2) which permits a range of low-profile residential uses. Excerpts from Zoning By-law 8600 are attached as Appendix D.

The applicant is requesting an amendment to Zoning By-law 8600 by adding a site-specific exception that will permit a multiple dwelling containing a maximum of 8 dwelling units and site specific provisions to accommodate the proposed development. The RD2.2 zoning will remain.

The applicant is requesting or requires the following site specific exceptions:

1. Reduction in minimum lot width from 18 m to 15.16 m – This recognizes the existing width of the lot and will have no adverse impact on adjacent parcels or the proposed development.
2. Increase in maximum lot coverage from 45% to 52.5% - The proposed development has a unique design in that the units are accessible from the exterior using external staircases and balconies. This will allow the applicant to maximize the gross floor area of the 8 dwelling units. Further, the balconies are much larger than typical balconies found in recent multiple dwelling developments. The downward projection of the balconies is included in lot coverage.
3. Reduction in minimum side yard width from 1.8 m to 1.5 m – The Planning Department has been standardizing the minimum side yard width for low-profile dwellings at 1.2 m. The proposed reduction is above this standard and will have no adverse impact on adjacent properties.
4. Reduction in required parking from 1.25 spaces per unit to 1 space per unit – 10 spaces required to 8 spaces proposed – No concerns have been raised regarding the reduction in parking. At least 3 bicycle parking spaces will be provided and public transit is available along Riverside Drive and on Wyandotte Street to the south.
5. Reduction in required visitor parking space – The Planning Department recommends that no visitor parking space be required to maximize parking available to tenants.
6. Reduction in minimum parking area separation from an interior lot line (from 0.90 m to 0.60 m) – The Landscape Architect has a concern in that a reduction in minimum parking area separation reduces the amount of surface available for landscaping. Recommendation II includes direction to the Site Plan Approval to enhance landscaping along Riverside Drive.

No other changes to the provisions have been requested. The maximum building height remains at 10 m and the front yard and rear yard setbacks remain unchanged at 6.0 m and 7.5 m respectively. All vehicular access is from the east-west alley at the rear of the parcel. A pedestrian walkway to Riverside Drive is proposed.

Any reference to storey identifies the number of floors at and above grade in a building. Storey is not a measurement of building height and the number of storeys is subject to change. Per the Building Height definition in Zoning By-law 8600, for a building with a flat roof, building height is the vertical distance in metres between the grade and the highest point of the roof.

### **Site Plan Control:**

Site Plan Control (SPC) is the primary planning tool to implement the policies of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendation II provides additional direction concerning the circulation of any SPC application, the enhancing of landscaping, and the maximization of on-site bicycle parking.

## **Interim Control By-law 103-2020 (RICBL):**

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. The criteria below are used to evaluate the exemption:

**Consistency with the Official Plan** – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan. The proposed development is consistent with the Residential land use designation.

**Compliance with the Zoning By-law** – Whether the proposed development is a permitted use and complies with the provisions. Once the amending by-law permitting a multiple dwelling is in force, the proposed development will comply with Zoning By-law 8600.

**Distance to Nearby Services and Amenities** – Whether residents have access to services and amenities such as a grocery store, a community or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services and amenities are located along Wyandotte Street within a 1 km walk of the proposed development.

**Distance to Public Transit** – Whether residents have access to current and future public transit within an approximate 1 km or less walk. Transit Windsor operates bus routes on Riverside Drive and Wyandotte Street, all within 1 km or less.

**Potential impact on the Land Use Study** – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the Land Use Study. The proposed development will be consistent with the Official Plan, will comply to Zoning By-law 8600, and is within an acceptable distance of services, amenities, and public transit. The proposed development will not prejudice the Land Use Study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should Council approve this application and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

In general, residential intensification minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

### **Climate Change Adaptation:**

The proposed construction of a new dwelling provides an opportunity to increase resiliency for the development and surrounding area.

### **Financial Matters:**

N/A

### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E. The various requirements of municipal departments and external agencies will be considered and/or incorporated during the Site Plan review process.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and tenants within 120m of the subject lands.

### **Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that the requested amendment to Zoning By-law is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The proposed site specific exception permits a use – a multiple dwelling containing a maximum of 8 dwelling units – that is compatible with existing and permitted uses in the surrounding neighbourhood. The proposed development represents a gentle or incremental increase in density and provides an opportunity for the construction of modern and safe housing stock.

Site plan control is also the appropriate tool to incorporate the requirements of municipal departments and external agencies.

The recommendation to amend Zoning By-law 8600 constitutes good planning.

## Conclusion:

Staff recommend approval of an amendment to Zoning By-law 8600, adding a site specific exception that allows a multiple dwelling containing a maximum of 8 dwelling units as an additional permitted use subject to additional lot and parking provisions. Direction is also provided to the Site Plan Approval Officer in Recommendation II for matters raised from consultations with municipal departments and external agencies.

## Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

*Neil Robertson, MCIP, RPP*  
*Manager of Urban Design*

*Thom Hunt, MCIP, RPP*  
*City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader

*SAH JR*

## Approvals:

Name	Title
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Jason Reynar	Chief Administrative Officer

## Notifications:

Name	Address	Email
Adrian Lai 2776557 Ontario Ltd.	2993 W 35th Avenue Vancouver, BC V6N 2M5	1139riversidedrive@gmail.com
Tracey Pillon-Abbs Pillon Abbs Inc.	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Holt		
Property owners and tenants within 120 m of the subject lands		

## Appendices:

- 1 Appendix A - Site Plan Conceptual
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Site Images
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Results of Circulation
- 6 Draft Amending By-law

**SITE INFORMATION**

SITE AREA:  
562.5 m<sup>2</sup> (6054 SF)

BUILDING AREA:  
295.5 m<sup>2</sup> (3181 SF)  
TOTAL FOOTPRINT INCL. BALCONIES & STAIRS

PARKING SPACES:  
8 SPACES (1 / UNIT) 7 + 1 BARRIER FREE

LOT COVERAGE:  
52.5%

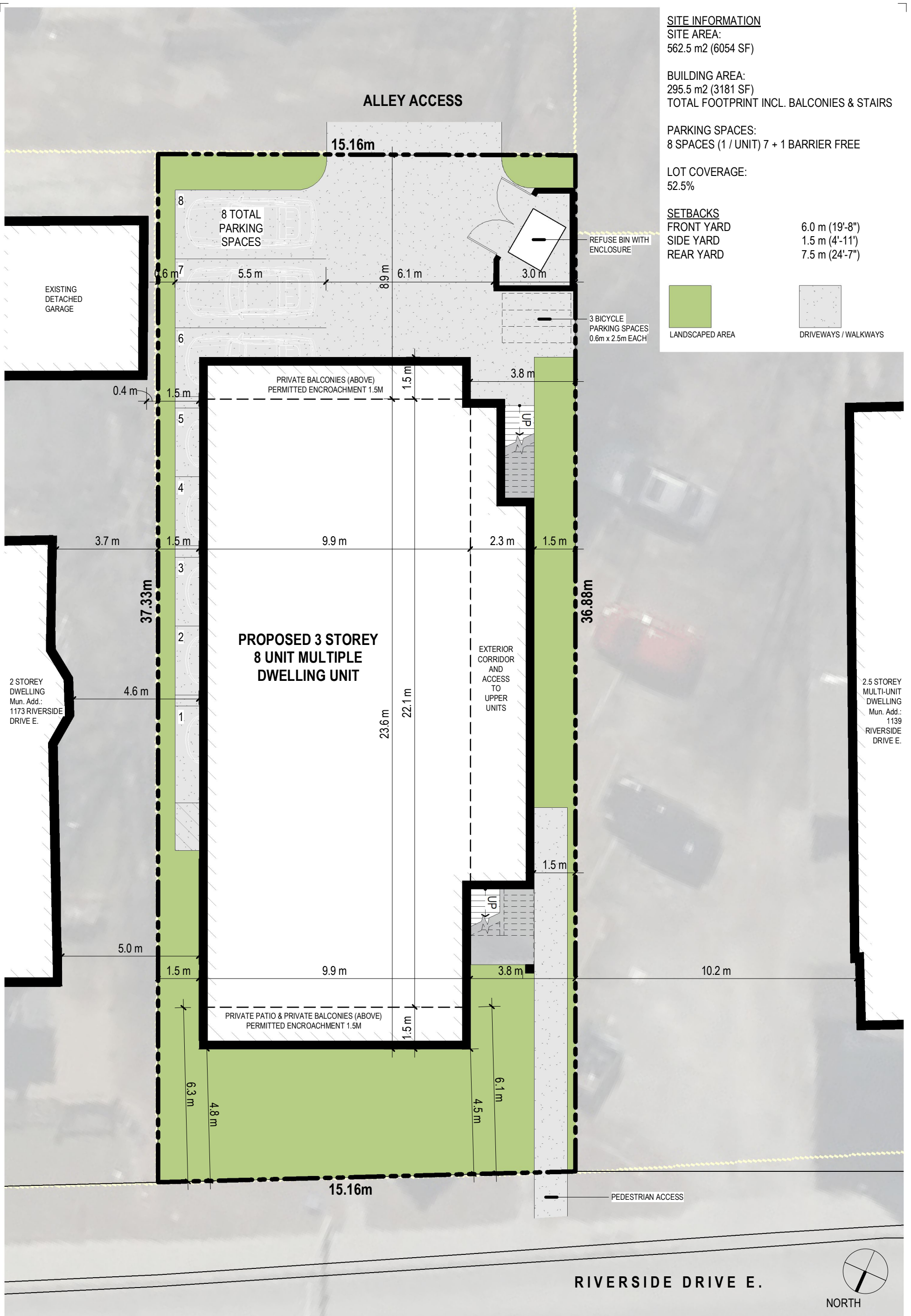
**SETBACKS**

FRONT YARD 6.0 m (19'-8")  
SIDE YARD 1.5 m (4'-11")  
REAR YARD 7.5 m (24'-7")

LANDSCAPED AREA

DRIVEWAYS / WALKWAYS

**ALLEY ACCESS**



**NOT FOR CONSTRUCTION**

PRELIMINARY SITE PLAN - 1153 RIVERSIDE DR. E.

NOVEMBER 11, 2021



# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT for RESIDENTIAL DEVELOPMENT

1153-1159 Riverside Drive East  
City of Windsor, Ontario

November 21, 2021

Prepared by:



Tracey Pillon-Abbs, RPP  
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# 1.0 INTRODUCTION

I have been retained by 2776557 Ontario Ltd, the applicant/owner, to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development for property located at 1153-1159 Riverside Drive East (herein the “Site”) in the City of Windsor, Ontario.

There is presently a triplex dwelling on the Site that the owner intends to demolish in order to accommodate for the proposed development. The applicant is proposing to construct one multiple dwelling unit that is three (3) storey’s with eight (8) dwellings units, as well as parking on-site for eight (8) vehicles.

A site-specific Zoning By-law Amendment (ZBA) is required in support of the proposed development, as the current zoning allows for a maximum of four dwelling units. Council for the City of Windsor is the approval authority.

This application will require approval by Council and an exemption from the current Residential Interim Control By-law (RICBL) for the prohibition on any group homes, lodging home or development with five or more dwelling units.

The purpose of this report is to review the relevant land use documents including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL) as it pertains to the ZBA application.

Pre-submission was completed by the applicant/owner (City File #PS-068/21). Comments dated June 21, 2021, were received and have been incorporated into the proposed application.

This PRR will show that the proposed development represents good planning addressing the need for the City to provide residential infilling development in the form of multiple dwelling units, which contributes to affordability and intensification requirements.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site is made up of one (1) parcel located on the south side of Riverside Dr E, between Pierre Ave and Langlois Ave.

The Site is legally described as Plan 433, Lot 1, City of Windsor and locally known as 1153-1159 Riverside Dr E, Windsor, Ontario.

The ARN of the property is 030-020-10200-0000 and is owned by 2776557 Ontario Ltd.

The Site currently has an existing triplex dwelling.

Parking is located at the rear of the property near an alley way, entering off Pierre Ave. (see Figure 1a – Air Photo and Figure 1b – Street View).



Figure 1a – Air Photo



Figure 1b – Street View (Riverside Dr E)

## 2.2 Physical Features of the Site

### 2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 562.5 square metres (6,054 square feet). It has approximately 15.16 m (49.75 ft) of frontage on Riverside Drive East and is rectangular in shape, with a depth of 37.33 m (122.47 ft).

The Site currently has a triplex dwelling on site and no accessory structures. The parking area can be accessed from an alley off Pierre Ave to the rear of the dwelling. There is a separate sidewalk entrance off Riverside Dr E for each dwelling unit.

### **2.2.2 Vegetation**

There are mature trees at the rear of the property, as well as a hedge separating the neighbour to the west. There are also a few shrubs at the front of the property near the western property line.

### **2.2.3 Topography**

The Site is flat and is within the regulated area of the Essex Region Conservation Authority (ERCA).

### **2.2.4 Other Physical Features**

The property is currently fenced for separation between the western neighbour. The eastern property line is delineated by a parking area for the neighbouring multiple dwelling unit at 1139 Riverside Dr E. There is a sidewalk on the west side of Riverside Dr E, running along the front of the property.

There is an alley along the rear of the property separating residential properties off Pierre Ave.

### **2.2.5 Municipal Services**

The property has access to municipal water, storm and sanitary services.

### **2.2.6 Nearby Amenities**

There are several schools within a 5 km radius including: Dougall Avenue Public School, Centre of the Arts Campus, Frank W. Begley Public School, Giles Campus French Immersion and Prince Edward Public School.

There are many parks and recreation opportunities in proximity of the Site including: Centennial Park, Gateway Public Park, Dieppe Gardens, Fred Thomas Park, Wigle Park and University Ave Park.

There are nearby commercial uses, such as food service, personal service shops, and retail. There is also nearby employment lands, places of worship, and local/regional amenities.

The Site has access to transit, with the nearest 3 bus stops near the Site at Langlois Ave, Hall Ave and Parent Ave, on the Walkerville 8 bus line.

## 2.3 Surrounding Land Uses

**North** – The lands to the north of the subject property along Riverside Dr E are open space along the Detroit River (see Photo 1 - North).



Photo 1 – North (along Riverside Dr E)



**East** – The lands to the east of the site are a mix of single detached dwellings, duplex dwellings and multiple dwelling units (see Photo 2 – East).



Photo 2 – East (Riverside Dr E)

**South** – South of the subject site, to the rear of the property, are a mix of single detached dwellings and duplex dwellings off Pierre Ave and Chatham St E (see Photo 3a and 3b - South).



Photo 3a – South



Photo 3b– South

**West** – The lands directly west of the Site are a mix of single detached dwellings, duplex dwellings and multiple dwelling units (see Photo 4a – West).



Photo 4– West-Riverside Dr E

## **3.0 DEVELOPMENT PROPOSAL**

### **3.1 Proposal**

The applicant is proposing to demolish the current triplex dwelling to accommodate for the proposed three (3) storey, eight (8) unit multiple dwelling unit.

The proposed development will be a raised multiple dwelling unit to accommodate a total of eight (8) parking spaces located under the building and to the rear of the development.

The three units at the front of the building will have patios and balconies fronting on Riverside Dr E.

There will be stairway and covered walkway entrances to the side and rear units, as well as balconies for the rear units.

All units are accessible from the exterior of the building.

The units are proposed to range in size from 54.44 square metres (586 sq ft) to 72.55 square metres (781 sq ft) (See Figure 2-Site Plan and Figure 3-Elevations).

There is a pedestrian connection to Riverside Drive East.

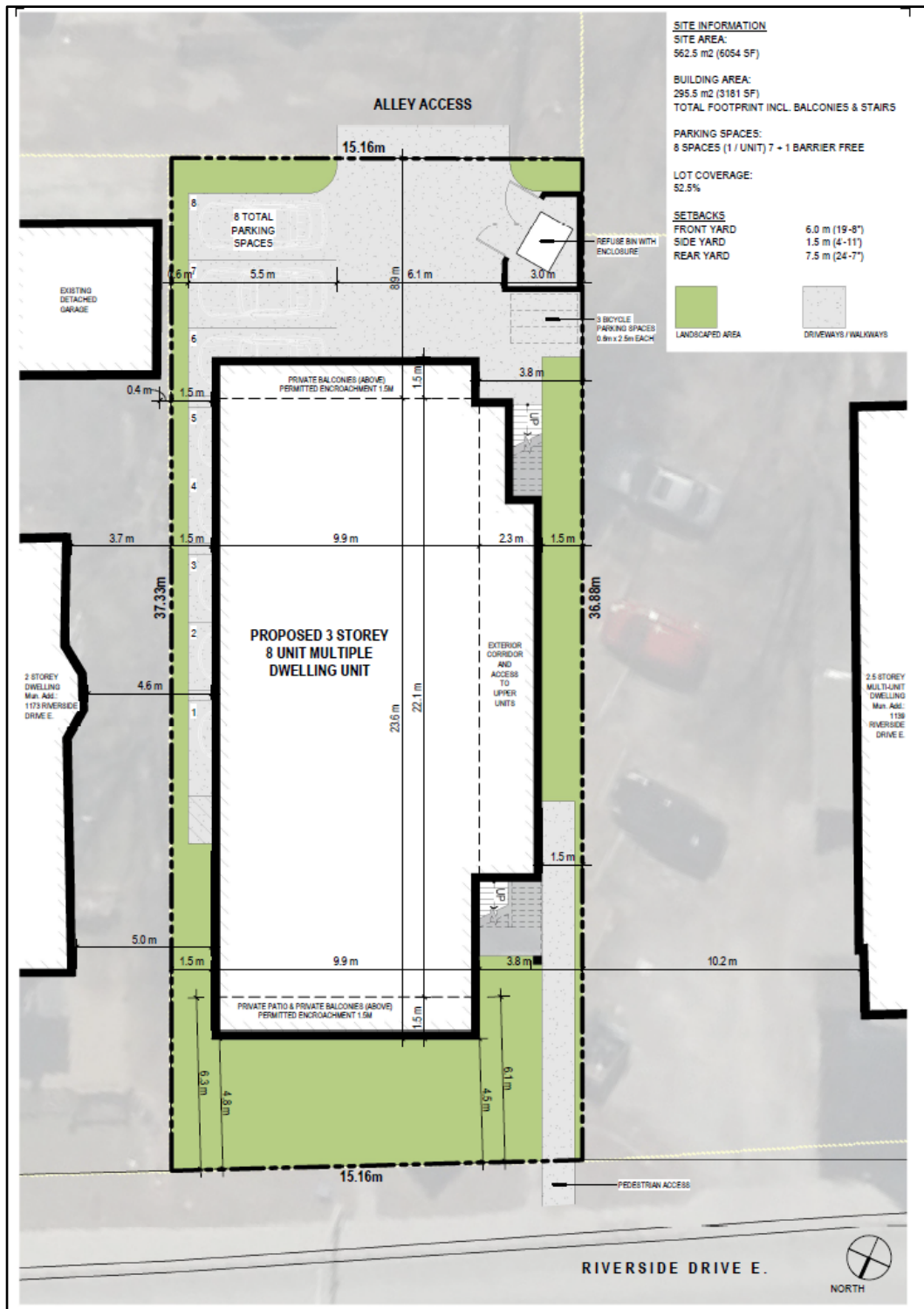


Figure 2 – Site Plan

1153-1159 Riverside Dr E, Windsor, Ontario





Figure 3– Elevations

## 3.2 Public Consultation Strategy

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application, as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of development is small scale.

At this time, no informal public open house is proposed to be held by the applicant.



## **4.0 PROPOSED APPLICATION**

### **4.1 Zoning By-Law Amendment (ZBA)**

A site-specific Zoning By-law Amendment (ZBA) is required to permit the proposed residential development.

The Site is currently zoned “Residential District 2.2 (RD2.2)” on Map 6 of the City of Windsor Zoning By-Law.

A site-specific zoning is required for the Site to allow for eight (8) units within a multiple dwelling unit.

It is proposed to change the zoning of the Site from the existing “Residential District 2.2(RD2.2)” zoning to a site specific “Residential District 2.2 (RD2.2– S.20(1) (XXX))” and to provide relief from zone provisions set out in Section 11.2.

Further analysis is provided in Section 5.1.3 of this PRR.

### **4.2 Other Application**

This application will require approval by Council and an exemption from the current Residential Interim Control By-law (RICBL) for the prohibition on any group homes, lodging home or development with five or more dwelling units. As per the RICBL:

*Council MAY REVIEW, on a case-by-case basis, any requested amendment to the Interim Control By-law where there is a determination that the requested amendment will not conflict with the general purpose and intent of the Interim Control By-law.*

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) Application, prior to the issuance of a building permit.

The proposed development will be subject to a Development Agreement, which will include any required fees or securities, lighting, buffering, landscaping, signage, etc.

### **4.3 Supporting Studies**

The following studies have been completed as part of this PRR in support of the application for zoning amendment.

#### **4.3.1 Archeological**

A Stage 1 and 2 Archaeological Property Assessment was prepared by AMICK Consultants Limited dated August 26, 2021.

The purpose of the assessment was to review any potentially affected lands by the proposed development.

The entirety of the study area was subject to property inspection and photographic documentation concurrently with the Assessment by high intensity test pit methodology at a five-metre interval between individual test pits and by test pit survey at a ten metre interval to confirm disturbance,

As a result of the Assessment of the study area, no archaeological resources were encountered.

The following recommendations are made:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and
- The proposed undertaking is clear of any archaeological concern.

The Assessment has been filed with the Ministry.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The surrounding area has similar uses and provides a mix of housing choices for residents near amenities.
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, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;	The proposed development is consistent with the policy to build strong, healthy and livable communities as it provides for a range and mix of residential in the form of multiple dwelling units.  There are no environmental or public health and safety concerns as the area is well established.  The development pattern does not require expansion of the settlement area as it is

PPS Policy #	Policy	Response
	<p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>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;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>intensification of a developed site.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, trails and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit application.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	<p>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.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City meet the full range of current and future residential needs through intensification.</p> <p>The intensification can be accommodated for the proposed development as it is a redevelopment opportunity within an existing land use pattern.</p> <p>The Site will provide for residential infilling within an existing settlement area in the form of a multiple unit dwelling.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as

PPS Policy #	Policy	Response
		<p>the proposal is within the City's settlement area.</p> <p>The Site will provide for a range of housing choices consistent with developments in the area.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>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;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul>	<p>The total density of the proposed development is considered appropriate as most of the existing area is a mix of low to medium profile residential in the form of single unit dwellings, duplexes, and multiple dwelling units from the intersections of Riverside Dr E from Gladstone Ave to Parent Ave.</p> <p>The Site offers an opportunity for intensification by creating new residential units in an underutilized site.</p> <p>The intensification can be accommodated for the proposed development as it is an infilling opportunity within an existing land use pattern.</p> <p>The existing design and style of the building will blend with the dwellings in the area. It is a similar scale and massing of the existing residential developments in the surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, transit, active</p>

PPS Policy #	Policy	Response
		<p>transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p>
1.1.3.3	<p>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.</p>	<p>The intensification can be accommodated for the proposed residential development as it is an appropriate redevelopment of the site.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The intensification can be accommodated for the proposed development as it is a redevelopment opportunity within an existing land use pattern.</p> <p>There will be no risks to the public.</p>
1.1.3.5	<p>Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The City has established targets for intensification and redevelopment.</p> <p>The proposed development will assist in meeting those targets as the Site is located in an existing built-up area and will add new residential units.</p>

PPS Policy #	Policy	Response
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.	<p>The proposed development does have a compact form.</p> <p>The low-profile density will allow for the efficient use of land, infrastructure and public services.</p>
1.4.1	<p>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:</p> <p>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</p> <p>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.</p>	<p>The proposed development will provide for a mix of housing options and density in the existing built-up area.</p> <p>The intensification can be accommodated for the proposed development as it is a redevelopment opportunity within an existing land use pattern.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities. The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>Existing municipal services are available.</p>
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing	The proposed low-profile density is compatible with the surrounding area and will provide affordable intensification and infilling

PPS Policy #	Policy	Response
	options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.	through the efficient use of previously developed site.  The Site is close to amenities.  There is suitable existing infrastructure.
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.	The development is already on full municipal services.  Access to public transit is available.
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.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.  There will be no anticipated impacts on the municipal system and will not add to the capacity in a significant way.
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;	There will be no risk to health and safety.  Existing hard surfaces will be used and new hard surfaces created will have appropriate storm water management built into the design.



PPS Policy #	Policy	Response
	<p>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;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The subject property is near major roadways and has access to transit.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed development contributes to the City's requirements for development within a built-up area.</p> <p>The area is serviced by transit.</p>
1.6.7.4	<p>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.</p>	<p>The proposed development contributes to the City's requirement for infilling within a built-up area.</p> <p>Parking is provided on-site.</p>

PPS Policy #	Policy	Response
		<p>The area is pedestrian friendly allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p>
1.8	<p>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.</p>	<p>The proposed development supports compact form within an existing built-up area of the City.</p> <p>The Site has access to transit and local amenities.</p>
2.1.1	<p>Natural features and areas shall be protected for the long term.</p>	<p>There are no natural features that apply to this Site.</p>
2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water.</p>	<p>Existing services are already in place on this site.</p>
2.6.1	<p>Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p>	<p>A Stage 1 and 2 Property Assessment was completed.</p> <p>No resources were found.</p>
3.0	<p>Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.</p>	<p>There are no natural or human-made hazards that apply to this Site.</p>

Therefore, the proposed development is consistent with the PPS.

### 5.1.2 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated “Residential” according to Schedule “D – “Land Use” attached to the OP for the City of Windsor (see Figure 4 – City of Windsor OP, Schedule “D”).

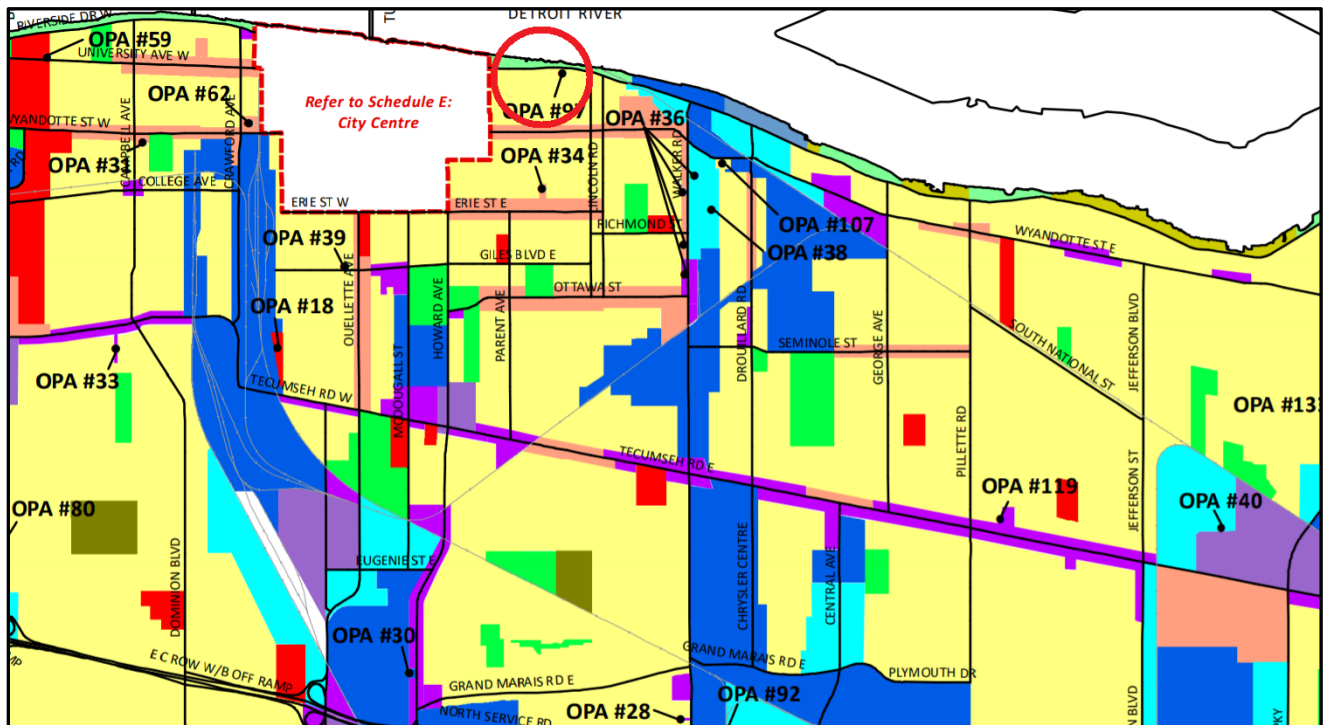


Figure 4 – City of Windsor OP, Schedule “D”

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as	The proposed residential development supports one of the City’s overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
	<p>they pass through the various stages of their lives.</p>	<p>It is proposed to demolish the existing triplex dwelling to allow for a redevelopment of the site.</p> <p>The new unit will be rental units, close to transit and local amenities.</p>
<p>3.3.3</p>	<p>Neighbourhoods are the most basic component of Windsor’s urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor’s neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor’s neighbourhoods is between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>The proposed residential development is in an existing built-up area.</p> <p>The new structure will blend into the current design along Riverside Dr E, as there is already a multiple dwelling unit to the east of the site and an existing duplex to the west of the site.</p> <p>The Site is not in a node, however, offers appropriate infilling in the existing neighbourhood.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities. The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for a range of housing options.</p>

<b>OP Policy #</b>	<b>Policy</b>	<b>Response</b>
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks/trails.</p>
5.0	A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p> <p>The Site is pedestrian friendly as there are sidewalks which link to the surrounding amenities.</p> <p>The Site is level which is conducive to easy vehicular movements.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	<p>The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.</p> <p>The Site will provide for a mix of residential housing options.</p>
6.1 - Goals	In keeping with the Strategic Directions, Council's land use goals are to achieve:	The proposed development supports the goals set out in the OP as it provides for

OP Policy #	Policy	Response
	<p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>housing that is suited to residents in this area of Windsor, is pedestrian oriented, close to employment and schooling opportunities.</p>
6.2.1.2 – General Policies	<p>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:</p> <p><b>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</b></p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally, no greater than fourteen (14) storeys in height.</p>	<p>The structure is considered a low-profile building.</p>
6.3.2.5	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a</p>	<p>This PRR has addressed these requirements.</p> <p>Relief is requested from the required parking provisions. Each unit will have 1 parking</p>

OP Policy #	Policy	Response
	<p>Neighbourhood development pattern is:</p> <p>(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) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	<p>space. Bicycle parking is provided. Electric Vehicle (EV) stations will be available for scooters and bikes. The Site has access to transit.</p> <p>Relief is requested to increase lot coverage to accommodate the protruding balconies. Open space will be landscaped to provide additional amenities for residents.</p>

OP Policy #	Policy	Response
6.3.1.1 (Residential)	To support a complementary range of housing forms and tenures in all neighbourhoods.	The proposed development provides for a new housing choice in an existing built up area.
6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.	The design is compact.  Relief is requested to increase the maximum lot coverage slightly.
6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.	The intensification can be accommodated for the proposed development as it is a redevelopment opportunity within an existing land use pattern.
6.3.2.3	For the purposes of this Plan, <b>Low Profile</b> housing development is further classified as follows:  (a) <b>small scale</b> forms: single detached, semi-detached, duplex and row and <b>multiplexes with up to 8 units; and</b> (b) large scale forms: buildings with more than 8 units.	The proposed development is considered small scale low profile with a total of 8 units proposed.
6.3.2.4	Residential development shall be located where:  (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided.	The Site has access to Riverside Drive East.  Full municipal services are available.  Access to transit is available.
7.0 - Infrastructure	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation	The Site is close to nearby transit, off a major roadway and has access to full municipal services.



OP Policy #	Policy	Response
	and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	There will be no negative impacts on the municipal system as the dwelling is limited to low profile and will not add to the capacity in a significant way.
8 – Urban Design	A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the city are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people	<p>The design of the multiple dwelling unit blends with the surrounding area.</p> <p>The proposed building will be limited to 3 storeys in the zoning by-law regulations, is pedestrian friendly, has a clean façade and is a safe place for people to live.</p> <p>The Site is compatible with the surrounding area in terms of scale, massing, height and siting and the conversion of the dwelling will integrate well with the area.</p>

Therefore, the proposed development conforms to the City of Windsor OP.

### 5.1.3 Zoning By-law (ZBL)

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002 and then a further Ontario Municipal Board (OMB) decision issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 6 attached to the ZBL the Site is currently zoned “Residential District 2.2 (RD2.2)” category (see Figures 5 – City of Windsor Zoning Map 6).

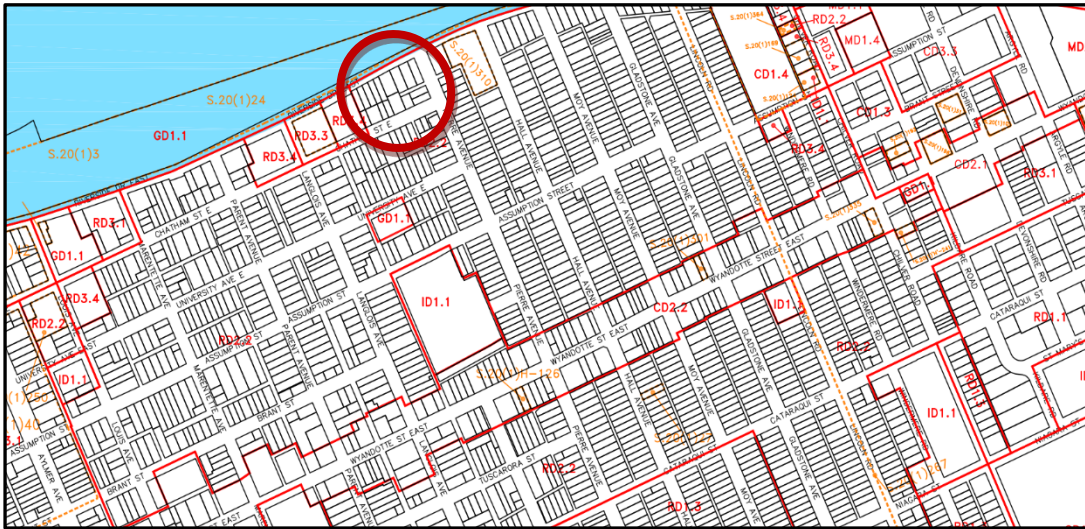


Figure 5 – City of Windsor Zoning Map 6

Permitted RD2.2 use under Section 11.2.1 of the Zoning By-law, includes the following:

- One Double Duplex Dwelling*
- One Duplex Dwelling*
- One Multiple Dwelling containing a maximum of four dwelling units*
- One Semi-detached dwelling*
- One Single Unit Dwelling*
- Townhouse Dwelling*
- Any use accessory to any of the preceding uses*

A site-specific zoning is required for the Site as the proposed residential use is permitted under the RD2.2 zone, however relief is required to allow for the eight dwelling units (multiple dwelling unit).

It is proposed to change the zoning of the Site from the existing “Residential District 2.2 (RD2.2)” zoning to a site specific “Residential District 2.2 (RD2.2 - S.20(1)(XXX))”.

A review of the RD2.2 zone provisions, as set out in Section 11.2 of the ZBL are as follows:

Zone Regulations	Required Sec 11.2 RD2.2	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses 11.2.1	One Multiple Dwelling unit, max 4 units	One Multiple Dwelling unit, max 8 units	Relief requested to permit the multiple dwelling unit with a total of 8 units.
Minimum Lot Width 11.2.5.4.1	18m	15.16m	Relief required of 2.84m.  The lot is existing.
Minimum Lot Area- 11.2.5.4.2	540 sq m	565.95 sq m	Complies  The lot is existing and offers an infilling opportunity.  It is requested that the RD2.2 minimum lot area be used.  The Site is large enough to allow for 8 units.
Maximum Lot Coverage 11.2.5.4.3	45%	52.5%	Relief requested.  The design of the proposed development is compact.  Relief is minor in nature.  There is 24.1% landscape open space in addition to the balconies are provided as amenity space, which will enhance the resident's experience.  The majority of the exceeded lot coverage area is due to the protruding balconies. These balconies would greatly enhance the residents' experience, and we believe the resulting benefit justifies the greater lot coverage.

			The open space will be landscaped to ensure residents have plenty of outdoor space to enjoy.
Main Building Height-Maximum 11.2.5.4.4	10m	10m	Complies
Front Yard Depth Min 11.2.5.4.5	6m	6.0 m	Complies
Minimum Rear Yard Depth 11.2.5.4.6	7.5m	7.5 m	Complies
Side Yard Width-Minimum 11.2.5.4.7	1.8m	1.5 m (both sides)	Relief requested. Relief is minor in nature.
Parking Requirements 24.20.5.1	1.25 spaces per dwelling unit =10 spaces	8 spaces	Relief required for 2 spaces. Each unit will have 1 parking space. Bicycle parking is provided. Electric Vehicle (EV) stations will be available for scooters and bikes. The Site has access to transit.
Accessible Parking Spaces 24.24.1	1 to 25 = 1 space (type A)	1	Complies
Bicycle Parking Spaces 24.30.1.1	1 to 9 = 0	3	Complies

Parking Area Separation 25.5.20.4	0.90 m  An interior lot line or alley	0.60 m	Relief requested.  Parking is located under the main floor, however a small portion is located along the interior side yard
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Therefore, the proposed development will require a site-specific zoning RD2.2 - S.20(1)(XXX) with the above noted requested relief.

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

The Site is ideally suited for further residential development for the following reasons:

- The land area is sufficient to accommodate the existing development with adequate existing buffering from abutting land uses,
- The Site is generally level, which is conducive to easy vehicular movements,
- The Site already accommodates municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential and commercial uses in the surrounding area.

#### **6.1.2 Compatibility of Design**

The proposed development provides efficient ease of access into the existing parking areas from the alley.

The Site is compatible with the surrounding area in terms of scale, massing, existing height and siting.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide residential infilling development.

The additional units will contribute toward affordability and intensification requirements.

Continued residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing built-up area which has a mix of residential uses in the neighbourhood.

The Site already accommodates a triplex dwelling on municipal services that is not an over development of the site. The additional units will not put any additional stress on municipal infrastructure or the current Site.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.

#### **6.1.5 Municipal Services Impacts**

There will be no negative impacts on the municipal system as the residential development is limited to low profile and will not add to the capacity in a significant way.

#### **6.1.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Adding additional residential units on an underutilized site in an area with similar residential uses contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern which sustains the financial well-being of the municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost-effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal re-development opportunity.

## **6.2 Conclusion**

The proposal to add a Multiple Dwelling Unit on the Site is appropriate and should be approved by the City of Windsor.

This PRR has shown that the proposed development is suitable intensification of affordable residential use, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

*10.2.13.2 Where a Planning Rationale Report is required, such a study should:*

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*

- (c) Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act.*
- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP  
Principal Planner**





**APPENDIX C - SITE IMAGES (GOOGLE STREET VIEW)**



**IMAGE 1**

**Subject Parcel – 1153-1159 Riverside Drive East – Looking south**



**IMAGE 2**

**Subject Parcel in centre of image  
Looking east from Riverside Drive East towards Pierre Avenue**

**IMAGE 3**



**Looking west along Riverside Drive East**

**IMAGE 4**



**East-west Alley – Looking west from Pierre Avenue**

## APPENDIX D - Excerpts from Zoning By-law 8600

### SECTION 3 – DEFINITIONS

**BUILDING** means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent trailer or travel trailer* is not a *dwelling*.

**MULTIPLE DWELLING** means one *dwelling* containing a *minimum* of three *dwelling units*. A *double duplex dwelling, semi-detached dwelling, stacked dwelling or townhome dwelling* is not a *multiple dwelling*.

**DWELLING UNIT** means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

### SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

#### 11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

##### 11.2.1 PERMITTED USES

*One Double Duplex Dwelling*

*One Duplex Dwelling*

*One Multiple Dwelling* containing a maximum of four *dwelling units*

*One Semi-Detached Dwelling*

*One Single Unit Dwelling*

*Townhome Dwelling*

Any use accessory to any of the preceding uses

##### 11.2.5 PROVISIONS

###### .1 Duplex Dwelling

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2 Semi-Detached Dwelling		
.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.3 Single Unit Dwelling		
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.4 Double Duplex Dwelling or Multiple Dwelling		
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5 Townhome Dwelling		
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

## APPENDIX E – RESULTS OF CIRCULATION

### ENBRIDGE GAS INC.

Enbridge Gas Inc, (formerly Union Gas Ltd.), does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

After reviewing the provided drawing at 1159 Riverside Dr E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area.

Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Please contact me if you have any further questions or concerns.

## **TRANSIT WINDSOR**

Transit Windsor has no objections to this development. The closest existing transit route to this property is the Walkerville 8. The closest existing bus stops to this property are located on Riverside at Langlois SE Corner and Riverside at Hall SW Corner. Both of these bus stops are approximately 140 metres away from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

## **ESSEX REGION CONSERVATION AUTHORITY**

The following is provided as a result of our review of Zoning By-Law Amendment Z-037-21 ZNG 6588.

### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for zoning by-law amendment and are requesting circulation of the related Site Plan Application and defer comment on Stormwater Management, until that time.

**CITY OF WINDSOR - BUILDING DEPARTMENT - Barbara Rusan**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

**CITY OF WINDSOR - PLANNING DEPARTMENT – HERITAGE PLANNER - Kristina Tang**

Archaeological Assessment Report Entitled, " ORIGINAL 30 August 2021 Stage 1-2 Archaeological Property Assessment of a Proposed Site Plan at 1153 Riverside Drive East, Part of Lot 91, Con. 1 (Geographic Township of Sandwich), Part of Lot 1, Registered Plan 433, City of Windsor, County of Essex (AMICK File #2021-

481/MHSTCI File #P058-2041-2021)", Dated Aug 30, 2021, Filed with MHSTCI Toronto Office on Aug 31, 2021, MHSTCI Project Information Form Number P058- 2041-2021, MHSTCI File Number 0014859", has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends that no further archaeological assessment of the property is recommended, the applicant is still to note the following archaeological precautions:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

**Contacts:****Windsor Planning & Building Department:**

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

**Windsor Manager of Culture and Events:**

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, [mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

**Ontario Ministry of Heritage, Sport, Tourism and Culture Industries**

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

**Ontario Ministry of Government & Consumer Services**

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

**CITY OF WINDSOR – ENGINEERING - Amy Kurek**

The subject lands are located at 1153-1159 Riverside Dr E, designated Residential on Schedule D by the City of Windsor Official Plan and zoned Residential District 2.2 (RD2.2) by Zoning By-Law 8600. The applicant is requesting a site specific provision to Zoning By-law 8600 to allow for a Multi Dwelling with 8 parking spaces on the subject parcel.

The site may be serviced by a 375mm brick combined sewer and an 825 VC sanitary sewer within the Riverside Dr E right-of-way. If possible existing connections should be utilized. Any redundant connections shall be located and abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels.

The Official Plan classifies Riverside Dr E as a Scenic Drive with a required right-of-way width of 24 meters. The current right-of-way width is 17.4 meters however, no conveyance is required at this time as per the Riverside Drive Vista Improvements Environmental Assessment.

The proposed alley access and rear yard parking is supported, however it should be noted that the alley is gravel and does not receive snow removal services. All storm water runoff is to be contained on the property and drainage to the alley will not be permitted. The owner will be required to pave the alley along the rear property line. A lot grading plan for the paving of the alley to the satisfaction of the City Engineer will be required. The alley paving must provide positive drainage to Pierre Ave; if overland flow cannot be achieved a catch basin will be required.

There are 2 existing leadwalks at the front of the property within the right-of-way that are to be removed and reinstated to grass if they no longer lead to front entrances. Right-of-Way permits are to be obtained to remove the leadwalks, construct new leadwalks and for work to be complete in the alley.

In summary we have no objection to the proposed rezoning, subject to the following requirements (Requirements can be enforced during Building and Right-of-Way permitting):

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Alley Paving – The owner shall agree to drain and pave at his entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 12” Granular “A” and 4” surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer.

Storm Detention –

1. Prior to the issuance of a construction permit, the owner shall agree to retain a Consulting Engineer for the design and preparation of drawings, satisfactory to the City Engineer and Chief Building Official, for an internal stormwater detention scheme to service the subject lands. The purposes of the said scheme will be to ensure that storm drainage being directed to the Corporation's storm, combined sewer or ditch as the case may be, from the subject lands in their improved state, be restricted to no greater than the present flow from the subject lands.
2. Upon approval of the drawings by the City Engineer and the Chief Building Official, the owner further agrees to construct at its entire expense the said storm detention scheme, in accordance with the approved drawings and to the satisfaction of the Chief Building Official.



**CITY OF WINDSOR – PLANNING DEPARTMENT – LANDSCAPE ARCHITECT - Stefan Fediuk**

No extensive comments for this development outside of Parkland Dedication and Site Plan review comments.

Pursuant to the application for a zoning amendment (Z 034-21) to permit a multiple dwelling consisting of three floors, 8 dwelling units and 8 parking spaces on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback:

All comments will be provided through the Site Plan Review process.

Tree Preservation:

N/A

Urban Design:

Extensive shrub planting along the Riverside Drive frontage would be required as part of site plan control, in order to compensate for the position of the building relative to the roadway, and lack of tree planting areas, without obstructing the views from the proposed development and the adjacent properties. Where possible trees should be planted on the south side of the property to help reduce the urban heat island effect and climate change that will result from the extensive amount of paving/building covering the site.

Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

**CITY OF WINDSOR – TRANSPORTATION PLANNING SERVICES - Rania Toufeili**

- Riverside Drive is classified as a Scenic Drive by the Official Plan with a required right-of-way width of 24 meters. No conveyance is required per the Riverside Drive Vista Improvements Environmental Assessment.
- It is recommended that additional bicycle parking be provided on site to mitigate the parking deficiency.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

B Y - L A W N U M B E R -2022

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

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**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 subsection 1 of Section 20, of said by-law, is amended by adding the following clause:

**434. SOUTH SIDE OF RIVERSIDE DRIVE EAST, WEST OF PIERRE AVENUE**

For the lands comprising of Lot 1, Registered Plan 433, a *multiple dwelling* containing a maximum of 8 *dwelling units* shall be an additional permitted *main use* and shall be subject to the following additional provisions:

- a) Lot Width – minimum 15.0 m
- b) Lot Coverage – maximum 52.5 %
- c) Side Yard Width – minimum 1.50 m
- d) Required Parking – minimum 1 space per dwelling unit
- e) Required Visitor Parking – minimum 0
- f) Parking Area Separation – minimum  
From an interior lot line or alley 0.60 m

[ZDM 6; ZNG/6588]

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	6	Lot 1, Registered Plan 433  (1153-1159 Riverside Drive East; Roll No. 030-020-10200; south side of Riverside Drive East, west of Pierre Avenue)	- -	S.20(1)434

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022  
Second Reading - , 2022  
Third Reading - , 2022

**SCHEDULE 2**

1. By-law \_\_\_\_\_ has the following purpose and effect:

To amend the zoning of Lot 1, Plan 433 (Roll No: 030-020-10200), situated on the south side of Riverside Drive East, west of Pierre Avenue and known municipally as 1153-1159 Riverside Drive East by adding a site specific exception to Section 20(1) in Zoning By-law 8600 to allow the construction of a multiple dwelling containing a maximum of 9 dwelling units and 9 parking spaces subject to the provisions of the RD2.2 zoning district, the additional provisions in the site specific exception, and any other application provisions in Zoning By-law 8600.

2. Key map showing the location of the lands to which By-law \_\_\_\_\_ applies.



PART OF ZONING DISTRICT MAP 6

N.T.S.

**SCHEDULE 2**

Applicant: 2776557 Ontario Ltd



**SUBJECT LANDS**

PLANNING & BUILDING DEPARTMENT



DATE : NOVEMBER, 2021  
FILE NO. : Z-037/21, ZNG/6588

**Subject: Rezoning - 2156567 Ontario Ltd. – 1092-1096 Dougall Avenue - Z-041/21 ZNG/6624 - Ward 3**

**Reference:**

Date to Council: February 7, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: January 20, 2022  
Clerk's File #: ZB/14265

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the application of 2156567 Ontario Ltd. for an amendment to Zoning By-law 8600 for Lot 328 and Part Lot 327, Registered Plan 581, (known municipally as 1092-1096 Dougall Avenue; Roll No. 040-370-07800; PIN 00187-0245), situated at the northeast corner at Dougall Avenue and Pine Street, to allow a multiple dwelling containing a maximum of five dwelling units as an additional permitted use subject to additional provisions **BE DENIED**; and

THAT the request for an exemption from Interim Control By-law 103-2020 **BE DENIED**.

**Executive Summary:**

N/A.

**Background:****Application Information:**

**Location:** 1092-1096 Dougall Avenue  
 Northeast corner at Dougall Avenue and Pine Street  
 Roll No. 040-370-07800

**Ward:** 3      **Planning District:** South Central      **Zoning District Map:** 7

**Applicant:** 2156567 Ontario Ltd. (Principal - Kyle McDonald)  
 (Kyle McDonald is an employee of the City of Windsor)

**Owner:** 2156567 Ontario Ltd.

**Agent:** Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

**Proposal:**

The parcel is occupied by a semi-detached dwelling with a total of four dwelling units (two semi-detached dwelling units and two additional dwelling units [one ADU in each semi-detached dwelling unit]). The parcel has no on-site parking.

The Applicant is requesting an amendment to Zoning By-law 8600 by adding a site specific exception to add a fifth dwelling unit in the attic, converting the building into a multiple dwelling with five dwelling units. Relief is being requested from minimum lot width, minimum lot area, maximum lot coverage, minimum front yard depth, minimum rear yard depth and minimum side yard width – these recognize the dwelling “as existing”. Further details of the proposal are contained herein. Maximum building height of 10 m remains unchanged. Relief is also requested from required parking by not providing any on-site parking (zero parking spaces).

The proposed development is subject to site plan control. The applicant is also requesting an exemption from Interim Control By-law 103-2020.

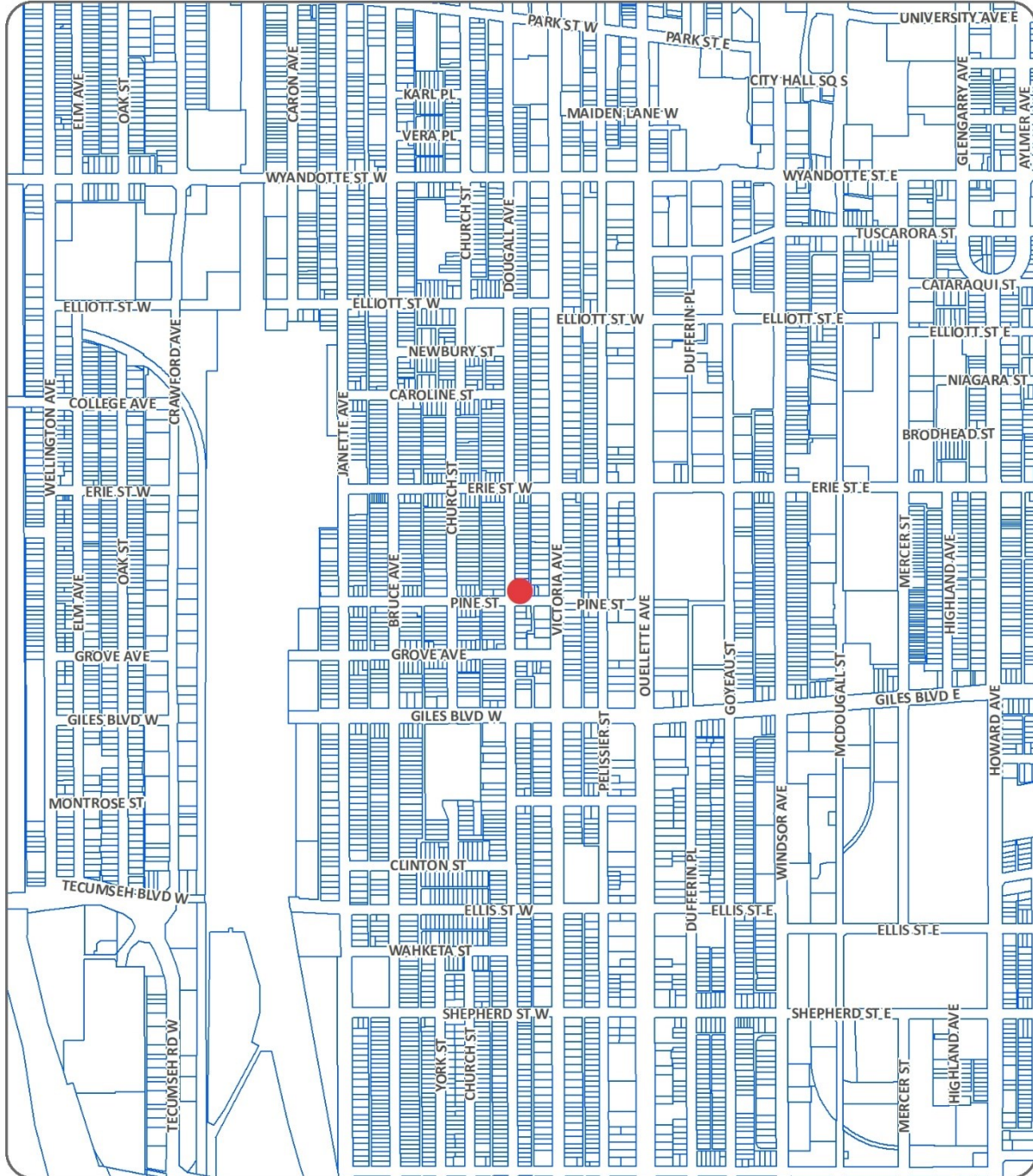
**Submitted Material:** Zoning By-law Amendment Application Form; Site Plan (attached as Appendix A); Planning Rationale Report (attached as Appendix B)

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.3 (RD1.3)	Semi-detached Dwelling (4 units total)	N/A
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
14.3 m	28.3 m	406.8 sq. m	Rectangular (Corner)
47.0 ft	93.0 ft	4,371.0 sq. ft.	

*Metric measurements are provided by applicant.*

Figure 1: Key Map

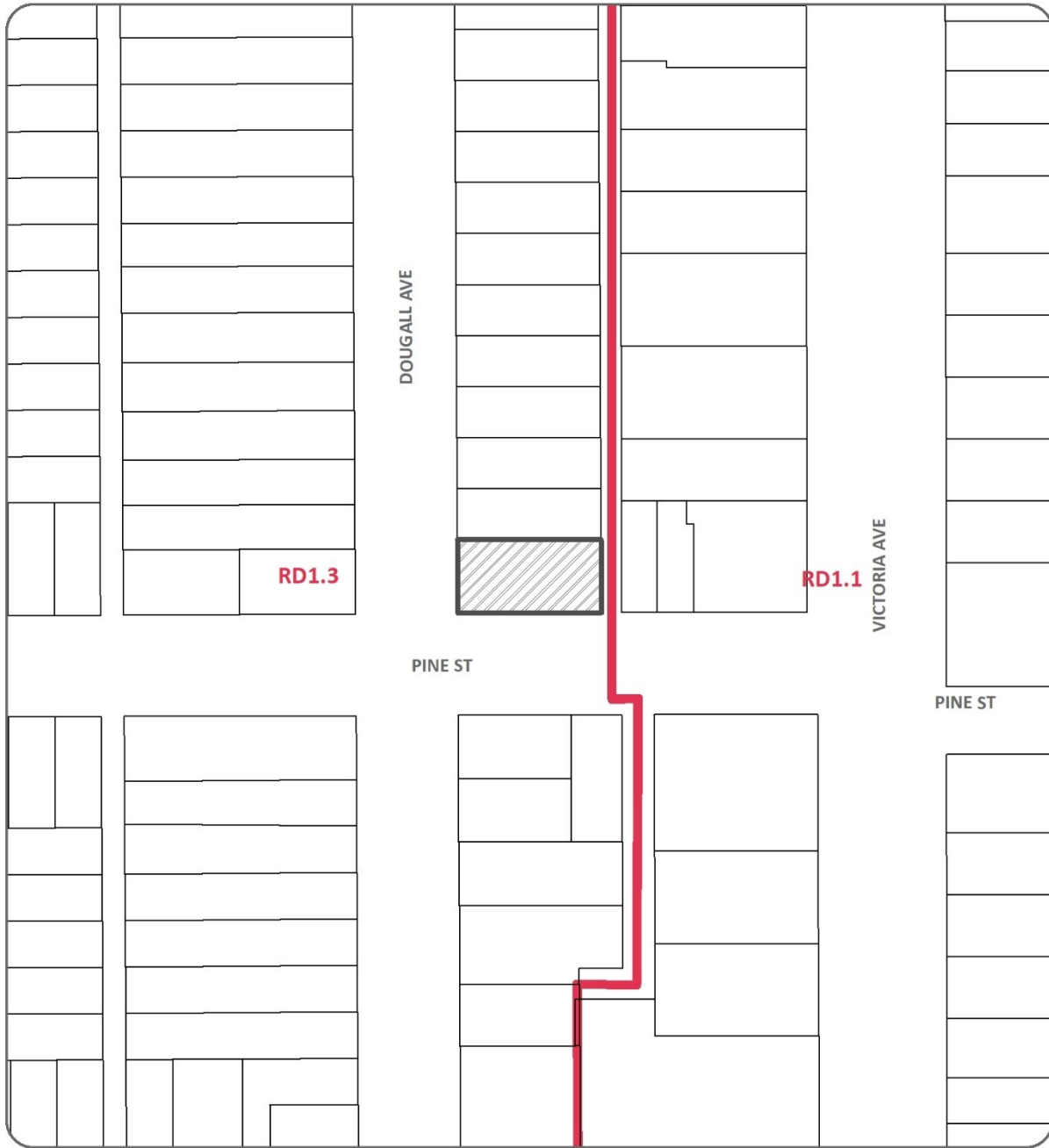


KEY MAP - Z-041/21, ZNG-6624



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 7

N.T.S.

## REZONING



Applicant: 2156567 Ontario Ltd (Kyle McDonald)



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : NOVEMBER, 2021  
FILE NO. : Z-041/21, ZNG/6624

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-041/21, ZNG-6624



SUBJECT LANDS



## **Neighbourhood Characteristics:**

The subject parcel is located within an established residential area consisting primarily of low profile housing with a small scale form. See Appendix C for site images.

Low density residential uses consisting primarily of dwellings with one to four dwelling units are located along Dougall Avenue. Victoria Avenue to the east, and Church Street to the west. Medium density multiple dwelling with 5 or more dwelling units are located along Giles Boulevard to the south and Erie Street to the north. Various commercial uses are located along Ouellette Avenue.

The Ouellette Campus of the Windsor Regional Hospital is located to the east on Ouellette Avenue, approximately 330 m walking distance. Mitchell Park, a large neighbourhood park with playground equipment, soccer field, basketball and tennis courts are just over 300 m to the south. Dougall Avenue Public School is located just over 500 m to the north at Dougall Avenue and Elliot Street and Queen Victoria Public School is about 600 m to the south at Victoria Avenue and Ellis Street.

This portion of Dougall Avenue is classified as a Local Road, is one-way southbound with alternate side parking, and has sidewalks on both sides. Pine Street is also a Local Road, with alternate side parking and sidewalks on both sides. Ouellette Avenue east is a Class II Arterial Road. Bruce Avenue and Janette Avenue to the west and Erie Street to the north are Class I Collector Roads with existing or proposed biking facilities.

Transit Windsor operates the Dougall 6 (southbound) along this portion of Dougall Avenue with a bus stop southwest of the subject parcel. The northbound part of the Dougall 6 operates along Bruce Avenue, with a bus stop at the northeast corner of Bruce and Pine. Multiple bus routes operate along Ouellette Avenue, approximately 270 m to the east. The Transit Master Plan indicates similar routes.

Storm and sanitary sewers are available. No municipal infrastructure or service deficiencies have been identified.

## **Discussion:**

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Policy 1.1.1 of the PPS states:

*“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;*

- 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;”*

The proposed multiple dwelling containing a maximum of five dwelling units represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, and optimizes investments in transit. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states:

*“Settlement areas shall be the focus of growth and development.”*

Policy 1.1.3.2 of the PPS states:

*“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;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The subject parcel is located within the settlement area. The proposed zoning amendment promotes land uses that make efficient use of land and existing infrastructure. Active transportation options and transit services are located adjacent and near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is generally consistent with the PPS.

### **Official Plan:**

Relevant excerpts from the Official Plan are attached as Appendix D. The subject property is located within the University Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. While the proposed development represents a compact form of housing and is located near sources of transportation, the subject lands have been subject to intensification via the Additional Dwelling Unit policies and provisions. The fifth dwelling unit represents intensification beyond that initiative. This is not complementary with housing forms in the area. The zoning amendment does NOT satisfy the objectives set out in Section 6.3.1 of the Official Plan.

A multiple dwelling containing a maximum of five dwelling units is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use in the Residential land use designation (Section 6.3.2.1).

Section 6.3.2.5 lists evaluation criteria to be considered when reviewing a proposed development with an existing developed area. Section 6.3.2.5 (c) and (d) state that a proposed development shall be compatible with the surrounding area in terms of parking and amenity areas, and be provided with adequate off-street parking.

With a lot coverage of almost 52%, the amount of landscaped open space yard available to residents is less than that for a single unit dwelling permitted by the RD1.3 zoning. The addition of a fifth dwelling unit reduces the amount of landscaped open space yard per dwelling unit available for the enjoyment of residents.

The parking rate for a multiple dwelling with five or more dwelling units is 1.25 parking spaces per dwelling unit. A multiple dwelling with five units requires a total of six parking spaces. The two semi-detached dwelling units have an existing deficiency of two spaces and the two additional dwelling units do not require parking. Two additional parking spaces are required for the fifth dwelling unit.

The majority of dwellings in this area have parking from the alley or in the front yard. The subject parcel does not currently have any on-site parking and there is no viable option for on-site parking. Any parking, either resident or visitor, will be on-street. The development is not being provided with adequate off-street parking.

The proposed development is NOT compatible with the surrounding land uses (Section 6.3.2.5 (c)) in terms of parking and amenity area.

The proposed change to Zoning By-law 8600 does NOT conform to the general policy direction of the Official Plan.

### **Zoning By-Law:**

Relevant excerpts from Zoning By-law 8600 are attached as Appendix E.

The applicant is requesting a site specific exception to allow a multiple dwelling containing a maximum of five dwelling units and recognize the existing lot and building in terms of minimum lot width, minimum lot area, maximum lot coverage, minimum front yard depth, minimum rear yard depth, minimum side yard width and required parking.

The RD1.3 zoning district permits one single unit dwelling on a lot with a minimum width of 9.0 m and a minimum area of 270 m<sup>2</sup>, a minimum front yard depth of 6.0, a minimum rear yard depth of 7.50 m and a minimum side yard width of 1.20 m. The minimum building height is 10.0 m and maximum lot coverage is 45%. An existing semi-detached dwelling and an existing duplex dwelling are also permitted uses subject to the provisions in RD1.3.

The addition of the fifth dwelling unit within the existing building changes the dwelling type from a semi-detached dwelling to a multiple dwelling. The existing lot width and area are less than that required for a semi-detached dwelling, and much less than typically required for a multiple dwelling with at least four dwelling units. For example, the RD2.2 zoning district requires a minimum lot width of 18 m and minimum lot area of

540 m<sup>2</sup> for a multiple dwelling with four dwelling units. The existing lot has a width of 14.33 m and an area of 406.08 m<sup>2</sup>.

The reduction in minimum lot width, minimum lot area, minimum front yard depth, and minimum rear yard depth, the increase in maximum lot coverage, and the lack of any on-site parking indicate that the proposed development is an over intensification of the subject parcel.

### **Site Plan Control:**

Typically, a multiple dwelling with five dwelling units is subject to site plan control. However, since no on-site parking is being proposed and no additions or significant exterior alterations are being proposed, the need for site plan approval is at the discretion of the Site Plan Approval Officer. All changes to the building are subject to the Ontario Building Code.

### **Interim Control By-law 103-2020 (RICBL):**

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. The criteria below are used to evaluate the exemption:

**Consistency with the Official Plan** – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan. For the reasons discussed in the analysis of the Official Plan above, the proposed development is not consistent with the Residential land use designation.

**Compliance with the Zoning By-law** – Whether the proposed development is a permitted use and complies with the provisions. The proposed multiple dwelling does not comply with Zoning By-law 8600 and requires several site specific exceptions to permit the fifth dwelling unit.

**Distance to Nearby Services and Amenities** – Whether residents have access to services and amenities such as a grocery store, a community or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services and amenities are located along Ouellette Avenue and Erie Street Street, all within a 1 km walk of the subject parcel.

**Distance to Public Transit** – Whether residents have access to current and future public transit within an approximate 1 km or less walk. Transit Windsor operates bus routes on Bruce Avenue, Dougall Avenue and Ouellette Avenue, all within 1 km or less.

**Potential impact on the Land Use Study** – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the Land Use Study.

The parcel is within an acceptable distance of services, amenities, and public transit; however, it is not consistent with the Official Plan and does not comply with Zoning By-law 8600. The proposed development may prejudice the Land Use Study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling

units comes into force on or after January 1, 2017. Should Council approve this application and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

In general, the intensification of existing buildings will minimize the impacts on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

**Climate Change Adaptation:**

The proposed addition of a dwelling unit will provide minimal opportunity to increase resiliency for the development and surrounding area,

**Financial Matters:**

N/A

**Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix F.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120m of the subject parcel.

**Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the Official Plan.

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to allow a multiple dwelling containing a maximum of five dwelling units as an additional permitted use is consistent with the PPS 2020, but is not in conformity with the City of Windsor Official Plan, and does not constitute good planning.

Notwithstanding the Planner's Opinion, if the Development & Heritage Standing Committee and/or City Council want to approve the application, a site specific exception is required to allow a multiple dwelling containing a maximum of five dwelling units as an additional permitted use. Appendix G contains a site specific exception that would allow the multiple dwelling subject to additional provisions. Appendix G does not represent the opinion of the Planner or the position of the Planning Department on the application.

## Conclusion:

The application for an amendment to Zoning By-law 8600 to allow a multiple dwelling containing a maximum of five dwelling units as an additional permitted use should be denied as the fifth unit represents an over-intensification of the subject parcel.

## Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

*Neil Robertson, MCIP, RPP*  
Manager, Urban Design

*Thom Hunt, MCIP, RPP*  
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

SAH            OC

## Approvals:

Name	Title
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Jason Reynar	Chief Administrative Officer

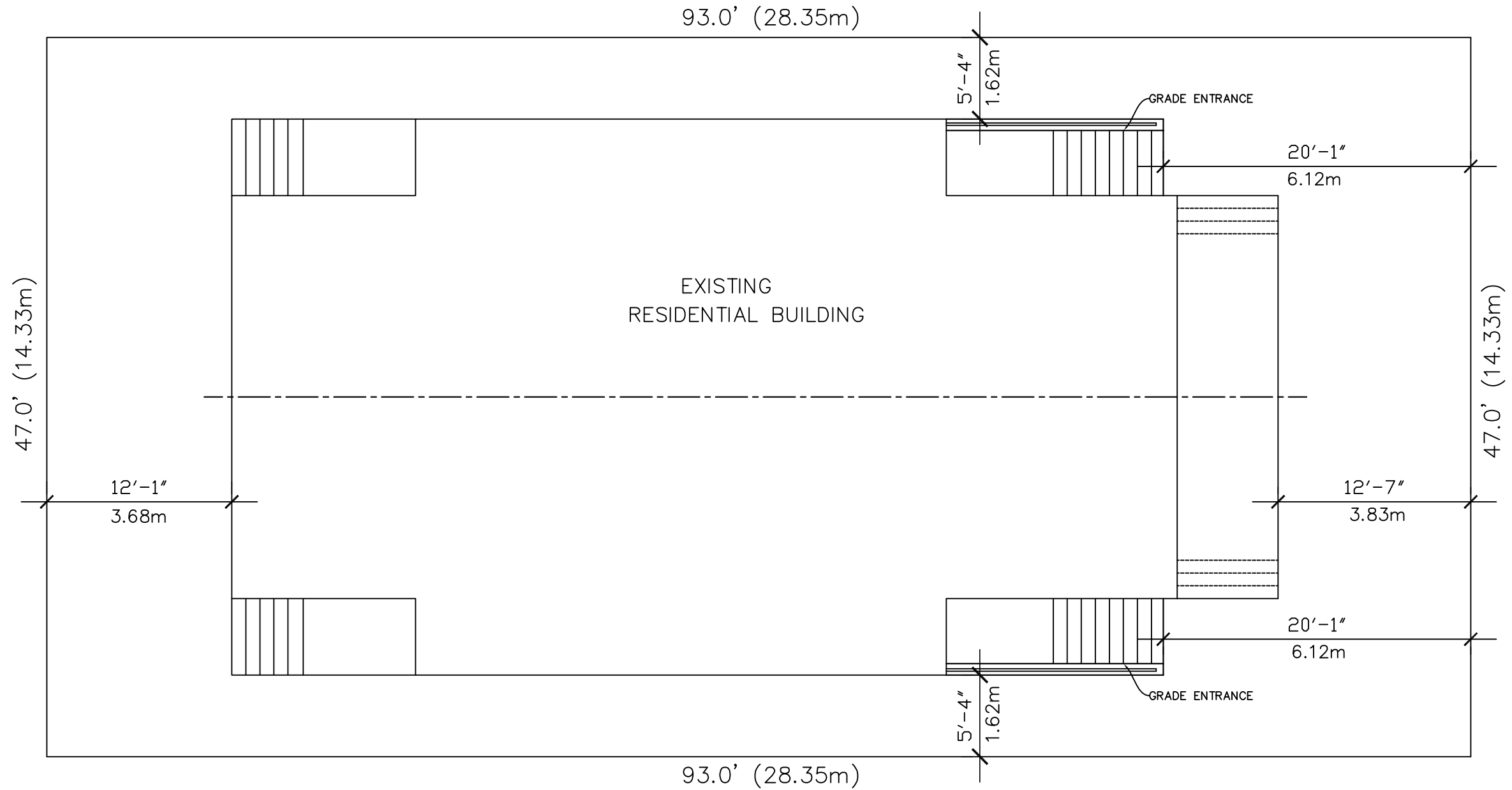
## Notifications:

Name	Address	Email
2156567 Ontario Ltd. (Kyle McDonald)	1145 Croydon Road LaSalle, ON N9H 1B3	Kyle_j_mcdonald@yahoo.ca
Pier De Simone		p.desimone@hotmail.com
Pillon Abbs Inc. Tracey Pillon-Abbs	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Bortolin		
Property owners and tenants within 120 m of the subject parcel		

## Appendices:

- 1 Appendix A - Site Plan
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Site Images
- 4 Appendix D - Extracts from Official Plan
- 5 Appendix E - Extracts from Zoning By-law 8600
- 6 Appendix F - Results of Circulation
- 7 Appendix G - Site Specific Exception

DOUGALL AVENUE



PINE STREET

NOTES:

DOWNSPOUTS MUST NOT BE CONNECTED TO MUNICIPAL SEWER AND SPLASHED TO GRADE.

FOUNDATION DRAINS MUST NOT BE CONNECTED TO MUNICIPAL SEWER, AND MUST BE CONNECTED TO SUMP PUMP.

SANITARY BACK-FLOW VALVES MUST BE INSTALLED IN BASEMENT.

LOT AREA	4,371.0 SF (406.08 SM)
BUILDING AREA	2,257.1 SF (209.69 SM)
LOT COVERAGE	51.64%

NOTE:  
NO PARKING ON PROPERTY

SITE PLAN

SCALE: 1/8" = 1'-0"

1092 DOUGALL AVENUE

MAY 16, 2021

# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT

**1092 Dougall Ave  
City of Windsor, Ontario**

**October 19, 2021**

**Prepared by:**



Tracey Pillon-Abbs, RPP  
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# 1.0 INTRODUCTION

I have been retained by 2156567 Ontario Ltd, the applicant and owner, to provide a land use Planning Rationale Report (PRR) in support of a proposed residential renovation for property located at 1092 Dougall Avenue (herein the “Site”) in the City of Windsor, Ontario.

There is presently a residential dwelling on the subject lands. The dwelling is an existing semi-detached dwelling with two (2) units and two (2) Additional Dwelling Units (ADUs) for a total of four (4) units.

The Site is a large corner lot with access from Dougall Avenue, Pine Street and an alley.

The applicant intends to convert the attic of the existing structure into an additional one (1) unit for a total of five (5) units, which will be considered a multiple dwelling unit.

The Site will provide for an affordable housing option in an existing neighbourhood.

There is currently no existing parking on the property. However, the site is located near transit, has on-street parking and will offer bicycle and electric bike storage.

A site specific Zoning By-law Amendment (ZBA) is required in support of the proposed development. Council for the City of Windsor is the approval authority.

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

The purpose of this report is to review the relevant land use documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL) as it pertains to the ZBA application.

Pre-submission was completed (City File #PS-020/21). Comments dated March 17, 2021, were received and have been incorporated into the proposed application.

This PRR will show that the proposed development represents good planning addressing the need for the City to provide residential infilling development in the form of a multiple dwelling unit, which contributes to affordability and intensification requirements.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site is a corner lot, made up of one (1) parcel located on the east side of Dougall Avenue and the north side of Pine Street (see Figure 1a – Air Photo).

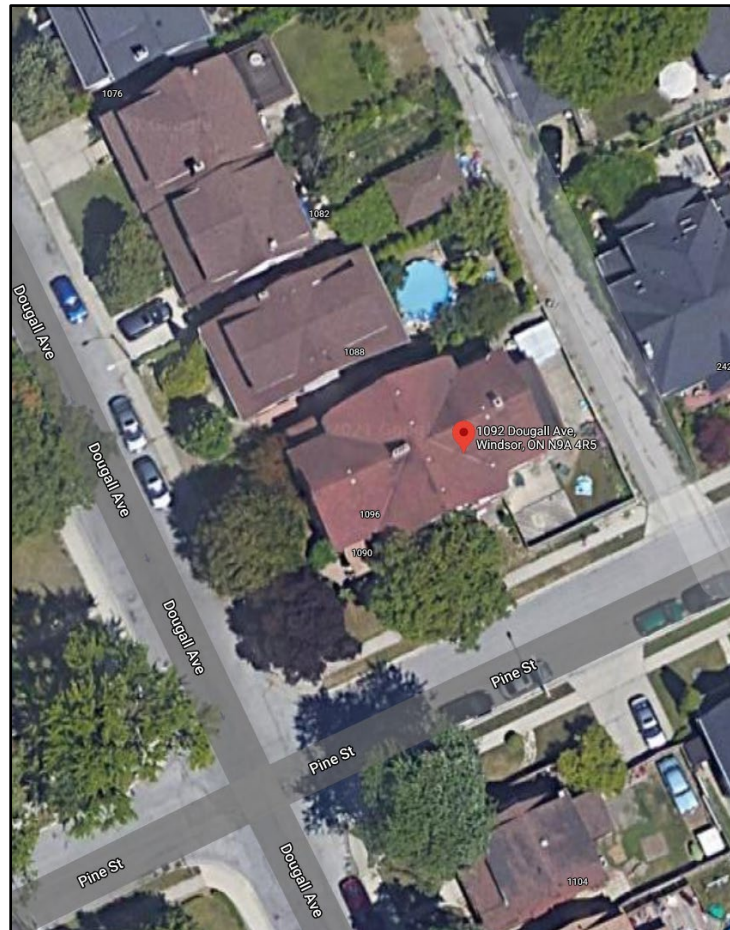


Figure 1a – Air Photo (Source: Google Mapping)

The Site is legally described as Plan 581, Lot 328 N PT; 327 CORNER, City of Windsor and locally known as 1092 Dougall Avenue, Windsor, Ontario.

The Site currently has an existing residential dwelling.

There is an alley way at the rear of the Site. There is no parking on-site (see Figures 1b, 1c and 1d – Street Views).

1092 Dougall Ave, Windsor, Ontario

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Figure 1b – Street View – Dougall Ave (Source: Pillon Abbs Inc)



Figure 1c – Street View – Pine St (Source: Pillon Abbs Inc)



Figure 1d – Street View – Alley (Source: Pillon Abbs Inc)

## 2.2 Physical Features of the Site

### 2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 406.08 square metres (4,371 square feet). It has 14.33 m (47.0 ft) of frontage along Dougall Ave and a 28.35 m (93.0 ft) of depth along Pine Street.

### 2.2.2 Vegetation

There are existing mature trees along Dougall Avenue and Pine Street.

### 2.2.3 Topography

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

## **2.2.4 Other Physical Features**

The property is currently fenced for separation between the neighbors.

## **2.2.5 Municipal Services**

The property has access to municipal water, storm and sanitary services.

The subject property is in close proximity to major transportation corridors including Erie Street West, Giles Blvd W and Ouellette Ave. Dougall Ave is a one-way street going southbound and Pine Street is a two-way street.

There are streetlights and sidewalks along Dougall Avenue and Pine Street.

The nearest fire hydrant is located on the northwest corner of Dougall Avenue and Pine Street, directly across the Site.

## **2.2.6 Nearby Amenities**

There are several schools located nearby the Site including Dougall Ave Public School and Queen Victoria Public School.

There are parks and recreation opportunities in close proximity of the Site including the Mitchell Park, Wigle Park and Bruce Avenue Park.

There are nearby commercial nodes, such as food service, personal service shops, and retail. There is also nearby employment lands, churches, and local/regional amenities.

The Site has access to transit, with the nearest bus stop located at the corner of Erie Street East and Church Street (Stop ID 1744) and Bruce Avenue and Pine Street (Stop ID 1747), which are part of City of Windsor Bus Route 6.

## 2.3 Surrounding Land Uses

Overall, the Site is located within an existing low profile residential neighbourhood (Photos taken by Pillon Abbs Inc on September 22, 2020).

**North** – The lands to the north of the Site are used for residential with frontage on Dougall Ave (see Photo 1 – North).



Photo 1 – North (along Dougall Ave)

**East** – The lands east of the Site are used for residential with frontage on Pine Street (see Photo 3 - East).



Photo 3 – East (along Pine St)



**South** – the lands to the south of the Site are used for residential with frontage on Dougall Avenue and Pine Street (see Photo 3 - South).

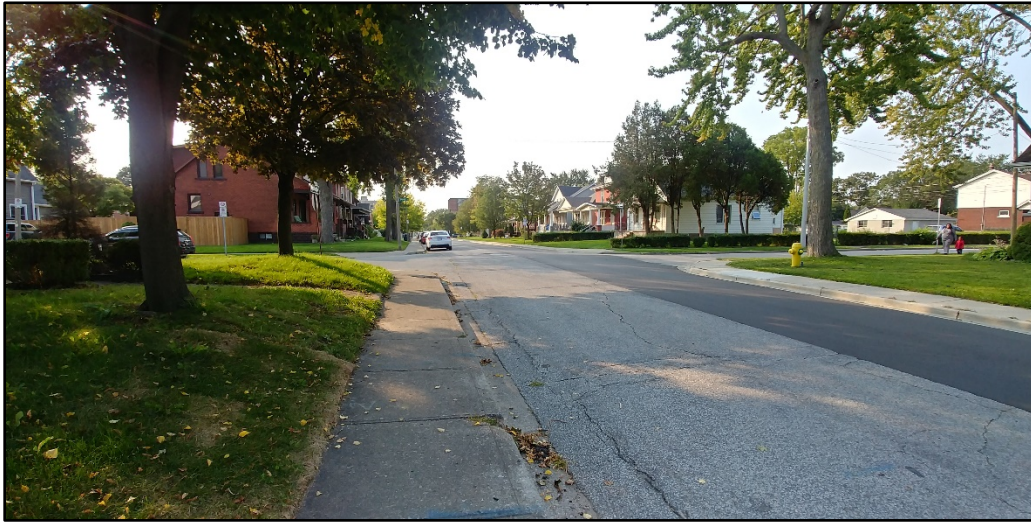


Photo 3 – South (corner of Dougall Ave and Pine St)

**West** – The lands to the west of the Site are used for residential with frontage on Dougall Avenue (see Photo 4 – West).

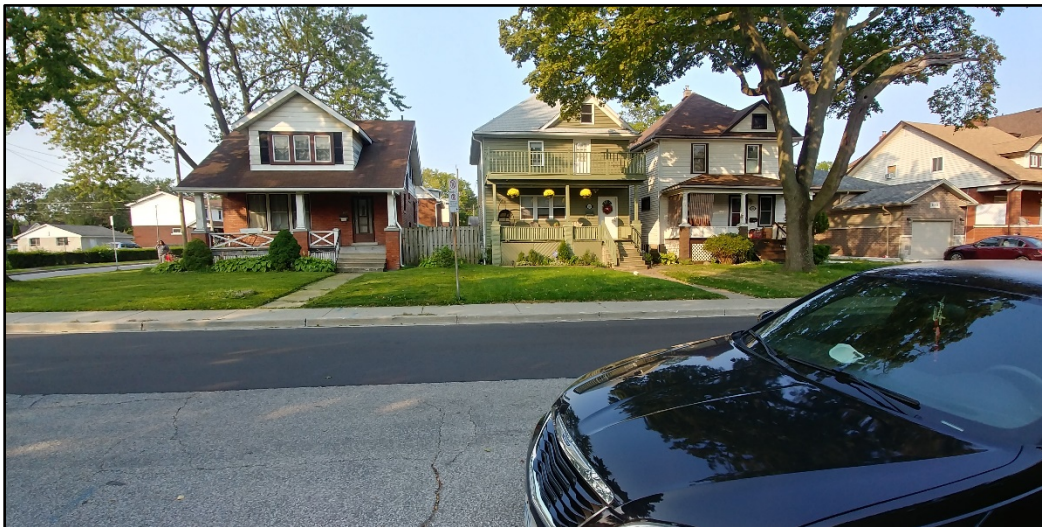


Photo 4 – West (along Dougall Ave)

# 3.0 DEVELOPMENT PROPOSAL

## 3.1 Proposal

There is presently a residential dwelling on the subject lands. The dwelling is an existing semi-detached dwelling with two (2) units and two (2) Additional Dwelling Units (ADUs) for a total of four (4) units.

The applicant intends to convert the attic of the existing structure into an additional one (1) unit for a total of five (5) units, which will be considered a multiple dwelling unit (see Figure 2 – Site Plan).

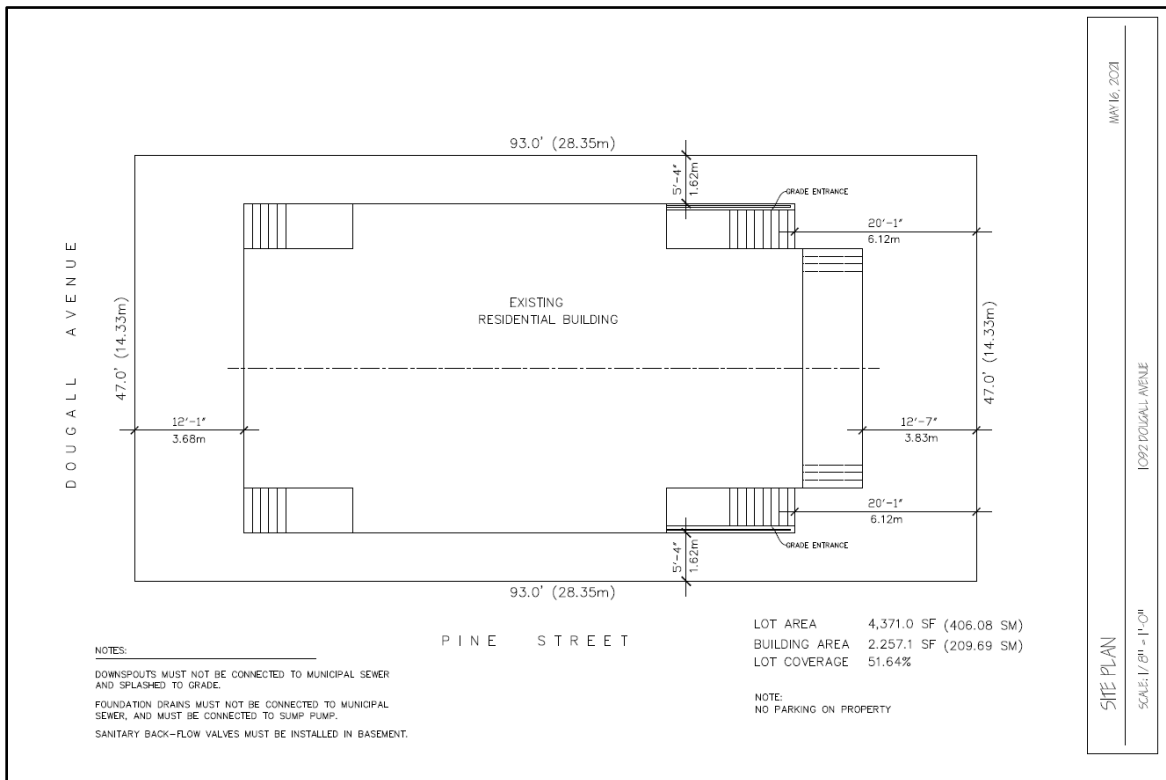


Figure 2 – Site Plan

The attic is an existing space in the residential dwelling and will have direct access from the exterior of the building.

Renovations will only be required in the interior of the existing building. There will be no required or proposed alterations to the exterior of the dwelling.

The current building is 209.69 sq m (2,257.1 sq ft) in size., which represents an existing lot coverage of 51.64%.

The existing and proposed units will all have separate entrances.

There are no parking spaces located on the Site currently, however, the site is located near transit, has on-street parking and will offer bicycle and electric bike storage within the fenced area with access from the alley.

## **3.2 Support Studies**

No support studies are required.

## **3.3 Public Consultation Strategy**

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application, as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of development is small scale.

At this time, no informal public open house is proposed to be held by the applicant.

## **4.0 PROPOSED APPLICATION**

### **4.1 Zoning By-Law Amendment (ZBA)**

A site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed residential renovation.

The Site is currently zoned “Residential District 1.3 (RD1.3)” on Map 7 of the City of Windsor Zoning By-Law.

It is proposed to change the zoning of the Site from the existing “Residential District 1.3(RD1.3)” zoning to a site specific “Residential District 1.3 (RD1.3 –(20)(1) (XXX)” to permit a multiple dwelling with up to 5 dwelling units and to allow relief for the reduction in parking and acknowledge the existing building and lot.

Further analysis is provided in Section 5.1.3 of this PRR.

### **4.2 Interim Control**

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

### **4.3 Other**

Prior to renovation, a building permit will be obtained.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The City has directed growth where the Site is located which will contribute positively to promoting efficient land use and development 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, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;	The proposed development is consistent with the policy to build strong, healthy and livable communities as it provides for a range and mix of residential in the form of affordable development.  There are no environmental or public health and safety concerns as the area is well established.  The development pattern does not require expansion of the settlement area as it is

PPS Policy #	Policy	Response
	<p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>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;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>development of an existing structure.</p> <p>The Site has access to full municipal services and is close to existing local parks, churches, trails and schools.</p> <p>Accessibility of the attic unit will be addressed at the time of the building permit application.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	<p>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.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City meet the full range of current and future residential needs through intensification.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing neighbourhood.</p> <p>The Site will provide for affordable residential infilling within an existing settlement area in the form of a multiple unit dwelling.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as

PPS Policy #	Policy	Response
		<p>the proposal is within the City's settlement area.</p> <p>The Site will provide for affordable housing.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>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;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul>	<p>The total density of the proposed development is considered appropriate as most of the existing neighborhood is made up of low profile residential in the form of single unit and multiple dwellings.</p> <p>The Site offers an opportunity for intensification by creating a new residential unit in an existing structure.</p> <p>The intensification can be accommodated for the proposed development as it is an infilling opportunity within an existing neighbourhood.</p> <p>The existing design and style of the residential dwelling will be unchanged.</p> <p>The existing building blends with the dwellings in the area and is a similar scale and massing of the existing dwellings in the neighborhood.</p> <p>The land area is sufficient to accommodate the proposed development with adequate existing buffering from abutting land uses.</p>

PPS Policy #	Policy	Response
		<p>Residents will have immediate access to shopping, employment, trails, transit, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p>
1.1.3.3	<p>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.</p>	<p>The intensification can be accommodated for the proposed residential renovation as it is an appropriate use of the existing attic.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing building.</p> <p>There will be no risks to the public. The Site is outside of the ERCA regulated area.</p>
1.1.3.5	<p>Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The City has established targets for intensification and redevelopment.</p> <p>The proposed development will assist in meeting those targets as the Site is located in an existing built-up area</p>



PPS Policy #	Policy	Response
		<p>and will add a new residential unit.</p> <p>The Site will provide for affordable housing.</p>
1.1.3.6	<p>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.</p>	<p>The proposed development does have a compact form.</p> <p>The low profile density will allow for the efficient use of land, infrastructure and public services.</p>
1.4.1	<p>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:</p> <p>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</p> <p>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.</p>	<p>The proposed development will provide for a mix of housing options in the existing built-up area.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing neighbourhood.</p> <p>The area is pedestrian friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>Existing municipal services are available.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p>

PPS Policy #	Policy	Response
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.	<p>The proposed low profile density is compatible with the surrounding area and will provide affordable intensification and infilling through the efficient use of an existing dwelling.</p> <p>The Site will provide for affordable housing.</p> <p>The Site is close to amenities.</p> <p>There is suitable existing infrastructure.</p>
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.	<p>The development is on existing full municipal services.</p> <p>Access to public transit is available.</p>
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.	<p>The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for existing settlement areas.</p> <p>There will be no negative impacts on the municipal system and will not add to the capacity in a significant way.</p>
1.6.6.7	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that</p>	<p>There will be no risk to health and safety.</p> <p>The area is outside ERCA regulated areas.</p>

PPS Policy #	Policy	Response
	<p>systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>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;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>Renovations will only be required in the interior of the existing building.</p> <p>There will be no required or proposed alterations to the exterior of the dwelling.</p> <p>The Site is a large corner lot with access from Dougall Avenue, Pine Street and an alley.</p>
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.	The subject property is in close proximity to major transportation corridors and has access to transit.
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.	<p>The proposed development contributes to the City's requirements for development within an existing built-up area.</p> <p>The area is serviced by transit.</p>
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the	The proposed development contributes to the City's

PPS Policy #	Policy	Response
	length and number of vehicle trips and support current and future use of transit and active transportation.	<p>requirement for affordable infilling within a built-up area.</p> <p>There are no parking spaces located on the Site; however, the Site is located near transit, has on-street parking and will offer bicycle and electric bike storage.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use existing municipal infrastructure.</p>
1.8	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.	<p>The proposed development supports compact form within an existing built-up area of the City.</p> <p>The Site has access to transit and local amenities.</p>
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing services are already in place on this site.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of	There are no natural or human-made hazards that apply to this Site.

PPS Policy #	Policy	Response
	property damage, and not create new or aggravate existing hazards.	

Therefore, the proposed development is consistent with the PPS.

### 5.1.2 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated “Residential” according to Schedule “D – “Land Use” attached to the OP for the City of Windsor (see Figure 3 – City of Windsor OP, Schedule “D”).

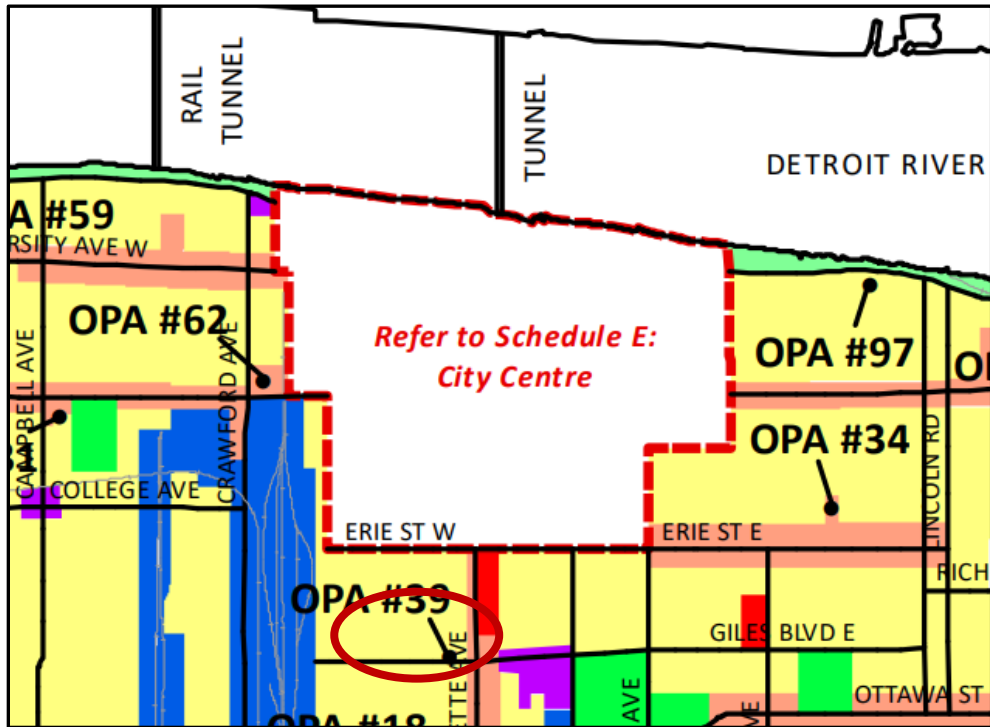


Figure 3 – City of Windsor OP, Schedule “D”

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
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.	<p>The proposed residential renovation supports one of the City's overall development strategies of providing for a range of housing types.</p> <p>It is proposed to convert the existing attic into an additional dwelling unit in an existing residential dwelling.</p> <p>The new unit will be an affordable rental unit with access from the exterior of the building.</p> <p>The Site is close to transit and local amenities.</p>
3.3.3	<p>Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is</p>	<p>The proposed residential renovation is in an existing built-up area.</p> <p>There will be no change to the exterior of the structure, which allows the multiple dwelling to blend with the surrounding area.</p> <p>The land area is sufficient to accommodate the proposed development with adequate existing buffering from abutting land uses.</p> <p>The Site is not in a node; however, it offers appropriate infilling in the existing neighbourhood.</p> <p>The area is pedestrian friendly allowing people to access</p>

OP Policy #	Policy	Response
	<p>between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for affordable housing.</p>
4.0	<p>The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.</p>	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks/trails.</p>
5.0	<p>A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.</p>	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p> <p>The Site is pedestrian friendly as there are sidewalks along the roadway which link to the surrounding amenities.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
6.0 - Preamble	<p>A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council</p>	<p>The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.</p> <p>The Site will provide for affordable housing.</p>

OP Policy #	Policy	Response
	will manage development through an approach which balances environmental, social and economic considerations.	
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	The proposed development supports the goals set out in the OP as it provides for housing that is suited to residents in this area of Windsor, is pedestrian oriented, close to employment and schooling opportunities.
6.2.1.2 – General Policies	<p>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:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures</p>	<p>The current structure is considered a low profile building.</p> <p>The Site is a large corner lot with access from Dougall Avenue, Pine Street and an alley.</p>



OP Policy #	Policy	Response
	generally, no greater than fourteen (14) storeys in height.	
6.3.2.1 – Permitted uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	Residential is a permitted use.
6.3.2.2 – Ancillary Uses	<p>In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:</p> <p>(a) community services including libraries, emergency services, community centres and similar public agency uses; (Amended by OPA #106 – November 6, 2015, B/L 143-2015) (b) home based occupations subject to the provisions of policy 6.3.2.7; (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9; (d) Open Space uses subject to the provisions of section 6.7; and (e) Minor Institutional uses subject to the provisions of section 6.6.</p>	No Ancillary Uses are proposed.
6.3.2.5	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:	This PRR has addressed these requirements.

OP Policy #	Policy	Response
	<p>(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) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	
7.0 - Infrastructure	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to	The Site is close to nearby transit, off major transportation corridors and has access to full municipal services.

OP Policy #	Policy	Response
	<p>accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>There will be no negative impacts on the municipal system as the existing residential dwelling is limited to low profile and will not add to the capacity in a significant way.</p>
<p>8 – Urban Design</p>	<p>A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the city are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people</p>	<p>The existing design of the dwelling blends with the surrounding area as there will be no exterior changes.</p> <p>The land area is sufficient to accommodate the proposed development with adequate existing buffering from abutting land uses.</p> <p>The Site is a large corner lot with access from Dougall Avenue, Pine Street and an alley.</p> <p>The Site is pedestrian friendly, has a clean façade and is a safe place for people to live.</p> <p>There are no parking spaces located on the Site, however, the Site is located near transit, has on-street parking and will offer bicycle and electric bike storage.</p> <p>The Site will provide for affordable housing.</p> <p>The Site is compatible with the surrounding area in terms of scale, massing, height and siting and the conversion of the dwelling will integrate well with the area.</p>

OP Policy #	Policy	Response
		There are no changes to the existing exterior of the residential dwelling.

Therefore, the proposed development conforms to the City of Windsor OP.

### 5.1.3 Zoning By-law (ZBL)

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002 and then a further Ontario Municipal Board (OMB) decision issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 7 attached to the ZBL the Site is currently zoned “Residential District 1.3 (RD1.3)” category (see Figures 4 – City of Windsor Zoning Map 7).

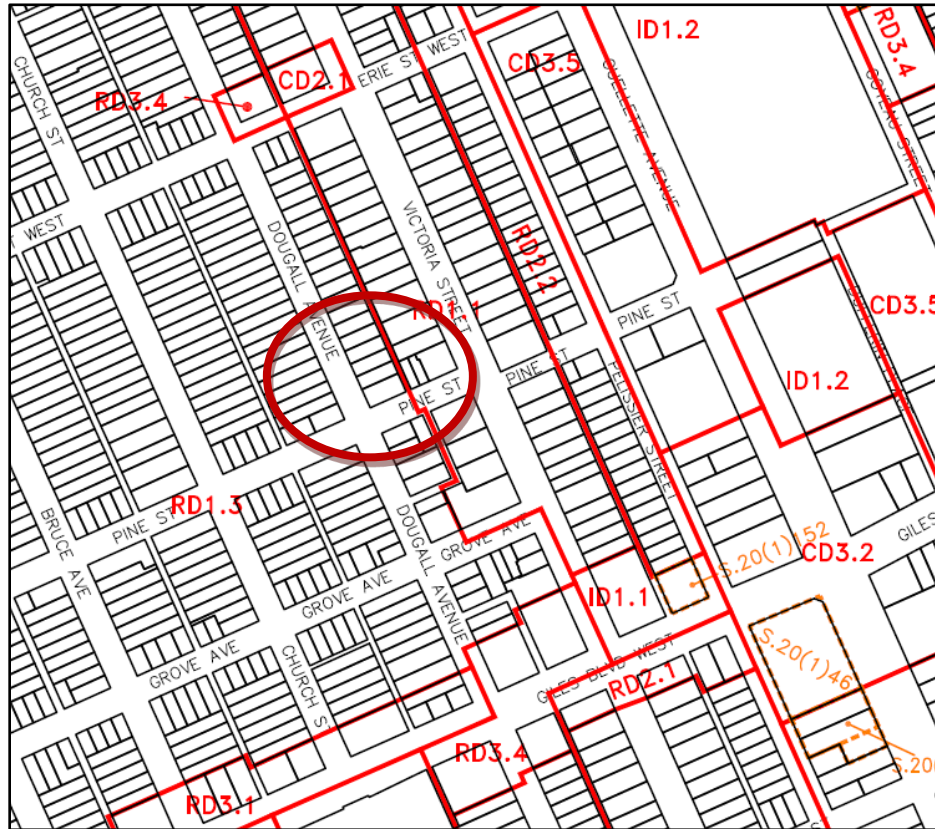


Figure 4 – City of Windsor Zoning Map 7

It is proposed to change the zoning of the Site from the existing “Residential District 1.3(RD1.3)” zoning to a site specific “Residential District 1.3 (RD1.3 –(20)(1) (XXX)” to permit a multiple dwelling with 5 dwelling units and to allow relief for the existing building and lot.

Multiple Dwelling is defined in the City of Windsor ZBL as:

*MULTIPLE DWELLING means one dwelling containing a minimum of three dwelling units. A double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling is not a multiple dwelling.*

A review of the RD1.3 zone provisions, as set out in Section 10.3 of the ZBL are as follows:

<b>Zone Regulations</b>	<b>Required RD1.3 (Existing semi with 2 ADUs)</b>	<b>Proposed</b>	<b>Compliance and/or Relief Requested with Justification</b>
Permitted Uses	Existing Duplex Dwelling Existing Semi-Detached Dwelling One Single Unit Dwelling Any use accessory to the preceding uses	Multiple Dwelling with up to 5 dwelling units	Complies, subject to the ZBL amendment.
Minimum Lot Width	15.0 m	14.33 m	The lot is existing.
Minimum Lot Area	450 m <sup>2</sup>	406.08 m <sup>2</sup>	The lot is existing.
Maximum Lot Coverage	45.0 %	51.64 %	The lot and building are existing.
Maximum Main Building Height	10.0 m	10.0 m	No change to the building exterior.
Minimum Front Yard Depth	6.0 m	3.68 m	The building is existing.
Minimum Rear Yard Depth	7.5 m	3.83 m	The building is existing.
Minimum Side Yard Width	2.5 m	1.62 m	The building is existing.
Parking 24.20.5.1	1 per dwelling (5 total)	0	Relief required. There is currently no existing parking on the property. However, the site is located near transit, has on-street parking and will offer bicycle and electric bike storage.

Therefore, the proposed development will require a site specific zoning RD1.3 - S.20(1)(XXX) with the above noted requested relief to permit a multiple dwelling with up to 5 dwelling units and to allow relief for the reduction in parking and acknowledge the existing building and lot.

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

The Site is ideally suited for further residential renovation for the following reasons:

- The land area is sufficient to accommodate the existing development with adequate existing buffering from abutting land uses,
- The Site already accommodates municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding area.

#### **6.1.2 Compatibility of Design**

The Site is compatible with the surrounding area in terms of scale, massing, existing height and siting.

The Site is a large corner lot with access from Dougall Avenue, Pine Street and an alley.

There are no parking spaces located on the Site; however, the site is located near transit, has on-street parking and will offer bicycle and electric bike storage.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide residential infilling development.

The additional unit will contribute toward affordability and intensification requirements.

Continued residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing neighbourhood which has a low profile residential use.

The Site currently accommodates a dwelling with 4 units on municipal services. The additional unit will not put any additional stress on municipal infrastructure.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.



### **6.1.5 Municipal Services Impacts**

There will be no negative impacts on the municipal system as the residential renovation is limited to low profile and will not add to the capacity in a significant way.

### **6.1.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Adding an additional residential unit in an existing residential dwelling in an area with similar residential uses contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern which sustains the financial well-being of the municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

## **6.2 Conclusion**

The proposal to add an additional residential unit on the Site is appropriate and should be approved by the City of Windsor.

This PRR has shown that the proposed development is suitable intensification of affordable residential use, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

*10.2.13.2 Where a Planning Rationale Report is required, such a study should:*

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*
- (c) Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act.*

- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP  
Principal Planner**



**APPENDIX C - SITE IMAGES**

**IMAGE 1**



**Subject Parcel – 1092-1096 Dougall Avenue –  
Looking east (Northeast corner Dougall & Pine Street)**

**IMAGE 2**



**Looking south on Dougal Avenue towards Pine Street  
Subject parcel is on the left side of the image**



**IMAGE 3**

**Looking northwest from intersection of Dougall and Pine**



**IMAGE 4**

**Looking north on Dougall Avenue**

**Subject parcel is on the right side of the image (north of Pine Street)**

**IMAGE 5**



**Looking north on Pine Street  
Dougall Avenue on left side; North-south alley on right side**

**IMAGE 6**



**Looking east on Dougall Avenue  
Subject Parcel in middle of image**

## APPENDIX D - Extracts from City of Windsor Official Plan

### VOLUME I – LAND USE

#### 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

<i>RANGE OF FORMS &amp; TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.

##### 6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>TYPES OF LOW PROFILE HOUSING</i>	6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows: <ul style="list-style-type: none"> <li>(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and</li> <li>(b) large scale forms: buildings with more than 8 units.</li> </ul>

*EVALUATION*        6.3.2.5  
*CRITERIA FOR A*  
*NEIGHBOURHOOD*  
*DEVELOPMENT*  
*PATTERN*

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern 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) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  - (iii) within a site of potential or known contamination;
  - (iv) where traffic generation and distribution is a provincial or municipal concern; and
  - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

**VOLUME I – TOOLS****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.
- 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.



## APPENDIX E - Extracts from Zoning By-law 8600

### SECTION 3 – DEFINITIONS

#### 3.10 DEFINITIONS

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

**MULTIPLE DWELLING** means one *dwelling* containing a *minimum* of three *dwelling units*. A *double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling* is not a *multiple dwelling*.

**SINGLE UNIT DWELLING** means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling, mobile home dwelling, semi-detached dwelling unit, or townhome dwelling unit*, is not a *single unit dwelling*.

**SEMI-DETACHED DWELLING** means one *dwelling* divided vertically into two *dwelling units* by a common interior wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, up to two additional *dwelling units*.

**DWELLING UNIT** means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

**SEMI-DETACHED DWELLING UNIT** means one *dwelling unit* in a *semi-detached dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

**SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)****10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)****10.3.1 PERMITTED USES***Existing Duplex Dwelling**Existing Semi-Detached Dwelling**One Single Unit Dwelling*

Any use accessory to the preceding uses

**10.3.5 PROVISIONS**

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

## APPENDIX F – RESULTS OF CIRCULATION

### ENBRIDGE GAS

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, (formerly Union Gas Ltd.), does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

### ENBRIDGE - WINDSOR MAPPING

After reviewing the provided drawing at 1092 Dougall Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

## TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dougall 6. The closest existing bus stop to this property is located on Dougall at Pine SW Corner. This bus stop is approximately 40 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

## CITY OF WINDSOR – PLANNING DIVISION – HERITAGE PLANNER - KRISTINA TANG

The subject property is not listed on the heritage register but has historic characteristics, and is adjacent to heritage properties recognized on the Heritage Register. The proposal does not indicate alterations visible to the exterior to accommodate the added uses (other than the added grade entrances at the back ends of the building). Should there be exterior alterations, it is recommended that it be limited in scope and directed towards least visible locations that are more inconspicuous from public views. If additions are proposed on the roof, it is recommended that the dormer be lower than the roof ridge and be appropriately scaled in size.

The subject lands is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events:

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures,  
1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

**CITY OF WINDSOR - BUILDING DIVISION - BARBARA RUSAN**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project.

The Building Division can be reached at 519-255-6267 or at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

**CITY OF WINDSOR – ENGINEERING - Pierfrancesco Ruggeri**

The subject lands are located at 1092 Dougall Avenue, designated Residential by the City of Windsor Official Plan and zoned Residential District 1.3 (RD1.3) by Zoning By-Law 8600. The applicant is seeking to add site-specific provisions to the current zoning to allow for a total of five dwelling units on the subject parcel. The applicant is proposing to convert the existing attic into an additional dwelling unit. No exterior modifications are being proposed, interior remodeling only. No parking to be provided on-site.

**RIGHT-OF-WAY** – The current site has a wood fence and concrete block encroachment along the Pine Street right-of-way. The wood fence and concrete block encroachment should be removed due to sight line concerns. If the applicant wishes to keep the wood fence and concrete block, it would need to be partially modified to eliminate any sight line issues. If on-site parking is deemed to be a requirement, the owner will be required to contribute to the alley maintenance fund in the amount of \$3,585 based on the 2021 User Fee Schedule.

In summary we have no objection to the proposed rezoning, subject to the following requirements (enforced prior to issuance of Building and Right-of-Way permits):

Alley Contribution – If on-site parking is deemed to be a requirement, the owner agrees, prior to the issuance of a Building Permit, to contribute \$3,585.00 (\$250 per linear meter), payable to The City of Windsor and deposited in the General Fund intended for the upkeep of alleys within The City of Windsor.

Encroachment Agreement – The owner agrees to either remove the wood fence and concrete block encroachment, or modify to eliminate any sight line issues. If the owner agrees to modify, then they must submit an application for and execute an agreement with the Corporation for the wood fence and concrete block encroachment along the Pine Street right-of-way to the satisfaction of the City Engineer.

**CITY OF WINDSOR – TRANSPORTATION PLANNING – RANIA TOUFEILI**

- Dougall Avenue is classified as a local road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient, therefore no conveyance is required.
- Pine Street is classified as a local road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient, therefore no conveyance is required.
- The existing fence encroachment at this property creates sight line issues for drivers using the alley. The fence should be removed or adjusted for sightlines.
- It is recommended that additional bicycle parking be provided to mitigate any parking deficiency.

## APPENDIX G – SITE SPECIFIC EXCEPTION

The recommendation and site specific provision below are provided for information purposes and do not represent the opinion of the Planner or the position of the Planning Department on the application.

Should the Development and Heritage Standing Committee and/or City Council choose to approve the application for a multiple dwelling containing a maximum of five dwelling units the recommendation and site specific exception below should be used.

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 328 and Part Lot 327, Registered Plan 581, (known municipally as 1092-1096 Dougall Avenue; Roll No. 040-370-07800; PIN 00187-0245), situated at the northeast corner at Dougall Avenue and Pine Street, by adding a site specific exception to Section 20(1) as follows:

### XXX. NORTHEAST CORNER OF DOUGALL AVENUE AND PINE STREET

For the lands comprising of Lot 328 and Part Lot 327, Registered Plan 581, a *multiple dwelling* containing a maximum of five *dwelling units* shall be an additional permitted use, and the following additional provisions shall apply:

- |                                   |                      |
|-----------------------------------|----------------------|
| a) Lot Width – minimum            | 14.3 m               |
| b) Lot Area – minimum             | 400.0 m <sup>2</sup> |
| c) Lot Coverage – maximum         | 52.0%                |
| d) Main Building Height – minimum | 10.0 m               |
| e) Front Yard Depth – minimum     | 3.60 m               |
| f) Rear Yard Depth – minimum      | 3.80 m               |
| g) Side Yard Width – minimum      | 1.50 m               |
| h) Required Parking – minimum     | 0 spaces             |

[ZDM 7; ZNG/6624]



**Subject: Pillette Village BIA Streetscape Improvements - Funding Proposal**

**Reference:**

Date to Council: February 7, 2022  
Author: Stefan Fediuk  
Landscape Architect | OALA CSLA  
350 City Hall Square West | Suite 320  
519-255-6543 ext.6025

Planning & Building Services  
Report Date: February 7, 2020  
Clerk's File #: Z/13002

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the proposed streetscape modifications for Pillette Village BIA as shown in Appendix B as prepared by the Pillette Village BIA Association in collaboration with the Planning & Building Department **BE APPROVED**;
  
- II. THAT the request of the Pillette Village BIA Association for consideration of a 50/50 cost sharing arrangement subject to the following terms **BE APPROVED**:
  - a. THAT the Pillette Village BIA Association be provided with a 10-year interest free loan in the amount of \$160,000;
  - b. THAT prior to commencement of the project, an amount of \$54,000 representing funds that have been collected from the Pillette Village BIA Association membership for purposes of this project be remitted to the City and deducted from the initial loan amount; and,
  - c. THAT commencing in 2023, an annual amount of \$10,600 be included in the Pillette Village BIA Association's budget and remitted directly to the City.
  
- III. THAT a capital project in the amount of \$320,000 be established with funding as follows:
  - a) THAT funding in the amount of a \$160,000 representing the City's share of the estimated costs be transferred from the BIA Assistance Program project 7069002 to the capital project; and,
  - b) THAT funding in the amount of \$160,000 be set up as a long-term receivable from the Pillette Village BIA Association.

- IV. THAT the CAO and the City Clerk **BE AUTHORIZED** to sign an Agreement with the Pillette Village BIA Association with regards to the loan, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Planner.
- V. THAT the CAO and City Clerk **BE AUTHORIZED** to execute any other agreements that may be required as a result of the proposed capital works satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Planner

**Executive Summary:**

N/A.

**Background:**

Through their Executive Director, Bridget Scheuerman, the Pillette Village BIA Association approached Administration within the Urban Design Section of the Planning & Building Department in April of 2018 regarding the condition of the existing street furnishings and the potential for rebranding of their image.

The Pillette Village BIA Association, as shown in Figure 1, is one of nine Business Improvement Areas (BIA's) in the City of Windsor. Designated under Section 204 of the *Ontario Municipal Act*, the city has the authority to:

- oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- promote the area as a business or shopping area.





The BIA has advised that their last major revitalization project took place over 20 years ago. In 2019, the BIA received \$43,000 for trash and recycling bin replacements through a larger AMO Main Street Initiative Funding that was shared with all nine of the city's BIA's.

### **Discussion:**

While the ideal time for such enhancement work would be during road infrastructure improvements, the Pillette Village BIA Association felt that they had not been informed enough in advance to prepare a proposal when such construction work was undertaken in 2015. Given the unlikelihood of road infrastructure work occurring in the near future, the Pillette Village BIA Association are requesting a special consideration of Council for a Capital Works Project.

### **Current Conditions:**

In May 2018, Planning Staff conducted site visits of all nine of the Business Improvement Areas, as a component of an Association of Municipalities of Ontario (AMO) grant for Main Street Revitalization Initiative Fund (CR252/2018). The review of the current conditions of the Pillette Village BIA made it apparent that many of the existing site furnishings had become dated, and much had been lost over time due to deterioration. Existing site furnishings were limited as well to the original district along Wyandotte Street East, yet the BIA's limits have expanded to the shops and businesses along Pillette Road, both north and south of Wyandotte Street. As the funds from AMO were limited and to be shared amongst the nine BIA's; resulting in only Trash and Recycle bins being replaced in 2019 through this grant. As a result, the Pillette Village BIA Association further requested that the Planning Department work with them to provide conceptual ideas to revitalize the image of the Pillette Village BIA Association.

### **BIA Proposal:**

Over the last two years, Administration has met several times with Pillette Village BIA Association to discuss and refine the concept and various details for site furnishings to improve the streetscape along the selected theme. As one of the oldest BIAs in the city, the Pillette Village BIA are interested in building on the existing built urban environment and natural character of the area. After reviewing several concepts for a new theme to attract people to the area, the Pillette Village BIA Association returned with a consensus to rebrand the BIA with an Art Nouveau character (see Appendix B).

Streetscape Elements Design - The design of the streetscape elements reflect the unique character of the BIA by incorporating a blend of Art Nouveau and Art Deco motifs. Where possible pre-manufactured items have been used (i.e. trash/recycle bins, planters, and bike racks) to help reduce costs. The existing benches within the BIA already reflect this theme. In 2019, due to main street improvement funding from AMO, the trash and recycle bins along Wyandotte Street East were replaced reflective of the rebranding of the BIA.

Banner tops and business sign markers will require custom manufacturing due to a lack of such product on the market.

Preliminary estimates for the proposed works, prepared in early 2020 total \$320,000. Procurement of the site furnishings will follow the Purchasing Bylaw directions; however, custom items have been designed to encourage local manufacturers to participate in the procurement process.

Installation Consultations - Initial discussions with ENWIN Utilities has identified that several of the banners will be located on their poles along Wyandotte Street East. It is necessary to engage the City Solicitors Office to enter into an agreement for the required permits to mount the banners to those poles.

Both the banners and the business address markers will protrude into the municipal right-of-way, requiring the Pillette Village BIA Association and each business owner to enter into Encroachment Agreements with the City of Windsor's Public Works Department.

The Horticulture Division of the Parks Department currently maintain some ornamental plantings within the BIA. A revised Agreement and Memorandum of Understanding will be required to ensure that responsibilities of both the City and the BIA are identified, reflective of the new planting arrangements. It is anticipated that the new planting arrangements will not require additional City resources to support ongoing maintenance. In the event that additional operational City resources are required, Parks will bring forward a budget request as part of a future operating budget submission.

### **Risk Analysis:**

Though the dollar value of \$320,000 reflects a moderate financial risk, the Life Cycle Costing is expected to last 10+ years. There is a long-term financial risk to the Corporation with regards to the long-term loan request from the BIA however this risk is mitigated through the budget and levy process that is administered through the City's finance department.

Operationally, most of the streetscape improvement are to replace existing amenities; however, there are some additional items (i.e. banners) that will be added as enhancements to the current infrastructure. However, unlike most banners found throughout the city these banner tops are permanent and will not require routine seasonal or annual replacement as would be with fabric banners. There will be a modest increase in the number of trash/recycle bins to accommodate the businesses along Pillette resulting a low risk depending on how often these are used. Final locations to be coordinated with Public Works and Environmental Services to ensure that they are strategically placed to ensure operational efficiencies.

While there are no perceived reputational or health and safety risks, there is however a potential for an improved Civic Image with these streetscape elements being implemented. Potential for the Pillette Village BIA businesses to increase their profile and attract business will make the area more viable. There is a greater potential to establish a sense of place through the development of a walkable community, thus reducing risk for petty crime within the BIA by having more people and eyes on the street. Such benefits have been seen in other recent BIAs enhancements (i.e. Walkerville, Via Italia as well as Wyandotte West).

However, there are community impact and timing risks if the recommendations are not approved. If the Pillette Village BIA Association is unable to fund the full Beautification Project on its own, the BIA may prioritize between enhancing its character through minimal updating and repairing of the existing street side furniture and horticultural agreements with the Horticultural staff. This will decrease the opportunity for the Pillette Village BIA Association to enhance its appeal which has implications on the economic development of Pillette Village.

**Climate Change Risks**

**Climate Change Mitigation:**

Scientific evidence identifies that trees can help to reduce both heat island affects and greenhouse gas emissions. The current planters found along the Pillette Village BIA, are too small support large trees and are often replace annual. Planting trees directly into the pavement is not financially practical at this time. One component of the proposed concept is to replace the existing planter with larger planters that can support trees through the year, allowing them to mature to larger trees which can provide better reduce of greenhouse gas emission through carbon sequestration.

**Climate Change Adaptation:**

In addition to the above climate change mitigation approach, the proposal to accommodate larger trees along the BIA will help to provide shade to help provide refuge for pedestrians from the increasing temperatures. This is especially important for the most vulnerable populations of the community (i.e. seniors) to allow for shade while patronizing the shops and restaurants along the BIA.

**Financial Matters:**

Estimated projects costs for the streetscape improvements were based on similar works completed by the City through the Purchasing Department. The work being proposed by the Pillette Village BIA Association represents a total cost of \$320,000 (inclusive of material, labour and administrative costs) detailed as follows:

<b>Pillette Village Site Furnishings and Streetscape Improvements</b>	
<b>Median Gateway &amp; Pole Banners</b>	<b>\$ 110,000</b>
Banners & Poles for Median	\$ 34,000
Banner pole toppers for existing poles	\$ 66,000
Design, Permits, Consulting & Contract Administration	\$ 5,000
Contingency 5%	\$ 5,000
<b>Business Address Markers</b>	<b>\$ 75,600</b>
Metal Banner address markers	\$ 72,000
Encroachment Agreements	\$ 3,600
<b>Streetscape Amenities</b>	<b>\$ 134,400</b>
Self watering Planters Large	\$ 33,000

Trees/Soil /Plants	\$ 16,500
Planter surrounds	\$ 66,000
Bike Racks	\$ 6,400
NEW Trash/Recycle stations (along Pillette Street)	\$ 12,500
<b>Total Required Items</b>	<b>\$ 320,000</b>

Pillette Village BIA Association is requesting that the City of Windsor enter into a 50/50 cost share an agreement to fund this project. With a \$320,000 total estimated cost of the project based on 2019 values, the anticipated cost to each party would be \$160,000.

The Corporation's BIA Assistance Program (Project 7069002) is intended to provide financial assistance to the BIA's for initiatives which include beautification and as noted below, there is sufficient funding available for this purpose.

In terms of the Pillette Village BIA Association share, a request for a 10-year interest free loan has been made. As part of their 2020 Operating Budget submission, the Pillette Village BIA Association had put forward an increased request of \$40,000. This increase included an amount of \$10,600 to cover the estimated BIA's portion of the project. The BIA members were duly advised and there was no objection to the increase, and the 2020 Draft Operating Budget was approved at the Annual General Membership Meeting in December 2019.

Inclusive of an amount yet to be approved for 2022, the Pillette Village BIA Association will have set aside \$31,800 (three years of the allocated \$10,600). In addition, the BIA has sufficient reserves to support a one-time payment of \$22,200. As a condition of the 10-year loan and prior to commencement of the project, Administration is recommending that the Pillette Village BIA Association provide an upfront payment of \$54,000 which will lower the loan amount to \$106,000. This amount will then be included in the annual BIA budget for years 2023 to 2032 and will be deducted from the levy payments that are issued by the Finance department until the loan is fully repaid.

Since the proposed work is consistent with the purpose of the BIA Assistance Program, Administration is recommending that this program be used to provide the City portion of the funding. The BIA Assistance Program, capital project 7069002 currently has a balance of \$380,000. Under the proposed cost sharing, \$160,000 (50%) will be transferred from Project 7069002 to a newly created project in 2022

If approved, the BIA Assistance Program Project 7069002 will have a remaining Project balance of \$220,000.

Upon completion of the project, any ongoing costs associated with the maintenance of the site furnishing or any replacements will be the responsibility of the Pillette Village BIA Association which are subject to future budget deliberations and approvals.

### **Consultations:**

Eric Dyrda – Technical Service Advisor, ENWIN Utilities Ltd.  
 Bridget Scheuerman – Executive Director Pillette Village BIA  
 Michael Dennis – Financial Manager, Asset Planning

Janice Guthrie - Deputy Treasurer Taxation & Financial Projects  
 Josie Gualtieri - Financial Planning Administrator  
 Anne Marie Albidone – Manager Environmental Services  
 Wanda Letourneau – Manager Horticulture  
 Juan Paramo – Transportation Planning  
 Jeff Hagan – Transportation Planning Senior Engineer

**Conclusion:**

Pillette Village Business Improvement Area has been a vibrant and active community in the City of Windsor. Over the years they have seen other BIA’s improve and rebrand to accommodate more contemporary trends. Some funding has been afforded to the Pillette Village BIA Association through AMO, and street infrastructure has been completed recently.

Their request to enter into a 50/50 partnership for a Capital Works Project with the City of Windsor is the only method to help expedite the process for procurement of streetscape amenities to help improve this area. The Planning & Building Department with in-house design assistance, as well as consultation with other civic administrative departments support the proposed streetscape enhancements.

**Planning Act Matters:**

N/A

**Approvals:**

Stefan Fediuk	Landscape Architect, Planning Department
Josie Gualtieri	Financial Planning Administrator
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Neil Robertson	Manager of Urban Design / Deputy City Planner
James Chacko	Senior Manager, Parks
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Bridget Scheuerman	Pilette Village BIA	<a href="mailto:bscheuerman38@gmail.com">bscheuerman38@gmail.com</a>

**Appendices:**

- 1 APPENDIX 'A' - Pilette Village Capital Works Project Request
- 2 APPENDIX 'B' - Pilette Village Final Streetscape Concept

**From:** [Bridget Scheuerman](#)  
**To:** [Fediuk, Stefan](#)  
**Cc:** [Gignac, Jo-Anne \(Councillor\)](#); [Sleiman, Ed](#); [Robertson, Neil](#); [Hunt, Thom](#)  
**Subject:** Pillette Village Capital Works Project  
**Date:** Tuesday, October 29, 2019 10:14:03 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stephan,

Pillette Village Business Improvement Association would like to proceed with the Capital Works Project that is currently being discussed and planned through communications/visits with yourself and the BIA. We have had several meetings regarding this project and the concept and designs were presented to the General Membership at our Annual Meeting last December. The Board of Directors have agreed to propose an increase in the BIA Levy to \$40,000, in order to participate in the payment of the project. I have asked Finance to prepare what the individual levies would look like with an increase to the amount of \$40,000 annually, which will be ongoing.

A registered letter will be sent to each Property and Business Owner indicating the difference they would be paying should this levy increase request be approved by the General Membership. A presentation of the entire project will be made at our Annual Meeting in December at which time the Membership will be able to vote to approve or disallow the increase. Should the Membership not allow the increase, the project would have to be reassessed.

It is our intention to propose a shared cost with the City for the project as we discussed. You have presented an approximate costing of \$320,000 and this would see the entire project completed with the exception of the Community Information Kiosk and the self-watering Planters. The BIA will be requesting a 50/50 split with the city, which would see the BIA paying back \$160,000 over a 15 year period, interest free. It is important to note, that in 2015 Road construction/sewers were done within Pillette Village, but the BIA was not given sufficient notice in order to plan and design any additional improvements, landscape features, entrance markers, etc. that could have been done during this construction project. This would have been an ideal time to do the project we are now proposing, due to the fact that costs on some items would have been reduced, ease of installation of some items, etc.

I have copied below the e-mail that was sent to the Board of Directors yesterday, October 28<sup>th</sup> for information purposes.

If you require any additional information, please feel free to contact me.

Thanks,  
Bridget

The following was sent October 28, 2019 to the Pillette Village Board of Directors.

Hi Everyone

I had a meeting this afternoon with Stefan Fediuk in Planning to go over the costing of the Capital Works Project.

After our discussion at the last Board meeting, I presented Stephan with the items that we would like included in the project and the total costing will be \$320,000 and this includes Banner Poles for Median, Banners for Median Poles, Piles for Banners, Bike Racks, Business address markers, Banner pole toppers, self-watering Planters Large, tress/soil/plants, planter surrounds and additional trash/recycle stations for Pillette Road. The project would be presented to council as a 50/50

proposal with Pillette Village re-paying \$160,000 over fifteen years, with no interest. This would be in line with the **proposed** increase to the Operating Budget to \$40,000.

As we discussed at the meeting, we will present this to the General Membership indicating specifically how much each property owner's levy will be increasing, rather than saying we are increasing the budget to \$40,000. This should soften the blow a bit, if they realize that their portion will not be as great, other than for McDonalds and Shoppers. I will send the operating budget back to Finance at \$40,000 and they will be able to calculate what each property will pay and we will then determine the difference to pass along to the property owners. At this time, we are still in the formulation mode and are not indicating that the budget will be increasing to \$40,000. The membership could turn it down very quickly, so we have to be diligent in how we present the information. A registered letter will be going to each property owner indicating what the difference in their levy payment will be along with a complete description of the project. It can then be discussed and voted upon at the Annual Meeting in December.

It is necessary at this time to send an e-mail to Planning indicating they we wish to proceed with the project as we have only two weeks before this will go to the first hurdle which is the Standing Committee. This will give us an idea if the project has a chance of being approved by Council or put aside. I will send this e-mail on Tuesday. If you have any comments, please let me know as soon as possible. Again, we are not putting the wheels in motion, but are at the information gathering stage. I look to our two Councillors for recommendations. It should be noted that there was no additional money available in any of the Planning Department budgets to offset some of the cost of the project. It will be noted in the e-mail to Planning that Pillette Village did not have an opportunity to ask for infrastructure improvements at the time of the recent road construction





# ***PILLETTE VILLAGE BIA***

## STREETSCAPE IMPROVEMENTS PLAN



# Pillette Village Northeast Corner

Daytime view

277 Pillette Rd  
Windsor, Ontario  
Google, Inc.  
Street View - Oct 2016



# Pillette Village Southwest Corner



# Pillette Village Southeast Corner



## Pillette Village Northwest Corner



# Pilette Village Western Gateway

Development & Heritage Standing Committee - February 7, 2022  
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# Pilette Village Eastern Gateway

Development & Heritage Standing Committee - February 7, 2022

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DOUBLE BANNERS as WESTERN GATEWAY

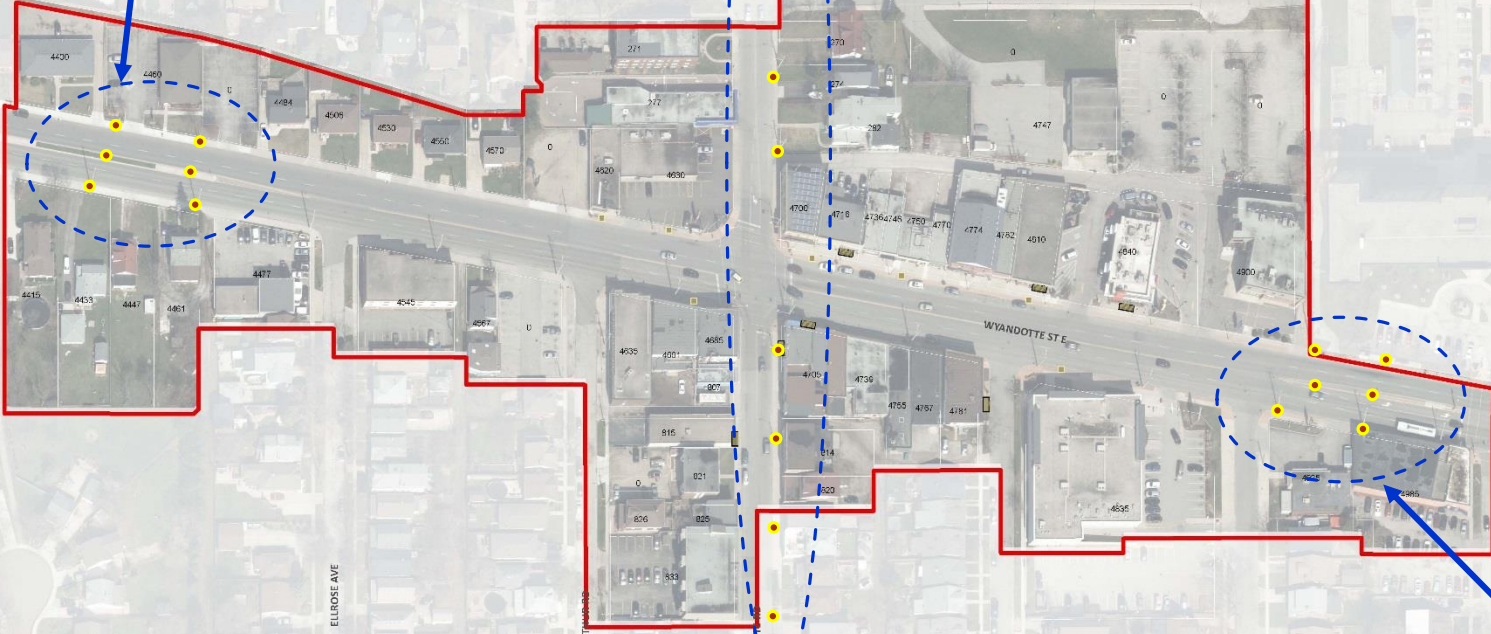
### Pillette Village B.I.A.

Legend

- Bench
- Trash Receptacle
- BIA Boundary
- Proposed banner

JUNE 2019

0 25 50 100 Meters



SINGLE BANNERS ON EXISTING STREET LAMPS

DOUBLE BANNERS as EASTERN GATEWAY

# Pillette Village Banner Locations



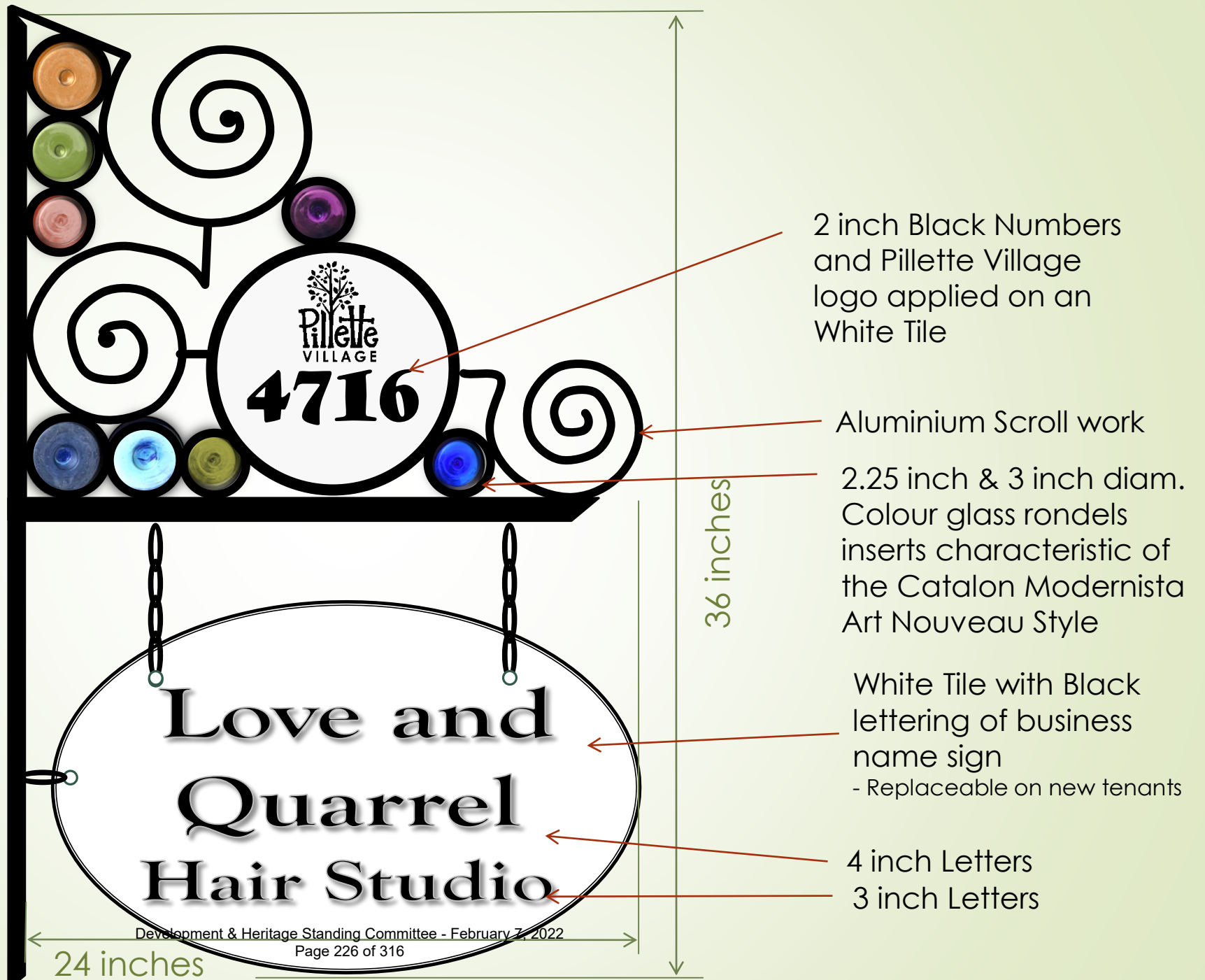


SINGLE BANNERS ON  
EXISTING STREET LAMPS

Development & Heritage Standing Committee - February 7, 2022  
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# Pillette Village North-South Gateways

# Address & Business Name SIGNS



# Banner Pole Tops

## Singles



2.25 inch & 3 inch diam. Coloured glass rondels inserts characteristic of the Catalan Modernista Art Nouveau Style

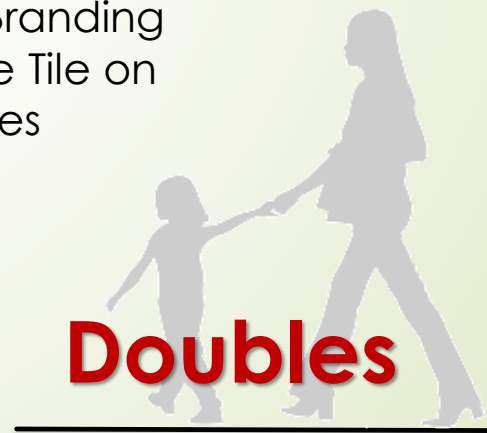
Aluminium Scroll work

Pilette Branding on White Tile on both sides



12' 0" minimum

## Doubles



24 inches

# Planters



**Optional, self-watering flower planters for businesses**



Standard City of Windsor, self-watering Tree Planter insert



Custom exterior frame by Wishbone to match Trash Receptacles.

# Waste Receptacles

Beselt Round

Model Number : BTRR-24

Total Height	33.5 inches / 851mm
Width	24 inches / 609mm
Depth	24 inches / 609mm
Capacity	20.5 Gal / 75L
Weight	90lbs / 41kg

## Designer Notes

This traditional top-load waste receptacle was designed to go alongside the Beselt Park Bench at the request of a customer. The cast aluminum construction, vertical slats, foot design, and overall aesthetic compliment the Beselt Bench nicely. The round lid is intentionally designed with a small opening to restrict the type and size of garbage that can go in it. The lid is secured to the base to prevent it being stolen or taking off in high winds and to allow for easy replacement due to damage or vandalism. On the durability side, aluminum is not as corrosive as steel and will last longer and look better with years of use.

Wishbone Ltd. provides an extended 10 year limited warranty from the date of invoice.



100% Canadian Made

Wishbone  
site furnishings





**Subject: Response to CQ 32-2020: Tree Protection and Replacement Policies Related to Development - City Wide**

**Reference:**

Date to Council: February 7, 2022  
 Author: Stefan Fediuk OALA (with Seal), CSLA  
 Landscape Architect  
 519-255-6543 ext.6025  
 Planning & Building Services  
 Report Date: September 23, 2021  
 Clerk's File #: SRT2022

**To:** Mayor and Members of City Council

**Recommendation:**

THAT Council **RECEIVE FOR INFORMATION** this report responding to CQ 32-2020 on tree protection and replacement policies related to development applications.

**Executive Summary:**

N/A

**Background:**

At the regular meeting of Windsor City Council on December 7, 2020, Councillor McKenzie submitted the following council question CQ23-2020 to the City Planner and City Forester:

*That Administration review and report back to Council on tree protection and replacement policies as it relates to the City of Windsor's land development bylaws. The review should include information pertaining to replacement ratios and the mechanisms by which trees are protected and required to be protected through the development process as well as the extent to which development is impacting the total tree count under our current framework along with options for Council to consider in terms of protecting trees and increasing tree cover through land development policy.*

**Discussion:**

Outside of Provincially Legislated or Federally Regulated areas, or where Species at Risk (SAR) are present, the preservation of trees and natural heritage areas on private properties is identified through best practices and policies found in various municipal documents. These documents include; the Official Plan (latest Amendment 2013),

Planning Act, Landscape Manual for Development (4<sup>th</sup> edition 1997), Climate Change Adaptation Plan (updated 2020), and the Environmental Master Plan (2017). Throughout these documents, the preservation of trees is encouraged and where preservation is not practical, the replacement and/or the planting of new trees is recommended or required.

## **Urban Tree Canopy Replacement/Improvement Legislation Policies:**

### **1) Planning Act and Municipal Act:**

The Municipal Act (2001) authorizes the municipality to pass by-laws to prohibit or regulate the destruction or injuring of trees (135(1)), including on private land, and dictate that they shall have regard for Good Forestry Practices (135(5)).

The Planning Act (1990, revised 2019) provides the legislative foundation for many council policies and their implementation through Official Plans in connection with the trees and landscapes within the municipality.

In addition, the Provincial Policy Statement (1996, revised 2014) outlines the long-term general protection of environmental features, and details the protection of natural feature areas, including significant natural areas (2.1). It also contains policy direction for defining forests, woodlands, and woodlots, referencing the Forestry Act (1990) for technical details.

The Endangered Species Act (2007) identifies tree Species at Risk in Ontario in order to protect their destruction. However, the More Homes, More Choice Act (2019) allows developers to pay into a fund rather than refraining from activities that may harm at-risk species, and trees could be cut down if approved by the provincial government.

### **2) Official Plan Policies:**

As one of several primary objectives, the OP encourages a high degree of civic and environmental design in both public and private developments including “the planting of trees and other forms of landscaping, suitably arranged, to enhance the visual quality of buildings, streets and pedestrian ways.”

The Vision of the OP (Section 3.1) recognizes that one of its four interrelated themes is that of a Clean and Efficient Environment. While environmental issues are addressed throughout the document, Chapter 5 Environment (updated 2005) is entirely dedicated to the preservation and enhancement of the natural heritage and green infrastructure of the City (see Appendix ‘B’). The goals and objects found in this Chapter 5 still support preservation of existing trees and the planting of new trees within development sites. Enhanced protection for areas designated by the Province as Areas of Natural Significance (ANSI) or wetlands, as well as Environmental Policy Areas (EPA) are outlined in more detail as to how development can occur including when further environmental studies are required (i.e. Environmental Evaluation Report (EER), Tree Inventory and Preservation Study). Urban Forestry Policies are also covered under this Chapter, identifying the benefits of trees, and the creation, maintenance and enhancement of treed areas

along infrastructure rights-of-ways for both public and private development. Clause 5.3.6.12 also recommends that Council consider adoption of a tree by-law to further foster the conservation of trees and/or woodlots. The City Forester is currently undertaking a city-wide Urban Forestry Management Plan (UFMP) through Urban Forest Innovations Inc. as an external consultant to review the policies and guidelines to better manage, preserve and enhance the urban forest for both private and public lands. Dependent on that review, Council may recommend adoption of future preservation and urban tree count requirements.

In addition, it is important to note that Chapter 4 of the OP is dedicated to development of a Healthy Community as an overarching philosophy for the City. This part of the OP also addresses the importance of healthy natural environments to address climate change, liveability and sustainability of the City. Recent Council initiatives have endorsed this philosophy through tree planting within civic development projects. (see Appendix 'C')

Similarly, environmental sustainability and the protection of environmentally significant and sensitive natural heritage features is reiterated in the goals and objectives found in Chapter 6: Land Use of the OP. Though trees are not specifically mentioned, it is understood they are a significant component of the natural environments and cross-reference to various sections of Chapter 5: Environment where appropriate.

Within Volume II of the Official Plan, are Special Policy Areas and Secondary Plans. Depending on the individual areas, specific policies and objectives are identified related to landscaping and tree preservation. These areas are generally associated where publicly held lands are found (i.e. Waterfront Lands, Spring Garden ANSI) and where Community Incentive Plans (CIP) are part of the overall development of the area. One of note, is the South Cameron Planning Secondary Plan which contains several woodlots identified in the Candidate Natural Lands Study (CNLS) prepared in collaboration with Essex Region Conservation Area (ERCA). This Secondary Plan prescribes the preservation of existing trees and natural areas for both Woodland Residential (Subsection 4.7.2) and Woodland Business Park development (Subsection 4.7.6) in addition to Open and Natural Heritage (Subsection 4.7.4).

Tree preservation where necessary, is identified in the requirements for both the Subdivision Agreements and Site Plan Control Agreements or woodlot development within the South Cameron Planning Area as well as other Secondary Plans and Special Policy Areas. Such development agreements are subject to the Fees and Charges Bylaw 40-2021 which is updated annually (See Appendix 'D').

This is not the only area within the city where CNLS has designated woodlot areas of concern for preservation. ERCA is consulted on all proposed development within or near CNLS lands to help define the limits and nature of the proposed development and its impact on trees and vegetation; especially if there is a potential impact on habitat or Species at Risk. Where it is necessary for trees to be removed for a development, compensation, usually in the form of new trees at a rate of caliper per caliper, is prescribed as part of a Site Plan Control Process.



## **Urban Tree Canopy Replacement/Improvement Implementation:**

The provisions concerning trees and landscapes of the Planning Act and the Official Plan are implemented through Site Plan Control, Subdivision and Severance Agreements. In addition, the City's Landscape Manual provides guidance for the details of implementation.

### **3) Site Plan Control**

Under Section 41 of the *Planning Act*, specified development within municipalities is subject to Site Plan Control (SPC). A standard condition of SPC approval is the provision of appropriate and adequate landscaping within a development. This is implemented by way of the SPC agreement.

Prior to any approvals there may be a request to inventory and address existing vegetation and trees, and how they will be affected through removal or preservation. Support studies may be requested through pre-consultations for any development application process. These findings of these studies are most instrumental when the development proposal reaches the approval stage where detailed requirements are assessed for tree planting, replacement and preservation. Those requirements are itemized in the City of Windsor's Landscape Manual for Development.

Under a Site Plan Control Agreement, the owner is required to provide a landscape plan to ensure that the appropriate number and placement of trees is achieved to the satisfaction of the City Planner and the Planning department's Landscape Architect. In addition, the owner is required to provide securities in the form of a Certified Cheque or Letter of Credit, to ensure that the landscaping and trees are installed as per the approved landscape plan. Often existing trees are identified to be preserved, and the landscape security includes the protection as part of the conditions for return. Upon completion, the developer/owner can request that the Landscape Architect perform a site inspection to reduce the Landscape Performance Security to a Landscape Maintenance Security (approx. 30%). Currently, there is a one-year period for maintenance, however an extension may be made when; the landscape is not maintained adequately, replacements are required, or existing trees appear to be negatively impacted by the development and require additional time to ensure that they will survive or will need to be replaced.

Site Plan Control has resulted in the planting of hundreds of trees annually throughout the City of Windsor within commercial, industrial, institutional and residential developments.

### **4) Subdivision Agreements, Severances, Residential Building Permits**

S. 51 of the Planning Act authorizes municipalities to approve plans of subdivision. A standard requirement of subdivision approval is the requirement for a subdivision agreement. The identification and preservation of trees under the subdivision process is included in the subdivision agreement and is similar to the one in the SPC process. However in the case of subdivisions, the planting of the required trees is

undertaken by the City Forester. The Subdivision Agreement references the Landscape Manual for tree planting requirements.

Similarly, when there is a request for a severance, the Committee of Adjustment may impose a condition that applicant provide a tree as part of the severance approval.

Whether part of a Subdivision Agreement or a erection of single residential home, the developer is required to pay for the installation of trees as outlined Section 4.7 of the Landscape Manual which states, one new deciduous shade tree for every 15m or 50 feet of lot frontage within the right of way. The current fee for the City to plant a 75mm calibre deciduous tree is \$520.00. This fee is included in the City's Fees and Charges by-law which is updated annually (see Appendix 'D'). These fees are collected prior to the issuance of the building permit for any residential unit.

## **5) Landscape Manual for Development (4<sup>th</sup> Edition):**

The City of Windsor Landscape Requirements for Development, originally approved by Council in 1979, and revised several times with current 4<sup>th</sup> edition (1997 by CR835/96) is the main guideline for landscaping of development on private and public property. Provision of a minimum of new deciduous shade trees as per Section 3.2.3 of the manual states: "One 75mm tree for every 10m of street frontage, or one 75mm tree for every 250sm of hard or soft landscaped area (whichever is greater), plus equal size diameter for any trees greater than 100mm (4inch) caliper removed from site."

Council is to be aware, that this document was last updated in 1997. The Planning Department's Landscape Architect is currently undertaking a revision to update the manual to address contemporary issues (i.e. climate change, CPTED, appropriate species selection), new innovations (i.e. Low Impact Design, subsurface soil structures), and alternative replacement and compensations as development becomes more intensified and the areas for appropriate landscaping are becoming more constrained (see part 4) Challenges below).

## **Challenges to Tree Preservation and Tree Planting within Developments :**

### **6) Tree Protection or Tree Cutting Bylaw**

S. 135 of the Municipal Act, authorizes municipalities to pass by-laws for regulating or prohibiting the destruction or injuring of trees. Pursuant to this legislation the City passed **Parks By-law 131-2019** and **Trees on Highways By-Law 135-2004**. The Parks Department City Forester enforces by-laws that only apply to City owned properties. (see Appendix 'A'). These two By-laws clearly identify that "*No person shall destroy or injure trees on city property*". Anyone in contravention of the By-laws is guilty of an offense, and upon conviction is liable to a fines ranging from \$1,000 to a maximum total of \$25,000 for an individual or from \$5,000 to a maximum total of \$100,000 for corporations.

However, the City of Windsor currently does not have a similar by-law that applies to private properties. Through previous Council Questions, Administration has twice prepared reports to Council regarding a bylaw for the protection of trees on private properties similar to those found in other municipalities. In both instances, it was identified that there is a deficiency in civic resources to administer and enforce a universal tree-cutting bylaw for private properties. (see Appendices E)

While the Planning Act and the Official Plan authorize the City to require developers to provide studies that will help identify existing vegetation, including trees, it does not require a developer/owner to retain any vegetation on site prior to the municipality receiving an application for development. This is a loophole that developers have become aware of and thus some sites are clear-cut prior to any development application being received by the City. The Waterloo Study identified that another important tool is having an Urban Forest Management Plan. Since Council approved the Parks Departments to prepare a Tree Canopy Protection & Enhancement Policy (CR50-2019), the City Forester has retained an urban forest consultant to complete an Urban Forest Plan for the City of Windsor that will include recommendations for both public and private management guidelines. (see Appendix 'F').

A Study completed by the University of Waterloo in July 2020 *Guiding Urban Forestry Policy into the Next Decade: A Private Tree Protection & Management Practice Guide*, surveyed 17 Ontario municipalities and 5 out of province municipalities on their tree protection bylaw and best practices. (see Appendix 'G')

In all those studied, tree protection is referenced in the municipality's Official Plan. Ten of the seventeen have Private Tree Cutting Bylaws. Many of the tree protection bylaws in other Ontario Municipalities are associated with a tree cutting bylaw that allows for the removal upon receiving a permit. Failure to acquire a tree cutting permit, can result in fines between \$500 to \$100,000 per tree depending on the municipality.

Key themes for protection and preservation of trees found in this document include;

- Replacement and Relocation (where possible)
- Preservation of perimeter trees on development properties
- Heritage Tree Protection
- Policies related to functional and aesthetic benefits
- Ecosystem Management guidelines related to indigenous species, climate change resilience and soil conditions and volumes
- Enforcement

Municipality	Official Plan	Private Tree By-law	Urban Design Guidelines	Urban Forest Management Plan
Ajax	✓	✓	✓	✓
Barrie	✓	✓	✓	
Cambridge	✓		✓	✓
Guelph	✓	✓	✓	✓
Kingston	✓	✓	✓	✓
Kitchener	✓	✓	✓	✓
Mississauga	✓	✓	✓	✓
Niagara Falls	✓		✓	✓
Oakville	✓	✓	✓	✓
Oshawa	✓		✓	
Peterborough	✓	✓		
St. Catharines	✓		✓	✓
Thunder Bay	✓		✓	✓
Toronto	✓	✓	✓	✓
Vaughan	✓	✓	✓	✓
Waterloo	✓		✓	
Windsor	✓			

Table 1: Municipal Documents Scanned

Figure 1: Waterloo Study of Municipal Tree Protections

While the study is thorough, it concluded, “*protection and management is not one-size-fits-all.*” However, it did identify that municipalities with private tree by-laws found it to be the most effective tool for protecting and managing trees on private property, simply because they are “an actual enforcement tool”.

## 7) Reduced Landscape Areas in Developments for Tree Planting

Zoning Bylaw 8600 regulates the use of land, the type of construction and the bulk, character, density, floor area, height, location, size, setbacks and use of buildings or structures, the provision of parking, loading and other facilities, and other matters including landscape area and setback provisions listed in the Planning Act. However, some amendments to the Bylaw such site specific amendments, have reduced the total landscape open space and landscape setbacks. This precludes the ability for preserving and planting trees to ensure their survival. In addition, there is an inconsistency in the total percentage of land designated as landscape area, with some as low as 0%.

Furthermore, the term LANDSCAPED OPEN SPACE as defined in the Zoning Bylaw is as follows: “... an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a dwelling or dwelling unit.” While this may seem inclusive, it does not result in soft landscaped

open space or provide for climate change adaptation, natural drainage, nor green areas. By this very definition, no green elements are required.

As a result, the Zoning Bylaw and subsequent amendments may create barriers to planting new trees on private properties.

When the Zoning Bylaw, and rezoning site-specific amendments result in deficient landscape area, Site Plan Control, has helped to address these challenges. The Planning Department' Landscape Architect in consultation with the City Forester and the developer, have been able to negotiate the installation of boulevard trees in lieu of planting trees on private property to achieve the required number of trees for given development. However, this may not always be achievable due to physical constraints. In rare occurrences, cash-in-lieu of tree planting has been considered. When implementing cash-in-lieu, the owner/developer is required to pay the City's Building Department the appropriate fee for each tree at the time of issuing a building permit. That fee is forwarded to the Parks Department for the City Forester to plant trees elsewhere in the city; preferably in the area where the fee has been paid. In some instances, where this accommodation has been made for a site-specific situation, developers have interpreted this as a precedent for any sites that they develop. This results in all future developments from those developers continuously being proposed without enough areas for trees to be preserved or planted.

### **Risk Analysis:**

This report is for Council Information only, as a response to a Council Question. There are no risks at this time, however any actions to be taken by additional recommendations from Council related to tree cutting or preservation may have associated risks.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Trees provide many benefits, including greenhouse gas mitigation benefits. A well-maintained urban forest can sequester carbon.

#### **Climate Change Adaptation:**

Trees and vegetation are intrinsic to the impacts of Climate Change as found throughout the City of Windsor's Climate Change Adaptation Plan and the City of Windsor's Environmental Master Plan. Furthermore, protection of existing tree canopies and increasing tree plantings are primary recommendations of the City's Urban Heat Island Study and the two thermal comfort studies (e.g. parks and downtown).

While acceptance of this report in itself will not have any climate change risks, any actions related to preservation and new tree plantings will have a positive impact, whereas removal of current tree protections will certainly have a negative impact.

## Financial Matters:

There is no financial impact associated with the recommendations in this report. Should Administration be directed to pursue regulations or Bylaws pertaining to tree cutting or preservation, the matter would be brought back to Council with recommended implementation measures and associated costs.

## Consultations:

Gaspar Horvath, City Forester (A)

Karina Richters, Supervisor of Environmental Sustainability and Climate Change

## Conclusion:

This report responds to Council Question CQ32-2020. It identifies current regulations and procedures for tree preservation and planting on public and private developments, as well tools that are currently being pursued and others that are available to Council that could improve the urban tree canopy throughout the City.

## Approvals:

Name	Title
Stefan Fediuk	Landscape Architect, Planning Department
James Chacko	Senior Manger of Parks
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

## Notifications:

Name	Address	Email

## Appendices:

- 1 Appendix 'A' Tree Protection Clauses from Parks Department Enforced By-laws
- 2 Appendix 'B' Official Plan; Chapter 3 - Environment
- 3 Appendix 'C' Specific Official Plan Chapter 4 Healthy Community Initiatives
- 4 Appendix 'D' Boulevard & City Right-of-way Trees Requirements
- 5 Appendix 'E' Previous City of Windsor Tree Protection Reports
- 6 Appendix 'F' City of Windsor Tree Canopy Protection & Enhancement Policy (CR50-2019)
- 7 Appendix 'G' Guiding Urban Forestry Policy into the Next Decade

## Appendix 'A': Tree Protection Clauses from Parks Department Enforced By-laws

- **BY-LAW 131-2019: A BY-LAW FOR THE USE, REGULATION, AND PROTECTION OF PARKS:** Section 4.4 identifies that within a park, no person shall destroy, disturb, burn or in any way damage or remove any tree. This is also extending to Environmentally Significant Areas (ESAs) in Section 4.13. Enforcement (Section 14.4) is to be conducted through “any police officer, auxiliary police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by the Executive Director...”, with penalties (Section 14.5) for “Any Person contravening any provision of this By-law is guilty of an offence and on conviction is liable to such penalty as is provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended from time to time.”
- **BY-LAW 135-2004: A BY-LAW TO REGULATE THE PLANTING OF TREES AND PROHIBIT THE DESTRUCTION OR INJURING OF TREES ON HIGHWAYS IN THE CITY OF WINDSOR OR ON ANY LANDS OWNED BY THE CORPORATION OF THE CITY OF WINDSOR:** States that *“No person shall destroy or injure trees on a highway in the City of Windsor, or on any lands owned by the Corporation.”*

Further to this any contravention to the by-law is guilty of an offence and upon conviction is liable to a fines ranging from \$1,000 to a maximum total of \$25,000 for an individual or from \$5,000 to a maximum total of \$100,000 for corporations.

# 5. Environment

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## 5.0 Preamble

A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor’s natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.

This chapter of the Official Plan provides goals, objectives and policies for the environmental designations identified on Schedule B: Greenway System and Schedule C: Development Constraint Areas and should be read in conjunction with the other parts of this Plan.

## 5.1 Goals

In keeping with the Strategic Directions, Council’s environment goals are to achieve:

- |                               |       |  |
|-------------------------------|-------|--|
| HEALTHY &<br>SUSTAINABLE      | 5.1.1 | A healthy and sustainable natural environment.   |
| COOPERATION &<br>COORDINATION | 5.1.2 | Cooperation and coordination among all stakeholders to maintain a flourishing natural environment.         |
| ENVIRONMENTAL<br>AWARENESS    | 5.1.3 | An awareness, appreciation, and responsibility for the natural environment and its functions and features. |
| COMPATIBLE<br>DEVELOPMENT     | 5.1.4 | Development that is compatible with environmental functions and features.                                  |
| REDUCE<br>POLLUTION           | 5.1.5 | The reduction of pollution.  |

## 5.2 General Policies

- |                                   |       |  |
|-----------------------------------|-------|--|
| SCHEDULE B:<br>GREENWAY<br>SYSTEM | 5.2.1 | The following environmental quality designations shall be identified on Schedule B: Greenway System: |
|-----------------------------------|-------|--|



- (a) Natural Heritage;
- (b) Waterfront Recreation;
- (c) Community and Regional Parks;
- (d) Waterway Corridors;
- (e) Recreationways; and
- (f) Linkages.

*SCHEDULE C:  
DEVELOPMENT  
CONSTRAINT  
AREAS*

**5.2.2**

The following environmental management designations shall be identified on Schedule C: Development Constraint Areas:

- (a) Natural Heritage;
- (b) Environmental Policy Area A and B;
- (c) Candidate Natural Heritage Sites;
- (d) Aggregate Resource Sites;
- (e) Mineral Mining Sites;
- (f) Airport Operating Area;
- (g) Floodplain Areas;
- (h) Shoreline and Floodprone Areas;
- (i) Known or Suspected Waste Disposal Sites;
- (j) Pollution Control Plants; and
- (k) Rail Yards. (amended by OMB order 1485 – 11/01/2002)

**5.3 Environmental Quality**

**5.3.1 Objectives**

*ECOSYSTEM  
HEALTH*

**5.3.1.1**

To provide a means to maintain and improve ecosystem functions and processes within an urban area.

<b>NATURAL RESOURCES</b>	<b>5.3.1.2</b>	To protect, conserve and improve the quality and quantity of Windsor’s natural features and functions.
<b>PROTECT BIOLOGICAL DIVERSITY</b>	<b>5.3.1.3</b>	To protect biological diversity and the habitats of endangered, threatened and vulnerable species.
<b>INCREASE NATURALIZED HABITAT</b>	<b>5.3.1.4</b>	To increase the quantity and quality of naturalized habitat.
<b>INTEGRATE CONSIDERATIONS</b>	<b>5.3.1.5</b>	To integrate environmental, social, and economic considerations in growth and development matters.
<b>PROTECT BENEFITS</b>	<b>5.3.1.6</b>	To protect the visual, aesthetic and recreational benefits of the natural environment.
<b>LINKAGES</b>	<b>5.3.1.7</b>	To establish recreational and natural linkages between open space areas and natural areas.
<b>URBAN FORESTRY</b>	<b>5.3.1.8</b>	To guide urban forestry within Windsor.
<b>WATER QUALITY</b>	<b>5.3.1.9</b>	To improve the water quality of watercourses within Windsor.
<b>WATERSHED PLANNING</b>	<b>5.3.1.10</b>	To integrate water related resource management strategies and land use planning processes through watershed planning.
<b>AIR QUALITY</b>	<b>5.3.1.11</b>	To improve atmospheric air quality through the planning process.

### 5.3.2 Greenway System Policies

The Greenway System is based on the belief that the quality of life within Windsor will be enhanced by the establishment of a linked and continuous network of “green” land uses. This planned network of natural environment and recreational elements will provide a means to establish Windsor as a healthy and liveable city.

<b>GREENWAY SYSTEM DEFINITION</b>	<b>5.3.2.1</b>	For the purpose of this Plan, the Greenway System is a planned network of natural environment and recreational elements.
<b>GREENWAY SYSTEM COMPONENTS</b>	<b>5.3.2.2</b>	The specific components of the Greenway System designated on Schedule B: Greenway System consist of the following:

- (a) lands designated as Natural Heritage on Schedule D: Land Use and described in the Land Use chapter of this Plan;
- (b) lands designated as Waterfront Recreation on Schedule D: Land Use and Schedule E: City Centre Planning District and described in the Land Use chapter of this Plan;
- (c) Community and Regional Parks as described in the Land Use chapter of this Plan;
- (d) Waterway Corridors which consist of the Detroit River, Lake St. Clair, Little River, Turkey Creek (Grand Marais Drain) and their tributaries;
- (e) Recreationways as described in the Transportation chapter of this Plan; and
- (f) Linkages which are potential natural and/or recreational corridors between lands designated as Community and Regional Parks, Natural Heritage, Waterfront Recreation and/or Waterway Corridors.

<i>NEIGHBOURHOOD PARKS</i>	5.3.2.3	Notwithstanding policy 5.3.2.2, Neighbourhood Parks as described in section 6.7.3 of this Plan and Environmental Policy Areas as described in section 5.3.4 of this Plan may be considered to be a part of the Greenway System and be identified in a secondary plan or guideline plan.
<i>EXPAND GREENWAY SYSTEM</i>	5.3.2.4	Council shall encourage the expansion and refinement of the Greenway System within Windsor as opportunities arise through the planning approval process or through other measures as may be appropriate.
<i>REGIONAL EXTENSIONS</i>	5.3.2.5	Council, in cooperation with the Town of LaSalle, Town of Tecumseh, the Essex Region Conservation Authority and other organizations, shall encourage regional extensions of the Greenway System as opportunities arise through the planning approval process or through other measures as may be appropriate.
<i>DETERMINING EXACT BOUNDARIES</i>	5.3.2.6	Council shall determine the exact physical boundaries of the Greenway System within Windsor on an area or site specific basis as a part of the planning approval process having regard to the following:

- (a) natural features and functions on the site or in the area;
- (b) existing and/or proposed land use designations and zoning;
- (c) the current use or activity on the property;
- (d) any boundaries between the existing Greenway System and a new site or area;
- (e) property ownership;
- (f) the location of future Linkages and/or Recreationways; and
- (g) any relevant studies or reports.

<i>INCORPORATE INTO OTHER PLANNING DOCUMENTS</i>	5.3.2.7	The exact physical boundaries of the Greenway System within Windsor will be incorporated into other planning documents such as secondary plans, guideline plans and plans of subdivision, where appropriate.
<i>PRIVATE OWNERSHIP</i>	5.3.2.8	The designation of the Greenway System does not infer a commitment to purchase areas that are not currently under public ownership, nor is it implied that such areas under private ownership are available for public use.
<i>PROTECTION METHODS</i>	5.3.2.9	<p>Lands identified as part of the Greenway System may be protected by the Municipality through:</p> <ul style="list-style-type: none"> <li>(a) conveyance or dedication as a part of the planning process;</li> <li>(b) purchase of all or part of the identified area;</li> <li>(c) partnership arrangements with the Essex Region Conservation Authority and other organizations and groups;</li> <li>(d) the conservation of all or part of the identified area as a condition of planning approval;</li> <li>(e) the arrangement of leases with private property owners to provide for the protection and appropriate management of all or part of the identified area;</li> <li>(f) an exchange of lands;</li> </ul>

- (g) donations, gifts, or bequests from individuals or corporations;
- (h) conservation easements;
- (i) the use of land stewardships agreements and techniques (refer to the Procedures chapter of this Plan); and
- (j) other measures as may be appropriate.

<i>PUBLIC ACCESS</i>	5.3.2.10	Public access to elements of the Greenway System will be established by the Municipality, where appropriate.
<i>RECREATIONWAYS</i>	5.3.2.11	The Recreationways designated on Schedule B: Greenway System will provide for recreational movement within the Greenway System and are further described in section 7.2.3 of this Plan.
<i>LINKAGES</i>	5.3.2.12	Council will endeavour to establish Linkages between the areas designated as Waterway Corridors, Natural Heritage, Community and Regional Parks and Waterfront Recreation on Schedule B: Greenway System.
<i>WATERWAY CORRIDORS</i>	5.3.2.13	<p>Council will encourage the enhancement of Waterway Corridors by:</p> <ul style="list-style-type: none"> <li>(a) using the other provisions of this Plan related to water quality, floodplain and floodprone areas and stormwater management;</li> <li>(b) retaining and enhancing vegetation adjacent to a watercourse;</li> <li>(c) ensuring the protection of watercourses during construction in accordance with federal and provincial legislation, polices and guidelines; and</li> <li>(d) other methods as may be appropriate.</li> </ul>
<i>NATURALIZE</i>	5.3.2.14	Council shall encourage the naturalization of those components of the Greenway System that are deficient in existing natural cover.

<i>EER REQUIREMENT</i>	5.3.2.15	Council may require an Environmental Evaluation Report (EER), or other suitable study, for lands proposed for development or infrastructure undertakings within or adjacent to the Greenway System (refer to the Procedures chapter of this Plan).
<i>PORT OF WINDSOR</i>	5.3.2.16	Council will have regard to the existing and future operations of the Port of Windsor when considering the development and/or expansion of the Greenway System adjacent to the Detroit River and Lake St. Clair.

### 5.3.3 Natural Heritage Policies

Lands identified as Natural Heritage provide for the protection and conservation of Windsor’s most environmentally significant and sensitive natural areas, including provincially designated areas of natural and scientific interest (ANSI) and wetlands.

<i>NATURAL HERITAGE DESIGNATION</i>	5.3.3.1	Lands designated as Natural Heritage appear on Schedules B: Greenway System, C: Development Constraints and D: Land Use.
<i>REFER TO LAND USE CHAPTER</i>	5.3.3.2	The policies which establish the permitted uses, ancillary uses, evaluation criteria, protection and conservation of lands designated as Natural Heritage are further described in the Land Use Chapter of this Plan.

### 5.3.4 Environmental Policy Area Policies

<i>ENVIRONMENTAL POLICY AREA DEFINITION</i>	5.3.4.1	For the purpose of this Plan, an Environmental Policy Area (EPA) is an environmentally significant and/or sensitive natural area which may be able to tolerate appropriately designed development. Environmental Policy Areas are further classified as follows: <ul style="list-style-type: none"> <li>(a) Environmental Policy Area A may be partially developed provided that the development conserves the significant natural features and/or functions; and</li> <li>(b) Environmental Policy Area B may be developed provided the significant natural features are incorporated as a part of the development.</li> </ul>
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*EPA A  
LAND USE  
DESIGNATION*

5.3.4.2

Council shall evaluate development proposals within the developable portion of an Environmental Policy Area A according to the other provisions of this chapter and the land use designation(s) of the site on Schedule D: Land Use.

*EPA B  
LAND USE  
DESIGNATION*

5.3.4.3

Council shall evaluate development proposals within an Environmental Policy Area B according to the other provisions of this chapter and the land use designation(s) of the site on Schedule D: Land Use.

*EVALUATION  
CRITERIA*

5.3.4.4

Council shall designate an Environmental Policy Area A or B according to an assessment of the land's environmental significance and sensitivity based on the evaluation of the following criteria:

- (a) the biophysical characteristics of the area serve one or more ecological functions such as providing a migratory stop-over, linking other natural areas and serving a hydrological function;
- (b) the area exhibits a high degree of biological diversity at the species, community or structural level;
- (c) the area contains natural communities which are poorly represented from a local perspective, or are rare from a provincial or national perspective;
- (d) the area provided habitat for species which are vulnerable, threatened or endangered from a national, provincial or regional perspective;
- (e) the area is of sufficient size (at least one hectare) to enable biological communities and species to sustain themselves in a healthy state;
- (f) the area is representative of at least one community and/or habitat of the natural landscape of Windsor that is not adequately represented in existing protected areas;
- (g) the area is in a relatively natural condition and exhibits low levels of disturbance from intrusions such as infrastructure corridors, development and exotic species;

- (h) the area contains earth science features which are poorly represented from a local perspective, or are rare from a provincial or national perspective; and,
- (i) the area is of visual, aesthetic or recreational importance to the city, its planning districts, neighbourhoods and streetscapes.

*NATURAL HERITAGE*            5.3.4.5            Council may amend this Plan to redesignate an Environmental Policy Area A or B to Natural Heritage in accordance with the provisions of section 6.8 of this Plan.

**DEVELOPMENT PROPOSALS WITHIN AN EPA A OR B**            **5.3.4.6**            **Proponents of development or infrastructure undertakings within an Environmental Policy Area A or B shall be required to complete an Environmental Evaluation Report or other suitable study to the satisfaction of the Municipality in accordance with the Procedures chapter of this Plan.**

*ADJACENT LANDS*            5.3.4.7            The Municipality may require proponents of development on lands adjacent to an Environmental Policy Area A or B to complete an Environmental Evaluation Report or other suitable study to the satisfaction of the Municipality in accordance with the Procedures chapter of this Plan. The identification of adjacent lands subject to this requirement will be determined by the Municipality on a site-specific basis, with regard to provincial legislation, policies and appropriate guidelines, and in accordance with policy 10.2.5.4 of this Plan.

*INCREASE AWARENESS*            5.3.4.8            Council, in cooperation with other public agencies, will make the public aware of the value and significance of lands designated as Environmental Policy Areas and Natural Heritage through educational programmes, outreach activities and stewardship.

**5.3.5 Candidate Natural Heritage Sites Policies**

*CNHS DEFINITION*            5.3.5.1            For the purpose of this Plan, a Candidate Natural Heritage Site is land characterized by potentially significant and/or sensitive environmental features or functions.



<i>REDESIGNATION</i>	5.3.5.2	Council may amend this Plan to redesignate a Candidate Natural Heritage Site to an Environmental Policy Area A or B in accordance with section 5.3.4 of this Plan and/or Natural Heritage in accordance with section 6.8 of this Plan.
<i>EER REQUIRED WITHIN OR ADJACENT</i>	5.3.5.3	<p>Proponents of development or infrastructure undertakings within or adjacent to a Candidate Natural Heritage Site may be required by the Municipality to successfully complete an Environmental Evaluation Report or other suitable study to determine:</p> <ul style="list-style-type: none"> <li>(a) the environmental significance and sensitivity of the site;</li> <li>(b) if, where and under what conditions development may be permitted; and</li> <li>(c) other issues, as appropriate, in accordance with the Procedures chapter of this Plan.</li> </ul>
<i>FRAGMENTED OWNERSHIP AREAS</i>	5.3.5.4	Where there is fragmented ownership within a Candidate Natural Heritage Site that inhibits the coordinated study of the site, the Municipality may undertake an Environmental Evaluation Report or other suitable study in accordance with the Procedures chapter of this Plan to determine the factors provided for in policy 5.3.5.3.
<i>COST RECOVERY</i>	5.3.5.5	Council may assess and recover costs for the Environmental Evaluation Report or other suitable study undertaken in accordance with policy 5.3.5.4 as development occurs.
<i>UNAFFECTED LANDS</i>	5.3.5.6	The requirements of policy 5.3.5.3 shall not apply to lands used in accordance with the Zoning By-law.
<i>NEW SITES</i>	5.3.5.7	Council may designate a Candidate Natural Heritage Site following the completion of a watershed/subwatershed plan, or other suitable study (refer to the Procedures chapter of this Plan).

### **5.3.6 Urban Forestry Policies**

<i>PROTECT TREES</i>	5.3.6.1	Council will recognize and encourage the protection of trees as essential to the health and welfare of the community and the natural environment.
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<b>URBAN FOREST</b>	<b>5.3.6.2</b>	Council will recognize that a diversity of trees contribute to the distinctive character of neighbourhoods and promotes the planting of species which further enhance this character.
<b>DIVERSITY OF TREES</b>	<b>5.3.6.3</b>	Council will encourage the planting of trees on public and private property, in particular those species most tolerant of Windsor's climatic conditions and those less susceptible to disease.
<b>NATIVE TREES</b>	<b>5.3.6.4</b>	Council will encourage the planting of native tree species associated with the Carolinian forest region.
<b>TREED CORRIDORS</b>	<b>5.3.6.5</b>	Council will encourage the planting of trees along watercourses and Linkages to reduce flooding and erosion and to improve natural habitat.
<b>CREATE &amp; ENHANCE</b>	<b>5.3.6.6</b>	The Municipality will create, maintain and enhance treed areas along infrastructure rights-of-way and in public open spaces.
<b>CONSERVATION PLAN</b>	<b>5.3.6.7</b>	Council may require proponents of development and infrastructure undertakings to submit an inventory of trees on site and prepare and implement a tree conservation and replacement plan.
<b>PREVENT DAMAGE</b>	<b>5.3.6.8</b>	The Municipality will endeavour to protect trees on public and private lands from damage by mechanical equipment during construction and maintenance activities by developing guidelines and standards to protect trees from damage associated with construction and maintenance operations.
<b>TREE INVENTORY</b>	<b>5.3.6.9</b>	The Municipality will maintain a city-wide inventory of trees along public rights-of-way as the basis to monitor the effectiveness of urban forestry policies and practices.
<b>TREE RELOCATION</b>	<b>5.3.6.10</b>	The Municipality will encourage the relocation and transplanting of trees to municipal lands in situations where trees would have been lost due to development activities.
<b>STREET TREES</b>	<b>5.3.6.11</b>	The Municipality will maintain the character of its mature tree-lined streets by replacing any tree within the public right-of-way requiring removal with a new tree planted as close as practical to the location of the original.
<b>TREE BY-LAW</b>	<b>5.3.6.12</b>	Council will consider the adoption of a by-law to foster the conservation of trees and/or woodlots.

### 5.3.7 Atmospheric Air Quality Policies

*PUBLIC  
INVOLVEMENT*

5.3.7.1 Council, in cooperation with other agencies, will actively encourage public participation, information and education to foster awareness of atmospheric change and of local initiatives to reduce atmospheric air pollution.

**REDUCE AIR  
POLLUTION**

**5.3.7.2 Council will contribute to the reduction of air pollution by using the following land use planning approaches:**

- (a) increasing opportunities for non-automotive transportation modes including walking, cycling and public transportation in accordance with the Infrastructure chapter of this Plan;
- (b) regulating development which has the potential to increase atmospheric pollution in accordance with the Land Use chapter of this Plan;
- (c) improving energy conservation in accordance with the Urban Design chapter of this Plan;
- (d) locating compatible residential, commercial and employment uses in a manner that reduces distance and vehicle trips as outlined in the Land Use chapter of this Plan; and
- (e) protecting and improving trees and natural areas.**

### 5.3.8 Water Quality Policies

The following policies should be read in conjunction with section 7.3.4 of this Plan.

*HABITAT  
ENHANCEMENT*

5.3.8.1 Council, in cooperation with owners of riparian lands, private organizations and public agencies, will support the strategic placement of habitat enhancement elements in and along watercourses to provide for the spawning, feeding, and nesting of aquatic related species.

<i>IMPROVE WATERCOURSES</i>	5.3.8.2	Council will work with property owners, public agencies, and other interested groups to maintain watercourses free from litter, refuse, and other debris in order to augment the flow and flushing ability of waterways and to improve aquatic habitat.
<i>OTHER AGENCIES</i>	5.3.8.3	Council will support the actions undertaken by other public agencies and organizations to remediate polluted surface and ground water.
<i>CONSTRUCTED WETLANDS</i>	5.3.8.4	Council, in cooperation with property owners, local organizations and public agencies, will support the creation of constructed wetlands, where appropriate.
<i>WATER QUALITY</i>	5.3.8.5	Council will support efforts to improve the water quality of the Detroit River, Lake St. Clair, Turkey Creek and Little River.
<i>WATERSHED PLAN</i>	5.3.8.6	Council may authorize the preparation and implementation of a watershed or subwatershed plan in accordance with the Procedures Chapter of this Plan to assist in improving water quality.

## **5.4 Environmental Management**

### **5.4.1 Objectives**

<i>SUSTAINABLE RESOURCES</i>	5.4.1.1	To ensure the long-term sustainability of environmental resources.
<i>AGGREGATE &amp; MINING SITES</i>	5.4.1.2	To recognize the importance of aggregate resource operations and mineral mining industries to Windsor's economy.
<i>MINIMIZE ENVIRONMENTAL IMPACTS</i>	5.4.1.3	To minimize any adverse environmental impacts caused by the development and operation of aggregate resource, wayside pits and quarries, portable asphalt plants and mineral mining sites.
<i>REHABILITATION</i>	5.4.1.4	To rehabilitate and restore abandoned aggregate resource extraction, mineral mining and contaminated sites to land uses compatible with the surrounding area.
<i>NOISE ATTENUATION</i>	5.4.1.5	To protect the residents of Windsor from unacceptable levels of noise which may negatively impact their health and well being.

*FLOODPLAINS & SHORELINES* 5.4.1.6 To protect human life and property located within and adjacent to floodplains and shorelines.

*POLLUTION CONTROL PLANTS* 5.4.1.7 To ensure that development is compatible with the operation of pollution control plants.

#### **5.4.2 Aggregate Resource Sites Policies**

*AGGREGATE RESOURCE SITES DEFINITION* 5.4.2.1 For the purpose of this Plan, Aggregate Resource Sites are areas where aggregate extraction and/or operations are taking place, or where there is a high potential for aggregate extraction to occur due to the quantity and quality of the mineral deposits.

*LAND USE DESIGNATION* 5.4.2.2 Council shall permit existing Aggregate Resource Sites as an interim land use. As such, Aggregate Resource Sites are designated on Schedule D: Land Use for their ultimate intended land use.

*INCOMPATIBLE LAND USES* 5.4.2.3 Council shall protect Aggregate Resource Sites from incompatible adjacent land uses except where it can be shown that:

- (a) resource extraction and/or operations would not be feasible;
- (b) the proposed use or development serves a greater long term interest to the public than does aggregate extraction and/or operations;
- (c) the proposed use or development would not significantly preclude or hinder future extraction and/or operations; and
- (d) the proposed use or development would not be in keeping with provincial legislation, policy or appropriate guidelines.

*SEPARATION DISTANCES* 5.4.2.4 Council shall require sensitive land uses to be separated and/or buffered from Aggregate Resource Sites in accordance with provincial legislation, policies and appropriate guidelines.

*NEW SITES* 5.4.2.5 Council may permit new Aggregate Resource Sites in any land use designation on Schedule D: Land Use without requiring an amendment to this Plan provided:

- (a) the use is in keeping with provincial legislation, policies and appropriate guidelines; and
- (b) the proponent mitigates potential negative impacts of the extraction and/or operation on surrounding and/or sensitive land uses.

*REHABILITATION* 5.4.2.6 Council shall require Aggregate Resource Sites be rehabilitated and restored in keeping with the land use designation(s) identified on Schedule D: Land Use.

### 5.4.3 Mineral Mining Sites Policies

*MINERAL MINING SITES DEFINITION* 5.4.3.1 For the purpose of this Plan, Mineral Mining Sites are mining operations and associated facilities, or past producing mines with remaining mineral potential that have not been permanently rehabilitated and restored to another land use.

*INCOMPATIBLE LAND USES* 5.4.3.2 Council shall protect Mineral Mining Sites from incompatible adjacent land uses except where it can be shown that:

- (a) mineral mining would not be feasible;
- (b) the proposed use or development serves a greater long term interest to the public than does mineral mining; and
- (c) the proposed use or development would not significantly preclude or hinder future mining.

*SEPARATION DISTANCES* 5.4.3.3 Council shall require sensitive land uses to be separated and/or buffered from Mineral Mining Sites in accordance with provincial legislation, policies and appropriate guidelines.

*REHABILITATION* 5.4.3.4 Council shall require Mineral Mining Sites to be rehabilitated after mining and related activities have ceased in accordance with relevant provincial legislation, policies and appropriate guidelines.

*MINING WELLS* 5.4.3.5 Upon cessation of production from mining wells, the mining wells and the associated facilities shall be plugged and rehabilitated to allow for the development of the uses designated on Schedule D: Land Use of this Plan.

*SALT SOLUTION MINING* 5.4.3.6 Council shall require that proponents of development within or immediately adjacent to the Mineral Mining Area designated on Schedule C: Development Constraint Areas where there is known present or past underground salt or salt solution mining activity to successfully complete a geo-technical study prepared by a qualified professional to confirm that the site is suitable for the proposed development.

#### **5.4.4 Wayside Pits and Quarries and Portable Asphalt Plants Policies**

*DEFINITION* 5.4.4.1 Wayside Pits and Quarries and Portable Asphalt Plants shall be defined in accordance with provincial policy.

*NEW PITS, QUARRIES & PORTABLE ASPHALT PLANTS* 5.4.4.2 Council may permit Wayside Pits and Quarries and Portable Asphalt Plants in any land use designation on Schedule D: Land Use without requiring an amendment to this Plan provided:

- (a) the use is in keeping with provincial legislation, policies and appropriate guidelines; and
- (b) the proponent mitigates potential negative impacts of the extraction and/or operation on surrounding and/or sensitive land uses.

#### **5.4.5 Noise and Vibration Policies**

*REGARD FOR NOISE & VIBRATION* 5.4.5.1 Council shall require the proponent of development in proximity to existing or proposed sources of noise and vibration, or the proponent of development that may be a source of noise or vibration, to evaluate the potential negative impacts of such noise and vibration on the proposed future land use. In determining the exact distances for the application of this policy, the Municipality shall have regard to provincial legislation, policies and appropriate guidelines.  
(Amended by OPA 43 – 06/13/2006 – OMB Order 1695)

*REQUIRE STUDY* 5.4.5.2 If a proposed development is expected to be subject to noise or vibration, or to cause noise or vibration, the proponent shall be required to complete a noise and/or vibration study to the satisfaction of the Municipality to support the feasibility of the proposal in accordance with the Procedures chapter of this Plan.  
(Amended by OPA 43 – 06/13/2006 – OMB Order 1695)

<i>ABATEMENT MEASURES</i>	5.4.5.3	<p>Abatement measures may include one or more of the following, depending on the physical characteristics of the specific location and the source of the noise and/or vibration:</p> <ul style="list-style-type: none"> <li>(a) increased setbacks from the noise or vibration source;</li> <li>(b) sound barriers such as landscaped berms, walls, buildings, and fences;</li> <li>(c) building design, including specific attention to height, massing, internal layout and fenestration;</li> <li>(d) building construction, including materials for acoustical and/or vibration insulation, glaze or ventilation;</li> <li>(e) registered notice on title of possible excessive noise and/or vibration, and;</li> <li>(f) any other appropriate attenuation measures.</li> </ul>
<i>IMPLEMENTATION</i>	5.4.5.4	Council shall require that appropriate noise and/or vibration abatement measures be implemented by the proponent as a condition of development approval.
<i>AIRPORT OPERATING AREA DEFINITION</i>	5.4.5.5	For the purpose of this Plan, the Airport Operating Area includes those lands within the Noise Exposure Forecast and Noise Exposure Projection contours approved by the federal government and extended to the nearest right-of-way.
<i>REFER TO TRANSPORTATION CHAPTER</i>	5.4.5.6	Council shall evaluate a proposed development within the Airport Operating Area designated on Schedule C: Development Constraint Areas in accordance with the Transportation chapter of this Plan.
<i>RAIL YARD DEFINITION</i>	5.4.5.7	For the purpose of this Plan, Rail Yard includes the lands associated with a designated rail yard. (amended by OMB order 1485 – 11/01/2002)
<i>REFER TO TRANSPORTATION CHAPTER</i>	5.4.5.8	Council shall evaluate a proposed development adjacent to a Rail Yard designated on Schedule C: Development Constraints, in accordance with the Transportation chapter of this Plan. (amended by OMB order 1485 – 11/01/2002)



## 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	<p>Council will prohibit buildings or structures in Floodplain Areas except:</p> <ul style="list-style-type: none"> <li>(a) in accordance with policies set out below; and</li> <li>(b) works and facilities related to flood and erosion control.</li> </ul>
<i>DEVELOPMENT CRITERIA</i>	5.4.6.4	<p>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:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the potential upstream and downstream impacts of the development proposal will not significantly affect the hydrology or hydraulics of the floodplain; and</li> <li>(c) that adequate floodproofing measures, determined in consultation with the Essex Region Conservation Authority, are incorporated in the development.</li> </ul>

<i>MINOR ADDITIONS</i>	5.4.6.5	<p>Council may permit renovations, minor additions and alterations to existing buildings or structures in the floodplain provided:</p> <p>(a) no adverse affects on the hydraulic characteristics of flood flows are created; and</p> <p>(b) such renovations, additions or alterations are generally flood proofed to the Regulatory Flood elevation with reductions as determined appropriate and feasible.</p>
<i>REPLACEMENT OF STRUCTURES</i>	5.4.6.6	<p>Council will require that structures which are replaced due to fire or unusual loss to be flood proofed to the Regulatory Flood elevation as appropriate.</p>
<i>MUNICIPAL WORKS</i>	5.4.6.7	<p>The City will consult with the Essex Region Conservation Authority to determine the necessary design requirements to mitigate against any adverse impacts of flooding prior to undertaking municipal works on or adjacent to the floodplain.</p>
<i>HAZARDOUS SUBSTANCES</i>	5.4.6.8	<p>Council will not permit development and/or uses primarily associated with substances of a chemical, hazardous or toxic nature, which would pose a threat to public safety if damaged as a result of flooding or the failure of flood proofing measures, in the floodplain.</p>
<i>INSTITUTIONAL USES</i>	5.4.6.9	<p>Council will not permit the development of Institutional uses in the floodplain unless adequate flood proofing measures are implemented to ensure public safety in the event of flooding.</p>
<i>EMERGENCY SERVICES</i>	5.4.6.10	<p>Council will not permit emergency services such as police, fire or ambulance stations in a floodplain unless adequate flood proofing measures are implemented to ensure that the delivery of such services would occur in the event of flooding.</p>

### **5.4.7 Shoreline and Floodprone Areas Policies**

The following policies apply to lands within the Lake St. Clair and Detroit River Shoreline and Floodprone Areas designated on Schedule C: Development Constraint Areas and should be read in conjunction with the Infrastructure chapter of this Plan.

*GENERAL  
BOUNDARIES*

5.4.7.1

The Shoreline and Floodprone 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.

*DEVELOPMENT  
REQUIREMENTS*

5.4.7.2

Council may permit development in a floodprone area provided:

- (a) the effects of the proposal on wave and current patterns, water flows and levels, and water quality are considered by the Municipality, in consultation with the Essex Region Conservation Authority and/or federal or provincial governments, to be acceptable;
- (b) that adequate floodproofing measures, determined in consultation with the Essex Region Conservation Authority, are incorporated in the development;
- (c) that the development be set back an appropriate distance from the shoreline. The setbacks for development will be determined in consultation with the Essex Region Conservation Authority on a site specific basis and may be incorporated into secondary plans and/or the zoning by-law as appropriate. When determining such setbacks, consideration will be given to:
  - (i) the type of shoreline;
  - (ii) bank stability;
  - (iii) angle of bank slope;
  - (iv) degree of erosion protection, and;
  - (v) other relevant aspects.

*ALTERATIONS OR  
OTHER WORKS*

5.4.7.3

Any alterations and other related works within Shoreline and Floodprone Areas will be evaluated based on the following:

- (a) the potential negative impact of the proposal on the natural features and functions of the area, including fish habitat;
- (b) any proposed measures to mitigate potential negative environmental impacts;

- (c) the potential negative impacts upon archaeological resources in accordance with the Heritage chapter of this Plan;
- (d) the effects of the proposal on wave and current patterns, water flows and levels, and water quality are considered by the Municipality, in consultation with the Essex Region Conservation Authority and/or federal or provincial governments, to be acceptable;
- (e) the extent to which the proposal provides for maintaining the desirable natural features and functions, and;
- (f) how the site layout and project design relate to the adjacent land uses.

#### 5.4.8 Potentially Contaminated Sites Policies

~~POTENTIALLY  
CONTAMINATED  
SITES  
DEFINITION~~

~~5.4.8.1~~

~~For the purpose of this Plan, Potentially Contaminated Sites include lands, buildings and/or structures where it is reasonable to suspect that substances, either individually or collectively, are present which may pose a danger to public health, safety and/or the environment.~~

~~(Deleted by OPA#77, March 28, 2011, By-law 66-2011)~~

~~DETERMINING  
NEED FOR A  
STUDY~~

~~5.4.8.2~~

~~Council shall not approve development applications on a Potentially Contaminated Site until the site has been assessed and/or remediated in a manner consistent with federal and provincial legislation, policies and appropriate guidelines and the policies of this Plan. Accordingly, at the time of submission, the proponent of development of a Potentially Contaminated Site shall be required to demonstrate that development is feasible having regard to the other provisions of this Plan and the following:~~

~~(Deleted by OPA#77, March 28, 2011, By-law 66-2011)~~

- ~~(a) when the planning application involves the division of land for residential purposes or lands associated with a former industrial or commercial use the Municipality shall require the proponent to follow the environmental site assessment process outlined in policy 5.4.8.3; and~~

- (b) ~~when the planning application involves anything other than that outlined in (a) above, the Municipality may require the proponent to follow the environmental site assessment process outlined in policy 5.4.8.3 where there is a reasonable expectation that the site may be contaminated.~~

~~ENVIRONMENTAL  
SITE  
ASSESSMENT~~

~~5.4.8.3~~

~~When an environmental site assessment is required by this Plan, it shall be prepared by a qualified professional having regard to federal and provincial legislation, policies and appropriate guidelines. The process of preparing an environmental site assessment may involve as many as four phases, which are summarized as follows:-~~

~~(Deleted by OPA#77, March 28, 2011, By-law 66-2011)~~

- (a) ~~a Phase I site assessment where the proponent is required to gather information to identify actual or potential contamination related to current or historical land use of the site;~~
- (b) ~~a Phase II sampling and analysis where the proponent is required to confirm and delineate the presence or absence of contamination found or suspected from the Phase I site assessment;-~~
- (c) ~~a Phase III site clean up where the proponent is required to:-~~
  - (i) ~~stage 1— develop a Remediation Action Plan; and~~
  - (ii) ~~stage 2— implement the Remedial Action Plan to clean up or remediate the contamination found on the property to federal and/or provincial policies and guidelines; and~~
- (d) ~~a Phase IV verification and documentation of the clean up.~~

~~REVIEW  
PROCEDURE~~

~~5.4.8.4~~

~~When an environmental site assessment is completed, it shall be reviewed as follows:~~

~~(Deleted by OPA#77, March 28, 2011, By-law 66-2011)~~

- (a) ~~if a Phase I environmental site assessment does not find or suspect contamination, the qualified professional who prepared the report shall be required to sign and submit a statement to the Municipality confirming that no further environmental site assessment is required prior to the scheduling of a Public Meeting under the Planning Act; or~~

- (b) ~~if a Phase I environmental site assessment finds or suspects contamination the proponent shall be required to prepare a Phase II environmental site assessment. If the Phase II environmental site assessment concludes that a Phase III environmental site assessment is not required, the qualified professional who prepared the report shall be required to:
 
  - (i) ~~sign and submit a statement to the Municipality confirming that no further environmental site assessment is required; and~~
  - (ii) ~~submit the environmental site assessment to the Municipality for review and, where appropriate, concurrence by an independent peer reviewer prior to the scheduling of a Public Meeting under the Planning Act; or~~~~
- (c) ~~if a Phase II environmental site assessment confirms the need for a Phase III environmental site assessment, the proponent shall be required to prepare a Phase III stage 1 Remedial Action Plan. The Phase III stage 1 Remedial Action Plan shall be prepared by a qualified professional and submitted for review by the Municipality and concurrence by an independent peer reviewer prior to the approval of the planning application; and~~
- (d) ~~when a Phase III stage 2 environmental site assessment and Phase IV environmental site assessment are completed, the qualified professional who completed the environmental site assessment shall:
 
  - (i) ~~sign and submit a statement to the Municipality confirming that the site is suitable for the proposed development; and~~
  - (ii) ~~submit all documentation covering implementation to the Municipality for review and concurrence by an independent peer reviewer prior to the issuance of the Building Permit.~~~~

*PEER REVIEW*      5.4.8.5

~~Where an independent peer review is required in accordance with policy 5.4.8.4, the proponent shall be required to pay for the review.~~

~~(Deleted by OPA#77, March 28, 2011, By-law 66-2011)~~

<i>POTENTIALLY CONTAMINATED SITES DEFINITION</i>	5.4.8.1	<p>For the purpose of this Plan, Potentially Contaminated Sites are sites where the environmental condition of the property or properties may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, prior to permitting development on these properties, it is important to identify these properties and ensure that they are suitable or have been made suitable for the proposed land use(s) in accordance with provincial legislation, regulations and standards.</p> <p><i>(Added by OPA#77, March 28, 2011, By-law 66-2011)</i></p>
<i>AVAILABLE INFORMATION</i>	5.4.8.2	<p>While the identification of potentially contaminated sites is important in the planning application review process, the policies in this section should not be interpreted as a commitment on the part of the City to identify all contaminated sites. Rather, these policies should be regarded as an effort by the municipality to responsibly utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.</p> <p><i>(Added by OPA#77, March 28, 2011, By-law 66-2011)</i></p>
<i>PREVIOUS LAND USE</i>	5.4.8.3	<p>The City will require applicants to document previous uses of a property or properties that are subject of a planning application and/or properties that may adversely impact a property or properties that are subject of a planning application in order to assist in the determination of the potential for site contamination.</p> <p><i>(Added by OPA#77, March 28, 2011, By-law 66-2011)</i></p>
<i>RESIDENTIAL DEVELOPMENT</i>	5.4.8.4	<p>When a planning application involves the subdivision of land for residential purposes, the City may require an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 ESA has been completed or, where the subject land is identified as a potentially contaminated site, a Record of Site Condition has been filed in accordance with Ontario Regulation 153/04, as amended from time to time.</p> <p><i>(Added by OPA#77, March 28, 2011, By-law 66-2011)</i></p>
<i>MANDATORY FILING OF A RECORD OF SITE CONDITION</i>	5.4.8.5	<p>Where a change to a more sensitive property use (as defined in Ontario Regulation 153/04) is proposed, a mandatory filing of a Record of Site Condition is triggered in accordance with provincial legislation. The Record of Site Condition must be filed prior to the issuance of a building permit.</p> <p><i>(Added by OPA#77, March 28, 2011, By-law 66-2011)</i></p>

ADDITIONAL  
RECORD OF SITE  
CONDITION  
REQUIREMENTS

5.4.8.6

Where the City determines that there is a proposed change in land use to a more sensitive use on a property or properties that have been identified through the City's planning application review process as "potentially contaminated", the City will:

(Added by OPA#77, March 28, 2011, By-law 66-2011)

- (a) Require as a condition of planning approval, written verification to the satisfaction of the City from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation, regulations and standards, including where required by the City, or provincial legislation and/or regulations the:
  - (i) filing of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry;
  - (ii) submission to the City of a Declaration signed by the qualified person acknowledging that the City may rely on the statements in the RSC ; and,
  - (iii) submission to the City of written acknowledgement from the Ministry of Environment specifying the date that the RSC was filed in the Environmental Site Registry.
- (b) Establish conditions of planning approval for all planning applications to ensure receipt of satisfactory verification of suitable environmental site condition as per Policy 5.4.8.5; and,
- (c) Where applicable, utilize the holding provisions of the Planning Act to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 5.4.8.6 (a).

REVIEW OF  
REPORTS

5.4.8.7

The City reserves the right to require as a condition of planning approval, submission and review of some or all of the environmental site assessment reports prepared in support of a Record of Site Condition.

(Added by OPA#77, March 28, 2011, By-law 66-2011)



- PEER REVIEW* 5.4.8.8 Where the City determines that an independent peer review of environmental site assessment reports is required, the proponent shall be required to pay for this peer review.  
(Added by OPA#77, March 28, 2011, By-law 66-2011)
- DEEDED LAND* 5.4.8.9 Where the City is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the City may require, as a condition of transfer, satisfactory verification of environmental site condition as per Policies 5.4.8.6 to 5.4.8.8.  
(Added by OPA#77, March 28, 2011, By-law 66-2011)

### 5.4.9 Waste Disposal Sites Policies

- KNOWN SITES* 5.4.9.1 Schedule C: Development Constraint Areas identifies the location of all Known or Suspected Waste Disposal Sites within Windsor and adjacent municipalities within approximately 500 metres of the municipal boundary.
- DISPOSAL SITE REPORT* 5.4.9.2 Council shall require proponents of development within 500 metres of a Known or Suspected Waste Disposal Site to prepare a report in accordance with provincial legislation, policy and appropriate guidelines to demonstrate the site is suitable for development.
- RESTRICT DEVELOPMENT* 5.4.9.3 Council shall prohibit residential, commercial, employment, mixed use and institutional development within 30 metres of a known waste disposal site and restrict development within 500 metres of a known or suspected waste disposal site if the site has any adverse environmental effects or poses a risk to public health and safety.
- DEVELOPMENT APPROVALS* 5.4.9.4 Where development is proposed on a waste disposal site, an official plan amendment, zoning by-law amendment, or building permit will not be adopted or granted until applicable approvals from the province are obtained.

### 5.4.10 Pollution Control Plant Policies

The following policies should be read in conjunction with the Infrastructure chapter of this Plan.

<i>POLLUTION CONTROL PLANTS DEFINITION</i>	5.4.10.1	For the purpose of this Plan, a Pollution Control Plant refers to sewage treatment facilities and associated uses.
<i>SCHEDULE C: DEVELOPMENT CONSTRAINT AREAS</i>	5.4.10.2	The Lou Romano Water Reclamation Plant and the Little River Pollution Control Plant and any known Pollution Control Plant within approximately 300 metres of the municipal boundary are identified on Schedule C: Development Constraint Areas.
<i>PROHIBIT INCOMPATIBLE DEVELOPMENT</i>	5.4.10.3	Council shall prohibit residential, commercial, mixed use and institutional development within 300 metres of a Pollution Control Plant. The 300 metre distance shall be measured from the property line of the Pollution Control Plant to the property line of the proposed development.
<i>COMPATIBLE DEVELOPMENT</i>	5.4.10.4	Council may permit Industrial or Open Space uses within 300 metres of a Pollution Control Plant: <ul style="list-style-type: none"> <li>(a) in accordance with provincial legislation, policy, and appropriate guidelines; and</li> <li>(b) where the proponent demonstrates that the development is feasible given the operations of the plant, and in particular, the emission of odours.</li> </ul>
<i>ACQUISITION OF 300M BUFFER AREA</i>	5.4.10.5	Council may acquire land within 300 metres or more of the Lou Romano Water Reclamation Plant or the Little River Pollution Control Plant to facilitate the operation and/or expansion of the facility.

## Appendix 'C': Specific Official Plan Chapter 4 Healthy Community Initiatives

- a) **CQ34-2014 Response** – In 2016 the City Planner prepared a response to a Council question relating to the **Progressive Options for Compact & Walkable Communities**. Throughout the report several references were made to the importance of preserving existing trees and the planting of new trees to improve the environment for healthy, livable and walkable communities. Section 'O' addressed the Urban Tree Canopy directly:

*“A healthy urban tree canopy contributes to the environmental, physical, mental, social, and economic health of a city. As recommended by the recent Downtown Urban Heat Island Study, additional tree canopy coverage in public spaces can dramatically improve thermal comfort during summer months and lead to more usable public space and walkable streets. Tree canopy coverage targets for public spaces could be developed and achieved through enhanced public realm and streetscape planting and better environments for street trees (e.g. larger vaults for root systems). A strategy for maintaining and replacing existing street trees could also ensure that no loss of canopy coverage is experienced.”*

- b) In August of 2021, Mayor Drew Dilken and Ward 6 Councillor Jo-Anne Gignac celebrated a \$4Million reconstruction of Eastlawn Avenue using a storm water management system (Silva Cells) to intercept runoff using pipe-like “cells” that divert excess water to strategically placed trees. The trees then absorb the water, thereby helping to reduce flooding while promoting a healthy natural environment.
- c) A similar product has been used by the Planning Department to provide better soil volumes for trees along Wyandotte Street West, the Walkerville BIA and City Hall.
- d) A current project at Site Plan Control is incorporating this product, as recommended by the corporation’s Landscape Architect, to provide the required soil volumes for trees within the development due to the reduced amount of landscape setbacks to accommodate the building infrastructure of the development.

## Appendix 'D': Boulevard & City Right-of-way Trees Requirements

- **CR 332/79 Subdivision Agreements:** That all future subdivision agreements include a provision that the developer plant a minimum average of one large growing tree per lot or for larger corner lots, one tree per every 15 m (50 feet) of lot frontage within the street right-of-way, the species and size of trees 1 to conform with the general requirements of the City's Landscape Manual.
- **CR188/2003 Severances Through Committee of Adjustment:** That in the case of lot severance applications to the Committee of Adjustment where there is no existing municipal tree in the abutting city right-of-way, or in the case of a lot severance where an existing tree must be removed for development purposes, the applicant be required to pay \$275.00 per lot, or per every 15m of frontage, for Forestry Services to plant a tree in the right-of-way at the front of the subject lot after lot development has occurred, or elsewhere in the City if a tree is not desired by the new property owner.
- **By-law 40-2021 Schedule of Fees:** Changed the fee schedule to increase price of trees on Municipal Boulevard to \$520 to align with current cost and similar rates in other Ontario municipalities of similar size.
- **CR 1386/94:** Council resolved to adopt a policy to implement the planting of Carolinian tree species throughout the City. The policy when written did recognize that the some exotic species would be better suited due to the urban conditions not being appropriate for indigenous trees.
- **Subdivision Agreement General Provisions**  
**G-3. LANDSCAPE AND PARK PROVISIONS**

**G-3(1). Trees** - The Owner further agrees to pay to the Corporation, prior to the issuance of any construction permits, in connection with trees required for the subject lands, the amount set out in accordance with the Corporation's Manual of Landscaping Requirements available from the Corporation's Executive Director of Parks and the Department Fee Schedule approved by the Council of the Corporation from time to time.

**G-3(2). Preservation of Existing Trees** - The Owner further agrees to preserve those existing trees on the subject lands and/or adjacent public right-of-way and include preservation guidelines on the approved construction documents for the protection of the said trees during demolition and construction of the proposed development all to the satisfaction of the Executive Director of Parks .

**THE CORPORATION OF THE CITY OF WINDSOR**  
**Parks and Recreation**

**MISSION STATEMENT:**

*"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"*

<b>BASIS Report Number:</b>	<b>Report Date: August 31, 2005</b>
<b>Author's Name: Bill Roesel</b>	<b>Date to Council: September 19, 2005</b>
<b>Author's Phone: 519 253-2300 ext. 6709</b>	<b>Classification #:</b>
<b>Author's E-mail:</b>	

**To: Mayor and Members of City Council**

**Subject: Natural Environment Area Protection Bylaw for the City of Windsor**

**P&R 05-66**

**1. RECOMMENDATION: City Wide: \_\_\_\_\_ Ward(s): \_\_\_\_\_**

That Council **APPROVE** the Bylaw #231-2005 to protect Natural Environment Areas in the City of Windsor.

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

The County of Essex in concert with the City of Windsor has the lowest forest cover in all of Ontario (4.5%) however, within the boundaries of the City of Windsor we are approaching 9% forest cover. As such, the preservation of remaining natural areas is extremely important. At present, the City of Windsor Tree Bylaw #135-2004 provides protection for trees on all publicly owned property and right of ways.

Since 1992, the City has protected over 225 hectares (555 acres) of former Candidate Natural Heritage Sites that might have been lost to development had there not been the planning identification put in place in 1994. A number of CNHS's have been processed through Environmental Evaluation Reports (EER), as development applications were brought forward. In most cases, the evaluations have lead to the protection of the natural areas through parkland conveyance or purchase.

However, privately held natural areas remain vulnerable to destruction. More recently an identified natural area was lost to clearing activities despite being recognized in planning documents as requiring protection considerations. Although the City's Official Plan prescribes conditions for natural areas to be conserved as part of development approvals, the City has no legal ability to halt the destruction of natural areas prior to development applications being approved.

Other municipalities have a by-law in place to prevent private natural areas from being destroyed. A number of tree and vegetation protection bylaws from across Ontario were

reviewed and administration felt that protection of trees and vegetation within designated natural areas would be an appropriate first step for Windsor.

### **3. DISCUSSION:**

This particular bylaw would help protect natural areas regardless of ownership status. Natural Environment Areas as defined in the proposed by-law includes “Environmental Policy Areas”, “Natural Heritage” and “Candidate Natural Heritage Sites” as designated on map Schedule C - Development Constraint Areas of the Official Plan for the City of Windsor.

The test as to how and under what conditions a privately held natural area may be developed remains the same. The Environment Chapter of the Official Plan guides natural area protection as part of development approval process. The policies and procedures were approved with the passing of the Official Plan in 2000.

The proposed by-law covers the protection of trees and natural vegetation that includes woodlands, prairies, and wetland areas. Since the preservation of natural areas in whole is more beneficial than protecting individual trees, it was felt that this would be an appropriate bylaw to implement.

We will be monitoring the new City of Toronto tree and vegetation protection bylaw to determine their success and challenges. As a next step we may wish to expand our bylaws in the future to include individual trees on typical building lots.

### **4. FINANCIAL MATTERS:**

If Bylaw #231-2005 is approved as recommended then there **should not** be a need for further staffing requirements. However, if it is Council’s wish to include individual trees on all private properties then additional staffing would be required.

The City of Toronto added seven (7) new tree inspectors and \$800,000 annually to their forestry-operating budget to administer their new bylaw, which includes all trees, private and public, in the City of Toronto.

To amend the list of “Natural Environment Areas” from time to time will require a new biological assessment of the areas, and a need to contract outside resources i.e. ERCA or an independent biologist. The estimated cost to complete an update to the 1992 Candidate Natural Heritage Sites Biological Report is approximately \$30,000; this work would be a component of the updating of the Official Plan in 2005/6.

### **5. COMMUNITY STRATEGIC PLAN**

Implementing a tree and vegetation protection bylaw for defined areas (city and private) in the City of Windsor is in keeping with the Environmental Goals in the Official Plan. This particular initiative is also in keeping with Council’s strategic directions.

### **6. CONSULTATIONS:**

This report was developed in consultation with other Ontario municipalities as well as Planning, and Legal units of the City of Windsor.

### **7. CONCLUSION:**

Approval of this tree and vegetation protection bylaw will be a positive step towards protecting our remaining natural areas.

---

**Don Sadler**  
**Executive Director of Parks**

---

**John Skorobohacz**  
**Chief Administrative Officer**

---

**Michael Duben**  
**General Manager, Client Services**

---

**George Wilkki**  
**City Solicitor**

---

**Robert Hayes**  
**City Planner**

**APPENDICES:**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name:**

**Phone #: 519            ext.**

**NOTIFICATION:**

Name	Address	Email Address	Telephone	FAX

**REPORT NO. 77**  
of the  
**WINDSOR-ESSEX COUNTY ENVIRONMENT COMMITTEE (WECEC)**  
of its meeting held  
October 3, 2013  
at 5:30 o'clock p.m.  
Lou Romano Water Reclamation Plant, 4155 Ojibway Parkway

---

**Members present at the October 3, 2013 meeting:**

Charlie Wright, Co-Chair  
Councillor Alan Halberstadt, Co-Chair  
Mark Bartlett  
Derek Coronado  
Rick Coronado  
Jesse Gardner Costa  
Roger Dzugan (alternate)  
John Miller  
Mike Nelson

**Your Committee submits the following recommendation:**

Moved by Councillor Halberstadt, seconded by J. Gardner Costa,  
That a Private Tree By-law Subcommittee of the Windsor Essex County Environment  
Committee consisting of Councillor Halberstadt, J. Miller, M. Nelson, B. Wansbrough, Planner  
II, Stefan Fediuk, Landscape Architect and B. Roesel, City Forester **BE ESTABLISHED.**  
Carried.

\_\_\_\_\_  
COUNCILLOR ALAN HALBERSTADT, CO-CHAIR

\_\_\_\_\_  
COMMITTEE COORDINATOR

NOTIFICATION:	
NAME	CONTACT INFORMATION
WECEC Committee including resource personnel	on file
Bill Roesel, City Forester	<a href="mailto:broesel@city.windsor.on.ca">broesel@city.windsor.on.ca</a>
Beau Wansbrough, Planner II	<a href="mailto:bwansbrough@city.windsor.on.ca">bwansbrough@city.windsor.on.ca</a>
Stefan Fediuk, Landscape Architect	<a href="mailto:sfediuk@city.windsor.on.ca">sfediuk@city.windsor.on.ca</a>



**REPORT NO. 80**  
of the  
**WINDSOR-ESSEX COUNTY ENVIRONMENT COMMITTEE (WECEC)**  
of its meeting held  
February 6, 2014  
at 5:30 o'clock p.m.  
Lou Romano Water Reclamation Plant, 4155 Ojibway Parkway

---

**Members present at the February 6, 2014 meeting:**

Charlie Wright, Co-Chair  
Councillor Alan Halberstadt, Co-Chair  
Frank Butler  
Eileen Chen (non-voting)  
Derek Coronado  
Roger Dzugan  
Jesse Gardner Costa  
Paul Henshaw  
John Miller  
Mike Nelson  
Lindita Prendi  
Radwan Tamr

**Your Committee submits the following recommendation:**

Moved by F. Butler, seconded by J. Gardner Costa,  
That due to the clear-cutting of the woodlot on the Greek Orthodox Community of Windsor lands (located northeast of Walker Road and the E.C. Row Expressway), that City Council **BE REQUESTED** to consider the implementation of a Tree By-law, and further, that a permit process and the issuance of fines relating to the clear cutting of trees **BE CONSIDERED**.  
Carried.

COUNCILLOR ALAN HALBERSTADT, CO-CHAIR

COMMITTEE COORDINATOR

<b>NOTIFICATION:</b>	
<b>NAME</b>	<b>CONTACT INFORMATION</b>
WECEC Committee including resource personnel	On file
Tom Hunt, City Planner	thunt@city.windsor.on.ca
Bill Roesel, Manager, Forestry & Horticulture	broesel@city.windsor.on.ca
Lee Anne Doyle, Executive Director/Chief Building Official	ldoyle@city.windsor.on.ca



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

### City Council Decision Monday, February 25, 2019

Moved by: Councillor Bortolin  
Seconded by: Councillor Costante

Decision Number: CR50/2019

That Council **APPROVE** the Tree Canopy Protection and Enhancement Policy attached as Appendix A to this report.

Carried.

Report Number: C 29/2019

Clerk's File: GP2019 8.2

*Steve Vlachodimos*

Deputy City Clerk/Senior Manager of Council Services

May 21, 2019

#### Department Distribution

Paul Giroux	City Forester
Jan Wilson	Corporate Leader – Parks, Recreation & Culture and Facilities

#### External Distribution

**Subject: Bill 68-Municipal Act Changes and Requirement for Municipal Tree Canopy Policies**

**Reference:**

Date to Council: 2/25/2019  
Author: Paul Giroux  
City Forester, Manager of Forestry & Natural Areas  
Parks Department  
(519) 253-2300x2760  
pgiroux@citywindsor.ca  
Parks  
Report Date: 2/12/2019  
Clerk's File #: GP2019

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** Council **APPROVE** the Tree Canopy Protection and Enhancement Policy attached as Appendix A to this report.

**Executive Summary:**

N/A

**Background:**

Bill 68, entitled *Modernizing Ontario's Municipal Legislation Act, 2016*, received royal assent on May 30th, 2017. This bill introduced a series of reforms to the Municipal Act, 2001, the Municipal Conflict of Interest Act, and the Municipal Elections Act, 1996. Of the various reforms introduced, an amendment to Section 270 of the Municipal Act, 2001, has the effect of requiring all municipalities to adopt and maintain policies with respect to the protection and enhancement of the tree canopy and natural vegetation in the municipality.

Presently, the City of Windsor does not have a Tree Protection Policy and therefore Administration is seeking approval of the draft Tree Canopy Protection and Enhancement Policy, attached as Appendix A.

**Discussion:**

The City of Windsor presently has a number of tools to protect and enhance trees and natural vegetation located within the City of Windsor. These tools govern municipally owned trees, the urban forest and our natural areas and vegetation. These tools are in the form of by-laws, policies, programs, plans and procedures and include:

- By-law 25-2004 - Protection of Publicly Owned Trees
- Official Plan in Relation to Trees and Natural Areas
- Parks Master Plan
- Parks By-law
- Natural Environment Zoning
- Climate Change Sustainability Program
- Invasive Species Removal Program
- Endangered Species Act, 2007
- Species At Risk Protection Program
- Commemorative Bench and Tree Policy
- Policy for One Large Growing Tree per Lot in Future Subdivision Agreements
- Community Stewardship Programs for Ecological Restoration – in partnership with ERCA, Forests Ontario, Scouts Canada, Friends of Ojibway and Essex County Nature
- Technical Resource Provider for Local Stakeholders and Initiatives
- Oak Wilt Awareness and Education Program
- Native Seed Collection Program
- Municipal Tree Nursery Program
- City-Wide Tree Planting Program
- Young Tree Watering Program
- Enhanced Mulching Program
- Arbor Week and Earth Day Celebrations

Consolidating the above by-laws, policies, programs, plans and procedures into one policy document will allow us to meet the requirements under Section 270 of the Municipal Act, 2001.

In 2019, Administration will finalize and seek council approval for the Urban Canopy Development Policy. In addition, Administration will be completing the Canopy Cover Assessment, the City's Tree Inventory Update, the Black Oak Heritage Park Management Plan and in 2020, the Urban Forest Management Plan. These new policies, plans and programs will all work towards goals of the Tree Canopy Protection and Enhancement Policy and once approved by Council, should all be included in the Policy. The attached Tree Canopy Protection and Enhancement Policy will be amended from time to time to incorporate these and any additional Council approved initiatives that relate to this policy.

### **Risk Analysis:**

Municipalities have until March 1, 2019 to adopt and maintain policies with respect to the protection and enhancement of trees and natural vegetation. If Council does not approve the Tree Canopy Protection and Enhancement Policy, the City of Windsor would not be in compliance of Section 270 of the Municipal Act, 2001.

### **Financial Matters:**

There are no financial impacts anticipated as a result of this Policy.

**Consultations:**

Manger of Forestry and Natural Areas

Town of the Blue Mountains

Ministry of Municipal Affairs and Housing

**Conclusion:**

The City of Windsor already has a number of tools in the form of by-laws, policies, programs, plans and procedures which govern the protection trees and natural vegetation located within the City of Windsor. It is in the best interest of the Corporation of the City of Windsor to approve the Tree Canopy Protection and Enhancement Policy in order to comply with Section 270 of the Municipal Act, 2001 by March 1, 2019.

**Approvals:**

Name	Title
Jan Wilson	Corporate Leader – Parks, Recreation & Culture and Facilities
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Attachment A - Tree Canopy Protection and Enhancement Policy



# Guiding Urban Forestry Policy into the Next Decade: A Private Tree Protection & Management Practice Guide

Kaitlin Webber, Melissa Le Geyt, Theresa O'Neill, Vignesh Murugesan

July 2020

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B. Review of Best Practices	

*Kaitlin Webber, Melissa Le Geyt, Theresa O’Neill and Vignesh Murugesan are all Master’s students in the School of Planning at the University of Waterloo.*

*This Practice Guide was adapted from a project conducted in PLAN 721: Advanced Planning Project Studio at the University of Waterloo. The original project, “Tree Protection & Tree Management: A Best Practices and Legislative Review” was prepared for the Community, Recreation and Culture Services department at the City of St. Catharines, Ontario.*



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## Acknowledgements

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The project team would like to express gratitude to the following individuals and organizations who contributed to the success of the project:

- Bob Lehman, Dana Anderson, and Nancy Adler - the PLAN 721 course instructors at the University of Waterloo - for their support, advice, and planning-related humour. An extended thanks to Bob for supporting us beyond the scope of the course project and helping to create this Practice Guide.
  
- Municipal staff members from the surveyed Ontario municipalities for their considerations, and helpful contributions through the interview process, including:
  - The Town of Ajax
  - The City of Barrie
  - The City of Cambridge
  - The City of Guelph
  - The City of Mississauga
  - The City of Niagara Falls
  - The Town of Oakville
  - The City of Oshawa
  - The City of St. Catharines
  - The City of Thunder Bay
  - The City of Toronto
  - The City of Waterloo
  - The City of Windsor
  
- Staff members from the following provinces, territories, and municipalities, who allowed us to expand the scope of our project:
  - Calgary, Alberta
  - Prince Edward Island
  - St. John's, Newfoundland & Labrador
  - View Royal, British Columbia
  - Winnipeg, Manitoba



Image: City of Vancouver

## Using This Guide

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This Guide aims to provide planners and policymakers with an improved understanding of the legislative framework and current approaches to private tree protection and management in Ontario. It also highlights effective tools for protecting, managing, and increasing tree canopy coverage on private land. It is informed by interviews with municipal practitioners, and a review of policy documents and academic articles that pertain to municipalities in Ontario. However, findings and recommendations are applicable to municipalities across the country due to their shared responsibilities and challenges of protecting urban trees.

The Guide begins by providing an overview of the current state of Canada's tree canopy, and current approaches to tree protection and management in major cities across the country. Next, the remainder of this Guide uses Ontario as a case study to examine the effectiveness of current tree protection and management strategies, accomplished through the following tasks:

- 1. Environmental Scan:** State of Urban Forestry Literature
- 2. Provincial Policy & Legislation Overview:** Relevant Policy Framework in Ontario
- 3. Municipal Policy Scan:** Key Themes and Unique Policies
- 4. Review of Best Practices:** Municipal Staff Survey

Key findings from these tasks have been summarized and used to develop recommendations for planners and policymakers who are working to meet and exceed canopy goals in municipalities across the country.

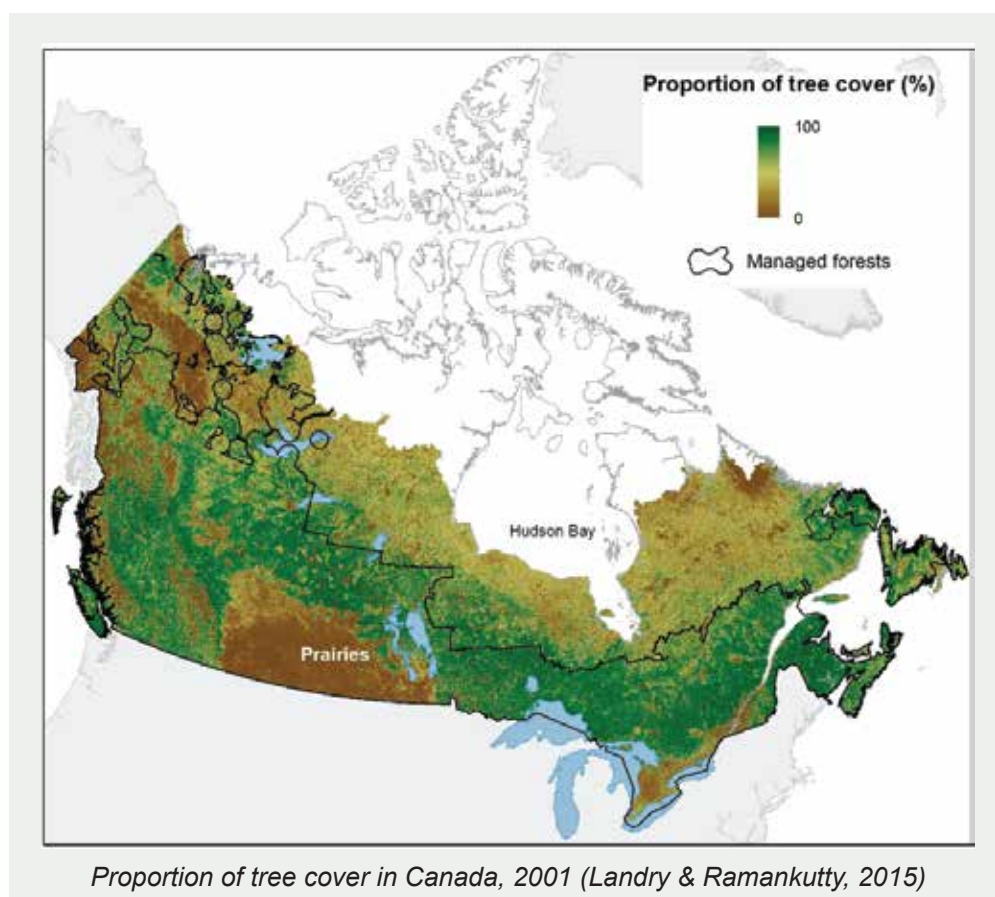


## Introduction

Trees are well understood to have significant value, from the ecosystem services they provide, to their role in establishing healthy communities. In an urban context, individual trees and forested areas improve ground water quality, reduce soil erosion, contribute to stormwater management by reducing and storing run-off, help to mitigate urban heat islands, and provide flora and fauna habitat. Additionally, trees in urban areas can reduce risk factors to health, such as high blood pressure and chronic stress (Ulrich et al, 1990), and provide space for local communities. These health benefits have the capacity to extend across the country, as more than 80% of Canadians live in urban areas (Statistics Canada, 2011).

Between 1991 and 2011, urban areas in Canada grew outward by about 6% through the conversion of agricultural and forested lands. Over the same decade, Canada's urban tree canopy decreased by about 1.5%, from about 27.6% in 1990, to 26.1% in 2012 (McGovern & Pasher, 2016). While the national average has decreased, in the Prairies, there has been an increase in tree cover, as treeless landscapes that existed before are being converted into urban areas. Further, tree canopy in urban areas increases as tree cover matures over time (McGovern & Pasher, 2016).

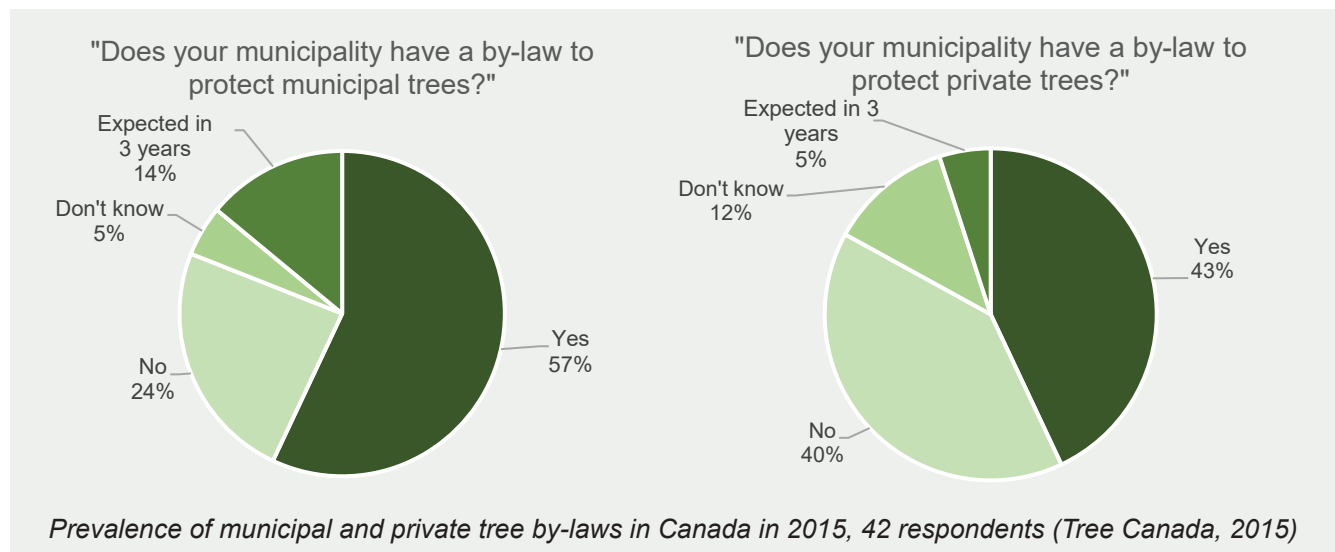
As the owners of trees on city land, municipalities can protect public trees using methods such as by-laws. However, there is an increasing need to also protect trees on private property in order to reach ideal canopy cover and maintain ecological integrity. This is especially important in regions such as Southern Ontario, where a large proportion of trees are located on private property. For example, in the City of Cambridge, 80% of the urban forest



canopy is on private land (City of Cambridge, 2015), and in Toronto, private trees make up 60% of the City's tree canopy (City of Toronto, 2013). To help protect private trees and improve urban tree cover, this Practice Guide provides an overview of different policy and planning approaches taken by municipalities throughout the province of Ontario.

## Provincial & Territorial Approaches to Tree Protection and Management: Overview of Policies and Programs

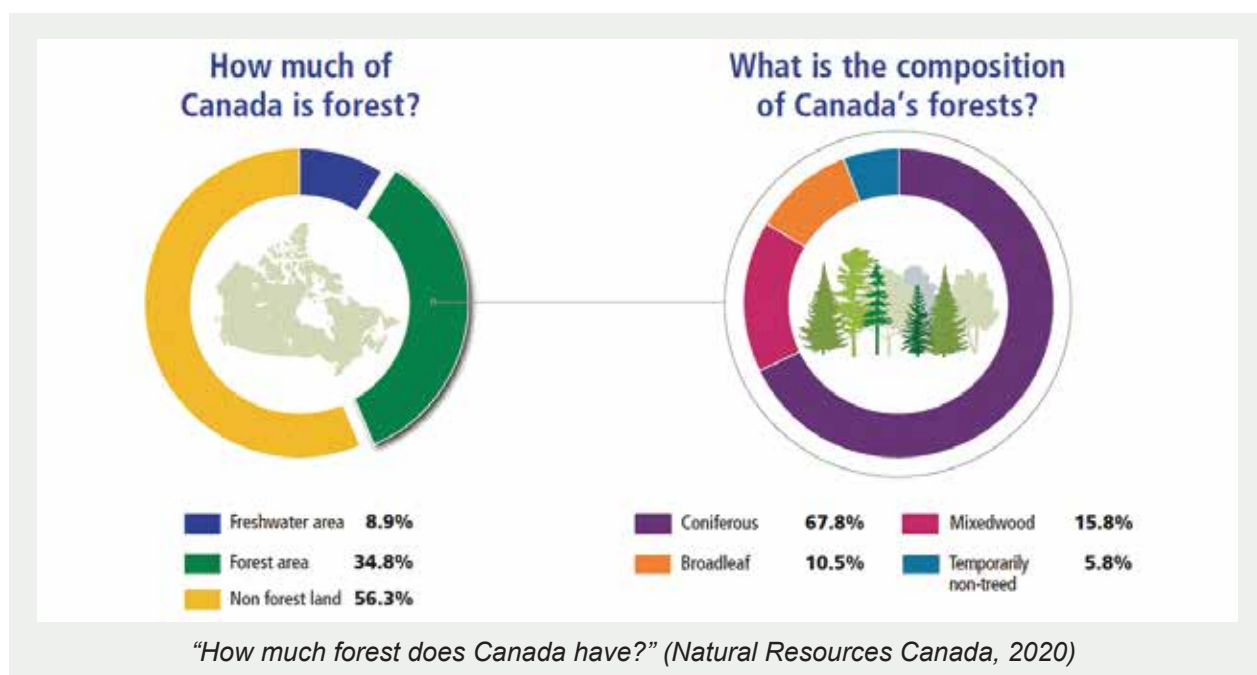
Municipalities across Canada have taken various measures to protect trees in their jurisdiction. These measures vary according to their priorities and circumstances. A survey conducted in 2015 revealed that 57% of the 42 surveyed municipalities accorded the protection of municipality-owned trees to the presence of by-laws. However, only 43% of the municipalities had by-laws that protect private trees (Tree Canada, 2015).



While by-laws are the highest form of protection accorded to urban trees, there are other ways that cities have tried to preserve trees. In this section, we provide an overview of urban tree protection strategies used by various municipalities across Canada, with an exception of cities in Ontario, as this is expanded upon in the case study section of this report. Various provincial legislations like Municipal Government Acts, Local Government Acts, Planning Acts, etc. give municipalities the power to regulate and protect trees within their boundaries. In all Canadian provinces and territories, municipalities have the authority to regulate and protect trees within their boundaries. Some components of each province and territory's tree-related legislation are outlined below.

- **British Columbia:** municipalities must adhere to Regional Growth Strategies when creating Official Community Plans. Vancouver and Victoria have both private and public tree by-laws. The City of Victoria has also "gamified" tree planting by creating a challenge to plant 5000 trees on public and private land. The municipality also has an Urban Forest Master Plan.
- **Alberta:** municipalities must adhere to regional plans when exercising their authority to regulate land use. The City of Calgary has protected public trees through a bylaw. It also protects several trees by designating them as heritage trees. Edmonton has similar provisions and also provides protection to perimeter trees via a Community Standards by-law. However, both Edmonton and Calgary see protection of trees on private property as a challenge.
- **Saskatchewan:** the municipalities of Regina and Saskatoon have provisions such as by-laws to protect public trees, but private trees don't have similar protections.

- **Manitoba:** the City of Winnipeg requires tree preservation reports during any development that impacts trees. The Manitoba Heritage Tree Program legislated under the Forest Health Promotion Act shows some promise of protecting significant trees.
- **Quebec:** Montreal and Quebec City have a permitting process for cutting trees on private and public property, where the permit is issued only when the tree in question is liable to cause damage, is dead, or is afflicted with an incurable disease. Trees are also protected during any new development projects.
- **New Brunswick:** in the City of Fredericton, only public trees are protected by by-laws.
- **Newfoundland & Labrador:** in St. John's, only public trees are accorded protection. However, the City does offer homeowners a voucher that can be used for purchasing trees.
- **Nova Scotia:** Halifax has protected trees on public land by means of a by-law.
- **Prince Edward Island:** Charlottetown has accorded protection to public and heritage trees through a by-law.
- **Northwest Territories:** the City of Yellowknife protects its trees on both public and private lands through different planning processes. The trees on public lands are protected by a by-law whereas trees on private lots are preserved and managed by means of landscaping requirements and the site development process.
- **Yukon:** in Whitehorse, trees on public lands are regulated and preserved by a by-law. Trees on private property are protected and managed by landscape guidelines which apply overlay controls to protect significant trees and landscape character. It also provides guidelines for tree protection during construction.
- **Nunavut:** almost all of the territory lies above the tree line and therefore, no regulations exist to preserve trees in urban areas. However, there are provincial building practices that suggest the preservation of onsite vegetation.





# Case Study: Private Tree Protection & Management in Ontario

# 1. Environmental Scan: State of Urban Forestry Literature

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This scan identifies and summarizes academic literature on tree protection and management in Ontario. Findings are categorized into three categories, which are summarized below. Detailed findings can be found in Appendix A1.

## Tree Management Policies

There is a growing body of literature that compares urban forestry policies across Ontario. From these studies, general findings emerged, including:

- The most common urban forestry policies in Ontario are pest and disease control policies, landscape guidelines, and standards for development. Tree planting and greening strategies are less common.
- Upper-tier municipalities are more likely to have tree by-laws than lower-tier municipalities. This has been attributed to resource constraints and the population threshold required for enacting conservation by-laws.
- A universal standard for urban forestry best practices has not been adopted across Ontario. Some municipalities refer to the International Society of Arboriculture, while others refer to American National Standards Institute.

## Urban Forestry Strategies and Management Plans

Urban Forestry Management Plans (UFMPs) are a common tool used to provide strategic direction for dealing with urban forest-related matters. This may include articulating specific programs to be implemented, or for certain actions to occur (e.g. hiring a municipal staff member to oversee conservation efforts). In a study conducted comparing effectiveness of UFMPs, they found that key factors contributing to effective UFMPs include adopting “active adaptive management” (adapting plan to changing conditions) and taking a collaborative approach both internally and externally to ensure a consistent approach to implementation (Douglas, 2016).



Within UFMPs, municipalities approach native and non-native species differently:

- While all municipalities include themes of ecosystem services and ecological integrity in their UFMPs, the importance of native species is only raised when discussing an area's ecological integrity.

- Many municipalities discuss the importance of native species and express a desire to increase the proportion of native species in the urban forest. However, they do not include native-to-non-native target ratios or scenarios when native or non-native species should be used.

When it comes to the choice of tree belonging to either sex, findings from the Canadian Urban Allergy Audit (2012) show a preference for male trees in Canada’s urban forests:

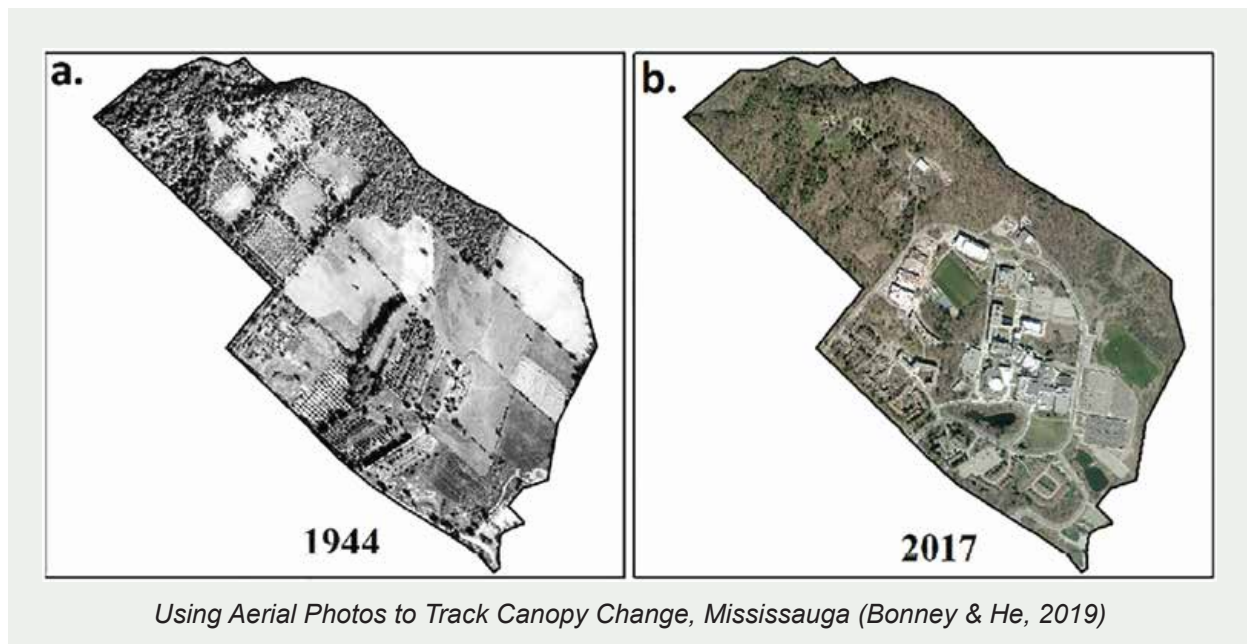
- In most major cities, over 90% of the trees in urban forests are male. Municipalities prefer male trees over female trees because they are considered litter-free in comparison to female trees.
- This bias in favour of male trees has resulted in increased pollen presence in the air, leading to aggravation of associated allergies and asthma in urban areas.

## Assessment of Urban Forestry Methods

Literature on tree canopy measurement methods and techniques is limited, as are techniques for evaluating the success of approaches to increase the tree canopy. This gap in the research is likely a result of the relatively recent adoption of monitoring policies, as well as the limitations associated with measurement technologies.

One study conducted in Mississauga (Bonney & He, 2019) used leaf-off (i.e. autumn) aerial photographs from the 1940s to 2017 to track changes in the City’s tree canopy. Notable findings include:

- Tree density is able to recover, be maintained, or increase post-development.
- Aerial photographs, while not originally intended for tree-related purposes, can be effectively used to track changes to the tree canopy over time.





Another study explored urban foresters' perspectives on assisted migration - a process where non-native species are used in anticipation of future climate change (Fontaine & Larson, 2016). Researchers found:

- Many urban foresters are aware of the concept of assisted migration, but it remains more of a theoretical concept than a management tool.
- Many municipalities unknowingly employ assisted migration strategies such as planting southern tree species at the northernmost end of their range, and using non-native trees in areas where native species cannot adapt and/or where their growth is compromised.

## Resident Perspectives

A growing body of literature that is particularly useful when exploring private tree management strategies examines resident perspectives related to a variety of tree-related topics. Key findings are as follows:

- Resident participation in tree planting and removal activities is primarily motivated by aesthetic reasons.
- Residents were more supportive of private tree management policies if they were in newer neighbourhoods, if they recently moved to the area, if they have a university degree, and/or if their household does not include older adults.
- Resident knowledge of native tree species is generally low, whether or not their municipality has a UFMP.
- While most residents believe native species are more beneficial than non-native species, native status is not a primary consideration when choosing a tree to plant on their property.
- Residents in municipalities that have UFMPs are more actively engaged in planting native trees, planting and removing trees on their properties, and had more trees on their properties in general.

## Overview of Findings

Urban forestry research is a small but growing field. Based on these findings, several conclusions about the state of urban forestry in Ontario can be made:

- The lack of best practice guidance from the Province has resulted in a wide range of municipal urban forestry plans and policies.
- The effectiveness of these plans and policies is difficult to assess, as these plans often lack concrete measurements and targets, partly due to the absence of historical tree canopy data.
- Residents are willing to be active participants in tree preservation and management programs, but must be engaged meaningfully.

As municipal tree protection efforts are increasing rapidly, it is expected that this field of research will continue to grow and inform best practices for tending to urban forests.

## 2. Provincial Policy & Legislation Overview: Relevant Policy Framework

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In Ontario, municipalities are either single-tier or two-tier. In single-tier municipalities, local governments assume all responsibilities as outlined in the *Municipal Act* (2001). In two-tier municipalities, the upper-tier municipality (either a county or a regional municipality) is composed of several lower-tier municipalities, and responsibilities are divided amongst the two levels. This assessment outlines the hierarchy of provincial and regional policies and legislation that impact how tree protection and management measures can be undertaken at the municipal level.

At the highest level is the provincial legislation that outlines the authorities granted to municipalities, which includes:

- **Municipal Act (2001):** contains legislation which gives both upper- and lower-tier municipalities the responsibility to ensure laws and plans are in place to protect natural features, including the power to create tree by-laws (135(1)). Municipalities are allowed to prohibit or regulate the destruction or injuring of trees (135(1)), including on private land, and dictate that they shall have regard for Good Forestry Practices (135(5)). Both upper- and lower-tier municipalities can enact tree by-laws, though some restrictions exist (e.g. only lower-tier municipalities with a population greater than 10,000 can monitor and regulate tree cutting).
- **Planning Act (1990, revised 2019):** gives municipalities the power to set goals and priorities through Official Plans, as well as the ability to pass by-laws to protect and regulate significant natural features.
- **Provincial Policy Statement (1996, revised 2014):** outlines the long-term general protection of environmental features, and details the protection of natural feature areas, including significant natural areas (2.1). It also contains policy direction for defining forests, woodlands, and woodlots, referencing the Forestry Act (1990) for technical details.

The following are pieces of provincial legislation that pertain exclusively to trees. Among other things, these acts provide municipalities with the appropriate language to use in their subsequent policies.

- **Forestry Act (1990):** along with Ontario's ecological land classification system, define forests, woodlands, and woodlots for policy use. They reference values including significant eco-systems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape (F26). The Act also defines "Good Forestry Practices", which include activities conducted in ways that lead to ecological sustainability of managed stands, more specially, by minimizing damage to the site and wildlife habitats, and by protecting natural features for the integrity and long-term health of the stand (S. 2).
- **Professional Foresters Act (2000):** defines the urban forest, which gives policy direction for managing and protecting trees specifically within urban boundaries. It includes a wide range of vegetation, including woodlots, plantations, shade trees, fields, wetland and riparian areas (18,3(3)).

The Province also has a number of policies that affect different geographies, such as:

- **Places to Grow Act (2005):** allows the Province to designate different areas as “growth areas” with a specific planning focus (e.g. Growth Plan for the Greater Golden Horseshoe [2006, revised 2019]).
- **The Greenbelt Act (2005):** provides the Province with the authority to create the Greenbelt Plan (2017). It also includes the Niagara Escarpment and Oak Ridges Moraine, and their associated plans.

There are few provincial and regional policy and legislative mechanisms that enable the protection and management of urban trees, and in particular, trees on smaller properties. However, there are a few options that can be considered as possible tools, including:

- **Site Plan Control:** Under the *Planning Act* (1990) municipalities are allowed to designate site plan control areas and withhold approval of site plans if consideration is not given to woodland buffers and renovation, and trees for landscaping and protecting adjoining lands, including highways.
- **Heritage Trees or ‘Significant Community Trees’:** Under the *Ontario Heritage Act* (1990), trees can be given heritage status by designation under Part IV, or through recognition under the Heritage Tree Program of Forests Ontario. If the tree(s) are on private land, the landowner is not required to agree to the designation; however it can be challenged. Once established, a heritage designation remains even if the property is sold.
- **Endangered Species Act (2007):** identifies tree species on the Species at Risk in Ontario List and protects their destruction. However, the *More Homes, More Choice Act* (2019) allows developers to pay into a fund rather than refraining from activities that may harm at-risk species, and trees could be cut down if approved by the provincial government.
- **Environmental Protection Act & Building Code Act:** Under these acts, trees in designated Shoreline Areas and Environmental Protection Zones can be protected.



Overall, the policies and legislation in place at the provincial level are broad and lack specificity regarding tools that municipalities can use to protect and manage trees. This makes it difficult for municipalities to defer to the provincial government for guidance. Additionally, due to the lack of enforcement mechanisms, the onus falls on the development planning process to enforce desired measures.

### 3. Municipal Policy Scan: Key Themes & Unique Policies

This scan explores the range of policies that address urban trees on private property across 17 municipalities in Ontario. Each municipality's Official Plan, Urban Design Guidelines, and Tree By-laws (if applicable) were scanned for tree-related policies (Table 1). Urban Forest Management Plans (UFMPs) were scanned separately to assess their recommendations and direction. Additionally, tree-related programs present in each municipality were recorded and compared for analysis. Due to project scope, the following scan includes a selection of municipalities and is therefore non-comprehensive; other municipalities in Ontario also have relevant policies. Additional details about the policies included in this scan can be found in Appendix A3.

Municipality	Official Plan	Private Tree By-law	Urban Design Guidelines	Urban Forest Management Plan
Ajax	✓	✓	✓	✓
Barrie	✓	✓	✓	
Cambridge	✓		✓	✓
Guelph	✓	✓	✓	✓
Kingston	✓	✓	✓	✓
Kitchener	✓	✓	✓	✓
Mississauga	✓	✓	✓	✓
Niagara Falls	✓		✓	✓
Oakville	✓	✓	✓	✓
Oshawa	✓		✓	
Peterborough	✓	✓		
St. Catharines	✓		✓	✓
Thunder Bay	✓		✓	✓
Toronto	✓	✓	✓	✓
Vaughan	✓	✓	✓	✓
Waterloo	✓		✓	
Windsor	✓			

Table 1: Municipal Documents Scanned

# Key Themes

## 1. Protection & Preservation

This theme encompasses a variety of policies that pertain to the protection of existing trees on private land. Some policies include general and non-binding language, while others clearly establish the protection of trees as a key consideration (e.g. “where possible” versus “shall”).

**Oshawa, Landscaping Design Policies (1988):** “Existing features such as trees [...], and other site assets shall be preserved in the design of a site, wherever feasible. The proponent may be required to undertake protective measures and maintain such protective facilities to the satisfaction of the City to ensure that these features are protected during the course of site development. No tree cutting or regrading shall be permitted on a site while the City’s decision on a development application is pending.” (1.0 GENERAL REQUIREMENTS - 1.9)

**Kitchener, Urban Design Manual - City-wide Design (2019):** “Retain and incorporate existing trees and other natural features into new development planning where possible, using tree protection and conservation techniques to protect the integrity of the root soil zone as well as the existing growing and drainage characteristics of the site.” (Urban Forestry)

**Toronto, Townhouse And Low-Rise Apartment Guidelines (2018):** “Provide high-quality, sustainable streetscape and landscape between the building and adjacent streets, parks and open spaces. a. Retain and protect existing trees, vegetation, natural slopes and native soils and integrate these features into the overall landscape plan, wherever possible (5.1 Streetscape, landscape and stormwater management - 5.1.2a.)

Other distinct groups within this theme emerged, and are divided into the following sub-categories:

### *a. Replacement & Relocation of Trees*

These policies direct proponents to replace trees removed through the construction process. While there are several replacement- and relocation-focused policies, the majority are only applicable to municipal government-led projects and public infrastructure projects. Fewer policies direct proponents to replace private trees removed or damaged during development.

**Niagara Falls, Model Urban Design Guidelines (2005):** “If any significant trees designated for preservation are removed or substantially damaged during clearing, grading, or construction, they should be replaced. Replacement trees should be the same diameter, and of similar species to the trees removed or damaged, or alternately a species native to the Region.” (3e. Natural Heritage - 3e. 6 Significant Tree Preservation: g))

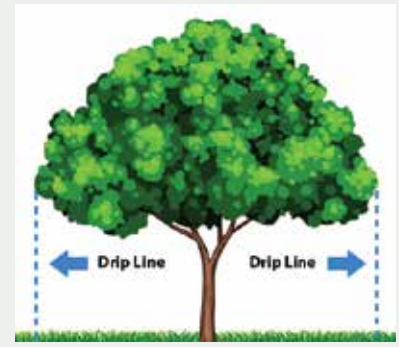
**Oshawa, Landscaping Design Policies (1988):** “Trees which are to be preserved as per the Landscape Plan, and which have died or have been damaged beyond repair during site construction activities, shall be replaced with a tree(s) of species and size which shall reflect the size and species of the damaged plant material as determined by the Director of the Department of Planning and Development. The location of such trees shall be approved by the Director. Failure to replace damaged trees shall result in the City exercising its right to draw upon the landscape portion of the letter of credit as per Section 7.4 of this document.” (6.0 PLANT MATERIAL - 6.10)

## b. Preservation of Perimeter Trees

Policies that aim to preserve perimeter trees can encourage more intense development while preserving existing trees. Such policies permit development to occur with the understanding that some trees will be damaged (e.g. trees in the centre of a site), but focus on ensuring that trees located along the perimeter of the site will be protected. Overall, perimeter tree protection policies are limited and currently not widely enacted by municipalities.

**Ajax, Employment Areas Urban Design Guidelines (2006):** “Preserve all existing perimeter trees with minimal changes to the area beneath the drip line. Locate underground services and utilities so as not to encroach within the drip line of trees to be preserved, to minimize disruption to the root system” (4.3 Landscaping)

**Ajax, Urban Design Guidelines for Motor Vehicle Gas Bars/Service Centres (2006):** “Protect all existing perimeter trees worthy of preservation, with minimal grade changes to the area beneath the drip-line” (6.0 Landscaping and Tree Preservation)



Drip Line (Good Earth Plants)

## c. Heritage Protection

Several policies frame tree protection as a matter of preserving cultural or historic heritage, or the natural heritage features of neighbourhoods. Some policies provide direction on designating trees in select neighbourhoods as a natural heritage feature protected under the *Ontario Heritage Act* (1990). This allows for increased protection measures, which in turn, makes it more difficult for trees to be removed.



Designated Heritage Tree  
(City of Windsor)

**Oakville, Official Plan (2009):** “The Town shall develop a set of criteria for determining trees of cultural heritage value.” (5.3 Heritage Conservation - 5.3.12)

**Waterloo, Official Plan (2012):** “When considering development applications and site alteration permit applications, the City may require the protection and enhancement of hedgerows, especially where: (c) they are composed of mature, healthy trees; (d) they contain trees that are rare, unique, culturally important, or over 100 years in age.” (8.2 Natural Heritage - 8.2.9 Urban Forest - 3)

**Windsor, Official Plan (2000):** “The objective of the Sandwich Heritage Conservation District is to preserve the buildings and streetscape. Owners of property will require a heritage permit for the following changes to their property: (s) Removal of trees with a minimum trunk diameter of 10 centimetres.” (1.26 Sandwich Heritage Conservation District - Building Renovations and new construction - 1.26.8)

## 2. Design Element & Function

Many policies address tree protection and management by promoting their benefits and ecosystem services. These policies fall into two sub-categories:

### *a. Functional Benefits*

The first sub-category encompasses policies that reference the ecosystem services trees provide. These often include: urban cooling (shade), air purification, stormwater management, slope stabilisation, erosion mitigation, wind breaks, noise reduction, carbon sequestration, and privacy screening. As mature trees provide more ecosystem services than young trees, mature trees and continuous canopies are often favoured by tree protection policies.

**Niagara Falls, Model Urban Design Guidelines (2005):** “Landscape plans should use deciduous street trees and on-site trees where these trees will grow to shade windows of residential structures. Such trees provide shade and help reduce temperatures inside adjacent units during the warmer months and shed their leaves to allow sunlight and better heat penetration during cooler months.” (4g. Environmental Sustainability - 4g.6 Solar Orientation)

**Toronto, Urban Design Guidelines for Privately Owned Publicly-Accessible Spaces (2014):** “Arrange trees and other plantings to provide maximum effect and efficiencies in maintenance and watering and consider methods to capture stormwater (e.g. sloping paved areas towards planters).” (5.3 SOFT LANDSCAPING - d)

**Vaughan, Official Plan (2010):** “The design of rooftops and parking areas should minimize the heat island effect, through rooftop gardens, green roofs and the planting of shade trees between parking aisles.” (11.3 Steeles West Secondary Plan - Environmental and Servicing Policies - 11.3.13.3).

**Thunder Bay, Urban Design Guidelines (2012):** “Playground equipment should be [...] located in areas shaded by trees.” (Parks and Open Space: 2C Uses and Amenities: b))

**Windsor, Official Plan (2000):** “Council will contribute to the reduction of air pollution by using the following land use planning approaches: (e) protecting and improving trees and natural areas.” (Atmospheric Air Quality Policies - 5.3.7.2)

### *b. Aesthetic Benefits*

Many policies linked the presence of trees to a more visually appealing streetscape. These policies highlighted the aesthetics of trees, in terms of the visual impact they provide property owners, the neighbourhood, and the larger community.

**Oakville, Site Design and Development Standards for Oakville (2017):** “In order to minimize and alleviate the conflicts of the railway network with adjacent land uses aesthetic measures should be implemented [...]. Any required 7.5 m continuous landscape width should contain, at a minimum: a. one (1) deciduous or coniferous tree planting for every 4.5 m of abutting land, with a minimum of 80% of the trees within the buffer strip as coniferous species; [...] to form a continuous screening element with a minimum height of 1.8 m.” (2.0 Soft Landscape Standards - 2.6 Treatment for Required Landscaping: 4.)

**Kitchener, Urban Design Manual - Mid-rise Buildings (2019):** “All sites are to be comprehensively landscaped including substantial tree planting [...]. Use landscaping to accentuate, unify and complement different areas of the site.” (Shared Spaces - Landscaping)

**Thunder Bay, Urban Design Guidelines (2012):** “In order to improve the aesthetic quality of the urban environment, the Official Plan advocates increasing the stock of trees through planting programmes, adhering to high standards regarding maintenance and replacement, and encouraging developers to retain existing trees wherever practical. In addition, the City places a high priority on the protection and wise management of natural heritage features.” (Urban Forestry)

### 3. Ecosystem Management - Systems Approach

The policies within this theme address the role trees play in the overall ecosystem. These policies aim to protect trees by identifying their importance as a component of a healthy natural system and outlining suitable management practices to maintain them. These practices often refer to connecting ecological networks, native and climate-appropriate planting, and suitable tree-planting conditions.

#### a. Ecological Network

Many municipalities protect and encourage continuous ecological networks of trees and other vegetation by linking in Natural Heritage Systems (NHS) or referring to tree canopy goals. Such policies can focus on continuous canopies or articulate the importance of preserving individual trees in order to achieve the larger goal of maintaining an ecological network.

**Mississauga, Official Plan (2019):** “The Natural heritage System will be protected, enhanced, restored and expanded through the following measures: a. ensuring that development in or adjacent to the Natural Heritage System protects and maintains natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping, and parking and amenity area locations.” (6.3.24)

**Oakville, Site Design and Development Standards for Oakville (2017):** “New development [...] shall demonstrate adherence with the canopy cover targets established [...]; development should implement the target canopy to help achieve Oakville’s town-wide 40% canopy coverage objective.” (2.0 Soft Landscape Standards - 2.1 Canopy Cover)



The Value of Urban Trees (Urban Forest Stewardship Network)

#### b. Native and Climate-Appropriate Planting

Native and non-native non-invasive tree species are well-adapted to local climatic conditions and encourage biodiversity. Many municipalities encourage the planting of native and climate-appropriate trees and vegetation through their Official Plans and Urban Design Guidelines. In some cases, these policies integrate *assisted migration*: the practice of planting trees according to the projected future climate, which ensures the longevity of a municipality’s tree canopy and ecological system.



**Oshawa, Landscaping Design Policies (1988):** “The use of indigenous plant material is encouraged. It is suggested that at least 50 percent of all proposed tree and shrub plantings on a site be of indigenous material.” (6.0 PLANT MATERIAL - 6.4)

**Toronto, Official Plan (2015):** “[...] secure the following sustainable design features in development that address exterior building and site matters [...]: trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system.” (5.1.3 SITE PLAN CONTROL - 3. e))

**Niagara Falls, Model Urban Design Guidelines, (2005):** “Street trees and street landscaping should be locally adapted native species. Plants that grow naturally in the Region of Niagara are adapted to the local climate and soil conditions and have a better than average chance of surviving with minimum upkeep, use of fertilizer, pesticide or irrigation.” (3h Environmental Sustainability - 3h.3 Right-of-Way & Street Infrastructure: e))

**Ajax, Official Plan (2016):** “To maintain, protect, and enhance the existing tree canopy, the Town shall: Encourage the planting of native or non-native non-invasive tree species and vegetation that are resilient to climate change and provide high levels of carbon sequestration, subject to the Town’s approval, particularly through new development and on municipally-owned land.” (2.1.4 Tree Canopy, b))

### *c. Soil & Conditions for Tree Growth*

Many policies outline the conditions necessary to ensure trees can reach maturity and survive long-term. They include directions about the location of trees on a site, soil conditions, and structural supports. Good growing conditions are an important aspect of the longevity and preservation of trees planted on a site in accordance with other development policies.

**Mississauga, Urban Design Guidelines - Green Development Standards (2012):** “For groups of two or more trees planted primarily in hardscaped areas, provide a minimum volume of 15 m<sup>3</sup> (530 ft<sup>3</sup>) of high quality soil per tree. A single tree planted in hardscape requires a minimum volume of 30 m<sup>3</sup> (1060 ft<sup>3</sup>) of soil. - Provide trees planted in softscape with a minimum volume of 30 m<sup>3</sup> (1,060 ft<sup>3</sup>) high quality soil. - Plant “shade trees” approximately 6-8 m (20-27 ft) apart along all street frontages, open space frontages and public walkways.” (4.1)

**Cambridge, Design Guidelines - Preston Streetscape (2013):** “The use of strata cells (structured soil cell) is proposed [...] Urban trees require a large volume of soil in order to survive and establish into healthy specimens, however, often urban environments do not allow for adequate space. Soil structure systems allow for adequate soil volumes and also allow the structural support required to engineer roadways.” (4.2 Street Trees and Planters)



*Strata Cells (Greenleaf Ireland)*

**Vaughan, City-wide Urban Design Guidelines (2018):** “Landscape design should prioritize provision of soil volumes to support mature tree growth to help achieve York Region’s urban tree canopy goal for the City of 25-35%.” (6.1.1 Tree Planting (a))

**Waterloo, Urban Design Manual (n.d.):** “Encourage designs that allow for increased soil volumes for root growth and canopy space for future growth of large shade trees to promote an urban forest.” (2. GENERAL CITY DESIGN GUIDELINES - 2.5 SUSTAINABLE DESIGN - (17))

## 4. Enforcement

Policies that explicitly connect tree protection mechanisms with the development application process and enforcement measures are classified in this theme. These policies allow municipalities to take a stronger stance in order to ensure that developers take appropriate steps to address tree protection. Most of these policies state that if any existing trees will be impacted by the proposed development, a tree inventory and preservation plan will be required of the proponent.

A serious concern for municipalities is the potential for landowners (i.e. residents and developers) to clear-cut properties before submitting a planning application. Clear-cutting beforehand not only negatively impacts the tree canopy, but could also result in the proponent not having to adhere with tree-related policies, as it is only through the formal planning process that Official Plans, Urban Design Guidelines, and other relevant policy documents can be applied to a development proposal. This scan found that municipalities are beginning to confront this concern by including policies to ensure proponents are held accountable for any site alterations made before a planning application is submitted to the municipality.

**Guelph, Official Plan (2018):** “Development and site alteration within or adjacent to a Cultural Woodland shall also require a Tree Inventory and Tree Preservation Plan in accordance with Section 4.2.4” (4.1.4.3 Cultural Woodlands - Policies - 3)

**Guelph, Official Plan (2018):** “Plans prepared in conjunction with development and site alteration applications will require indigenous plants, trees and shrubs except where harsh environmental conditions would limit their survival” (4.1.7 Natural Heritage Stewardship and Monitoring - Policies - 4.1.7.1 Invasive Species)



*Developer Clear-Cut Lot (CBC Hamilton, 2017)*

**Barrie, Official Plan (2018):** “Where existing trees have been substantially removed and land stripping and/or the removal of topsoil has occurred prior to an application for development or during the process of obtaining approval for any development of a site, Council may impose conditions of such approval in accordance with the intent of the City’s tree cutting by-law”

**Oshawa, Official Plan (1987):** “No significant removal of trees or topsoil or significant grading shall be undertaken within the Pinecrest Planning Area without prior approval from the City. In this regard, the City may require the submission of an environmental analysis report including a Tree Inventory and Preservation Plan in accordance with Policy 5.12.4 by a qualified arborist prior to granting such approval” (8.4.12 Environmental Management - 8.4.12.10)

**Oshawa, Landscaping Design Policies (1988):** “Trees which are to be preserved as per the Landscape Plan, and which have died or have been damaged beyond repair during site construction activities, shall be replaced with a tree(s) of species and size which shall reflect the size and species of the damaged plant material as determined by the Director of the Department of Planning and Development. The location of such trees shall be approved by the Director. Failure to replace damaged trees shall result in the City exercising its right to draw upon the landscape portion of the letter of credit as per Section 7.4 of this document.” (6.0 PLANT MATERIAL - 6.10)

## Tree By-laws

Of the 17 municipalities studied, 11 have private tree by-laws. When reviewing the by-laws, two key differences emerged:

### 1. Application of the By-law

Each by-law examined contains a detailed section that delineates the specific trees and circumstances upon which the by-law is enforceable. The by-laws vary significantly with regard to the restrictiveness of their application. Criteria outlining which trees are subject to the tree by-law included items such as the diameter of the tree (e.g. Vaughan), land use designation (e.g. Ajax), or the size of the land that the subject tree is located on.

### 2. Permit Requirements

Each municipality with a private tree by-law had different levels of requirements for obtaining a tree removal permit. For example, some required an extensive application with reports from arborists and written consent from the adjacent property owner (e.g. Mississauga's Tree By-law), while others asked for a notification with the property owner's contact information, the tree's species and diameter, and the reason (if any) for removing the tree and plans (if any) for replacing it (e.g. Peterborough Tree Notice By-law). The varying levels required to obtain a permit to remove a private tree impact how rigorously a municipality can monitor the tree canopy.

## Tree Planting Programs

While a comprehensive study of urban forestry programs was not conducted, programs mentioned were noted and some additional research was conducted. Many municipalities have public programs and events aimed at tree planting and maintenance, which are used to inform residents about the importance of trees and provide education on tree stewardship. These programs exist outside of municipal policy frameworks, although many UFMPs and some Official Plans indicate the need to create such programs. The three general models adopted by municipalities are highlighted below.

### 1. Donation Programs

*Greening Guelph* is a donation program aimed at helping to increase the tree canopy in Guelph. Donations are solicited from interested individuals and corporate sponsors, then are used to fund existing tree planting, protection, and education programs in the municipality.



*Thunder Bay Hydro Recognized for Tree Stewardship (NetNewsLedger)*

## 2. Events & Planting Partnerships

Events and public-private partnerships exist in many forms. These partnerships allow the municipality some control over tree protection and management while working strategically with a private entity to facilitate the desired outcome. Examples include:

- The City of Windsor's public-private partnerships to expand the urban forest, relying heavily on city expertise and planting support from local environmental groups.
- The City of Cambridge's subsidized tree program, delivered in partnership with Local Enhancement & Appreciation of Forests (LEAF) and Reep Green Solutions. For between \$150 and \$220 per tree, residents receive a personalized consultation, delivery, planting, and a long-term care guide.
- The City of Thunder Bay hosts many events throughout the year that promote tree planting and education, which are advertised on the City's website.

## 3. Planting Programs

Some municipalities have larger-reaching public programs aimed at increasing the tree canopy. For example, Mississauga is well known for their *One Million Trees* program. Through this program, groups or individuals can input information about the tree(s) they've planted, which are then displayed on the program's website. This 'gamification' has allowed the municipality to better track their goal of planting one million trees and encourage resident participation in achieving this goal.

CONNECT WITH US   

**380,657**  
**trees**  
**planted**

Help the City of Mississauga  
plant one million trees by 2032

 **MISSISSAUGA**

*One Million Trees Program (City of Mississauga)*

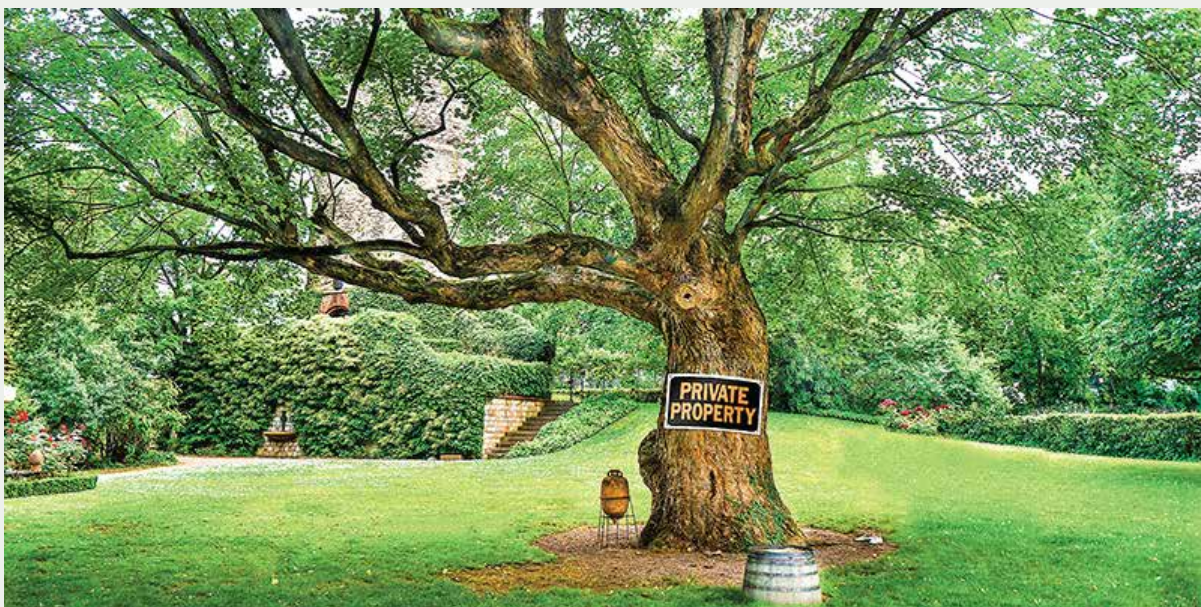
## Urban Forest Management Plans

Of the 17 municipalities selected for this review, 12 have UFMPs. As previously mentioned, a UFMP is a document adopted by a municipality that outlines their plans and goals regarding the tree canopy. UFMPs range in style and approach, from high-level plans-of-action that focus on visionary statements and urban forestry goals, to specific recommendations and courses of action to enhance the municipality's urban forest. The actions or recommendations typically are based on existing municipal documents, best practices employed by other municipalities, and public engagement on the matter.

UFMPs are important documents for municipalities, as they can provide direction on a variety of initiatives the municipality is willing to undertake to enhance their urban tree canopy and meet coverage targets. They can include direction on establishing public education programs, tree-planting programs, and can influence Official Plan and Urban Design Guideline policies regarding private trees. A selection of UFMPs have been included in Appendix A3, and demonstrate the types of tree-related issues addressed by the municipality, and other ways they plan on growing their urban tree canopy.

## Overview of Findings

Through the scan of municipal policy documents, it is evident that there are a wide range of policies that pertain to private tree protection and management. Municipalities have enacted policies that address the tree canopy from various angles, which are unique to and reflect their local context. In terms of private tree by-laws, there is little consistency across municipalities and there are major differences among their approaches, which results in a significant variation in the number of trees protected in a municipality, and likely has an impact on resident perspectives of tree protection. By sharing best practices, municipalities can take a targeted approach to protect more trees on private residential property.



*Tree on Private Property (The Sarnia Journal, 2017)*

## 4. Review of Best Practices: Municipal Staff Survey

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### Context & Methodology

As demonstrated through the *Municipal Policy Scan*, municipalities in Ontario employ a variety of strategies to protect and manage their urban forests. As many of these strategies are relatively new, it is difficult as yet to determine what methods are effective. Additionally, municipalities seldom share assessment strategies or reflections until the policy or program is updated. To gain insight into the effectiveness of policies and programs implemented to protect and manage urban forests, a municipal staff survey was conducted.

Key informants were recruited from all 17 municipalities included in the *Municipal Policy Scan*. Of the municipalities contacted, 13 responses were received. Since tree protection overlaps with a number of municipal activities, and municipalities vary in their internal organization, informants came from a variety of departments, further highlighting the complexity of this topic.

Key Informant Survey: Respondents			
Ajax	Mississauga	St. Catharines	Windsor
Barrie	Niagara Falls	Thunder Bay	
Cambridge	Oakville	Toronto	
Guelph	Oshawa	Waterloo	

Table 2: Municipal Survey Respondents

### Summary of Findings

Through conducting key informant interviews with municipal staff, several themes emerged, which are outlined below:

#### 1. Policy Effectiveness

Of the 13 municipalities surveyed, all have Official Plans that reference the importance of trees, 9 have UFMPs, 12 have Urban Design Guidelines, and 6 have private tree by-laws. However, these policies vary greatly among the municipalities, highlighting the reality that tree protection and management is not one-size-fits-all.

#### *Private Tree By-laws*

All municipalities with private tree by-laws stated that they were the most effective tool for protecting and managing trees on private property, simply because they are “an actual enforcement tool” (Guelph). As discussed in the *Municipal Policy Scan*, the restrictiveness and coverage of private tree by-laws ranges significantly across municipalities. Some of these municipalities, such as Ajax, have expressed an interest in expanding their by-law to cover a greater

area. Further, most municipalities without private tree by-laws cited a desire to adopt one, but have faced challenges in doing so.

### *Heritage Designation*

Several municipalities discussed the effectiveness of using heritage designations to protect trees on private land. Heritage designation through the Ontario Heritage Act (1990) can be applied at the scale of an individual tree to entire neighbourhoods. Some examples include:

- **Barrie:** “Natural Heritage Resources ‘protected areas’ mapping is the greatest improvement in high level planning to identify areas of significant forested/natural lands for protection from development”.
- **Mississauga:** “while staff, through development applications, encourage the retention of trees, there really isn’t enough authority for staff to refuse or withhold an approval to save trees, unless a tree is designated under the *Ontario Heritage Act*”.
- **Niagara Falls:** two individual trees have been designated as culturally significant under the *Ontario Heritage Act*.



*Heritage-designated “Stamford Green White Oak Tree” (City of Niagara Falls)*

### *Development Process*

Municipalities frequently face challenges during the land development process, and often struggle to balance tree preservation with other aspects of development. Some of these challenges include:

- Developers and landowners cutting down trees prior to submitting a Site Plan application or Building Permit. The informant from Mississauga explained that “where the City is able to prove that this has occurred, fines and penalties are pursued”, but it is likely that many instances go unreported.
- Unequal “power” of tree protection policies versus development applications, where development trumps tree protection. In many municipalities, “applications for permission to cut down trees made under the Private Tree By-law cannot be refused in the instance where it negates the approval of a development application” (Mississauga).

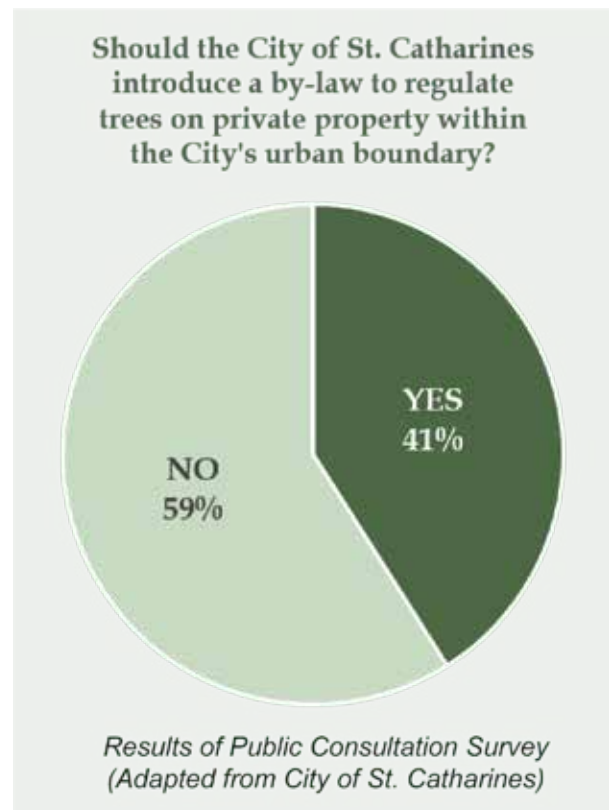
The representative from City of Thunder Bay spoke about the recent adoption of unique tree planting initiatives related to land development. For example, in 2018 the City began a program that involves collecting the money that would be allocated to tree planting requirements under Site Plan Control and planting the trees using the City’s own contractor. They explained that in removing the onus of tree planting from the developer, there is “no more warranty period for the contractor and no more battles with them”. Similarly, they began working with their Engineering Department for large capital rebuilds, where they “follow directly behind completion and replant boulevards regardless if there was a tree there or not”, which has been effective in increasing the number of trees in the City.

## 2. Policy Adoption Process

### Opposition

While some policies and plans are more effective than others, many informants discussed challenges associated with both the initial adoption and long-term governance, including opposition from developers, residents, and City Council. Examples from informants include:

- **Barrie:** “the development community, often through planning consultants, challenged any new policy that would affect total development area on private lands”.
- **Mississauga:** when reviewing their private tree by-law in 2012, Councillors and residents largely disapproved of a more restrictive by-law. The informant explained, “while there are groups that advocate for more retention, there are also groups that want to be able to take down trees when they can”.
- **St. Catharines:** City staff were directed to consult the public after proposing a private tree by-law to Council. The negative responses from residents led Council to reject the by-law and instead seek alternatives.





- **Ajax:** when exploring expanding their current by-law to include properties within the Urban Area, the informant explained that “politically this has not been prioritized, and the cost of enforcement needs to be examined more closely”.
- **Windsor:** a private tree by-law was proposed several times, and while there was reported interest from residents, the informant explained that the political climate of Council caused the by-law to be rejected.

### Implementation

While the first step to managing the urban forest lies in creating a tree protection or management strategy, municipalities often struggle with its implementation. For example, informants discussed the frequency in which developers and landowners ignore by-laws, and referenced private sector planners, engineers, and the Local Planning Appeal Tribunal (LPAT), who “do not give much attention to policy statements” (Barrie). The informant from Thunder Bay eloquently articulated this concern when referencing the effectiveness of their UFMP, explaining that “it remained, as so many plans do, on a dusty shelf with little appeal for higher ups to initiate”.

### Enforcement

Some municipalities interviewed simply lack the financial and human resources to implement and oversee policies and programs. Examples of these challenges include:

- **St. Catharines:** “a tree protection by-law is only effective as it’s enforced”. City staff are concerned about the staffing required to review, implement, and enforce by-laws.
- **Windsor:** discussed their lack of City resources for monitoring a private tree by-law.
- **Thunder Bay:** when exploring a City-supplied and -sponsored tree planting program, they said one of the main reasons it has not been initiated is because of the lack of time and capacity of municipal staff.



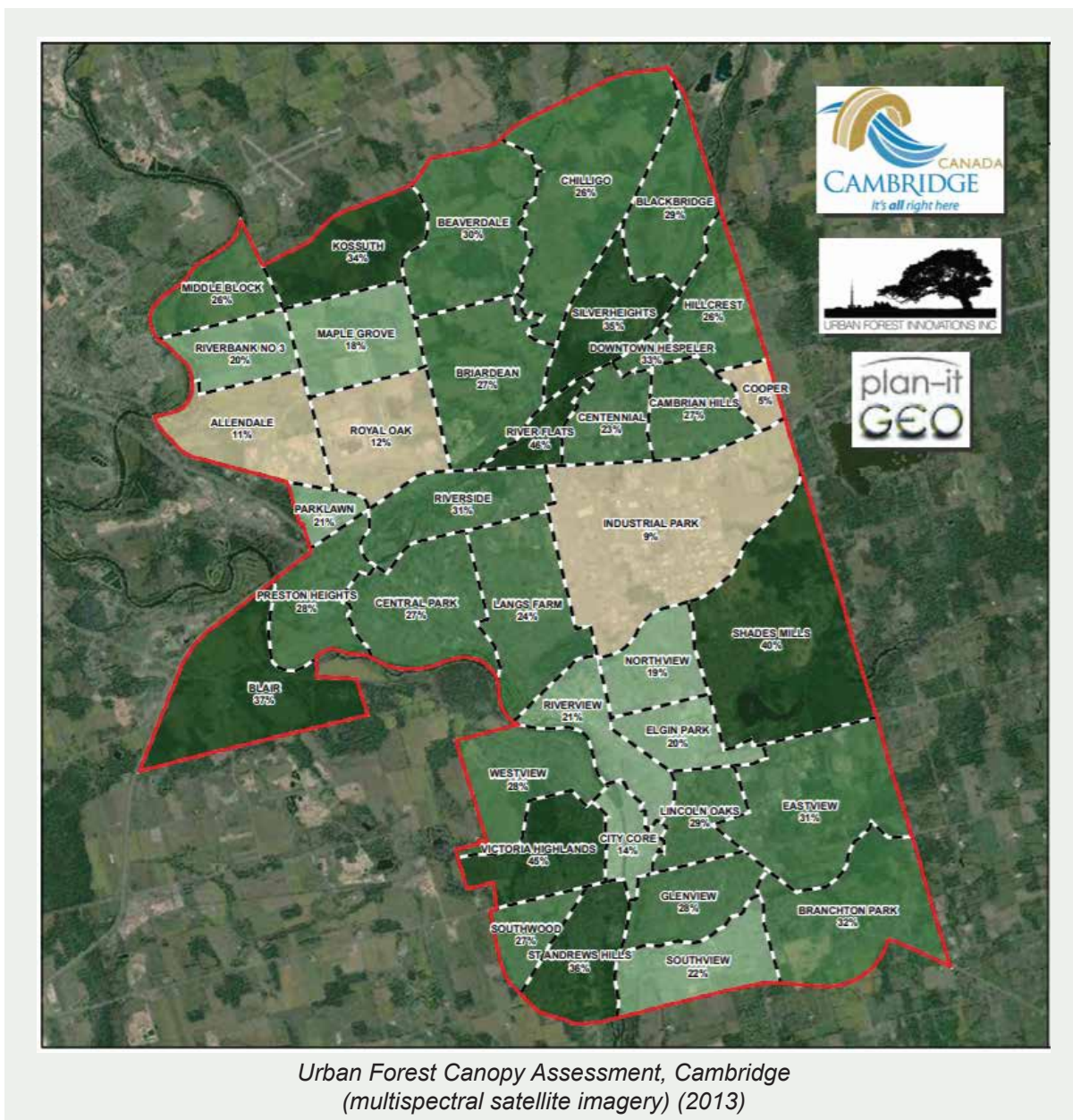
Tree Protection during Construction  
(CBC Edmonton, 2017)

### 3. Measurement Methods

The municipalities interviewed employ a variety of methods to measure contributions to the urban forest and overall canopy growth. In most cases, a canopy measurement is completed as part of the UFMP, and will be conducted each time the plan is updated. Some examples of tracking strategies include:

- **Barrie:** through their Urban Forest Strategy, have begun mapping the tree canopy and conducting “urban forest health card assessments”.
- **Cambridge:** private consultants were hired to conduct in-depth canopy measurements in 2013 and 2018, which show tree cover at the city-wide, neighbourhood, and individual parcel scales.
- **Guelph:** is currently conducting an Urban Forest Study, which will set the baseline for monitoring the tree canopy, and be conducted every ten years.
- **Toronto:** conducts a canopy study every decade using LiDAR and satellite imagery.

While municipalities use a range of methods to measure the tree canopy and track changes, most municipalities indicated that it is too early to determine how tree protection and management actions have impacted the overall tree canopy.



## 4. Compensation Programs

Compensation programs may allow for the removal of healthy trees if more trees are planted to make up for the corresponding loss of ecosystem services. Cities have different formulas for calculating appropriate compensation ratios and often include a cash-in-lieu option:

- **Ajax:** a compensation program is employed through development applications, where a tree replacement formula is used and “trees are either replaced on-site, or cash-in-lieu is provided and the Town plants trees elsewhere”.
- **Cambridge & Guelph:** private tree by-laws work in a similar way, where, if homeowners are unable to plant enough compensation trees, they pay into a private tree planting reserve fund.
- **Niagara Falls:** the Official Plan “contain[s] a policy supporting a compensation program for the removal of private trees however a formal program has not yet been created”.

While compensation can be effective when trees cannot be protected, “the replacement trees are never at the same caliper as the tree removed typically” - meaning there is an initial decrease to the canopy (Mississauga).

### 3.5.4 Tree Replacement Program

At the discretion of the Town, deciduous trees with a min. caliper of 150 mm or coniferous trees with a min. height of 4.5 metres, which are to be removed or intended to be protected and expire within five years of completion of construction of the development, the following aggregate caliper formula shall be used:

**If one 250 mm caliper tree is to be removed, the replacement shall be 5-50 mm caliper trees, 2-125 mm caliper trees or 1-250 mm caliper tree.**

Based on the above formula, the applicant is to provide:

1. **How many healthy existing trees (that are more than 150mm DBH) are to be removed?** For example, there are 5 existing healthy deciduous trees with more than 150mm DBH that are to be removed due to the development.
2. **The total DBH (diameter at breast height in mm) removed (i.e. the sum of all the removed trees' DBH).** For example: 750 mm DBH (i.e. 5 x 150mm) are being removed.
3. **How many new trees (in what caliper) are to be replanted back to the subject site.** For example: 8 new deciduous trees in 60mm caliper, in a total of 480 mm DBH back to the site.
4. **The balance of DBH that is owing.** For example: 750 mm DBH – 480 mm DBH = 270 mm DBH.
5. **The balance of new trees.** 270 mm DBH divided by 60 mm (i.e. the size of a new tree) = 4.5, or round up to be 5 new trees
6. **Calculate the cash-in-lieu value for the balance of trees. We currently use \$500.00 per new tree.** \$500.00 x 5 = \$2,500.00 as the tree compensation cash-in-lieu.

*Tree Replacement Formula (Town of Ajax)*

## 5. Community Programs

Lastly, municipalities were questioned about the existence of tree-related programs facilitated by the municipality, and their effectiveness compared with tree protection and management policies. Programs mentioned include:

- Local Enhancement & Appreciation of Forests (LEAF) Backyard Planting Program (Ajax & Oakville)
- Reep Green Solutions Backyard Tree Planting Program (Cambridge)
- One Million Trees (Mississauga)
- Free Tree Giveaway Day (St. Catharines)



Free Tree Giveaway Day (St. Catharines Standard, 2019)

As indicated in the list of tree-related programs, programs are often implemented through partnerships with larger organizations. The informant from Barrie explained that “these programs as a result are far more successful as they start with the same goal in mind and are easy for municipal staff to support/assist with implementation”.

When comparing the effectiveness of policies versus programs, informants overwhelmingly cited the need for both. For example, the informant from Cambridge stated, “policies form the foundation of programs, so they are each important in their own way”. Additionally, the informant from Oakville discussed the success of both policies and programs in contributing to the tree canopy, stating that from 2017 to 2018, there were 2,072 planted on private properties through the revised private tree by-law and an additional 101 trees and 89 shrubs were planted on private properties through their backyard planting program.

The informant from Waterloo compared the effectiveness of private tree by-laws versus programs in reaching the goal of saving and protecting trees. For example, they explained that the punitive nature of by-laws is “burdensome to enforce and a great annoyance to the average resident”, whereas with less punitive measures and education programs, “trees become an asset to the property, not a liability”. Their perspective highlights the need for municipal staff, developers, and local residents to come together to “share an understanding and appreciation of the many benefits of trees”, which will, in turn, provide a better outcome overall tree canopy.

## Conclusion

It is clear that municipalities share common successes and challenges with regard to urban forestry protection and management strategies. These findings are integrated into the *Recommendations* section in this report. More information about the survey can be found in Appendix B.

## Recommendations

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The need for protecting and enhancing urban tree canopies has become critical for municipalities. With tree canopies in many municipalities significantly below the recommended targets, alternatives to tree protection by-laws and new approaches through the legislative frameworks of planning are needed to ensure the expansion of urban tree canopies. In many municipalities, over half of the urban forest is located on private property. This has resulted in the need for urban forest strategies that extend beyond tree planting efforts and towards stronger development policies that ensure the protection and enhancement of existing trees on private land.

In addition to encouraging planners to incorporate the full array of applicable private tree planning policies in their work, the following recommendations are potential policy directions and tools for municipalities to consider. The list of recommendations demonstrates that private tree protection and management is best achieved when a variety of approaches and municipal actors are involved.

### 1. Develop & Implement a Private Tree By-law

Private tree by-laws are successful in protecting and preserving existing trees on private property. As a municipal by-law, this will be enforceable and can be applied throughout the development process, and in some instances, outside the planning development process.

- Develop a private tree by-law in consultation with residents and experts.
- Within the by-law, include specific language around fines for removing trees unlawfully (i.e. without submitting appropriate documentation), tree replacement ratios, and criteria for requiring a tree removal permit.



*Developer Cut Down 30 Mature Trees Without Permit (Canuck Post)*

### 2. Increase By-law Coverage

Municipalities may consider expanding the coverage within existing by-laws to include more regulations addressing trees on private property. This can be useful in cases where private tree by-laws are not viable. As mentioned in the report, this can be due to a variety of reasons, including a lack of interest or support from residents and Council, to the municipality's internal capacity for by-law governance and enforcement.

- Expand property standards-related by-laws to include the removal of hazardous trees, and add a standardized replacement formula and a cash-in-lieu calculation. Also consider providing a list of approved tree species for replacements.
- Explore means of including increased landscaped open space requirements in zoning by-laws, thus allowing municipal staff to request more tree planting on sites.

### 3. Strengthen Development Application Process

Several municipalities in Ontario are using creative tactics to bring tree protection and preservation into the development process, with some approaches proving to be highly effective in both protecting existing trees and encouraging new planting. In order to add a level of accountability to development applications, municipalities should formally incorporate tree protection and preservation into the development process.

- Add policies to the municipal Official Plan or Urban Design Guidelines that clearly outline requirements for a complete development application (e.g. requirements for tree protection/preservation plans when trees will be damaged by construction; or standards for site plans and the level of landscaping detail required).
- If a by-law is present, consider adopting an Official Plan policy that enables fines for removing vegetation prior to submitting a development application, similar to that present in the City of Barrie's Official Plan.
- Consider implementing a planting program modelled after the City of Thunder Bay (see 3.3.1 Policy Effectiveness - Development Process).
- Adopt a tree replacement ratio, under which a certain number of trees must be replanted for each tree an applicant removes. This formula could be a caliper-for-caliper replacement (e.g. Town of Ajax), a standardized formula, or a scaled formula (e.g. City of Vaughan). If new trees cannot be planted, a cash-in-lieu program should be implemented, where a monetary value for each tree removed is paid to the municipality (and can support off-site tree planting).



### 4. Designate Trees as Heritage Features

The *Ontario Heritage Act* (1990) allows trees to be given a heritage designation. Many municipalities cited the effectiveness of framing tree protection as a matter of preserving cultural or historic heritage, or the natural heritage features of neighbourhoods. Municipalities should explore neighbourhoods and trees that are potential candidates for tree protection.

- Compile a list of potential candidate trees to designate under the *Ontario Heritage Act* (1990) by engaging residents and experts.
- Apply to designate identified trees as natural heritage features or neighbourhoods as heritage landscapes through appropriate channels outlined by the *Ontario Heritage Act* (1990).

## 5. Create Resident-Focused Education Programs

Literature shows that while residents believe trees are beneficial, their knowledge of trees - including tree health and maintenance, native tree species, and ecosystem services they provide - is generally low. However, through staff surveys, some municipalities identified resident education as an important contributor to the success of tree programs and on-going tree protection and preservation efforts.

- Create educational programs and materials for residents about the benefits of trees, tree planting, and tree species identification.
- Identify and foster strategic partnerships with local organizations such as schools and other non-government organizations.
- Develop a culture of tree-conservation among city staff and the public. This can be facilitated by a strong UFMP.



Tree Education Program (LEAF - flickr)

## 6. Increase Tree-Related Programs

Staff from the municipalities interviewed overwhelmingly cited the need for both policies and programs to meet canopy targets. Municipalities used a combination of self-run initiatives and programs implemented through public-private partnerships with larger organizations. The latter approach may prove additionally beneficial as it decreases the onus on municipal staff to provide full-programming support.

- Partner with private organizations to develop resident tree stewardship and planting programs.
- Introduce and support year-round tree-related programs.
- Create a program that accepts monetary donations from residents and businesses to help fund community tree-planting initiatives and events.
- Explore the implementation of innovative programs that “gamify” tree planting and allow for robust data collection (e.g. Mississauga’s One Million Trees).

## 7. Leverage Perimeter Trees

The preservation of perimeter trees encourages more compact development while preserving existing trees on properties. Details can be included in municipal policies and guidelines to strengthen preservation and protection efforts. Municipalities should consider including the preservation of perimeter trees in policy and plans.

- Include preservation of perimeter trees in urban design guidelines and/or development regulations.
- Focus specifically on ensuring minimal disturbance to the root system of trees, so as to not encroach on tree drip lines.

## **8. Include Planting Target Ratios**

Native tree species are well-adapted and contribute positively to the local ecosystem, however, many non-native tree species are better suited for harsh growing conditions (e.g. urban areas). Of the municipalities studied, no plans indicated target ratios for native-to-non-native or female-to-male planting, what the overall split of native-to-non-native species or female-to-male should be, or situations when respective species and sex should be used.

- Indicate target ratios for native-to-non-native and female-to-male tree planting in an UFMP and create a clear implementation strategy and timeline.
- Ensure that native trees are included on, and promoted via the municipal recommended planting list. These lists should also consider urban versus non-urban factors that influence the success of certain species.

## **9. Formalize Climate Resilience Considerations**

Climate change is altering the environment, including temperature extremes and frost dates. While urban trees can help in mitigating and adapting to climate change, they themselves are vulnerable to these changes. Successful tree planting and tree survival rates must consider these factors. Research and surveys revealed that some municipalities are considering alternative tree species, planting schedules and locations, often informally. In order to proactively plan for climate resilience and to ensure high rates of survival from tree planting efforts, municipalities should consider formalizing climate resilience considerations:

- Adopt “active adaptive management” such as planting techniques to encourage assisted migration.
- Develop information for linking ecosystem services to specific land use in to guide tree species selection.

## **10. Canopy Cover Monitoring Metrics**

Currently, there are no national or provincial standards that identify canopy coverage targets or methods of measuring and monitoring the tree canopy. Municipalities studied either adopted targets from the International Society of Arboriculture or the American National Standards Institute. This can result in varying targets and approaches to both developing and pursuing tree canopy targets. Therefore, we recommend that municipalities:

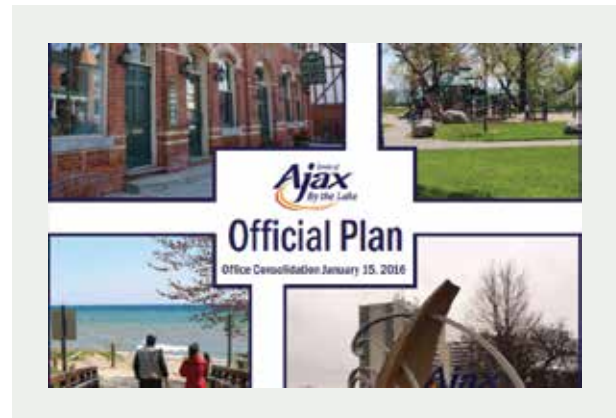
- Support efforts to develop a scientifically-informed standard of practice for setting and achieving canopy cover targets (at the provincial- or national-scale).
- Continue identifying and following current best practices for canopy monitoring.
- Establish a canopy monitoring program (e.g. within an UFMP) that includes a recurring canopy assessment to track canopy change (e.g. every 10 years).
- Adopt a remote-sensing and land cover classification approach to long-range canopy monitoring. For example, The City of Toronto uses “high resolution leaf-on aerial and satellite imagery” to perform a land cover classification every decade. Although costly, remote sensing is an effective and practical method of monitoring canopy change over time.



## 11. Amend Official Plans and Design Guidelines to Include Overarching Tree Policies

Many municipalities have broad tree-related policies within their Official Plans and Design Guidelines. Such policies are an efficient way to address multiple aspects of private tree preservation and protection. Therefore, we recommend that municipalities amend these documents to include these policies that will address multiple aspects of all private tree matters using one policy. This can be effective as all policy aims can be included in one policy, instead of throughout an entire planning document. In addition to the specific policies included in this Guide, the documents below include comprehensive policy that can be used as models:

- **Ajax:** Official Plan (2016)
- **Cambridge:** Official Plan (2018)
- **Guelph:** Official Plan (2018)
- **Toronto:** Official Plan (2015)
- **Oakville:** Livable by Design Manual (Part C) – Site Design and Development Standards (2017)



## 12. Ensure a Consistent Municipal “Tree Vision”

To ensure the greatest success in maintaining and increasing tree canopy coverage, the municipality’s tree-related goals should be apparent and consistent across all documents, policies, programs, and activities carried out by the municipality. The goals of the municipality should be clear to all stakeholders. When all municipal departments, stakeholders, and residents are aware and committed to this vision, substantial progress in managing and protecting the urban forests can be made. To achieve this, it is recommended that municipalities create a vision statement, or a set of goals with regard to canopy coverage and urban forest health, that governs all activities that intersect with tree protection and management.

## Concluding Remarks

Trees are valuable assets for Canadian communities due to the environmental, ecological, public health, and social benefits they provide. As this Practice Guide demonstrates, trees located on private property play an important role in the overall health and well-being of a municipality’s urban forest, and will continue to do so as urbanization increases across the country. Therefore, private trees should be specifically included in tree-related policies and programs by municipalities. Although this study was limited to the geography of Ontario, recommendations provided can and should be adapted to suit the unique socio-political framework present in other provinces and territories.

Substantial change can occur by adopting only a few of the suggested interventions; however, it is encouraged that municipalities adopt both policies and programs targeted at enhancing the tree canopy. The most important takeaway is that Canadian municipalities should implement tree protection and management measures to ensure the well being of their community and urban forests well into the future.

## Definitions

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**Assisted Migration:** A conservation tool and adaptation strategy that consists of moving and establishing species or populations outside of their historical range to a new location where the climate will be more suitable under expected conditions of climatic change (also referred to as Assisted Colonization) (Fontaine & Larson, 2016).

**Drip Line:** The area directly underneath the outer circumference of the tree branches. When the tree canopy gets wet, excess water is shed and falls along the drip line. This is also known as a tree's Critical Root Zone (CRZ).

**Ecological Integrity:** A contested definition, but generally refers to the natural composition of species and/or habitat, or the wholeness and proper functioning of an ecosystem (Conway, 2019).

**Ecosystem Services:** Goods or services produced by urban forests that contribute to human well-being (MEA, 2005).

**Good Forestry Practices:** As defined by the Forestry Act (1990), Good Forestry Practices refers to the proper implementation of harvest, renewal, and maintenance activities in a given forest and environmental context. This includes minimizing adverse effects on significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health, and the aesthetics and recreational opportunities of the landscape (1(1)).

**Invasive Species:** Any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction does or is likely to cause economic or environmental harm or harm to human health.

**Native Species:** Trees and plants that have adapted to the local climate and soil conditions. This means that they do not need as many resources such as watering or fertilizers to grow properly. These species have evolved with native animals and insects, and provide habitat and a food source.

**Significant Woodlands:** Treed lands which are of special interest due to ecological, functional or economic considerations. Some municipalities differentiate between smaller “locally significant woodlands” and larger “provincially significant woodlands”.

**Tree Canopy:** A measurement of the aerial extent of tree foliage coverage, typically measured in percentage of total land area. Also known as forest canopy cover, or canopy coverage.

**Tree protection:** To prevent or minimize harm to any tree.

**Tree preservation:** To ensure trees are maintained in their existing states.

**Urban Forest:** The sum of all woody and associated vegetation in and around dense human settlements.

**Urban Forest Management Plan:** A tailored plan that guides tree care professionals to proactively and effectively manage and provide for maximum, long-term benefits to the community (United States Global Change Research Program, 2019).

## References

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- Bonney, M. T., & He, Y. (2019). Attributing drivers to spatio-temporal changes in tree density across a suburbanizing landscape since 1944. *Landscape and Urban Planning*, 192, 103652. <https://doi.org/10.1016/j.landurbplan.2019.103652>
- Canadian Urban Allergy Audit. (2012). PolleNation™. Retrieved May 27, 2020 from [http://file.marketwire.com/release/PolleNation\\_Report.pdf](http://file.marketwire.com/release/PolleNation_Report.pdf)
- Conway, T. M., Almas, A. D., & Coore, D. (2019). Ecosystem services, ecological integrity, and native species planting: How to balance these ideas in urban forest management? *Urban Forestry and Urban Greening*, 41, 1–5. <https://doi.org/10.1016/j.ufug.2019.03.006>
- City of Cambridge. (2015). Urban Forest Plan 2015-2034. Retrieved from <https://www.cambridge.ca/en/learn-about/resources/Accessible-PDFs/Cambridge-Urban-Forest-Plan-2015-2034.pdf>
- City of Toronto. (2013). Sustaining and Expanding Urban Forest: Toronto's Strategic Forest Management Plan 2012-2022. Retrieved from <https://www.toronto.ca/data/parks/pdf/trees/-sustaining-expanding-urban-forest-management-plan.pdf>
- Douglas, T. (2016). Best Practices for the Creation of Urban Forest Management Plans: Lessons from London and Mississauga for Ontario's Large Municipalities (Master's project), Queen's University, Kingston, ON.
- Fontaine, L. C., & Larson, B. M. H. (2016). The right tree at the right place? Exploring urban foresters' perceptions of assisted migration. *Urban Forestry and Urban Greening*, 18, 221–227. <https://doi.org/10.1016/j.ufug.2016.06.010>
- Landry, J-S., & Ramanjuttu, N. (2015). Carbon Cycling, Climate Regulation, and Disturbances in Canadian Forests: Scientific Principles for Management. *Land*, 4, 83-118.
- McGovern, M., & Pasher, J. (2016). Canadian urban tree canopy cover and carbon sequestration status and change 1990–2012. *Urban forestry & urban greening*, 20, 227-232.
- Millennium Ecosystem Assessment (MEA). (2005). *Ecosystems and Human Well-Being, Synthesis*. Island Press, Washington, DC.
- Natural Resources Canada. (2020). How much forest does Canada have? Government of Canada. Retrieved from <https://www.nrcan.gc.ca/our-natural-resources/forests-forestry/how-much-forest-does-canada-have/17601>
- Province of Ontario. (2014). Provincial Policy Statement. Retrieved from <http://www.mah.gov.on.ca/Page10679.aspx>
- Province of Ontario (2001). Municipal Act, Statute of Ontario, 2001, c.25. Retrieved from <https://www.ontario.ca/laws/statute/01m25>
- Province of Ontario. (1990). Conservation Land Act, 1990, c. C.27. Retrieved from <https://www.ontario.ca/laws/statute/90c27>
- Province of Ontario. (1990). Environmental Protection Act, 1990, c. E.19. Retrieved from <https://www.ontario.ca/laws/statute/90e19>

Province of Ontario. (1990). Forestry Act, 2000, c. 18. Retrieved from <https://www.ontario.ca/laws/statute/00p18>

Province of Ontario. (2005). Greenbelt Act, 2005, c. 1. Retrieved from <https://www.ontario.ca/laws/statute/05g01>

Province of Ontario. (1990). Ontario Heritage Act, 1990, c. O.18. Retrieved from <https://www.ontario.ca/laws/statute/90o18>

Province of Ontario. (1990). Planning Act, Revised Statute of Ontario, 1990, c.P.13. Retrieved from <https://www.ontario.ca/laws/statute/90p13>

Province of Ontario. (2005). Places to Grow Act, 2005, c. 1. Retrieved from <https://www.ontario.ca/laws/statute/05g01>

Province of Ontario. (2000). Professional Foresters Act, 2000, c. 18. Retrieved from <https://www.ontario.ca/laws/statute/00p18>

Province of Ontario. (2014). A Place to Grow – Growth Plan for the Greater Golden Horseshoe. Retrieved from <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

Society of Arboriculture. (2011). Criteria and Indicators for Strategic Urban Forest Planning and Management. Retrieved from [https://www.isa-arbor.com/events/conference/proceedings/2013/VAN\\_WASSENAER\\_article\\_AUF\\_%20May\\_2011.pdf](https://www.isa-arbor.com/events/conference/proceedings/2013/VAN_WASSENAER_article_AUF_%20May_2011.pdf)

Statistics Canada. (2011). Census 2011 Census. Ottawa. Released October 24, 2012. [http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/vc-rv/index.cfm?Lang=ENG&TOPIC\\_ID=1&GEOCODE=01](http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/vc-rv/index.cfm?Lang=ENG&TOPIC_ID=1&GEOCODE=01)

Ulrich, R. S., Simons, R. F., Losito, B. D., Fiorito, E., Miles, M. A., & Zelson, M. (1991). Stress recovery during exposure to natural and urban environments [https://doi.org/10.1016/S0272-4944\(05\)80184-7](https://doi.org/10.1016/S0272-4944(05)80184-7)

U.S. Climate Resilience Toolkit. (2019). Retrieved November 20, 2019, from <https://toolkit.climate.gov/tool/urban-forest-management-plan-toolkit>