

5. Spring Garden Planning Area

(Secondary Plan added by OPA #05 – 11/29/2002)

5.0 Preamble

*THE
PLANNING
AREA*

The Spring Garden Planning Area is located in the eastern portion of the Malden Planning District, which is located on the west side of the City of Windsor. The Spring Garden Planning Area comprises approximately 283 hectares.

*FRAGMENTED
OWNERSHIP
PATTERN*

The Spring Garden Planning Area was originally subdivided into approximately 6500 residential lots on fourteen registered plans in the 20 years between 1909 and 1929. The vast majority of these lots have frontages of approximately 9 metres, which was standard during that period. The resulting ownership pattern is highly fragmented, with numerous individuals owning only one or two lots.

*EMERGING
LAND USE
ISSUES*

Due to the lack of infrastructure and fragmented land ownership most of the Spring Garden Planning Area has remained undeveloped and vacant. However, the construction of a sub-trunk sanitary sewer extension into the planning area from Second Street and Continental Avenue in 1996 stimulated development interest. As a result, the existing development concept, objectives and policies set out in the 1977 Official Plan Amendment Number 33 required updating in light of the complex environmental, land use and servicing issues that had emerged since its adoption.

*IMPLEMENT
STUDY
FINDINGS*

The general purpose of this secondary plan is to implement the findings of the Malden Planning Area Development Plan (1997), prepared under the direction of the firm of Dillon Consulting Limited, and to incorporate the recently approved procurement strategy enabling the City's acquisition of the Spring Garden Natural Area Complex.

5.1 Study Area

*PLANNING
AREA
LIMITS*

This secondary plan applies to approximately 283 hectares of land within the larger Malden Planning District, as identified on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan. The study area is bounded by the E.C. Row Expressway on the north, Malden Road on the west, the Town of LaSalle on the south and Huron Church Road on the east. This secondary plan affects all of the lands in the Spring Garden Planning Area as shown on Schedule SG-1 of this Plan.

5.2 Purpose

*PURPOSE OF
SECONDARY
PLAN*

- 5.2.1 The specific purpose of this secondary plan includes the following:
- (a) to set out the development concept, land use, goal, objectives and policies associated with the Spring Garden Planning Area located within the Malden Planning District as shown on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
 - (b) to redesignate lands from Residential to Natural Heritage identified on Schedule D: Land Use in Volume I : The Primary Plan, in accordance with Section 5.3 of The Primary Plan;
 - (c) to redesignate lands from Environmental Policy Area “A” to Natural Heritage as identified on Schedule C: Development Constraint Areas in Volume I : The Primary Plan, in accordance with Section 5.3 of The Primary Plan, and;
 - (d) to add Natural Heritage and Linkage to Schedule B : Greenway System in Volume I : The Primary Plan, in accordance with Section 5.3 of The Primary Plan.

5.3 Background

*FORMER
OFFICIAL PLAN
AMENDMENT 33*

In 1977, Council adopted Official Plan Amendment Number 33 for lands referred to as the Malden Planning Area (now referred to as Spring Garden Planning Area) bounded by Huron Church Road, E.C. Row Expressway, Malden Road and the Town of LaSalle. It was adopted as a guideline plan to assist in evaluating development proposals within a 365 metre servicing corridor of the western main trunk sanitary sewer located along the west side of Huron Church Road. Phases 1 and 2 of the Huron Estates subdivision, west of Huron Church Road south of Lambton Street, were subsequently approved in accordance with the policies contained in this Plan.

*FORMER
OFFICIAL PLAN
AMENDMENT 44*

In 1981, Council adopted Official Plan Amendment Number 44 for the lands abutting and/or within 150 metres of Huron Church Road, including portions within the Spring Garden Planning Area. This amendment added detailed policies for Huron Church Road and redesignated certain lands from residential to commercial and industrial.

SIGNIFICANT
NATURAL AREA
FEATURES
RECOGNIZED

In 1983, the Essex Region Conservation Authority (ERCA) designated a large section of the Spring Garden Planning Area as an Environmentally Significant Area (ESA). The following year, the Ministry of Natural Resources (MNR) designated approximately the same area as an Area of Natural and Scientific Interest (ANSI), and in 1994, the City of Windsor designated approximately 165 hectares as a Candidate Natural Heritage Site (CNHS). A portion of the Natural Area is known to be the habitat of the Massassauga Rattlesnake, an endangered species. As such, the lands which provide habitat for the rattlesnake, are protected from development consistent with the provincial requirement for recognized endangered species.

Given the number of designating agencies involved, and the differing limits of the Spring Garden natural area by the City of Windsor, ERCA and MNR, a single acceptable boundary was crucial for the future planning and management of the area and its adjacent lands. As a result, in 1996 the Spring Garden Complex Environmental Evaluation Report was prepared by the City of Windsor in partnership with the MNR and ERCA to refine the ANSI, ESA and CNHS boundaries into one “complex”. This report established recommendations designed to ensure the long-term sustainability of the natural area.

DEVELOPMENT
PLAN &
STUDY
PROCESS

The *Malden Planning Area Development Plan* (June 1997), a background document which forms the basis for this secondary plan, was prepared under the direction of the firm Dillon Consulting Limited. The Concept Plan, planning objectives and policies were derived in part, from the aforementioned environmental evaluation report and a consultation programme that provided for the active participation of residents, property owners, organized interest groups and affected government agencies. The consultation programme included:

- the establishment of a study team;
- public and agency notification of the project initiation;
- public information through newspaper notices and individual mailings;
- notification was forwarded to all property owners within the Study Area and within 120 metres of the Study Area boundary; a formal public information centre; and
- individual meetings and telephone conversations with appropriate City of Windsor departments, government agencies and the public.

*PROCUREMENT
STRATEGY*

In 1999 Council, at its meeting held October 5th, adopted a new Official Plan for the City of Windsor, which repealed and replaced the former 1972 Official Plan, as amended. The new Official Plan therefore incorporates the former Official Plan amendments numbers 33 and 44 as part of the Primary Plan. The findings of the Malden Planning Area Development Plan were not included as part of the new Official Plan since the procurement strategy for the natural lands had not been finalized by Council.

5.4 Development Concept

*DEVELOPMENT
CONCEPT*

The Spring Garden Planning Area is proposed to be largely a residential community encircling an expansive natural area feature. As such, the Planning Area is to be distinguished by its natural environmental features and compatible residential development along the natural area periphery. The Spring Garden Natural Area complex will form a visible and centrally located community park/prairie/woodland (refer to Schedule SG-5 : Concept Plan). Residential lots backing directly onto the natural area complex are to be avoided as much as possible in order to maximize the public view and appreciation of this unique natural area feature. Local Roads will follow a traditional grid system with cul-de-sacs acting as termination points allowing for unobstructed visual access to the Spring Garden Natural Area Complex.

5.5 Goal

Based on the background analysis and input received at the public meetings, the following development goal is established.

*INTEGRATE
DEVELOPMENT
WITH NATURAL
ENVIRONMENT*

- 5.5.1 It is the goal of this secondary plan to set out the objectives and policies as they relate to the Spring Garden Planning Area, thereby integrating urban development with the natural environment.

5.6 Objectives

Based on the background analysis and input received at the public meetings, the following development objectives are established.

<i>PROTECT BIOLOGICAL COMMUNITIES</i>	5.6.1	To protect and perpetuate the significant biological communities within the Spring Garden Natural Area Complex in accordance with the goals, objectives and policies of the City's Official Plan.
<i>INTEGRATE RESIDENTIAL DEVELOPMENT</i>	5.6.2	To integrate future residential development with the natural environment, where feasible, on lands adjacent to the Spring Garden Natural Area Complex in accordance with the goals, objectives and policies of the City's Official Plan.
<i>ATTENUATE NOISE</i>	5.6.3	To determine appropriate noise attenuation measures for residential development areas adjacent to the E.C. Row Expressway, Huron Church Road, and Malden Road.
<i>MUNICIPAL SERVICE PROVISION</i>	5.6.4	To determine infrastructure needs for the provision of full municipal services.

5.7 Policies

Based upon the background analysis, public input, and consultants' studies, a land use plan was prepared (refer to Schedule SG-1: Land Use). The intent of this secondary plan is to achieve the previously described goals and objectives, establish a land use pattern and set out policies to guide future development.

5.7.1 Residential

This secondary plan provides primarily for future residential development which complements the development that has already occurred within this planning area. In this regard, residential development will be primarily low profile with limited provision for multiple unit residences.

Residential areas have been allocated to allow safe and convenient access to community and commercial facilities, employment areas, open space and parks, schools and major roads. Due to the presence of the Spring Garden Natural Area Complex, the following special detailed policies for the area shall apply:

<i>LOW PROFILE RESIDENTIAL</i>	5.7.1.1	Low Profile residential development will be permitted in the designated areas shown on Schedule SG-1 to this Plan.
<i>LOW PROFILE DESCRIPTION</i>	5.7.1.2	In accordance with the Official Plan of the City of Windsor, Low Profile residential development shall be comprised of single detached, semi-detached, duplex and multiple units up to 8 units.

<i>MAXIMUM DENSITY</i>	5.7.1.3	The maximum residential density permitted is 30.0 units per gross hectare.
<i>ENCOURAGE SINGLE DETACHED</i>	5.7.1.4	Single detached residences will be encouraged as the primary residential land use type.
<i>MULTIPLE UNIT RESIDENCES</i>	5.7.1.5	Low Profile multiple unit residences (e.g. semi-detached, row housing) may be encouraged in areas adjacent to significant noise sources such as the E.C. Row Expressway and Huron Church Road.
<i>NEIGHBOURHOOD COMMERCIAL</i>	5.7.1.6	Neighbourhood Commercial uses are permitted within Residential Areas, subject to the policies of Section 6.3 in Volume I: The Primary Plan.
<i>MINOR INSTITUTIONAL</i>	5.7.1.7	Minor Institutional uses are permitted within Residential Areas, subject to the policies of Section 6.6 in Volume I: The Primary Plan.
<i>ANCILLARY USES</i>	5.7.1.8	Ancillary Uses will be permitted within Residential Areas subject to the policies of Chapter 6 in Volume I: The Primary Plan.
<i>50 METRE ADJACENT LANDS EXEMPT FROM EER REQUIREMENT</i>	5.7.1.9	Consistent with Provincial Policy guidelines, any proposed development that is within a 50 metre adjacent lands area of an ANSI would be required to undertake a study to ensure no negative impacts. However, since a Comprehensive Environmental Evaluation Report (EER) for the Spring Garden Natural Area (ANSI) has been completed and forms the basis of this amendment, proposed residential development located within the 50 metre adjacent lands area of the ANSI will not be required to fulfill future EER requirements, save for and except the lands identified as EPA “A” on Schedule SG-2.
<i>20 METRE BUFFER AREA</i>	5.7.1.10	A 20 metre buffer area will be established around the entire Spring Garden Natural Area Complex. The 20 metre buffer area will fall under the Site Plan Control provisions of the Official Plan consistent with Policy 11.7 of Volume I – The Primary Plan. The general intent of the provisions will be to ensure that lot widths are appropriate for the scale of the proposed structures while having regard to public sight lines into the Spring Garden Natural Area, and to institute measures to reduce human impacts associated with the proposed development. In general, the following conditions will be met:

- (a) lot widths be not less than 18.2 metres;
- (b) side yard widths appropriate to provide visual access into the Spring Garden Natural Area; and
- (b) that a screening fence be provided by the along the rear lot line of the property to separate residential activities from the Spring Garden Natural Area.

NOISE CONTROL

5.7.1.11 Noise control measures shall apply to areas affected by noise pollution from E.C. Row Expressway, Malden Road and Huron Church Road (refer to Schedule SG-2). Development in these areas may require site plan approval pursuant to the Planning Act.

5.7.2 Commercial

The commercial policies of this secondary plan are directed to the periphery of the Spring Garden Planning Area. The following policies shall apply:

RESTRICT ACCESS TO SIGNALIZED INTERSECTIONS

5.7.2.1 Commercial uses shall be restricted to the appropriate signalized intersections on Huron Church Road and at the intersection of Bethlehem Avenue and Malden Road as shown on Schedule SG-5 of this Plan.

DIRECT ACCESS TO HURON CHURCH ROAD PROHIBITED

5.7.2.2 Direct access to Huron Church Road shall be prohibited. Access to commercial sites will be restricted to local or collector roads or service roads.

OTHER STUDIES REQUIRED

5.7.2.3 Land use, traffic and noise impact studies may be required by the City to determine the appropriateness of the proposed use and its location.

SITE PLAN CONTROL

5.7.2.4 All commercial development shall be subject to site plan control.

FORMER INTERSECTION AT SPRING GARDEN ROAD & HURON CHURCH ROAD

5.7.2.5 Several vacant sites at the vicinity of Spring Garden Road - Huron Church Road former intersection, may be considered for commercial uses if assembled with existing commercial development and if direct driveway access is significantly reduced from the present number; otherwise these sites shall be used for a landscape buffer.

5.7.3 Industrial

The industrial policies of this secondary plan are directed to the area immediately south of the Grand Marais Drain. The following policies shall apply:

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| <i>SOUTH OF
GRAND MARAIS
DRAIN</i> | 5.7.3.1 | Industrial development shall be restricted to the area immediately south of the Grand Marais Drain as shown on Schedule SG-1 of this Plan. |
| <i>PERMITTED
USES</i> | 5.7.3.2 | Industrial development will be restricted to uses associated with light industrial and/or business activities. |

5.7.4 Landscape Buffer Area

In order to create a uniform appearance along Huron Church Road, any new development adjacent to Huron Church Road shall be required to provide a landscaped buffer abutting the road. The following policies shall apply:

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|---|---------|--|
| <i>BUFFER
ALONG HURON
CHURCH ROAD
(HCR)</i> | 5.7.4.1 | The general concept as proposed in this Plan is to achieve a minimum 30 metre landscape buffer throughout most of the length of Huron Church Road as shown and designated as Open Space on Schedule SG-1 of this Plan. |
| <i>BUFFER
BETWEEN
RESIDENTIAL &
HCR</i> | 5.7.4.2 | Where residential development is proposed, a public Open Space corridor having a minimum width of 30 metres shall be provided parallel to the road. |
| <i>BUFFER
BETWEEN NON
RESIDENTIAL &
HCR</i> | 5.7.4.3 | Where non-residential developments front Huron Church Road, a minimum landscaped buffer width of 10 metres shall be provided parallel to the road. |
| <i>PARKLAND
CONVEYANCE &
LAND EXCHANGE</i> | 5.7.4.4 | The landscape buffer or public Open Space corridor will be achieved by means of parkland conveyances (under conditions of land assembly) and land exchanges with the City for unassembled smaller parcels. |

5.7.5 Major Utility – Linkage

These policies pertain specifically to the Malden Transformer Station, a 6.5-hectare site located in the southwest corner of the Spring Garden Planning Area.

It is the intent of this Plan to recognize the existing utility use. Should the hydro sub-station be decommissioned or downscaled in the future, the area should be retained as a natural area providing an important greenway Linkage to the Ojibway Prairie Remnants area to the west (refer to Schedule SG-3). The following policies shall apply:

<i>EXISTING UTILITY USE PERMITTED</i>	5.7.5.1	The existing major utility use (Ontario Hydro Networks sub-station) as shown on Schedule SG-5 to this Plan shall be permitted.
<i>EPA 'A' POLICIES APPLY</i>	5.7.5.2	In accordance with Schedule C of the Official Plan, Volume 1, this area is identified as an Environmental Policy Area "A", as such, policies 5.3.4 of the Official Plan, Volume 1, are applicable.
<i>CONSIDER FOR ADDITION TO NATURAL AREA COMPLEX</i>	5.7.5.3	Should the existing utility use be decommissioned or downscaled, the affected area may be considered for addition to the Natural Area Complex.

5.7.6 Natural Heritage

The natural environment within the Spring Garden Planning Area is recognized as federally, provincially, regionally and locally significant. It is the intent of this secondary plan to conserve the significant portions of the Spring Garden Planning Area. The following policies shall apply:

<i>NATURAL AREA COMPLEX</i>	5.7.6.1	The Spring Garden Natural Area Complex as identified on Schedule SG-1 of this Plan as "Natural Heritage" shall be conserved.
<i>PERMITTED USES</i>	5.7.6.2	Uses in the Spring Garden Natural Area Complex may include: <ul style="list-style-type: none"> (a) bikeways and/or recreationways; and (b) areas for natural and scientific research.
<i>RECREATIONAL DEVELOPMENT AS PER MANAGEMENT PLAN</i>	5.7.6.3	The recreational development of the Spring Garden Natural Area Complex should adhere to the policies contained in the Spring Garden Complex Management Plan appended to the Spring Garden Complex Environmental Evaluation Report, June 1996.
<i>NEIGHBOURHOOD PARKS</i>	5.7.6.4	Neighbourhood parks should be located adjacent to the Spring Garden Natural Area Complex or within the buffer area.

<i>PARKLAND REQUIREMENT</i>	5.7.6.5	Where parkland is deemed by Council to be required, it may be dedicated as part of the plan of subdivision and the site plan control processes.
<i>TREE PRESERVATION AGREEMENTS</i>	5.7.6.6	Council may require developers to enter into agreements to preserve as many of the existing trees as is feasible in accordance with the current City of Windsor Parks and Recreation Department Landscape Manual.

5.7.7 Natural Heritage Procurement

<i>PROCUREMENT STRATEGY</i>	5.7.7.1	<p>All land within the Spring Garden Natural Area Complex shall be acquired in stages, by means of:</p> <ul style="list-style-type: none"> (a) Exchanges for city owned land on an equivalent value basis; (b) Use of the parkland conveyance provisions of the Planning Act; (c) City purchase based on a value per front foot as established by an independent property appraiser; and (d) Purchase by government agencies (including the Federal Government, Province of Ontario, and ERCA) that have designated and/or have had the effect of restricting the development and use of the lands.
<i>ACQUISITION SCHEDULE</i>	5.7.7.2	<p>That the privately owned lands shown in areas “A, B, C & D” as shown on Schedule “A” of this report BE ACQUIRED by the City on or before December 31, 2005, and the privately owned lands in Area “E” as shown on Schedule “A” of this report BE ACQUIRED on or before December 31, 2007. Any lands not purchased by the foregoing deadlines will have their OP designations, which were in effect on December 16, 2001, restored. (Added by OMB Decision #1635 – 11/29/2002)</p>

5.7.8 Natural Features Mitigation Area

<i>TRANSPLANT NATIVE SPECIES</i>	5.7.8.1	The lands generally located west of the Spring Garden Complex between Valebrook and Kent Avenues, as shown on Schedule SG-1 of this Plan, will be subject to a mitigation strategy to transplant native species from the identified lands into the Spring Garden Natural Area Complex.
<i>MITIGATION STRATEGY TO BE PREPARED</i>	5.7.8.2	The mitigation strategy will be prepared by the City of Windsor with the cooperation of the Essex Region Conservation Authority and the affected property owner(s). The programme will identify the plant species to be transplanted, methodology and relocation site(s).
<i>CONDITION OF DEVELOPMENT</i>	5.7.8.3	The preparation and implementation of the mitigation strategy for the identified lands shown on Schedule SG-1 will be included as a condition of development approval to the satisfaction of the City of Windsor and Essex Region Conservation Authority.

5.7.9 Noise Mitigation

<i>NOISE STUDY REQUIRED</i>	5.7.9.1	The following minimum setbacks from the centreline of the respective roadway as shown on Schedule SG-2 of this Plan require that a noise study be undertaken: (a) the E.C. Row Expressway - 245 metres; (b) Huron Church Road - 295 metres; and (c) Malden Road - 70 metres.
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5.7.10 Transportation Network

<i>SCHEDULE SG-4</i>	5.7.10.1	The transportation network for the Spring Garden Planning Area is shown on Schedule SG-4 of this Plan.
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<i>BETHLEHEM AVENUE TO BE CLASS II COLLECTOR</i>	5.7.10.2	All proposed roads in the Spring Garden Planning Area will serve as local roadways, with the exception of Bethlehem Avenue which is defined as a Class II Collector. Spring Garden Road, upon completion of Bethlehem Avenue, will be downgraded from a Class II Collector to a Local Road.
<i>GRID PATTERN PREFERRED</i>	5.7.10.3	Wherever possible, a grid road pattern utilizing the existing registered road right-of-ways will be encouraged.
<i>ACCESS TO HURON CHURCH ROAD</i>	5.7.10.4	Access to Huron Church Road will be restricted to Bethlehem Avenue, Lambton Street and Pittsburgh Street intersections.
<i>MALDEN ROAD INTERSECTIONS</i>	5.7.10.5	Where collector roads intersect with Malden Road, signalization of the intersection may be required.
<i>TRAFFIC IMPACT STUDIES</i>	5.7.10.6	Traffic impact studies may be requested by the City of Windsor to identify intersection improvements (i.e. signalization, turning lanes, etc.).
<i>MINIMIZE ACCESS POINTS TO MALDEN ROAD</i>	5.7.10.7	Roadways should be encouraged to be looped or cul-de-sac to minimize access to Malden Road and to provide a buffer area around the Spring Garden Natural Area Complex (refer to Schedules SG-4 and SG-5).
<i>RIGHT OF WAY CLOSURES</i>	5.7.10.8	The Yorktown Street right-of-way and sections of Fourth and Sixth Street right-of ways may be closed and replaced with new roadways to accommodate development (refer to Schedules SG-4 and SG-5). Other similar right-of-way closures may be pursued where required.
<i>SIDEWALKS</i>	5.7.10.9	Sidewalks shall be provided to City of Windsor standards.
<i>EXTENSION INTO THE TOWN OF LASALLE</i>	5.7.10.10	An extension of Tenth Street into the Town of LaSalle may be required to provide an additional point of access/egress for the residents in the southeast portion of the Spring Garden Planning Area.
<i>ROAD STANDARDS</i>	5.7.10.11	All existing and future roads shall be constructed or improved to City of Windsor standards.

5.7.11 Physical Services

<i>PHASING DEPENDENT ON SERVICES</i>	5.7.11.1	Phasing of development is dependent on the availability of physical services, key components being: <ul style="list-style-type: none">(a) the extension of the trunk watermain from Matchette Road/Armanda and at Northway/Beals Avenue;(b) sanitary sewers extending from the trunk sewer on Second Avenue at Ensign Street; and(c) stormwater management facilities.
<i>FULL SERVICES REQUIRED</i>	5.7.11.2	Development of the lands within this Secondary Plan will proceed only when City of Windsor physical service standards are met.
<i>STORMWATER DETENTION REQUIRED</i>	5.7.11.3	In the absence of storm sewers, open channels, and permanent detention facilities, developers will be encouraged to assemble land and to install a temporary detention system. This system will only be permitted until the development of a permanent system has been completed. Any temporary storm detention shall be encouraged to be underground, however, should it be required to be above ground, then it will be designed so as to be easily maintained and blend into the proposed development.
<i>FLOODPROOFING STANDARDS</i>	5.7.11.4	Development agreements in the area shall require minimum building elevations and minimum fill elevations in accordance with the standards established by the Essex Region Conservation Authority.
<i>MALDEN ROAD ACCESS RESTRICTED</i>	5.7.11.5	Access to Malden Road is to be restricted by way of cul de sacs to be constructed at the existing intersections of various local east-west streets, as per Schedules SG-4 and SG-5.
<i>TEMPORARY ACCESS TO MALDEN ROAD</i>	5.7.11.6	Temporary access via existing east-west local streets will be permitted to Malden Road until Second Street is partially or totally constructed, and required cul de sacs are in place.

5.7.12 Phasing of Development

*PRIORITY
DEVELOPMENT
AREAS*

5.7.12.1 To provide for the orderly development and extension of physical services into the Spring Garden Planning Area, priority development areas have been established by Council as identified on Schedule SG-5, as follows:

- (a) The lands north of the Grand Marais Drain between Huron Church Road and the easterly limit of the Spring Garden Natural Area Complex;
- (b) The area bounded by Malden Road, the E.C. Row Expressway, Bethlehem Avenue and Huron Church Road; and
- (c) The lands bounded by Bethlehem Avenue, Kent Street, Malden Road and Third Street.

*DEVELOPMENT
BEYOND
PRIORITY AREAS*

5.7.12.2 No development will be permitted beyond the priority areas as shown on Schedule SG-5 until development in the areas is substantially complete, and watermain construction has proceeded, and where improvements to the water system permit.

5.8 Implementation

5.8.1 Natural Area Procurement Strategy

*ACQUISITION OF
NATURAL LANDS*

5.8.1.1 The protection of the lands identified as Natural Area will be secured for public ownership by way of the methods set out in policy 5.7.7 of this Secondary Plan.

5.8.2 Subdivision Approval

*PLANS OF
SUBDIVISION*

5.8.2.1 Residential development proceeding by means of a plan of subdivision shall be considered by the Corporation of the City of Windsor having regard to the Development Policies established by this Plan.

*NEW PLANS
MAY BE
REQUIRED* 5.8.2.2 In those circumstances where existing subdivisions are considered to conflict with the overall development goals, objectives and development policies for this Planning Area, this Plan will be implemented in part by new plans of subdivision according to the Planning Act.

5.8.3 Reference Plan

*PART LOT
EXEMPTION* 5.8.3.1 In situations where owners on a street or streets agree to form a group for the purposes of implementing and in circumstances where a new plan of subdivision is considered unnecessary from a planning point of view, this Plan shall be implemented by exempting the lands from part-lot provisions of the Planning Act, followed by approval of reference plans and zoning amendments.

5.8.4 Official Plan Amendment

*CITY MAY
AMEND
THIS PLAN* 5.8.4.1 The Corporation of the City of Windsor will, over time, review the development policies and may initiate amendments where details are deemed to provide insufficient guidance due to changed physical conditions or new policy directives.

5.8.5 Zoning By-law Amendments

*REGARD FOR
THE POLICIES
OF THIS PLAN* 5.8.5.1 Amendments to the Zoning By-law will be considered having regard to the development policies for the Spring Garden Planning Area established by this Plan.

*ZONING
AMENDMENTS* 5.8.5.2 Zoning amendments will normally be considered when applications are received from property owners (or their authorized agents) within the Planning Area. This does not, however, preclude the Corporation of the City of Windsor from initiating amendments to the Zoning By-law where amendments are perceived to be in the interests of good planning.

*REZONING
APPLICATIONS* 5.8.5.3 The Corporation of the City of Windsor may initiate rezoning applications where parcels of land are being recommended for development under the Local Improvement Act.

5.8.6 Site Plan Control

*SITE PLAN
POLICIES*

5.8.6.1 When applications for site plan control are reviewed, regard shall be had to the development policies for the Spring Garden Planning Area established by this Plan.