

6. Land Use

6.0 Preamble

A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations. As such, the Land Use chapter of this Plan promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods.

This chapter of the Official Plan provides goals, objectives and policies for the land use designations identified on Schedule D: Land Use and Schedule E: City Centre Planning District and should be read in conjunction with the other parts of the Plan.

6.1 Goals

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

<i>NEIGHBOURHOODS</i>	6.1.1	Safe, caring and diverse neighbourhoods.
<i>ENVIRONMENTALLY SUSTAINABLE</i>	6.1.2	Environmentally sustainable urban development.
<i>RESIDENTIAL</i>	6.1.3	Housing suited to the needs of Windsor's residents.
<i>EMPLOYMENT</i>	6.1.4	The retention and expansion of Windsor's employment base.
<i>COMMERCIAL</i>	6.1.5	Convenient and viable areas for the purchase and sale of goods and services.
<i>INSTITUTIONAL</i>	6.1.6	An integration of institutions within Windsor's neighbourhoods.
<i>OPEN SPACE</i>	6.1.7	A variety of open space areas.
<i>WATERFRONT</i>	6.1.8	An accessible Detroit River, Lake St. Clair and a healthy waterfront.
<i>NATURAL HERITAGE</i>	6.1.9	The protection and conservation of environmentally significant and sensitive natural heritage features and functions.
<i>MIXED USE</i>	6.1.10	Pedestrian oriented clusters of residential, commercial, employment and institutional uses.

<i>CITY CENTRE PLANNING DISTRICT AIRPORT</i>	6.1.11	The City Centre as the vibrant focal point and symbol of Windsor.
	6.1.12	Protection and enhancement of Windsor Airport's role in serving passenger and cargo needs. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)
<i>FUTURE GROWTH AREAS</i>	6.1.13	The provision of sufficient land in appropriate locations to accommodate future population and employment growth in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

6.2 General Policies

<i>SCHEDULE D: LAND USE</i>	6.2.1.1	The following land use designations shall be identified on Schedule D: Land Use: <ul style="list-style-type: none"> (a) Residential; (b) Industrial; (c) Business Park; (d) Commercial Centre; (e) Commercial Corridor; (f) Major Institutional; (g) Open Space; (h) Natural Heritage; (i) Mixed Use; (j) Waterfront Residential; (k) Waterfront Recreation; and (l) Waterfront Port. (m) Windsor Airport (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007) (n) Future Urban Area (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)
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- (o) Future Employment Area (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

TYPES OF DEVELOPMENT PROFILE

6.2.1.2

For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

TYPES OF DEVELOPMENT PATTERN

6.2.1.3

For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for:

- (a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and
- (b) an Undeveloped Area which does not have characteristic lotting or development profile.

6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

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

6.3.1 Objectives

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL & REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.
<i>MAINTENANCE & REHABILITATION</i>	6.3.1.4	To ensure that the existing housing stock is maintained and rehabilitated.
<i>SERVICE & AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
<i>HOME BASED OCCUPATIONS</i>	6.3.1.6	To accommodate home based occupations.
<i>SUFFICIENT LAND SUPPLY</i>	6.3.1.7	To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>ANCILLARY USES</i>	6.3.2.2	In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan: (a) community services including libraries, emergency services, community centres and similar public agency uses; (Deleted by OPA #82 – June 20, 2011, B/L 117-2011)

- (a) ~~community services including libraries, emergency services, community centres and similar public agency uses, but does not include a Methadone Clinic;~~
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)
- (a) community services including libraries, emergency services, community centres and similar public agency uses;
(Amended by OPA #106 – November 6, 2015, B/L 143-2015)
- (b) home based occupations subject to the provisions of policy 6.3.2.7;
- (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;
- (d) Open Space uses subject to the provisions of section 6.7;
and
- (e) Minor Institutional uses subject to the provisions of section 6.6.

*TYPES OF
LOW PROFILE
HOUSING*

6.3.2.3

For the purposes of this Plan, Low Profile housing development is further classified as follows:

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
- (b) large scale forms: buildings with more than 8 units.

*LOCATIONAL
CRITERIA*

6.3.2.4

Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN*

6.3.2.5

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
 - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

*EVALUATION
CRITERIA FOR AN
UNDEVELOPED
AREA
DEVELOPMENT
PATTERN*

6.3.2.6

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Undeveloped Area development pattern is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

- (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
 - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
 - (c) capable of being provided with full municipal services and emergency services; and
 - (d) in keeping with the subdivision, consent and/or condominium policies of this Plan (see Tools chapter).

*HOME BASED
OCCUPATIONS*

6.3.2.7

Council shall permit home based occupations in any dwelling unit provided:

- (a) persons employed in the home based occupation are limited to residents of the dwelling unit from which the home based occupation is conducted;
- (b) there are no visible changes to the residential character of the building;
- (c) the home based occupation is incidental and secondary to the residential use;
- (d) outside storage and display is prohibited, and exterior signage is restricted;
- (e) the home based occupation is compatible with abutting and/or adjacent dwelling units with respect to traffic generation and parking and potential nuisances such as noise and odour; and

- (f) the home based occupation is contained within the dwelling unit.

*NEIGHBOURHOOD
COMMERCIAL
DEFINITION*

~~6.3.2.8~~

~~For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods.
(Deleted by OPA #82 – June 20, 2011, B/L 117-2011)~~

*NEIGHBOURHOOD
COMMERCIAL
DEFINITION*

~~6.3.2.8~~

~~For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods, but does not include a Methadone Clinic.
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)~~

*NEIGHBOURHOOD
COMMERCIAL
DEFINITION*

6.3.2.8

For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods;
(Added by OPA #106 – November 6, 2015, B/L 143-2015)

*NEIGHBOURHOOD
COMMERCIAL
EVALUATION
CRITERIA*

6.3.2.9

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern;
 - (v) adjacent to heritage resources; and

- (vi) where market impact is identified as a municipal concern;
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

*ANCILLARY USE
DESIGN
GUIDELINES* 6.3.2.10

The following guidelines shall be considered when evaluating the proposed design of an ancillary use:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading, storage and service areas; and
 - (ii) the separation between the use and adjacent uses, where appropriate;
- (c) motorized vehicle access is oriented in such a manner that traffic will be discouraged from using Local Roads where other options are available; and
- (d) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient.

*MUNICIPAL
ASSISTANCE* 6.3.2.11

Council may direct the allocation of municipal resources for the development and rehabilitation of housing through:

- (a) the leasing of land;

- (b) the oversizing of infrastructure to provide for future residential development;
- (c) the provision of community services and open space;
- (d) technical support and planning studies;
- (e) development incentives;
- (f) partnership arrangements; and
- (g) other actions as may be appropriate.

<i>HOUSING PROGRAMS</i>	6.3.2.12	Council may assist the federal and provincial governments in the administration of housing programs and initiatives.
<i>AFFORDABLE HOUSING</i>	6.3.2.13	Council shall encourage the provision of affordable and social assisted housing.
<i>SPECIAL NEEDS</i>	6.3.2.14	Council shall encourage the provision of housing to meet the needs of special segments of Windsor’s population such as the physically challenged.
<i>TENURE VARIETY</i>	6.3.2.15	Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor’s residents.
<i>PROTECT RENTAL HOUSING</i>	6.3.2.16	Council shall protect the existing stock of rental housing from conversion to freehold ownership when rental vacancy rates are below 3% across Windsor as identified by a public agency, subject to the provisions of the Tools chapter of this Plan. <small>(deleted by OPA#63, June 21, 2007, B/L 100/2007)</small>
<i>PROTECT RENTAL HOUSING</i>	6.3.2.16	Council shall protect the existing supply of rental housing from conversion in keeping with the Rental Housing Conversion to Condominium policies detailed in Section 11.5.4 of this Plan. <small>(added by OPA#63, June 21, 2007, B/L 100/2007)</small>
<i>HERITAGE CONSERVATION</i>	6.3.2.17	Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

<i>MAINTENANCE & REHABILITATION STANDARDS</i>	6.3.2.18	Council shall promote the maintenance of Windsor’s housing stock at a standard sufficient to provide acceptable conditions of health, safety and appearance in accordance with the Community Improvement section of this Plan.
<i>MONITOR HOUSING</i>	6.3.2.19	The Municipality will continue to monitor residential development activity and the supply and affordability of existing housing.
<i>SHORT TERM LAND SUPPLY</i>	6.3.2.20	Council shall endeavor to maintain at least a three year supply of draft approved and registered residential lots and blocks in order to meet anticipated short term housing demands.
<i>LONG TERM LAND SUPPLY</i>	6.3.2.21	Council shall maintain at least a ten year supply of land designated for residential development to meet anticipated long term housing demands.
<i>SECOND UNIT DEFINITION</i>	6.3.2.22	A second residential unit (second unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is within a single detached, semi-detached, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot. (Amended by OPA122 – APPROVED November 21, 2018, B/L#148-2018)
<i>ADDITIONAL DWELLING UNIT DEFINITION</i>	6.3.2.22	An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is located within a single detached, semi-detached, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot. (Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

~~LOCATION OF
SECOND UNITS~~

~~6.3.2.23~~

~~A second unit:~~

- ~~a) must be located on lands designated for residential use on Schedules D and E;~~
- ~~b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and~~
- ~~c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the following criteria have been met to the satisfaction of the Chief Building Official or City Engineer:~~
 - ~~i. Eavestrough downspouts are disconnected from the City of Windsor's sewer system;~~
 - ~~ii. A sump pump has been installed; and~~
 - ~~iii. Where possible a backflow sanitary valve has been installed in the second unit.~~

~~(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)~~

LOCATION OF
ADDITIONAL
DWELLING UNITS

6.3.2.23

An additional dwelling unit:

- a) must be located on lands designated for residential use on Schedules D and E;
- b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and
- c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to:
 - i. Eavestrough downspouts are disconnected from the City of Windsor's sewer system;
 - ii. Sump pump installation;
 - iii. Foundation drain disconnection from the sewer system or connection to the sump pump;
 - iv. Requirement for a backflow sanitary valve; and
 - v. Where required, a sewage ejector pump has been installed in the additional unit.

(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

~~6.3.2.24~~

~~A second unit shall be permitted within the primary dwelling unit or building accessory to the primary dwelling unit subject to the following criteria:—~~

- ~~a) The second unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;—~~
- ~~b) No additional dwelling units are present in the primary dwelling unit or buildings accessory to primary dwelling unit;—~~
- ~~c) The second unit must be subordinate in scale and function to the primary dwelling unit and the Zoning By-law may regulate the gross floor area of the second unit;—~~
- ~~d) Parking can be accommodated where required by the Zoning By-law;—~~
- ~~e) Where located on a property identified on the Municipal Heritage Register or within a Heritage Area identified on Schedule G the second unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Heritage Area; and—~~
- ~~f) The second unit complies with health and safety standards and the second unit has been constructed in accordance with a building permit.~~

~~(Amended by OPA122 – APPROVED November 21, 2018, B/L#148-2018)~~

ADDITIONAL
DWELLING UNIT
REQUIREMENTS

6.3.2.24

An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:

- a) The additional unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;
- b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit;
- c) The Zoning By-law may regulate the character, size, and gross floor area of the additional unit;
- d) Parking can be accommodated where required by the Zoning By-law;
- e) Where located on a property identified on the Municipal Heritage Register or within a Heritage Area identified on Schedule G the additional unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Heritage Area; and
- f) The additional unit complies with health and safety standards.

(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

REQUIREMENTS
SPECIFIC TO A
SECOND UNIT IN
AN ACCESSORY
BUILDING

6.3.2.25

~~A second unit within a building that is accessory to a single-detached, semi-detached, or a rowhouse dwelling is permitted subject to the following criteria:—~~

- ~~a) The proposed second unit conforms with the definition, location, and general requirements set out in 6.3.2.22—6.3.2.24;~~
- ~~b) The second unit shall have direct pedestrian access from a paved public street or alley;~~
- ~~c) The second unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services; and~~
- ~~d) A municipal address for the second unit shall be clearly visible from the public street.~~

~~(Amended by OPA122 – APPROVED November 21, 2018, B/L#148-2018)~~

REQUIREMENTS
SPECIFIC TO A
ADDITIONAL
UNIT IN AN
ACCESSORY
BUILDING

6.3.2.25

An additional unit within a building that is accessory to a single-detached, semi-detached, or a rowhouse dwelling is permitted subject to the following criteria:

- a) The proposed additional unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24;
- b) The additional unit shall have direct pedestrian access from a paved public street or alley;
- c) The additional unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services;
- d) Only one Private Drain Connection (PDC) is permitted per property;
- e) A municipal address for the additional unit shall be clearly visible from the public street; and
- f) The Zoning By-law may regulate the height, size, and setbacks of an accessory building which contains an additional unit.\

(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

~~SEVERANCE OF
SECOND UNIT
PROHIBITED~~

~~6.3.2.26~~

~~The severance of a second unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit is prohibited.~~

~~(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)~~

SEVERANCE OF
ADDITIONAL
UNIT
PROHIBITED

6.3.2.26

The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited.

(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

HEIGHT OF ACCESSORY BUILDING CONTAINING A SECOND UNIT ABOVE A GARAGE **6.3.2.27** ~~An application to allow a maximum height of up to 8m through a minor variance may be considered where the external second unit is proposed to contain all of its habitable space above a garage subject to the following criteria:~~

- ~~(a) The height of the second unit does not exceed the height of the primary dwelling;~~
- ~~(b) Significant trees and plantings are preserved on the subject property; and~~
- ~~(c) Any adverse impacts to the streetscape or abutting properties are addressed through the second unit design and siting.~~

~~(Amended by OPA122 – APPROVED November 21, 2018, B/L#148-2018)~~

HEIGHT OF ACCESSORY BUILDING CONTAINING AN ADDITIONAL UNIT **6.3.2.27** An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria:

- (a) The height of the additional unit does not exceed the height of the primary dwelling;
- (b) Significant trees and plantings are preserved on the subject property; and
- (c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting.

(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

CREATION OF LODGING HOUSE **6.3.2.28** ~~The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and second dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.~~

~~(Amended by OPA122 – APPROVED November 21, 2018, B/L#148-2018)~~

SHARED RENTAL HOUSING **6.3.2.28** The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.

(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)

6.4 Employment

Employment lands provide the main locations for business and industrial activities. In order to strengthen Windsor’s economy, meet the land and infrastructure needs of employment activities and address concerns over

compatibility, employment land uses are provided under two designations on Schedule D as either Industrial or Business Park.

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

6.4.1 Objectives

<i>POSITIVE BUSINESS ENVIRONMENT</i>	6.4.1.1	To ensure Windsor continues to be an attractive place to establish businesses and locate employees.
<i>ASSESSMENT BASE</i>	6.4.1.2	To expand Windsor’s assessment base by attracting employers and economic development.
<i>COMPATIBLE DEVELOPMENT</i>	6.4.1.3	To ensure that employment uses are developed in a manner which are compatible with other land uses.
<i>RANGE OF USES</i>	6.4.1.4	To accommodate a full range of employment activities in Windsor.
<i>SUPPORT SERVICES</i>	6.4.1.5	To enhance the quality of employment areas by providing for complementary services and amenities.
<i>ACCESSIBLE</i>	6.4.1.6	To locate employment activities in areas which have sufficient and convenient access to all modes of transportation.
<i>SUFFICIENT LAND SUPPLY</i>	6.4.1.7	To ensure that a sufficient land supply for employment purposes is maintained over the 20 year period of this Plan.
<i>INFRASTRUCTURE</i>	6.4.1.8	To ensure that adequate infrastructure services are provided to employment areas.
<i>VIABLE AREAS</i>	6.4.1.9	To maintain and develop viable industrial areas.
<i>VISIBLE LOCATIONS</i>	6.4.1.10	To provide highly visible and attractive locations for business park development.
<i>COMPREHENSIVELY PLANNED</i>	6.4.1.11	To promote comprehensively planned employment areas.

6.4.2 General Policies

<i>SUFFICIENT SUPPLY</i>	6.4.2.1	Council shall designate a sufficient supply of appropriately located Industrial and Business Park lands to meet the projected 20 year employment demands.
<i>ATTRACT BUSINESS</i>	6.4.2.2	Council shall encourage businesses and industries to locate and expand in Windsor.
<i>CITY PARTICIPATION</i>	6.4.2.3	<p>Council shall facilitate economic investment by:</p> <ul style="list-style-type: none"> (a) planning and developing Industrial and Business Park areas; (b) participating in the development or redevelopment of strategic areas of Windsor; (c) fostering public-private partnerships to facilitate economic development; and (d) other measures as may be appropriate.
<i>SITE PLAN CONTROL</i>	6.4.2.4	Council shall require all development within areas designated as Industrial and Business Park to be subject to site plan control, with the exception of Public Open Space uses.
<i>HERITAGE CONSERVATION</i>	6.4.2.5	Council shall encourage the conservation and adaptive reuse of historic and/or architecturally significant buildings within areas designated as Industrial or Business Park in accordance with the Heritage Conservation chapter of this Plan.
<i>CONTAMINATED SITES</i>	6.4.2.6	Council shall encourage the redevelopment of contaminated Industrial or Business Park sites in accordance with section 5.4.8 of the Environment chapter of this Plan.
<i>AREAS IN TRANSITION</i>	6.4.2.7	<p>Council may support the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:</p> <ul style="list-style-type: none"> (a) the proponent can demonstrate that: <ul style="list-style-type: none"> (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and

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

6.4.3 Industrial Policies

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

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

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

ANCILLARY
USES

6.4.3.2

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

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

- (e) ~~Methodone Clinics provided that:—~~
- (i) ~~such uses are located a minimum of 150 metres from—~~
 - ~~lands used or zoned for residential, institutional or open space purposes, excluding lands used for Hospitals, Universities, and Community Colleges; and~~
 - ~~any lands used for a Methadone Clinic~~
 - (ii) ~~such uses satisfy the evaluation criteria set out in Section 6.5.3.7 of the Commercial Corridor Policies, with the exception of the requirement that the proponent demonstrate that a proposed commercial development is acceptable in terms of the proposal's market impact on other commercial areas; and~~
 - (iii) ~~the use is supported by a Planning Rationale Report, provided by the applicant/agent, containing details of the application including proximity to public transit and supporting reasons why the application should be approved, to the satisfaction of the Municipality.~~
(Added by OPA #82 – June 20, 2011, B/L 117-2011)
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)

*LOCATIONAL
CRITERIA*

6.4.3.3

Industrial development shall be located where:

- (a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses;
- (b) there is access to an arterial road;
- (c) full municipal physical services can be provided;
- (d) industry related traffic can be directed away from residential areas;
- (e) peak period public transportation service can be provided; and
- (f) there is access to designated truck routes.

*EVALUATION
CRITERIA*

6.4.3.4

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed industrial development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking; and
- (e) compatible with the surrounding area in terms of siting, orientation, setbacks, parking and landscaped areas.

*DESIGN
GUIDELINES*

6.4.3.5

The following guidelines shall be considered when evaluating the proposed design of an Industrial development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading, storage and service areas; and
 - (ii) the separation between the industrial use and adjacent sensitive uses, where appropriate.

- (c) motorized vehicle access is oriented in such a manner that industry related traffic will be discouraged from using Local Roads where other options are available;
- (d) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient;
- (e) loading bays and service areas are located to avoid conflict between pedestrian circulation, service vehicles and movement along the public right-of-way; and
- (f) the design of the development encourages and/or accommodates public transportation services.
- (g) The design of the development encourages the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to create a positive visual image of industry in Windsor. *(added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)*

*TRANSPORT
TERMINAL
GUIDELINES*

6.4.3.6

In addition to the policies in Sections 6.4.3.3, 6.4.3.4, and 6.4.3.5, the following additional policies shall be considered when evaluating a Transport Terminal:
(Amended by OPA139 - APPROVED May 4, 2021, B/L#53-2021)

- (a) Prohibit the location of a Transport Terminal adjacent to, or near, sensitive land uses, such as residential uses, unless appropriate mitigation measures such as a berm, noise barrier, or other buffering are in place to mitigate noise, dust, and light pollution, and odours from the Transport Terminal;
(Amended by OPA139 - APPROVED May 4, 2021, B/L#53-2021)
- (b) Discourage direct driveway access to/from a Transport Terminal from/to Class II Arterial Road that serves as a major commercial corridor to minimize traffic, noise, and dust conflicts;
(Amended by OPA139 - APPROVED May 4, 2021, B/L#53-2021)
- (c) Encourage adjacency of a Transport Terminal to the truck route network, including any designated long combination vehicle route;
(Amended by OPA139 - APPROVED May 4, 2021, B/L#53-2021)

- (d) Encourage proximity of a Transport Terminal to rail, airport, and water port facilities to maximize freight intermodal opportunities;
(Amended by OPA139 - APPROVED May 4, 2021, B/L#53-2021)
- (e) Encourage proximity of a Transport Terminal to land uses that generate freight trips to allow for efficient use of land and infrastructure.
(Amended by OPA139 - APPROVED May 4, 2021, B/L#53-2021)

6.4.4 Business Park Policies

The Business Park land use designation provides for business and industrial uses of a similar quality and character to locate together in highly visible areas according to a comprehensive development plan.

*PERMITTED
USES*

6.4.4.1 Uses permitted in the Business Park land use designation include:

- (a) establishments devoted to research, development and information processing, ~~business~~ (deleted by OPA 58, 24 07 2006) offices, ~~business~~ (deleted by OPA 58, 24 07 2006) services, industrial research and/or training facilities, communication, production uses, printing and publishing; and
- (b) selected industrial uses which:
 - (i) do not create nuisances such as noise, dust, vibration or odour;
 - (ii) confine industrial operations within a building and/or structure; and
 - (iii) do not require outside storage.

*ANCILLARY
USES*

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

- (a) Open Space uses;

- (b) convenience stores, gas bars, service stations, personal services, restaurants, warehouse, (added by OPA 58, 24 07 2006) wholesale store (added by OPA 58, 24 07 2006) and financial institutions which, by their size are designed to serve the employees in the Business Park and which have access to an Arterial or Collector road;
- (c) hotels or motels, provided that they meet all of the following criteria: (amended by OPA #22 – 07/16/02)
 - (i) they are located adjacent to a Controlled Access Highway, Class I or Class II Arterial Road or Class I Collector Road;
 - (ii) they are located at, or near, the periphery of a Business Park;
 - (iii) the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas is acceptable (see Procedures chapter); and
 - (iv) the evaluation criteria established in policy 6.5.3.7.
- (d) retail sale of goods produced on-site by a permitted use provided that such retail space does not exceed 20% of the gross floor area of the main use. This limitation may be reduced or eliminated by Council having given consideration to the following:
 - (i) the evaluation criteria established in policy 6.5.3.7; and
 - (ii) the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas is acceptable (see Procedures chapter).
- (e) adult entertainment parlours provided that:
 - (i) such uses are a minimum of 150 metres from lands used or zoned for residential, institutional or open space purposes; and

- (ii) the evaluation criteria established in policy 6.5.3.7 are satisfied, with the exception of the requirement that the proponent demonstrate that market impacts on other commercial areas is acceptable.
- (f) Clubs, health studios. (amended by OPA #22 – 07/16/02)
- ~~(g) Methadone Clinics provided that:—~~
 - ~~(i) such uses are located a minimum of 150 metres from~~
 - ~~• lands used or zoned for residential, institutional or open space purposes, excluding lands used for Hospitals, Universities, and Community Colleges; and~~
 - ~~• any lands used for a Methadone Clinic~~
 - ~~(ii) such uses satisfy the evaluation criteria set out in Section 6.5.3.7 of the Commercial Corridor Policies, with the exception of the requirement that the proponent demonstrate that a proposed commercial development is acceptable in terms of the proposal's market impact on other commercial areas; and~~
 - ~~(iii) the use is supported by a Planning Rationale Report, provided by the applicant/agent, containing details of the application including proximity to public transit and supporting reasons why the application should be approved, to the satisfaction of the Municipality.~~
~~(Added by OPA #82 – June 20, 2011, B/L 117-2011)~~
~~(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)~~

LOCATIONAL
CRITERIA

6.4.4.3

Business Park development shall be located where:

- (a) the business park use can be sufficiently separated and/or buffered from sensitive land uses;
- (b) the site will be accessible and highly visible from Controlled Access Highway or a Class I or Class II Arterial Road;
- (c) full municipal physical services can be provided;
- (d) business park related traffic can be directed away from residential areas;

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

*EVALUATION
CRITERIA*

6.4.4.4

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed business park development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
 - (v) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking; and
- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas.

*DESIGN
GUIDELINES*

6.4.4.5

The following guidelines shall be considered when evaluating the proposed design of a Business Park development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the massing and scale of buildings, and the extent to which their orientation, form and siting help to enhance the well landscaped setting of the business park;
- (c) the provision of functional and attractive signage;
- (d) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate;
- (e) motorized vehicle access is oriented in such a manner that business park related traffic will be discouraged from using Local Roads where other options are available;
- (f) loading bays and service areas are located to avoid conflict between pedestrian circulation, service vehicles and movement along the public right-of-way;
- (g) pedestrian and cycling access is accommodated in a manner which is distinguishable from the access provided to motorized vehicles and is safe and convenient; and
- (h) the design of the development encourages and/or accommodates public transportation services.
- (i) The design of the development encourages the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to enhance the visual appearance of business parks in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided

under two designations on Schedule D: Commercial Centre and Commercial Corridor.

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

6.5.1 Objectives

<i>ORDERLY DEVELOPMENT & DISTRIBUTION</i>	6.5.1.1	To encourage the orderly development and distribution of commercial uses across the City.
<i>SUFFICIENT SUPPLY</i>	6.5.1.2	To ensure that a sufficient land supply for commercial purposes is maintained over the 20 year period of this Plan.
<i>IMPROVE CENTRES & CORRIDORS</i>	6.5.1.3	To promote the stabilization, consolidation and improvement of existing commercial centres and corridors.
<i>ACCESSIBLE</i>	6.5.1.4	To locate commercial activities in areas which have sufficient and convenient access by all modes of transportation.
<i>MINIMIZE NEGATIVE IMPACTS</i>	6.5.1.5	To ensure that there are limited negative impacts of expanded commercial uses on adjacent sensitive uses.
<i>ACTIVE COMMUNITY AREAS</i>	6.5.1.6	To ensure that commercial areas are designed to function as locations for social interaction.
<i>RANGE OF USES</i>	6.5.1.7	To accommodate an appropriate range of commercial uses for the trade area.

6.5.2 Commercial Centre Policies

The Commercial Centre land use designation is intended for areas which encourage multi-purpose shopping trips by providing for community or regional serving commercial uses. This land use designation applies to large sites where a number of uses can be accommodated according to a comprehensive development plan or nodal development at the intersections of Controlled Access Highways and/or Arterial roads. Areas designated as Commercial Centre will have high development standards to strengthen their role as community focal points and minimize any negative impacts on adjacent sensitive uses and the transportation system.

<i>PERMITTED USES</i>	6.5.2.1	Uses permitted in the Commercial Centre land use designation will be primarily retail, wholesale store (added by OPA 58, 24 07 2006), entertainment, service oriented, and office uses which are combined in an integrated form of development.
<i>ANCILLARY USES</i>	6.5.2.2	<p>In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Commercial Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that:</p> <ul style="list-style-type: none">(a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and(b) the development satisfies the policies for the proposed land use.
<i>FORM</i>	6.5.2.3	<p>Commercial Centres will be developed so as to promote the integration of uses, encourage multi-purpose shopping trips and minimize the conflict between commercial use and residential and other sensitive uses. Commercial Centres may include either:</p> <ul style="list-style-type: none">(a) shopping centres or uses which function as a unit, often with common or connected parking facilities; or(b) nodal development at the intersection of Controlled Access Highways and/or Arterial roads.
<i>LOCATIONAL CRITERIA</i>	6.5.2.4	<p>Commercial Centre development shall be located where:</p> <ul style="list-style-type: none">(a) there is direct access to Class I or Class II Arterial roads;(b) full municipal physical services can be provided;

- (c) commercial related traffic can be directed away from residential areas; and
- (d) public transportation service can be provided.

*EVALUATION
CRITERIA*

6.5.2.5

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial centre development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources;
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking;
- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (f) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN
GUIDELINES*

6.5.2.6

The following guidelines shall be considered when evaluating the proposed design of a Commercial Centre development:-

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the profile of the development results in a gradual transition from lower profile buildings to higher profile buildings and vice versa, on site and as it relates to buildings adjacent to the Commercial Centre site;
- (c) motorized vehicle access is oriented in such a manner that commercial related traffic will be discouraged from using Local Roads where other options are available;
- (d) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient;
- (e) the development design encourages and facilitates interaction between the Commercial Centre and the adjacent area and enhances the function of the centre as a community focal point;
- (f) the development design facilitates access via public transportation;
- (g) the development design provides a street presence; and
- (h) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate.

*SITE PLAN
CONTROL*

6.5.2.7

Council shall require all development within areas designated as Commercial Centre to be subject to site plan control, with the exception of Public Open Space uses.

6.5.3 Commercial Corridor Policies

The Commercial Corridor land use designation is intended for areas which are designed for vehicle oriented commercial uses. Commercial Corridors take the form of commercial strips along Arterial and Collector roads within Windsor. The intent of the following policies is to strengthen identified Commercial Corridors for retail and service uses.

<i>PERMITTED USES</i>	6.5.3.1	Uses permitted in the Commercial Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.
<i>ANCILLARY USES</i>	6.5.3.2	<p>In addition to the uses permitted above, Council may permit the following ancillary uses in areas designated as Commercial Corridor on Schedule D: Land Use without requiring an amendment to this Plan:</p> <p>(a) adult entertainment parlours provided that:</p> <p style="margin-left: 40px;">(i) such uses are a minimum of 150 metres from lands used or zoned for residential, institutional or open space purposes; and</p> <p style="margin-left: 40px;">(ii) policy 6.5.3.7 is satisfied, with the exception that the proponent demonstrate that the proposal’s market impact is acceptable; and</p> <p>(b) Open Space uses subject to the policies of section 6.7.</p>
<i>STREET PRESENCE</i>	6.5.3.3	<p>Council will encourage Commercial Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Commercial Corridor shall be:</p> <p>(a) no more than two storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of the building(s) may be no more than six storeys in height; and</p> <p>(b) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.</p>
<i>INFILL & CONSOLIDATION</i>	6.5.3.4	Council shall promote the infilling and consolidation of existing Commercial Corridors.

*NEW OR
EXTENDED
CORRIDORS*

6.5.3.5

Council shall discourage the development of new Commercial Corridors or the extension of existing Commercial Corridors and may only designate or extend a Commercial Corridor when the Municipality is satisfied that the market impact of the proposal on other commercial areas is acceptable (see Procedures chapter).

*LOCATIONAL
CRITERIA*

6.5.3.6

Commercial Corridor development shall be located where:

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Roads;
- (b) full municipal physical services can be provided; and
- (c) commercial related traffic can be directed away from residential areas.

*EVALUATION
CRITERIA*

6.5.3.7

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking;

- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (f) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN
GUIDELINES*

6.5.3.8

The following guidelines shall be considered when evaluating the proposed design of a Commercial Corridor development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate;
- (c) as a general rule, the height of buildings are consistent with the height of buildings which characterize the Commercial Corridor. Where Council deems it desirable that higher profile development be permitted in an existing Commercial Corridor, the development should be built at a human scale by utilizing one or both of the following measures:
 - (i) treatment of the lower floors of building(s) to provide continuity; and/or
 - (ii) setting back the upper floors of building(s) from the street to avoid overpowering effects at-grade;
- (d) where possible, parking is located in the rear of the property to encourage continuous building facades adjacent to the street; and
- (e) measures are taken in site design which provide for ease of access for pedestrians between the public sidewalk and building main entrances in a manner which is distinguishable from access provided for vehicles.

<i>SITE PLAN CONTROL</i>	6.5.3.9	Council shall require all development within areas designated as Commercial Corridor to be subject to site plan control, with the exception of Public Open Space uses.
<i>CORRIDOR IMPROVEMENT</i>	6.5.3.10	Council will encourage and facilitate the creation and efforts of business improvement associations within Commercial Corridor in accordance with the provisions of the Municipal Act.
<i>NEIGHBOURHOOD INVOLVEMENT</i>	6.5.3.11	Council will encourage the improvement of areas designated as Commercial Corridor to be undertaken in consultation with the surrounding neighbourhood.

6.6 Institutional

The lands designated as “Major Institutional” on Schedule D: Land Use provide the main locations for large scale institutional uses such as secondary schools, universities, colleges and hospitals. In order to recognize the important role of all institutions in strengthening Windsor and its neighbourhoods, directions for both major and minor institutional uses, such as elementary schools and places of worship, are provided.

The following objectives and policies establish the framework for development decisions for Institutional uses.

6.6.1 Objectives

<i>IMPORTANT ROLE</i>	6.6.1.1	To recognize institutional uses as an important component of Windsor, its neighbourhoods and economic base.
<i>STRATEGIC LOCATIONS</i>	6.6.1.2	To ensure that all institutional uses are strategically located within Windsor to be both accessible and act as neighbourhood focal points.
<i>CHANGING ROLE</i>	6.6.1.3	To recognize the increasing complexity and diversity of institutions as these facilities evolve to provide a wider range of functions.
<i>COMPATIBLE DEVELOPMENT</i>	6.6.1.4	To ensure that institutional uses are developed in a manner which are compatible with adjacent land uses.
<i>REUSE OF SURPLUS INSTITUTIONS</i>	6.6.1.5	To recognize the opportunity to reuse surplus institutional properties by directing their transition to uses compatible with adjacent properties.
<i>OPEN SPACE</i>	6.6.1.6	To encourage institutional uses to be complementary to the open space needs of residents.

6.6.2 Policies

PERMITTED USES

6.6.2.1 Uses permitted in the Major Institutional land use designation include secondary and post secondary educational facilities, government offices, large scale health care facilities and correctional facilities.

ANCILLARY USES

6.6.2.2 In addition to the uses permitted above, Council may permit ancillary residential, commercial or Public Open Space uses in areas designated as Major Institutional without requiring an amendment to this Plan provided that:

- (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main institutional use; and
- (b) the development satisfies the policies for the appropriate land use.

(c) ~~a Methadone Clinic is not a permitted Ancillary Use in any Institutional land use designation, except when the Methadone Clinic is located within a Hospital.~~

~~(Added by OPA #82 – June 20, 2011, B/L 117-2011)~~

~~(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)~~

LOCATIONAL CRITERIA FOR MAJOR INSTITUTIONS

6.6.2.3 Major Institutional uses shall be located where:

- (a) there is direct access to a Class II Arterial Road or Class I or Class II Collector Road;
- (b) public transportation service can be provided;
- (c) the size of the property provides opportunities for expansion;
- (d) full municipal physical services can be provided; and
- (e) traffic can be directed away from residential areas.

EVALUATION CRITERIA FOR MAJOR INSTITUTIONS

6.6.2.4 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Major Institutional development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to residential land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking; and
- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas.

*DESIGN
GUIDELINES FOR
MAJOR
INSTITUTIONAL*

6.6.2.5

The following guidelines shall be considered when evaluating the proposed design of a Major Institutional development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the profile of the development results in a gradual transition from lower profile buildings to higher profile buildings and vice versa, both on site and as it relates to adjacent buildings;
- (c) vehicle access is oriented in such a manner that major institutional traffic will be discouraged from using Local Roads where other alternatives exist;

- (d) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient;
- (e) the development design facilitates access via public transportation;
- (f) the development design provides a street presence and neighbourhood focal point; and
- (g) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate.

<i>CAMPUS MASTER PLANS</i>	6.6.2.6	Council will encourage the development of campus master plans for post secondary educational facilities and large scale health facilities which direct the future expansion of the institution to appropriate areas on the campus and facilitate its integration with the surrounding neighbourhood.
<i>MINOR INSTITUTIONAL DEFINITION</i>	6.6.2.7	For the purpose of this Plan, Minor Institutional uses include elementary schools, day nurseries and places of worship.
<i>MINOR INSTITUTIONAL USES IN RESIDENTIAL AREAS</i>	6.6.2.8	Council may permit Minor Institutional uses in areas designated as Residential on Schedule D: Land Use provided that the evaluation criteria contained in policy 6.3.2.5 is satisfied.
<i>MINOR INSTITUTIONAL USES IN OTHER AREAS</i>	6.6.2.9	Council may permit Minor Institutional uses within other land use designations, subject to the ancillary use policies for each designation.
<i>DESIGN GUIDELINES FOR MINOR INSTITUTIONAL</i>	6.6.2.10	When evaluating the proposed design of a Minor Institutional uses, policy 6.6.2.5 shall be used with the exception of (c).
<i>SITE PLAN CONTROL</i>	6.6.2.11	Council may require all Major and Minor Institutional uses to be subject to site plan control.

*REUSE OF
INSTITUTIONAL
SITES*

- 6.6.2.12 Council shall encourage the reuse, development or redevelopment of institutional lands or buildings for other uses:
- (a) when the lands and/or buildings are considered by the appropriate authority to be surplus to the needs of the authority;
 - (b) provided the proposed reuse, development or redevelopment is compatible with the surrounding uses; and
 - (c) subject to the appropriate policies for the proposed land use designation and/or use.

6.7 Open Space

The lands designated as “Open Space” on Schedule D: Land Use provide the main locations for recreation and leisure activities and facilities. In order to recognize the important role that Open Space plays in improving the quality of life of residents and enhancing Windsor’s image, Open Space land uses are divided into two categories: Public Open Space and Private Open Space.

The following objectives and policies establish the framework to guide development decisions in Open Space areas.

6.7.1 Objectives

- | | | |
|--|---------|--|
| <i>SATISFY NEEDS</i> | 6.7.1.1 | To satisfy the year-round recreation and leisure needs of Windsor residents. |
| <i>ENHANCE OPEN SPACES</i> | 6.7.1.2 | To protect and enhance Windsor’s existing Open Space, while planning for future recreation and leisure needs. |
| <i>DISTRIBUTION, SITING & DESIGN</i> | 6.7.1.3 | To ensure the proper distribution, siting and design of Open Space. |
| <i>PUBLIC & PRIVATE INVOLVEMENT</i> | 6.7.1.4 | To encourage public and private involvement in the development and delivery of recreation and leisure facilities and services. |
| <i>COMPLEMENT & LINK AREAS</i> | 6.7.1.5 | To ensure that new Open Space complements and, where possible, is linked to other components of the Greenway System. |

6.7.2 General Policies

<i>PERMITTED USES</i>	6.7.2.1	Uses permitted in the Open Space land use designation include recreation and leisure areas and facilities.
<i>ANCILLARY USES</i>	6.7.2.2	<p>In addition to the uses permitted above, Council may also permit ancillary residential, commercial or institutional in areas designated Open Space without requiring an amendment to this Plan provided that:</p> <ul style="list-style-type: none">(a) the ancillary use is clearly incidental and secondary to, and complementary with, the main Open Space use; and(b) the development satisfies the policies for the proposed land use.
<i>DEFINITION</i>	6.7.2.3	<p>For the purpose of this Plan, Open Space land uses are divided into two categories:</p> <ul style="list-style-type: none">(a) Public Open Space that is owned by the Municipality, the federal or provincial governments or the Essex Region Conservation Authority; and(b) Private Open Space that is owned by persons other than the Municipality, the federal or provincial governments or the Essex Region Conservation Authority.
<i>CONNECT TO GREENWAY SYSTEM</i>	6.7.2.4	Council will encourage the development of connections between Open Space areas, other elements of the Greenway System (as described in the Environment chapter) and other points of interest.

6.7.3 Public Open Space Policies

<i>CLASSIFICATION OF PUBLIC OPEN SPACE</i>	6.7.3.1	<p>For the purpose of this Plan, Public Open Space is further classified as follows:</p> <ul style="list-style-type: none">(a) Community and Regional Parks which are designed for the recreation and leisure activities of all Windsor residents and/or a broader regional population; and(b) Neighbourhood Parks which are designed for the recreation and leisure activities of residents within a defined service radius of Windsor.
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*PUBLIC OPEN
SPACE
DESIGNATIONS*

6.7.3.2

Community and Regional Parks shall be designated as Open Space on Schedule D: Land Use. Neighbourhood Parks shall not be designated as Open Space on Schedule D: Land Use, although they shall be designated in any Secondary Plan or Guideline Plan, where appropriate.

*COMMUNITY &
REGIONAL PARK
STANDARDS*

6.7.3.3

Council will provide Community and Regional Parks in accordance with the following standards:

- (a) Community and Regional Parks will be developed for the enjoyment of a diverse population and provide opportunities for all types of recreation, social and cultural activities;
- (b) Community and Regional Parks will be accessible by emergency services and public transportation and be located with frontages along Arterial or Collector roads. Access will also be provided by pedestrian and cycling linkages;
- (c) Community and Regional Parks may vary in size depending on the nature and extent of the facilities being provided and the purpose of the park. However, they should not be less than 8 hectares in size;
- (d) Community and Regional Parks will be distributed throughout Windsor and will be designed to complement and contribute to the character of the surrounding neighbourhoods; and
- (e) Community and Regional Parks will be provided at a ratio of not less than 3.25 hectares per 1000 Windsor residents.

*NEIGHBOURHOOD
PARK
STANDARDS*

6.7.3.4

Council will provide Neighbourhood Parks in accordance with the following standards:

- (a) Neighbourhood Parks will be designed to serve a variety of recreation and leisure needs, including children's playgrounds, athletic fields and passive recreation needs;
- (b) Neighbourhood Parks will be developed for the recreation and leisure needs of Windsor residents located within a 0.8 km radius;

- (c) Neighbourhood Parks should be accessible by pedestrians and be located along a Collector or Local Road. Access should also be provided by cycling linkages;
- (d) Neighbourhood Parks may vary in size depending on the nature and extent of the facilities being provided and the purpose of the park. However, they should not be less than 2 hectares in size except for special use parks;
- (e) Neighbourhood Parks will be distributed throughout Windsor and will be designed to complement and contribute to the character of the neighbourhood it serves; and
- (f) Neighbourhood Parks will be provided at a ratio of not less than 0.8 hectares per 1000 Windsor residents.

PARK RATIO 6.7.3.5

When determining the park per Windsor resident ratio for Community and Regional Parks and Neighbourhood Parks, Natural Heritage areas owned by the Municipality, federal or provincial governments or the Essex Region Conservation Authority shall be included in the calculation.

EVALUATION CRITERIA 6.7.3.6

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Public Open Space development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination; and
 - (iii) where traffic generation and distribution is a municipal concern.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;

- (c) located to adequately serve the recreation and leisure needs of existing and proposed population densities and demographic characteristics;
- (d) capable of being provided with full municipal services and emergency services, where appropriate;
- (e) capable of being connected to the Greenway System as identified on Schedule B: Greenway System; and
- (f) accessible by pedestrians and cyclists.

*DESIGN
GUIDELINES*

6.7.3.7

The following guidelines shall be considered when evaluating the proposed design of a Public Open Space:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the ability to enhance the natural features and functions of the site;
- (c) relevant design manuals;
- (d) landscaping and other design measures and recreational programming used to enhance the visual appearance and ensure compatibility with adjacent land uses;
- (e) light spill-over or glare from any lighting source onto adjacent residential uses should be minimized;
- (f) adequate on-site parking, drop-off areas and public transportation service to accommodate existing and proposed uses should be provided;
- (g) site frontages along roadways should be maximized to ensure visibility and safety and to reduce conflicts with adjacent uses;
- (h) the design of the open space provides for the extension of the Greenway System; and
- (i) maintenance requirements.

*LARGE SCALE
RECREATION
FACILITIES*

6.7.3.8

Council shall encourage large-scale public recreation facilities, such as arenas and pools, to be located within or adjacent to Community and Regional Parks and where:

- (a) there is direct access to Arterial or Collector Roads;
- (b) full municipal physical services can be provided;
- (c) public transportation services can be provided;
- (d) adequate off-street parking can be provided; and
- (e) the use will be compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks and landscaped areas.

*COMMUNITY
SERVICES*

6.7.3.9

Council will encourage community services such as libraries, emergency services and community centres to be located adjacent to Community and Regional Parks where:

- (a) there is direct access to Arterial or Collector Roads;
- (b) full municipal physical services and emergency services can be provided;
- (c) the use will be compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks and landscaped areas;
- (d) public transportation service can be provided; and
- (e) adequate off-street parking can be provided.

*METHODS OF
ACQUISITION*

6.7.3.10

Council may acquire lands for Public Open Space purposes through the following methods:

- (a) conveyance as a condition of planning approval pursuant to the Planning Act according to the following provisions:

- (i) for residential development or redevelopment the conveyance shall be 5 percent of the land proposed for development or redevelopment where the gross density is less than 20 units per hectare and 1 hectare per 300 dwelling units of development or redevelopment where the gross density is 20 units per hectare or greater to a maximum of 25 percent of the site area;
- (ii) for industrial or commercial development or redevelopment the conveyance shall be 2 percent of the land proposed for development or redevelopment; and
- (iii) for mixed use development or redevelopment the conveyance shall be calculated according to the 2 percent and 5 percent of the land area as assigned above.

- (b) purchase;
- (c) donation or bequest;
- (d) expropriation; and
- (e) other methods as appropriate.

PAYMENT-IN-LIEU 6.7.3.11

Council will only accept payment-in-lieu of all or part of the required parkland conveyance where:

- (a) the area in which the conveyance was to have been made has sufficient Public Open Space in the adjacent area to accommodate the development; or
- (b) the land required to be conveyed is too small for Public Open Space, not feasible for expansion and/or not suitable for sale or exchange at a latter date for Public Open Space of an appropriate configuration or location; or
- (c) the required conveyance of land would render the remainder of the site unsuitable or impractical for development.

<i>PARKLAND CREDIT SYSTEM</i>	6.7.3.12	Where land in excess of the amount of land required for dedication has been conveyed to the Municipality for Public Open Space purposes in association with a development Council may credit the excess to future development by the same owner or compensate the owner for the conveyance.
<i>EASEMENTS & MEDIANS</i>	6.7.3.13	The Municipality may accept public access easements or medians at a 2 (easement/median) to 1 (standard parkland) conveyance ratio in lieu of all or part of the required parkland conveyance where the land proposed for conveyance meets the evaluation criteria established in policy 6.7.3.6.
<i>UNDEVELOPABLE LANDS</i>	6.7.3.14	The Municipality may accept land located within a floodplain or other area unsuitable for development as a part of the required parkland conveyance provided such land is conveyed at a 2 (undevelopable land) to 1 (standard parkland) conveyance ratio.
<i>DISPOSITION OF PARKLAND</i>	6.7.3.15	<p>Council may dispose of lands acquired for Public Open Space purposes having given consideration to the following:</p> <ul style="list-style-type: none"> (a) the adequacy of other Public Open Space within the area to serve the recreation and leisure needs of residents; (b) the ability of the Municipality to provide alternative or suitable Public Open Space in the event the standards are not met; (c) the suitability of the site for other land uses; (d) the environmental significance and ecological sensitivity of the site (refer to the Environment chapter); (e) public input; (f) any legal agreements, easements or covenants affecting the property; and (g) the historical significance of the Public Open Space.
<i>PROCEEDS FROM PARKLAND DISPOSITION</i>	6.7.3.16	Where lands acquired for Public Open Space purposes are disposed of by the Municipality, any proceeds from such disposition shall be applied to the acquisition of Public Open Space in areas deficient in Public Open Space.

<i>OPEN SPACE AT EDUCATIONAL INSTITUTIONS</i>	6.7.3.17	Council will encourage the development and retention of Public Open Space in association with educational institutions to act as a neighbourhood focal point.
<i>NATURALIZE</i>	6.7.3.18	<p>Council may authorize the naturalization of Public Open Space having given consideration to:</p> <ul style="list-style-type: none"> (a) the location of the Public Open Space in relation to other natural landscapes; (b) existing and proposed recreational usage; (c) maintenance costs and practices; (d) public safety and aesthetics; and (e) any relevant studies or reports.
<i>CONSERVATION MANAGEMENT PLAN</i>	6.7.3.19	Where Public Open Space is to be naturalized or conserved in a natural state, the Municipality will prepare a conservation management plan.

6.7.4 Private Open Space Policies

<i>PRIVATE OPEN SPACE DESIGNATIONS</i>	6.7.4.1	Private Open Space shall be designated as Open Space on Schedule D: Land Use and in any secondary plan or guideline plan, where appropriate.
<i>LOCATIONAL CRITERIA</i>	6.7.4.2	<p>Private Open Space development shall be located where:</p> <ul style="list-style-type: none"> (a) there is direct access to Collector or Arterial roads; (b) full municipal physical services and emergency services can be provided as appropriate; and (c) traffic can be directed away from residential areas.
<i>EVALUATION CRITERIA</i>	6.7.4.3	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Private Open Space development is:</p> <ul style="list-style-type: none"> (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

- (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
 - (c) capable of being provided with full municipal physical services and emergency services;
 - (d) provided with adequate off-street parking;
 - (e) capable of enhancing connections to the Greenway System as identified on Schedule B: Greenway System; and
 - (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas.

*DESIGN
GUIDELINES*

6.7.4.4

The following guidelines shall be considered when evaluating the proposed design of a Private Open Space development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) site frontages along roads should be maximized to ensure greater visibility and safety;
- (c) the design of the Private Open Space provides for the extension of the Greenway System where possible;
- (d) vehicle access is oriented in such a manner that Private Open Space traffic will be discouraged from using Local Roads where other alternatives exist;

- (e) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient;
- (f) light spill-over or glare from any lighting source onto adjacent residential uses should be minimized; and
- (g) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate.

<i>SITE PLAN CONTROL</i>	6.7.4.5	Council may require development within Private Open Space to be subject to site plan control.
<i>PUBLIC ACCESS</i>	6.7.4.6	Public access to Private Open Space shall be at the discretion of the owner.

6.8 Natural Heritage

The lands designated as “Natural Heritage” on Schedule D: Land Use provide for the protection and conservation of Windsor’s most environmentally significant and sensitive natural areas, including provincially designated Areas of Natural and Scientific Interest (ANSI) and wetlands.

The following objectives and policies establish the framework for Natural Heritage.

6.8.1 Objectives

<i>PROTECT & CONSERVE</i>	6.8.1.1	To protect, conserve and improve Windsor’s most environmentally significant and sensitive natural areas.
<i>RECREATION OPPORTUNITIES</i>	6.8.1.2	To provide opportunities for recreational uses within Natural Heritage areas.
<i>GREENWAY SYSTEM</i>	6.8.1.3	To link Natural Heritage areas to other components of the Greenway System.

6.8.2 Policies

<i>PERMITTED USES</i>	6.8.2.1	Uses permitted in the Natural Heritage land use designation shall be nature reserves and wildland management.
<i>ANCILLARY USES</i>	6.8.2.2	<p>In addition to the uses permitted above, Council may permit ancillary recreation and leisure activities and facilities in areas designated as Natural Heritage without requiring an amendment to this Plan provided:</p> <ul style="list-style-type: none"> (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main Natural Heritage use; and (b) the ancillary use does not negatively impact upon the natural features and functions of the site.
<i>EVALUATION CRITERIA</i>	6.8.2.3	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Natural Heritage site is:</p> <ul style="list-style-type: none"> (a) not environmental significant and/or sensitive based on an evaluation of the area's: <ul style="list-style-type: none"> (i) ecological function; (ii) biological diversity; (iii) natural communities; (iv) vulnerable, threatened or endangered species; (v) physical size; (vi) representation; (vii) level of disturbance; (viii) earth science features; and (ix) cultural significance. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the area.

<i>EER REQUIRED FOR ADJACENT LANDS</i>	6.8.2.4	Council shall protect lands designated as Natural Heritage from incompatible development. Accordingly any proponent of development adjacent to lands designated as Natural Heritage may be required to complete an Environmental Evaluation Report or other suitable study in accordance with the Procedures chapter of this Plan. The identification of adjacent lands subject to this requirement will be determined on a site specific basis by the Municipality, in consultation with the province and/or the Essex Region Conservation Authority, and in accordance with policy 10.2.5.4 of this Plan.
<i>CONSERVATION MANAGEMENT PLAN</i>	6.8.2.5	The Municipality will prepare a conservation management plan for municipally-owned lands which are designated as Natural Heritage and will encourage other land owners to do the same.

6.9 Mixed Use

The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

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

6.9.1 Objectives

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

TRANSPORTATION MODES 6.9.1.7 To increase the use of walking, cycling and public transportation within the designated Mixed Use area by fostering a strong live-work-shopping-recreation relationship.

6.9.2 Policies

PERMITTED USES 6.9.2.1 Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.

FORM OF MIXED USE AREAS 6.9.2.2 For the purpose of this Plan, Mixed Use development is further classified as follows:

- (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and
- (b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.

LOCATIONAL CRITERIA 6.9.2.3 Mixed Use development shall be located where:

- (a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and
- (d) the surrounding development pattern is compatible with Mixed Use development.

EVALUATION CRITERIA 6.9.2.4 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off street parking;
- (e) pedestrian oriented;
- (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (g) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN
GUIDELINES*

6.9.2.5

The following guidelines shall be considered when evaluating the proposed design of a Mixed Use development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment;

- (c) at least one building wall should be located on an exterior lot line and oriented to the street to afford direct sidewalk pedestrian access from the public right-of-way;
- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties is generally discouraged and is encouraged via a rear yard service road or alley;
- (f) parking areas shall be encouraged at the rear of buildings;
- (g) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (h) the development is designed to foster distinctive and attractive area identity;
- (i) the public rights-of-way are designed to foster distinctive and attractive area identity and to provide for vehicle use, regular public transportation service as well as pedestrian and cycling travel; and
- (j) integration of the development with the surrounding uses to contribute to the unique character of the area.

<i>SITE PLAN CONTROL</i>	6.9.2.6	Council will require all development within areas designated Mixed Use to be subject to site plan control.
<i>REDUCED PARKING REQUIREMENT</i>	6.9.2.7	Council may establish off street parking standards to reflect public transportation supportive designs or shared parking arrangements in Mixed Use developments.

6.10 Waterfront

The lands designated as “Waterfront Residential”, “Waterfront Recreation” and “Waterfront Port” on Schedule D: Land Use provide for those uses which derive a benefit from a location adjacent to the Detroit River or Lake St. Clair. These waterfront land use designations are intended to recognize recreation, port facilities and housing as important contributors to the identity and experience of the entire Windsor waterfront from the municipal boundary with the Town of Tecumseh to the municipal boundary with the Town of LaSalle.

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

6.10.1 Objectives

<i>PUBLIC ACCESS</i>	6.10.1.1	To provide an interconnected, safe and publicly accessible waterfront.
<i>RECREATION & LEISURE ACTIVITIES</i>	6.10.1.2	To accommodate a variety of water-oriented recreation and leisure activities and facilities for public use.
<i>VIEWS & VISTAS</i>	6.10.1.3	To enhance views and vistas of the waterfront.
<i>PORT NEEDS</i>	6.10.1.4	To provide port access for employment activities.
<i>APPROPRIATE LOCATIONS</i>	6.10.1.5	To direct residential, recreation and port related uses to appropriate locations along the waterfront.
<i>HEALTHY & SUSTAINABLE ENVIRONMENT</i>	6.10.1.6	To ensure that all activities and future development on the waterfront contribute to a healthy and sustainable environment.

6.10.2 General Policies

<i>PUBLIC ACCESS</i>	6.10.2.1	Council shall provide public access at appropriate locations along the waterfront.
<i>REGARD FOR ENVIRONMENT CHAPTER</i>	6.10.2.2	Council shall require all development proposals along the waterfront to have regard for the Environmental chapter of this Plan .
<i>WATERLOTS</i>	6.10.2.3	Council shall consider applications for the use of waterlots in relation to the adjacent waterfront land use(s) to ensure that the proposed waterlot use is compatible with the surrounding land base.

6.10.3 Waterfront Recreation Policies

This land use designation provides the main locations for recreation and leisure activities and facilities along the waterfront. The following policies are intended to recognize the important role that waterfront parks and facilities play in improving the quality of life of residents and enhancing the image of Windsor.

<i>PERMITTED USES</i>	6.10.3.1	Uses permitted in the Waterfront Recreation land use designation include recreation and leisure activities and facilities and marinas for pleasure craft.
<i>LOCATION CRITERIA</i>	6.10.3.2	<p>Waterfront Recreation uses shall be located:</p> <ul style="list-style-type: none"> (a) on land along the Detroit River and Lake St. Clair shoreline on the north side of Riverside Drive, Sandwich Street or Russell Street; (b) where full municipal services can be provided, as necessary; and (c) on lands where sufficient flooding and erosion protection can be provided in accordance with the Environment chapter of this Plan.
<i>EVALUATION CRITERIA</i>	6.10.3.3	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Waterfront Recreation development is:</p> <ul style="list-style-type: none"> (a) feasible having regard to the other provisions of this Plan, federal and provincial legislation, policies and appropriate guidelines and support studies for uses: <ul style="list-style-type: none"> (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) within a site of potential or known contamination; (iii) where traffic generation and distribution is a federal, provincial or municipal concern; and (iv) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;

- (c) located in an area which will serve the recreation and leisure needs of the public;
- (d) capable of being connected to the Greenway System as identified on Schedule B: Greenway System;
- (e) compatible with the adjacent uses; and
- (f) accessible by pedestrians and cyclists.

<i>MARINAS</i>	6.10.3.4	At the time of submission, any proponent of a marina for pleasure craft development shall, in addition fulfilling policy 6.10.3.3, be required to demonstrate to the satisfaction of the Municipality that the proposed development is: <ul style="list-style-type: none"> (a) capable of being supplied with full municipal physical services and emergency services; (b) provided with adequate off-street parking; and (c) feasible having regard to the legislation, policy and guidelines of the federal and provincial governments.
<i>MUNICIPALLY OWNED WATERFRONT RECREATION AREAS</i>	6.10.3.5	The Municipality shall plan and manage municipally owned Waterfront Recreation areas to provide for a variety of recreation, leisure and cultural activities and facilities.
<i>GREENWAY LINKAGES</i>	6.10.3.6	Council shall encourage the connection of lands designated Waterfront Recreation to the Greenway System (see Environment chapter).
<i>METHODS OF ACQUISITION</i>	6.10.3.7	Council may acquire lands for Waterfront Recreation uses through the methods outlined in the Open Space section of this Plan.
<i>SANDWICH TOWNE RECREATION WATERFRONT LANDS</i>	6.10.3.8	The City will prepare a Waterfront Master Plan for the Olde Sandwich Towne Recreation Waterfront Lands. <i>(OPA 69, effective October 19, 2012)</i>

6.10.4 Waterfront Residential Policies

This land use designation provides for residential development at selected areas along the waterfront. The following policies provide for the control of development in these areas to ensure the lower profile character of waterfront

residential uses is maintained and to minimize any potential hazards due to flooding or erosion.

*PERMITTED
USES*

6.10.4.1 Uses permitted in the Waterfront Residential land use designation include small scale Low Profile dwelling units and home based occupations as defined in the Residential section of this Plan.

*LOCATIONAL
CRITERIA*

6.10.4.2 Waterfront Residential development shall be located:

- (a) on land along the Lake St. Clair and Detroit River shoreline on the north side of Riverside Drive, Sandwich Street or Russell Street;
- (b) on vacant or underutilized sites adjacent to existing residential development;
- (c) where full municipal physical services can be provided;
- (d) on lands where sufficient flood and erosion protection can be provided in accordance with the Environment chapter of this Plan; and
- (e) where adequate community services are planned or available.

*EVALUATION
CRITERIA*

6.10.4.3 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Waterfront Residential development is:

- (a) feasible having regard to the other provisions of this Plan, federal and provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to heritage resources.

- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking;
- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (f) in compliance with the requirements of the Essex Region Conservation Authority and/or federal or provincial governments.

DESIGN GUIDELINES 6.10.4.4 When evaluating the proposed design of a Waterfront Residential development, consideration shall be given to the siting of the proposed building such that view lines are maintained to the water from adjacent properties and intersecting roads.

SITE PLAN CONTROL 6.10.4.5 Council shall require all residential development, exclusive of single and semi-detached dwelling units within areas designated as Waterfront Residential to be subject to site plan control.

6.10.5 Waterfront Port Policies

This land use designation is intended to provide the main locations for port related employment activities along the waterfront. The following policies provide for the control of development in these areas to minimize any potential hazards due to flooding or erosion, ensure compatibility with adjacent uses and to ensure that employment access to the waterfront is maintained.

PERMITTED USES 6.10.5.1 Uses permitted in the Waterfront Port land use designation include industrial and business uses which require direct water access, multi-modal transportation facilities, docking facilities or dry docks.

LOCATIONAL CRITERIA 6.10.5.2 Waterfront Port development shall be located where:

- (a) there is sufficient water frontage and depth to allow for required docking facilities;

- (b) there is access to an arterial road;
- (c) full municipal physical services can be provided;
- (d) waterfront port related traffic can be directed away from residential areas;
- (e) there is access to designated truck routes;
- (f) the waterfront port use can be sufficiently separated and/or buffered from sensitive land uses; and
- (g) public transportation service can be provided.

*EVALUATION
CRITERIA*

6.10.5.3

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Waterfront Port development is:

- (a) feasible having regard to the other provisions of this Plan, federal and provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a federal, provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off-street parking;

- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (f) is or will be in compliance with the requirements of the Essex Region Conservation Authority and/or the federal or provincial governments.

*DESIGN
GUIDELINES*

6.10.5.4

The following guidelines shall be considered when evaluating the proposed design of a Waterfront Port development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) buildings and structures proposed for port areas are designed and sited in such a way as to preserve some visual access to the water from roads in the adjacent area that parallel or terminate at the shoreline and at any waterfront vantage points;
- (c) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading, storage and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate.
- (d) motorized vehicle access is oriented in such a manner that industry related traffic will be discouraged from using Local Roads where other options are available;
- (e) pedestrian and cycling access is encouraged in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient;
- (f) loading bays and service areas are located as to avoid conflict between pedestrian circulation and service vehicles; and
- (g) the design of the development facilitates the maintenance of docking facilities.

6.10.5.5 Council will require all development within areas designated Waterfront Port to be subject to site plan control.

6.11 City Centre Planning District

The City Centre Planning District has a special position within Windsor. As the focus of major economic, social and cultural activities, the City Centre is the heart of Windsor. In addition, its function as an international gateway contributes to the City Centre’s role as a welcoming arrival point for visitors. To ensure that the City Centre prospers, Council will manage development to promote a diverse mixture of businesses, cultural venues, major government offices, residential neighbourhoods and entertainment venues.

This section of the Official Plan provides objectives and policies provide for the land use designations identified on Schedule E: City Centre Planning District and should be read in conjunction with the other parts of this Plan.

6.11.1 Objectives

<i>CONCENTRATION OF USES</i>	6.11.1.1	To encourage a concentration of government institutions, entertainment and retail uses, cultural venues, residences, business headquarters and related offices in the City Centre.
<i>RESIDENTIAL NEIGHBOURHOODS</i>	6.11.1.2	To foster livable residential neighbourhoods close to employment, shopping and entertainment opportunities.
<i>OPEN SPACE</i>	6.11.1.3	To enhance public and open spaces within the City Centre.
<i>REUSE OF BUILDINGS</i>	6.11.1.4	To promote the conservation and adaptive reuse of buildings within the City Centre.
<i>MEMORABLE CITY CENTRE</i>	6.11.1.5	To establish design guidelines to create an attractive and memorable City Centre.
<i>VIEWS & VISTAS</i>	6.11.1.6	To enhance views and vistas of the waterfront, Detroit skyline and key civic and heritage buildings within the City Centre.
<i>HUMAN SCALE</i>	6.11.1.7	To enhance the City Centre as a pedestrian friendly district.
<i>DISTINCT SUB AREAS</i>	6.11.1.8	To facilitate the development of a number of distinct sub areas, each with its own identity and character within the City Centre.
<i>THEME STREETS</i>	6.11.1.9	To designate key streets as pedestrian oriented theme streets and provide appropriate streetscaping.

<i>ACCESS</i>	6.11.1.10	To enhance pedestrian, cycling and public transportation access to and within the City Centre.
<i>TOURISM DESTINATION</i>	6.11.1.11	To strengthen the role of the City Centre as a major international gateway and tourism destination.

6.11.2 General Policies

<i>LOCATION</i>	6.11.2.1	The City Centre Planning District comprises approximately 231 hectares in the area bounded by the Detroit River on the north, Janette Avenue, the former the Canadian Pacific Railway Line and Salter Street on the west, Erie Street and Cataraqui Street on the south, and Howard Avenue and Marentette Street on the east.
<i>SCHEDULE E: CITY CENTRE PLANNING DISTRICT</i>	6.11.2.2	<p>The following City Centre designations shall be identified on Schedule E: City Centre Planning District:</p> <ul style="list-style-type: none"> (a) Residential; (b) Entertainment/Hospitality; (c) Major Institutional; (d) Waterfront Recreation; (e) Public Open Space; (f) Mixed Use; (g) Business Park; (h) Low Profile Area; (i) Medium Profile Area; (j) High Profile Area; and (k) Very High Profile Area.
<i>GATEWAYS</i>	6.11.2.3	<p>Council will promote the development of gateways into the City Centre at the locations identified on Schedule G: Civic Image. These gateways will be designed to:</p> <ul style="list-style-type: none"> (a) provide a sense of welcome and arrival into the City Centre;

		(b) create an attractive and memorable image of the City Centre;
		(c) incorporate appropriate landscaping and public art features; and
		(d) incorporate the City Centre name and logo.
<i>URBAN FOREST</i>	6.11.2.4	Council shall encourage the provision of trees within the City Centre Planning District.
<i>LANDSCAPING OF VACANT SITES</i>	6.11.2.5	Council shall require vacant lands within the City Centre be landscaped for the interim period between the demolition of an existing structure and the construction of any new structure, if such construction is not imminent.
<i>TEMPORARY SURFACE PARKING</i>	6.11.2.6	Notwithstanding policy 6.11.2.5, Council may permit temporary surface parking on vacant sites provided that: <ul style="list-style-type: none"> (a) there is satisfactory evidence to support the demand for additional temporary surface parking in the City Centre; (b) the visual appearance of such facilities is enhanced and screened through the use of substantial vegetation and other appropriate landscaping measures as described in the Urban Design chapter; and (c) such sites are not located adjacent to a designated Theme Street.
<i>LONG TERM PARKING AREAS</i>	6.11.2.7	Council will encourage long term parking areas to be incorporated within new development either above or below grade, so as to minimize the amount of surface parking in the City Centre Planning District.
<i>TRANSPORTATION SYSTEM</i>	6.11.2.8	Council will manage the transportation system in the City Centre Planning District in accordance with the Infrastructure chapter of this Plan.
<i>ADULT ENTERTAINMENT PARLOURS</i>	6.11.2.9	Council shall not permit adult entertainment parlours in any land use designation identified on Schedule E: City Centre Planning District.

VICTORIA AVENUE HERITAGE AREA 6.11.2.10 Council will encourage any development or infrastructure undertaking within the Victoria Avenue Heritage Area located south of Wyandotte Street to respect and, where possible, enhance the historic character of the area. Accordingly any development shall be encouraged to be of compatible height, massing, scale, setback and architectural style.

6.11.3 Development Profile Area Policies

DEVELOPMENT PROFILE AREA DEFINED 6.11.3.1 For the purpose of this Plan, the development profile areas designated on Schedule E: City Centre Planning District establish the maximum height for buildings within distinct sub-areas of the City Centre. Accordingly, the following development profile areas apply to lands within the City Centre Planning District:

- (a) Low Profile Area where development is generally no greater than three (3) storeys in height;
- (b) Medium Profile Area where development is generally no greater than six (6) storeys in height;
- (c) High Profile Area where development is generally no greater than fourteen (14) storeys in height; and
- (d) Very High Profile Area where development is generally greater than fourteen (14) storeys in height.

WATERFRONT RECREATION PROFILE 6.11.3.2 Notwithstanding policy 6.11.3.1, any development on the lands designated Waterfront Recreation on Schedule E: City Centre Planning District shall generally not exceed the height of the crown of the pavement of Riverside Drive.

GRADUAL BUILDING HEIGHT TRANSITION 6.11.3.3 Notwithstanding the development profile areas designated on Schedule E: City Centre Planning District and defined in policy 6.11.3.1 above, Council will encourage the gradual transition of building heights on the edges of a defined development profile area to blend proposed development with the buildings in the adjacent development profile area(s).

FACADE SETBACK 6.11.3.4 Council shall encourage all Medium, High and Very High Profile developments to setback any storeys above three (3) storeys in height away from the road frontage to provide sunlight access, manage wind conditions and enhance the pedestrian scale of the City Centre Planning District.

6.11.4 Mixed Use Policies

*PERMITTED
USES*

- 6.11.4.1 Uses permitted in the Mixed Use land use designation identified on Schedule E: City Centre Planning District include:
- (a) in the areas also designated Medium Profile Area retail and service commercial establishments, offices, culture, entertainment and open space uses, and residential uses; and
 - (b) in the areas also designated High or Very High Profile Area retail and service commercial establishments, offices, cultural, entertainment and open space uses, and residential uses, exclusive of small scale Low Profile housing development as defined in policy 6.3.2.3(a).

*EVALUATION
CRITERIA*

- 6.11.4.2 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development within the City Centre Planning District is:
- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to heritage resources.
 - (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
 - (c) capable of being provided with full municipal physical services;
 - (d) provided with adequate off street parking;

- (e) compatible with the surrounding area in terms of scale, massing, height, siting, setbacks, parking and landscaped areas; and
- (f) provided with residential uses above-grade, where appropriate.

*DESIGN
GUIDELINES*

6.11.4.3

The following guidelines shall be considered when evaluating the design of a proposed Mixed Use development in the City Centre Planning District:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass and scale of buildings, and the extent to which their orientation, form, and siting help to achieve a compact urban form;
- (c) at least one building wall is located on an exterior lot line;
- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties will generally be discouraged and encouraged via a rear yard service road or alley;
- (f) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (g) the public right-of-way should be designed to foster unique area identity and to provide for vehicle use, efficient public transportation service as well as pedestrian and cycling travel; and
- (h) integration of the development with the surrounding uses to contribute to the unique character of the area.

*SITE PLAN
CONTROL*

6.11.4.4

Council shall require all Mixed Use development within the City Centre Planning District to be subject to site plan control.

REDUCED PARKING REQUIREMENT 6.11.4.5 Council may establish off street parking standards for Mixed Use development in the City Centre Planning District to reflect public transportation supportive designs or shared parking arrangements.

6.11.5 Residential Policies

PERMITTED USES 6.11.5.1 Uses permitted in the Residential land use designation identified on Schedule E: City Centre Planning District include:

- (a) in areas also designated as Low Profile Area single detached, semi-detached, duplex, and row and multiplex dwelling units with up to 8 units; and
- (b) in areas also designated as Medium or High Profile Area dwelling units, preferably over 8 units.

ANCILLARY USES 6.11.5.2 In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods within the City Centre by permitting the following ancillary uses in areas designated as Residential on Schedule E: City Centre Planning District without requiring an amendment to this Plan:

- (a) home based occupations subject to the provisions of policy 6.3.2.7;
- (b) Public Open Space uses subject to the provisions of section 6.7.3; and
- (c) Minor Institutional uses subject to the provisions of section 6.6.

EVALUATING PROPOSALS 6.11.5.3 At the time of submission, residential development proposals in areas designated as Residential on Schedule E: City Centre Planning District shall be evaluated according to policy 6.3.2.5.

6.11.6 Public Open Space Policies

PERMITTED USES 6.11.6.1 Uses permitted in the Public Open Space designation identified on Schedule E: City Centre Planning District include recreation and leisure activities and facilities.

EVALUATION CRITERIA 6.11.6.2 At the time of submission, Public Open Space proposals in the City Centre Planning District shall be evaluated according to section 6.7.3 of this Plan.

ACQUISITION 6.11.6.3 Council may acquire lands for Public Open Space purposes in accordance with section 6.7.3 of this Plan.

6.11.7 Waterfront Recreation Policies

PERMITTED USES 6.11.7.1 Uses permitted in the Waterfront Recreation land use designation identified on Schedule E: City Centre Planning District include recreation and leisure activities and facilities and marinas for pleasure craft.

EVALUATION CRITERIA 6.11.7.2 Council will evaluate proposals for Waterfront Recreation development according to section 6.10 of this Plan.

6.11.8 Entertainment/Hospitality Policies

PERMITTED USES 6.11.8.1 Uses permitted in the Entertainment/Hospitality land use designation identified on Schedule E: City Centre Planning District include entertainment, hotel and service oriented uses.

EVALUATION OF PROPOSALS 6.11.8.2 At the time of submission, entertainment/hospitality development proposals in the City Centre Planning District shall be evaluated according to the Commercial Centre policies obtained in section 6.5.

DESIGN GUIDELINES 6.11.8.3 The following guidelines shall be considered when evaluating the proposed design of Entertainment/Hospitality development in the City Centre Planning District:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the development design is such that it encourages and facilitates interaction between the Entertainment/Hospitality use and the surrounding uses and enhances the role of the City Centre Planning District as the heart of Windsor and the visual symbol of the entire community;
- (c) the development design accommodates pedestrian movement within the site, into and out of the site, and between the site and existing or future public pedestrian system(s) in a manner that is distinguishable from the access provide to vehicles and which is safe, convenient and aesthetically pleasing;

- (d) the development design provides a continuous street presence by the clustering of individual business entrances at the street level and sidewalk ensuring a pedestrian orientation;
- (e) the provision of appropriate landscaping or other buffers to enhance:
 - (i) all parking lots, and outdoor loading and service areas; and
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate; and
- (f) loading facilities and service areas are located to avoid conflict between pedestrian circulation and service vehicles.

SITE PLAN CONTROL 6.11.8.4 Council will require all Entertainment/Hospitality development within the City Centre Planning District to be subject to site plan control.

6.11.9 Major Institutional Policies

PERMITTED USES 6.11.9.1 Uses permitted in the Major Institutional land use designation identified on Schedule E: City Centre Planning District include municipal, provincial and federal government functions.

MINOR INSTITUTIONAL USES 6.11.9.2 Council may permit Minor Institutional uses as defined in Section 6.5 of this Plan in Residential areas within the City Centre Planning District subject to policy 6.11.5.2.

6.11.10 Business Park Policies

PERMITTED USES 6.11.10.1 Permitted uses in the Business Park designation identified on Schedule E: City Centre Planning District include those permitted uses as defined in policy 6.4.4.1.

EVALUATION CRITERIA 6.11.10.2 At the time of submission, Business Park proposals within the City Centre Planning District shall be evaluated according to section 6.4.4 of this Plan.

6.11.11 Theme Street Policies

DESIGNATED THEME STREETS 6.11.11.1 Portions of Ouellette Avenue, Park Street, Pelissier Street, Riverside Drive, Wyandotte Street, University Avenue, Pitt Street and Chatham Street are designated Theme Street on Schedule G: Civic Image (City Centre Inset).

Council will provide for the enhancement of designated Theme Streets by:

- (a) promoting a diverse mixture of commercial, residential and other appropriate uses;
- (b) enhancing the public rights-of-way with appropriate and consistent soft and hard landscaping elements such as special lighting, street trees and other vegetation, street furniture and public art;
- (c) protecting and enhancing significant views along public rights-of-way;
- (d) protecting and enhancing heritage resources;
- (e) encouraging the provision of outdoor amenities such as sidewalk restaurant patios and retail display areas;
- (f) encouraging provision of building and streetscaping elements which provide shelter from inclement weather; and
- (g) improving the pedestrian scale along the street through development guidelines and streetscaping.

6.12 Windsor Airport

(added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

The Windsor Airport is an important component of the City's transportation and economic system, linking the movement of goods and people. It is utilized by a wide spectrum of aircraft which serve both passenger and freight customers, including the automotive industry. Protection of the Windsor Airport from incompatible uses is essential to minimize future conflicts between the airport and surrounding land uses.

The following objectives and policies establish the framework for development decisions in the Airport designation.

6.12.1 Objectives

- 6.12.1.1 To recognize and strengthen the airport's role in the City of Windsor as an important component of the transportation system.
- 6.12.1.2 To provide for suitable groundside and airside uses and services.
- 6.12.1.3 To minimize the potential for conflicting or incompatible land uses.

6.12.2 Policies

- 6.12.1.1 Uses permitted in the Airport land use designation identified on Schedule D: Land Use are as follows:
 - (a) Civilian or military airport
 - (b) Airport terminal facilities and communications structures
 - (c) Uses permitted in Employment Areas, as described by Section 6.4, provided that they do not conflict with aircraft operations
 - (d) Hotels and related commercial uses
 - (e) Other uses in accordance with the Windsor Airport Master Plan, Land Use and Reserve Land Plan, as amended from time to time.

6.13 Future Growth Areas

(added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

Sufficient land must be set aside to accommodate the needs of future population and employment growth in the City of Windsor. In order to meet these future growth needs, the Official Plan identifies two designations, Future Urban Area and Future Employment Area, on Schedule D. These designations have been established based on a comprehensive review of future population, household and employment projections and are intended to identify the general locations and area requirements set aside to accommodate growth over the twenty year planning horizon.

Future Urban Area and Future Employment Area designations primarily apply to large, generally undeveloped and unserviced areas that are expected to be developed within twenty years. Although it is recognized that these areas are intended for development, it is important that more detailed planning relating to the specific configuration and location of various land uses, road systems and servicing infrastructure be undertaken prior to proceeding with development. Additional policies pertaining to interim uses for agricultural areas are contained in Volume 2: Special Policy Areas and Secondary Plans.

6.13.1 Objectives

- 6.13.1.1 To recognize that these designations are intended for future development to accommodate projected growth in the City of Windsor.
- 6.13.1.2 To identify the general preferred location for future residential and employment development.

6.13.2 General Policies

- 6.13.2.1 Permitted uses in the Future Urban Area and Future Employment Area designations will be limited and will primarily be based on those uses existing at the time of their inclusion in the City of Windsor Official Plan.
- 6.13.2.2 Permitted uses in the Future Urban Area and Future Employment Area designations are as follows, provided that they do not jeopardize plans for future development:
 - (a) Uses existing prior to their redesignation to Future Urban Area or Future Employment Area in this Plan.

- (b) Agricultural uses in accordance with the Agricultural Transition Area policies contained in Volume 2: Special Policy Areas & Secondary Plans.
- (c) Forestry and conservation uses.
- (d) Public utilities

- 6.13.2.3 Council may redesignate Future Urban Areas and Future Employment Areas to alternative land use designations by amendment to the Official Plan. It is intended that this generally occur through the completion of Secondary Plans undertaken in accordance with the policies contained in Section 11.3 of this Plan.
- 6.13.2.4 Council may designate new Future Urban Areas and Future Employment Areas where it has been determined by the appropriate studies that additional lands are warranted to meet the projected residential and employment needs of the City.
- 6.13.2.5 Redesignation of Future Urban Areas and Future Employment Areas will require that municipal servicing be available or planned for the area.
- 6.13.2.6 Logical phasing of Future Urban Areas and Future Employment Areas is necessary to ensure efficient and cost-effective physical servicing of future growth and development. Phasing of development will be consistent with Master Servicing Studies or other applicable servicing studies completed by the City of Windsor, as amended from time to time.
- 6.13.2.7 Phasing for physical servicing of Future Urban Areas and Future Employment Areas in the eastern part of the City will generally follow the sequencing and estimated timeframes identified on Schedule H and further described as follows:
- (a) Development Specific: Expansion of physical services for the Future Employment Area adjacent to the Windsor Airport north of County Road 42 and west of Lauzon Parkway.
 - (b) Phase 1: 2007 to 2010 for lands bound by EC Row Expressway, Banwell Road, CP Railway and former City of Windsor boundary,

- (c) Phase 1: 2007 to 2010 for approximately 110 hectares of land immediately east of the 7th Concession north of Highway 401 and south of Baseline Road,
- (d) Phase 2: 2010 to 2014 for lands generally bound by the CP Railway, Lauzon Parkway, County Road 42 and the easterly limits of the City,
- (e) Phase 3: 2014 to 2017 for lands extending from County Road 42 to south of Baseline Road to the east limits of the City of Windsor,
- (f) Phase 4: Beyond 2017 for lands remaining north of Highway 401, to the eastern City boundary.

6.13.2.8 Notwithstanding the general phasing sequence identified on Schedule H and in Section 6.13.2.7, it is not the intent of this Plan to extend physical services if redesignation and development of Future Urban Areas and Future Employment Areas is not expected to occur in a reasonable timeframe.

6.13.2.9 Council may amend the phasing sequence and location of physical services for identified on Schedule H and in Section 6.13.2.7 on the basis of the demands of actual growth, capital budgets or other more detailed servicing studies.

6.3.13.10 Provision and extension of all physical services to Future Urban Areas and Future Employment Areas shall be in accordance with the policies contained in Section 7 of this Plan.

6.3.13.11 Approval to initiate Secondary Plans within Future Urban Areas and Future Employment Areas will be considered on the basis of the following:

- (a) Physical servicing for the area proposed for the Secondary Plan is available or planned within a reasonable time frame, in accordance with the Services Phasing Plan contained in Section 6.13.2.6 and identified on Schedule H, or as otherwise amended by appropriate master servicing studies;
- (b) The area to be planned represents a logical extension of growth for the City of Windsor, does not constitute ‘leap-frog’ development, and can appropriately integrate existing development;

- (c) For Future Urban Areas, where the area is of a sufficient size to provide for a complete community, incorporating a full range of housing and supportive uses such as schools, parks, neighbourhood commercial and institutional;
- (d) For Future Employment Areas, where the area is of a sufficient size to accommodate a range of employment uses;
- (e) The area can be adequately accessed from and integrated with the existing or planned transportation network;
- (f) Consideration of the cost implications to the City of Windsor for the provision of physical services, transportation and community services required for development of the area.

6.13.3 Future Urban Area Policies

- 6.13.3.1 Lands within the Future Urban Area designation shall generally develop for Residential uses but will also include associated community supportive uses such as parks and open space, institutional, commercial and small-scale employment upon completion of Secondary Plans and other appropriate studies relating to servicing, transportation, stormwater management, Class Environmental Assessment as required by this Official Plan.
- 6.13.3.2 Future Urban Areas shall develop on full municipal physical services.
- 6.13.3.3 Exceptions to full servicing will only be permitted in situations where a new dwelling is constructed on an existing lot, where residential zoning existed prior to redesignation to Future Urban Area, with the understanding that such dwellings will connect to full municipal services when available with costs of connection to be borne by the property owner.

6.13.4 Future Employment Area Policies

- 6.13.4.1 The Future Employment Area designation is intended to accommodate future Industrial and Business Park designations.

- 6.13.4.2 Redesignation or development of Future Employment Areas shall require completion of Secondary Plans and other appropriate studies relating to physical servicing, transportation, Class Environmental Assessment or others as required by this Official Plan.
- 6.13.4.3 Council may consider site-specific Official Plan Amendments for a Future Employment Area without requiring a Secondary Plan provided the proposed development is of a large-scale, single use nature such as a multi-modal transportation facility or large manufacturing plant. Site specific exceptions will only be considered where all studies relating to physical servicing, transportation, environmental evaluation or others as required by this Plan are completed as part of an alternative planning process and where the absence of a Secondary Plan will not jeopardize the orderly planning and development of the site or surrounding lands.
- 6.13.4.4 Future Employment Areas shall develop on full municipal physical services in accordance with the policies contained in Section 7.3 of this Plan.
- 6.13.4.5 Exceptions to the requirement for full municipal physical services in Future Employment Areas will only be considered where commercial or employment designations or uses were in existence prior to their designation as a Future Employment Area and where it can be demonstrated that:
- (a) The proposed use is “dry” in nature;
 - (b) There are no other viable options for connections to municipal servicing and full physical services are not anticipated in a reasonable timeframe
 - (c) On-site servicing will not jeopardize the provision of full municipal serving in the future or conflict with the City’s long-term servicing strategy;
 - (d) The proposed on-site servicing complies with all applicable regulations and standards;
 - (e) The property owner agrees to connect to full physical services when they are available and in accordance with applicable City policies regarding costs of servicing