

10 Procedures

This chapter was amended as part of Official Plan Amendments #84 as part of a 5-year review of the Official Plan. Official Plan Amendment #84 was approved by the Ministry of Municipal Affairs and Housing on 07/09/2012.

10.0 Preamble

For this Plan to remain relevant and appropriate the following policies provide procedures to allow for input and flexibility when implementing the goals, objectives and policies contained within this Plan.

In keeping with the Strategic Directions, this Plan will be implemented by Council and the Municipality in a manner which is responsive to changing demands and requirements.

10.1 Interpretation

The following policies are intended to provide guidance for the interpretation and understanding of the goals, objectives, policies and Schedules of this Plan.

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| <i>APPLICATION</i> | 10.1.1 | The Official Plan shall pertain to all lands located within the jurisdiction of The Corporation of the City of Windsor. |
| <i>FLEXIBLE
INTERPRETATION</i> | 10.1.2 | <p>The objectives and policies contained in this Plan are intended to assist in the achievement of the Strategic Directions described in Part II. The interpretation of these policies should allow for a limited degree of flexibility according to the following provisions:</p> <ul style="list-style-type: none">(a) Changes to the preamble, goals, objectives, policies, tables and schedules of this Plan to correct grammatical or reference errors, punctuation, or to alter formatting, numbering, sequence or arrangement provisions may be made by the City Clerk without notice and without amendment to this Plan;(b) The delineation of the greenway system shown on Schedule ‘B’: Greenway System and the land designated on Schedule ‘C’: Development Constraint Areas are general in nature. The boundaries may be altered to permit minor revisions as more detailed information becomes available without requiring an amendment to the Plan. The precise delineation of any designation appearing on Schedule ‘C’: Development Constraint Areas should be confirmed with the Municipality in consultation with appropriate public agencies;(c) The boundaries between the various land use designations on Schedule ‘D’: Land Use and Schedule ‘E’: City Centre Planning |

District are approximate, except where they relate to some well-defined physical feature such as a Controlled Access Highway, Arterial Road, railway line or watercourse. Minor adjustments to these boundaries shall not require an Official Plan amendment provided that the intent of the Plan is maintained;

- (d) The boundaries of future roads and bikeways designated on Schedule 'F': Roads & Bikeways are approximate. Minor adjustments to these boundaries shall not require an Official Plan amendment provided the intent of the Plan is maintained;
- (e) The boundaries of the designations appearing on Schedule G: Civic Image are approximate, except where they relate to some well-defined physical feature. Minor adjustments to these boundaries shall not require an Official Plan amendment provided the intent of the Plan is maintained;
- (f) Minor variations from the numerical requirements of the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained; and
- (g) Where lists or examples of permitted uses are provided in the policies related to specific land use designations, they are intended to indicate the possible range and type of uses to be considered. Specific uses which are not listed in the Plan, but which are considered by Council to be similar in nature to the listed uses and conform to the general intent and objectives of the applicable land use designation, may be recognized as permitted uses in the Zoning By-law.
- (h) In interpreting Schedule 'D': Land Use, the designations on either side of the rail lands as shown on Schedule 'F-1': Rail Lands would be considered to extend to the centre line of the rail corridor. (Added by OPA 43 – 06/13/2006 – OMB Order 1695)

*PERMITTED
USES IN ALL
LAND USE
DESIGNATIONS*

10.1.3 Infrastructure and services may be permitted in all areas of Windsor without requiring an amendment to this Plan. (Amended by OPA 43 – 06/13/2006 – OMB Order 1695)

10.2 Support Studies and Information

Council may require as part of the development and infrastructure approval process or, as part of a more detailed planning analysis, supporting studies and information. The following policies provide guidance for some of the supporting documents and information that may be required. (Added by OPA 65 – 10/22/2007– By-law 192-2007)

10.2.1 General Policies

<i>DETERMINING NEED</i>	10.2.1.1	Support studies, information and materials may be required as a part of the development and infrastructure approval process or as a part of a more detailed planning study. The need and timing will be determined by the Municipality on a site or area specific basis having regard to the other provisions of this Plan and provincial legislation, policies and appropriate guidelines. Applicants seeking development approval shall be advised of the need for one or more support studies as part of the pre-application consultation process or, if subsequently deemed necessary, prior to a prescribed public meeting. (Added by OPA 65 – 10/22/2007– By-law 192-2007)
<i>PROVINCIAL & FEDERAL REQUIREMENTS</i>	10.2.1.2	Where a support study is required, such a study shall be prepared having regard to relevant federal and provincial legislation, policies and appropriate guidelines.
<i>PREPARATION</i>	10.2.1.3	All support studies shall be prepared by qualified professionals to the satisfaction of the Municipality and, where appropriate, in consultation with relevant public agencies and affected parties.
<i>PUBLIC PARTICIPATION</i>	10.2.1.4	A public participation programme may be established as part of the preparation of a support study to allow interested or affected parties to participate in the process.
<i>IMPLEMENTATION</i>	10.2.1.5	All relevant mitigation recommendations included in a support study shall be considered as condition of approval to be implemented by the proponent of development.
<i>ADOPTION</i>	10.2.1.6	Council may adopt a support study by resolution.
<i>SUPPORT INFORMATION AND MATERIALS FOR PLANNING ACT APPLICATIONS</i>	10.2.1.7	<p>The municipality may require the applicant to submit any of the following information at any time during an application under the <i>Planning Act</i>:</p> <ul style="list-style-type: none">(a) Deed and/or Offer of Purchase;(b) Topographic Plan of Survey;(c) Conceptual Development Plan;(d) Floor Plans and/or Elevations;(e) Record of Site Condition (RSC);

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

PRE-APPLICATION

10.2.1.10

Council shall provide the opportunity for a person or public body proposing an application for development approval to consult with

<i>CONSULTATION</i>		administrative staff. The objective of pre-application consultation shall be to inform an applicant of the approval process, including the Municipality's requirements for supporting information and material to be submitted as part of a complete application. (Added by OPA 65 – 10/22/2007– By-law 192-2007)
<i>SCOPE</i>	10.2.1.11	Support studies may vary in scope, depending on the size, nature and intent of the proposal and the adjacent pattern of land use. Proponents of development approval shall be advised by administrative staff of the required study contents during the pre-application consultation process. (Added by OPA 65 – 10/22/2007– By-law 192-2007)
<i>COMPLETE APPLICATION</i>	10.2.1.12	When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application shall not be considered complete for processing purposes until the required study or studies is prepared and submitted to the satisfaction of the Municipality. Notification of a complete application shall be given to the applicant and all other parties by the Municipality in accordance with the Planning Act. (Added by OPA 65 – 10/22/2007– By-law 192-2007)
<i>PUBLIC INFORMATION</i>	10.2.1.13	Council shall ensure that information and material provided by a person or public body that has submitted a complete application for development approval shall be available to the public for review. (Added by OPA 65 – 10/22/2007– By-law 192-2007)
<i>CONSULTATION WITH FIRST NATIONS</i>	10.2.1.14	Consultation with First Nations will take place as part of a development application or detailed planning study.

10.2.2 Watershed/Subwatershed Plan

The following policies should be read in conjunction with subsections 5.3.8 and 7.3.4 of this Plan. (Added by OPA 65 – 10/22/2007– By-law 192-2007)

<i>PURPOSE</i>	10.2.2.1	The purpose of a Watershed/Subwatershed Plan is to present information about water resources and related features and how they should be protected and enhanced to coincide with proposals for land use change.
<i>WATERSHED STUDY COMPONENTS</i>	10.2.2.2	Where a Watershed Plan is required, such a study should: <ul style="list-style-type: none"> (a) Take a broad ecosystem approach to water, water related natural features, terrestrial resources, fisheries, and water dependencies/linkages; (b) Provide watershed policy and direction for: <ul style="list-style-type: none"> (i) Ecological integrity and carrying capacity;

- (ii) The protection of water systems;
 - (iii) Greenway System planning;
 - (iv) The management of water quantity and quality;
 - (v) Aquifer and ground water management;
 - (vi) Fisheries management;
 - (vii) The implementation of watershed policies and programmes;
 - (viii) Regional opportunities and constraints; and
 - (ix) Servicing needs and/or availability of water and sewerage;
- (c) Delineate subwatershed planning areas; and
- (d) Present targets, goals and objectives for subwatersheds.

*SUBWATERSHED
STUDY
COMPONENTS*

10.2.2.3 Where a Subwatershed Plan is required, such a study should:

- (a) Enhance the detail of a Watershed Plan to address local environmental issues;
- (b) Establish detail and implementation specific subwatershed targets, goals and objectives to establish:
 - (i) Natural system linkages and functions;
 - (ii) Surface and groundwater quantity and quality measures;
 - (iii) The enhancement or rehabilitation of natural features;
 - (iv) Areas best suited for development;
 - (v) Best management practices for incorporation into subdivision designs;
 - (vi) Specific implementation schemes and responsibilities for all recommendations;
 - (vii) Management practices for open space areas and

Greenway System components; and

(viii) An implementation strategy;

(c) Outline directives for stormwater management plans and other studies or designs for specific areas within the subwatershed; and

(d) Outline future monitoring requirements.

*OTHER
INVOLVEMENT*

10.2.2.4 Council will seek the participation in, and joint funding and implementation of, Watershed and Subwatershed Plans from the province, Essex Region Conservation Authority, adjacent municipalities and other interested or affected parties.

10.2.3 Master Drainage Plan

The following policies should be read in conjunction with subsections 5.3.8 and 7.3.4 of this Plan. (Added by OPA 65 – 10/22/2007– By-law 192-2007)

PURPOSE

10.2.3.1 The purpose of a Master Drainage Plan is to describe how drainage management needs will be accommodated prior to the development of large tracts of land.

*STUDY
COMPONENTS*

10.2.3.2 Where a Master Drainage Plan is required, such a study should:

- (a) Be consistent with approved watershed/subwatershed plan recommendations;
- (b) Identify the effect of development on water quantity and describe and recommend measures required to ensure no net increase in runoff;
- (c) Identify the effect of development on water quality and describe and recommend measures to limit any negative impacts;
- (d) Identify the effects of development on aquatic habitats and describe and recommend water management practices to ensure their healthy functioning; and
- (e) Identify connections to the Greenway System where appropriate.

10.2.4 Stormwater Management Plan

The following policies should be read in conjunction with subsections 5.3.8 and 7.3.4 of this Plan. (Added by OPA 65 – 10/22/2007– By-law 192-2007)

- PURPOSE* 10.2.4.1 The purpose of a Stormwater Management Plan is to identify measures required to control the quantity, quality and velocity of runoff associated with the development of a specific area.
- STUDY COMPONENTS* 10.2.4.2 Where a Stormwater Management Plan is required, such a study should:
- (a) Be consistent with approved watershed/subwatershed plan recommendations;
 - (b) Assess the impacts of development on receiving waters, both before and after construction, with respect to flooding, pollution, erosion and sedimentation; and
 - (c) Describe mitigation measures which would, if necessary, prevent adverse impacts on-site, on the receiving waters, and on recreational uses.

10.2.5 Environmental Evaluation Report

The following policies should be read in conjunction with subsections 5.3.3, 5.3.4, and 5.3.5 of this Plan. (Added by OPA 65 – 10/22/2007– By-law 192-2007)

- PURPOSE* 10.2.5.1 The purpose of an Environmental Evaluation Report is to demonstrate that a proposed development or infrastructure undertaking may proceed in or adjacent to lands designated as Natural Heritage, Environmental Policy Area A or B and/or Candidate Natural Heritage Site.
- SCOPE* 10.2.5.2 Environmental Evaluation Report may vary in scope, depending on the size, nature and intent of the proposal and the environment under study.
- STUDY COMPONENTS* 10.2.5.3 Where an Environmental Evaluation Report is required, such a study should:
- (a) Identify existing natural features of the area, such as geomorphology, drainage, flora, fauna, microclimate and soils;
 - (b) Identify significant natural functions of the area, such as shelter habitats and natural recharge or discharge areas;
 - (c) Describe the proposal in detail;
 - (d) Identify those natural features and functions likely to be affected by the proposal;
 - (e) Assess the potential impacts of the proposal on key natural features and functions;

- (f) Identify, explain and recommend specific actions which would be undertaken to eliminate, reduce or compensate for the expected impacts consistent with accepted ecological, planning, engineering, and resource management techniques and practices;
- (g) Indicate the nature and extent of public consultation and/or input;
- (h) Demonstrate how and why the proposal may proceed such that there will be no negative impact on the natural features and functions for which the area is identified; and
- (i) Recommend appropriate planning designations for the study area.

<i>ENVIRONMENTAL IMPACT STATEMENT EQUIVALENCE</i>	10.2.5.4	Environmental Evaluation Reports will be considered fulfilling the requirements of an Environmental Impact Statement as described in provincial policy and/or guidelines.
<i>ENVIRONMENTAL ASSESSMENT EQUIVALENCE</i>	10.2.5.5	When an Environmental Assessment of a proposal is carried out under the Environmental Assessment Act, or other relevant federal or provincial legislation, that assessment may be considered by Council as fulfilling the Environmental Evaluation Report required by this Plan.

10.2.6 Guideline Plan

<i>PURPOSE</i>	10.2.6.1	The purpose of a Guideline Plan is to provide specific direction for areas where the existing land use designations are appropriate but more detailed guidance is required for areas experiencing transition or development pressures.
<i>SCOPE</i>	10.2.6.2	Guideline plans may vary in scope, depending on the size, nature and intent of the plan and the area under study.
<i>STUDY COMPONENTS</i>	10.2.6.3	Where a Guideline Plan is required, such a study should: <ul style="list-style-type: none"> (a) Describe the basis or rationale for the preparation of the plan; (b) Describe the area under study in detail including a reference map, and a description of the role and relationship of the area to the city as a whole; (c) Identify the existing land use designation(s) and zoning of the area under study; (d) Identify and assess the area under study in terms of existing

physical and environmental features, urban design attributes and other characteristics particular to the area;

- (e) Identify any potential development constraints in the area;
- (f) Provide a statement of the desired development concept for the area under study; and
- (g) Provide recommendations for achieving the development concept, including a statement of how they are in keeping with the directions of this Plan.

ADOPTION 10.2.6.4 Notwithstanding policy 10.2.1.6, Guideline Plans shall be adopted by Council resolution and included in Volume IV: Appendices of this Plan.

10.2.7 Sanitary and/or Storm Sewer Study

PURPOSE 10.2.7.1 The purpose of a Sanitary and/or Storm Sewer Study is to determine how an area proposed for development will be serviced taking into consideration the future sanitary and storm sewer servicing needs of adjacent lands.

STUDY COMPONENTS 10.2.7.2 Where a Sanitary and/or Storm Sewer Study is required, such a study should:

- (a) Identify the routing of services;
- (b) Identify the sizing of services;
- (c) Provide for the cost sharing of services;
- (d) Identify the timing of services;
- (e) Describe any interim servicing measures; and
- (f) Detail any implementation requirements, including how the disturbed area will be rehabilitated.

10.2.8 Transportation Impact Study or Statement

(Added by OPA 65 – 10/22/2007 – By-law 192-2007)

PURPOSE 10.2.8.1 The purpose of a Transportation Impact Study or Statement is to identify the transportation network improvements and on-site design elements necessary to accommodate additional vehicle, cyclist, pedestrian and transit traffic the proposed development will generate and ensure its impact on adjacent land uses is acceptable. Depending on the scope of the application, the municipality will decide whether a study or statement

is appropriate.

*STUDY
COMPONENTS*

- 10.2.8.2 Where a Transportation Impact Study or Statement is required, such study should:
- (a) Include the collection and projection of traffic related data from the nearby and adjacent road network;
 - (b) Assess trip generation, assignment and distribution from the proposed development as well as existing and proposed developments within the study area;
 - (c) Assess street and intersection capacity including current and projected operational deficiencies that may arise as a result of growth from background traffic and traffic generated by the proposed development;
 - (d) Describe and recommend measures required to achieve the transportation goals, objectives and policies set out in the Transportation Chapter of this Plan;
 - (e) Describe and recommend specific site design practices to ensure priority is given to sustainable modes of transportation over vehicle use;
 - (f) Employ Transportation Association of Canada guidelines regarding driveway access design, location, throat length and function;
 - (g) Describe the final outcome that will be achieved by the transportation network;
 - (h) Describe how the proposal will promote development patterns that will generate positive impacts on transportation;
 - (i) Ensure that bicycle parking requirements are provided and suitably located in the development;
 - (j) Ensure that facilities are provided for ease and safety of pedestrian movement through the development including, but not limited to, walkways, pedestrian crossings, and overpasses/underpasses; and
 - (k) Evaluate the proportion of development that is in close proximity of existing or planned transit stops along transit routes.

10.2.9 Cost/Benefit Analysis

- PURPOSE* 10.2.9.1 The purpose of a Cost/Benefit Analysis is to provide an assessment of the long term financial viability of a proposed capital expenditure by the Municipality.
- STUDY COMPONENTS* 10.2.9.2 Where a Cost/Benefit Analysis is required, such a study should:
- (a) Describe the proposal in detail, including any expected benefits to the Municipality;
 - (b) Identify the municipal costs associated with the proposal;
 - (c) Recommend a proposed financing and timing scheme; and
 - (d) Indicate how and why the proposal may contribute to the economic viability of the Municipality.

10.2.10 Market Impact Assessment

- PURPOSE* 10.2.10.1 The purpose of a Market Impact Study is to determine if a proposal is feasible and to identify land use problems that may arise as a result of a proposed commercial development. It is not intended to reduce competition.
- STUDY COMPONENTS* 10.2.10.2 Where a Market Impact Assessment is required, such a study should:
(Added by OPA 65 – 10/22/2007 – By-law 192-2007)
- (a) Describe the appropriateness of the site for the proposed retail development in terms of location and access;
 - (b) Demonstrate the need for the proposed retail development in the specific locaiton;
 - (c) Define the type of retail uses proposed;
 - (d) Delineate a suitable trade area for the proposed retail development together with a description of the methodology and reasoning;
 - (e) Identify and evaluate the retail environment within which the proposed retail will directly and indirectly compete;
 - (f) Determine the market impact on competing retail facilities;
 - (g) Include an inventory of competitive retail service and vacant space within the trade area;

- (h) Current and projected population figures for the trade area;
- (i) Per capita expenditures of trade area residents;
- (j) Level of market share forecast;
- (k) Anticipated expenditures from outside the trade area;
- (l) Estimated sales performance of directly competitive facilities;
and,
- (m) Identify reuse possibilities for the proponent's existing retail facility within the trade area if it is intended to be vacated in favour of the proposed retail development.

10.2.11 Noise and/or Vibration Study

The following policies should be read in conjunction with subsection 5.4.5 of this Plan. (Added by OPA 65 – 10/22/2007 – By-law 192-2007)

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|--------------------------------|-----------|---|
| <i>PURPOSE</i> | 10.2.11.1 | The purpose of a Noise and/or Vibration Study is to demonstrate that a proposed development may proceed in such a manner that the public is protected from unacceptable levels of noise and vibration associated with uses such as industrial operations, public highways, rail corridors and yards, and airports. (amended by OMB order 1485 – 11/01/2002) |
| <i>STUDY COMPONENTS</i> | 10.2.11.2 | Where a Noise and/or Vibration Study is required, such a study should: <ul style="list-style-type: none"> (a) Assess the existing and predicted noise and vibration levels on the site, identify and recommend various abatement measures, warning clauses, and/or other appropriate measures, which can be implemented and secured by way of zoning, site plan approval and/or development agreement, and
(amended by OMB order 1485 – 11/01/2002) (b) Have regard to relevant provincial legislation, policies and appropriate guidelines.
(amended by OMB order 1485 – 11/01/2002) |
| <i>CERTIFICATE OF APPROVAL</i> | 10.2.11.3 | In circumstances where statutory provincial approvals for noise and vibration are required, the Municipality will ensure that a Certificate of Approval is sought and obtained before development proceeds. |

10.2.12 Urban Design Study

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| <i>PURPOSE</i> | 10.2.12.1 | The purpose of an Urban Design Study is to provide direction for the protection and enhancement of the character of a planning district, |
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neighbourhood, corridor or any other identified area.

*STUDY
COMPONENTS*

10.2.12.2 Where an Urban Design Study is required, such a study should:

- (a) Document the area's character on a street and block pattern (both sides) basis showing the size, orientation and lotting of each block;
- (b) Provide a three dimensional profile for each street and block (both sides) within the area;
- (c) Identify the existing urban design elements, such as nodes, landmarks, districts, paths and edges, which contribute to the character of the area and to its physical form and development pattern;
- (d) Identify potential urban design elements that would enhance the future physical form, development pattern and character of the area such as streetscape treatments, significant views and vistas and locations for the provision of gateways and art; and
- (e) Establish guidelines for the area which would assist in evaluating any proposed development or infrastructure undertaking.

10.2.13 Planning Rationale Report

(Added by OPA 65 – 10/22/2007 – By-law 192-2007)

PURPOSE

10.2.13.1 The purpose of the Planning Rationale Report is to provide a framework for an applicant seeking development approval to explain salient details of the application and provide supporting reasons why the proposal should be considered and approved. This document is also intended to assist staff with their review and processing responsibilities.

*STUDY
COMPONENTS*

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.

10.2.14 Tree Inventory and Preservation Study

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

<i>PURPOSE</i>	10.2.14.1	The purpose of a Tree Inventory and Preservation Study is to investigate existing tree vegetation, within and adjacent to development and determine how protection and enhancement can coincide with proposed development.
<i>STUDY COMPONENTS</i>	10.2.14.2	Where a Tree Inventory and Preservation Study is required, such a study should include: <ul style="list-style-type: none">(a) An inventory of trees;(b) An evaluation of the impact of the proposed development upon the existing trees;

- (c) Possible infrastructure modifications and construction staging procedures;
- (d) Recommend trees/vegetation to be preserved;
- (e) Measures to be taken during construction to mitigate the impact of development upon trees/vegetation;
- (f) Provisions for replacement of trees/vegetation designated for preservation that are not successfully preserved; and,
- (g) A detailed maintenance program to be followed after development is complete.

10.2.15 Built Heritage Impact Study

(Added by OPA 65 – 10/22/2007– By-law 192-2007)

PURPOSE 10.2.15.1 The purpose of a Built Heritage Impact Study is to determine if any listed or designated heritage resources are impacted by development proposals and the potential need for mitigation measures.

STUDY COMPONENTS 10.2.15.2

- (a) An analysis of the proposed development or site alteration that affects listed or designated heritage resources on adjacent lands;
- (b) A demonstration that the heritage attributes of the listed or designated heritage resource will be conserved as part of the proposed development and site alteration; and,
- (c) A commitment to mitigation measures and/or alternative development approaches in order to conserve the attributes of the listed or designated heritage resource affected by the adjacent development or site alteration.

10.2.16 Archaeological Assessment

(Added by OPA 65 – 10/22/2007– By-law 192-2007)

The following policies should be read in conjunction with the Archaeological Master Plan.

PURPOSE 10.2.16.1 The purpose of an Archaeological Assessment is to ensure archaeological resources on site are preserved/mitigated prior to land disturbance/site development.

STUDY COMPONENTS 10.2.16.2

- (a) Stage 1 – review the available archaeological and historical data from the region; this may lead to,
- (b) Stage 2 – conduct a surface survey of the development property to

identify all sites present and this may lead to,

- (c) Stage 3 – collect sufficient information about age, size and artifact frequency of the site to evaluate its significance; and this may lead to,
- (d) Stage 4 – generate a report detailing the fieldwork conducted, sites found, and whether or not any of those sites are significant enough to require mitigation development impacts.

*APPROVAL
AUTHORITY*

10.2.16.3 No land disturbance shall be permitted until notification has been received from the Ministry of Culture that the property has been cleared of archaeological concerns.

10.2.17 Lighting Study

(Added by OPA 65 – 10/22/2007– By-law 192-2007)

The following policies should be read in conjunction with section 8.13 of this Plan.

PURPOSE

10.2.17.1 The purpose of a Lighting Study is to evaluate the intensity and impact of light pollution generated by development, the potential impacts on residential property and wildlife, and to ensure visibility and safety.

*STUDY
COMPONENTS*

10.2.17.2 Where a Lighting Study is required, such study should:

- (a) Include a computer model of projected illumination (lumens) in connection with the proposed development;
- (b) Identify the Light Pollution Index (LPI);
- (c) Analyze the LPI and cumulative effects of lighting in the context of existing conditions;
- (d) Recommend measures mitigate the impact of light pollution in connection with the proposed development; and,
- (e) Provide evidence that sufficient lighting is provided to ensure lighting improves visibility and safety.

10.2.18 Micro-Climate Study

(Added by OPA 65 – 10/22/2007– By-law 192-2007)

The following policies should be read in conjunction with sub-section 8.6.2.3 of this Plan.

PURPOSE

10.2.18.1 The purpose of a Micro-Climate Study is to evaluate how the proposed

development will alter the micro-climate including wind, shadow and sunlight penetration, and to determine the appropriate design measures to reduce or mitigate any undesirable conditions.

**STUDY
COMPONENTS**

10.2.18.2 Where a Micro-Climate Study is required, such study should:

- (a) Include diagrams showing extent of shadows at different intervals over different months;
- (b) Include diagrams showing surrounding topographic context;
- (c) Include a digital copy of the 3-D model used by the consultant to generate the shadow diagrams;
- (d) Include architectural elevation indicating building height at rooftop, mechanical equipment and average grade around building foundation; and,
- (e) Include diagrams showing the vertical extent of shadows upon adjacent high-rise buildings.

10.2.19 Open House Policies

(Added by OPA 129 – 08/10/2020 – B/L 28-2020)

The applicant may be required to host an open house as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium and produce a report summarizing the results of the open house. The open house and the report will be provided at the applicant’s expense.

PURPOSE

10.2.19.1 The purpose of the open house is to provide opportunity for consultation by the applicant with the area residents/property owners who may be impacted by the proposal before the application is deemed to be complete.

**COMPONENTS
OF OPEN
HOUSE**

10.2.19.2 The open house should be held at a location that is accessible to the public and may be accessed by walking, bicycling and public transit and should be located within 1km of the site of the proposed development when practical. The location should be in a structure that meets or exceeds the requirements of the *Accessibility for Ontarians with Disabilities Act*. The pre-consultation open house should be comprised of the following components:

- (a) Notice to the area residents/property owners, as required by the City Planner;

- (b) Attendance of assigned municipal planner(s);
- (c) Display boards which provide the primary details of the application;
- (d) Copies of any reports or studies that have been prepared as part of the application; and
- (e) The availability of the applicant or the applicant’s agent to answer any questions that the public may have about the application.

*REPORT
CONTENTS*

10.2.19.3 The open house report shall be comprised of the following contents:

- (a) A summary of the results of the open house including issues raised and responses provided;
- (b) A copy of the Notice provided;
- (c) A copy of any presentation(s) and graphics;
- (d) A copy of written questions from the public and written responses to these questions by the applicant; and
- (e) A copy of the attendee sign-in sheet.

10.2.20 Design Briefs

(added by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022)

A Design Brief identifies the character of a street or neighbourhood over a smaller area than an Urban Design Study. Where this Plan requires the preparation of a Design Brief the following steps shall be taken:

*EXISTING SITE
CONDITIONS
AND
SURROUNDING
CONTEXT*

10.2.20.1 The Urban Design Brief should provide a description and analysis of the site and surrounding context. Photographs and a context map showing the subject site in relation to the existing neighbourhood should be included.

*PROJECT
DESIGN
ANALYSIS*

10.2.20.2 The Urban Design Brief should provide an analysis of the design rationale for the building, landscape, and site design elements of the proposed development and explain why the proposed development represents optimum design solution. Discussion should consider the following:

- i) How the design of the proposed development meets the intent of the City’s applicable urban design guidelines and policies;
- ii) How the design addresses existing site conditions and constraints such as lot size, grading, or natural heritage features;
- iii) How the design of the proposed development integrates with the existing neighbourhood and enhances its function and aesthetics; and,
- iv) How the design of the proposed development will influence and integrate with future development in the neighbourhood.

*DESIGN
CONSIDERATION*

10.2.20.3

The Urban Design Brief should include a written description, plans, elevations, diagrams, and/or photographs to illustrate the design choices of the proposed development and site design. Depending on the scale of the development proposal explain how the applicable design considerations have been addressed:

- i) Street and block pattern (e.g., connectivity, pedestrian access);
- ii) Lot sizes;
- iii) Building orientation and site layout;
- iv) Built form, height scale, and massing;
- v) Building articulation and detailing;
- vi) Building materials;
- vii) Setbacks from adjacent properties and the street;
- viii) Building step back (if applicable);
- ix) Building transition to adjacent neighbourhoods;
- x) Heritage considerations (if applicable);
- xi) Location of parking (surface or underground), driveways, ramps, drop-off areas;

- xii) Access to transit;
- xiii) Bicycle parking/storage;
- xiv) Location of servicing, garbage, organics, and recycling storage and collection, and loading areas;
- xv) Streetscape elements (e.g, boulevard design, landscaping, street furniture, public art, signage, lighting, etc.); and,
- xvi) On-site landscaping and buffering.

10.3 Partnerships

<i>SUPPORT OTHER AGENCIES</i>	10.3.1	Council will encourage federal, provincial and local participation in efforts to implement the goals, objectives and policies of this Plan.
<i>SEEK VOLUNTEERS</i>	10.3.2	Council will encourage volunteerism and citizen involvement throughout the city to implement this Plan.
<i>JOINT USE</i>	10.3.3	Council will explore opportunities for the joint use of facilities throughout the community.
<i>EXAMINE GAPS & OVERLAP</i>	10.3.4	Council will examine gaps and overlaps in the provision of community services and will identify areas where partnerships should be pursued.

10.4 Land Stewardship

<i>STEWARDSHIP AGREEMENTS</i>	10.4.1	When natural features and functions or heritage resources are not under public ownership, stewardship agreements between owners and the Municipality may be pursued for their protection and conservation. Such agreements are not intended to challenge or deny property rights, but are used to plan the use, or change in use, of the land to protect the natural features and functions or heritage resources for the long term.
<i>STEWARDSHIP TECHNIQUES</i>	10.4.2	Council may use one or more of the following stewardship techniques to pursue the protection and conservation of natural features and functions or heritage resources: <ul style="list-style-type: none"> (a) A covenant agreement that is registered with the plan of subdivision or property outlining specific provisions or actions that the owner must abide by;

- (b) Establishment of an education program to inform landowners of maintenance and stewardship options available to conserve and enhance the natural features and functions or heritage resources on the property;
- (c) Encourage the formation of non-profit organizations to pursue fundraising activities to purchase land and rehabilitate, create or conserve natural features and functions or heritage resources;
- (d) Enter into partnerships for the management of the natural features and functions or heritage resources; and
- (e) Any other suitable techniques.

10.5 Metropolitan Area Municipalities and the County of Essex
 (Approved by MMAH – 01/25/2002)

The City of Windsor is adjacent to The Corporation of the County of Essex and two of its constituent municipalities: the Town of Tecumseh and the Town of LaSalle. The City recognizes the need to achieve orderly growth and the efficient provision of services to ensure the long-term health and prosperity of the census metropolitan area and region.

The City has in the past worked cooperatively with its neighbouring municipalities to provide improved rivers and drains, sewer and water capacity, and sewage treatment. The provision of these core services was facilitated through legal agreements and made possible in many instances through considerable senior level of government assistance. Similar funding assistance is no longer available nor expected in the future. There is a need, therefore, to establish equitable funding strategies, coordinated planning and engineering, and plans of action to foster effective and efficient growth and settlement.

The following policy framework provides direction for the continued coordination of inter-municipal infrastructure and development.

- | | | |
|----------------------|--------|---|
| <i>LIAISON</i> | 10.5.1 | Council shall, in conjunction with the County of Essex and local Essex County municipalities, establish and maintain a formal protocol for on-going liaison on matters of mutual interest and concern. |
| <i>CO-ORDINATION</i> | 10.5.2 | Council will work in a comprehensive, timely and equitable manner to achieve on-going cooperation and resolution of inter-municipal issues including, but not limited to, the following: <ul style="list-style-type: none"> (a) Growth management; |

- (b) Transportation and physical service coordination;
- (c) Natural area conservation and watershed management;
- (d) Economic development; and
- (e) Coordination of overall planning activities.

<i>INFRASTRUCTURE MASTER PLANS</i>	10.5.3	Council will, in conjunction with the County of Essex, Essex County municipalities, and municipalities situated in south-eastern Michigan, promote an effective and efficient system of infrastructure through the support and participation of regional, provincial and international infrastructure master plans.
<i>EXISTING SERVICING AGREEMENTS</i>	10.5.4	<p>Council will, when dealing with existing sanitary sewerage and water agreements that extend beyond the city limits:</p> <ul style="list-style-type: none"> (a) Continue to utilize inter-municipal servicing agreements to recoup, on a fair market basis, the capital and operating costs associated with selling water and sanitary sewage capacity to Essex County municipalities; (b) Cooperate with and invite affected Essex County municipalities to participate in Municipal Class Environmental Assessments (EA's) for municipal infrastructure projects including roads, water and wastewater projects; and (c) Participate in the preparation of Municipal Class EA's of Essex County municipalities when the City is identified through the consultation requirements of the Class EA as potentially being affected by the subject undertaking.
<i>NEW SERVICING AGREEMENTS</i>	10.5.5	<p>Council, in exercising its authority to extend infrastructure/servicing agreements by way of new servicing agreements, shall have regard to the policy statements issued under the Planning Act. In addition, the following matters shall be satisfied:</p> <ul style="list-style-type: none"> (a) There is sufficient infrastructure, determined through provincial planning policies and guidelines, to accommodate the redevelopment, intensification and revitalization activity of existing neighbourhoods within Windsor; and (b) There is sufficient infrastructure, determined through provincial planning policies and guidelines, to accommodate population growth and economic activity of the municipality's undeveloped areas.

*TRANSPORTATION
COORDINATION*

10.5.6 Council shall promote the achievement of a sustainable, efficient and effective regional transportation system that meets the economic, social and environmental needs of the City and the County of Essex municipalities through the following:

- (a) Conducting regular review, monitoring and updating of the Windsor Area Transportation Master Plan with participation from the County of Essex, Essex County municipalities pursuant to policy 7.2.2.3 of this Plan;
- (b) Preparing a biennial “State of the Transportation System Report” jointly written and prepared by the City, County of Essex and Essex County municipalities for submission to the respective Councils;
- (c) Supporting the preparation of traffic impact analysis and studies for major developments that are proposed within the City and County of Essex municipalities, including an assessment of required regional transportation system improvements and equitable cost-sharing formulas; and
- (d) Identifying, coordinating and implementing fair and equitable funding sources for sharing capital and operating costs of region-wide transportation system improvements.

10.6 Public Participation

Individuals and organizations must be made aware of various development and infrastructure proposals and be given the opportunity to express their views on such matters. The following public participation policies are intended to ensure public access to relevant information, provide opportunities for public involvement well in advance of decision formulation and to build consensus on planning and infrastructure issues.

PARTICIPATION

10.6.1 The opinions, attitudes and advice of individuals and groups will be sought as a part of the decision-making process.

PRECONSULTATION

10.6.2 Preconsultation with affected or interested individuals, group and public bodies shall be encouraged prior to the finalization of a development application or a detailed planning study.

*PUBLIC
NOTIFICATION*

10.6.3 Council will ensure that the public is notified on development and infrastructure proposals in accordance with relevant provincial legislation.

<i>PROVIDE INFORMATION</i>	10.6.4	Council will provide interested and affected parties affected by a development or infrastructure proposal with the information necessary to understand the nature of the proposal.
<i>ADEQUATE TIME</i>	10.6.5	Council will provide adequate time for the public to contribute in the decision making process.
<i>CONSENSUS BUILDING</i>	10.6.6	Council will provide opportunities for consensus building and conflict resolution prior to making a decision on a development or infrastructure proposal.
<i>CITY-WIDE ISSUES</i>	10.6.7	Council may consider using a variety of public participation techniques for special issues having a city-wide scope including, but not limited to, open houses, public displays, area meetings, newspaper notices, and cable television programming.
<i>CONSULTATION WITH FIRST NATIONS</i>	10.6.8	Consultation with First Nations will take place as part of a development application or detailed planning study. (Added by OPA 84 – 09/07/2012– Ministry Modification)

10.7 Service Delivery

The cumulative effect of development approvals and capital expenditures require on going monitoring and management to ensure the continued fiscal fitness of the City of Windsor. Therefore to manage the Municipality’s finances responsibly, Council will consider the short and long term financial impacts associated with growth and development.

<i>STABLE TAX BASE</i>	10.7.1	Council will ensure that the structure of the municipal tax base allows for reasonable level of service delivery and supports a standard of living and working environment required to attain the Municipality’s stated vision.
<i>TIMING OF SERVICES</i>	10.7.2	Council will manage the allocation, absorption and timing of development costs to facilitate the maintenance of efficient and cost effective growth.
<i>FISCAL FITNESS</i>	10.7.3	Council will identify and maintain the appropriate balance between the provision of services and the Municipality’s fiscal capability.
<i>CAPITAL WORKS</i>	10.7.4	Council shall ensure that any capital works undertaking conform with the goals and objectives of this Plan.
<i>ALTERNATIVE REVENUE GENERATION</i>	10.7.5	Council will seek alternative revenue sources to property taxation to assist in the reduction and control of municipal taxes.
<i>DEVELOPMENT</i>	10.7.6	Council shall ensure that municipal costs attributable to new development

CHARGES

are recovered through development charge levies or any other method of financing in accordance with provincial legislation.

*DEVELOPMENT
&
INFRASTRUCTURE
REVIEW*

10.7.7

Council, in the review of any development or infrastructure proposal, shall consider the following matters to determine its financial impact on the city:

- (a) The ability of development charge levies to finance the required municipal services;
- (b) The effects of the proposal on the general tax levy and user rates;
- (c) The effects of the proposal on the level of service provided within Windsor;
- (d) The potential revenue-generating ability of the proposal; and
- (e) Any other financial considerations that Council may deem necessary.

PHASING

10.7.8

Council may phase new development in accordance with the following criteria:

- (a) The adequacy of, and proximity to, existing and planned infrastructure required to service the proposed development;
- (b) The need for, and timing of, capital works projects to accommodate the proposed development;
- (c) The need for, and timing of, any required approvals for community facilities;
- (d) The proximity of the proposed development to existing and future community facilities;
- (e) The logical and sequential extension of urban development to avoid scattered or disjointed development patterns;
- (f) The requirements of, or participation in, existing or required servicing and financial agreements under the Planning Act or Development Charges Act; and
- (g) The phasing of development reflects the principles of this Plan.

10.8 Provincial Policy

PROVINCIAL
POLICY

- 10.8.1 This Official Plan shall conform to provincial legislation and shall have regard to matters of provincial interest and shall be consistent with provincial policy statements. This Plan has been prepared to meet these requirements within the context of both existing and emerging policy initiatives. (Amended by OPA 84 – 09/07/2012– Ministry Modification)

10.9 Monitoring and Review

The Official Plan provides guidance for the physical development of Windsor over a twenty-year planning horizon. To ensure the continued relevance of this Plan in view of changing social, economic and environmental conditions during this time frame, it is important that the Plan provide a method of addressing this change.

5 YEAR REVIEW

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

- (a) That the Official Plan conforms or does not conflict with provincial plans;
- (b) Has regard to the matters of provincial interest that are identified in the *Planning Act*;
- (c) Is consistent with policy statements issued under the *Planning Act*;
- (d) The need for confirmation or amendment of employment land policies in the Official Plan; and
- (e) Any other matter that Council identifies as impacting an Official Plan.

CRITERIA FOR
AMENDMENT OR
REVIEW

- 10.9.2 Council will monitor the relevance of the goals, objectives and policies of this Plan, and will identify the need for Official Plan amendments or review where:

- (a) A section of the Plan is outdated or inconsistent with the long term direction for Windsor’s growth;
- (b) The information on which the section is based has changed;
- (c) The section is deemed to be insufficient to provide the necessary guidance for future growth and development; and

(d) Provincial legislation or policy has changed.

*STATE OF THE
ENVIRONMENT
REPORT*

10.9.3 Council will monitor Windsor’s progress toward achieving a healthy and livable city through the review of a state of the environment report at intervals of no greater than once every five years (so as to coincide with the review of this Plan) that identifies, among other items, the following:

- (a) The size and quality of Windsor’s natural areas;
- (b) Progress on watershed and subwatershed targets;
- (c) Progress on expanding and refining the Greenway System; and
- (d) Air quality.