

11 Tools

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.

11.0 Preamble

The achievement of the goals, objectives and policies of this Plan will occur through the use of specific planning tools and capital budgets. As supported by the Strategic Directions, this chapter of the Official Plan outlines the land use controls and other means available to Council through the authority given to it by the Planning Act.

11.1 Goals

In keeping with the Strategic Directions, Council's implementation goals are to achieve:

- | | | |
|------------------------------------|--------|---|
| <i>DIRECTION</i> | 11.1.1 | Direction for the development of planning districts, neighbourhoods or other sub-areas of the city. |
| <i>NEIGHBOURHOODS</i> | 11.1.2 | Safe, caring and diverse neighbourhoods with a range of services and amenities. |
| <i>COMPATIBILITY</i> | 11.1.3 | Land use compatibility throughout Windsor. |
| <i>FUNCTIONAL & ATTRACTIVE</i> | 11.1.4 | Functional and attractive developments. |
| <i>COMMUNITY IMPROVEMENT</i> | 11.1.5 | Rehabilitation and redevelopment of areas in need of improvement. |
| <i>SUSTAINABILITY</i> | 11.1.6 | Recognition and mitigation of any social, economic and environmental impacts. (Added by OPA #66-11/05/07-B/L209-2007) |

11.2 Special Policy Areas

Special Policy Areas will be used to apply specific planning policies to defined areas or corridors as identified on Schedule A: Planning Districts & Policy Areas. These policies provide specific direction for those areas of the city where more detailed direction for land use, infrastructure, transportation, environment, urban design or similar issues are required beyond the general framework provided by this Plan. All Special Policy

Areas are further described in Volume II: Secondary Plans and Special Policy Areas.

11.2.1 Objective

ADDRESS SPECIFIC AREAS 11.2.1.1 To provide a process and framework for addressing specific planning issues affecting or characterizing a defined area or corridor.

11.2.2 Policies

AREAS FOR SPECIAL POLICY 11.2.2.1 Special Policy Areas may be created as needed for areas or corridors of Windsor where more detailed direction is required beyond the policies of Volume I: The Primary Plan.

CONFORM TO OFFICIAL PLAN 11.2.2.2 Special Policy Areas shall be prepared to implement this Plan and may amend it as necessary. In the event of a conflict between a Special Policy Area provision and this Plan, the Special Policy Area shall prevail and take precedence provided the general goals and objectives of the Plan are maintained.

ADOPTION, NOTIFICATION & APPEAL 11.2.2.3 Special Policy Areas shall be adopted as amendments to this Plan and the provisions of this Plan and the Planning Act regarding adoption, notification and appeal of amendments shall apply.

REVIEW & UPDATE 11.2.2.4 Special Policy Areas shall be reviewed and updated in accordance with the monitoring and review provisions of this Plan (refer to section 10.8).

11.3 Secondary Plans

Secondary Plans will be used to guide the development or redevelopment of planning districts, neighbourhoods, corridors or any other area as identified on Schedule A: Planning Districts and Policy Areas. These plans provide specific schedules and policies for those areas of the city where more detailed directions for land use, infrastructure, transportation, environment, urban design, heritage or other topics are required beyond the general framework provided by this Plan. All secondary plans are contained within Volume II: Secondary Plans and Special Policy Areas.

11.3.1 Objectives

ADDRESS SPECIFIC AREAS 11.3.1.1 To provide a process and a framework for addressing planning issues affecting or characterizing specific areas of the city.

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

11.3.2 Policies

<i>AREAS FOR STUDY</i>	11.3.2.1	<p>Secondary Plans may be prepared as needed for planning districts, neighbourhoods, corridors or any other identified area of the city and in particular:</p> <ul style="list-style-type: none"> (a) Large tracts of vacant or underutilized land to ensure the appropriate and orderly use of land, economic development and the efficient provision of infrastructure; (b) Areas undergoing change where current policies require updating to guide redevelopment or warrant reconsideration and in particular: <ul style="list-style-type: none"> (i) Obsolete industrial areas; (ii) Declining commercial areas; and (iii) Areas with desirable characteristics or functions such as the City Centre, heritage areas, the waterfront and gateways; (c) Areas in need of stability and strengthening such as older residential neighbourhoods and heritage areas.
<i>CONFORM TO OFFICIAL PLAN</i>	11.3.2.2	Secondary plans shall be prepared to implement this Plan and may amend it as necessary. In the event of a conflict between a secondary plan and this Plan, the secondary plan shall prevail and take precedence provided the general goals and objectives of this Plan are maintained.

*TERMS OF
REFERENCE*

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

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11.3.2.4 Secondary plans shall generally include the following:

- (a) A statement of the basis or rationale for the preparation of the secondary plan;
- (b) A description of the planning area and/or area under study, including a reference map, and the role and relationship of the planning district and/or area under study to the city as a whole;
- (c) An inventory and assessment of the area in terms of land use, demographics and land ownership, economic and social conditions, natural and man-made heritage features, environmental characteristics and conditions, physiographic and soil characteristics, transportation, servicing infrastructure and external influences, natural and built heritage features;
- (d) Current land use designations, zoning and similar policy or regulatory controls;
- (e) A statement of the desired land use of the area along with relevant and related environmental, social and economic goals;
- (f) The goals and objectives appropriate for the area including a statement demonstrating how they are in keeping with the strategic directions and general goals and objectives of this Plan and provincial legislation, policies and appropriate guidelines;
- (g) A large scale concept plan showing land use designations of the desired type and pattern of development with due consideration to urban form, scale, sustainable design, protection of environmentally significant areas and ecologically sensitive areas, compatibility with and potential impact on neighbouring uses and areas;
- (h) The nature, type and location of infrastructure and public lands;
- (i) The identification, protection and integration of significant natural and built heritage features;
- (j) The desired local transportation network and its links to the

transportation network of the city as a whole;

- (k) The provision and upgrading of infrastructure which may be required;
- (l) Specific policies and strategies for achieving the objectives established for the area which complement and are compatible with the more general policies of this Plan;
- (m) Proposed changes to this Plan, zoning and other regulatory measures;
- (n) Phasing of development, infrastructure and capital expenditures; and
- (o) Urban design policies for the area.

*ADOPTION,
NOTIFICATION &
APPEAL*

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

*REVIEW &
UPDATE*

11.3.2.6 Secondary plans shall be reviewed and up-dated in accordance with the monitoring and review provisions of this Plan (refer to section 10.9).

PEER REVIEW

11.3.2.7 Secondary plans prepared by proponents other than the Municipality may be peer reviewed at the proponent's expense using a qualified consultant acceptable to the Municipality.

11.4 Subdivisions and Consents

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

11.4.1 Objective

*ORDERLY
DEVELOPMENT*

11.4.1.1 To ensure the efficient creation of subdivisions and new lots.

11.4.2 Subdivision Policies

*APPROVAL
AUTHORITY*

11.4.2.1 Council is the approval authority for plans of subdivision.

<i>REVIEW PROCEDURES</i>	11.4.2.2	<p>All applications for subdivision approval shall be processed in accordance with the provisions of the <i>Planning Act</i>, and regulations pursuant thereto, and the requirements of this Plan. In general, after an applicant’s pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall:</p> <ul style="list-style-type: none"> (a) Be circulated to appropriate agencies and those agencies be provided sufficient time to respond; (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the <i>Planning Act</i>; and, (c) Be given due and thorough consideration by Council.
<i>EVALUATION CRITERIA</i>	11.4.2.3	<p>Council will evaluate a plan of subdivision according to the following criteria:</p> <ul style="list-style-type: none"> (a) Provincial legislation, provincial policies and applicable provincial guidelines; (b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines; (c) Conformity with the recommendations of any support studies prepared as part of the application; (d) The continuation of an orderly development pattern; (e) Impact of the development on adjacent properties; and (f) The requirements or comments of Municipal departments and public agencies or authorities.
<i>ULTIMATE USE & ZONING</i>	11.4.2.4	<p>The applicant shall be required to indicate the proposed uses for all lots, blocks and parcels in the subdivision and that the appropriate zoning classifications are approved or pending to reflect the intended use.</p>
<i>CONDITIONS OF APPROVAL</i>	11.4.2.5	<p>Council shall attach such conditions as it deems appropriate to the approval of a plan of subdivision. The applicant shall be required to satisfy these conditions, failing which, draft plan approval may be withdrawn. Such conditions may include, but are not limited to, the following:</p>

- (a) The fulfillment of any financial requirement to the Municipality;
- (b) The conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;
- (c) The conveyance of lands for public highways or widenings as may be required, including pedestrian pathways, bicycle pathways and transit rights-of-ways;
- (d) The conveyance of appropriate easements; and
- (e) The construction of infrastructure.

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

11.4.3 Consent Policies

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

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

- (a) Creation of lots for minor infilling; and
- (b) The mortgaging or leasing of land beyond 21 years;
- (c) Lot boundary adjustments; and
- (d) Easements and rights-of-ways.

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

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

SEWER & 11.4.3.5 All lots created by consent shall be serviced by municipal sanitary sewer

*WATER
SERVICES*

and water services.

*EVALUATION
CRITERIA*

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

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

*CONDITIONS OF
APPROVAL*

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

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

11.4.4 Part Lot Control Policies

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

11.5 Condominiums

11.5.1 Objectives

<i>NEW BUILDINGS</i>	11.5.1.1	To provide for the development of new condominiums.
<i>RENTAL CONVERSIONS</i>	11.5.1.2	To provide for the conversion of existing residential buildings to condominiums.
<i>NON-RESIDENTIAL CONVERSIONS</i>	11.5.1.3	To provide for the reuse of non-residential buildings and structures to residential condominiums.

11.5.2 General Policies

<i>APPROVAL AUTHORITY</i>	11.5.2.1	Council is the approval authority for plans of condominium.
<i>CONDOMINIUM APPROVAL PROCEDURES</i>	11.5.2.2	Council may adopt a manual that establishes procedures the Municipality follows for the approval of plans of condominium. The manual will include provisions for, but not be limited to, the following: <ul style="list-style-type: none">(a) Preconsultation;(b) Application review;(c) Consultation with review agencies and the public;

- (d) Decision making;
- (e) Requests for revisions to conditions of draft plan approval;
- (f) Refused or withdrawn applications; and
- (g) Appeals to the Ontario Municipal Board.

*REVIEW
PROCEDURES*

11.5.2.3 The Municipality will monitor the condominium review and approval process and Council may amend the condominium approval procedures from time to time as appropriate.

All applications for subdivision approval shall be process in accordance with the provisions of the Planning Act, and regulations pursuant thereto, and the requirements of this Plan. In general, after an applicant’s pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall:

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

- (a) Be circulated to appropriate agencies and those agencies be provided sufficient time to respond; *(Added by OPA 65 – 10/22/2007– By-law 192-2007)*
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the Planning Act; and *(Added by OPA 65 – 10/22/2007– By-law 192-2007)*
- (c) Be given due consideration by Council. *(Added by OPA 65 – 10/22/2007– By-law 192-2007)*

*SUPPORT
STUDIES*

11.5.2.4 Council may require appropriate support studies to be completed as a part of the preparation, submission and approval of a plan of condominium in accordance with the other provisions of this Plan.

*PARKLAND
CONVEYANCE*

11.5.2.5 Council may, as a condition of the approval of a plan of condominium, require that land be conveyed to the Municipality for public open space purposes in accordance with the Open Space policies of this Plan.

*PAYMENTS-IN-
LIEU*

11.5.2.6 Council may accept payments-in-lieu of all or part of the required parkland conveyance as a condition of condominium approval in accordance with the Open Space policies of this Plan.

*CONDOMINIUM
AGREEMENT*

11.5.2.7 All applicants may be required to enter into a condominium agreement with the Municipality in accordance with the Planning Act before final approval for a plan of condominium is given by Council. Applicants may be required to post security to the Municipality to ensure the conditions of the condominium agreement are fulfilled.

EXEMPTIONS

11.5.2.8 Council may exempt a plan of condominium from some or all of the provisions of the Planning Act which apply to plans of condominium in accordance with the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) Residential building is constructed or a building permit for its construction has been issued;
- (b) The development has received site plan control approval; and
- (c) The development does not contain any occupied residential rental units.

11.5.3 New Development Policies

*EVALUATION
CRITERIA*

11.5.3.1 Council will evaluate a plan of condominium for a proposed new development or building that was intended for residential use but that was not previously occupied according to the following criteria:

- (a) Provincial legislation, policies and applicable guidelines;
- (b) Provision of adequate infrastructure services, amenities and community facilities and services;
- (c) Impact upon the transportation system and adjacent land uses;
- (d) Impact upon any natural features or functions on the site or in the surrounding area;
- (e) The condominium is considered to be necessary, timely and in the public interest;
- (f) The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (g) The condominium, the condominium units, and the common elements are suitable for their intended purpose;
- (h) The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws; and
- (i) The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land. (Added by OPA #66-11/05/07-B/L209-2007)

CONDITIONS OF APPROVAL 11.5.3.2 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period, failing which, draft plan approval may be withdrawn.

11.5.4 Rental Housing Conversion to Condominium Policies

(added by OPA#63, June 21, 2007, B/L 100/2007)

Rental housing conversion to condominium refers to the change in tenure of a rental housing property to condominium status.

NOTIFICATION 11.5.4.1 Prior to the consideration of a condominium application by Council or any of its subcommittees, the following notification shall be given:

- (a) The owner shall notify all current tenants to provide them with the details of the application. The notice is to be mailed by first class mail within 60 days of the time the application is deemed to be complete by the Planning Department. Furthermore, a copy of the notice is to be submitted to the Manager of Development for approval prior to mailing;
- (b) At the time the notice referenced in (a) is mailed, the owner shall post copies of the notice at locations within the subject building that are highly visible to tenants, including but not limited to: entrances, mail rooms and elevator lobbies; and
- (c) The owner shall notify all prospective tenants that an application has been submitted to convert the building(s) subject of the application to condominium. Such notice shall be given prior to the signing of a lease or the occupancy of a rental unit.

AFFORDABILITY 11.5.4.2 City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing. For the purpose of this Plan, the definition of affordability shall be consistent with the definition contained in the Provincial Policy Statement (March 2005) being:

- (a) The definition of affordable rental housing is the least expensive of:
 - (i) A unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - (ii) A unit for which the rent is at or below the average market

rent of a unit in the regional market area (Windsor and Essex County).

- (b) Low and moderate income households as referenced above, shall mean households with incomes in the lowest 60th percentile of the income distribution for renter households in the regional market area (Windsor and Essex County).

*EVALUATION
CRITERIA*

11.5.4.3

Council will evaluate the approval of a plan of condominium for the conversion of an existing residential rental building to condominium status according to the following criteria:

- (a) The proposal satisfies the intent of policy 11.5.3.1;
- (b) The proposal satisfies the intent of policy 11.5.4.2;
- (c) The rental vacancy rate for private apartments in the City of Windsor as defined and reported yearly through Canada Mortgage and Housing Corporation has been at or above 3 per cent for the preceding two-year reporting period. Consideration is to be given to the vacancy rate data as it applies to building characteristics including: structure type, location, age and size;
- (d) The proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, will not result in the conversion of 5% or more of the existing rental stock;
- (e) The proposed accommodation of existing tenants of the rental housing development within the proposed condominium development or, if accommodation within the proposed condominium is not feasible, the plan for relocating existing tenants to other rental housing developments;
- (f) The structural integrity of the building and the condition of the development as it relates to the health and safety of the residents and the public under the requirements of the Ontario Building Code as prescribed by the Corporation of the City of Windsor's Property Standard and Maintenance By-law, all as ascertained by a professional engineer;
- (g) The condition or proposed provision of landscaping areas, playground equipment and other amenities;
- (h) The appropriateness of the site for the type of development, including such considerations as the provision of adequate on-site

parking, compliance with the Zoning By-law, vehicular and emergency access and screening of adjacent land uses;

- (i) The condition of the development as it relates to the safety and security of residents under the requirements of the Ontario Fire Code;
- (j) The condition of public and private infrastructure including sidewalks and sewerage systems; and
- (k) The condition of the development as it relates to the safety and security of residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

CONDITIONS OF APPROVAL 11.5.4.4

Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period not being less than 3 years, failing which, draft plan approval shall lapse. Such conditions may include, but are not limited to:

- (a) The owner providing information to the tenants as to the timing of the transition from rental units to condominium units and the means by which leases, if any, are to be terminated;
- (b) The owner agreeing to provide existing tenants with the right of first refusal to purchase their unit or other unit in the development so as to minimize residential relocation problems;
- (c) The owner agreeing to offer any tenant who does not wish to purchase the unit they occupy a lifetime non-transferable lease which shall be registered on title and binding on all subsequent owners;
- (d) The owner agrees to provide required plans including but not limited to: site plans, parking plans, elevation plans, lighting plans and landscaping plans that may be required to show features and details of the site and shall be included in the condominium agreement as deemed necessary;
- (e) The owner agrees to the conveyance of land and provision of easements as required by the municipality;
- (f) The fulfilment of any financial requirement to the City;
- (g) The owner agrees to the conveyance of lands for public open

space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan.

- (h) The owner agrees to enter into a condominium agreement with the Corporation of the City of Windsor and to complete all required improvements and/or corrections to the satisfaction of the municipality prior to the registration of the final plan of condominium.

11.5.5 Non-Residential Conversion Policies

*EVALUATION
CRITERIA*

11.5.5.1 Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

*CONDITIONS OF
APPROVAL*

11.5.5.2 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period, failing which, draft plan approval may be withdrawn.

11.6 Zoning

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

11.6.1 Objectives

ZONING

11.6.1.1 To provide for the establishment of a zoning by-law.

*COMPATIBLE
USES*

11.6.1.2 To ensure compatibility between land uses.

11.6.2 Comprehensive Zoning By-law Policies

PURPOSE

11.6.2.1 Zoning By-law(s) will be used to regulate the use of land, and the character, location and use of buildings and structures in accordance with the *Planning Act*.

<i>COMPREHENSIVE ZONING BY-LAW(S)</i>	11.6.2.2	<p>The comprehensive Zoning By-law(s) shall specify the uses permitted in all areas of the city and shall contain regulations with respect to matters such as:</p> <ul style="list-style-type: none"> (a) The use of land; (b) The type of construction and the height, bulk, size, floor area, spacing, character, erection, location and use of buildings; (c) Development on or near lands identified on Schedule ‘C’: Development Constraint Areas and significant archaeological sites; (d) The minimum elevation of building openings such as doors and windows; (e) The proportion of the area that any building or structure may occupy; (f) Minimum frontage and depth of the parcel of land and the proportion of the area that any building or structure may occupy; (g) Parking and loading facilities; and (h) Minimum area and other provisions.
<i>CERTIFICATES OF OCCUPANCY</i>	11.6.2.3	The Zoning By-law(s) may require Certificates of Occupancy for the establishment of specified uses of land, buildings or structures and for any subsequent changes to those uses.
<i>ONE STRUCTURE PER LOT</i>	11.6.2.4	The Zoning By-law(s) shall provide that only one main building or structure may occupy one lot of record, unless the lot is developed as a condominium or multiple building project under common ownership.
<i>FRONTAGE ON A PUBLIC HIGHWAY</i>	11.6.2.5	The Zoning By-law(s) shall provide that every lot shall have frontage on a public highway except where special planning consideration apply and are specifically provided through appropriate development controls pursuant to the <i>Planning Act</i> .
	11.6.3	Zoning By-law Amendment Policies
<i>AMENDMENTS MUST CONFORM</i>	11.6.3.1	All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into

effect of an amendment to the Official Plan.

*REVIEW
PROCEDURE*

11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant's pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: **Added by OPA 65 – 10/22/2007– By-law 192-2007**

- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the *Planning Act*; and **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (c) Be given due and thorough consideration by Council. **Added by OPA 65 – 10/22/2007– By-law 192-2007**

*EVALUATION
CRITERIA*

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

11.6.4 Bonusing Policies

DEFINITION

11.6.4.1 Council may use bonus provisions to allow increases in height and intensity of a development beyond those generally permitted by the Zoning By-law(s) in exchange for facilities, services or matters of community benefit as are set out in the By-law.

ITEMS ELIGIBLE

11.6.4.2 Council will encourage the use of the bonus provisions with regard to the

FOR BONUS

following matters:

- (a) Provision of special needs, assisted or low income housing;
- (b) Parkland conveyance beyond the minimum requirements of this Official Plan or the *Planning Act*, and/or parkland improvements beyond the minimum standards;
- (c) Protection and enhancement of natural features and functions;
- (d) Provision of public transportation facilities;
- (e) Provision of public areas, walkways and linkages to the Greenway System;
- (f) Provision of public parking;
- (g) Provision of community facilities;
- (h) Conservation of heritage resources; and
- (i) Protection or enhancement of significant views and vistas.

APPLICATION

11.6.4.3 Council will only consider bonus provisions where such an increase would be in conformity with the intent of this Plan, compatible with the surrounding area, and provide a community benefit.

SANDWICH
BONUSING
POLICY

11.6.4.4 Within the Olde Sandwich Towne Community Improvement Plan area, the transfer of development heights or densities from one property to another within the Sandwich Community Improvement Plan area is permitted. (*OPA #69, effective October 19, 2012*)

11.6.5 Holding Zone Policies

USE OF
HOLDING
ZONES

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

- (a) To achieve orderly staging of development or redevelopment, in accordance with municipal and provincial policies;
- (b) To ensure that the adequate infrastructure and community services

and facilities are or will be available in accordance with municipal standards;

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

<i>IMPLEMENTATION OF HOLDING ZONES</i>	11.6.5.2	Lands subject to holding provisions shall be identified within the implementing zoning by-law by the placement of an “H” or “h” immediately preceding the relevant zoning symbol.
<i>PERMITTED USES IN HOLDING ZONES</i>	11.6.5.3	Permitted uses within an area subject to holding provisions shall be limited to lawfully existing uses and additions or alterations thereto and any use of municipality, public authority or public utility. Amended by OPA 84 - 09/07/2012
<i>REMOVAL OF A HOLDING SYMBOL</i>	11.6.5.4	The holding symbol shall be removed by by-law amendment once Council is satisfied that all conditions, which were the reason for application of the holding provision, have been met. The conditions for removal shall be set out in a resolution of Council. Council shall give notice of its intention to pass a by-law to remove an “H” or “h” symbol in accordance with the provisions of the <i>Planning Act</i> .
<i>DEVELOPMENT RESERVE DISTRICT</i>	11.6.5.5	Where no secondary plan is in place and/or specific uses of large relatively vacant areas are not yet determined, or, where specific development constraints identified in this Plan apply, the lands may be placed into a development reserve zone, on an interim basis. Development reserve zones will permit only lawfully existing land uses, additions thereto and accessory uses and any use of the City of Windsor or other public authority, as defined by the zoning by-law. Subsequent to the adoption of a secondary plan and/or the identification of specific land

uses for the subject lands, or, approval of measures to mitigate the development constraint, the lands may be rezoned to an appropriate zone category, in accordance with the provisions and policies of this Plan.
(amended by OPA #22 – 07/16/02)

11.6.6 Minor Variance Policies

<i>COMMITTEE OF ADJUSTMENT</i>	11.6.6.1	Council has appointed a Committee of Adjustment pursuant to the Planning Act to consider applications for minor variance from the Zoning By-law(s) and/or any other by-law that implements the Official Plan.
<i>EVALUATION CRITERIA</i>	11.6.6.2	When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that: <ul style="list-style-type: none"> (a) The general intent and purpose of the Official Plan is maintained; (b) The general intent and purpose of the By-law being varied is maintained; (c) The variance is minor in nature; and (d) The variance is desirable for the appropriate use of the land, building or structure. <i>Amended by OPA 84 – 09/07/2012</i>
<i>TERMS & CONDITIONS</i>	11.6.6.3	The Committee of Adjustment may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.
<i>AGREEMENTS WITH MUNICIPALITY</i>	11.6.6.4	The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality dealing with some or all of the terms and conditions of its decision. An agreement may be registered against the land to which it applies and the Municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land. <i>(Added by OPA #66–11/05/07-B/L209-2007)</i>

11.6.7 Non-Conforming Use Policies

<i>EXTENSION & ENLARGEMENT</i>	11.6.7.1	The Committee of Adjustment shall review applications for the extension or enlargement of a building or structure continuing as a non-conforming use.
<i>EVALUATION CRITERIA</i>	11.6.7.2	The Committee of Adjustment will evaluate applications for the extension or enlargement of a building or structure continuing as a non-conforming use using the following criteria:

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

LOSS OF STATUS

11.6.7.3 Notwithstanding any other provisions of this Plan, where a non-conforming use has been discontinued Council may enact an amendment to the Zoning By-law for a use that otherwise would not be allowed under the provisions of this Plan.

11.6.8 Temporary Use Policies

TEMPORARY USE BY-LAW

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

EVALUATION CRITERIA

- 11.6.8.2 In considering a request for a temporary use by-law, Council shall consider the following:
- (a) The proposed use is in general conformity with the intent and policies of this Plan;
 - (b) The proposed use is temporary in nature and appropriate for a limited time span and can be terminated when the authorizing by-law expires;
 - (c) Circumstances which are unique or particular to the subject property or proposed use;
 - (d) The proposed use is generally compatible with the surrounding area;
 - (e) Representations by the public; and

(f) Any required capital expenditures.

11.6.9 Interim Control By-law Policies

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

11.6.10 Existing Land Use Policy

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

Site Plan Control may be used to regulate the design of a development in accordance with the provisions of the *Planning Act*.

11.7.1 Objective

URBAN DESIGN 11.7.1.1 To implement the urban design policies of this Plan.

11.7.2 Policies

SITE PLAN CONTROL AREA 11.7.2.1 The entire area within the City of Windsor is designated as a Site Plan Control Area. ~~Council may enact a Site Plan Control By-law for all or part of the Site Plan Control area with immediate attention given to the following areas:~~

- ~~(a) The entire area within the City of Windsor is designated as a Site Plan Control Area; (Added by OPA #66-11/05/07-B/L209-2007)~~
- ~~(b) Commercial, industrial, mixed use, waterfront and medium and high-profile residential development areas;~~
- ~~(c) Areas subject to secondary plans or community improvement plans;~~
- ~~(d) The City Centre Planning District;~~
- ~~(e) Areas designated as heritage conservation districts;~~
- ~~(f) Areas subject to the environmental policies of this Plan; and~~
- ~~(g) Areas in need of improvement.~~

(Amended by OPA #89 effective 19/11/12)

EXEMPTIONS 11.7.2.2 Council may exempt the following developments from site plan control: (Added by OPA #66-11/05/07-B/L209-2007)

- ~~(a) An addition to an accessory building as defined in the Zoning By-law where such addition is for the purpose of replacing a temporary building or buildings, structure or structures, provided that the lot coverage of such addition does not exceed the lot coverage of the temporary building(s) or structures(s) it is intended to replace. A building to be used for residential purposes containing less than 25 dwelling units unless the building is:~~

~~(i) Subject to the environmental, heritage conservation and/or community improvement policies of this Plan;~~

~~(ii) Located in a Business Improvement Area;~~

~~(iii) Situated within and/or adjacent to a Civic Way, Theme Street, Gateway and/or Heritage Area as set out in Schedule G: Civic Image of this Plan;~~

~~(Amended by OPA #89 effective 19/11/12)~~

(b) ~~Small scale additions and small new buildings for commercial, combined commercial and residential, industrial or institutional use as noted in the Site Plan Control By law;~~

Small scale low profile residential development unless the property is:

(i) situated within an area that has been Designated a Heritage Conservation District under Part V of the Ontario Heritage Act;

(ii) situated within the following Community Improvement Plan (CIP) Areas:

- City Centre West Urban Village CIP;
- Glengarry-Marentette Waterfront Village CIP;
- Olde Sandwich Towne CIP.

(iii) situated within an area where Urban Design Guidelines have been adopted by Council;

~~(Amended by OPA #89 effective 19/11/12)~~

(c) A commercial or combined commercial and residential building provided that the total floor area, at grade, measured from the exterior walls does not exceed fifty (50) square metres;

~~(Added by OPA #89 effective 19/11/12)~~

(d) An addition to an existing commercial or combined commercial and residential building provided that the floor area measured, at grade, from the exterior walls of the addition does not exceed: i) fifty (50) square metres or ii) ten per cent (10%) of the total floor area, at grade, of the existing building, provided, that the ten percent (10%) does not exceed one hundred and fifty (150) square metres;

~~(Added by OPA #89 effective 19/11/12)~~

(e) An industrial or institutional building provided that the total floor area, at grade, measured from the exterior walls does not exceed on hundred (100) square metres;

~~(Added by OPA #89 effective 19/11/12)~~

(f) An addition to an existing industrial or institutional building provided that the total floor area, at grade, measured from the

exterior walls does not exceed i) one hundred square metres, or ii) ten per cent (10%) of the total floor area, at grade, of the existing building provided that the ten percent (10%) does not exceed two hundred and fifty (250) square metres;
(Added by OPA #89 effective 19/11/12)

- (g) A temporary building or structure that is designed, constructed and placed on land in a manner which permits its removal after a period of time not to exceed one hundred and twenty (120) consecutive days;
- (h) A sign including any alternation to an existing sign;
(Added by OPA #89 effective 19/11/12)
- (i) Building features or mechanical elements more particularly described as: a church spire, belfry, skylight, cupola, scenery loft chimney, smokestack, water tank, air-conditioning and/or heating equipment, ventilator, mechanical penthouse, protective and screening fences, communications equipment, pedestrian bridge, fire escape, building entrance/exit and canopy or awning, provided further that the said building feature or mechanical element is to be constructed separate and apart from any other development which requires approval;
(Added by OPA #89 effective 19/11/12)
- (j) A parking area containing less than 5 parking spaces including all parking spaces, collector aisles and manoeuvring aisles, provided further that the said parking area is to be constructed separate and apart from any other developments as defined in this by-law which requires approval; and ~~A parking area capable of accommodating less than 5 parking spaces, including all parking spaces, collector aisles and maneuvering aisles, provided that the parking area is constructed separate and apart from any other development; and,~~
(Amended by OPA #89 effective 19/11/12)
- (k) The placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.
(Amended by OPA #89 effective 19/11/12)

*REVIEW
PROCEDURES*

11.7.2.3 Site plan control applications shall consult with municipal staff prior to the submission of plans and drawings for approval under the provisions of the Planning Act. ~~An application for site plan control shall include plans and drawings showing one or more of the following:~~

- ~~(a) The location of all buildings, structures, facilities and works to be~~

~~provided as a part of the proposed development;~~

- ~~(b) Plan, evaluation and cross section views of each building to be erected;~~
- ~~(c) The massing and conceptual design of the building(s);~~
- ~~(d) The relationship of the building(s), streets and exterior areas to which the public have access;~~
- ~~(e) Interior walkways, stairs, elevators and escalators to which the public have access;~~
- ~~(f) Facilities designed to have regard for accessibility for persons with disabilities;~~
- ~~(g) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design;~~
- ~~(h) Sustainable design elements on adjoining highways including trees, other vegetation and permeable paving materials; and,~~
- ~~(i) Street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.~~
(Amended by OPA #89 effective 19/11/12)

*PLANS &
DRAWINGS*

11.7.2.4 An application for site plan control approval shall include the plans required by s.41 of the Planning Act. ~~An application for site plan control approval shall include the submission of plans and drawings showing the location of all buildings, structures, facilities and works to be provided as a part of the proposed development.~~
(Amended by OPA #89 effective 19/11/12)

*ADDITIONAL
INFORMATION
FOR
APPLICATION*

11.7.2.5 In addition to the provisions of Section 11.7.2.4, an application for site plan control approval shall include drawings showing plan and elevation views for each building to be erected and for each building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design.
(Amended by OPA #89 effective 19/11/12)

*LOCATIONAL
CRITERIA
WHERE*

11.7.2.6 The provisions of Section 11.7.2.5 apply to the following:

- (a) Development situated within an area that has been designated a

*ADDITIONAL
INFORMATION
FOR
APPLICATION IS
REQUIRED*

Heritage Conservation District under Part V of the Ontario Heritage Act;

(b) Development situated within the following Community Improvement Plan (CIP) Areas;

- City Centre West Urban Village CIP;
- Glengarry-Marentette Waterfront Village CIP;
- Olde Sandwich Towne CIP;

(c) Development situated within an area where Urban Design Guidelines have been adopted by Council;

(d) Development situated with and/or adjacent to a Civic Way, Main Street, or Gateway area; and

(e) Development situated in a Business Improvement Area.
(Amended by OPA #89 effective 19/11/12)

*EVALUATION
CRITERIA*

11.7.2.7

Where an application for site plan control approval is made, Council or its designate shall review the submission based on the provisions of the *Planning Act* and the Site Plan Control By-law, including such criteria as:

- (a) The relevant design guidelines and policies provided in Land use, Urban Design and Heritage Conservation chapters of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Other municipal guidelines as may be appropriate;
- (c) Function and efficiency;
- (d) Safety and access;
- (e) Adequacy of servicing;
- (f) Grading and drainage;
- (g) Landscaping and lighting;
- (h) Sustainable design elements for the site and any adjacent boulevard; (Added by OPA #66-11/05/07-B/L209-2007)
- (i) Matters related to exterior design; (Added by OPA #66-11/05/07-B/L209-2007)
- (j) Accessibility for persons with disabilities; and (Added by OPA #66-11/05/07-B/L209-2007)

- (k) The design guidelines in the Sandwich Heritage Conservation District Plan dated July 2008, adopted by By-law No. 22-2009. (OPA 68, effective October 19, 2012, OMB Case Order No. PL090206)
- (l) Olde Sandwich Towne – Community Improvement Plan Supplemental Development and Urban Design Guidelines dated October 2008, adopted by By-Law 28-2009. (OPA 69, effective October 19, 2012, OMB Case Order No. PL090206)
- (m) Applicable Community Improvement Plans.
(Amended by OPA #89 effective 19/11/12)

AGREEMENTS 11.7.2.8 All applicants will normally enter into one or more agreements which the City may register on title in accordance with the *Planning Act*. All applicants shall be required to post security to the Municipality to ensure the conditions of the site plan control agreement(s) are fulfilled. (Added by OPA #66-11/05/07-B/L209-2007)

CONDITIONS OF APPROVAL 11.7.2.9 The approval authority may attach such conditions as it deems appropriate to the approval of an application in accordance with the *Planning Act*. Such conditions may include, but are not limited to the following: (Added by OPA #66-11/05/07-B/L209-2007)

- (a) A gratuitous land dedication at no expense to the municipality for highway widening and intersection improvements in accordance with section 7.2.6 of this Plan;
- (b) The conveyance of property for daylighting triangles and corner roundings in accordance with the City of Windsor Development Standards;
- (c) Street furniture, curb ramps, waste and recycling containers, bicycle parking facilities and the sustainable design elements on any adjoining highway under the Municipality’s jurisdiction including trees, other vegetation and permeable paving materials; and, (Added by OPA #66-11/05/07-B/L209-2007)
- (d) Facilities designed to have regard for accessibility for persons with disabilities. (Added by OPA #66-11/05/07-B/L209-2007)

11.8 Community Improvement

The Community Improvement provisions of the Planning Act allow municipalities to prepare community improvement plans for designated community improvement project areas that require community improvement as the result of age, dilapidation, overcrowding, faulty

arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a community improvement plan has been adopted by a municipality and has come into effect, the municipality may offer grants and loans in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan. The municipality may also undertake a wide range of actions for the purpose of carrying out the community improvement plan. Community improvement plans may be used to revitalize existing planning districts, neighbourhoods, corridors or any other area identified as being in need of community improvement due to physical, environmental, economic or social conditions.

(Amended by OPA #78-03/28/2011 – By law 67-2011)

11.8.1 Objectives

Community Improvement Plans may be prepared and adopted by the City to:

- | | | |
|---|----------|---|
| <i>REHABILITATION</i> | 11.8.1.1 | Encourage the renovation, repair, rehabilitation, development, redevelopment or other improvement of lands and/or buildings. |
| <i>MAINTENANCE & OCCUPANCY</i> | 11.8.1.2 | To provide standards for building and property maintenance and occupancy. |
| <i>STREETSCAPE</i> | 11.8.1.3 | Maintain and improve the physical and aesthetic amenities of the streetscape. |
| <i>CULTURAL HERITAGE</i> | 11.8.1.4 | Encourage the conservation, restoration, adaptive reuse and improvement of cultural heritage resources. |
| <i>RESIDENTIAL AREAS AND NEIGHBOURHOODS</i> | 11.8.1.5 | Strengthen residential areas and neighbourhoods, including where applicable, facilitating residential infill and intensification in residential areas and mixed use areas. |
| <i>HOUSING</i> | 11.8.1.6 | Facilitate the construction of a range of housing types and densities, including affordable housing. |
| <i>LAND USE COMPATIBILITY</i> | 11.8.1.7 | Encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, encourage physical improvements to minimize land use conflicts. |
| <i>ECONOMIC DEVELOPMENT</i> | 11.8.1.8 | Encourage improvement activities which contribute to a strong economic base, strengthen employment, commercial and mixed use areas, and |

facilitate and promote community economic development.

<i>NATURAL HABITATS AND OPEN SPACE</i>	11.8.1.9	Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space, and recreational facilities and amenities, and establish new facilities where deficiencies exist to meet the needs of the community.
<i>ENERGY EFFICIENCY</i>	11.8.1.10	To ensure the provision of energy efficient uses, buildings, structures, works, improvements or facilities. (Added by OPA #66-11/05/07-B/L209-2007)
<i>MUNICIPAL SERVICES</i>	11.8.1.11	Maintain and improve municipal services including the water distribution system, the sanitary and storm sewer systems, roads, sidewalks, and street lighting.
<i>TRANSPORTATION</i>	11.8.1.12	Maintain and improve the transportation network, including pedestrian and bicycle trails, to ensure adequate traffic flow and pedestrian mobility and circulation.
<i>ENVIRONMENTAL CONDITIONS</i>	11.8.1.13	Improve environmental conditions.
<i>SOCIAL CONDITIONS</i>	11.8.1.14	Improve social conditions.
<i>CULTURAL DEVELOPMENT</i>	11.8.1.15	Promote cultural development.
<i>QUALITY OF LIFE</i>	11.8.1.16	Improve community quality, safety, healthy and stability

11.8.2 Policies

<i>COMMUNITY IMPROVEMENT PROJECT AREA</i>	11.8.2.1	Council may designate by by-law a Community Improvement Project Area, the boundary of which may be part or all of the municipality. (Added by OPA #78 – March 28, 2011, – By law 67-2011)
<i>CRITERIA FOR DESIGNATION</i>	11.8.2.2	The designation of a Community Improvement Project Area shall be based on one or more of the following conditions being present: (Added by OPA #78 – March 28, 2011 – By law 67-2011) <ul style="list-style-type: none">(a) Properties including buildings, building facades, structures and lands in need of maintenance, repair, restoration, rehabilitation or redevelopment;(b) Vacant and/or underutilized properties and buildings which have potential for infill, expansion, development or redevelopment;

- (c) Commercial areas with high vacancy rates and/or poor overall visual quality of the built environment, including but not limited to building facades, streetscapes, public amenity areas and urban design;
- (d) Land use conflicts as a result of incompatible uses;
- (e) Presence of cultural heritage resources;
- (f) Known or suspected environmental contamination;
- (g) Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roadways, sidewalks, curbs, bike lanes, streetscapes and/or street lighting, and municipal parking facilities;
- (h) Deterioration or deficiencies in the level of community and social services such as public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
- (i) Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
- (j) Demonstrated problem or deficiency associated with the circulation and/or access of traffic and/or the condition or provision of accessible parking;
- (k) Areas that have the potential to be new employment areas;
- (l) Presence of natural, cultural heritage, waterway and other amenities which would benefit from protection or enhancement and provide an opportunity for tourism and economic development;
- (m) Other significant barriers to the repair, rehabilitation, development or redevelopment of underutilized land and/or buildings; and
- (n) Other significant environmental, energy efficiency, social or community economic development reasons for community improvement.

11.8.3 Community Improvement Plans

Where Council authorizes the preparation of a Community Improvement Plan, it shall be prepared in accordance with the provisions of the Planning Act and will generally contain the following:

(Added by OPA #78 – March 28, 2011 – By law 67-2011)

- | | | |
|---|----------|--|
| <i>RATIONALE</i> | 11.8.3.1 | A statement of the basis or rationale for the preparation of the Community Improvement Plan; |
| <i>COMMUNITY IMPROVEMENT PROJECT AREA</i> | 11.8.3.2 | A description of the Community Improvement Project Area, including a reference map and the role and relationship of the Community Improvement Project Area to the city as a whole; |
| <i>PURPOSE</i> | 11.8.3.3 | A statement of the desired purpose of the Community Improvement Plan; |
| <i>GOALS AND OBJECTIVES</i> | 11.8.3.4 | The goals and objectives appropriate for the Community Improvement Project Area including a statement demonstrating how they are in keeping with the strategic directions and general goals and objectives of this Plan and provincial legislation, policies and guidelines; and |
| <i>PROVISIONS</i> | 11.8.3.5 | Provisions, as appropriate to the Community Improvement Project Area and in keeping with the Planning Act, for: <ul style="list-style-type: none">(a) The revitalization of land and buildings;(b) The acquisition, sale or lease of lands or buildings acquired by the Municipality to facilitate community improvement;(c) The establishment, provision and payment of grants or loans for the purpose of revitalizing the area; <i>(Amended by OPA #78 – March 28, 2011 – By law 67-2011)</i>(d) Other such matters as may be appropriate for the Community Improvement Project Area; and(e) Affordable housing. <i>(Added by OPA #66–11/05/07-B/L209-2007)</i> |
| <i>PUBLIC INPUT</i> | 11.8.3.6 | Council shall solicit public input on the Community Improvement Plan in accordance with the provisions of the Planning Act and section 10.6 of this Plan. |

11.8.4 Implementation

In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, Council may undertake a range of actions, including:

(Added by OPA #78 – March 28, 2011 – By law 67-2011)

*MUNICIPAL
ACQUISITION
AND
PREPARATION*

11.8.4.1 The municipal acquisition of land and/or buildings within the Community Improvement Project Area, and the subsequent;

(Added by OPA #78 – March 28, 2011 – By law 67-2011)

- (a) Clearance, grading, repair, rehabilitation, construction or improvement of these properties;
- (b) Sale, lease, or other disposition of these properties to any person or governmental authority; and
- (c) Other preparation of land or buildings for community improvement.

*MUNICIPAL
INITIATIVES*

11.8.4.2 Council may contribute funding toward the revitalization of areas through the capital works budget for projects including, but not limited to:

- (a) Streetscape improvements;
- (b) Infrastructure improvements;
- (c) The provision and upgrading of open space areas;
(Amended by OPA #78 – March 28, 2011 - By law 67-2011)
- (d) The provision and upgrading of community facilities;
(Amended by OPA #78 – March 28, 2011 – By law 67-2011)
- (e) Environmental site assessment and remediation;
(Added by OPA #66–11/05/07-B/L209-2007)
- (f) Development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes; and,
(Added by OPA #66–11/05/07-B/L209-2007)
- (g) The provision of energy efficient uses, buildings, structures, works, improvements or facilities.
(Added by OPA #66–11/05/07-B/L209-2007)

*GRANTS AND
LOANS*

11.8.4.3 Provision of public funds such as grants and loans to owners and tenants of land and their assignees.

(Added by OPA #78 – March 28, 2011 – By law 67-2011)

*SENIOR LEVELS
OF
GOVERNMENT*

11.8.4.4 Application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement.

(Added by OPA #78 – March 28, 2011 – By law 67-2011)

<i>INFORMATION PROVISION</i>	11.8.4.5	Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs. (Added by OPA #78 – March 28, 2011 – By law 67-2011)
<i>CULTURAL HERITAGE SUPPORT</i>	11.8.4.6	Support of cultural heritage resource conservation through the Ontario Heritage Act or other means. (Added by OPA #78 – March 28, 2011 – By law 67-2011)
<i>DISSOLVE A COMMUNITY IMPROVEMENT PROJECT AREA</i>	11.8.4.7	Council may dissolve a Community Improvement Project Area in accordance with the Planning Act once it has been determined that the purpose for Community Improvement Plan has been satisfied.
<i>MONITORING</i>	11.8.4.8	Council will monitor the effectiveness of the implementation of Community Improvement Plans and adjust the Community Improvement Plans as required based on the monitoring results. (Added by OPA #78 – March 28, 2011 – By law 67-2011)
<i>MAINTENANCE & OCCUPANCY STANDARDS BY-LAW</i>	11.8.4.9	Council may pass a Maintenance and Occupancy Standards By-law in accordance with the Provincial legislation to sustain a high standard of building and property maintenance. The Maintenance and Occupancy Standards By-law may, among other items: (Added by OPA #78 – March 28, 2011 – By law 67-2011) <ul style="list-style-type: none"> (a) Prescribe standards for maintenance and occupancy; (b) Prohibit the occupancy of such property that does not conform to the standards; and (c) Require the repair and maintenance of property that does not conform to the standards.
<i>ENFORCEMENT</i>	11.8.4.10	In the event that Council passes a maintenance and occupancy standards by-law, Council shall appoint a Property Standards Officer responsible for the administration and enforcement of the By-law.
<i>APPEALS</i>	11.8.4.11	In the event that Council passes a maintenance and occupancy standards by-law, Council shall appoint a Property Standards Committee in accordance with the Planning Act Provincial legislation for the purpose of hearing appeals against an order of the Property Standards Officer. (Amended by OPA #78 – March 28, 2011 – By law 67-2011)
<i>GRANTS OR LOANS FOR REPAIRS</i>	11.8.4.12	Council may provide grants or loans to owners of lands that have been ordered to conform with the Property Standards By-law to pay for all or a portion of the required repairs; or if necessary, the clearing, grading, and leveling of the lands. (Added by OPA #78 – March 28, 2011 – By law 67-2011)

<i>COLLECTION AND REGISTRATION OF LOANS</i>	11.8.4.13	Loans provided under 11.8.4.12, including interest, may be added to the municipal tax roll and collected in a manner similar to municipal taxes. The loan may also be registered against the land to which it applies. <i>(Added by OPA #78 – March 28, 2011 – By law 67-2011)</i>
<i>NEIGHBOURHOOD GROUPS</i>	11.8.4.14	Council will encourage the establishment of neighbourhood groups and business associations, such as Business Improvement Areas, to improve areas of the city.
<i>PARTNERSHIPS</i>	11.8.4.15	Council may pursue partnerships with neighbourhood groups, non-governmental organizations, institutions and business associations to improve areas of the city. <i>(Added by OPA #78 – March 28, 2011 – By law 67-2011)</i>
<i>FINANCIAL ASSISTANCE NOT TO EXCEED ELIGIBLE COSTS</i>	11.8.4.16	The total of grants, loans, tax assistance, or other consideration provided in respect of particular lands and buildings shall not exceed the eligible costs as set out in one or more applicable Community Improvement Plans. <i>(Added by OPA #78 – March 28, 2011 – By law 67-2011)</i>

11.9 Capital Works Budgets

Under the provisions of the Planning Act, all capital works budgets must conform to the policies of a municipality’s Official Plan.

11.9.1 Objective

DIRECTION 11.9.1 To provide direction for the preparation of capital works budgets.

11.9.2 Policies

*CONFORM TO
OFFICIAL PLAN* 11.9.2.1 Council shall not approve a capital works budget unless the provisions of the budget conform to the strategic directions, goals and objectives of this Plan.

*HOLD OR
ACQUIRE LAND* 11.9.2.2 Council may set aside funding in the capital works budget to acquire and hold land for the purpose of developing any feature of this Plan and any lands so acquired or held may be sold, leased or otherwise disposed of when no longer required.

11.10 Community Benefit

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

11.10.1 Objectives

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

11.10.2 Policies

- ZONING BY-LAW* 11.10.2.1 Community benefit policies shall be implemented through a Zoning By-law.
- COMMUNITY BENEFITS* 11.10.2.2 Community benefits shall be specific capital facilities, or cash contributions to achieve specific capital facilities.
- CASH-IN-LIEU* 11.10.2.3 Cash-in-lieu means cash contributions towards specific capital facilities, in lieu of the developer being required to actually develop said facility or provide said facilities. Cash-in-lieu of capital facilities is only acceptable where cash is secured for specific capital facilities. Operating and non-capital funds are not appropriate for community benefits.
- PLANNING RELATIONSHIP* 11.10.2.4 There should be a reasonable planning relationship between the community benefits and the increase in height and/or density in the contributing development.
- VALUE OF COMMUNITY BENEFIT* 11.10.2.5 The value of the community benefit shall be negotiated with the City on a case-by-case basis. The amount or value of the community benefit will be relative to the value of the density and/or height increase of the development project.
- TYPES OF COMMUNITY BENEFITS* 11.10.2.6 The following are types of community benefits permitted in Windsor. Additional community benefits may be described by a Community Improvement Plan:
- (a) Replacement of rental housing;
 - (b) Community facilities;
 - (c) Parks;
 - (d) Restoration of heritage building; and
 - (e) Conservation of heritage resources.

<i>DEVELOPMENT SUPPORT</i>	11.10.2.7	Matters required to support a development may be secured in a community benefit agreement under s. 37 of the Planning Act.
<i>GOOD DESIGN</i>	11.10.2.8	Good design is not eligible for community benefits. Council may agree to allow community benefits to be used to secure materials, finishes or special built form.
<i>CAPITAL FACILITIES</i>	11.10.2.9	<p>Cash contributions may be secured toward infrastructure that:</p> <ul style="list-style-type: none"> (a) Address service needs or deficiencies in the existing community where a planning relationship exists between the contributing development and the community developments; (b) Cannot be, or are not, funded by the Development Charges By-law; (c) Represent the municipal share of providing services for new growth that are only partly funded through Development Charges; or (d) Represent that portion of service levels for new growth above the maximum levels funded by Development Charges.
<i>AFFORDABLE HOUSING</i>	11.10.2.10	The provision of affordable housing shall be required as a priority community benefit on large development sites.
<i>REPLACEMENT OF RENTAL HOUSING</i>	11.10.2.11	The replacement of rental housing shall be required as a priority community benefit on sites where existing rental housing is to be demolished.
<i>CONSERVATION OF HERITAGE RESOURCES</i>	11.10.2.12	The conservation of heritage resources shall be required as a priority community benefit on development sites.
<i>DISCUSSIONS AND NEGOTIATIONS WITH DEVELOPERS AND/OR OWNERS</i>	11.10.2.13	The City Planner has a responsibility to ensure that the Official Plan polices are being complied with and must recommend an appropriate package of community benefits when the administrative report recommending approval of the proposed development is forward to Council and/or a Standing Committee for consideration.
<i>ZONING CONSIDERATIONS</i>	11.10.3	Increased height and/or density shall be calculated from the existing Zoning height and/or density limits for the purpose of community benefits.

TIMING OF AGREEMENT EXECUTION 11.10.4 The community benefits agreement will usually be executed prior to the introduction of the By-law at Council that implements the rezoning for the increased density and/or height. The timing of payment or provision of benefits shall be stated in the agreement provisions.

11.11 Redevelopment Plans

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

11.11.1 Policies

ISSUANCE OF DEMOLITION PERMITS 11.11.1.1 Redevelopment plans to the satisfaction of the City Planner shall be filed with the application for a demolition permit.

CONTENTS OF REDEVELOPMENT PLANS 11.11.1.2 Redevelopment plans shall include plans for:

- (a) Replacement buildings;
- (b) Replacement of demolished dwelling units and;
- (c) Landscaped open space.

TIMING OF REDEVELOPMENT 11.11.1.3 Redevelopment shall be completed within a maximum of two years following the issuance of approval of a redevelopment plan filed in Section 11.11.1.1 of the Official Plan.

HOUSING STOCK 11.11.1.4 An equal number or greater number of residential dwelling units shall be redeveloped to replace residential dwelling units demolished on a property.

STATUTORY CONDITIONS 11.11.1.5 As a condition of approval of a demolition permit, Council may also impose the statutory conditions dealing with demolition control.