

# MUNICIPALITY OF LEAMINGTON AGENDA



## PUBLIC MEETING

Official Plan Amendment # 1  
Housekeeping Amendment

MONDAY, AUGUST 24, 2009  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS

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### ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting  
Pages 2-3
2. Report PLA 17/09 dated June 10, 2009 re: Leamington Official Plan Amendment #1 -  
Review and Update on Various Housekeeping Matters  
*(For Reference Only - Previously considered at the June 15, 2009 Council Meeting)*  
Pages 4-8
3. Correspondence from Process Planning Associates Inc. dated July 31, 2009 re: Official  
Plan Update (2<sup>nd</sup> Draft)  
Pages 9-10

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## NOTICE OF OPEN HOUSE AND PUBLIC MEETING

### OFFICIAL PLAN AMENDMENT #1 - HOUSEKEEPING AMENDMENTS

## THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

TAKE NOTICE that the Council of The Corporation of the Municipality of Leamington will hold the following informal public open house and a statutory public meeting concerning the proposed Official Plan Amendment #1 under the provisions of Section 22 of the *Planning Act, R.S.O. 1990*.

### OPEN HOUSE

An informal public opportunity to review and ask questions about the proposed amendment with staff and the consultant.

**Date & Time:** Monday, August 24, 2009 from 2:00 p.m. to 6:00 p.m.

**Location:** Council Chambers at the Municipal Building

### PUBLIC MEETING

A public opportunity to make formal representation to Council regarding the proposed amendment.

**Date & Time:** Monday, August 24, 2009 at 7:00 p.m.

**Location:** Council Chambers at the Municipal Building

The purpose of an Official Plan is to provide direction for future land use and resource management throughout the entire Municipality. The Official Plan designates all lands for intended future land use such as Agricultural, Residential, Industrial, etc. In addition, the Official Plan establishes the land division policies and servicing requirements for the entire municipality. The document also includes policies of a more general nature such as flood proofing requirements and heritage conservation, which would apply to all lands regardless of their land use designation.

**THE PURPOSE AND EFFECT** of the proposed Official Plan Amendment #1 is to review and update the Leamington Official Plan, as approved on February 5, 2008, ensure the Official Plan appropriately takes into account recent amendments to the Planning Act. The changes proposed by Official Plan Amendment #1 include expanding the scope of community improvement plans, reviewing urban design guidelines, developing requirements for applications to be deemed complete, creating provisions for second suites, identifying potential energy exemption and enhancing public information sessions. The review also includes the review of goals and objectives, future development areas, natural heritage mapping, severance policies and uptown policies.

The Official Plan Amendment #1 applies to the entire Municipality of Leamington and includes the consolidation of the former Town of Leamington and the former Township of Mersea Zoning By-laws, and therefore no key map is provided.

**ANY PERSON** may attend the open house and/or the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan Amendment #1.

**Comments must be submitted to the Municipality of Leamington no later than Monday, August 24<sup>th</sup>, 2009.**

If you wish to be notified of the adoption of the proposed Official Plan Amendment #1, or of the refusal of a request to amend the Official Plan, you must make a written request to The Corporation of the County of Essex, attention Mr. William King, Manager of Planning Services, 360 Fairview Avenue West, Essex, ON, N8M 1Y6, telephone (519) 776-6441.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Essex before the proposed Official Plan Amendment #1 is adopted, the person or public body is not entitled to appeal the decision of the County of Essex to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the County of Essex before the proposed Official Plan Amendment #1 is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to add the person or public body as a party.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, 38 Erie Street North, during regular office hours. The Official Plan Amendment #1, along with an associated Position Paper, is available on the website located at [www.learmington.ca](http://www.learmington.ca). Please contact Tracey Pillon-Abbs, Manager of Planning Services for further information ([tpillon-abbs@learmington.ca](mailto:tpillon-abbs@learmington.ca)).

**DATED** at the Municipality of Leamington this 24<sup>th</sup> day of June 2009.

**BRIAN R. SWEET, CLERK  
MUNICIPALITY OF LEAMINGTON  
38 ERIE STREET NORTH  
LEAMINGTON, ONTARIO N8H 2Z3  
TELEPHONE: (519) 326-5761  
FAX: (519) 326-2481**

## REPORT

**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES**

**DATE: JUNE 10, 2009**

**SUBJECT: LEAMINGTON OFFICIAL PLAN AMENDMENT #1  
REVIEW AND UPDATE ON VARIOUS HOUSEKEEPING MATTERS  
WORKPLAN UPDATE AND CONSULTATION LAUNCH**

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### **AIM:**

To report upon an update on the work plan, on behalf of Jones Consulting Group Ltd, to complete the tasks required to review and update the Leamington Official Plan and to launch the consultation process for Official Plan Amendment #1.

### **BACKGROUND:**

The Leamington Official Plan was adopted by Council on September 10, 2007 and approved by the County of Essex on February 5, 2008.

At the time of adoption of the Leamington Official Plan, Council requested an opportunity to review the Official Plan for possible housekeeping amendments. In addition, there are various Bill 51 requirements that are required to be included. Further, as the Interim Control By-law has now lapsed regarding Wind and Alternative Energy Projects, policies need to be developed.

Jones Consulting Group Ltd was hired to complete the Official Plan Amendment (OPA#1) review and update of various housekeeping matters.

The purpose of an Official Plan is to provide direction for future land use and resource management throughout the entire restructured municipality. The Official Plan designates all lands for intended future land use such as Agricultural, Residential, Industrial, etc.

In addition, the Official Plan establishes the land division policies and servicing requirements for the entire municipality. The document also includes policies of a more general nature such as flood proofing requirements and heritage conservation, which would apply to all lands regardless of their land use designation.

The Official Plan is intended to provide direction pertaining to planning and development for the next 20 years and is to be reviewed every 5 years. The Official Plan review and update will be undertaken in four stages. The stages include; project start up and initiation, a position paper, policy formulation and public meetings and finalization of policies and schedules.

An open meeting was held with Council and the Consultant on November 10, 2008 to discuss what housekeeping amendments were necessary for review and update. This was a valuable working session and suggestions and comments of Council were made.

A Position Paper dated December 22, 2009 was presented to Council by the Consultant at a regular meeting of Council on January 12, 2009. The Paper was an assessment of the review and updates that were required to be addressed. The paper was also circulated to commenting

agencies, stakeholders and made available on the website for general comments. The following comments were received in response to the circulation of the Position Paper. A Brief response to the comments is provided in italics.

**1. Greater Essex County District School Board**

- Support the recommendation to require infill residences to be compatible with the older established residential neighbourhoods. The GECDSB is of the opinion that the current zoning by-law lacks appropriate setback and buffer requirements between industrial and institutional uses.  
*Response:* New policies have been added to the Official Plan relating to compatibility and urban design guidelines.
- Request a proposed setback of 600 metres between medium and large scale renewable energy facilities and sensitive land uses. GECDSB states that Lakeshore, Kingsville and Essex have included these in local policies and zoning regulations.  
*Response:* The Green Energy Act exempts renewable energy projects from the Planning Act.
- Support inclusion of provisions in the Zoning By-law relating to material and outdoor storage for biomass energy systems.  
*Response:* The Green Energy Act exempts renewable energy projects from the Planning Act.
- Will monitor the areas designated 'Future Development'.
- GECDSB requests that schools be exempt from parkland dedication or cash-in-lieu payment as their lands provide active recreation and parkland and are often available for after-hours municipal and public use through joint-use agreements.  
*Response:* Where a school site has been created as part of a plan of subdivision, the parkland dedication would have already been made so an additional dedication or payment would not be required. No policy change is recommended.

**2. Essex Powerlines Corporation**

- Electricity generation projects will require building of new transmission and distribution infrastructure which may include many kilometers of overhead lines which will impact the landscape of Municipal Roads. Typically underground lines are not of sufficient size to maintain generation so they would need to be overhead.  
*Response:* The policies concerning electrical transmission and distribution have been update to require, where feasible, the development of new facilities along public right-of-ways below grade and/or co-located within existing infrastructure.

**3. Windsor Flying Club**

- Request a new requirement in the site plan checklist stating "Is the turbine cited to avoid interference with aircraft movements on nearby airstrips".  
*Response:* The Green Energy Act exempts renewable energy projects from the Planning Act.

**4. Essex Region Conservation Authority**

- Support the concept of Conditional Zoning.  
*Response:* The Province has indicated that policies concerning Conditional Zoning are not to be included in Official Plans until such time as the implementing regulation is released.
- Request that studies required in support of an application be approved prior to the submission of planning applications.

*Response:* The approval of the studies should occur in concert with the review of an application as they are linked together. It is not feasible to obtain approval of studies before a land use application has been received.

- All woodlands 2 hectares or greater are considered significant based on the Provincial Policy Statement. In addition, these woodlands should not be designated Open Space. ERCA provided updated mapping of the woodlots.

*Response:* All woodlots 2 hectares or greater have been designated “Natural Environment” on Schedule A.

- Offer their assistance to identify and designate locally significant natural heritage features.

*Response:* Council considered this in January 2009 and decided not to pursue this at this time.

- Support acquisition of additional public open space. Suggest a glossary of terms be provided in the OPA to clearly understand what is meant by both active and passive recreational interests.

*Response:* We recommend that the common dictionary definition of active and passive is suitable for understanding the difference between these terms.

- Request the inclusion of surface water features on the Official Plan schedule.

*Response:* Layers were provided from ERCA and we included these as natural heritage lands on Schedule A.

- Request text changes to the OP as provided previously under separate cover.

*Response:* Where appropriate, changes have been made to the Official Plan.

- Request that an Official Plan Amendment exercise be undertaken to implement the Sustainable Management Strategy for southeast Leamington.

*Response:* This is a stand alone OPA that will be undertaken in the future.

#### 5. David A. kraus

- Requests that Council support proposals for wind turbines.

*Response:* The Green Energy Act exempts renewable energy projects from the Planning Act.

On April 2, 2009 the first draft of the Official Plan changes were presented to the Director of Development Services. The changes incorporated the comments received from the Position Paper. Minor suggestions and recommendation were sent by Administration to the Consultant and has been incorporated into the second draft, dated May 21, 2009 (see attached). The following highlights the changes to the Official Plan.

- Update the Plan to reflect the changes to the Planning Act (Bill 51) including:
  - i) Expand the CIP policies to include provisions from Bill 51.
  - ii) Require mandatory pre-consultation prior to the submission of development applications.
  - iii) Include a list of potentially required studies for new development applications.
  - iv) New policies for ‘Second Suites’ has been added to allow for residential conversion in existing dwelling units.
  - v) Include policies permitting second suites in detached, semi-detached and row houses. In addition, Section 2.28 was added relating to Garden Suites to avoid confusion with ‘Second Suites’ and to remain consistent with the Municipality’s new Zoning By-law.
- Update the Purpose/Goals and policies as follows:
  - i) Enhance Purpose section of the OP to include economic development, sustainable development practices, promotion of renewable and alternative energy systems, intensification, redevelopment and efficient use of land.
  - ii) Restricting severances in Rural Residential areas to infilling.

- iii) Define boundaries of all settlement areas on the land use schedule and encourage mixture of land uses and efficient use of land and services.
  - iv) Encourage unique commercial formats in the Recreational Commercial areas that provide good local employment opportunities.
  - v) Requiring innovative sustainable and energy conservation building practices and design, as well as establishing Urban Design Guidelines.
  - vi) Protect cultural heritage landscapes and built heritage resources.
- Revise the Severance Policies:
    - i) Restricting agricultural severances that would result in creating a retained parcel less than 10 hectares in size as part of a surplus dwelling lot.
    - ii) Restricting severances that would 'round-out' rural residential areas (Hamlets).
    - iii) Restrict severances where private services cross lot lines.
  - Include new Uptown Policies that:
    - i) Encourage residential uses in the Uptown Commercial District.
    - ii) Reference the role of Community Improvement Plans.
    - iii) Designate the Community Improvement study area for the Uptown Commercial District.
    - iv) Expand the scope of site plan control to include architectural/urban design criteria.
  - Revise the electrical transmission/distribution policies and create a new section entitled Energy Generation Systems including:
    - i) Update language pertaining to transmission and distribution facilities (Section 2.9).
    - ii) Removal of Section 2.26 relating to Wind Energy and Renewable Energy Systems.
    - iii) Creation of a new Section 2.11 Energy Generation Systems that details policies for conventional energy system and renewable energy systems. Please note that due to the recent passage (although not yet Proclaimed) of Bill 150, The Green Energy Act, local policies have not been included in the OP Update relating to renewable energy facilities, and instead references to the County policies and Bill 150 have been included.
  - Address MNR & ERCA text and schedule changes. Included in these changes was the addition of surface water features that contain fish habitat as provided by ERCA. These areas have been designated as 'Natural Environment' on Schedule A.
  - Designate two areas as "Future Development" including lands fronting onto Fraser Road and lands north of Mersea Road 3. Policies outlining permitted uses and future re-designation are provided in new Section 3.8.
  - Update the Open Space and Recreation Section 3.7 as follows:
    - i) Maintain the ability to accept cash-in-lieu of parkland for smaller projects.
    - ii) Create policy that differentiates parkland from non-parkland areas.
    - iii) Create policy (as per Parkland Development Policy Report) listing the standard condition of parkland conveyances.
    - iv) Continue to require cash-in-lieu of parkland dedications for all commercial, industrial, and institutional development.
  - Add new definitions for 'Community Improvement', 'Community Improvement Plan', 'Community Improvement Project Area', 'Conventional Energy System', 'Garden Suite', and 'Second Suites'.

## CONCLUSION

Council is now in a position to receive the May 21, 2009 draft Official Plan Update for review and comments. The next step is to launch the consultation process which is a statutory requirement under the *Planning Act*.

It is proposed that the Consultant have an informal Open House on August 24, 2009 from 2pm to 6pm. After which, a formal Public Meeting will be held at 7pm during a regular meeting of Council. On August 25, 2008, the Consultant will attend an open informal Council Session from 9am to 11am to discuss the outcome of the Open House and Public Meeting and review how Council would like to move forward on the policies. The deadline for comments to the Consultant on the draft OPA #1 from the public and stakeholders will be August 24, 2009.

Notice will be published in the newspaper inviting people to attend and provide comments on the draft document. Copies of the draft by-law will also be made available for review at the front counter of Town Hall and on the website.

After the Open House and Public Meeting, final changes will be made to the Official Plan and will be presented to Council for review. Council will then be able to consider adopting the Official Plan.

Notice of adoption will be published in the newspaper and sent to those who have requested notice in writing. The Official Plan will then be sent to the County of Essex for final approval. Once the County of Essex approves the Official Plan, there will be a 20 day appeal period. If there are any objections, appeals would be heard by the OMB.

## RECOMMENDATION:

That Council receives the information regarding the update on the work plan for the review and update the Leamington Official Plan, as outlined in report PLA 17/09;

AND that Council receives the Draft Official Plan Amendment #1, dated May 21, 2009;

AND that Administration is directed to schedule an Open House on August 24, 2009 from 2pm to 6pm, a Public Meeting on August 24, 2009 at 7pm and an open Council Session on August 25, 2009 from 9 am to 11am.

Respectfully submitted,

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Tracey Pillon-Abbs,  
Manager of Planning Services

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Douglas Morrish,  
Director of Development Services

/tpa

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ATTACH.

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**Process Planning Associates Inc.**

Department of Development Services  
Municipality of Leamington  
38 Erie Street North  
Leamington, ON N8H 2Z3

31 July 2009

Attention: Tracey Pillon-Abbs, BES, MCIP, RPP, ACST  
Manager of Planning Services

Dear Ms Pillon-Abbs:

**Re: Official Plan Update (2<sup>nd</sup> Draft)**

Our firm is writing as agent for the Greater Essex County District School Board (GECDSB) with respect to this matter. We wish to thank-you for forwarding a notice for our information and want to provide the following comments:

**Subsection 2.25 Wayside Pits & Quarries, Portable Asphalt and Concrete Plants**

The latter uses are to be permitted for a public road authority or its agent in the Agricultural designation and Extractive Industrial Overlay areas without either official plan or zoning by-law amendment but subject to certain conditions. *We would request that clause b) requiring a 400 m separation from an existing residence be expanded to apply to "any existing sensitive land use" as defined in the Official Plan Section 8 Definitions.* This would include schools, day cares or other similar facilities that would be negatively impacted by these facilities.

**Subsection 3.2.2 Residential Policies**

We support the permissive policies and criteria for schools and institutional uses and *note that clause m) should refer to the criteria contained in the renumbered 2.12 rather than 2.11.*

**Subsection 3.6.3 Business Park**

We confirm and support that the special buffer and separation provisions applying to the Mount Carmel/Blytheswood Public School remain included and unchanged.

**Subsection 3.7.2 h) Open Space & Recreation**

Currently requires cash-in-lieu of parkland payment for all institutional development. It is not clear whether this only applies in the case of lot division or also at the building permit stage in the case of an addition or redevelopment on an existing lot. This may require review of the Town by-law pursuant to Section 42 of the Planning Act. *This policy needs clarification. We maintain that a School Board project should be exempt from parkland dedication requirements as it is under municipal development charges. School sites should be exempt as they provide active recreation and parkland and often are available for after hours municipal and public use through joint use agreements as promoted (and supported by the School Board) in clause m) of these policies.*

**Subsection 3.8 Future Development**

The School Board supports the policies for these blocks of undeveloped land and in particular the requirement that Secondary Plans be developed before any proposals for development can proceed. We note 3.8.2 h) iii) that contemplates "complete communities" including supportive uses such as schools, parks, etc. We will monitor development of such Secondary Plans and related servicing plans and the projected impact on area schools and future accommodation requirements.

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**Subsection 4.9 Schools**

*The Greater Essex DSB now has six elementary schools arising from the consolidated Mount Carmel/Blytheswood Public School. As the information in Table 4.1 is now quite dated we would recommend at the very least its deletion, or if preferred, current capacity and enrolment information can be supplied.*

**Subsection 7.24 Urban Design Guidelines**

We support inclusion to encourage better more integrated design of private and public facilities – in particular under clause d) Open Spaces - enhanced access and interconnections between parks and schools and linkages of trail systems, sidewalks and schools to encourage walkers.

We would appreciate the opportunity to discuss these comments further with municipal staff and the consultant.

**We also request notice of any further action or decision on this official plan amendment.**

Yours very truly,



Peter C. Neice, MCIP, RPP  
President

Copy to: P. Allen, Superintendent of Business  
W. Kennedy, Director of Education  
T. Lyons, Superintendent for Accommodation Planning