

## 7. East Pelton Planning Area

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### 7.0 Preamble

The East Pelton Secondary Plan provides direction for the development of the southwestern portion of the Sandwich South Planning Area. The Sandwich South Planning Area is designated on Schedule 'A': Planning Districts & Policy Areas in the City of Windsor Official Plan (Volume 1: The Primary Plan). This Secondary Plan was prepared in accordance with the Official Plan, Official Plan Amendment No.60 (after OMB decision) and the Policy Direction for Future Secondary Plans in the Sandwich South Planning District.

The East Pelton Secondary Plan area includes the lands identified as the "Possible Development Phasing 1-3 years" on Schedule H: Baseplan Development Phasing in the City of Windsor Official Plan and includes a portion of property which was fragmented by the proposed arterial road.

The East Pelton Secondary Plan should be read in conjunction with the goals, objectives, and policies of the City of Windsor Official Plan (Volume 1: The Primary Plan) in so far as they are not in conflict with the more specific goals, objectives and policies of this Secondary Plan. In the event of a conflict, the goals, objectives and policies as set out herein shall take precedence.

### 7.1 Study Area

*SCHEDULE  
EP-1: STUDY  
AREA*

This Secondary Plan applies to approximately 206 hectares of land within an area bounded generally by Seventh Concession Road to the west, Eighth Concession Road to the east, Highway 401 to the south and lands south of Baseline Road. Refer to Schedule EP-1: Study Area.

### 7.2 Purpose

The purpose of the East Pelton Secondary Plan includes the following:

- (a) to establish the development concept, objectives and policies for the East Pelton Secondary Planning Area designated on Schedule EP-1: Study Area;
- (b) to define specific locations for land uses within the East Pelton Planning Area in accordance with the land use designations on Schedule EP-2: Land Use; and

- (c) to define the road network within the East Pelton Planning Area in accordance with the designations on Schedule EP-3: Major Road Plan.

### 7.3 Background

<i>LOCATION</i>	The subject lands are located in the south western section of the Sandwich South Planning District and are identified as “Agricultural Transition Area” on Schedule ‘A’: Planning Districts & Policy of the City of Windsor Official Plan. The Sandwich South Planning District lands (also known as the Boundary Adjusted Lands) were added to the City of Windsor in December 2002 through a Boundary Adjustment Agreement between the Town of Tecumseh, County of Essex and the City of Windsor. The “Boundary Adjusted Lands” were needed by the City of Windsor to accommodate future growth, particularly employment growth.
<i>OFFICIAL PLAN</i>	In 2004, the Official Plan Amendment No.60 was adopted by Council to expand the City of Windsor urban boundary in accordance with the Boundary Adjustment Agreement and establish land use designations and policies to guide future development. The East Pelton lands were designated “Future Urban Areas” as shown on Official Plan Schedule ‘D’: Land Use and identified as a “1-3 Years Possible Development Phasing” on Schedule ‘H’: Baseline Development Phasing.
<i>STUDY AREA</i>	The original East Pelton Secondary Plan area represents a relatively small (approximately 110 hectares) land area when compared to the Sandwich South Planning District (approximately 2350 hectares). The Secondary Plan boundary is “L” shaped which is consistent with the “1-3 years” phasing boundary as on Schedule ‘H’ of the Official Plan. It also corresponds to the sanitary sewage service area of the Lou Romano Water Reclamation Plant. As part of the Secondary Plan review process, the East Pelton Secondary Plan boundary was expanded twice. Firstly to address the fragmentation of a land parcel (known as the Hurley property) resulting from the proposed east-west Arterial Road location. A Sanitary Sewer Service Brief for the East Pelton Secondary Plan was prepared to consider accommodating the Hurley Lands (176 residential units estimated yield). The Brief estimated that sufficient sewer system capacity exists, subject to system flow monitoring confirmation satisfactory to the City Engineer. The second boundary expansion resulted from a request from the Coco Group of Companies (referred to as the Coco Proposal) to expand the boundary northerly to the Sixth Concession Drain, in effect squaring off the area. In support of the request a report titled ” Trunk Sanitary Sewer Capacity Assessment for Servicing of Annexed Lands West” dated February 18, 2009 was prepared by Stantec Consulting Ltd. The report was reviewed by the City of Windsor staff and approved with conditions. The boundary expansions increased the East Pelton Secondary Plan area from approximately 110 hectares to approximately 206 hectares in area.
<i>CURRENT LAND USE</i>	The East Pelton Secondary Plan area contains primarily agricultural lands and two existing institutional land uses, the Windsor Christian Fellowship and the Croatian National Sports Club. Planning consideration was also given to a

proposed new Provincial detention centre, known as the “South West Detention Centre”. Official Plan Amendment and Zoning By-law Amendment applications for the proposed detention centre have been submitted to the City of Windsor Planning Department and are being reviewed concurrently with the Secondary Plan. The proposed detention centre site is located in the eastern portion of the Secondary Plan area fronting onto the 8<sup>th</sup> Concession Road.

*LAND USE  
CONSIDERATIONS*

Land use considerations and potential constraints that were considered in the preparation of the Secondary Plan included:

- (a) The vicinity of the Windsor International Airport;
- (b) The CN East Pelton Railway Spur;
- (c) Highway 401;
- (d) Existing municipal drains (6th and 7th Concession Drains); and
- (e) Integration with the surrounding road network. (Walker Road, 7th Concession Road and 8th Concession Road)

*PUBLIC  
INFORMATION  
CENTRES*

With the support of the City of Windsor, the East Pelton Secondary Plan was initiated in the Fall 2007 by Dillon Consulting Limited on behalf of two property owners. Due to a potential conflict of interest, Dillon Consulting withdrew from the project. In November 2008, The Jones Consulting Group Ltd. was retained as the lead consultant to complete the Secondary Plan. The Development Concept Plan and the planning goal, objectives and policies established in the Secondary Plan were derived in part from meetings with City staff, government agencies, affected property owners and the public. Two Public Information Centres (PIC) were held in October 2008 and January 2009 to solicit public opinion on the Draft East Pelton Secondary Plan land development concepts, policies and background information. A third and final PIC was held in April 2009, to obtain input with respect to the expanded 206 hectare study area.

## 7.4 Development Plan

### KEY ELEMENTS OF DEVELOPMENT PLAN

The Development Plan embodied in this Secondary Plan is based upon a number of key elements, including:

- (a) a new *Residential* area;
- (b) a vibrant, *Mixed Use* and *Community Node* area;
- (c) a *Commercial Centre* designed to accommodate larger scale employment and/or retail uses;
- (d) a *Commercial Corridor* designed for vehicle oriented retail and service uses;
- (e) an *Institutional* area to accommodate existing minor institutional uses and potential major institutional uses;
- (f) a *Private Recreation* area that provides locations for private community sports clubs to offer recreational and social activities to its members;
- (g) a comprehensive *Open Space System* which will become an important structuring element, organizing and defining the residential neighbourhood; and
- (h) a comprehensive set of *Urban Design* polices addressing site planning, built form and streetscapes.

The *Development Plan* is attached as Appendix ‘A’. While the Plan does not form part of the Official Plan, it shall serve as a basis for the Urban Design Master Plan and to guide to subdivision plans, consents, zoning categories and site plans.

### 7.4.1 Mix Use – Community Node

The Mixed Use – Community Node designation will form the basis of a neighborhood centre and will anchor the planning area to the west. It is intended to provide for a range of retail and service commercial uses serving the residents of the planning area and adjacent new residential areas. Served by a Class 1 arterial road to the south and supported by a network of collector roads, the Mixed Use – Community Node corridor will be an easily accessible focal point in the planning area as well as for future residential development to the east.

A variety of permitted uses may accompany this designation, including, but not limited to, convenience retail, service commercial, office and community

facilities. Residential uses may include both low and medium density development form. This area may ultimately develop at a ratio that may accommodate an even blend of both commercial and residential development. Open space and recreation could then be supported to provide a ‘complete community’ identity. Depending on urban design influences and the manner in which design controls are intervened, the Mixed Use – Community Node designation may well take on a feeling of self-sufficiency, offering a unique living/working experience within the Plan Area.

### **7.4.2 Commercial Centre**

Commercial Centre designations typically relate to the concentration of either service or convenience type commercial and/or highway-oriented retail. The designation is intended to provide a full range of retail and service commercial uses serving new residents in the plan area as well as all of the new Sandwich South neighbourhoods. It is also intended to serve a regional function and capturing retail spending from the surrounding Essex County market. Using the example of adjacent commercial nodes, the East Pelton Secondary Plan 'Commercial Centre' designation will be a hybrid of both large-format retail and smaller pockets of convenience type commercial. Employment uses as well as specialized commercial opportunities are also envisioned for this designation. Given the ease of accessibility via the Class 1 arterial to the northern boundary, Highway 401 to the south and west, and feeder collector roads situated among the residential neighborhoods, these uses will be well situated to benefit from mobility provided by excellent transportation/road infrastructure and visibility.

### **7.4.3 Commercial Corridor**

The Commercial Corridor designation is intended for areas which are designed for vehicle oriented retail and service uses. Commercial Corridor development often takes the form of commercial plaza's that have direct access to Arterial or Collector roadways. Permitted commercial land uses generally include retail, wholesale store, service-oriented uses and offices with building heights that are compatible with the surrounding land uses. The area that is designated Commercial Corridor in the Secondary Plan is located on lands that are within the Walker Road corridor area that currently supports similar commercial uses. It is intended that site access will be provide onto Walker Road which is designated as a Class II Arterial Road.

### **7.4.4 Institutional**

The East Pelton Secondary Plan has two primary institutional designations included within the plan area; "Major Institutional" and "Minor Institutional".

"Minor institutional" uses permitted within this designation will include smaller scale stand alone institutional uses. These may include, but not be limited to, elementary schools, day nurseries, a shelter, a retirement home, community clubs or places of worship.

'Major institutional' uses permitted within this designation will include large scale, 'stand alone' institutional uses. These may include, but not be limited to, secondary and post-secondary educational facilities, government offices, large-scale health care facilities and correctional facilities.

The treatment of institutional uses within the Secondary Plan area has included regard to the urban design and visual/noise mitigation measures that would be anticipated with the placement of large scale land uses within proximity to residential or mixed use neighborhoods. For example, a ‘buffering’ effect will result from the placement of the “Mixed Use – Community Node”, and “Commercial Centre” designations at the periphery of proposed ‘Institutional’ land uses. Further, the proposed open space and road network provide additional buffering.



#### **7.4.5 Private Recreation**

The Private Recreation designation provides locations for private community sports clubs to offer recreational and social activities to its members. The land uses and facilities are intended for the use of the private members and not the general public. The Private Recreation designation as identified in the Secondary Plan shown recognizes the Croatian National Sports Club, an existing club which is private sports club that provides recreational and social services to its members.

The treatment of institutional uses within the Secondary Plan area has included regard to the urban design and visual/noise mitigation measures that would be anticipated with the placement of large scale land uses within proximity to residential or mixed use neighborhoods. For example, a 'buffering' effect will result from the placement of the "Mixed Use – Community Node", and "Commercial Centre" designations at the periphery of proposed 'Institutional' land uses. Further, the proposed open space and road network provide additional buffering.

#### **7.4.6 Open Space**

The public Open Space system proposed for the Secondary Plan Area is intended to provide convenient, active and passive recreational facilities within a network of neighbourhood and local parks, greenways and stormwater retention and conveyance areas. The Open Space system should be used as the framework for all subdivision design, i.e., street layouts, block patterns and building orientation which should work together to enhance visual and practical connections to the Open Space system. The open space system should build on and enhance the existing natural heritage features in the area.

For the purposes of this Secondary Plan, the areas designated as "Open Space" are intended for predominantly public outdoor recreational uses of both an active and passive nature consisting primarily of local parks, community parks and recreationways. The local parks are intended to serve a variety of recreational and leisure needs of the local residents and complement and contribute to the character of the surrounding neighbourhoods. The hierarchy of parks supports both local parks and larger community scale parks that can offer active recreation facilities. The recreationways provide a comprehensive network of linear open space which links the various components of the community and provides access to the city-wide recreationway and bikeway network. As an off-road multi-use system the recreationway should be lit, especially where ambient light from nearby roads or parking lots is insufficient to light the trail and for routes expected to have significant nighttime use.

### **7.4.7 Residential** (Added by OPA 94 OMB Decision PL140374, December 21, 2016)

The Residential designation will provide lands for residential uses. It is intended to promote residential areas that are compact, transit-supportive, conducive to active transportation, and comprised of a mix of appropriate uses.

Uses permitted in the Residential land use designation include low and medium density residential dwelling units; community services including libraries, emergency services, community centres and similar public agency uses; home based occupations; minor institutional uses such as elementary schools and neighbourhood commercial uses.

## **7.5 Goal**

The goal of this Secondary Plan is to provide a policy framework to guide the future development of a community within the East Pelton Planning Area which is attractive, diverse, balanced and livable, accommodating a full range of urban land uses.

## **7.6 Objectives**

- |  |       |  |
|--|-------|--|
| <i>DEVELOP AND REVITALIZE</i>                          | 7.6.1 | Create conditions to encourage development and revitalization of this underutilized area within the City of Windsor.   |
| <i>OPEN SPACE</i>                                      | 7.6.2 | To create a comprehensive Open Space system comprising of open spaces, natural features, stormwater management areas and bikeways, functioning as a key element of physical design for the new community and adjacent communities, providing linkages among the community's various areas and amenities, and connecting the community to amenities elsewhere in Windsor. |
| <i>AMENITY</i>   | 7.6.3 | To design the Open Space system as an amenity for both residents and visitors.   |
| <i>DISTINCT, FUNCTIONAL AND ATTRACTIVE RESIDENTIAL</i> | 7.6.4 | To create a distinct, functional and attractive residential neighborhood. While the neighborhood is expected to accommodate comparatively low profile housing, primarily in the form of single detached dwellings, opportunities will be afforded in each neighborhood to develop areas characterized by more compact dwelling forms.                                    |
| <i>PARK LOCATIONS</i>                                  | 7.6.5 | To locate parks so that they function as the focus of each neighbourhood, and are within direct and easy walking distance of all residences.   |

<i>DIVERSITY OF LIFESTYLE CHOICES</i>	7.6.6	To accommodate a diversity of lifestyle choices by creating medium density residential and mixed use areas (community node) which offers a range of higher density housing forms than that found within the neighborhood.
<i>VIBRANT MIXED USE</i>	7.6.7	To create a vibrant Mixed Use area that will function as the community node for the East Pelton Secondary Plan area, accommodating cultural, recreational, community facilities, and providing a mix of retail, personal service, office, institutional and residential uses.
<i>SAFE, ATTRACTIVE AND AMENABLE FOR PEDESTRIANS</i>	7.6.8	To ensure that the form of development within the Mixed Use area and the Community Node creates an environment that is safe, attractive and amenable for pedestrians.
<i>LOCATIONAL ADVANTAGES</i>	7.6.9	To capitalize upon the site's strong locational advantages by designating an area for business and employment development. This will provide opportunities for residents to both live and work within the community.
<i>HOME BASE OCCUPATIONS</i>	7.6.10	To provide opportunities for home based occupations.
<i>SAFE MOVEMENT</i>	7.6.11	To develop an interconnected pattern of public roads which facilitates direct and safe pedestrian, cycle and vehicular movement throughout the community.
<i>TRAFFIC CALMING</i>	7.6.12	To encourage the use of traffic calming measures to ensure the safe, efficient and convenient movement of people and goods within the residential neighbourhoods. Such design elements include, but are not limited to landscaped boulevards, traffic circles, reduced rights of way, on street parking and curb geometrics.
<i>REDUCE AUTOMOBILE DEPENDENCE</i>	7.6.13	To promote walking and reducing automobile dependence within the community by enabling residents to walk along an on-street sidewalk system to retail, service, recreational and community services and facilities.
<i>DESIGN OF LOCAL ROADS</i>	7.6.14	To design local roads as social places, supportive of neighbourhoods.
<i>ENCOURAGE GREENING OF ROADS</i>	7.6.15	To encourage the greening of roads within the new community, by providing for roads abutting and paralleling the Open Space system and incorporating such design elements as roundabouts and boulevards wherever feasible.



<i>TRANSIT-SUPPORTIVE ROAD PATTERNS</i>	7.6.16	To develop a road pattern which is transit-supportive so as to increase the potential for transit serving the community and linking it with other areas of Windsor.
<i>EFFICIENT ROADS AND BLOCKS</i>	7.6.17	To ensure the pattern of roads and blocks within the community provides for the most efficient access between the Residential, Mix Use, Commercial Centre, Institutional and Open Space areas.
<i>ACCESSIBLE AND VISIBLE OPEN SPACE</i>	7.6.18	To provide open spaces which have a clear functional relationship to the neighborhood and which are in accessible and visible locations for residents and visitors.
<i>PRESERVE AND ENHANCE NATURAL FEATURES</i>	7.6.19	To preserve and enhance the natural features which exist on the site, including the 6 <sup>th</sup> and 7 <sup>th</sup> Concession Drains, by incorporating them within the Open Space system.
<i>COMMUNITY SERVICES</i>	7.6.20	To provide opportunities for community services, such as libraries and community centres, and institutions to meet the needs of the residents, and the larger community in locations which are both visible and accessible.
<i>URBAN DESIGN PRINCIPLES</i>	7.6.21	To establish urban design principles which result in the development of an attractive, safe and pedestrian-friendly community.
<i>STANDARDS</i>	7.6.22	To encourage a high quality and consistent level of urban design in both public and private areas by establishing appropriate zoning, subdivision and site planning standards.
<i>DISTINCT PUBLIC AREAS</i>	7.6.23	To create distinct public areas and spaces that are clearly defined and delineated by roads, sidewalks, street furniture, open spaces, buildings and other visual elements.
<i>COMPATIBILITY</i>	7.6.24	To ensure that in the transition between new and existing development is not abrupt and there remains compatibility amongst all adjacent land uses.
<i>EFFICIENT URBAN FORM</i>	7.6.25	To utilize alternative development standards, wherever feasible so as to reduce infrastructure costs and promote a more efficient urban form.
<i>STORMWATER MANAGEMENT</i>	7.6.26	To provide for a stormwater management system which minimizes the impact of urban development on the natural environment, is integrated as an amenity within the existing drain system and the open space system. It is capable of meeting applicable water quality and quantity requirements while minimizing any potential impacts on the Windsor International Airport related to waterfowl.



## 7.7 Policies

### 7.7.1 General Policies

- SUBJECT LANDS* 7.7.1.1 The subject lands are identified on Schedule EP-1: Study Area.
- LAND USE* 7.7.1.2 The following land use designations shall be identified on Schedule EP-2: Land Use:
- (a) Mixed Use/Commercial Node;
  - (b) Commercial Centre;
  - (c) Commercial Corridor;
  - (d) Major Institutional;
  - (e) Minor Institutional;
  - (f) Private Recreation;
  - (g) Open Space; and
  - (h) ~~Future Urban Area.~~ (Deleted by OPA 94 OMB Decision PL140374 December 21, 2016)
- ROAD CLASSIFICATION* 7.7.1.3 The following designations shall be identified on Schedule EP-3: Major Road Plan:
- (a) Class 1 Arterial Road;
  - (b) Class I Collector Road; and
  - (c) Class II Collector Road

### 7.7.2 Residential

- LOW AND MEDIUM DENSITIES* 7.7.2.1 The Residential areas shall consist of low density residential and medium density residential areas.
- HIGH DENSITY* 7.7.2.2 Higher density forms of housing shall be encouraged in the Residential (medium density areas), particularly in proximity to community services and facilities such as parks, and the mixed use and Community Node area to accommodate a range of demographic and tenure types.

- LOW DENSITY*      7.7.2.3      Development within the Residential (low density) shall occur at densities of up to 12 units per hectare (5 units per acre). Unit types permitted within this density range will include:
- (a)      single detached dwellings;
  - (b)      semi-detached dwellings;
  - (c)      street related townhouse dwellings;
  - (d)      stacked townhouses;
  - (e)      duplexes;
- MEDIUM DENSITY*      7.7.2.4      Development with the Residential (Medium Density shall occur at densities up to 46 units per hectare (19 units per acre) and not less 12 units per hectare (5 units per acre) with a maximum building height of 4 storeys. Unit types permitted within this density range include:
- (a)      street related townhouse dwellings;
  - (b)      stacked townhouses;
  - (c)      multiplexes; and
  - (d)      multiple dwellings
- BUILDING HEIGHT*      7.7.2.5      Development on each block face (both sides) shall have similar building heights and built forms throughout.
- HOME BASED OCCUPATIONS*      7.7.2.6      Home based occupations shall be encouraged in all Residential Areas.
- NOISE STUDY*      7.7.2.7      A Noise Study shall be required for residential development and subdivision plans within 300 metres of the railway tracks bounding the southern edge of the East Pelton Secondary Plan. The Noise Study shall be prepared in accordance with Section 10.2.11 in Volume I: The Primary Plan.
- VIBRATION STUDY*      7.7.2.8      All development within 75 metres of railroad tracks shall be required to complete a vibration study in accordance with Section 10.2.11 in Volume I: The Primary Plan.

### **7.7.3 Mixed Use/Community Nodes**

- URBAN DESIGN*      7.7.3.1      In keeping with the objective to create a high quality Mixed Use area, specific zoning and site plan control policies shall be followed



as set in this section. Such policies, however, may be altered without amendment to this Secondary Plan by preparation and approval by Council of a comprehensive Urban Design Plan as set out in policies 7.9.2.8 and 7.9.2.9 of this Secondary Plan.

<i>HIGHER INTENSITY</i>	7.7.3.2	The Mixed Use area is intended to accommodate a broad range of higher intensity, mixed-use developments.
<i>PERMITTED USES</i>	7.7.3.3	Permitted uses in the lands designated as Mixed Use on Schedule EP-2: Land Use, shall include uses as set out in policy 6.9.2.1 in Volume I: The Primary Plan.
<i>RESIDENTIAL</i>	7.7.3.4	Notwithstanding the provisions of Policy 6.9.2.1 in Volume I: The Primary Plan, residential uses shall not be permitted in the area designated Mixed Use located south of the proposed east-west Arterial Road and north of the lands designated Major Institutional in this Secondary Plan.
<i>DRIVE-THROUGH</i>	7.7.3.5	Drive-through facilities, car washes, service stations and gas bars should not be permitted within this area.
<i>MIX OF USES IN INDIVIDUAL BUILDINGS</i>	7.7.3.6	Individual buildings will include a mix of uses. Retail and/or service uses will be strongly encouraged at grade, particularly fronting onto the proposed Arterial Road or adjacent to other retail and service uses, to promote street level pedestrian activity and security.
<i>PEDESTRIAN ACCESS FROM STREET</i>	7.7.3.7	Developments shall be designed so that at least one building wall is located on an exterior lot line so as to afford sidewalk pedestrian access from the street.
<i>LOADING, SERVICING AND PARKING AREAS</i>	7.7.3.8	Permanent loading, service and parking areas shall be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the street. In general, parking areas will be encouraged at the rear of buildings.
<i>MID-BLOCK VEHICULAR ACCESS</i>	7.7.3.9	Mid-block vehicular access shall not be permitted to properties fronting the Arterial Road in order to encourage the use of signalized intersections or roundabouts for access and to facilitate pedestrian circulation.
<i>HIGHER DENSITY</i>	7.7.3.10	Development within the Mixed Use Area will accommodate a higher density of residential dwellings forms, (medium density) providing residents with alternative life style options, capitalizing upon the high level of service, transit and amenity available within the mixed use corridor.
<i>HOME BASED OCCUPATIONS</i>	7.7.3.11	Opportunities for home based occupations shall be encouraged through the design of development projects and individual residences.
<i>TRANSITION</i>	7.7.3.12	The Mixed Use designation south of the Arterial Road provides a transition between the Major Institutional and future residential

areas.

*DWELLING TYPES* 7.7.3.13 Within the Mixed use area north of the Arterial Road, the permitted dwelling types shall include:

- (a) townhouses;
- (b) stacked townhouses;
- (c) multiple dwellings; and
- (d) live work units.

*DENSITY* 7.7.3.14 Developments shall have densities of not less than 12 units per hectare (5 units per acre) and not more than 46 units per hectare (19 units per acre).

*BUILDING HEIGHT* 7.7.3.15 Building heights shall not exceed four storeys however; development on each block face (both sides) shall have similar building heights and built form throughout.

**7.7.4 Commercial Centre**

*COMMERCIAL CENTRE DEFINED* 7.7.4.1 Development within the Commercial Centre designated on Schedule EP-2: Land Use shall lead to creation of a high quality commercial area that provides for community and regional commercial uses that, capitalize upon the land’s locational advantages in relation to key transportation links and complimentary land uses. The Commercial Centre will be well suited as a location for large scale, integral retail, entertainment and office development.

*ACCESS* 7.7.4.2 The proposed Legacy Park Drive extension, a Class 1 Arterial Road, is the primary access providing the opportunity to attract employment uses with a regional orientation.

*PERMITTED USES* 7.7.4.3 Permitted uses within the lands designated as Commercial Centre on Schedule EP-2: Land Use shall include uses as set out in policy 6.5.2.1 of Volume 1: The Primary Plan.

*BUILDING HEIGHT* 7.7.4.4 The maximum building height shall be 4 storeys.

*AMENITY AREA* 7.7.4.5 Small local amenity areas such as landscaped sitting areas shall be encouraged throughout the Commercial Centre area, to provide for both active and passive recreation needs of employees and contribute to the overall quality of the area.

*PHASING* 7.7.4.6 The Commercial Centre designation shall be phased through the use of zoning and Holding provisions. The size and timing of each

phase shall be determined through the market impact assessment required in Section 7.9.1.3 and shall be based on the residential growth in Sandwich South Planning District for local serving facilities and the market growth within an applicable regional trade area for regional serving facilities.

## 7.7.5 Commercial Corridor

<i>COMMERCIAL CORRIDOR DEFINED</i>	7.7.5.1	The Commercial Corridor land use designation as shown on Schedule EP-2: Land Use is intended for areas which are designed for vehicle oriented retail and service uses. Commercial Corridor development often takes the form of commercial plaza's that have direct access to Arterial or Collector roadways.
<i>PERMITTED USES</i>	7.7.5.2	Permitted uses within the lands designated as Commercial Corridor on Schedule EP-2: Land Use shall include uses as set out in policy 6.5.3.1 in Volume 1: The Primary Plan.
<i>BUILDING HEIGHT</i>	7.7.5.3	The maximum building height shall be 2 storeys.
<i>ACCESS</i>	7.7.5.4	Access to the Commercial Corridor lands shall be restricted to Walker Road, an established Class II Arterial Road. Access across the East Pelton Railway Spur shall be discouraged.
<i>SERVICING</i>	7.7.5.5	It is encouraged that physical services including but not limited to sanitary sewers, water supply, and utilities be extended from Walker Road.
<i>AMENITY AREA</i>	7.7.5.6	Small local amenity areas such as landscaped sitting areas shall be encouraged throughout the Commercial Corridor area, to provide for both active and passive recreation needs of employees and contribute to the overall quality of the area.
<i>PHASING</i>	7.7.5.7	The Commercial Corridor designation shall be phased through the use of zoning and Holding provisions. The size and timing of each phase shall be determined through the market impact assessment required in Section 7.9.1.3.

## 7.7.6 Institutional

<i>INSTITUTIONAL USES</i>	7.7.6.1	For the purposes of this Secondary Plan, Institutional Uses are divided into Major and Minor Institutional as shown on Schedule EP-2: Land Use.
<i>MINOR INSTITUTIONAL USES</i>	7.7.6.2	(a) Minor Institutional uses include smaller scale uses as per policy 6.6.2.7 in Volume I: The Primary Plan. These may include, but not be limited to, elementary schools, day nurseries, a shelter, a retirement home, community clubs or places of worship.

*MINOR  
INSTITUTIONAL  
USES DEFINED*

(b) For the purposes of this secondary plan, **Retirement home** means a dwelling for the accommodation exclusively of retirees who may be provided with assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home, but does not include a Residential Care Facility.

(c) For the purposes of this secondary plan, **Shelter** means an establishment providing temporary accommodation to individuals who are in need of accommodation, food, ancillary health care, counseling and social support services.”

*MAJOR  
INSTITUTIONAL USES*

7.7.6.3 Major Institutional uses provides locations for large scale, stand alone institutional uses. Permitted uses in the lands designated as Major Institutional on Schedule EP-2: Land Use shall include uses as per policy 6.6.2.1 in Volume I: The Primary Plan.

*LOCATION*

7.7.6.4 The location of Institutional uses shall play a key role in the definition of the physical structure of the community and the residential neighbourhood.

*MINOR  
INSTITUTIONAL  
LOCATIONS*

7.7.6.5 Minor Institutional uses shall be encouraged to locate:

- a) on prominent sites, close to centres of community activity, to create community focal points. Their locations shall maximize accessibility for residents and other visitors.
- b) adjacent to the Greenway System wherever appropriate, to promote their functions as focal points within the community.

*CONNECTIVITY TO  
GREENWAY  
SYSTEM*

7.7.6.6 Where Minor Institutional uses are integral components of, or are located adjacent to, the Greenway System, they shall be designed so as to ensure connectivity of the Greenway System, by providing for through public access.

*JOINT USES*

7.7.6.7 The Municipality will encourage the development of joint use Institution sites wherever possible, to promote the efficient utilization of land and public resources.

*SITE-SPECIFIC  
AMENDMENTS*

7.7.6.8 For large scale institutional uses that are characterized as unique or “stand alone” uses, Council may consider site-specific Official Plan and Zoning By-law Amendments for lands that are designated Major Institutional on Schedule EP-2: Land Use. Site specific exceptions will only be considered where studies relating to physical servicing, transportation, environmental evaluation or others as identified in Section 7.9.1 of this Plan are completed as part of the planning approval process.

### **7.7.7 Private Recreation**

*PRIVATE  
RECREATION  
DEFINED*

7.7.7.1 The Private Recreation designation provides locations for private clubs and private parks. The land uses and facilities are intended for the use of members.

*EXISTING CLUB*

7.7.7.2 The Private Recreation designation as shown on Schedule EP-2: Land Use recognizes an existing private sports club which provides recreational and social activities for members.

*PRIVATE CLUB  
DEFINED*

7.7.7.3 For the purposes of this section a Private Club shall be defined as follows:

"Private Club" means a building or part thereof used exclusively by a chartered non-profit organization for social, cultural, recreational, athletic, philanthropic or patriotic purposes.

*PRIVATE PARK  
DEFINED*

7.7.7.4 For the purposes of this section a Private Park shall be defined as follows:

"Private Park" means a lot or part thereof, used for recreation and not maintained by the City of Windsor or a public authority.

*ANCILLARY USES*

7.7.7.5 Ancillary uses that are clearly incidental and secondary to, and complimentary with the permitted uses above may be permitted.

*LOCATION*

7.7.7.6 Private clubs and private parks shall be encouraged to locate where:

- a) There is direct access to Class II Arterial Roads, Class I Collector Roads or Class II Collector Roads to ensure that traffic generated can be directed away from residential areas
- b) Full municipal physical services and emergency services can be provided;
- c) The use will be compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks and landscape areas;



- d) Public transportation service can be provide; and
- e) Adequate off – site parking can be provided.

### **7.7.8 Open Space**

<i>OPEN SPACE SYSTEM</i>	7.7.8.1	Lands within the Open Space designation as shown on Schedule EP-2: Land Use comprise the community's Open Space system, which will link areas within the community to one another and with other components of the developing city-wide Open Space system.
<i>PRESERVE AND ENHANCE</i>	7.7.8.2	The Open Space system shall preserve and enhance existing natural features.
<i>PUBLIC TRANSIT</i>	7.7.8.3	Open Space shall be visible from public roads and is accessible by public transit.
<i>AMENITY AREA</i>	7.7.8.4	Open Space amenities shall also be provided in locations that have higher activity and the potential for frequent pedestrian use.
<i>URBAN DESIGN MASTER PLAN</i>	7.7.8.5	The precise locations, configurations and boundaries of the Open Spaces shall be identified in the Urban Design Master Plan and refined in the subdivision approval or development approval process, however, the general concept in terms of the relationship of the open space to major roads and natural areas shall be consistent with Schedule EP-2: Land Use.
<i>COMPREHENSIVE NETWORK</i>	7.7.8.6	The Open Space designation shall contain a comprehensive network of recreationways, linking the various components of the community and providing access to the city-wide recreationway and bikeway network.
<i>PUBLIC RECREATION</i>	7.7.8.7	In areas designated Open Space the predominant use of the land shall be for public recreational uses of an active and/or passive nature.
<i>ILLUMINATION</i>	7.7.8.8	As an off-road multi-use system the recreationway should be lit, especially where ambient light from nearby roads or parking lots is insufficient to light the trail and for routes expected to have significant nighttime use.
<i>PARKING FOR AUTOMOBILES AND BICYCLES</i>	7.7.8.9	Parking for automobiles and bicycles should be provided at key locations adjacent to the recreationway for both recreational cyclists and commuters. The number of spaces required should be determined on a site-specific basis, and should account for factors such as supply and demand of automobile and bicycle parking elsewhere throughout the network.
<i>SIGNAGE</i>	7.7.8.10	Where the recreationway connects to or crosses roads and driveways, signage, contrast paving, demarcation lines or striping are required.

<i>LANDSCAPING</i>	7.7.8.11	A higher standard for landscaping shall be required where the Open Space system interfaces with community gateways, nodes, landmarks, roads or main building facades.
<i>CONVEYANCES</i>	7.7.8.12	Open Space shall be provided in accordance with Section 6.7.3 of Volume I: The Primary Plan.
<i>NEIGHBOURHOOD PARKS</i>	7.7.8.13	Neighbourhood Parks, which may not necessarily be in public ownership, may be designed in the form of urban squares, plazas, gardens or tot-lots. They may be designed as stand-alone facilities or may be integral components of buildings, groups of buildings, neighborhoods or development projects. They should be connected to the overall Open Space system and their provision shall be encouraged throughout the Secondary Plan area.
<i>WALKING DISTANCE</i>	7.7.8.14	Within Low Density Residential Areas, Neighbourhood Parks shall be encouraged within a ten minute walking distance of all residences, allowing them to serve as small scale gathering places which will provide a focus for local neighborhoods.
<i>SQUARES AND PLAZAS</i>	7.7.8.15	Within Mixed-Use and Commercial Center areas, urban design elements such as squares and plazas may be provided.
<i>CRIME PREVENTION</i>	7.7.8.16	<p>Crime Prevention through Environmental Design (CPTED) principles should be applied to the design of the Open Space system. Design initiatives that support CPTED principles include:</p> <ul style="list-style-type: none"> <li>(a) Directing employees and visitors through the same street-facing entrance areas where there is ample natural light and glazing,</li> <li>(b) Ensuring that landscaping maximizes eye-level ‘through’ views to parking, amenity, transit and pedestrian areas.</li> </ul>
<i>SHADING</i>	7.7.8.17	Open Space areas shall include shade trees to enhance the urban forest where space permits, and shall include native deciduous and evergreen materials, woody shrubs, ground covers, grasses and perennials.
<i>BOULEVARD TREATMENTS</i>	7.7.8.18	Open Space areas adjacent to roadways shall include boulevard planting treatments using salt-tolerant, high branching shade trees planted in sodded boulevards whenever conditions permit, to maximize urban forest canopy and to provide a continuous shaded streetscape.
<i>NATURALIZED</i>	7.7.8.19	Dense, naturalized planting approaches that deter pedestrian access,

<i>PLANTING</i>		enhance ecological diversity and that employs low maintenance native plant materials, shall be required adjacent to stormwater management zones.
<i>PEDESTRIAN CONNECTIONS</i>	7.7.8.20	Pedestrian connections to Open Space areas should be barrier free and clearly marked with pedestrian-scaled lighting.
<i>LANDSCAPED MEDIANS</i>	7.7.8.21	Arterial Roads shall have landscaped central medians to provide community amenity. Medians shall be designed with consideration for sustainable planting techniques and to minimizing maintenance costs. Right of way requirements will be sufficient to accommodate an effective planting width of no less than 2.5 metres.
<i>STORMWATER MANAGEMENT FACILITIES</i>	7.7.8.22	Stormwater management facilities will be located adjacent to the Open Space system in locations where the facilities enhance and support existing natural features. Where water quality/quantity control features are adjacent to parks, the design of such features will be subject to the approval of the Municipality, in consultation with the Essex Region Conservation Authority, and the Ministry of Environment. Land required for stormwater control facilities shall not be accepted as part of the parkland conveyance requirement under the Planning Act. Any stormwater management facility must be in accordance with the latest MOE Stormwater Management Planning and Design Manual. The proponents must secure a Certificate of Approval prior to construction of such a facility.
<i>PRIVATELY OWNED LAND</i>	7.7.8.23	Privately owned lands designated for Open Space on Schedule EP-2: Land Use may revert to the abutting land use designation if not required for open space purposes.

**7.7.9 ~~Future Urban Area~~** (Deleted by OPA 94 OMB Decision PL140374 December 21, 2016)

**7.8 General Policies**

**7.8.1 Environment**

The East Pelton Secondary Plan area is located within the Little River watershed. Municipal drains located within the study area flow northerly to the 6<sup>th</sup> Concession Drain, which then flows easterly along Baseline Road. The 6<sup>th</sup> Concession Drain discharges into the Little River, and outlets into Lake St. Clair. The topography is flat throughout the area, resulting in channels with low gradient and uniform morphology. The drains located on the property function as warm water fish habitat; therefore Essex Region Conservation Authority (ERCA) has indicated the importance of maintaining the form and function of these drainage features in design and planning.

The 6th Concession Drain and portions of the other drains in the area

are located within areas that are regulated under the jurisdiction of the ERCA, (Section 28 of the *Conservation Authorities Act*). In general, any proposed works on these drains must not adversely impact the existing flow regimes of these systems for all storms up to and including the 1:100 year storm event (Windsor International Airport data).

<i>ERCA PERMITS</i>	7.8.1.1	Prior to undertaking works on these drains, permits are required from ERCA.
<i>FISHERIES ACT</i>	7.8.1.2	ERCA has a Level 3 agreement with Fisheries and Oceans Canada (DFO) that allows ERCA to review proposed works on these drains in accordance with the Federal <i>Fisheries Act</i> . Therefore ERCA will be the primary contact for any approvals of in-water works or changes proposed to watercourses. Any proposals for new enclosures on watercourses, or drain relocations will be required to apply for a Federal Authorization for Works or Undertakings Affecting Fish Habitat, through ERCA. As part of the application, the proponent will be required to develop a fish habitat compensation plan that replaces ("no net loss") the habitat lost by the enclosure or drain relocation.
<i>IMPACT ASSESSMENT</i>	7.8.1.3	It is recommended that a detailed fisheries impact assessment be completed as required by ERCA for site specific development within the plan area, to ensure that temporary and long term potential environmental impacts associated with land use practices, storm water design, and construction are adequately mitigated using best management practices.
<i>STORMWATER MANAGEMENT PLAN</i>	7.8.1.4	The City and ERCA are encouraged to complete their Upper Little River Watershed Stormwater Management Plan, which will provide a framework of guidelines and goals for this region.
<i>VEGETATIVE BUFFER</i>	7.8.1.5	That a 15 metre vegetative buffer be maintained on all adjacent lands to the 6 <sup>th</sup> Concession Drain and the 7 <sup>th</sup> Concession drain within the East Pelton Secondary Plan area. The proposed buffers are intended to protect and enhance the existing drains and the adjoining vegetative areas.

## **7.8.2 Transportation System**

It is the intent of this Secondary Plan to create a highly accessible, multi-dimensional transportation system for the community, made up of a combination of arterial, collector and local roads, laneways, pedestrian ways, bicycle routes and the potential for future transit service. This transportation system will provide a high degree of mobility for residents, employees and visitors, offering them the choice of alternative modes of travel and integrating the community with surrounding areas.

The road system in the vicinity of the site is well developed and planned improvements are being implemented along Walker Road to improve capacity and lane continuity between Provincial Road and Legacy Park Drive. Furthermore, the City of Windsor will be undertaking a Class Environmental Assessment Study to evaluate alternatives for the extension of Legacy Park

Drive easterly from Walker Road to accommodate overall development in the Sandwich South Planning District. This study will be carried out independent of any and all Secondary Planning processes and identify a technically preferred alternative and a corresponding alignment, if applicable.

The City of Windsor Official Plan encourages walking and cycling as viable modes of transportation. It designates a system of open space trails that serve as impromptu linkages as well as off-road pedestrian and cycle use. These linkages are situated throughout the Plan area.

<i>ENVIRONMENTAL ASSESSMENT</i>	7.8.2.1	All municipal road projects within the subject area will proceed, where statutorily applicable, in accordance with the requirements of the latest Municipal Engineers Association’s Municipal Class Environmental Assessment process.
<i>PEDESTRIAN ORIENTATION</i>	7.8.2.2	Notwithstanding the provisions of Section 7.2 in the City of Windsor Official Plan, local and collector roads within the East Pelton Secondary Plan may be designed with alternative standards, to encourage efficiency in the use of land and public resources, and to create a community which is more pedestrian oriented.
<i>REDUCED RIGHT-OF-WAY</i>	7.8.2.3	Requests for reduced rights-of-way will be evaluated on the basis of development applications accompanied by a transportation impact and functional design study. These studies shall be approved by Council.
<i>ACCESS TO OPEN SPACE</i>	7.8.2.4	The road system shall be designed to ensure that, wherever feasible, local roads terminate at a park or greenway corridor to maximize public access to, and community integration with, the Open Space network.
<i>VISUAL AND PHYSICAL ACCESS</i>	7.8.2.5	Roads bordering the open space corridors, major parks and bikeways shall be designed to facilitate visual and physical access into the open space areas.
<i>CENTRAL BOULEVARDS</i>	7.8.2.6	Landscaped central boulevards shall be provided in accordance with the policies of 7.7.8.21 and 7.8.4.5.
<i>SIDEWALKS</i>	7.8.2.7	Sidewalks shall be required on both sides of arterial and collector roads where indicated on Schedule EP-3: Major Road Plan. Sidewalks shall be provided on one side of all local roads.
<i>MAJOR ROAD NETWORK</i>	7.8.2.8	The major road network, comprising Class I Arterial Roads and Class I and Class II Collector Roads, is designated on Schedule EP-3: Major Road Plan. This major road network integrates the site with the surrounding areas by extending existing and proposed roads into the area. Rights of way will reflect Official Plan requirements and will be of sufficient width to accommodate all necessary infrastructure, including travel lanes, cycling and pedestrian facilities, landscaping, streetscaping and utility requirements.
<i>ROAD CONNECTIVITY</i>	7.8.2.9	The East Pelton Secondary Plan road network includes an east-west Class I Arterial Road, three north-south Class I Collector Roads serving the commercial and mixed use areas of the Plan and an east-west Class II Collector Road. Two of the north-south Collector Roads will be constructed as required for the development



of the Secondary Plan Area. The third Collector Road will be the existing 8<sup>th</sup> Concession Road, as it currently fulfills this function. The north-south connections to the east-west arterial road will be facilitated at proposed roundabouts and a signalized intersection.

<i>CONVEYANCES</i>	7.8.2.10	Major roads as shown on Schedule EP-3: Major Road Plan may be conveyed and improved prior to approval of plans of subdivision, wherever necessary to facilitate traffic flow, access and servicing.
<i>LOCAL ROAD SYSTEM</i>	7.8.2.11	<p>The major road network described in policy 7.8.2.8 and designated on Schedule EP-3: Major Road Plan shall be complemented by a much more extensive local road system in consideration of the following:</p> <ul style="list-style-type: none"> <li>(a) The local road system shall be finalized at the time of preparation of the neighborhood subdivision plans required in policy 7.9.2.2</li> <li>(b) Local roads shall be designed with consideration to policy 7.8.4.5</li> <li>(c) The system of local roads shall be designed to facilitate future transit use by providing direct walking routes to major roads and transit stops.</li> </ul>
<i>REAR ACCESS</i>	7.8.2.12	Rear access public laneways shall be permitted within the ‘Mixed Use – Community Node’ and ‘Residential Neighborhood’ designations on Schedule EP-2: Land Use.
<i>LANEWAYS</i>	7.8.2.13	The layout and functional design of public laneways shall be subject to review and approval by the City of Windsor at the time of submission of a plan of subdivision.
<i>TRANSIT INFRASTRUCTURE</i>	7.8.2.14	Major roads will be designed to allow for higher order transit infrastructure as well transit amenities such as bus bays, shelters, benches and landing pads to make public transit more appealing and improve safety.
<i>OPEN SPACE</i>	7.8.2.15	Development within the East Pelton Secondary Plan shall accommodate the Open Space and recreational areas designated in the City of Windsor Official Plan.
<i>OFF-ROAD PATHS</i>	7.8.2.16	A network of off-road pedestrian and cycle paths shall be provided along Bikeways as shown on Schedule EP-3: Major Road Plan and in the Open Space system as shown on Schedule EP-2: Land Use.
<i>TRANSPORTATION IMPACT STUDY</i>	7.8.2.17	Prior to development approvals within the East Pelton Secondary Plan the Municipality will request the preparation of a Transportation Impact Study, to assess the internal and off-site impact resulting from the proposed development. The need for such a study will be determined at the time of a subdivision, rezoning or site plan control application and will vary with the scale, location and planned phasing of the development. As per the requirements of policies 10.2.1 and 10.2.8 of the City of Windsor Official Plan, the Transportation Impact Study shall include, but not

be limited to:

- (a) The collection and projection of traffic related data (vehicle bicycle and pedestrian flows, accidents, turning movements, etc.);
- (b) An assessment of trip generation, assignment and distribution;
- (c) An assessment of road and intersection capacity; and
- (d) A description and recommendation of remedial measures required to achieve the transportation goals, objectives and policies in the City of Windsor Official Plan and this Secondary Plan.

*ROAD FRONTAGE*      7.8.2.18      Any land severance in the Secondary Plan Area must have separate frontage on a road other than the proposed east-west Arterial Road in order to eliminate the need for direct access onto the Arterial Road itself.

*COMMUTER CYCLING*      7.8.2.19      On major roads within the mixed-use area, the potential for on-street commuter cycling facilities (or off-street facilities where on-street bike lanes are not feasible) shall be reviewed to achieve separation from and reduce conflicts with pedestrians and vehicular traffic.

*PROHIBITED ACCESS*      7.8.2.20      New public or private access onto Provincial Road between the Highway 401 north ramp terminus and Walker Road shall be prohibited.

### **7.8.3 Physical Services**

*MASTER STORMWATER MANAGEMENT PLAN*      7.8.3.1      A master stormwater management plan shall be prepared to the satisfaction of the Municipality, in consultation with the Essex Region Conservation Authority and the Ministry of Environment, prior to new development within the East Pelton Secondary Plan. This study will establish an overall stormwater management system for the Secondary Plan area, and ensure that individual development applications within it are consistent with an overall regional scheme for drainage and stormwater management. The Stormwater Management (SWM) Plan must comply with the goals and guidelines of the Upper Little River Watershed Stormwater Management Plan.

7.8.3.2

Prior to approval of development within the Secondary Plan area, the owners shall prepare to the satisfaction of the City a comprehensive Master Servicing Plan to address the provision of services and utilities throughout the area, all in accordance with the Municipal Engineers Association's latest Municipal Class Environmental Assessment. The study shall identify the technical and financial requirements to provide the following services:

- (a) Sanitary sewers;
- (b) Water supply;
- (c) Stormwater management;
- (d) Transportation facilities; and
- (e) Hydro electric power.

<i>DESIGN</i>	7.8.3.3	Stormwater management facilities shall be designed to maintain environmental and ecological integrity, and to provide net benefit to the natural environment if feasible. Where appropriate, they shall also be designed to provide community amenities.
<i>WINDSOR INTERNATIONAL AIRPORT</i>	7.8.3.4	To protect the integrity of the Windsor International Airport, stormwater management facilities (ponds) shall incorporate a waterfowl deterrent design. The design of the stormwater management facilities (ponds) should be prepared in consultation with the Windsor International Airport.
<i>DRAIN CORRIDOR</i>	7.8.3.5	Where existing drains (i.e. 6 <sup>th</sup> and 7 <sup>th</sup> Concession Drains), are to be retained, this will be done in naturalized, open channels to maintain and, if feasible, improve drain corridor integrity.
<i>STORMWATER DETENTION PONDS</i>	7.8.3.6	Stormwater detention ponds shall be multi-purpose and function as part of the Open Space System. They shall be located adjacent to parkland, wherever feasible, and be designed to provide community amenities.
<i>BELOW GRADE UTILITIES</i>	7.8.3.7	All local power and telecommunication lines and other “cable” services shall be located below ground. Wherever feasible, they shall be grouped into a single utility conduit, in keeping with policy 7.8.4.5 utility services shall be clustered to minimize visual impact. Innovative methods of containing utility services on or within streetscape features shall also be considered.
<i>INFRASTRUCTURE</i>	7.8.3.8	The cost of all studies and all required community infrastructure and facilities shall be paid for by benefiting owners on a pro-rated basis. Local facilities are the responsibility of the owner.
<i>DEVELOPMENT CHARGES</i>	7.8.3.9	All developments are subject to a Development Charge in accordance with the Development Charges Act. Development charges (costs) are collected at the time of issuance of building permits.

- UTILITY SERVICE* 7.8.3.10 Electricity, water, gas and telecommunication service will be provided by owners in consultation with the utility companies.
- INFRASTRUCTURE DEVELOPMENT* 7.8.3.11 Construction of infrastructure required to service development within the East Pelton Secondary Plan shall be based upon detailed engineering and design studies to be approved by the City of Windsor.
- SANITARY SEWER WATER CAPACITY* 7.8.3.12 Prior to development proceeding on the lands fronting on 8<sup>th</sup> Concession immediately north of the proposed east/west arterial road (known as the “Hurley Lands”), field monitoring of the system flows is to be carried out by the proponent to demonstrate that excess sanitary sewer capacity exists, all to the satisfaction of the City Engineer.
- EXPANSION LANDS* 7.8.3.13 Prior to development proceeding on the “Expansion Lands” containing approximately 90 hectares in area, the following conditions shall apply:
- (a) The expansion of the sanitary sewerage area can only be permitted providing the twinning on the Legacy Park Drive trunk sewer is in place as described in the Stantec report titled ” Trunk Sanitary Sewer Capacity Assessment for Servicing of Annexed Lands West” dated February 18, 2009;
  - (b) A partial expansion of the servicing area will not be permitted;
  - (c) A staged twinning of the Legacy Park Drive trunk sewer will not be considered;
  - (d) The cost of the twinning of the Legacy Park Drive Trunk sewer and any oversizing of the Sanitary sewer extension into the East Pelton Secondary plan area would be borne by the landowners in the expanded approximately 90 hectare sewage service area; and
  - (e) The requirement for and cost of a sewage pumping station for the expanded 90 hectare area will be borne by the landowners of the expanded area.

#### **7.8.4 Urban Design Master Plan**

An Urban Design Master Plan shall be prepared to the satisfaction of the City prior to new development within the East Pelton Secondary Plan. The Urban Design Master Plan shall document relationships between built form and space for each land use designation in this Plan, embody sustainable design principles and include the following:

- (a) A roads and block plan for the Secondary Plan area indicating typical lotting of each proposed block minimizing instances of reverse lot frontages along Collector Roads and having no reverse lot frontages along Arterial Roads.
- (b) A detailed open space component identifying the classification and size of each park, nature and quantity of facilities, location and conceptual design of adjacent stormwater management facilities and schematic concept plans for the bikeways.
- (c) A three dimensional block massing for each designated land use area on Schedule EP-2: Land Use showing the site orientation, location and height for proposed building masses and their relationships to rights of way and open space.
- (d) Visual analysis of proposed development in designated areas for Commercial Center and Institutional Uses including primary sightlines viewed of these areas from Highway 401 and landscape treatments to screen views of rear lots, service areas, and other identified negative visual impacts.
- (e) The streetscape treatments for all road types in the proposed plan.

#### 7.8.4.1 Residential Site Planning & Built Form

- HOUSING MIX* a) Proposed plans of subdivision should distribute a balanced and diverse mix of housing and lot types.
- CONNECTION TO OPEN SPACE* b) The street layout, block pattern and building orientation should enhance connections to the open space system and allow ample views to open space, schools and civic landmarks.
- PEDESTRIAN SCALE* c) Block patterning should achieve the aim of creating “pedestrian scaled neighbourhoods”, with an interconnected street pattern to promote walkability and “clarity of orientation”.
- BUILDING TYPE* d) Similar building types should be sited back-to-back within the block and similar lot types should be situated side-by-side.

#### 7.8.4.2 Mixed Use Site Planning and Built Form

- DESIGN EXCELLENCE* a) Built form in Mixed Use areas shall demonstrate design excellence through thoughtful site planning, innovative architectural design, use of high quality materials and robust sustainable landscaping.
- MIXED USE ACCESS* b) Mixed Use development shall have access to an Arterial Road or Class I Collector Road with the principal public building entrances fronting onto the public sidewalk. The primary windows and signage shall also face the street.
- BUILT FORM* c) Built form shall be to a maximum height of four storeys with commercial uses located to animate the public realm.
- DESIGN* d) The design of Mixed Use areas shall focus on intensified street related commercial, retail and residential uses that are pedestrian oriented and accessible by transit.
- EASTERN GATEWAY* e) The Community Node in the Mixed Use area functions as the eastern gateway and a transition between land uses. Development in this node shall include community amenities with strong pedestrian and transit linkages.
- SERVICE AREAS* f) Service areas shall be provided at the rear of buildings and screened from abutting residential uses.



### 7.8.4.3 Commercial Centre Site Planning and Built Form

- PUBLIC ENTRANCE* a) Commercial buildings that are located along the Arterial Road or a Collector Road shall have their principal public entrances fronting onto public walkways. The primary windows and signage shall also face the street.
- PARKING* b) Where commercial buildings front onto an Arterial Road or a Collector Road, major parking areas should be located to the side and rear of buildings. Large expanses of parking in prominent view or adjacent to road rights-of-way should be avoided.
- BARRIER FREE* c) Site planning shall provide for ease and continuity of pedestrian movement and a high-quality, barrier free pedestrian environment
- CIVIC IMAGE* d) Views from the Highway 401 corridor shall be addressed to ensure that development creates a positive and progressive image of the City.

### 7.8.4.4 Institutional Site Planning and Built Form

- HIGH QUALITY* a) Major Institutional buildings shall demonstrate high quality design that incorporates sustainable building strategies that are expressed through orientation, massing, material selection and landscaping.
- BUILDING DESIGN* b) Building design and siting shall be sensitive to the surrounding uses and include premium exterior finishes, high quality facades and continuous landscape zones along the roads.
- SERVICE AND LOADING AREAS* c) Service and loading areas shall be screened from adjacent properties.

### 7.8.4.5 Streetscapes

- CENTRAL MEDIAN* a) Arterial Roads shall be designed with a landscaped central median in accordance with Official Plan and Secondary Plan policy acting as a community gateway symbol and contributing to the urban forest canopy. Community identification signage and public art should be integrated at gateway locations for civic identification.
- SIDEWALKS* b) Sidewalks shall be provided on both sides of Arterial and

Collector roads, situated at a comfortable distance for pedestrians away from the road. Sidewalks shall generally be of a consistent width, alignment and surface treatment. Coloured and/or textured pavement shall be used for pedestrian and bicycle crossing points on Arterial and Collector Roads along with required painted pavement markings.

*PLANT MATERIAL*

- c) Plant materials acceptable for use in rights of way shall be tolerant of harsher growing environments. Use of native and non-native species that are hardy, drought and salt-tolerant and resistant to the stresses of compacted soils and weather exposure shall be encouraged. Native species should be used where possible and appropriate. Upright tree varieties are preferred and monocultures are discouraged. Plantings shall incorporate a variety of species for year-round interest, texture, shape and seasonal colour.

*TRAFFIC CIRCLES*

- d) Where traffic circles are employed in the road system, the design shall integrate urban design elements that enhance the aesthetic quality of the streetscape.

*ILLUMINATION*

- e) Illumination shall be designed in compliance with the City of Windsor Light Intensity Standards Study, employing minimal glare, light spillage and should protect the night sky.

*LOCATION OF UTILITIES*

- f) Consideration shall be given to the location of utilities within the public right of way as well as on private property. Utilities shall be clustered or grouped where possible to minimize visual impact. The City encourages utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters etc, when determining appropriate locations for large utility equipment and utility cluster sites.

## **7.9 Implementation**

### **7.9.1 Required Studies**

*REQUIRED STUDIES*

- 7.9.1.1 Prior to the approval of development within the East Pelton Secondary Plan area the following may be required by the City of Windsor, dependent on the type of development and/or area of development area to the satisfaction of the Municipality:

- (a) A Planning Report;

- (b) A Stormwater Management Plan, as per Section 10.2.4 in Volume I: The Primary Plan and policy 7.8.3.1 of this Secondary Plan;
- (c) A Master Servicing Plan, as per policy 7.8.3.2 of this Secondary Plan;
- (d) An Urban Design Master Plan as per policy 7.8.4 of this Secondary Plan;
- (e) Residential Subdivision Plans for the Residential Areas, as per policy 7.9.2.2 of this Secondary Plan;
- (f) A Noise and/or Vibration Study, as per policies 10.2.1 and 10.2.11 in the City of Windsor Official Plan (Volume I: The Primary Plan) and policies 3.2.7 through 3.2.9 inclusive of this Secondary Plan;
- (g) A Transportation Impact Study, as per policies 10.2.1 and 10.2.8 in the City of Windsor Official Plan (Volume I: The Primary Plan) and policy 7.8.2.17 of this Secondary Plan;
- (h) Environmental audits and remediation reports, if necessary, will be required within 500 metres of any site where known fill has been placed;
- (i) An Archaeological Assessment; and
- (j) Environmental Impact Study; and
- (k) Market Impact Assessment, as per policy 10.2.10 in the City of Windsor Official Plan (Volume 1: The Primary Plan); and
- (l) any support study listed in section 10.2 of the City of Windsor Official Plan, Volume I, as required by the Municipality.

7.9.1.2 The Ministry of Transportation (MTO) statutory authority for its permit control system adjacent to Highway 401 is set out in Section 38 (controlled access highway) of the Public Transportation and Highway Improvement Act R.S.O. 1990, c.P.50 (PTHIA). Any development located within MTO's permit control area under PTHIA is subject to MTO review and approval prior to the issuance of permits. Technical studies may include, but be limited to the following:

- a) A stormwater management plan shall be submitted to MTO for review and approval to ensure that stormwater runoff from this property does not affect the provincial highway drainage system or right-of-way. Drainage requirements can be obtained from the MTO.
- b) A comprehensive Transportation Impact Study shall be submitted to MTO for review and approval to address the impact on to Highway 401 and the Provincial Road interchange ramps. Requirements of a Transportation Impact Study can be obtained from MTO.

7.9.1.3 a) Prior to the approval of zoning amendments within the lands designated Commercial Centre and Commercial Corridor, a market impact assessment shall be prepared which assesses the need for local serving retail facilities to service the new population of Sandwich South Planning District as well as the need for new regional serving facilities. The assessment of regional servicing facilities shall be cognizant of the existing inventory of designated commercial lands within the applicable regional market area.

b) The market impact assessment may identify phasing for the retail facilities based on the population and income growth of the Sandwich South Planning District for local serving retail facilities and based on the market growth and inflow capture rates within the applicable regional market area for regional serving facilities.

c) The market impact assessment shall be peer reviewed by a qualified consultant selected by the City, and at the proponent's cost.

## 7.9.2 Development Approval Process

<i>DEVELOPMENT APPLICATIONS</i>	7.9.2.1	All development applications shall conform to the land use and development policies established by this Secondary Plan.
<i>DRAFT PLANS OF SUBDIVISION</i>	7.9.2.2	To ensure that each development parcel is an integral part of a larger development and where ownership permits, the City of Windsor will require that draft plans of subdivision within the Residential Areas include an area of not less than 9 hectares within the Residential areas. Phasing within these draft plans may provide for registered plans of a smaller area. Plans of subdivision will also be encouraged in the Commercial Centre area. Where plans of subdivisions are registered, part lot exemption by-laws may be passed to facilitate creation of lots for semi-detached and townhouse dwellings or to allow flexibility in lotting for single detached dwellings.
<i>DEVELOPMENT PHASING</i>	7.9.2.3	Most of the East Pelton Secondary Plan remains in the “Agriculture (A) Zone” under the Township of Sandwich South Zoning By-law 85-18. The Municipality will encourage pre-zoning of larger development areas wherever residential subdivision plans are approved. Phasing of development will be implemented by means of an ‘H’ holding prefix.
<i>CONSENTS</i>	7.9.2.4	Consents will be discouraged in favour of plans of subdivision and may only be granted in accordance with the consent policies as established in the City of Windsor Official Plan.
<i>ROAD FRONTAGE</i>	7.9.2.5	Any land severance in the Secondary Plan Area must have frontage on a road other than the proposed east-west Arterial Road in order to eliminate the need for direct access onto the Arterial Road itself.
<i>AGREEMENTS</i>	7.9.2.6	The extension of infrastructure, parkland conveyances and other municipal requirements will be achieved by means of subdivision and consent agreements, as applicable.
<i>ALTERNATIVE DESIGN</i>	7.9.2.7	Where an owner wishes to deviate from any of the design policies set out in policy 7.8.4.1, a revised Urban Design Master Plan is required prior to consideration of any rezoning, zoning variance or site plan control application. The revised Urban Design Master Plan must demonstrate that the Goal and Objectives of this Secondary Plan can be met by alternative development design.
<i>GEOGRAPHIC SCOPE</i>	7.9.2.8	The geographic scope of the revised Urban Design Master Plan must be sufficient to show the relationship of the development proposal or policy change to all existing and proposed

*MTO APPROVAL*

7.9.2.9

development within an entire block face and within 800 feet of the area or site or area affected by the proposed change.

In addition to all of the applicable municipal requirements, all proposed development located within the vicinity of a provincial highway within Ministry of Transportation for Ontario (MTO) permit control area under the PTHIA, will also be subject to MTO Approval.