TOWN OF KINGSVILLE
REGULAR MEETING OF COUNCIL
AGENDA

Monday, April 24, 2023, 6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

View Livestream at the time of the proceedings at https://www.kingsville.ca/livestream

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk at pparker@kingsville.ca

Pages

A. CALL TO ORDER

B. LAND ACKNOWLEDGEMENT

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomie and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would like to acknowledge other nearby First Nations Communities and First Nations across Turtle Island.

C. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

The National Anthem will be performed by music students from Gosfield North Central Public School. The students in attendance are:

- Kinsleigh McLean
- Jocelyn Root
- Claire Osborne
- Janessa Willms
- Callum Brett
- Tessa Vermast

D. AMENDMENTS TO THE AGENDA

E. DISCLOSURE OF PECUNIARY INTEREST

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

F. DELEGATIONS

1. Ice Slab Replacement - Raedeen Chambers, Skate Kingsville 1

G. MATTERS SUBJECT TO NOTICE

1. ZBA-2023-6 and B-2023-1 – Application for Surplus Dwelling Severance at 1520 Road 5 West by George and Theresa VerschuerenRoll No. 3711-440-000-02800 6

Recommended Action

1. That consent application B-2023-1 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.78 ha (1.928 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 1520 Road 5 W, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c) That any necessary drainage apportionments be undertaken.

d) That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2023-6).

f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.

g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of

the reference plan, prior to certification.

h) That each parcel have access to Road 5 W or Road 6 W and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town as applicable.

i) That the applicant register an easement for mutual access over Part 2, and an easement for utilities over Part 3, if separate accesses are not completed, to the satisfaction of the Town.

j)The conditions imposed above shall be fulfilled by April 24, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. By-law 29-2023 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. ZBA-2023-07 and B-37-22 – Application for Surplus Dwelling Severance at 614 County Road 8 by John Samuel Olson & Dorothy Claire OlsonRoll No. 3711-650-000-01800

Recommended Action

1. That consent application B/37/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.81 ha (1.99 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 614 County Road 8, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c) That any necessary drainage apportionments be undertaken.

d) That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2023-07).

f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line

locations.

g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

h) That each parcel have their own access to County Road 8 or Graham Side Road and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town or County of Essex as applicable.

i) The conditions imposed above shall be fulfilled by April 24, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. By-law 30-2023 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

3. ZBA-2023-9 – Zoning By-law Amendment for 54 Spruce Street North 36
Augustine Villas Roll number: 3711-140-000-06201

Recommended Action
1. That Zoning By-law amendment application ZBA-2023-9 to amend the zoning on the subject parcel in the Town of Kingsville from Residential Zone 3 Urban, “R3.1” to a site-specific Residential Zone 3 Urban Exception 23, “R3.1-23” to permit two Townhouse dwellings **BE APPROVED** with the following:
a)a Retirement Home be permitted as an additional use;

b)two Townhouse dwellings with a maximum of 6 Townhouse dwelling units each (12 units total);

c)minimum parking space requirement for the site is 58 spaces; and,

2. **By-law 31-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

H. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

1. Kingsville Arena - Ice Slab Replacement Project 64

(Report to follow)

Council will be considering the award of Kingsville Arena – Ice Slab Replacement Project Tender.

Recommended Action

1. That the Kingsville Arena – Ice Slab Replacement Project Tender **BE AWARDED** to Ball Construction for $1,380,860.00 (excluding HST) beginning May 1, 2023 and subject to content review by the Director of Community and Development Services, legal review by the Town Solicitor, and financial review by the Town Treasurer, the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

2. Adoption of Official Plan 5-Year Conformity Review 69

Recommended Action

1. That the Official Plan 5-Year Conformity Review, attached as Appendix “A”, and associated Official Plan Schedules “A”, “A-1”, “A-2”, “B”, “B1”, “C”, “D”, “E”, “F”, “G” and “H” and Official Plan Appendices “A”, “B”, and “C”, as presented and updated to respond to comments from the County of Essex **BE ADOPTED**; and
2. That Administration **BE DIRECTED** to forward the updated plan to the County of Essex for final approval; and
3. That **By-law 32-2023** being a by-law to amend the Official Plan of the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

I. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

1. 2023 Final Tax Levy By-Law 494

Recommended Action

1. That **By-Law 24-2023** being a by-law for the establishment of the 2023 final tax levy be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

J. REPORTS - FIRE SERVICES

No reports at this time.

K. REPORTS - INFRASTRUCTURE AND ENGINEERING

No reports at this time.

L. REPORTS - LEGAL AND BUILDING SERVICES

No reports at this time.

M. REPORTS - CAO's OFFICE

1. **Flag Policy Amendments** 502

Recommended Action
1. That the Flag Policy **BE APPROVED**, as amended.

2. **April 17, 2023 Committee of the Whole**

That Council clarify the following motion from April 17 Committee of the Whole:

That Heritage Committee BE DIRECTED to pursue research of heritage properties on Main Street for possible heritage designation.

N. CONSENT AGENDA

1. **Committee of Adjustment and Appeals Minutes - March 21, 2023** 507
2. **Fantasy of Lights Committee Minutes - March 9, 2023** 513
3. **Kingsville Accessibility Committee Minutes - February 8, 2023** 516
4. **Kingsville Heritage Committee Minutes - March 7, 2023** 521
5. **Police Services Board Minutes - September 28, 2023** 524
6. **Regular Council Meeting Minutes - April 11, 2023** 529

O. NOTICES OF MOTION

P. UNFINISHED BUSINESS AND ANNOUNCEMENTS

Q. BYLAWS

Recommended Action
That **By-law 33-2023** be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

1. **By-law 33-2023** 535

Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its April 24, 2023 Meeting of Council.

R. CLOSED SESSION

Pursuant to section 239(2) of the *Municipal Act, 2001,* Council will enter into Closed Session to address the following items:

ITEM I - Personal Matter - Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and Section 3.1 education and training.

S. ADJOURNMENT

Recommended Action
That Council adjourns this Regular Meeting at p.m.

Delegation Request Form

This form must be completed and submitted to the Clerk of the Town of Kingsville by all persons wishing to address Council at a scheduled meeting of Council. Please refer to the Delegation Information Sheet for additional information about appearing before Council.

Please note that personal information collected in this form may be included in the Council Agenda package and/or the Council Meeting Minutes, both of which are part of the public record and posted on the Municipal website.

Please read the following carefully before proceeding to submit a request.

Applications to appear as a delegation before the Town of Kingsville Council are to be received no later than 11:00 a.m. the day of the scheduled Council or Committee Meeting in which you would like to appear. Your application will be reviewed and you will be notified by the Clerk if your request to appear as a delegation has been approved. Alternatively, if you do not wish to appear as a delegation but would like your comments to be considered by Council, you may make a written submission using this form.

Notes: If you wish to simply attend the meeting, you can do so by accessing our live stream at **https://calendar.kingsville.ca/council**

General Guidelines

- Members of the Public must register by completing the Delegation Request Form in order to provide verbal comments to Council or a Committee.
- Delegation requests and written submissions must be received by 11:00 a.m. the day of a scheduled Council or Committee Meeting.
- A delegation will not be registered to address members of Kingsville Council at a Council meeting unless this specific item is listed on the Agenda. Delegations related to items not listed on the Agenda must be received 14 days in advance of a future Council Meeting.
- Delegations are limited to 10 minutes.
- Both verbal and written comments will be given equal consideration.
- It is the responsibility of the public to indicate when an accomodation is required. The Clerk will determine the best method to address this accomodation in consultation with the individual in advance of the meeting.

First Name *

Raedeen

Last Name *

Chambers

Address *

[redacted]

City *

Kingsville

Phone number *

[redacted]

Email address *

[redacted]

Are you representing a group? *

- (•) Yes
- ( ) No

What is the name of your group? *

Skate Kingsville

Who do you wish to speak to? *

Council

Date of Meeting *

4/24/2023

Is this item on the Agenda? *

- (•) Yes
- ( ) No

Agenda Item Number and/or Topic *

Arena Floor Replacement

Have you appeared before Council on this issue before? *

- ( ) Yes
- (•) No

Have you been in contact with staff on this issue before? *

- (•) Yes
- ( ) No

If yes, please provide name of staff member(s) *

Richard Whyma

Please provide the approximate date you were in contact with the staff person

4/12/2023

Presentation Materials

Any speaking notes, supporting documentation, presentation materials, and/or audio visual aids must be provided to the Clerk with this delegation request for review, approval, and circulation to Council and Administration. Materials will be made public and shall be compliant with AODA legislation.

Please upload your presentation material (including speaking notes) so that it may be reviewed. *

File Name
Town Council.pdf 60.9 KB

Privacy Statement

This meeting will be broadcast live via eScribe and Delegates participating virtually will form part of the recording. Be advised that all Council and Committee meeting presentations become part of the public record and you will be listed as a presenter on the Agenda and Minutes of the meeting. Agendas and Minutes are published online, so the listing of your name in connection with the Agenda or Minutes may be indexed by search engines like Google. Further, personal information contained in your correspondence, to Town of Kingsville Council, is collected under the authority of the *Municipal Act, 2001*, as amended. Any personal information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable Town of Kingsville Council to make its decision on the matter. Questions about the collection of this information can be directed to the Legislative Services Department.

I have read and understand the above Privacy Statement. *

- [x] Yes
- [ ] No

Thank you for your submission. You will be contacted by the Clerks Department about your delegation request.

Good evening

As a Representative of Skate Kingsville thank you for your time spent on the Arena Floor replacement.

As with every User Group, Skate Kingsville will be impacted by the delay re the start of the 23/24 season.

It has been said we will see the least impact to our programs, and in a sense this is true. However, we are unique in that we employ Professional Skate Canada Coaches who will be impacted by the loss of income. As well, skating does not have boundaries and we are risking losing members to other clubs.

However, in weighing the pros and cons of this issue, we are wholeheartedly embracing the moving forward of the floor replacement. Having over 6 month's notice will give us the opportunity to look in to alternate programming and start dates for our programs.

This lead time to plan, and be without our home ice surface, far outweighs the significant chaos we could see if the floor project does not move forward, the ice is put in, and systems fail, leaving us to scramble at that point finding ice.

Our members have been notified of the potential start state and have been reassured we are working with the Town, Rec Department, and Coaches to provide the best services we are able to. This will involve investing in resources to provide such things as dry land training, choreography, etc. Because of this commitment we are asking for a firm and final decision after this meeting to allow us to move forward.

Skate Kingsville also wishes to reassure Council that as Community Partners we understand the first few weeks back on the new ice may necessitate co-operation among all groups to get programs up and running to capacity.

Thank you

Date: **April 24, 2023**

To: **Mayor and Council**

Author: **George Robinson, MCIP, RPP**
Manager of Planning

RE: **ZBA-2023-6 and B-2023-1 – Application for Surplus Dwelling Severance at 1520 Road 5 West by George and Theresa Verschueren**
Roll No. 3711-440-000-02800

RECOMMENDED ACTION

1. That consent application B-2023-1 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.78 ha (1.928 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 1520 Road 5 W, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c) That any necessary drainage apportionments be undertaken.

d) That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2023-6).

f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.

g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

h) That each parcel have access to Road 5 W or Road 6 W and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town as applicable.

i) That the applicant register an easement for mutual access over Part 2, and an easement for utilities over Part 3, if separate accesses are not completed, to the satisfaction of the Town.

j) The conditions imposed above shall be fulfilled by April 24, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. **By-law 29-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the north side of Road 5 W, West of McCain Side Road (see location map attached as Appendix A). The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is greater than 40 ha (100 ac.) in size and contains two existing single detached dwellings and a shed. It is proposed that the dwellings, and shed deemed surplus to the owner, be severed on a new lot. The proposed severed parcel is shown as Part 1 and 2 on the applicant's sketch (attached as Appendix B), Part 1 and 2 has an area of 0.78 ha (1.928 ac.) and frontage of 42.67 m (140 ft.). Part 2 is a proposed right-of-way for mutual access for both parcels. The proposed retained farm parcel has an area of approximately 40.81 ha (100.85 ac.). Part 3 is included in the retained parcel and is also a proposed easement for utility access to Parts 1 & 2.

As a condition of the consent, an application to rezone the retained farm parcel from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA-2023-6).

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS). Section 2.3.4.1(c) permits, "a residence surplus to a farming operation as a result of farm consolidation," to be severed, "provided that the planning

authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance."

Comment: The application is consistent with the PPS definition of a residence surplus to a farming operation and future dwellings will be prohibited on the retained farm parcel as a condition of consent, in that the retained parcel must be rezoned to "Restricted Agriculture (A2)".

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the severed and retained lands as 'Agriculture'.

The requested consent to sever the surplus dwelling conforms to the policies of Section 7.3.1, Agriculture Land Division, of the Official Plan. The proposed severed parcel is within the recommended size limit of 0.8 ha (1.97 ac.) or less.

Comment: The severed parcel, Part 1 and 2 has an area of 0.78 ha (1.928 ac.), therefore the application conforms to the Kingsville Official Plan.

3) Comprehensive Zoning By-law

The severed parcel, Part 1 and 2 has an area of 0.78 ha (1.928 ac.) and frontage of 42.67 m (140 ft.).

The retained parcel will have an area of approximately 40.81 ha (100.85 ac.) and provide frontage on Road 5 W and through to Road 6 W. Access to the severed lot will be on the existing gravel driveway on Road 5 W, through an access easement or right-of-way.

Comment: There are no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will be rezoned from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' to prohibit future dwellings as required by the surplus dwelling consent policies.

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

ENVIRONMENTAL CONSIDERATIONS

The environmental impact resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

1) **Essex Region Conservation Authority (ERCA)**

   ERCA has no objection to the Application Zoning By-Law Amendment ZBA-2023-6 and Application for Consent B-2023-1. ERCA Comments attached as Appendix C.

2) **Town of Kingsville Technical Advisory Committee**

- Minimum required setbacks will need met from the new property line for any portion of an existing building that will remain.
- Drainage re-apportionment required.
- Septic location to be determined to confirm entirety remains with severed parcel, and efficacy of septic system determined.
- A new water service may be required for retained farm.
- Retained parcel may require permanent site / farm access. May require an encroachment permit to install new access.
- Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot.
- Ensure all building services are contained within existing property lines and do not cross over into newly established lines.
- Mutual access agreement / easement for joint access and servicing to be filed prior to stamping of deed.

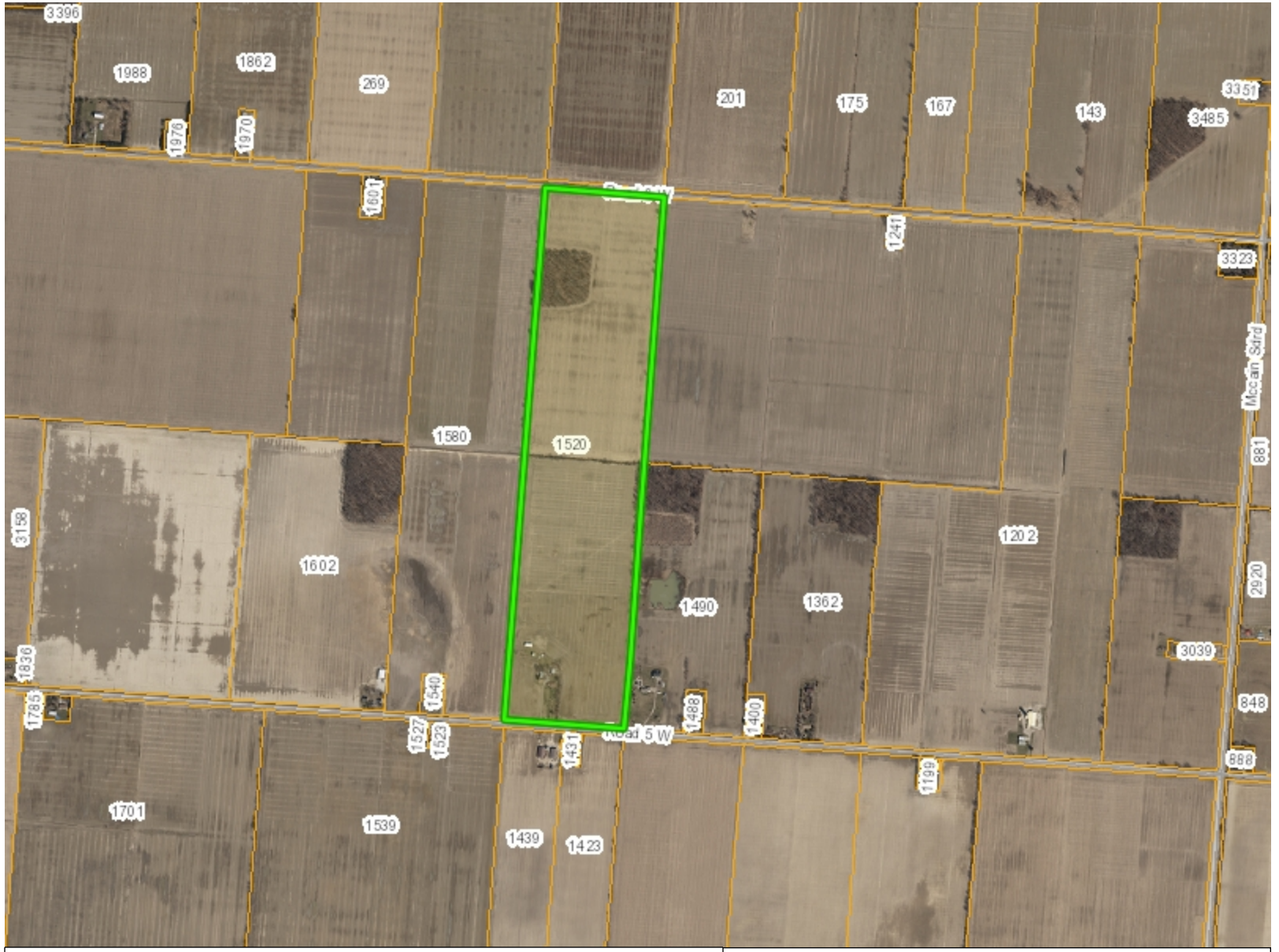
PREPARED BY:

George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:

Richard J.H. Wyma, CSLA
Director of Community and Development Services

Appendix A - Location Map



Legend

- Essex Municipalities
  - <all other values>
  - Kingsville
- Street
- Kingsville Assessment
- Official Plan
  - Agricultural
  - Central Commercial
  - Central Commercial/Residential
  - Hamlet
  - Highway Commercial
  - Industrial
  - Lakeshore Residential East
  - Lakeshore Residential West
  - Park and Open Space
  - Recreational
  - Residential
  - Rural Residential
  - Special Residential
  - Water Course
  - Waterfront Mixed Use Neighbourho

0 251.75 503.5 Meters

1: 15,103

1/4/2023

Notes

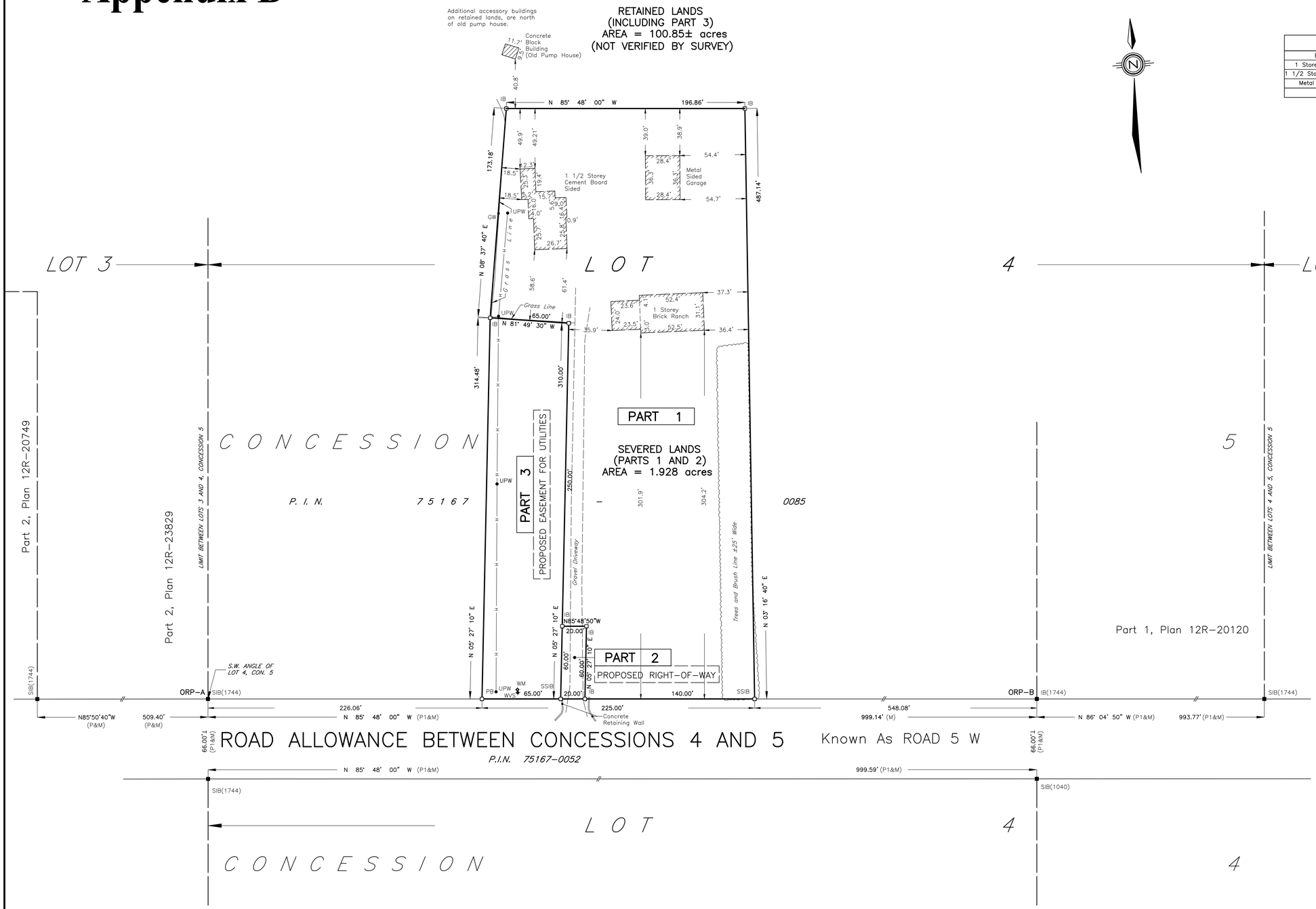
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Appendix B

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1	PART OF LOT 4	CONCESSION 5	PART OF 75167-0085	1.900 ac.
2				0.028 ac.
3				0.465 ac.

LOT COVERAGE		
BUILDING	AREA	COVERAGE
1 Storey Brick Ranch	2194.9 sq ft	2.6 %
1 1/2 Storey Cement Board	1596.6 sq ft	1.9 %
Metal Sided Garage	1031.9 sq ft	1.2 %
TOTAL	4823.4 sq ft	5.7 %



SKETCH FOR SEVERANCE

OF

PART OF LOT 4, CONCESSION 5

GEOGRAPHIC TOWNSHIP OF GOSFIELD SOUTH

NOW IN THE

TOWN OF KINGSVILLE

COUNTY OF ESSEX, ONTARIO

VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE : 1"=40'

0 20.0 40.0 80.0 120.0 FEET 200.0

THE INTENDED PLOT SIZE OF THIS PLAN IS 36" IN WIDTH BY 24" IN HEIGHT WHEN PLOTTED AT A SCALE OF 1" = 40'

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	NORTHING	EASTING
ORP-A	15293791.62	1152896.19
ORP-B	15293718.10	1153892.51
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

FOR BEARING COMPARISONS THE FOLLOWING ROTATIONS WERE APPLIED TO CONVERT TO GRID BEARINGS	
PLAN	CLOCKWISE ROTATION
P	1°14'50"
P1	0°57'50"

LEGEND AND NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999845

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.

SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
IB DENOTES 16mm X 16mm X 0.61m IRON BAR
IB ø DENOTES 19mm diameter X 0.61m ROUND IRON BAR
CC DENOTES CUT-CROSS
CP DENOTES 5mm X 50mm STEEL PIN
PB DENOTES PLASTIC BAR
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET AND MARKED JDB
WIT. DENOTES WITNESS ⊥ DENOTES PERPENDICULAR
(S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES INST. No.
ORP DENOTES OBSERVED REFERENCE POINT

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.

(NI) DENOTES NOT IDENTIFIABLE (OU) DENOTES ORIGIN UNKNOWN
(S/P) DENOTES SET PROPORTIONALLY
(P) DENOTES PLAN 12R-23829 (P1) DENOTES PLAN 12R-20120
(1744) DENOTES VERHAEGEN SURVEYORS INC., O.L.S.
(JDB) DENOTES J.D. BARNES LIMITED, O.L.S.
(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE DAY OF

DATE MARCH 2, 2023.

BRIAN COAD
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXXX

VERHAEGEN LAND SURVEYORS A Division of J. D. Barnes Limited
SURVEYING MAPPING GIS
187 TALBOT ST E, LEAMINGTON, ON, N8H 1L8
T: (519) 322-2375 F: (519) 322-2675 www.jdbarnes.com

DRAWN BY: CMM | CHECKED BY: BC | REFERENCE NO.: 22-48-202-00

CAD Date: March 2, 2023 1:43 PM | FILE NO.: E-Gosfield South-5-4

CAD File: 22-48-202-00.dwg

(34cm x 43.0 m²) (24cm x 36.0" w (8.4' ft²))

Appendix C

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

March 14, 2023

Mr. George Robinson, Manager of Planning Services
Planning & Development Services Department
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville Ontario, N9Y 2Y9

Dear Mr. George Robinson:

RE: Pre-submission Consultation for ZBA-2023-6 & B-2023-1
Surplus Farm Dwelling Severance & Re-Zoning;1520 ROAD 5 W
ARN 371144000002800; PIN: 751670085
Applicant: Clark Law

The Town of Kingsville has requested a pre-consultation for an application for a surplus farm dwelling severance and rezoning. We understand that the property is currently a ~102 acre property with 1 residential dwelling, fronting on North side of Road 5 West, and accessory buildings. If the application is approved, the existing house site with Garage will be sold and the farm will be retained. The applicant proposes creating an easement for mutual access for both severed and retained parcels and to create a utility easement over a portion of the retained farm parcel to accommodate services. The following provided in response to our review of the Pre-submission Consultation for ZBA-2023-6 & B-2023-1.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel partially falls within the regulated area of the Morgan Drain and Thurston Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The Morgan Drain is a municipal drain that falls under the jurisdiction of the Town of Kingsville. The municipal drain typically has an unregistered working space in which the municipality has the right to use to maintain or repair the drain. In addition, it is the owner's responsibility to obtain all necessary permits and/or clearances from the Town of Kingsville for any works to the drain (ie. access culvert).

Essex Region Conservation Authority
sustaining the place for life

Mr. George Robinson
March 14, 2023

All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Kingsville.

NATURAL HERITAGE

Please be advised that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 Provincial Policy Statement (PPS). Effective January 1, 2023, the current amended *Conservation Authorities Act*, specifically sections 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service. Should Planning Authorities lack internal expertise, they have the option to outsource this function to consulting firms.

FINAL RECOMMENDATION

We advise that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 PPS.

ERCA has no objection to ZBA-2023-6 & B-2023-1.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Kathleen Schnekenburger

Kathleen Schnekenburger
Resource Planner
/ks

2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
requests@kingsville.ca

NOTICE OF PUBLIC MEETING OF COUNCIL

APPLICATIONS:	**CONSENT APPLICATION B-2023-1**
	(Section 53 of *The Planning Act* R.S.O. 1990, c.P. 13)
	ZONING BY-LAW AMENDMENT FILE ZBA-2023-6
	(Section 34 of The Planning Act, R.S.O. 1990, c.P. 13)
APPLICANT(S):	**George & Theresa Verschueren**
LOCATION OF PROPERTY:	**1520 Road 5 West**
ZONING OF PROPERTY:	**'Agriculture (A1)'**
PURPOSE OF APPLICATION:	**Surplus Dwelling**

The Town of Kingsville has received the above-noted applications for lands located on the north side of Road 5 West, West of McCain Side Road, shown in the attached location map. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is greater than 40 ha (100 ac.) in size and contains two existing single detached dwellings and a shed. It is proposed that the dwellings and shed, deemed surplus to the owner, be severed on a new lot. The proposed severed parcel is shown as Part 1 and 2 on the attached applicants' sketch. Part 1 and 2 have an area of 0.78 ha (1.928 ac.) and frontage of 42.67 m (140 ft.). Part 2 is a proposed right-of-way for access to the severed parcel. The proposed retained parcel has an area of approximately 40.81 ha (100.85 ac.). Part 3 is included in the retained parcel and is a proposed easement for utility access to Parts 1 & 2.

As a condition of the consent, an application to re-zone the retained farm parcel from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA-2023-6).

A PUBLIC MEETING OF COUNCIL will be held on:

WHEN:	**April 24th, 2023**
WHERE:	**Virtual Meeting on Zoom OR**
	Town of Kingsville, Town Hall, Council Chambers
	2021 Division Road North, Kingsville, ON N9Y 2Y9
TIME:	**6:00 p.m.**

The applicant or a representative will be present at the meeting to answer questions regarding the proposal. The Town of Kingsville and Council encourage your input, either in support of or in opposition to the above-noted application.

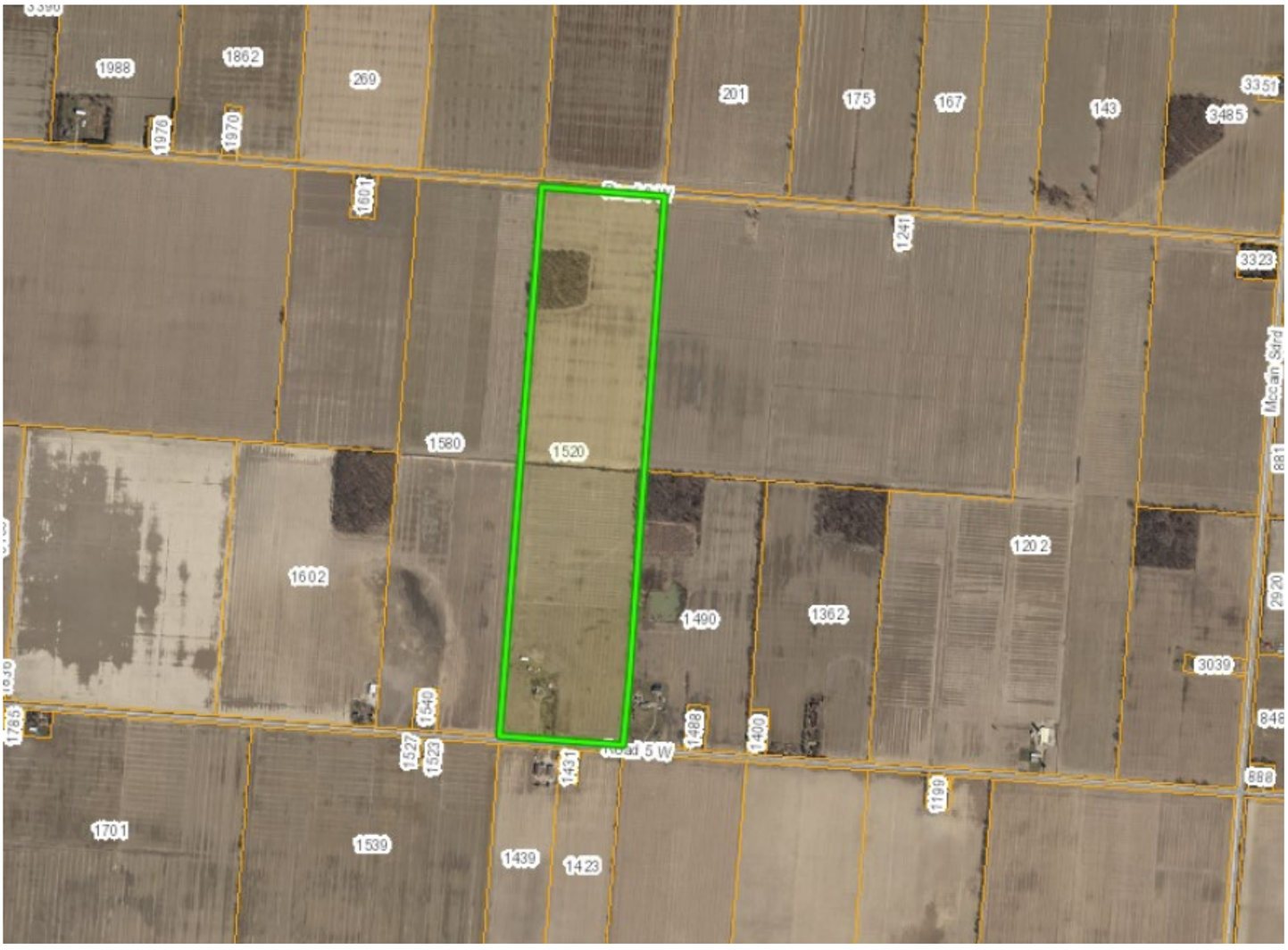
Your comments on these matters are important. If you have comments on this application, they may be forwarded by phone, email (planning@kingsville.ca), or mail to the attention of: **Town of Kingsville, Planning Services**, **2021 Division Road North, Kingsville, ON N9Y 2Y9**. Comments and opinions submitted on these matters, including your name and address, may become part of public record, be viewed by the general public, and be published in a Planning report, Council agenda, and minutes of the meeting.

If a person or public body would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Ontario Land Tribunal, but the person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kingsville before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kingsville before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

IF YOU WISH TO BE NOTIFIED OF THE DECISION, you must make a written request by email (planning@kingsville.ca), or mail to the attention of: **Town of Kingsville, Planning Services**, **2021 Division Road North, Kingsville, ON N9Y 2Y9**. This will also entitle you to be advised of an appeal, if one is submitted.

DATED this 3rd day of April 2023


1988
1862
269
201
175
167
143
3351
3485
1976
1970
1601
1241
3823
McCain Sdrd
1580
1520
1202
1602
1490
1362
3039
1540
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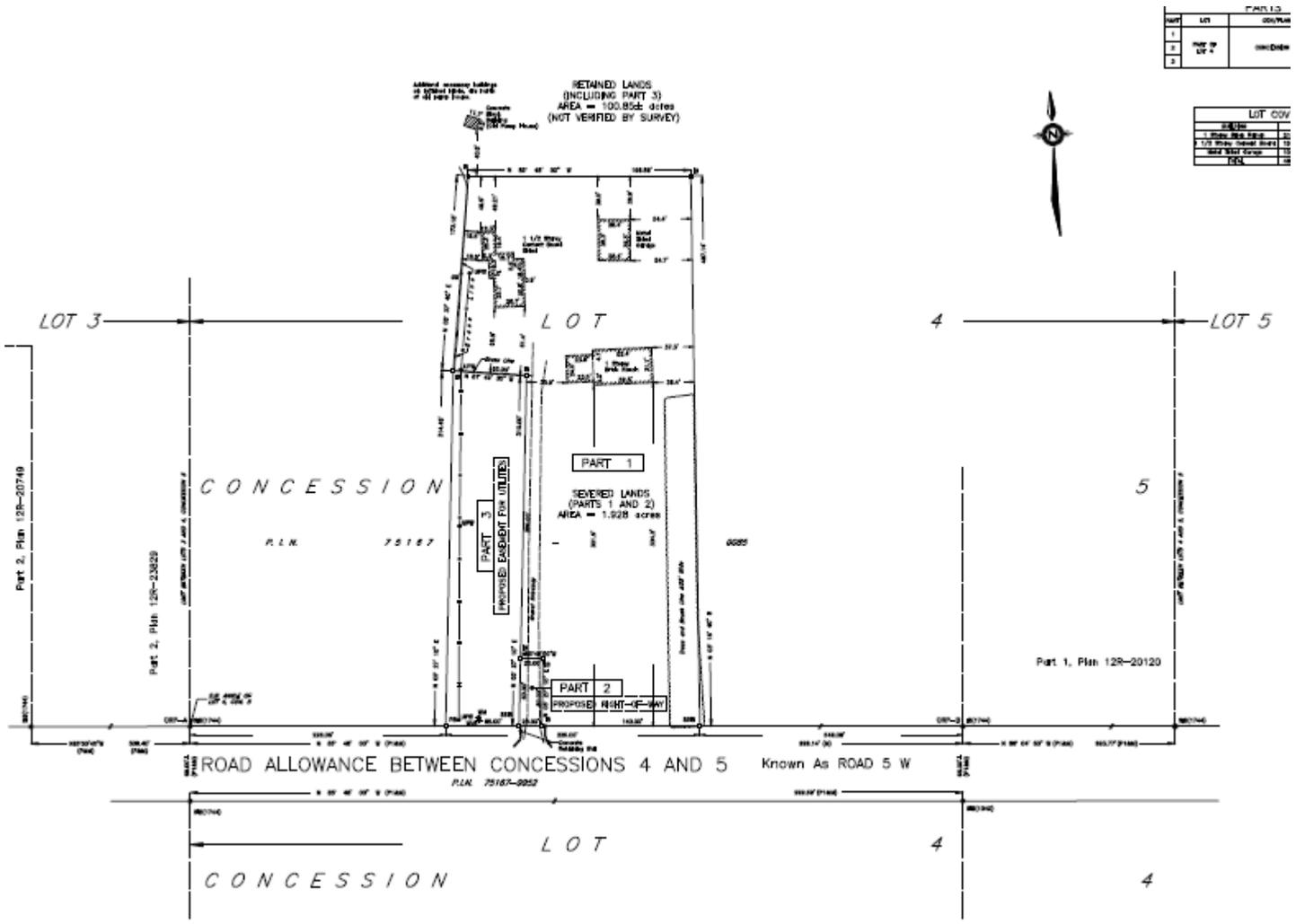
1523
1431
1488
1400
Road 5 W
1199
1701
1539
1439
1423


RETAINED LANDS
(INCLUDING PART 3)
AREA = 100.85ac dcres
(NOT VERIFIED BY SURVEY)
LOT 3
LOT
4
LOT 5
CONCESSION
5
PART 1
SEVERED LANDS
(PARTS 1 AND 2)
AREA = 1.928 acres
PART 3
PROPOSED EASEMENT FOR UTILITIES
PART 2
PROPOSED RIGHT-OF-WAY
Part 2, Plan 12R-20749
Part 2, Plan 12R-23829
Part 1, Plan 12R-20120
ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5
Known As ROAD 5 W
LOT
4
CONCESSION
4

Electronic Participation

This meeting will be held in person, with an electronic element, in accordance with Procedural By-law 77-2021. Delegates and presenters will be provided with the option to attend in-person or electronically and spectators will be allowed into the building to watch or can continue to use the livestream option.

If you wish to participate via zoom, please read the instructions below:

Delegates, participants, and members of the public wishing to participate electronically **must request Zoom details by 11:00 am on the date of the public meeting**, as per By-Law 77-2021. Please refer to the contact information provided with this notice.

Please note that neither a computer, nor a video sharing device, is required to participate in the meeting via Zoom. You may also opt to call in from a cell or landline.

Persons who intend to participate electronically during the meeting may wish to register/sign up in Zoom, if they have not already done so. The following information is provided for your consideration and guidance during remote participation in the meeting:

- **Please join the meeting by 5:55 PM in order to avoid any delays**. If you have not joined the public meeting while your Agenda Item is up for public comment you will have forfeited your request.
- When you join the meeting, either by phone or online, you will be admitted in as an attendee. You will not be greeted upon joining the call. You will be able to hear the meeting and see the active speaker (if you have video capability), but your mic will be muted until it is your turn to speak.
- If you join the Zoom meeting through your phone, please **Do not put the phone on hold at any time,** as this will result in broadcasting "hold music" online once your mic function is unmuted.
- To optimize call quality when using a laptop, a headset with microphone is recommended. If you are using your laptop microphone or cell phone, please speak directly into the receiver and do not use speaker phone
- **Please do not forward the Zoom meeting details with anyone or post through social media**. Only registered participants will be admitted to the Zoom meeting.
- **Participants should keep comments directly related to the matter to which they are speaking to.** Questions are to be directed to the Chairperson. Council Members may choose to ask you follow-up questions following your remarks, comment, or ask staff to respond to your comments.
- After providing your comments and answering any questions that may be directed to you, the Meeting Coordinator will disconnect you from the Zoom meeting.

For more information, please contact:

Town of Kingsville, Planning Services
Phone: 519-733-2305 Ext. 244
Email: planning@kingsville.ca
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 29-2023

**Being a By-law to amend By-law No. 1-2014,
the Comprehensive Zoning By-law for the Town of Kingsville**

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS the application conforms to the Official Plan of the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. Schedule "A", Map 36 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 40.8 ha (100.85 ac.) portion of land, known municipally as 1520 Road 5 W, in Part of Lot 4, Concession 5, as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'.

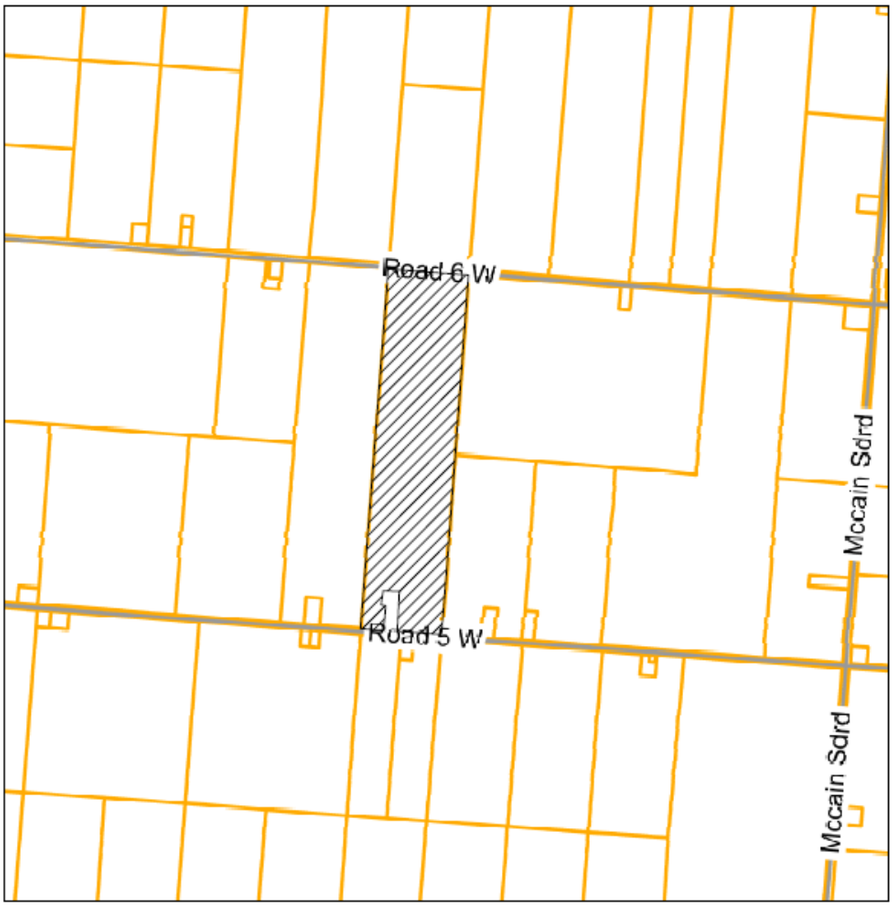
2. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker

Schedule A



1520 Road 5 W
Part of Lot 4, Concession 5
ZBA-2023-06

Meters
0 150300 600 900 1,200

Schedule "A", Map 36 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'

Date: **April 24, 2023**

To: **Mayor and Council**

Author: **George Robinson, MCIP, RPP**
Manager of Planning

RE: **ZBA-2023-07 and B-37-22 – Application for Surplus Dwelling Severance at 614 County Road 8 by John Samuel Olson & Dorothy Claire Olson**
Roll No. 3711-650-000-01800

RECOMMENDED ACTION

1. That consent application B/37/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.81 ha (1.99 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 614 County Road 8, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c) That any necessary drainage apportionments be undertaken.

d) That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2023-07).

f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.

g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

h) That each parcel have their own access to County Road 8 or Graham Side Road and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town or County of Essex as applicable.

i) The conditions imposed above shall be fulfilled by April 24, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. **By-law 30-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the south side of County Road 8, at the intersection of County Road 8 and Graham Side Road (see location map attached as Appendix A). The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 6.43 ha (15.9 ac.) in size and contains a single detached dwelling, and a shed. It is proposed that the dwelling and shed are deemed surplus to the owner, and be severed on a new lot. The proposed severed parcel is shown as Part 1 and Part 2 on the applicant's sketch (attached as Appendix B), Part 1 and 2 has an area of 0.81 ha (1.99 ac.) and a frontage of 150.8 m (495 ft.). The retained farm parcel is shown as Part 3 and Part 4 has an area of 5.66 ha (14 ac.) and a frontage onto Graham Side Road. Note Part 4 is subject to assumption of easement.

As a condition of the consent, an application to rezone the retained farm parcel from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA-2023-07).

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS). Section 2.3.4.1(c) permits, "a residence surplus to a farming operation as a result of farm consolidation," to be severed, "provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance."

Comment: The application is consistent with the PPS definition of a residence surplus to a farming operation and future dwellings will be prohibited on the retained farm

parcel as a condition of consent, in that the retained parcel must be rezoned to "Restricted Agriculture (A2)".

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the severed and retained lands as 'Agriculture'.

The requested consent to sever the surplus dwelling conforms to the policies of Section 7.3.1, Agriculture Land Division, of the Official Plan. The proposed severed parcel is within the recommended size limit.

Comment: The application conforms to the Kingsville Official Plan.

3) Comprehensive Zoning By-law

The severed parcel is shown as Part 1 and Part 2 on the applicant's sketch (attached as Appendix B), Part 1 and 2 has an area of 0.81 ha (1.99 ac.) and a frontage of 150.8 m (495 ft.) on County Road 8.

The vacant retained parcel will have an area of approximately 5.66 ha (14 ac.) and a frontage onto Graham Side Road.). Access to the severed house lot will be on the existing driveway, the retained agricultural lot has an access point along Graham Side Rd.

Comment: There are no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will be rezoned from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' to prohibit future dwellings as required by the surplus dwelling consent policies.

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

ENVIRONMENTAL CONSIDERATIONS

The environmental impact resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

1) **Essex Region Conservation Authority (ERCA)**

   ERCA has no objection to the Application Zoning By-Law Amendment ZBA-2023-7 and Application for Consent B-37-22. ERCA Comments attached as Appendix C.

2) **County of Essex**

   The setback from the County Road is 110 feet from the centre of the right of way as North Townline Drain W of Ruscom River is adjacent to property. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. No new entrances will be permitted off County Road 8, new accesses will be required to be off Graham Side Road. County Comments attached as Appendix D.

3) **Town of Kingsville Technical Advisory Committee**

- Any structures in proximity to proposed lot lines will need to be removed / partially-removed so as to not cross new property lines.
- Minimum required setbacks will need met from the new property line for any portion of existing building (metal clad barn) that will remain.
- Drainage re-apportionment required.
- Septic location to be determined to confirm entirety remains with severed parcel, and efficacy of septic system determined.
- A new water service may be required for retained farm.
- Retained parcel may require permanent site / farm access. May require an encroachment permit to install new access.
- Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot.

PREPARED BY:

George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:

Richard J.H. Wyma CSLA
Director of Community and Development Services

Appendix A - Location Map - 614 County Road 8

Legend

- Essex Municipalities
  - <all other values>
  - Kingsville
- Street
- Kingsville Assessment

0 149.57 299.1 Meters

1: 8,973 12/20/2022

Notes

Location Map

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Appendix B

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE SMART-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	15322636.64	1185334.32
ORP-B	15322768.79	1183284.65

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

AREAS

AREAS SHOWN ON THIS PLAN ARE IN SQUARE FEET AND CAN BE CONVERTED TO SQUARE METRES BY DIVIDING BY 10.76391.

PARTS SCHEDULE

PART	LOT	CONC	P.I.N.	AREA
1	PART OF LOT 19	CONCESSION 11	PART OF P.I.N. 75153-0032(LT)	49200.1 SQ.FT.
2	PART OF LOT 19	CONCESSION 11	PART OF P.I.N. 75153-0032(LT)	37919.1 SQ.FT.
3	PART OF LOT 19	CONCESSION 11	PART OF P.I.N. 75153-0032(LT)	592476.3 SQ.FT. 13.6 ACRES
4	PART OF LOT 19	CONCESSION 11	PART OF P.I.N. 75153-0032(LT)	17479.9 SQ.FT.

PARTS 1, 2, 3 and 4 (INCLUSIVE) COMPRISES ALL PIN 75153-0032(LT)
PART 4 IS SUBJECT TO EASEMENT AS IN INST. No. CE452750

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: JANUARY 30, 2023

BLOSS J. SUTHERLAND
ONTARIO LAND SURVEYOR

PLAN 12R –

RECEIVED AND DEPOSITED

DATE: ___ ___ ___ ___

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX No. (12)

PLAN OF SURVEY

OF

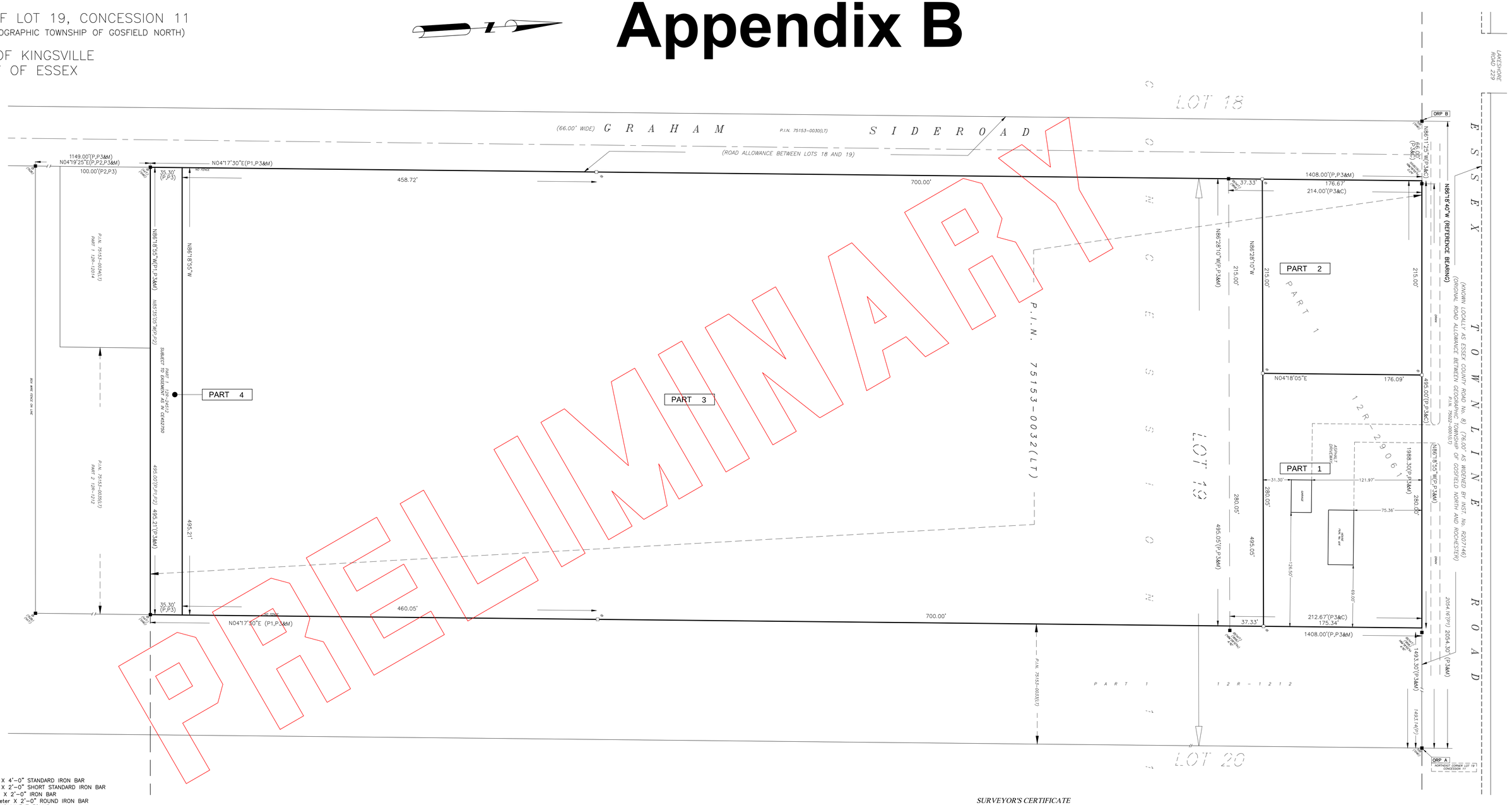
PART OF LOT 19, CONCESSION 11

(IN THE GEOGRAPHIC TOWNSHIP OF GOSFIELD NORTH)

IN THE

TOWN OF KINGSVILLE

COUNTY OF ESSEX



LEGEND

SIB	DENOTES 1" X 1" X 4'-0" STANDARD IRON BAR		
SSIB	DENOTES 1" X 1" X 2'-0" SHORT STANDARD IRON BAR		
IB	DENOTES ⅝" X ⅝" X 2'-0" IRON BAR		
IBø	DENOTES ¾" Diameter X 2'-0" ROUND IRON BAR		
■	DENOTES SURVEY MONUMENT FOUND		
□	DENOTES SURVEY MONUMENT SET AND MARKED 1858		
WIT.	DENOTES WITNESS	⊥	DENOTES PERPENDICULAR
(S)	DENOTES SET	(M)	DENOTES MEASURED
(PROP)	DENOTES SET PROPORTIONALLY	(C)	DENOTES CALCULATED
(OU)	DENOTES ORIGIN UNKNOWN	(LT)	DENOTES LAND TITLES
(N.T.S.)	DENOTES LINE NOT TO SCALE	⊣⊢	DENOTES SET BY INTERSECTION
(S/W)	DENOTES 3"x 3/8ø SPIKE/WASHER		
(NBF)	DENOTES NO BAR FOUND		
(D)	DENOTES DEED INST. No.		
(P)	DENOTES PLAN 12R-1212	(P1)	DENOTES PLAN 12R-24512
(P2)	DENOTES PLAN 12R-12014	(P3)	DENOTES PLAN 12R-29061
(1040)	DENOTES WILLIAM J. SETTERINGTON LTD., O.L.S.		
(1528)	DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.		
(1858)	DENOTES TOTAL TECH SURVEYING INC., O.L.S.		

BEARING REFERENCE

BEARINGS ARE UTM GRID, DERIVED FROM THE OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, NAD83 UTM ZONE 17, (CSRS), (2010).

A CLOCKWISE ROTATION 0°00'33" MUST BE APPLIED TO (P) and (P2) FOR COMPARISON.
A CLOCKWISE ROTATION 04°03'55" MUST BE APPLIED TO (P1) FOR COMPARISON.

DISTANCES

DISTANCES HEREON ARE HORIZONTAL GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999807210

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

SCALE : 1"=50'

0' 50' 100' 150'

FEET

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 20 th DAY OF OCTOBER, 2022.

DATE: JANUARY 30, 2023

BLOSS J. SUTHERLAND
ONTARIO LAND SURVEYOR
for TOTAL TECH SURVEYING INC.

Total Tech Surveying Inc.

341 Talbot St. N.
Units 2 & 3
Essex, ON N8M 2W3
(519) 776-9887

Drawn by: W.R.G.	Checked by: B.J.S.	Job No: 2022-150-1	Plan File No: C-405-1

Appendix C

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

March 14, 2023

Mr. George Robinson, Manager of Planning Services
Planning & Development Services Department
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville Ontario, N9Y 2Y9

Dear Mr. George Robinson:

RE: Zoning By-Law Amendment ZBA-2023-7 & Consent B-37-22; 614 COUNTY RD 8
ARN 371165000001800; PIN: 751530032
Applicant: OLSON JOHN SAMUEL

The Town of Kingsville received an Application for Zoning By-Law Amendment and Consent for the subject property. The applicant is proposing a consent to sever for a surplus farm dwelling. The retained vacant farmland is to be rezoned to Agriculture - Restricted (A2) to prohibit new structures from being built on the parcel. The following is provided as a result of our review of Zoning By-Law Amendment ZBA-2023-7 and Application for Consent B-37-22.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel partially falls within the regulated area of the North Townline West of Ruscom River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

FINAL RECOMMENDATION

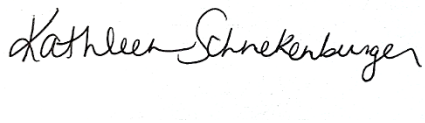
ERCA has no objection to the Application Zoning By-Law Amendment ZBA-2023-7 and Application for Consent B-37-22.

Essex Region Conservation Authority
sustaining the place for life

Mr. George Robinson
March 14, 2023

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

Appendix D

March 23, 2023

Mr. George Robinson
Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Dear Mr. George Robinson:

Re: COA Submissions, B-37-2023, John & Dorothy Olson

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 8. The Applicant will be required to comply with the following County Road regulations:

> ***County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.***
>
> ***County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.***

The setback from the County Road is 110 feet from the centre of the right of way as North Townline Drain W of Ruscom River is adjacent to property. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. No new entrances will be permitted off County Road 8, new accesses will be required to be off Graham Side Road.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

519-776-6441
TTY 1-877-624-4832
360 Fairview Ave. W.
Essex, ON N8M 1Y6
countyofessex.ca

Should you require further information, please contact the undersigned by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,

Kristoffer Balallo
Engineering Technologist

519-776-6441
TTY 1-877-624-4832
360 Fairview Ave. W.
Essex, ON N8M 1Y6
countyofessex.ca

2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
requests@kingsville.ca

NOTICE OF PUBLIC MEETING OF COUNCIL

APPLICATIONS:	**CONSENT APPLICATION B / 37 / 22** (Section 53 of *The Planning Act* R.S.O. 1990, c.P. 13) **ZONING BY-LAW AMENDMENT FILE ZBA-2023-7** *(Section 36 of The Planning Act, R.S.O. 1990, c.P. 13)*
APPLICANT(S):	**John & Dorothy Olson**
LOCATION OF PROPERTY:	**614 County Road 8**
ZONING OF PROPERTY:	**'Agriculture (A1)'**
PURPOSE OF APPLICATION:	**Surplus Dwelling**

The Town of Kingsville has received the above-noted applications for lands located on the south side of County Road 8, at the intersection of County Road 8 and Graham Side Road, shown in the attached location map. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 6.43 ha (15.9 ac.) in size and contains a single detached dwelling, and a shed. It is proposed that the dwelling and shed are deemed surplus to the owners, and be severed on a new lot. The proposed severed parcel is shown as Part 1 and Part 2 on the attached applicant's sketch, Part 1 and 2 have an area of 0.81 ha (1.99 ac.) and a frontage of 150.8 m (495 ft.).The retained parcel is shown as Part 3 and Part 4 has an area of 5.66 ha (14 ac.) and a frontage onto Graham Side Road. Part 4 is subject to assumption of easement.

As a condition of the consent, an application to re-zone the retained farm parcel from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA-2023-07).

A PUBLIC MEETING OF COUNCIL will be held on:

WHEN:	**April 24th, 2023**
WHERE:	**Virtual Meeting on Zoom OR** **Town of Kingsville, Town Hall, Council Chambers** **2021 Division Road North, Kingsville, ON N9Y 2Y9**
TIME:	**6:00 p.m.**

The applicant or a representative will be present at the meeting to answer questions regarding the proposal. The Town of Kingsville and Council encourage your input, either in support of or in opposition to the above-noted application.

Your comments on these matters are important. If you have comments on this application, they may be forwarded by phone, email (planning@kingsville.ca), or mail to the attention of: **Town of Kingsville, Planning Services**, **2021 Division Road North, Kingsville, ON N9Y 2Y9**. Comments and opinions submitted on these matters, including your name and address, may become part of public record, be viewed by the general public, and be published in a Planning report, Council agenda, and minutes of the meeting.

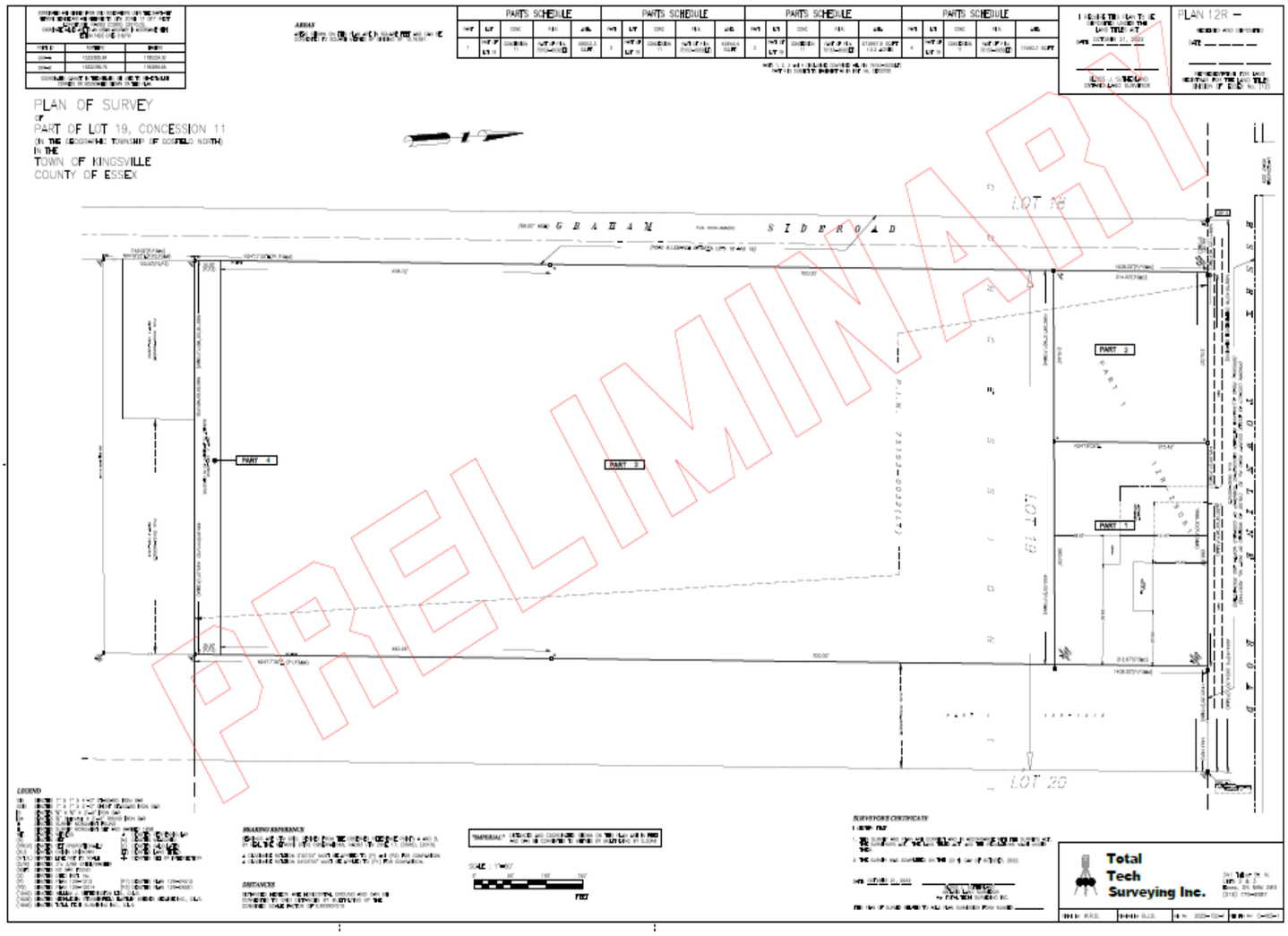
If a person or public body would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Ontario Land Tribunal, but the person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kingsville before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kingsville before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

IF YOU WISH TO BE NOTIFIED OF THE DECISION, you must make a written request by email (planning@kingsville.ca), or mail to the attention of: **Town of Kingsville, Planning Services**, **2021 Division Road North, Kingsville, ON N9Y 2Y9**. This will also entitle you to be advised of an appeal, if one is submitted.

DATED this 3rd day of April 2023

Lakeshore Rd 229
County Rd 8
676
614
674
678
4408
4450
Graham Sdrd
4458
429
4446
4426


PARTS SCHEDULE
PLAN OF SURVEY
OF
PART OF LOT 19, CONCESSION 11
IN THE GEOGRAPHIC TOWNSHIP OF ROSEFIELD NORTH
IN THE
TOWN OF KINGSVILLE
COUNTY OF ESSEX
PLAN 12R –
GRAHAM SIDE ROAD
LOT 19
LOT 20
PART 1
PART 2
PART 3
PART 4
PRELIMINARY
Total Tech Surveying Inc.

Electronic Participation

This meeting will be held in person, with an electronic element, in accordance with Procedural By-law 77-2021. Delegates and presenters will be provided with the option to attend in-person or electronically and spectators will be allowed into the building to watch or can continue to use the livestream option.

If you wish to participate via zoom, please read the instructions below:

Delegates, participants, and members of the public wishing to participate electronically **must request Zoom details by 11:00 am on the date of the public meeting**, as per By-Law 77-2021. Please refer to the contact information provided with this notice.

Please note that neither a computer, nor a video sharing device, is required to participate in the meeting via Zoom. You may also opt to call in from a cell or landline.

Persons who intend to participate electronically during the meeting may wish to register/sign up in Zoom, if they have not already done so. The following information is provided for your consideration and guidance during remote participation in the meeting:

- **Please join the meeting by 5:55 PM in order to avoid any delays**. If you have not joined the public meeting while your Agenda Item is up for public comment you will have forfeited your request.
- When you join the meeting, either by phone or online, you will be admitted in as an attendee. You will not be greeted upon joining the call. You will be able to hear the meeting and see the active speaker (if you have video capability), but your mic will be muted until it is your turn to speak.
- If you join the Zoom meeting through your phone, please **Do not put the phone on hold at any time,** as this will result in broadcasting "hold music" online once your mic function is unmuted.
- To optimize call quality when using a laptop, a headset with microphone is recommended. If you are using your laptop microphone or cell phone, please speak directly into the receiver and do not use speaker phone
- **Please do not forward the Zoom meeting details with anyone or post through social media**. Only registered participants will be admitted to the Zoom meeting.
- **Participants should keep comments directly related to the matter to which they are speaking to.** Questions are to be directed to the Chairperson. Council Members may choose to ask you follow-up questions following your remarks, comment, or ask staff to respond to your comments.
- After providing your comments and answering any questions that may be directed to you, the Meeting Coordinator will disconnect you from the Zoom meeting.

For more information, please contact:

Town of Kingsville, Planning Services
Phone: 519-733-2305 Ext. 244
Email: planning@kingsville.ca
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 30-2023

**Being a By-law to amend By-law No. 1-2014,
the Comprehensive Zoning By-law for the Town of Kingsville**

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS the application conforms to the Official Plan of the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. Schedule "A", Map 25 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 5.67 ha (14 ac.) portion of land, known municipally as 614 County Road 8, in Part of Lot 19, Concession 11, as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'.

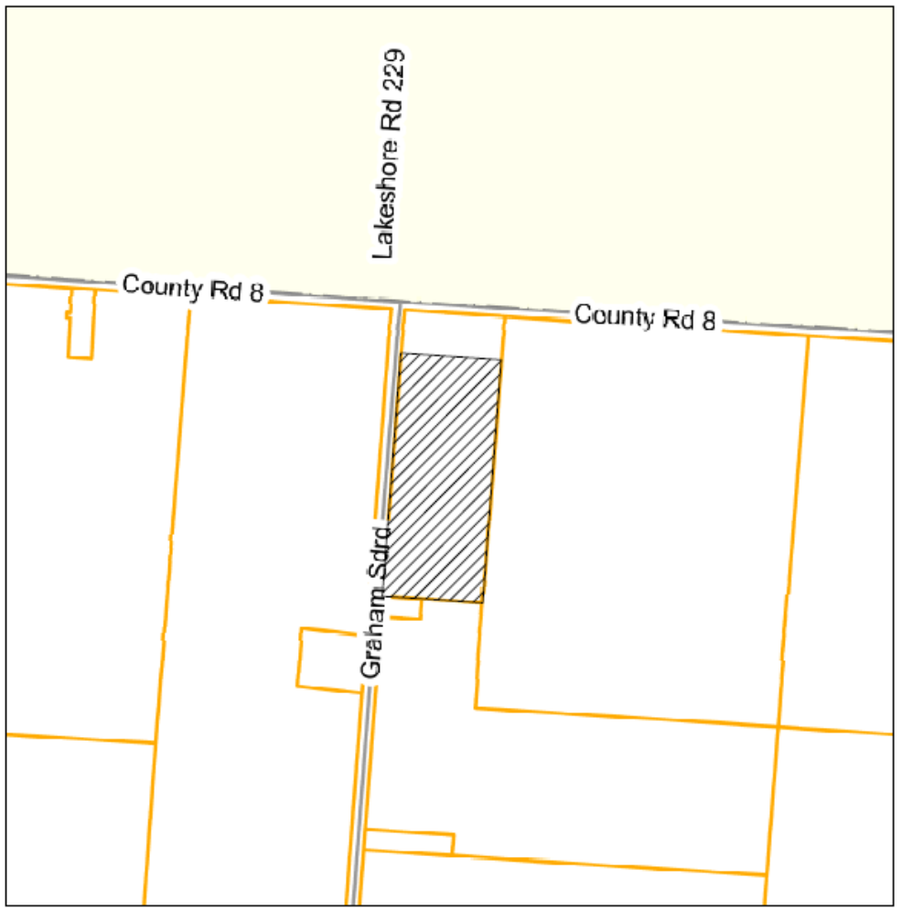
2. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker

Schedule A



614 County Road 8
Part of Lot 19, Concession 11
ZBA-2023-07

Meters
0 60 120 240 360 480

Schedule "A", Map 25 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'

Date: **April 24, 2023**

To: **Mayor and Council**

Author: **George Robinson, MCIP, RPP**
Manager of Planning

RE: **ZBA-2023-9 – Zoning By-law Amendment for 54 Spruce Street North**
Augustine Villas
Roll number: 3711-140-000-06201

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA-2023-9 to amend the zoning on the subject parcel in the Town of Kingsville from Residential Zone 3 Urban, "R3.1" to a site-specific Residential Zone 3 Urban Exception 23, "R3.1-23" to permit two Townhouse dwellings **BE APPROVED** with the following:

    a) a Retirement Home be permitted as an additional use;
    b) two Townhouse dwellings with a maximum of 6 Townhouse dwelling units each (12 units total);
    c) minimum parking space requirement for the site is 58 spaces; and,

2. **By-law 31-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the west side of Spruce Street North, north of Beech Street (see location map attached as Appendix A). The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 3 Urban (R3.1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 7,972 m2 (1.97 Acres) in size and contains an existing retirement/rest home. The applicant is proposing a zoning by-law amendment to allow the construction of two townhouse structures with six dwellings each (total of 12 townhouse units), in two phases as shown on the applicant's proposed site plan (attached as Appendix B). As part of this amendment application, the applicant is seeking to set parking requirements for the site at 58 spaces.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

The PPS includes policies that settlement areas shall be the focus of growth and development. PPS states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment" (Section 1.1.3.2).

Section 1.4.3 states that:

> *"Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*
>
> *b) Permitting and facilitating:*
>
> *1. All forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
> *2. All forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;"*

Comment: There are no issues of Provincial significance raised as a result of the proposed zoning-by law amendment and permitting such development is encouraged.

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as 'Residential'. Section 3.6.1 Residential, states that "*It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the 20 year planning period of this Plan.*" The Goals and Policies strongly encourage residential infilling and intensification where it is determined appropriate and where servicing is available. The Plan also encourages increasing the housing and rental supply by including a variety of housing types.

Comment: The applicant applied for the Zoning By-law Amendment in order to create two townhouse buildings, which would be supported in the Residential

designation. The area mainly consists of residential uses with some institutional uses and commercial uses along Main Street. Therefore, this application meets the Goals and Policies of the Official Plan.

3) Comprehensive Zoning By-law

The subject parcel is currently zoned 'Residential Zone 3 Urban (R3.1)' which permits a variety of multiple dwelling uses including Nursing or Rest homes, smaller Townhouse buildings, or a triplex. The applicant wishes to change the zoning to allow the construction of two townhouse structures with six dwellings each. The Townhouse use is already permitted in this zone, but only up to three units.

The applicant is also asking that a Retirement Home be permitted as an additional permitted use. The existing building was likely considered as a Nursing or Rest Home when the last building permit was issued. A Retirement Home better reflects the current operation of Augustine Villas, definitions noted below:

> **3.8.30 Nursing Home:** *shall* mean any premises maintained and operated for *person*s requiring nursing care or in which such care is provided to two or more unrelated *person*s but does not include any premises falling under the jurisdiction of the *Charitable Institutions Act, the Children's Mental Health Services Act, the Children's Residential Services Act, the Homes for the Aged and Rest Homes Act, the Mental Hos*pit*als Act, the Private Hos*pit*als Act, or the Public Hos*pit*als Act.*
>
> **3.10.13 Retirement Home:** means a *facility* that provide accommodation primarily to retired *persons* or couples where each *private* bedroom or living *unit* has a separate *private* bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care and personal service facilities *may* be provided.

The applicant is also seeking that notwithstanding the parking requirements of the zoning by-law, the site has a parking requirement of 58 spaces which matches what they are able to provide on their site plan.

As per Table 5 of the Zoning By-law, a Retirement home / long term care facility / nursing home requires 0.5 spaces/bed. If existing occupancy is 99 beds, a total of 50 spaces are required for the retirement home. The addition of 12 townhouse dwellings at 1 space per dwelling would bring the required parking to a total of 62 spaces, where the applicant is requesting to provide 58 spaces.

Comment: The surrounding neighbourhood is a mix of dwelling types, primarily of single detached houses and duplexes, with some smaller apartment buildings and institutional uses in close proximity. Offering different types and sizes of residential buildings have been both desirable and successful in meeting the goals and policies

of both the Official Plan and Provincial Policy Statement. Thus, permitting townhouse dwellings with more units would be appropriate for the lands.

Further, adding the Retirement Home use as a permitted use clarifies the existing operations of the site and removes any confusion if the owners apply for a future building permit to upgrade or renovate the facility.

Regarding the parking spaces set to 58 (a deficiency of 4 spaces from Table 5 requirements), a Traffic Impact Statement will be requested as part of the Site Plan Control application that will be required subsequent to the zoning by-law amendment. The applicant has indicated that 58 spaces will be able to accommodate the parking use of the site, including requirements for shift change. They report that many of their existing residents do not have private vehicles, and do not anticipate that the future residents of the townhouse units will have vehicles.

FINANCIAL CONSIDERATIONS

The construction of additional buildings on this site is anticipated to increase its assessed value.

ENVIRONMENTAL CONSIDERATIONS

Intensification of an already developed and serviced site is a more sustainable growth pattern than building in a greenfield setting. Proposed site plan meets building setbacks which provide space for landscaping.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail.

The applicant held a public information centre on April 5th at the Kingsville Arena. The applicant's consultant spoke to neighbouing residents and answered questions they had about the proposal for approximately 40 minutes in a formal question and answer format, followed by a more casual setting for reviewing the information boards for the development. Attendance was estimated at 15 non-applicant related participants, plus the design team for the project, and the board of directors for Augustine Villas. A report from the applicant's consultant is attached as Appendix C.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email.

At the time of writing, the following comments have been received from circulated agencies.

Town of Kingsville Technical Advisory Committee

The application was circulated for review by the Town of Kingsville Technical Advisory Committee. The TAC Committee identified a number of technical issues which are primarily related to Site Plan, rather than zoning. If the Zoning By-law amendment is approved, the proposed development will be subject to Site Plan approval, where the applicant will be required to address the technical comments received as noted below:

- Building Department:
  - Please obtain a qualified designer to provide drawings. Provide a building code data matrix for this project.
  - Insufficient information provided at this time, requirements will be coordinated through future Site Plan Control and Building Permit submissions.

- Public Works and Engineering:
  - Comments to be primarily addressed through future site plan application.
  - Functional Servicing Report (FSR) required for Sanitary, Water and Storm. SWM required.
  - Parking is an issue. TIS impacting Spruce St, Pulford, and Spruce at Main St min.
  - Comprehensive photometric plan required. Existing and new to be full cut off / dark sky compliant.
  - 360 degree access (Fire) not provided. Singular site access is not ideal. Pinch points identified. Insufficient setbacks noted.
  - Buffer to adjacent residential, provide vegetative / fencing detail.
  - Snow storage area should be identified.
  - Waste bin storage not shown.

- Fire Department:
  - Comments to be primarily addressed through future site plan application and Building Permit submissions.
  - Confirm that the fire access route will be identified, remain clear and accessible at all times.
  - Confirm the water supply identified for fire protection is sufficient for firefighting purposes.
  - For early detection we would like to see the dwelling units be tied into the existing retirement home fire alarm panel.

If the Zoning By-law amendment is approved, the proposed development will be subject to Site Plan approval, where the majority of the technical comments received can be addressed.

PREPARED BY:

George Robinson, MCIP RPP
Manager of Planning

REVIEWED BY:

Richard J.H. Wyma, CSLA
Director of Community and Development Services

Appendix A - Location Map - 54 Spruce Street N

Legend

- Essex Municipalities
  - <all other values>
  - Kingsville
- Street
- Kingsville Assessment

Notes

54 Spruce Street N

THIS MAP IS NOT TO BE USED FOR NAVIGATION

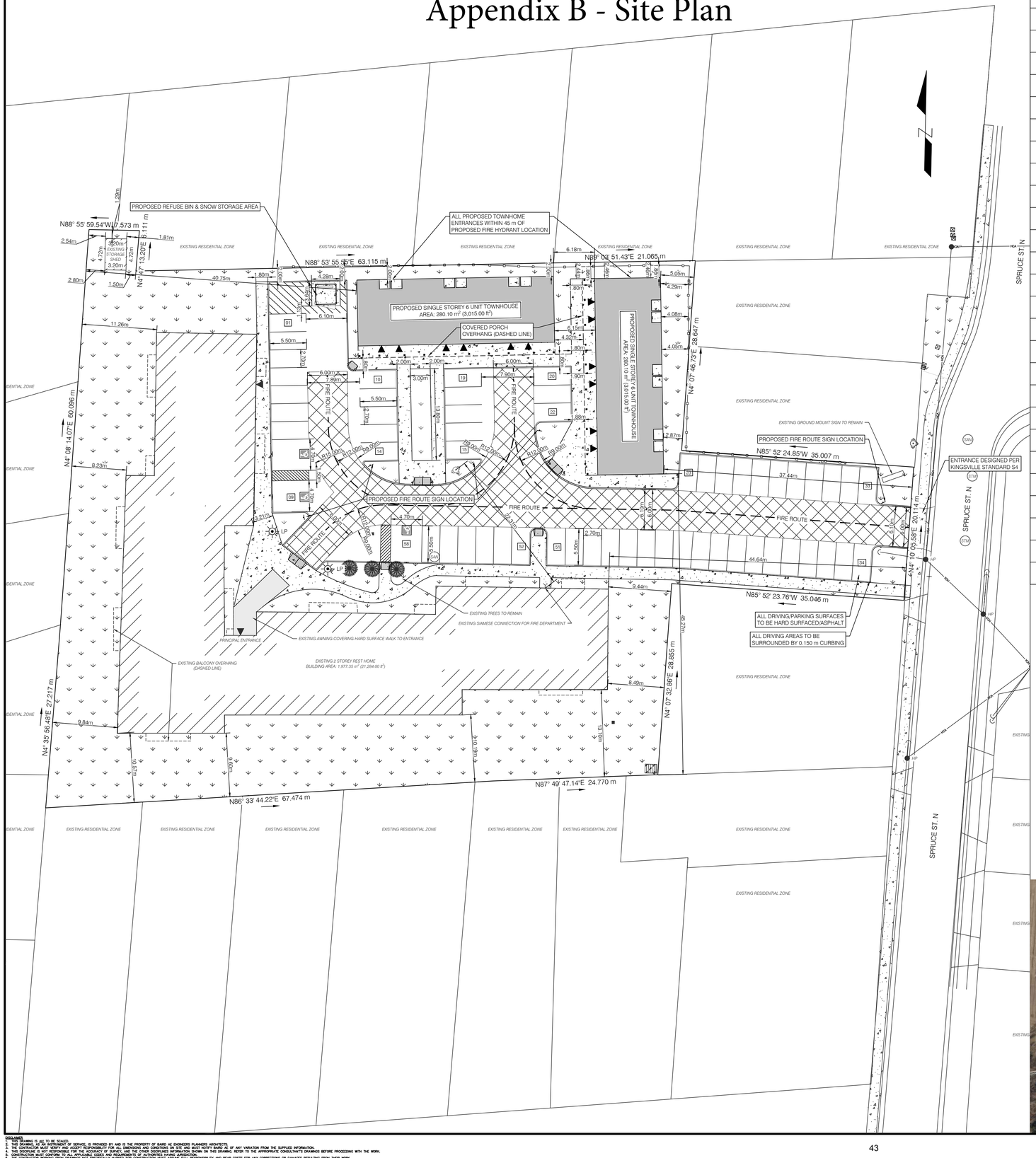
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 28.60 57.2 Meters

1: 1,716

3/21/2023

Appendix B - Site Plan



LEGEND

01	NUMBERED PARKING SPACES
	PARKING/ROAD SIGN
	ACCESSIBLE SPACE SYMBOL
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	PROPOSED REFUSE BIN
	PROPOSED BUILDING ENTRANCE
	CONCRETE PIER FOOTING FOR FRONT PORCH OVERHANG
	EXISTING BUILDING ENTRANCE
	EXISTING BUILDING
	LANDSCAPE OPEN SPACE
	SIDEWALK/CONCRETE
	PROPOSED FIRE ROUTE
	EXISTING TREE
	HYDRO TRANSFORMER BOX
	TELECOMMUNICATIONS BOX
LP	PROPOSED LIGHT POLE (LP)
HP	HYDRO POLE (HP)
	EXISTING CATCH BASIN
SAN	EXISTING SANITARY MANHOLE
STM	EXISTING STORM MANHOLE
HCA	HYDRO CABLE
	WOODEN BOARD FENCE
	EXISTING BALCONY OVERHANG
	PROPOSED PORCH OVERHANG
	PROPERTY LINE

SITE DATA:

EXISTING SITE ZONING:	RESIDENTIAL ZONE 3 URBAN (R3.1)		
PROPOSED SITE ZONING:	RESIDENTIAL ZONE 3 URBAN EXCEPTION XX (R3.1-XX)		
PERMITTED USE:	RESIDENTIAL & REST HOME; AMONGST OTHER USES PERMITTED IN THE ZONE		
PROPOSED USE:	RESIDENTIAL (TOWNHOUSE DWELLING) & REST HOME		
PERMITTED BUILDINGS AND STRUCTURES:	TOWNHOUSE DWELLING WITH A MAX. OF 3 UNITS. REST HOME		
PROPOSED BUILDINGS AND STRUCTURES:	TOWNHOUSE DWELLINGS WITH 12 UNITS, REST HOME		
DESCRIPTION:	REQUIRED:	PROVIDED:	ZONING COMPLIANCE:
MIN. LOT AREA:	495.00 m² (5,328.14 ft²)	7,974.36 m² (85,835.30 ft²) 0.80 ha (1.97 ac)	COMPLIES
MIN. FRONTAGE:	25.00 m (82.02 ft)	20.10 m (65.94 ft) EXISTING	COMPLIES
MAX. BUILDING HEIGHT:	11.00 m (36.09 ft)	EXISTING BUILDING: ≤ 11.00 m (36.09 ft) PROPOSED BUILDINGS: 6.00 m (19.69 ft)	COMPLIES
MIN. FRONT YARD SETBACK (EAST):	5.50 m (18.04 ft)	37.44 m (122.83 ft)	COMPLIES
MIN. REAR YARD SETBACK (WEST)	7.50 m (24.61 ft)	8.23 m (27.00 ft)	COMPLIES
MIN. INTERIOR YARD SETBACK (NORTH, SOUTH, & EAST):	1.50 m (4.92 ft) ON ONE SIDE OF THE MAIN BUILDING AND 4.00 m (13.12 ft) ON THE OTHER SIDE WHEN THERE IS NO ATTACHED GARAGE OR CARPORT	NORTH: 2.00 m (6.56 ft) SOUTH: 45.27 m (148.52 ft) EAST: 2.87 m (9.42 ft)	COMPLIES
MAX. LOT COVERAGE:	55.00%	32.01%	COMPLIES
MIN. OPEN SPACE:	30.00%	35.10%	COMPLIES
PARKING FOR EXISTING BUILDING (REST HOME):	0.5 SPACES/BED @ 99 BEDS = 50 SPACES	50 SPACES	COMPLIES
PARKING FOR PROPOSED TOWNHOUSE DWELLING:	2 SPACES/UNIT @ 12 UNITS = 24 SPACES	8 SPACES @ 0.67 SPACES/UNIT	RELIEF REQUESTED
ACCESSIBLE PARKING:	PER AODA 4% OF TOTAL PARKING SPACES MUST BE FOR ACCESSIBLE USE = 3 SPACES	1 TYPE 'A' SPACE 2 TYPE 'B' SPACE	COMPLIES
LOT/BUILDING INFO:			
TOTAL LOT AREA:	7,974.36 m² (85,835.30 ft²) 0.80 ha (1.97 ac)		
BUILDING AREA:	*EXISTING BUILDING: 1,977.35 m² (21,284.00 ft²)* *PROPOSED BUILDINGS: 560.20 m² (6,030.00 ft²)* TOTAL BUILDING AREA: 2,537.55 m² (27,314.00 ft²)		
BUILDING GFA:	*EXISTING BUILDING: 3,954.70 m² (42,568.00 ft²)* *PROPOSED BUILDINGS: 560.20 m² (6,030.00 ft²)* TOTAL BUILDING GFA: 4,514.90 m² (48,598.00 ft²)		
TOTAL UNITS:	EXISTING BUILDING: 1 REST HOME W/83 BEDS PROPOSED BUILDINGS: 12 TOWNHOUSE DWELLING UNITS		
HEIGHT OF BUILDING/ NUMBER OF STOREYS:	EXISTING BUILDING: 2 STOREY REST HOME @ ≤11.00 m (36.09 ft) PROPOSED BUILDINGS: SINGLE TOWNHOUSE @ 6.00 m (19.69 ft)		
TOTAL PARKING SPACES:	58 SPACES (55 STANDARD & 3 ACCESSIBLE SPACES)		
BUILDING USE & OCCUPANCY:	EXISTING REST HOME GROUP B3 PROPOSED TOWNHOUSE GROUP C		

NOTES:
1. ALL FIRE DEPARTMENT SIGNAGE TO BE COMPLETED AFTER CONSTRUCTION IN COORDINATION WITH FIRE DEPARTMENT.
2. ALL ACCESSIBLE PARKING SPACES TO HAVE Rb-93 SIGNS INSTALLED (TYPE 'A' SPACE TO HAVE Rb-93R & TYPE 'B' SPACE TO HAVE Rb-93 SIGN INSTALLED.
3. GARBAGE BIN LOCATED IN NORTH-WEST CORNER OF PARKING LOT FOR PRIVATE SERVICE PICKUP.
4. ALL LIGHTING TO BE DARK SKY COMPLIANT.
5. FIRE ROUTE TO BE IN COMPLIANCE WITH OBC REQUIREMENTS.

KEY PLAN
SCALE 1:3,500

BAIRD | AE
architecture + engineering
27 Princess Street, Unit 102 Leamington ON N8H 2X8
1350 Provincial Road, Unit 700 Windsor ON N8W 5W1
519-326-6161
info@bairdae.ca
www.bairdae.ca

PARTNER / CONSULTANTS

REVISIONS

Date	Revision
TOWN COMMENTS	MAR. 24, 2023
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DATE: MARCH 06, 2023
SCALE: 1:300
DRAWN BY: CFS
CHECKED BY: BP
APPROVED BY: ----
[X] PRELIMINARY
[ ] CONSTRUCTION
[ ] RECORD

PROJECT TITLE: AUGUSTINE VILLA GARDENS
54 SPRUCE ST. N., KINGSVILLE ON, N9Y 3J1
JOB NUMBER: 23-010
SHEET TITLE: CONCEPT SITE PLAN
SHEET NUMBER: 01

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APPENDIX C

VIA EMAIL ONLY

BAIRD|AE
architecture + engineering

27 Princess St.
Unit 102
Leamington, ON
N8H 2X8
519.326.6161
1.844.842.9188
bairdAE.ca

April 13, 2023

Town of Kingsville
c/o George Robinson, MCIP, RPP
Manager of Planning
2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Email: grobinson@kingsville.ca

Mr. Robinson:

RE: Town of Kingsville Zoning By-law Amendment Application ZBA-2023-09 – Public Information Centre Report
Development Project: Augustine Villa Gardens
Civic Address: 54 Spruce Street North, Kingsville
Baird AE File No. 23-010

Baird AE along with Augustine Villas hosted a Public Information Centre (PIC) on April 5th, 2023 from 6:30pm to 8pm at the Kingsville Arena, to aid in facilitating enhanced public engagement on the project, prior to a Town Council decision.

Based on the Town's recently approved Standard Operating Procedures, please find attached the PIC Report, containing the following items:

1. A copy of the attendee sign-in sheet;
2. A summary of the results of the open house including issues raised and responses provided;
3. A copy of the Notice provided;
4. A copy of the handout and six display boards; and
5. A copy of questions (written or verbal) from the public and written responses to these questions by the applicant (two comments attached).

It is noted that no additional verbal comments, other than the summary results contained within item 2 was received; and no additional written comments were received, other than the 2 emails contained within item 5.

We look forward to furthering the public engagement through the statutory public meeting process, scheduled for April 24th, 2023 at 6pm; and ultimately Town Council's decision on the above-noted development proposal.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

B. Pearce

Bryan Pearce, HBA, CPT, MCIP, RPP
Principal Planner
Baird AE Inc.
27 Princess Street, Unit 102
Leamington, Ontario N8H 2X8
Office: 519-326-6161 x117
Email: bpearce@bairdae.ca

Encl.
cc. Nicole Primeau, Administrator, Augustine Villas (Email: augustinevilla.ocmc@yahoo.com)
Sarah Campbell, Planner, Town of Kingsville (Email: scampbell@kingsville.ca)

ITEM #2

BAIRD|AE
architecture + engineering

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Public Information Centre – Results Summary

Project Name: Augustine Villa Gardens
Owner: Augustine Villas
Date: April 5, 2023
Time: 6:30pm to 8pm

Summary:

- Bryan Pearce started the meeting at 6:40pm – approx. 15 non-applicant people in attendance.
- Gave background and introduced proponents, consulting team.
- Reviewed site plan drawing, building locations, garbage facilities, site access, and fire route.
- Explained zoning by-law amendment, recognizing the retirement home, allowing townhouse dwellings up to 12 units, and reducing the parking at 58 parking spaces.
- Reported that only 4 residents have vehicles.
- Busiest times are at shift change from day shift to afternoon shift, encumbering 23 parking spaces.
- Nicole Primeau mentioned that building goal is to be completed by March 2024.
- Resident asked question regarding setbacks. Bryan explained that setbacks are met.
- Resident asked question regarding deliveries. Bryan talked about truck turning radius, fire route width and driveway width. Noted that the proposed driveway entrance to Spruce Street North has been to designed to Town standard.
- Nicole committed to discuss truck deliveries with Sysco who delivers the food.
- Resident asked if there are any changes proposed to the existing building. Nicole confirmed no.
- Resident asked who they were going to build these units for. Nicole explained that they are low-income individuals.
- Resident complained about project at 140 Main Street and general complaint about traffic. Unrelated to this meeting.
- Bryan reviewed parking needs for proposed project, approx. 23 staff spaces needed.
- Zoning requirements according to Bryan is 74 spaces, where they are providing 58 spaces.
- Nicole mentioned that in order to qualify for the low-income threshold most do not have a car. She doesn't anticipate they will have any occupants with a car.
- Discussion of low-income housing in relation to current retirement model. Nicole and others explained non-profit model of care and housing, explained that the housing fits their model.
- Bryan asked for any further questions and offered to stay and speak with anyone.

ITEM #3

Notice of Public Information Centre

Augustine Villa Retirement Home & Assisted Living
54 Spruce St N. Kingsville, ON N9Y 3J1
519-733-8376
augustinevilla.ocmc@yahoo.com

You're invited to attend a Public Information Centre regarding a Draft Plan of a first phase 6 plex for Augustine Villa Retirement Home and Assisted Living. We are calling the project Augustine Villa Gardens.

LOCATION OF MEETING: Kingsville Arena Room B. 1741 Jasperson Dr, Kingsville, ON N9Y 2E4

DATE: Wednesday April 5, 2023

TIME: 6:30pm – 8:00pm

Draft concept plans of the proposed 6 plex will be available for viewing.

Representatives from Augustine Villa Retirement Home & Assisted Living and the Town of Kingsville will be available to answer your questions.

LOCATION OF PROPOSED 6 PLEX: 54 Spruce St N. Kingsville ON N9Y 3J1

PROPOSED DEVELOPMENT NAME: Augustine Villa Gardens

ATTENDEES: Augustine Villa Management, Augustine Villa Board Members, Project Manager, BAIRD AE

****PLEASE NOTE – This meeting is being hosted and arranged by the developer of the proposed 6 plex. This is not a Town meeting, nor a Public Meeting, under the *Planning Act* ****

Location Map

Notes

54 Spruce Street N

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

ITEM #4

April 5, 2023

Public Information Centre Attendees:

Augustine Villa Retirement Home & Assisted Living, the owner of one parcel of land known as, 54 Spruce Street North, Kingsville, Ontario, thanks you for attending this developer-led Public Information Centre (PIC) to learn of their plans to construct new townhouses known as Augustine Villa Gardens.

Augustine Villa Retirement Home & Assisted Living is a not-for-profit assisted living community that offers housing support and support staff for low-income individuals that otherwise may not be able to afford or maintain an independent lifestyle. They offer both private and semi-private living accommodations to encourage and help facilitate their residents' feeling of independence.

It is proposed that the parcel, totally roughly 0.80 hectare (1.97 acre) in area, will see the construction of two (2) single storey townhouses each with 6 units (for a total of 12 townhouse units), and new resurfaced parking area providing a total of 58 parking spaces for both the new townhouses and the existing building on site. There will be one (1) point of access to the site off Spruce Street North.

The subject lands are designated Residential within the Kingsville Official Plan and zoned as Residential Zone 3 Urban (R3.1) by the Kingsville Zoning By-law.

It is proposed that the subject lands be re-zoned to a site-specific zoning of Residential Zone 3 Urban Exception XX (R3.1-XX) to permit a townhouse dwelling with more than three (3) units (up to twelve (12) units – two 6 plexes, phased) and to establish appropriate parking standards for the site.

For the townhouse proposal to proceed, application for Zoning By-law Amendment must be submitted to the Town of Kingsville; with the Zoning By-law Amendment ultimately approved by the Kingsville Council.

Thank you for attending!

Nicole Primeau
Administrator, Augustine Villas
519-733-8376
augustinevilla.ocmc@yahoo.com

Bryan Pearce, HBA, MCIP, RPP
Principal Planner, Baird AE Inc.
519-326-6161 x117

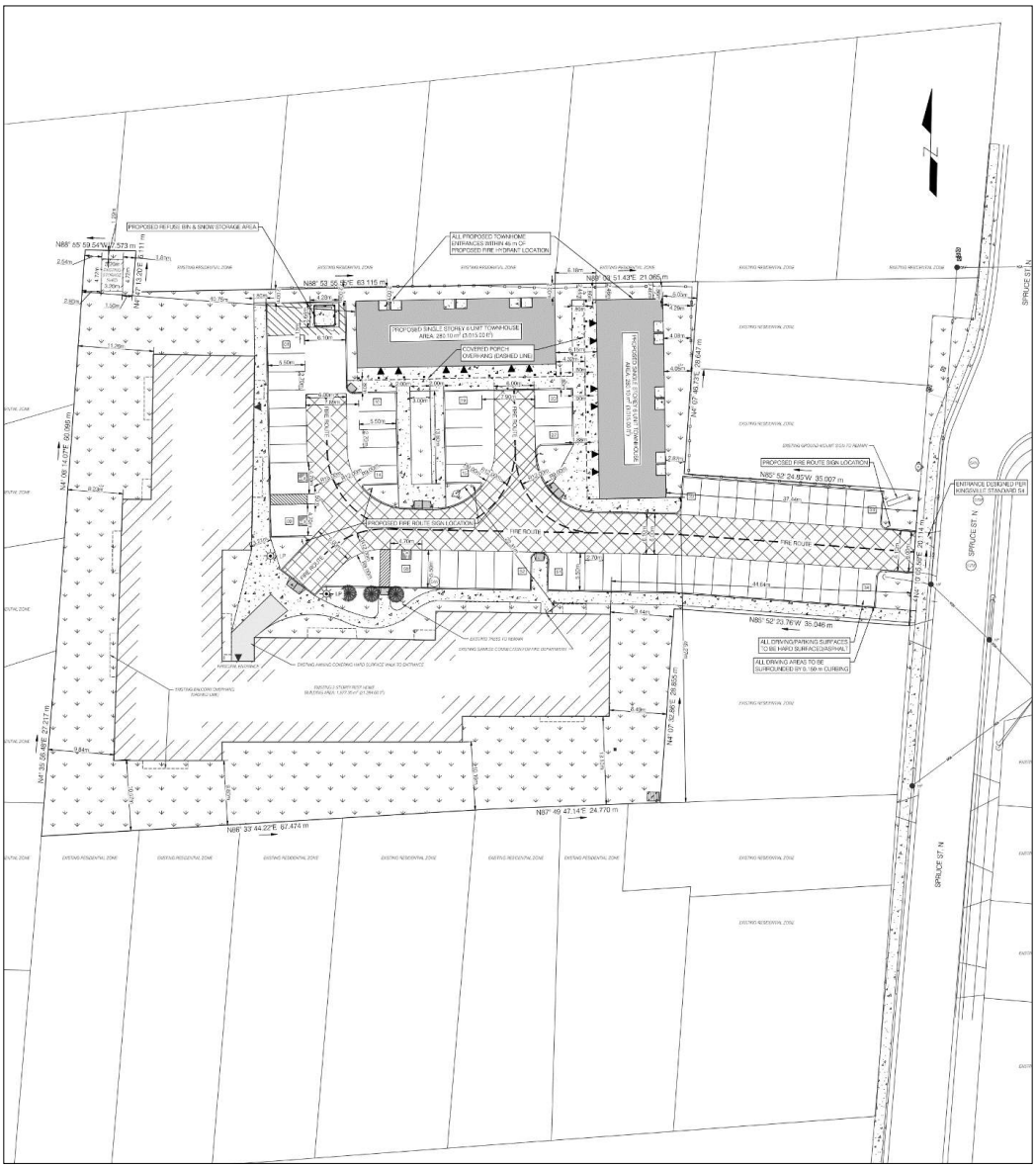
bpearce@bairdae.ca

****THIS IS NOT A TOWN MEETING OR A PUBLIC MEETING UNDER THE **PLANNING ACT*****

27 Princess St, Unit 102, Leamington ON, N8H 2X8
519-326-6161 www.bairdae.ca

AUGUSTINE VILLAS
ASSISTED LIVING

Concept Site Plan:



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AUGUSTINE VILLAS
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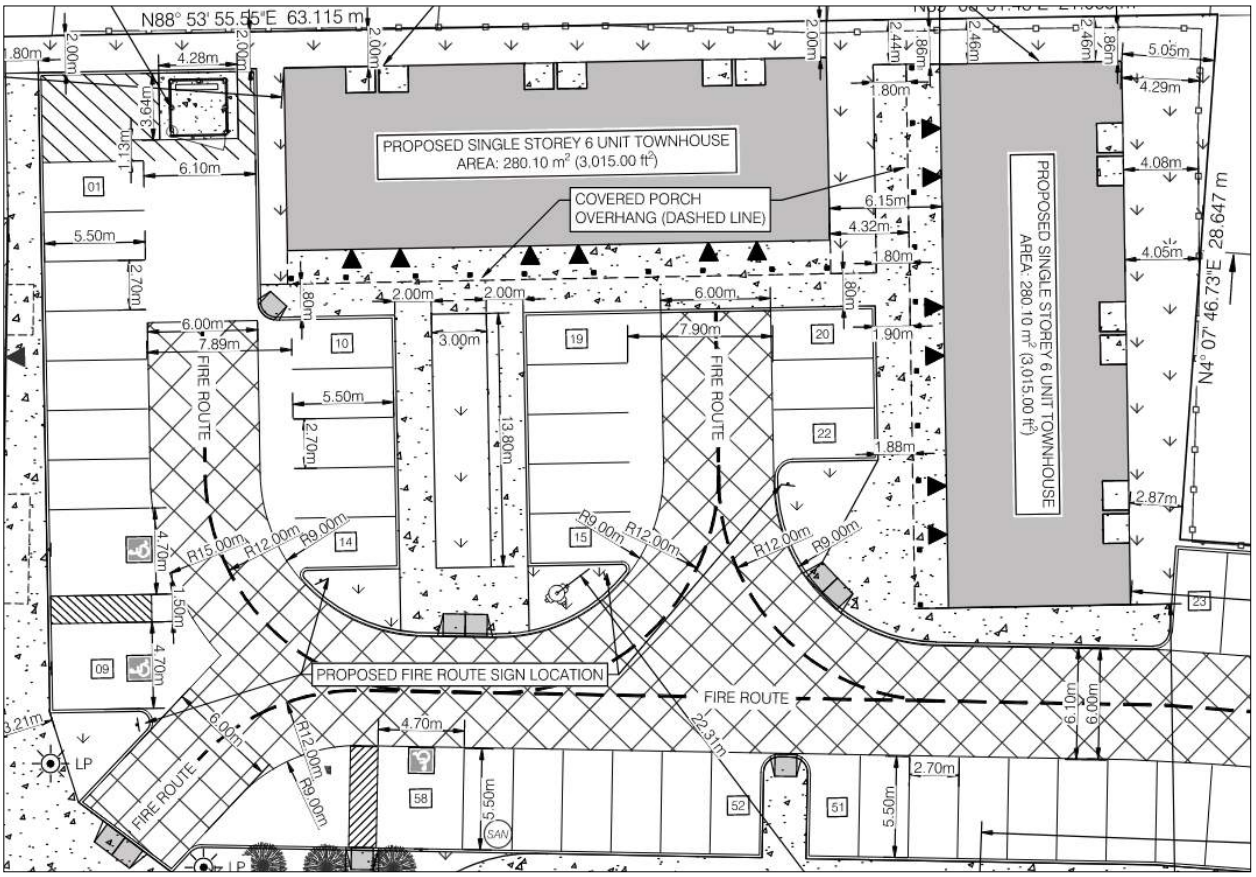
Detailed Excerpt of Concept Site Plan:



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AUGUSTINE VILLAS
ASSISTED LIVING

Site Data Matrix for the Concept Site Plan:

SITE DATA:			
EXISTING SITE ZONING:	RESIDENTIAL ZONE 3 URBAN (R3.1)		
PROPOSED SITE ZONING:	RESIDENTIAL ZONE 3 URBAN EXCEPTION XX (R3.1-XX)		
PERMITTED USE:	RESIDENTIAL & REST HOME; AMONGST OTHER USES PERMITTED IN THE ZONE		
PROPOSED USE:	RESIDENTIAL (TOWNHOUSE DWELLING) & REST HOME		
PERMITTED BUILDINGS AND STRUCTURES:	TOWNHOUSE DWELLING WITH A MAX. OF 3 UNITS. REST HOME		
PROPOSED BUILDINGS AND STRUCTURES:	TOWNHOUSE DWELLINGS WITH 12 UNITS, REST HOME		
DESCRIPTION:	REQUIRED:	PROVIDED:	ZONING COMPLIANCE:
MIN. LOT AREA:	495.00 m² (5,328.14 ft²)	7,974.36 m² (85,835.30 ft²) 0.80 ha (1.97 ac)	COMPLIES
MIN. FRONTAGE:	25.00 m (82.02 ft)	20.10 m (65.94 ft) EXISTING	COMPLIES
MAX. BUILDING HEIGHT:	11.00 m (36.09 ft)	EXISTING BUILDING: ≤ 11.00 m (36.09 ft) PROPOSED BUILDINGS: 6.00 m (19.69 ft)	COMPLIES
MIN. FRONT YARD SETBACK (EAST):	5.50 m (18.04 ft)	37.44 m (122.83 ft)	COMPLIES
MIN. REAR YARD SETBACK (WEST)	7.50 m (24.61 ft)	8.23 m (27.00 ft)	COMPLIES
MIN. INTERIOR YARD SETBACK (NORTH, SOUTH, & EAST):	1.50 m (4.92 ft) ON ONE SIDE OF THE MAIN BUILDING AND 4.00 m (13.12 ft) ON THE OTHER SIDE WHEN THERE IS NO ATTACHED GARAGE OR CARPORT	NORTH: 2.00 m (6.56 ft) SOUTH: 45.27 m (148.52 ft) EAST: 2.87 m (9.42 ft)	COMPLIES
MAX. LOT COVERAGE:	55.00%	32.01%	COMPLIES
MIN. OPEN SPACE:	30.00%	35.10%	COMPLIES
PARKING FOR EXISTING BUILDING (REST HOME):	0.5 SPACES/BED @ 99 BEDS = 50 SPACES	50 SPACES	COMPLIES
PARKING FOR PROPOSED TOWNHOUSE DWELLING:	2 SPACES/UNIT @ 12 UNITS = 24 SPACES	8 SPACES @ 0.67 SPACES/UNIT	RELIEF REQUESTED
ACCESSIBLE PARKING:	PER AODA 4% OF TOTAL PARKING SPACES MUST BE FOR ACCESSIBLE USE = 3 SPACES	1 TYPE 'A' SPACE 2 TYPE 'B' SPACE	COMPLIES
LOT/BUILDING INFO:			
TOTAL LOT AREA:	7,974.36 m² (85,835.30 ft²) 0.80 ha (1.97 ac)		
BUILDING AREA:	*EXISTING BUILDING: 1,977.35 m² (21,284.00 ft²)* *PROPOSED BUILDINGS: 560.20 m² (6,030.00 ft²)* TOTAL BUILDING AREA: 2,537.55 m² (27,314.00 ft²)		
BUILDING GFA:	*EXISTING BUILDING: 3,954.70 m² (42,568.00 ft²)* *PROPOSED BUILDINGS: 560.20 m² (6,030.00 ft²)* TOTAL BUILDING GFA: 4,514.90 m² (48,598.00 ft²)		
TOTAL UNITS:	EXISTING BUILDING: 1 REST HOME W/83 BEDS PROPOSED BUILDINGS: 12 TOWNHOUSE DWELLING UNITS		
HEIGHT OF BUILDING/ NUMBER OF STOREYS:	EXISTING BUILDING: 2 STOREY REST HOME @ ≤11.00 m (36.09 ft) PROPOSED BUILDINGS: SINGLE TOWNHOUSE @ 6.00 m (19.69 ft)		
TOTAL PARKING SPACES:	58 SPACES (55 STANDARD & 3 ACCESSIBLE SPACES)		
BUILDING USE & OCCUPANCY:	EXISTING REST HOME GROUP B3 PROPOSED TOWNHOUSE GROUP C		

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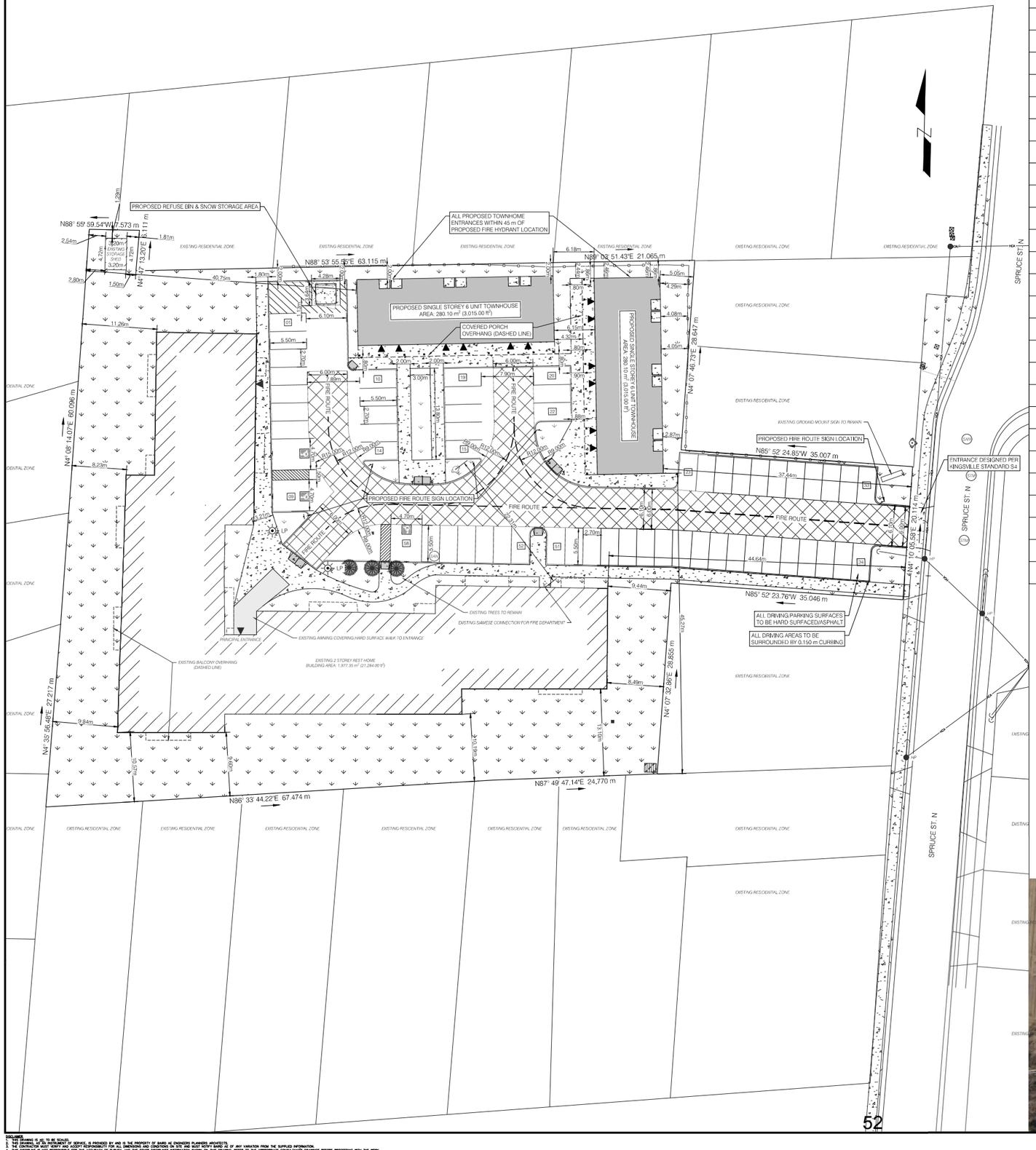

LEGEND

01	NUMBERED PARKING SPACES
	PARKING/ROAD SIGN
	ACCESSIBLE SPACE SYMBOL
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	PROPOSED REFUSE BIN
	PROPOSED BUILDING ENTRANCE
	CONCRETE PIER FOOTING FOR FRONT PORCH OVERHANG
	EXISTING BUILDING ENTRANCE
	EXISTING BUILDING
	LANDSCAPE OPEN SPACE
	SIDEWALK/CONCRETE
	PROPOSED FIRE ROUTE
	EXISTING TREE
HYDRO	HYDRO TRANSFORMER BOX
	TELECOMMUNICATIONS BOX
LP	PROPOSED LIGHT POLE (LP)
HP	HYDRO POLE (HP)
	EXISTING CATCH BASIN
SAN	EXISTING SANITARY MANHOLE
STM	EXISTING STORM MANHOLE
HCA	HYDRO CABLE
	WOODEN BOARD FENCE
	EXISTING BALCONY OVERHANG
	PROPOSED PORCH OVERHANG
	PROPERTY LINE

SITE DATA:

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BUILDING USE & OCCUPANCY:	EXISTING REST HOME GROUP B3 PROPOSED TOWNHOUSE GROUP C		

NOTES:
1. ALL FIRE DEPARTMENT SIGNAGE TO BE COMPLETED AFTER CONSTRUCTION IN COORDINATION WITH FIRE DEPARTMENT.
2. ALL ACCESSIBLE PARKING SPACES TO HAVE Rb-93 SIGNS INSTALLED (TYPE 'A' SPACE TO HAVE Rb-93I & TYPE 'B' SPACE TO HAVE Rb-93 SIGN INSTALLED.
3. GARBAGE BIN LOCATED IN NORTH-WEST CORNER OF PARKING LOT FOR PRIVATE SERVICE PICKUP.
4. ALL LIGHTING TO BE DARK SKY COMPLIANT.
5. FIRE ROUTE TO BE IN COMPLIANCE WITH OBC REQUIREMENTS.

KEY PLAN
SCALE 1:3,500

SITE

BAIRD|AE
architecture + engineering
27 Princess Street, Unit 102, Leamington ON N8H 3W6
1550 Provincial Road, Unit 700 Windsor ON N8W 5W1
519-326-6161
www.bairdae.ca
info@bairdae.ca

PARTNER / CONSULTANTS

REVISIONS

Date	Revision
TOWN COMMENTS	MAR. 24, 2023
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DATE:	MARCH 06, 2023
SCALE:	1:300
DRAWN BY: CFS	[X] PRELIMINARY
CHECKED BY: BP	[ ] CONSTRUCTION
APPROVED BY: ---	[ ] RECORD

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SHEET TITLE
CONCEPT SITE PLAN

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5. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
6. THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM THEIR WORK.

March 24, 2023

Y:\2023 Projects\23-010 - Augustine Villa\Engineering\Production Drawings

EXISTING RESIDENTIAL ZONE

EXISTING STORAGE SHED

PROPOSED SINGLE STOREY 6 UNIT TOWNHOUSE
AREA: 280.10 m² (3,015.00 ft²)

PROPOSED SINGLE STOREY 6 UNIT TOWNHOUSE
AREA: 280.10 m² (3,015.00 ft²)

EXISTING 2 STOREY REST HOME
BUILDING AREA: 1,977.35 m² (21,284.00 ft²)

FIRE ROUTE

PRINCIPAL ENTRANCE

LP

HP

SAN

STM

SPRUCE ST. N

01 09 10 14 15 19 20 22 23 33 34 51 52 58

N

53

GOOD USAGE
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PARTNER / CONSULTANTS

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TOWN COMMENTS	MAR. 24, 2023
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DATE:	MARCH 06, 2023
SCALE:	1:200
DRAWN BY: CFS	[X] PRELIMINARY
CHECKED BY: BP	[ ] CONSTRUCTION
APPROVED BY: ---	[ ] RECORD

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CONCEPT SITE PLAN

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SHEET NUMBER
01

Apr 5, 2023

P:\2023 Projects\23-010 - Augustine Villa\Engineering\Promotion Drawings

H. Kroeker Lawn Care
& Landscaping
519-326-0131

H. Kroeker Lawn Care
& Landscaping
519-326-0131

H. Kroeker Lawn Care
& Landscaping
519-326-0131

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2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
requests@kingsville.ca

NOTICE OF INTENTION TO PASS A ZONING BY-LAW AMENDMENT

APPLICATION: **ZONING AMENDMENT APPLICATION ZBA-2023-9**
(Section 34 of *The Planning Act* R.S.O. 1990, c.P. 13)

APPLICANT(S): **Augustine Villas Retirement Home and Assisted Living**

LOCATION OF PROPERTY: **54 Spruce Street North**

ZONING OF PROPERTY: **'Residential Zone 3 Urban (R3.1)'**

PURPOSE OF APPLICATION:

The Town of Kingsville has received the above-noted application for lands located on the west side of Spruce Street North, north of Beech Street, shown in the attached location map. The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 3 Urban (R3.1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 7,972 m2 (1.97 Acres) in size and contains an existing retirement / rest home. The applicant is proposing a zoning by-law amendment to allow the construction of two townhouse structures with six dwellings each (total of 12 townhouse units), in two phases as shown on the attached applicant's proposed site plan. As part of this amendment application, the applicant is seeking to set parking requirements for the site at 58 spaces.

A PUBLIC MEETING OF COUNCIL will be held on:

WHEN: **April 24th, 2023**
WHERE: **Virtual Meeting on Zoom OR**
Town of Kingsville, Town Hall, Council Chambers
2021 Division Road North, Kingsville, ON N9Y 2Y9
TIME: **6:00 p.m.**

The applicant or a representative will be present at the meeting to answer questions regarding the proposal. The Town of Kingsville and Council encourage your input, either in support of or in opposition to the above-noted application.

Your comments on these matters are important. If you have comments on this application, they may be forwarded by phone, email (planning@kingsville.ca), or mail to the attention of: **Town of Kingsville, Planning Services**, **2021 Division Road North, Kingsville, ON N9Y 2Y9**. Comments and opinions submitted on these matters, including your name and address, may become part of public record, be viewed by the general public, and be published in a Planning report, Council agenda, and minutes of the meeting.

If a person or public body would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Ontario Land Tribunal, but the person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kingsville before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kingsville before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

IF YOU WISH TO BE NOTIFIED OF THE DECISION, you must make a written request by email (planning@kingsville.ca), or mail to the attention of: **Town of Kingsville, Planning Services**, **2021 Division Road North, Kingsville, ON N9Y 2Y9**. This will also entitle you to be advised of an appeal, if one is submitted.

DATED this 3rd day of April, 2023

Pulford St
Spruce St N
Augustine Dr
Augustine Dr
Watermill St
Spruce St N
Beech St
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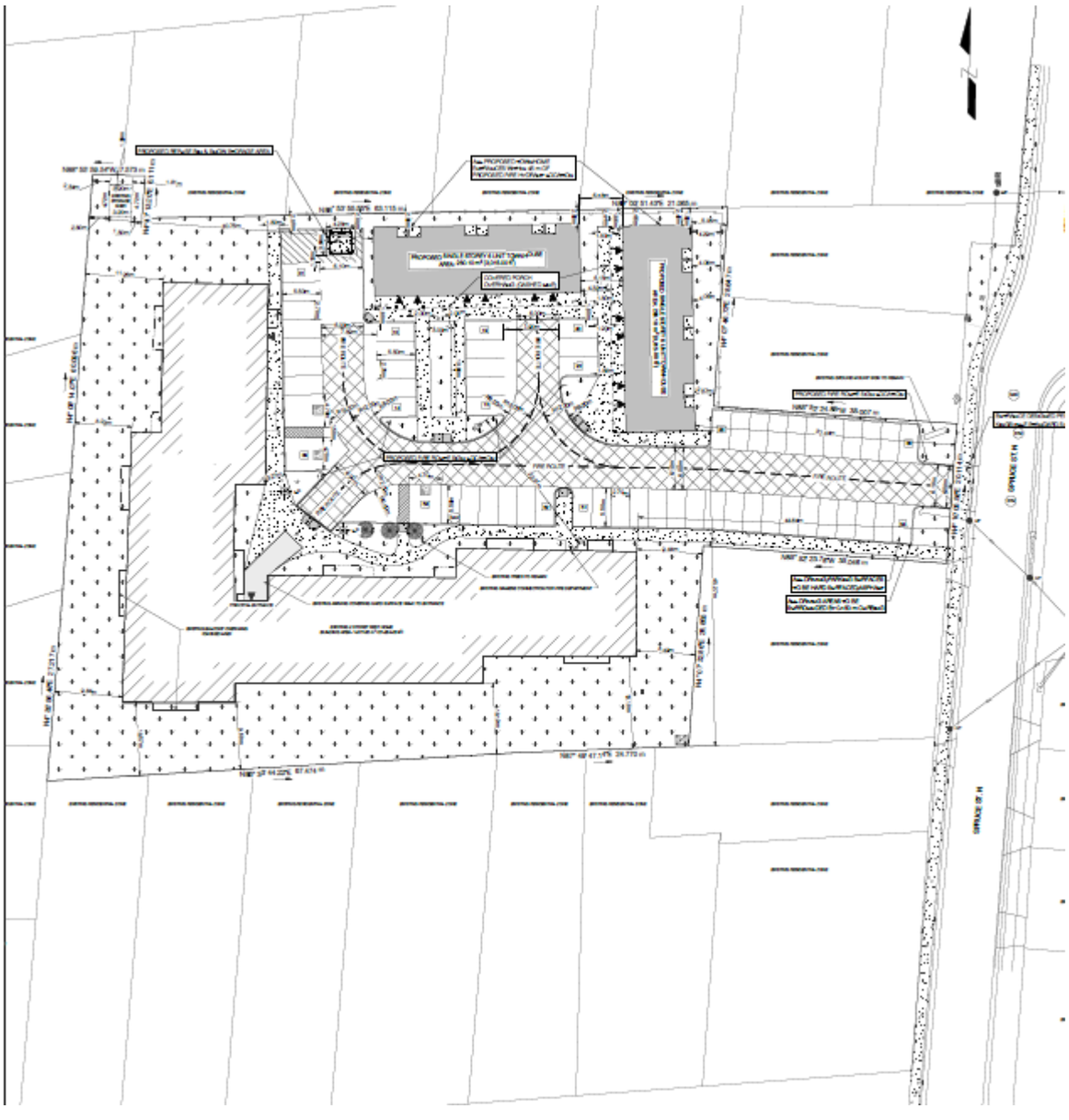


Electronic Participation

This meeting will be held in person, with an electronic element, in accordance with Procedural By-law 77-2021. Delegates and presenters will be provided with the option to attend in-person or electronically and spectators will be allowed into the building to watch or can continue to use the livestream option.

If you wish to participate via zoom, please read the instructions below:

Delegates, participants, and members of the public wishing to participate electronically **must request Zoom details by 11:00 am on the date of the public meeting**, as per By-Law 77-2021. Please refer to the contact information provided with this notice.

Please note that neither a computer, nor a video sharing device, is required to participate in the meeting via Zoom. You may also opt to call in from a cell or landline.

Persons who intend to participate electronically during the meeting may wish to register/sign up in Zoom, if they have not already done so. The following information is provided for your consideration and guidance during remote participation in the meeting:

- **Please join the meeting by 5:55 PM in order to avoid any delays**. If you have not joined the public meeting while your Agenda Item is up for public comment you will have forfeited your request.
- When you join the meeting, either by phone or online, you will be admitted in as an attendee. You will not be greeted upon joining the call. You will be able to hear the meeting and see the active speaker (if you have video capability), but your mic will be muted until it is your turn to speak.
- If you join the Zoom meeting through your phone, please **Do not put the phone on hold at any time,** as this will result in broadcasting "hold music" online once your mic function is unmuted.
- To optimize call quality when using a laptop, a headset with microphone is recommended. If you are using your laptop microphone or cell phone, please speak directly into the receiver and do not use speaker phone
- **Please do not forward the Zoom meeting details with anyone or post through social media**. Only registered participants will be admitted to the Zoom meeting.
- **Participants should keep comments directly related to the matter to which they are speaking to.** Questions are to be directed to the Chairperson. Council Members may choose to ask you follow-up questions following your remarks, comment, or ask staff to respond to your comments.
- After providing your comments and answering any questions that may be directed to you, the Meeting Coordinator will disconnect you from the Zoom meeting.

For more information, please contact:

Town of Kingsville, Planning Services
Phone: 519-733-2305 Ext. 244
Email: planning@kingsville.ca
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 31-2023

**Being a By-law to amend By-law No. 1-2014,
the Comprehensive Zoning By-law for the Town of Kingsville**

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS the application conforms to the Official Plan of the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. Subsection 6.3.1(e) RESIDENTIAL ZONE 3 URBAN (R3.1) EXCEPTIONS is amended with the addition of the following new subsection:

6.3.1.23 'RESIDENTIAL ZONE 3 URBAN EXCEPTION 23 (R3.1-23)'
For lands shown as R3.1-23 on Map 66 Schedule "A" of this By-law.

a) ***Permitted Uses***
   i) Those *uses permitted* under Section 6.3.1 Residential Zone 3 Urban (R3.1); and
   ii) A Retirement Home.

b) ***Permitted Buildings and Structures***
   i) Those *buildings permitted* under Section 6.3.1 Residential Zone 3 Urban (R3.1);
   ii) Those *buildings existing* at the date of passing of this by-law;
   iii) Retirement Home; and
   iv) Two *Townhouse dwellings* with a maximum of 6 *Townhouse dwelling* units each.

c) ***Zone Provisions***
   i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands *zone*d R3.1-23;
   ii) Notwithstanding *zone* provisions of (R3.1), the following regulations *shall* apply to lands *zone*d (R3.1-23):
   i) Parking: notwithstanding any other section of this by-law, minimum parking space requirement is 58 spaces;

2. Schedule "A", Map 66 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 0.8 ha (1.97 ac.) portion of land, known municipally as 54 Spruce Street North, Part of Lot 1, Concession 1 Eastern Division, as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 3 Urban (R3.1)' to 'Residential Zone 3 Urban Exception 23 (R3.1-23)'.

3. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker

Schedule A

54 Spruce Street North
Part of Lot 1, Concession 1 ED
ZBA-2023-09

Meters
0 20 40 80 120 160

Schedule "A", Map 66 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 3 Urban (R3.1)' to 'Residential Zone 3 Urban Exception 23 (R3.1-23)'

Date: **April 24, 2023**

To: **Mayor and Council**

Author: **Courtney Godfrey, Manager of Parks, Recreation and Facilities**

RE: **Kingsville Arena Ice Slab Replacement Project – Award of Contract**

RECOMMENDED ACTION

1. That the Kingsville Arena – Ice Slab Replacement Project Tender **BE AWARDED** to Ball Construction for $1,380,860.00 (excluding HST) beginning May 1, 2023 and subject to content review by the Director of Community and Development Services, legal review by the Town Solicitor, and financial review by the Town Treasurer, the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

BACKGROUND

The Kingsville Arena is a single pad arena complex constructed in 1974. The arena includes bleacher seating for up to 534 people, a capacity of 557 for standing and six dressing rooms. The Arena is also home to a lobby and canteen, second floor auditorium with kitchen and meeting room space, office and mechanical areas, and washrooms.

In September/October 2022, the Town's refrigeration contractors made Administration aware of significant concerns regarding the arena ice slab and its viability beyond the 2022-2023 season.

DISCUSSION

The current ice slab has experienced at least 15 brine leaks in the floor within the refrigeration lines over the past several years, including nine (9) leaks in August/September 2022 (in addition to ruptured chiller). The leaks occurred in both the concrete pad and at the headers. Repairs to leaks within the concrete slab are particularly concerning as their repair requires breaking up the pad which leads to further leaks.

In addition, the ice slab floor is showing cracks that are no longer surface level which have been compounded annually with the thawing and subsequent freezing.

In September 2022, Administration met with the Town's Arena Refrigeration Consultants (Black and McDonald) to discuss the state of the floor and other issues regarding the ice. Black and McDonald raised concerns about the brittle plastic rink pipe and because the plastic pipe is embedded in the concrete floor, it will become more brittle and is prone to further leaks. Based on the age of the floor, the number of leaks found and condition of the existing poly rink piping, Black and McDonald recommended that the concrete ice slab, rink piping and headers are replaced to avoid future leaks and downtime of the refrigeration system. On request of Administration, in October 2022, Black and McDonald provided a cost estimate in for complete ice pad replacement, including all refrigeration pipes, rink boards and glass.

Administration included the estimate on internal budget submissions for review, and based on internal review, the project was included in the 2023 Capital Budget that was shared with Council in December 2022 and deliberated on in January 2023. The final budget was approved on January 25, 2023.

Following budget approval, Administration created an internal project team including the Director of Community and Development Services, the Manager of Parks, Recreation and Facilities, the Supervisor of Parks and Facilities and the Town Engineer. Administration also engaged Terry Fink, the Town's Facilities Review Consultant who has experience in arena construction.

On February 3, 2023, due to the specialized and complex nature of the project, Administration issue a Request for Approvals to engage an Engineer specializing in Arena replacements and rebuilds. The RFP closed February 15, 2023 and the contract was awarded to Barry Bryan & Associates on February 17, 2023 following review of proposals by an Internal Arena Committee. The Consultant's scope of work includes preparation of the necessary drawings, specifications, and tender documents.

In preparing the tender materials, Administration was advised of supply chain issues related to refrigeration tubing and boards which would delay the project to end October 2023. The Committee, with Barry Bryan & Associates reviewed options including acquiring all materials and delaying install until March 2024, as well as maintaining ice through the summer to reduce impacts on the floor due to thawing and re-freezing. The Committee also considered the option of a 'business as usual' approach of thawing and re-freezing in the Fall 2023.

Ultimately, the committee determined that maintaining ice through the summer would likely put too much pressure on, and overwork, aging equipment and refrigeration pipes leading to leaks and equipment failure. The arena is not insulated or air conditioned and becomes very hot in the summer. Importantly, even if the equipment was operational through summer, due to the age of the rink and the lack of insulation and lack of 'heat lines', the Consultant advised of a significant risk of forcing permafrost conditions which could in fact threaten the structure of the facility.

Alternatively, creating ice as usual in September 2023 would also likely lead to leaks and failure based on past years' experiences and knowledge of the severity of the damages to the pad. Additionally, though the new chiller has helped, quality of ice has been identified as a concern by users, especially areas of soft ice which causes potential risk to skaters and potential liability to the Town should a skater become injured in known areas of soft ice.

Though there is a chance that there may be no issues in the Fall if the slab is not replaced, it was determined that the uncertainty around a fall opening would be more impactful to user groups and the community than completing the project and delaying the season to November 1, 2023.

Administration met with all ice user groups on April 3, 2023 to advise of these issues and to work with all user groups to confirm ice time in other arenas, revisit scheduling once the ice is available to maximize user group time, and providing other assistance we can. Additionally, on April 20, 2023 the Town hosted a Public Information Centre on the Arena Ice Slab replacement project which was attended by approximately 12-15 individuals. Though delaying the start of the season is not ideal, most user groups and members of the community appreciated the early notice, and were supportive of the project.

The final tender package seeking ice slab replacement was advertised to the public on April 06, 2023. The Tender included project start date of May 1, 2023 with a completion date of October 13, 2023, with a goal of having ice available on November 1, 2023. Though it is always challenging to set definite dates due to unexpected issues arising, administration added penalty and bonus clauses in the Tender to incent timelines.

After a very brief two-week tender posting the Town received three bids as follows:

Contractor / Vendor Name	Bid
MJ.K. Construction	$1,866,341.90
Schilthuis Construction Inc.	$1,441,880.00
Ball Construction	$1,380,860.00

Administration reviewed all tenders and deemed them all to be complete.

Based on review of tender submissions with the Consultant, as well as reference checks of previous municipal arena ice pad replacement projects, the Committee has determined that Ball Construction is able to satisfy requirements relating to experience with similar projects, and has the required bonding, and insurance while providing the lowest cost proposal, The Committee is recommending the Ice Slab replacement project be awarded to Ball Construction for a total of $1,380,860.

Should Council award this tender, the ice slab replacement project will start May 2023 and is scheduled to be complete mid-October 2023 with the ice season beginning November 1, 2023.

FINANCIAL CONSIDERATIONS

The 2023 Capital Budget includes $1.8 million for this project. As noted, the Town engaged a Consulting Engineer ($95,000) to develop all tender documents and specifications and act as project manager overseeing replacement.

ENVIRONMENTAL CONSIDERATIONS

Materials (Brine and Ammonia) using the assigned waste generation number, will be disposed of through the appropriate channels ensuring that there is no environmental impacts.

CONSULTATIONS

- Administrative Arena Committee – Director of Community and Development Services, Manager of Parks, Facilities and Recreation, Town Engineer, Supervisor of Parks and Facilities, and the Town's Facilities Assessment consultant.
- SMT
- Barry Bryan Associates – Architects, Engineers and Project Managers
- Black and McDonald (Refrigeration contractors)
- Ice User Groups (Erie North Shore Minor Hockey, Skate Kingsville, South County Predators, Kingsville Kolts, Kingsville District High School Mens and Womens Hockey Team, Rusty Blades Mens league)
- Public Open House – attended by approximately 12-15 residents.

PREPARED BY:

Courtney Godfrey
Manager of Parks, Recreation, and Facilities

REVIEWED BY:

Richard J.H. Wyma CSLA
Director of Community and Development Services

Date: **March 13, 2023**

To: **Mayor and Council**

Author: **Richard J.H. Wyma**
Director of Community and Development Services

RE: **Adoption of Official Plan 5-Year Conformity Review**

RECOMMENDED ACTION

1. That the Official Plan 5-Year Conformity Review, attached as Appendix "A", and associated Official Plan Schedules "A", "A-1", "A-2", "B", "B1", "C", "D", "E", "F", "G" and "H" and Official Plan Appendices "A", "B", and "C", as presented and updated to respond to comments from the County of Essex **BE ADOPTED**; and

2. That Administration **BE DIRECTED** to forward the updated plan to the County of Essex for final approval; and

3. That **By-law 32-2023** being a by-law to amend the Official Plan of the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

In the fall of 2017, Administration initiated the review of the Town of Kingsville Official Plan. As noted below, review included council workshops, stakeholder meetings, completion of reports to inform the review, public open houses and reviews of draft plans by Council.

- Fall of 2017 - Review process started
- December 2017 - Council workshop
- January 2018 – initial stakeholders meeting
- February 2018 – Mandatory Section 26 *(Planning Act*) meeting with Council/public
- March 2018 – second stakeholders meeting
- June 2018 – third stakeholders meeting
- June 2018 – completion of the Issues and Policy Direction report
- August 2018 – introductory public open house
- November 2018 – initial draft based on staff and stakeholder input
- May 2019 – second public open house
- September 2019 – second draft based on public comment

- November 2019 – third public open house
- January 2020 – public meeting to introduce final document to Council /public
- May 2020 – revised draft completed based on feedback from January 2020 meeting
- September 2020 – additional revision based on ERCA and County technical comment

At the December 14, 2020 meeting of Council, the completed five-year Official Plan review was presented and adopted by Council.

DISCUSSION

Following Council adoption of the Official Plan in December 2020, the plan was circulated to County of Essex for approval. The County circulated the draft to the Essex Region Conservation Authority. Both the County and ERCA raised a number of additional comments. The draft Official Plan 5-Year Conformity Review was amended to respond to comments.

Revisions to the plan to address County comments were primarily required to clarify or confirm references to Provincial Policy, and to ensure that Town policy was consistent with wording and policy in the County Official Plan. In addition, Administration also responded to comments from ERCA regarding natural heritage and hazards, and Source Water protection. Response to comments did require some restructuring of adopted policy as well as some revisions to align Town policy with County Policy, especially related to Natural Heritage.

In addition, in response to Council priorities, direction, and approvals, the Draft Official Plan was further amended to include policies that were not part of the original RFP for the 5-year review, including:

- 2018 – Affordable Housing Policy Development
- 2019 – Greenhouse Policy Review Policy
- 2022 – Boarding, Lodging and Rooming House

The amended Draft Official Plan (Appendix A) and Schedules A-H (Appendix B) is the current working version for consideration by Council for adoption. To assist in Council and community review of the plan, Administration has highlighted changes within the document, and provided notes where changes were made to conform with County or provincial policy, new direction from Council, or sections reworked based on internal review to clarify the policy or language of the Official Plan. This includes changes related to:

- The ‘Air Quality, Energy Conservation and Green Infrastructure’ section (Section 2.2) was restructured as a Climate Change section to align drafted policies around climate adaptation and mitigation and link to the County of Essex Regional Energy Plan. This section was also amended to include policies previously included in the Energy, Conservation, Air Quality and Climate Change section (Section 6.3.3)

- Secondary Dwelling Units (Section 2.10) was redefined as Additional Dwelling Units and re-worked in response to comments from the County and recent changes in legislation
- A section on Attainable Housing (Section 2.12.1) was added to reflect Council priorities
- Parkland Dedication policies (section 3.5.2) identified in the draft Official Plan established a total supply of 2.1 hectares of parkland per 1,000 population. This ratio was increased to 2.5 hectares per 1,000 population as part of the 2018 Parks, Recreation, Arts and Culture Master Plan, but not adjusted in the draft Official Plan. The amended draft was changed to be consistent with PRAC Master Plan. As noted in the draft Official Plan, and the PRAC Master Plan, even 2.5 ha/1,000 is the lowest in Essex County. Though no standard exists, most current plans include standards for both 'local' parkland and 'community/regional' parkland, amounting to collective ratios of 3.7 to 4.0 ha/1,000. It is recommended that this ratio be reviewed as part of the update to the 2018 PRAC Master Plan.
- Residential development criteria (Section 3.6.1.2) as reworked by Administration will be further reviewed and amended to reflect recent discussions related to Main Street development.
- Natural Heritage System (Section 4.2) was revised to reflect comments from the County and ERCA. Comments, and changes directly reflect the 2014 County of Essex Official Plan and align with similar policies in other municipalities in keeping with that Plan. These changes include new policies and/or restructured earlier policies to conform with the County Official Plan. Policies related to endangered and threatened habitat were changed to provide clarity and conform with Provincial Policy.
- Source Water Protection policies (Section 4.5.3) was amended to reflect comments by the Essex Region Source Water Protection Authority, and to conform with the Essex Region Source Water Protection Plan and associated Risk Management policies.
- Interpretation (Section 8.11.2) was revised to reflect County of Essex Comments, Provincial Policy Statement and to conform with the County Official Plan.

It should be noted, that since Council's adoption, there have been changes to provincial legislation and policy however, in many cases, clarifying regulations related to those policy changes are not yet available and as such, this draft includes only those 'high level' changes that are required to align with required policy changes.

FINANCIAL CONSIDERATIONS

The original budget for the review was $75,000. With approval of Council, the Town hired WSP Canada to assist in updating the Plan. The WSP portion of the budget was fully billed in 2020.

Due to additional time taken to develop and include the affordable housing policy, greenhouse policy, and Boarding, Lodging and Rooming House amendments, there was some minor additional expenses that were covered by either annual budget

allocations, special project budgets, or through the department's professional fees and services budget.

Addressing the County comments and final preparation of the draft Official Plan have been completed internally. Once the Town and County approve this Official Plan, the document will be posted to the Town website. A limited number of hardcopies will be prepared for internal use. Hard copies will be available for a fee as outlined in the fees and charges by-law.

ENVIRONMENTAL CONSIDERATIONS

The 5-Year Review process for the Official Plan conforms with the County of Essex 2012 Official Plan policies related to natural heritage and natural heritage systems. The plan also includes policies related to storm water management, particularly quality of discharge. There will also need to be longer-term consideration given to some areas within the Town that currently permit development but should perhaps be reconsidered due to erosion, flooding or other natural hazards.

In addition, the 'Air Quality, Energy Conservation and Green Infrastructure' section was restructured to reflect actions to mitigate risks and vulnerabilities, increase community resilience and consider the impact of development on environment, economy and society. Further this section identifies the need for a Climate Change Strategy to advance identified goals.

CONSULTATIONS

The revised Official Plan was posted to the Town website as part of the 2020/2021 Council Approvals. Following Council's adoption of the plan, a Notice of Adoption was also posted in local newspapers and to the Town website and social media platforms for consideration and review by the public.

County of Essex and agencies reviewed the draft Official Plan and provided comments which were addressed in this draft.

Internally the revised Plan has been reviewed by the Director of Community and Development Services, the Manager of Planning, and was reviewed by TAC, and individually with departmental staff on relevant topics.

In an effort to advance the Plan, the Draft was provided to the County for review. Administration has met with the County and believes it has addressed all earlier County and ERCA comments.

PREPARED BY:

Richard J.H. Wyma CSLA
Director of Community and Development Services

REVIEWED BY:

John Norton
Chief Administrative Officer

Attachments:

- **Appendix A:** Official Plan 5-Year Conformity Review including Official Plan Schedules and Appendices – Clean Version. This version 'accepts' all changes as noted in Appendix B.

- **Appendix B**: Official Plan 5-Year Conformity Review including Official Plan Schedules and Appendices – Tracked Comments. This version highlights changes made and provides associated notes and comments related to those changes.

- **By-law 32-2023** being a by-law to amend the Official Plan of the Town of Kingsville

APPENDIX "A"

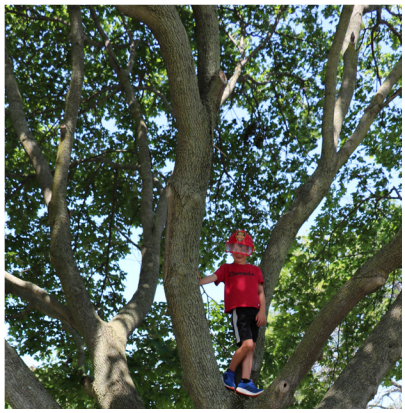
OFFICIAL PLAN 5-Year Conformity Review including Official Plan Schedules and Appendices – Clean Version.

This version 'accepts' all changes as noted in Appendix B.

The Corporation of the Town of Kingsville

OFFICIAL PLAN

December 2011
Town Council Approval: December 19, 2011
County of Essex Approval: February 1, 2012
5 Year Conformity Review: April 25, 2023



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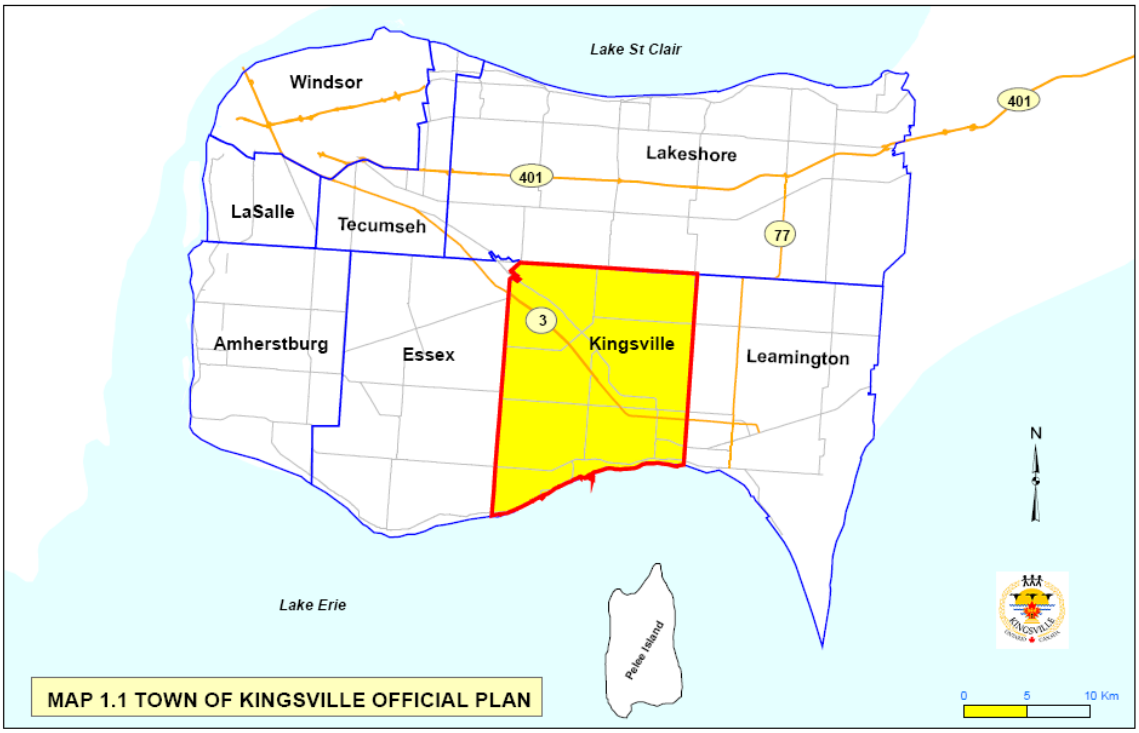
SECTION 1: GENERAL

1.1 TITLE AND COMPONENTS

This Plan shall be known as the Official Plan for the Town of Kingsville. The following text and Schedules "A", "A-1", "A-2", "B-1", "B-2", "C"," D", "E", "F", "G", and "H" inclusive constitute the Official Plan. The policies and land use designations described in this Plan should not be considered static and should be reviewed and altered by way of amendment as required. A major review of all policies and land use designations shall be undertaken every five years.

1.2 THE PLANNING AREA

The following text and schedules constituting the Official Plan for the Town of Kingsville apply to all lands within the corporate limits. The restructured Town was incorporated on January 1st, 1999 joining the former Town of Kingsville and Townships of Gosfield North and Gosfield South into the Town of Kingsville. The Town of Kingsville has a land area of 24,660 hectares and a 2021 population of 22, 119 (Statistics Canada, Population and Dwelling Counts. 2022). Geographically, Kingsville is located in the south east portion of Essex County bordered by the Town of Essex to the west, the Town of Lakeshore to the north, the Municipality of Leamington to the east and Lake Erie to the south (Map 1.1).



1.3 PLANNING AUTHORITY

In accordance with the *Planning Act*, the Council of a Town may provide for the preparation of a plan suitable for adoption as the Official Plan of the Town. An Official Plan is defined in the *Planning Act* as a document, approved by the Approval Authority, containing objectives and policies established primarily to provide guidance for the physical development of a Town while having regard to relevant social, economic and environmental matters. Section 24 of the *Act* further provides that where an Official Plan is in effect no public work shall be undertaken and no by-law passed for any purpose unless it is in conformity with the Official Plan.

1.4 PURPOSE OF THE PLAN

1.4.1 Town's Mission and Vision Statement

The Town's Mission, Vision Statement and Values provide broad direction for the long-term planning and development of the Town. The Kingsville Strategic Plan (2017-2022) outlines the shared vision for the Town, which was developed through a consultation process that involved input from the community, agencies, Town administration and staff, and Council. The purpose of the Strategic Plan is to provide a guideline for taking actions that will strengthen the Town of Kingsville. The Strategic Plan is intended to sustain the quality of life that is enjoyed by residents. The Strategic Plan is designed to capture the ideas and input of the community members and combine it with the current competitive advantages of the Town of Kingsville.

The planning framework and policies of this Plan are based on the Strategic Plan, and provide further direction for land use planning within the Town.

The Town's Mission Statement is:

"To make Kingsville a progressive and prosperous place."

The Town's Vision is:

"Kingsville: A friendly and safe community – Proud of our past; excited about our future."

The Town's Values are:

Community: The Town of Kingsville values a friendly community that works together to maintain a high quality of life for all its residents.

Leadership: The Town of Kingsville values a proactive approach that moves the community forward rather than reacting to emerging threats and changing times.

Professionalism and Accountability: The Town of Kingsville values professional, responsible service based on sound planning, budgeting and reporting.

Preservation of a Small Town Culture: The Town of Kingsville values the beautiful environment of the small town culture it inhabits and strives to ensure a healthy legacy for current and future generations.

1.4.2 Guiding Principles

This Official Plan sets out in general terms the future pattern of development for the Town of Kingsville. The Plan's purpose is:

Community

a) to designate sufficient lands to encourage and accommodate future development proposals and to identify a desired land use pattern for such future development that ensures a basic compatibility between and among various land uses within the Town;

b) to guide the location, type and sequence of all new development so that it may be provided with efficient public services based on reasonable and sound standards;

c) to ensure that the development design provides for the future development of abutting land by oversizing services where necessary, properly designing road patterns so that separate abutting developments will ultimately interconnect and by establishing development standards in an attempt to minimize any future incompatibility problems;

d) to inform the general public and the private sector of the type and standard of development that will be permitted within the Town in the future;

e) to guide Council, the Committee of Adjustment, municipal staff and other regulatory agencies in making decisions regarding the future development of the Town;

f) to encourage the provision of affordable and attainable housing policies consistent with Provincial Policy;

g) to ensure that transportation facilities required for the efficient movement of people and goods within, to and from the Town are appropriate or will be available to serve the varied land use pattern proposed by this Plan;

Leadership

a) to establish a framework for the engagement and participation of the public including individuals, community groups, stakeholders and Indigenous communities in the implementation and review of the Plan's goals and policies;

b) to provide policies that are consistent with the Provincial Policy Statement, 2020; and

c) to conform to and implement the County Official Plan's policy framework at the local level, and provide more detailed policy direction for the Town.

d) to provide a frame of reference for future detailed studies and updates to existing studies which may be undertaken when considered necessary by Council;

Professionalism and Accountability

a) to provide for the necessary capital works programs and municipal legislation to implement the Plan's goals;

b) to identify the present level of services available within the Town and the capacity of these services with respect to expansions and extensions required to facilitate future development;

c) to ensure that any development which may occur does so at a pace that is within the financial capabilities of the Town;

Small Town Culture

a) to further enhance the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive and convenient environment, and maintaining a high quality of life for all its residents;

b) preserve the small town culture and ensure a healthy legacy for current and future generations;

c) to ensure all cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community;

d) to ensure that prime agricultural lands (Class 1, 2 and 3 soils as established by the Canada Land Inventory together with specialty crop lands, should they be identified) are preserved for agricultural use with a priority on food production;

e) to maintain, restore or where possible improve, the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems while recognizing and enhancing the linkages between natural heritage, surface water and groundwater features or areas;

f) to maximize the environmental, social and economic benefits derived from protecting, maintaining and enhancing woodlands for the residents of the Town;

g) to promote development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

h) to protect natural resources, including mineral aggregate resources, and mineral and petroleum resources;

i) To ensure the Town is resilient and adapted to a changing climate and planned in a sustainable manner

1.5 BASIS OF THE PLAN

The policies contained in this Plan are based on several assumptions and conclusions that emerged out of the research and analysis phase of the Official Plan review and the 5-Year Review of the Official Plan, undertaken in 2018. If with time, any of these assumptions prove to be invalid, it will be necessary to review the Plan policies and if necessary amend them as considered necessary and appropriate.

1.5.1 Time Period of the Plan

This Plan is intended to guide future development within the Town of Kingsville for approximately a twenty-five year planning horizon in conformity with the planning horizon of the County of Essex Official Plan. All forecasts of growth and related land use requirements correspond to this planning period. The policies contained herein will be reviewed at least once every five years to ensure that they conform to Provincial Plans, if applicable, have regard to matters of Provincial interest as outlined in the *Planning Act*, are consistent with Provincial Policy Statements, are in conformity with the County of Essex Official Plan, and are appropriate given the Town's development circumstances and the desired policy direction of the Town.

1.5.2 Community Profile

The Town of Kingsville had a population growth of 2.6% between 2016 and 2021 (from 21,552 persons as of 2016 to 22,119 persons in 2021 (Statistics Canada, 2021 Census of Population) and a land area of approximately 24,660 hectares. Kingsville is primarily an

agricultural community with most types of agriculture being present in the area. The Town also accommodates a substantial area of greenhouses producing tomatoes, cucumbers, peppers, flowers and potted plants. In addition to agriculture, a sand and gravel industry and commercial fishing industry also exists. Employment development within Kingsville is primarily related to greenhouse support industries and food processing. However, secondary feeder plants to the major auto industries are also present.

1.5.3 Forecasted Residential Demand

The residential policies contained in this Plan are based on the following population assumptions:

a) annual average growth rates for the three former municipalities have been positive but variable. Generally, population has increased as sewage capacity has become available;

b) the forecasted residential growth conforms to the County of Essex Official Plan to the planning horizon year of 2031; as allocated by the County of Essex Official Plan and supporting Population and Employment Foundation Report, County of Essex Official Plan Review, August 2011;

c) the three tables that follow outline the anticipated population and household growth projected for the Town of Kingsville:

Table 1.1 20 Year Population Projections: 2011-2031

Population	**2011**	**2016**	**2027**	**2031**
Kingsville	21,362	21,552	23,882	25,088

Source: Statistics Canada, 2016 Census of Population. Town of Kingsville Development Charges Background Study, 2017. County of Essex Official Plan, 2014

Table 1.2 20 Year Household Projections: 2011-2031

Households	**2011**	**2016**	**2027**	**2031**
Singles and Semi-Detached	6,825	7,010	8,021	8,321
Multiple Dwellings	490	525	667	740
Apartments	365	400	456	483
Other	40	40	40	40

Total	7,720	7,975	9,184	9,584
Source: Statistics Canada, 2016 Census of Population. Town of Kingsville Development Charges Background Study, 2017. County of Essex Official Plan, 2014				

Table 1.3 Additional Household Projected: 2011-2031

Households	2011-2016	2016-2027	2027-2031
Singles and Semi-Detached	185	1,011	300
Multiple Dwellings	35	142	73
Apartments	35	56	27
Other	0	0	0
Total	255	1,090	400
Source: Town of Kingsville Development Charges Background Study, 2017			

d) based on the preceding tables, it is estimated that there will be a demand for approximately 1,609 additional dwellings from 2016 to 2031. Assuming an average density of 10 units per hectare, a total of 160 hectares of land will be required for residential development to the year 2031.

Those lands designated as "Residential" as shown on Schedules "A", "A1" and "A2" currently meet the required demand for residential development to the year 2031. Furthermore, the Essex County Official Plan provides that the existing inventory of residentially designated land is sufficient to accommodate the projected 20-year demand for additional housing units (to the year 2031), and sufficient land has been designated in the Town's Official Plan to accommodate the projected residential land use needs of the Town.

e) The Town will work with the County and the local municipalities to ensure an appropriate growth projection and allocation to the Town of Kingsville as part of the preparation of the next County of Essex Official Plan which began in 2021.

1.5.4 Forecasted Agricultural Demand

Agriculture and related development will remain the primary economic activity of the Town. The main agricultural uses in Kingsville are field crops and greenhouse farming (primarily vegetable production, commercial cannabis, and limited flower and plant

greenhouses). Secondary agricultural uses include mushroom production and raising of livestock.

Growth in the greenhouse sector is increasing year to year. Availability and cost of services will remain the key factors in future growth.

1.5.5 Forecasted Commercial Demand

The Town expects new commercial development as private sector developers continue to attempt to reduce the outflow of shopping dollars from the Kingsville trade area. In addition, tourism in Kingsville has increased as a result of wineries and specialty retail shops and restaurants and visitors to the various roadside fruit, vegetable and flower stands.

Commercial development should continue to be focused to the downtown areas to enhance the vitality of these areas and the communities they support. However, there are commercial development areas at the easterly end of Main St. E and northern end of Division Rd N which are also a key part of the commercial service needs of the Town. Residential development also continues to extend westward, and with the planned construction of the West Side Collector road, there may be a need for additional lands to be designated for commercial purposes within the Plan's time horizon.

1.5.6 Waterfront Development

This Plan encourages the continued effort by the Town to improve the waterfront area and supports the establishment of a long-range Waterfront Development Master Plan. The policies of this Plan will be amended once a Waterfront Master Plan is completed and accepted by the Town.

In the interim, the Town has approved a new "Waterfront Mixed Use Neighbourhood" designation that generally applies to lands along the Park Street corridor between Lansdowne Avenue and Lakeview Lane. The intent of the "Waterfront Mixed Use Neighbourhood" designation is to:

a) promote the development of a mix of commercial, residential, office and institutional lands uses in the waterfront area;

b) promote the waterfront area as a destination in the Town, and

c) ensure that new commercial and residential development meets appropriate site design standards and new commercial and residential development are compatible.

Furthermore, the Town will continue their efforts to improve publicly accessible parks and trails along the waterfront, including the provision of a linear park system along the waterfront joining the Kingsville dock area with Lakeside Park.

1.5.7 Forecasted Industrial Demand

The 2011 County of Essex Population and Employment Foundation Report forecasted employment growth to the Town of Kingsville of 7,930 to 8,450 employees to the year 2031, which represents an increase of 1,410 to 1,930 employees from 2016.

The rate of employment growth based on the 2011 Foundation Report is expected to be below past levels with most growth occurring in the mid-to-long term. Employment growth is anticipated to favour industrial related over population related employment development. In terms of land supply, a surplus exists County-wide to accommodate all of the projected employment growth, and the Settlement Areas contain sufficient land for the County as a whole, and each local municipality, to accommodate all employment growth during the planning period to 2031. Sufficient employment lands have been designated in the Town to the year 2031, which includes the employment lands designated on the south edge of Cottam and the north edge of Ruthven, to meet forecasted employment demands. The development of the Employment designated area within Cottam will be dependent upon improvements to the existing municipal sanitary sewage treatment facility.

The Town will work with the County and the local municipalities to ensure an appropriate growth projection and allocation to the Town of Kingsville as part of the preparation of the next County of Essex Official Plan which began in 2021. The Town will actively monitor the supply and availability of designated employment lands to ensure an adequate supply is available over the planning horizon to meet the expected demand and also to provide reasonable market choice and competition. Careful attention will be provided to ensuring that existing employment areas are provided with good access and transportation links, appropriate sanitary sewage, storm water and potable water servicing, while minimizing potential conflicts with residential and commercial areas.

This Plan encourages additional employment development particularly, industries associated with food processing and product storage, other agricultural related industries and automotive related industries.

There are also extractive industrial activities in Kingsville (Schedule 'D'). The areas of the Town that possess extractive potential are well known and identified. It is expected that the extractive resource will continue to be removed as required.

1.5.8 Forecasted Recreational and Institutional Development

It is expected that demand for new institutional and recreational opportunities will continue. The Town is generally in support of such new facilities provided their development is in accordance with the policies of this Plan.

The Greater Essex County District School Board is currently constructing a new school site in the northeast corner of the Kingsville Primary Settlement Area. The new school will replace Kingsville District High School, Kingsville Public School and Jack Miner Public School. The Town will plan for the future reuse and redevelopment of surplus institutional properties, where they are no longer required for institutional uses. The potential redevelopment of these sites for non-institutional uses should explore opportunities to integrate a variety of uses and provide opportunities to improve the health and vitality of the Town.

The Town will continue to review and implement the Town's Parks, Recreation, Arts & Culture Master Plan, which provides further direction pertaining to the establishment of new or expanded recreational opportunities.

It is also the Town's intention to develop more passive recreational facilities such as walkways, particularly along the waterfront and Mill Creek, and bicycle paths. The Essex County Wide Active Transportation Study (CWATS) and the Town's Comprehensive Transportation Master Plan (2022) will provide further direction for establishing an active transportation system throughout the Town.

1.6 GROWTH MANAGEMENT AND COMMUNITY STRUCTURE

The Town of Kingsville is comprised of a large geographic community with multiple urban centres, hamlets, and lakeshore residential areas, resulting from municipal restructuring and the historic growth and settlement trends. The Official Plan recognizes the unique challenges faced by the Town, and promotes a comprehensive planning framework to appropriately manage future growth and development.

The community structure for the Town promotes the creation of complete communities, which meet immediate and future needs by providing access to a full range and mix of housing, diverse employment and shopping opportunities, a range of community services and facilities, recreational and open space opportunities, convenient transportation choices, and protection and enhancement of agricultural and natural resources, while directing development away from natural hazards, minimizing negative impacts to air quality and climate change and promote energy efficiency.

This Section identifies community structure policy areas which provide guidance on the overall growth management and community structure for the Town. Schedule "A" illustrates the planned community structure for the Town over the planning horizon.

The growth management strategy and community structure for the Town is comprised principally of Primary Settlement Areas, Secondary Settlement Areas, and the Agricultural Area. The Primary Settlement Areas include the Settlement Areas of the community of Kingsville and a portion of the Lakeshore Residential West area abutting the community of Kingsville; and the Secondary Settlement Areas which include a diversity of settlements including: Cottam; the Hamlet Areas of Ruthven and Country Village; a portion of the Lakeshore Residential West area, the Lakeshore Residential East Area along Lake Erie; and various un-named Secondary Settlement Areas within the Agricultural Area, which largely comprise areas of agricultural related industrial and rural employment areas.

Table 1.6 and Schedule A identify the Primary and Secondary Settlement Areas in the Town which are further distinguished by their applicable land use designations as designated on Schedule A.

Table 1.6 Settlement Areas

Settlement Area Type	Settlement Area
Primary	Kingsville
	Portion of the Lakeshore Residential West
Secondary	Cottam
	Ruthven
	Country Village
	Portion of the Lakeshore Residential West
	Lakeshore Residential East
	Various un-named Secondary Settlement Areas within the Agricultural Area.

The Town's growth management strategy is to direct the majority of future growth and development to the Primary Settlement Areas to strengthen the Town's settlement structure, and provide for development patterns that efficiently use land, resources, infrastructure, and public service facilities. Primary Settlement Areas promote the development of healthy and sustainable communities through more compact urban

forms, the efficient use of infrastructure, and the provision of a range of land uses, while preserving lands designated Agricultural.

Secondary Settlements vary in nature and character but will generally accommodate more modest growth than that directed to the Primary Settlement Areas, in accordance with the policies of this Plan.

1.6.1 Primary Settlement Areas

The Primary Settlement Areas are identified on Schedule "A" and represent urban settlement areas which are the primary focus of growth and development. Primary Settlement Areas promote the development of healthy and sustainable communities through more compact urban forms, efficient use of infrastructure, and the provision of a range of land uses.

The following policies apply to Primary Settlement Areas:

a) Primary Settlement Areas shall be the focus of growth and public/private investment in the Town.

b) Primary Settlement Areas shall have and be planned for full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options.

c) All types of land use are permitted within the Primary Settlement Areas designation subject to the specific land use designations and the policies of this Plan.

d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in effect in this Plan.

e) Expansions of the boundaries of a Primary Settlement Area shall only occur in accordance with the Local Comprehensive Review policies in Section 1.6.3.1 of this Plan. An amendment to this Plan and the County Official Plan shall be required to alter the boundary of any Settlement Area.

f) To ensure the orderly growth of the Town of Kingsville, the Town will monitor development applications immediately outside of the Kingsville Settlement Area as they may represent a logical extension for future urban growth. These lands should be protected for the long term and where they are deemed to be required to

accommodate growth, the boundary of the Kingsville Settlement Area shall be revised in accordance with the Local Comprehensive Review requirements of Section 1.6.3.1.

g) The downtown area of Kingsville should be planned to maintain and/or enhance the existing character of these areas. Mixed-use development, residential intensification, and an accessible pedestrian oriented streetscape are encouraged.

h) The Town encourages the redevelopment of brownfield properties.

i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

j) The Town supports universal physical access and encourages the building industry to incorporate such features into new structures.

1.6.2 Secondary Settlement Areas

The Secondary Settlement Areas are identified on Schedule "A" and represent small hamlet, village, employment based, or other site-specific settlements or developments that have historically existed and been identified in the Town's Official Plan. Secondary Settlement Areas do not meet the criteria outlined above for Primary Settlement Areas; however, they do have varying levels of community investment such as partial services and associated community services and facilities.

The Secondary Settlement Areas in the Town are predominately residential in nature, such as the Town's shoreline areas. However, there are Secondary Settlement Areas that contain a mixture of uses such as the Hamlet of Cottam. There are also several employment-based Secondary Settlement Areas such as Ruthven and the surrounding areas. Furthermore, there are a number of smaller un-named Secondary Settlement Areas throughout the Town's Agricultural area which comprise largely rural employment areas.

The Town recognizes the diversity among the many different Secondary Settlements Areas and has established the following policy framework that recognizes this diversity:

a) New development will be permitted within the boundaries of the Secondary Settlement Areas as shown on Schedule "A" provided such development is consistent

with the Provincial Policy Statement, the intent of the County Official Plan, and the policies of this Plan.

b) The majority of new development within Secondary Settlement Areas will primarily be directed to Cottam, Ruthven, and the Lakeshore Residential Areas, and to a lesser extent, the smaller un-named Secondary Settlement Areas designated Employment throughout the Town's Agricultural area.

c) New development is encouraged on full municipal services, where available, unless there are interim servicing policies in effect in this Plan.

d) Expansions to the boundaries of a Secondary Settlement Area are not permitted. However, the Town may undertake a Local Comprehensive Review in accordance with Section 1.6.3.1, and the policies of the County Official Plan, that may result in the reduction of the Secondary Settlement Area boundaries in conjunction with the corresponding expansion of a Primary Settlement Area boundary. An amendment to the County Official Plan and this Plan and shall be required to alter the boundary of any Settlement Area.

e) All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of this Plan.

f) In some cases Secondary Settlement Areas are unnamed and do not contain the basic elements that comprise a settlement area. The Town may consider removing the Secondary Settlement Area delineation of these Settlement Areas from the land use schedule or further restrict new development.

g) Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:

   i. Though growth and investment in Secondary Settlement Areas is permitted, they shall not be the focus of growth or public or private investment, and they should, at most, retain their existing historic development patterns.

   ii. New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.

   iii. Residential intensification, outside of infilling, shall only occur on full municipal sewage services and municipal water services.

h) Secondary Settlement Areas, or portions thereof, that generally consist of employment uses are subject to the following additional policies:

i. Cost effective development patterns and those which reduce servicing costs are encouraged.

ii. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

iii. New development shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.

iv. New development on private or partial sewage services and water services shall generally be limited to dry industrial uses.

v. The orderly and appropriate development of these areas will be accommodated

1.6.3 Local Comprehensive Review of Settlement Areas

A Primary Settlement Area expansion that would result in an addition to the aggregate amount of land, may only be considered through a Comprehensive Review of the County of Essex Official Plan.

Notwithstanding, in accordance with the Provincial Policy Statement and the County of Essex Official Plan, the Town will complete a Local Comprehensive Review (LCR) to determine how lands and land uses are currently utilized in Kingsville, how much future growth can the settlement area accommodate, where reallocation of existing lands may be needed to meet growth demands, and to identify the most and least appropriate locations for growth within the Town.

SECTION 2: GENERAL DEVELOPMENT POLICIES

The policies in this section apply to development proposals in all designations throughout the Town of Kingsville.

2.1 GENERAL

It is the intent of this Plan to ensure that development takes place in an orderly fashion having regard to a set of land use planning principles. It is important to note that the following planning principles are inter-related. It is expected that the principles will be considered collectively and not that any one principle is to be considered independent of the others. This Plan contains the necessary goals and policies to ensure the intent of these principles is realized.

2.1.1 Land Use Planning Principles

a) to create more compact, mixed use, and pedestrian oriented development within designated and fully serviced urban settlement areas;

b) to support and promote healthy, diverse and vibrant settlement areas, where all residents can live, work and enjoy recreational opportunities;

c) to provide a broad range of housing types, services and amenities, employment and leisure opportunities for a growing and aging population;

d) to promote attainable and affordable housing and special needs housing within Primary Settlement Areas, and to a lesser extent within Secondary Settlement Areas;

e) to promote the creation of public spaces within all neighbourhoods and settlements that foster a sense of community pride, well-being, and create a sense of place;

f) to require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities to accommodate growth, in a fiscally appropriate manner;

g) to promote opportunities for intensification and redevelopment within Primary Settlement Areas which are ~~consistent~~ compatible with the existing built form of the area, in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities;

h) to focus urban type development within the designated Primary Settlement Areas of the community of Kingsville and the eastern portion of the Lakeshore West

Residential Area, and to a lesser extent to the Secondary Settlement Areas of the Village of Cottam, the Hamlet of Ruthven and the Lakeshore West Residential Area;

i) to create and maintain an improved balance between residential and employment growth by increasing the opportunity for job creation, and maintaining and attracting industries and businesses;

j) to maintain and enhance the uptown area of Kingsville and the commercial area of Cottam as focal points where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed use environment;

k) to maintain and attract manufacturing, agri-businesses and tourism-related businesses and activities that can provide employment opportunities to existing and future residents;

l) to protect prime agricultural areas for agricultural use;

m) to protect natural heritage resources and other natural resources that are provincially, regionally, and locally significant;

n) to increase the amount of core natural area and natural buffers where possible, particularly through restoration efforts;

o) to link wildlife habitat and natural heritage areas to each other, human settlements to other human settlements and people to nature, consistent with federal, provincial, and regional requirements;

p) to provide land reserves or corridors for future linear transportation and utility facilities and services;

q) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;

r) to implement the growth management strategy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to the Primary Settlement Areas;

s) to encourage methods and opportunities that first increase the ability for residents to age-in-place and secondly for the development of long term-care facilities;

t) to provide cost effective and environmentally sound municipal services, to support long-term economic prosperity;

u) to provide co-operative inter-municipal consultation and co-ordination in the provision of those municipal services that have inter-municipal considerations;

v) to continue work on long term servicing strategies for sanitary sewage treatment, the provision of potable water and storm water management;

w) to ensure that petroleum, non-metallic mineral resources and aggregate resources are available for future use and that extractive operations are protected from activities that would hinder their expansion or continued use; and

x) to prohibit development within, and/or direct development away from natural and human-made hazardous areas, in accordance with the policies of this Plan; and

y) to promote natural habitat restoration within, and linkages between, natural areas to support the development of the natural heritage system.

2.2 CLIMATE CHANGE

Climate Change is a global challenge but it is municipalities that are increasingly responsible for solutions and funding to mitigate the future impacts of climate change from infrastructure investments (e.g.) roads, bridges, water, wastewater, drainage and storm water), emergency services, responding to extreme weather events, transit and active transportation, and developing and connecting parks, facilities, open space and natural areas.

2.2.1 Climate Change Risks and Vulnerabilities

It is the policy of this Plan to support actions to mitigate risks and vulnerabilities, increase community resilience to climate change, adapt to current and future climate related risks and opportunities, and consider the impact of development on the environment, economy and society in a comprehensive manner.

The Town should prepare and adopt a Climate Change Action Plan that advances the following goals and requires they be considered when reviewing development proposals.

a) Support sustainability-related planning principles and design features such as compact form, lot layout and building location, landscaping and microclimates, active transportation, energy efficiency and conservation, renewable/alternative energy systems

b) Encourage multi-unit design and mixed use development where appropriate and locating land uses in such a manner that reduces or minimizes distance and vehicle trips;

c) Create, protect and manage greenspaces as part of a robust system of parks, open spaces and natural areas and maintain and increase urban forest canopy;

d) Promote increased levels of transit and active transportation modes and the creation of a Kingsville Trails Strategy to complement the Town's Comprehensive Transportation Strategy;

e) Incorporate environment and climate change planning and projections in decision making and municipal policies, including secondary planning, watershed and sub-watershed plans, and associated studies;

fi) enhance the city/ town air and water quality;

h) maximize the efficiency of existing development and municipal infrastructure and integrate green infrastructure into stormwater management, infrastructure planning, asset management and site development;

2.2.2 Energy Conservation Policies

It is the policy of this Plan to explore and promote energy conservation and alternative energy sources to reduce the amount of energy used and greenhouse gas emissions produced in Kingsville, improve air quality, and promote energy efficient development that is resilient to the impacts of climate change:

a) Seek opportunities to further the implementation of the County of Essex Regional Energy Plan;

b) Implement the Corporate Energy Management Plan, including undertaking audits of energy use in facilities owned and operated by Kingsville to identify energy conservation opportunities;

c) encourage innovative building designs and construction techniques that conserve energy and lead to a reduction of energy consumption in both development and redevelopment

d) Use any energy conservation grants, loans and audit services to retrofit or renovate older buildings and structures within the Town to incorporate energy saving mechanical, electrical and lighting systems and electrical vehicle charging stations.

e) Involve local utilities and elementary and secondary schools to develop educational programs that will increase public awareness of energy conservation techniques, and will promote the utilization of energy saving fixtures, appliances and modes of transportation.

f) Contribute to and promote a culture of conservation among all public, private, and community groups and local citizens and aim to reduce energy use in all sectors.

g) Promote and encourage business and homeowner participation in programs that reward or incentivize investments in energy efficient technologies.

h) Opportunities for upgrades to municipal infrastructure will consider the impacts of climate change including more frequent and severe rain events and floods to prevent a failure of existing systems.

i) Consider the use of Community Improvement Plans as a tool to encourage energy efficient development and the retrofitting or upgrading of existing facilities.

j) Encourage and effectively participate in the review and public consultation process for the consideration of renewable energy projects and facilities which require a Renewable Energy Approval in accordance with applicable Provincial or Federal regulations. The Town will provide municipal comments which acknowledge the demand for service, the impact on the community, infrastructure and natural heritage features and systems.

2.3 BARRIER FREE DESIGN

Barrier free design should be considered in any development or redevelopment of properties, whether in draft plans of subdivision or in site plan applications. Kingsville recognizes the importance of providing accessibility for persons with disabilities and the elderly throughout the built landscape.

The Town will have regard for the requirements of the *Accessibility for Ontarians with Disabilities Act* and:

a) The Town's Joint Accessibility Advisory Committee addresses accessibility issues of all existing and new municipal facilities, and if appropriate, on the accessibility of development proposed in Site Plan Approval applications; and

b) The Town will encourage all new development to incorporate universal design and accessibility features to support aging in place.

2.4 BED AND BREAKFASTS AND SHORT-TERM RENTALS

Bed and breakfast establishments are permitted within a single detached residential dwelling within the Agricultural, Residential, Hamlet, Rural Residential, Lakeshore Residential East and Lakeshore Residential West designations. Specific details pertaining to bed and breakfast establishments are contained within the Zoning By-law.

It is recommended that the Town undertake a review of policies related to Short-term rentals prior to establishing a formal direction on short-term rentals.

2.5 BROWNFIELD SITES

Brownfield sites refer to lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential. Historic contaminated sites are most often identified and located during site inspections and other activities associated with preparing land for development.

Development on or adjacent to lands where contaminants may be present will be permitted only if rehabilitation measures to address and mitigate known or suspected contaminants are underway or have been completed. It is the policy of this Plan that contaminated sites shall be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

a) past and present uses of the site;

b) a soil report prepared in accordance with the Record of Site Condition Regulation O. Reg. 153/04, as amended, of the *Environmental Protection Act* for the decommissioning and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;

c) where contamination has been identified, a letter from the Province acknowledging filing of a "Record of Site Condition" prior to development approvals being granted;

d) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the *Environmental Protection Act*, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

2.6 BUFFERING

Adequate buffering will be required between all uses of land where there may be a conflict such that one use will detract from the enjoyment and/or functioning of the adjoining use. Such buffering may include landscaping using local native plantings, screening and greater separation distances between incompatible uses. Required distance separations shall be established in the Zoning By-law that reflect the Provincial guidelines regarding appropriate separation distances and buffering between industrial and sensitive land uses.

2.7 MOBILE HOMES

Mobile homes shall not be permitted within the Town except in designated mobile home park areas as specifically permitted by the policies of this Plan and located in accordance with the requirements of the Zoning By-law. In some instances, mobile homes may be permitted by Council as temporary housing, and in some instances in the agricultural areas for on-site, supplementary or temporary worker housing purposes.

New mobile home parks and expansions to existing mobile home parks, may be permitted where they are serviced by municipal sanitary sewage, storm water management and potable water services.

New mobile home parks and expansions to existing mobile home parks within the Agricultural Area will only be considered through a Local Comprehensive Review, in accordance with the policies of Section 1.6.3.1.

2.8 SITE SUITABILITY

Prior to the approval of any development or amendments to this Plan and/or the Town's Zoning By-law, Council shall be satisfied that:

a) the proposed development has demonstrated that all necessary services are available to adequately accommodate the proposal;

b) development be required to connect to sanitary sewer services and demonstrate that adequate unreserved capacity is available. Development in close proximity to sanitary

sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available;

c) development demonstrate appropriate, safe access to the local and County road network capable of supporting the type and volume of vehicular traffic generated by the proposed development;

d) development provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s);

e) development make best efforts to incorporate best management practices and the utilize low impact storm water management systems;

f) development with limited lot frontage be required to demonstrate to the satisfaction of the Town how the subject site can be accessed without impact to abutting sensitive land uses. Minimum lot frontage requirements are more specifically outlined in the implementing Zoning By-law;

g) development located to the rear of existing sensitive land uses be required to demonstrate a higher standard of separation and buffering through the site plan approval process; and

h) development be designed and oriented as to maximize buffering between it and sensitive land uses to minimize or mitigate adverse effects as defined in Provincial Policy Statement and detailed in ERCA's Environmental Impact Assessment Guidelines. Generally, "adverse effect" can be summarized as impairment of the quality of the natural environment; injury or damage to property, plant, or animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment of normal use of property; and interference with normal conduct of business.

2.9 VISUAL AMENITY

The visual amenity of the Town will be preserved and enhanced wherever possible. This will be achieved by efforts to place telephone and power distribution lines underground wherever financially feasible, by enforcing minimum property standards, by the regulation of signs through the development of a sign by-law and use of site plan control and by encouraging good landscape design and tree planting.

2.10 ADDITIONAL DWELLING UNITS (ADU)

Additional Dwelling Units are separate and self-contained dwelling units with kitchen and bathroom facilities that are created within a single detached, semi-detached or townhouse dwelling or dwelling unit or within an existing or new detached accessory building. Notwithstanding any other policy in this plan to the contrary, the policies regarding the establishment of additional residential units are as follows:

a) A maximum of two additional residential units are permitted within a single detached dwelling, semi-detached dwelling unit or townhouse dwelling unit.

b) A maximum of one additional residential unit is permitted within a building or structure accessory to a permitted single detached dwelling, semi-detached dwelling unit or townhouse dwelling unit

c) Additional residential units will not be permitted in a seasonal dwelling unit or an accessory dwelling unit in a commercial, industrial or mixed use building.

d) Additional residential units may not be used as part of a bed and breakfast or short-term rental (e.g. AirBnB).

e) Additional residential units shall be incidental to the main permitted residential use.

f) Additional dwelling units will only be permitted in residential zones and agricultural zones.

g) 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.

h) The Comprehensive Zoning By-law may regulate the height, size, parking requirements, location and setbacks of a building which contains an additional unit in order to ensure the following:

   i. Sufficient amenity area;

   ii. Reasonable and safe access to a public highway;

   iii. The adequacy of municipal or private ~~and~~ utility services serving the property, and the ability to connect to such services;

   iv. Measures necessary to protect the privacy of neighbouring residents are taken.

j) New development, such as draft plans of subdivision shall consider the accommodation of new additional residential units in the design of the subdivision.

k) An additional residential unit will not be permitted where:

i. A lot has a garden suite or any other form of ancillary residential accommodation including a Boarding, Lodging and Rooming House;

ii. A property owner cannot demonstrate to the satisfaction of the Town and Essex Region Conservation Authority that all applicable hazards including flooding, erosion, pollution, safe access, dynamic beach or conservation of land have been addressed on the subject property.

iii. Lands are located along the shoreline of a road that does not meet minimum Provincial flood proofing standards;

iv. A lot is designated as being of Provincial interest due to a natural heritage overlay or lies within a Provincially Significant Wetland.

l) Where located on a property identified on the Municipal Heritage Register or within a Heritage Conservation District, 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 Heritage Committee, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or district.

m) The Town has prepared a guide to assist landowners in the navigation of the additional residential unit development processes. This guide may be updated as changes in legislation occur or additional information become necessary.

2.11 RESIDENTIAL INTENSIFICATION

The intensification of urban residential development reduces the need for urban expansions encroaching into the Agricultural Area. The Town encourages urban residential intensification, infilling and redevelopment of existing areas within Settlement Areas to encourage more efficient use of land and allow for the efficient provision of urban services, thereby helping to minimize the costs of providing services. Intensification meets an important component of the Town's housing needs: to allow for more housing affordability and attainability. Residential intensification will be guided by the following policies:

a) Appropriate redevelopment, infill and intensification proposals are encouraged. Housing will, in part, be provided through urban residential intensification, which may include any of the following:

   i) small scale intensification through modifications to an existing dwelling to include a secondary dwelling unit or construction of a new building containing up to three units;

   ii) infill development and residential development of vacant land or underutilized land in existing developed areas;

   iii) the redevelopment of brownfield sites, subject to appropriate site remediation, where required; and/or

   iv) redevelopment which includes either the replacement or conversion of existing residential uses with compatible new residential developments at a high density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

b) In accordance with the County of Essex Official Plan, and the policies of this Plan, the Town will seek to achieve a minimum of 15 percent of all new residential development on an annual basis to occur by way of residential intensification, infill and redevelopment within existing built-up areas of the Town's Settlement Areas. The Town will monitor intensification activity and, through the development approvals and building permitting process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained.

c) Residential intensification will be primarily directed to the Primary Settlement Areas serviced by municipal infrastructure and community services in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

d) Intensification and redevelopment within Secondary Settlement Areas is permitted to assist in meeting the intensification target provided it occurs on the full municipal sanitary and water services, and subject to the servicing policies of this Plan.

e) The Town will consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:

i. the development proposal is within a Settlement Area, and is appropriately suited for intensification in the context of the surrounding neighbourhood;

ii. the existing or planned municipal water and sanitary sewer services can accommodate the additional development;

iii. the road network can accommodate the traffic generated;

iv. the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood;

v. the proposed development is not in a hazard land, and safe access and use of property will not be impacted by an erosion or flooding hazard; and

vi. the proposed development is consistent with the policies of the appropriate land use designation associated with the land.

f) Development of new residential dwellings within established residential areas shall have consideration to maintaining composition, built form, massing, setbacks and scale of the surrounding residential neighbourhood. The Town will require proposals for residential intensification within neighbourhoods to demonstrate that they will be compatible with the surrounding neighbourhood and at a minimum, address the following built form and urban design considerations:

i. reflects the existing physical character of the buildings, streetscapes and open space areas in the area and provides heights, massing and scale appropriate to the site and compatible with the surrounding neighbourhood;

ii. considers privacy, sunlight and sky views for existing and new residents;

iii. locate parking areas in the interior or rear yards, screened from public view;

iv. encourage a variety of housing forms that accommodate more compact and efficient development, including reduced minimum frontage requirements for lower density residential uses; and

g). Infill development that is at a higher density than that which currently exists in the neighbourhood should generally be directed to arterial and collector roads. However, this should be evaluated on a case-by-case basis based on its appropriateness in a lower-density neighbourhood.

h) For larger scale infill and intensification proposals which involve multiple residential buildings or a complex of buildings, the Town may require the submission of land

use compatibility and urban design assessments as a component of the planning rationale report accompanying development applications, to demonstrate how the policies of this Plan are being achieved.

i) The Zoning By-law shall establish zone provisions related to residential intensification, infilling and redevelopment to ensure compatibility with the surrounding residential neighbourhood.

j) The Town may develop urban design guidelines or require an Urban Design Study through the development approvals process to assist in defining character and compatibility as well as the types of development that may be appropriate in these areas.

2.12 AFFORDABLE HOUSING

The Town supports the provision of affordable housing for low and moderate-income households, and will work to implement the strategies of the Windsor Essex Housing and Homelessness Plan, to support opportunities to increase the supply of affordable housing within the Town. The Town will support the provision of housing which is attainable for younger families and an aging population.

In the case of ownership housing, affordable housing is the least expensive of housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households, or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

In the case of rental housing, affordable housing is the least expensive of a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate-income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

The Town will support the provision of affordable housing in accordance with the Town's Affordable Housing Strategy and the following policies:

a) The provision of housing that is affordable and accessible to low and moderate-income households will be a priority. The Town will seek to achieve a minimum of 20% of all new residential development on an annual basis to be considered affordable, which may include ownership housing or rental housing.

b) The Town will encourage opportunities for more affordable housing to be primarily focused within the Primary Settlement Areas, which offer convenient access to existing services, facilities and infrastructure.

c) The Town will actively discourage the demolition or conversion of affordable rental housing stock to freehold if such conversion results in a reduction in the amount of affordable rental housing available to an unacceptable level.

d) The Town will consider opportunities for permitting additional units in existing dwellings, through the accommodation of additional residential units, in accordance with the policies of Section 3.6.6.1 (g), to assist the Town in achieving their affordable housing target.

e) The Town will encourage the provision of affordable housing through:

i. supporting increased residential densities in appropriate locations along arterial and collector roads and a full range of housing types, adequate land supply, redevelopment and residential intensification, where appropriate;

ii. supporting assisted housing, special needs housing and alternative housing forms including additional residential units where full services are available and temporary garden suites on partial or private services;

iii. the timely provision of infrastructure in the Settlement Areas;

iv. working with various agencies, builders, and providers to determine the availability of incentives and how they may apply;

v. supporting the reduction of housing costs by streamlining the development approvals process and waiving municipal planning application and building fees and charges, in full or in part, to encourage affordable housing;

vi. providing full or partial property tax exemptions for affordable housing units which remain affordable for a minimum period of 20 years;

vii. negotiating agreements with the public and private sectors to address the provision of affordably priced housing through the draft plan of subdivision and condominium approval process;

viii. Requiring all new applications for medium and high density residential development to address, as part of a planning justification report, the provision

of affordable housing and how it is conforming to the target identified in Section 3.6.6.1 (g) of this Plan;

ix. considering innovative and alternative residential development standards that facilitate affordable housing and more compact development form; and

x. considering creating an Affordable Housing Advisory Committee with representatives from other municipalities and agencies, and residents to facilitate partnerships for the provision of affordable housing.

f) The Town may adopt a Municipal Housing Facilities By-law to develop affordable housing as a "community facility" under the *Municipal Act*. In an effort to facilitate affordable housing the Town may:

i. enter into capital facility agreements and/or partnerships with both private and non-profit organizations for affordable housing;

ii. use available grants and loans, including tax-equivalent grants or loans to encourage the construction of affordable housing; and

iii. enter into public/private partnerships for the provision of new affordable housing.

g) The Town will encourage that affordable housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, especially where the land is in close proximity to human services. Special attention will be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses.

h) The Town will first consider surplus municipal land for affordable housing and may evaluate the feasibility of providing municipally owned land at a reduced cost for the construction of affordable housing. Furthermore, the Town will work with other levels of government to make surplus land available to providers of affordable housing at little or no cost.

i) The Town will encourage the development of low income housing geared towards seniors, which may include lower maintenance housing types such as condominiums and townhouses.

j) The Town will encourage affordable housing in a variety of building forms to meet the housing needs of a socially and economically diverse population in support of a broad range of employment opportunities.

k) The Town will support the development of new barrier free housing which is affordable to accommodate a diverse range of housing needs.

l) The Town may designate certain areas or the Town as a whole, as a Community Improvement Area to facilitate the use of grants or loans to support the development of affordable housing.

m) In accordance with bonusing provisions of the *Planning Act*, the Town may consider increases in the height and density in major residential, and in combination with commercial, developments in exchange for community benefits related to the provision of affordable or rental housing.

2.12.1 Attainable Housing

In addition to its commitment to providing *affordable* housing for low- and moderate-income households, the Town will strive to provide a supply of *attainable* housing.

Attainable housing includes housing that:

a) is not considered affordable as defined in the PPS, but is at a price point that is below the average new home or resale home price for a given type of dwelling including but not limited to single detached, semi-detached and townhouse dwellings;

b) allows households and persons of all ages and backgrounds to enter, and graduate through, the housing market;

c) is in a state of good repair;

d) is located nearby common services and amenities, transportation, and employment and educational opportunities; and

e) reduces the dependency on individual car ownership.

2.13 SPECIAL NEEDS HOUSING

Special needs housing includes any housing, including dedicated facilities, in whole or in part, that is used by people who have special needs beyond economic needs, including but not limited to, needs such as mobility requirements or support facilities required for daily living. Examples of special needs housing may include, but are not limited to,

housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

The Town will endeavour to improve access to housing for those people with special needs, including assisted housing, seniors housing, as well as various forms of supportive housing, including group homes and emergency/transitional housing, subject to the policies of this Plan:

a) The Town will work with other agencies and local groups to assess the extent of the need of these forms of housing.

b) The Town will support community agencies interested in pursuing additional funding from the Provincial government to address identified needs for special needs housing.

c) The Town will support the distribution of special needs housing provided by community groups.

d) Group homes will be permitted within the Settlement Areas, in land use designations where single detached, duplex, semi-detached, triplex, townhouse and apartment dwelling units are permitted, and in accordance with the Town's Zoning By-law. Group homes will be compatible with adjacent uses. Existing facilities that do not comply with the requirements will be allowed to continue but will not be permitted to expand without an application for expansion of a non-conforming use or zoning by-law amendment. Group homes with any correctional purpose will be treated as an institutional use, and not a residential use by this Plan and the Zoning By-law.

e) When reviewing any proposal for the purposes of establishing, through new construction or conversion of existing structures, a group home, hostel, temporary shelter, emergency shelter or other similar form of special needs shelter, the Town will be satisfied that:

    i. the traffic generated from the facility can be adequately accommodated by the road network and will not have a significant impact on adjacent land uses, particularly residential uses;

    ii. the facility is of a design which maintains the scale, density, appearance, character and continuity of existing land uses in the surrounding area and immediate neighbourhood;

iii. the land, buildings and structures for the proposed facility conform to the provisions of the Zoning By-law, including those related to parking requirements, ensuring that on-site parking is sufficient to meet the needs of residents, support staff and visitors; and

iv. where appropriate, that a licence has been granted by the licensing Provincial or Federal agency.

f) Special needs housing and aging-in-place for seniors will be encouraged so that:

i. individuals living in a non-healthcare environment, will have access to municipal services and amenities so that they may carry out their daily life without having to relocate as their circumstances change;

ii. where the above is not suitable due to the physical or mental condition of the individual, independent living, assisted living and skilled nursing is available in residences for seniors, such as in a continuing care retirement community; and

iii. a variety of dwelling types and housing tenures are available to accommodate seniors housing needs and aging-in-place.

g) Long-term care facilities that meet the needs of the community will be encouraged.

h) The Town will endeavour to provide a barrier-free environment where possible.

i) The Town will encourage new residential development to incorporate universal design and accessibility features to support aging in place.

2.14 BOARDING, LODGING, AND ROOMING HOUSES

Boarding, lodging, and rooming houses (BLRHs) represent dwelling units where bedrooms are rented or provided to individuals, rather than the entire unit. Residents of BLRHs share bathroom and/or kitchen facilities, and occupants may be unrelated. BLRHs are rented or provided to tenants for twenty-eight (28) days or more.

There are two categories of BLRHs:

- Boarding, Lodging, and Rooming House (Residential): 10 or fewer occupants.
- Boarding, Lodging, and Rooming House (Agricultural): Any number of occupants.

The Town will support the provision of BLRHs in accordance with the following policies:

a) BLRHs (Residential) will be permitted throughout the Town wherever residential uses are permitted by this Official Plan.

b) BLRHs (Agricultural) will be permitted in agricultural areas, subject to site plan control.

c) BLRHs will not be permitted in industrial areas.

d) The maximum number of occupants permitted to live in a BLRH will be defined in the Town's Comprehensive Zoning By-law.

e) BLRHs located in agricultural areas will not be permitted within the same building or structure that houses an agricultural use, with the exception of administrative or office uses related to the agricultural operation, provided that the two uses do not happen concurrently.

f) BLRHs will be separated by a minimum distance, to be defined in the Town's Comprehensive Zoning By-law, from any building that as part of an agricultural operation is used for:

   i. storage of chemicals, fuel, pesticides, insecticides, solid or liquid agricultural waste, or other noxious items;

   ii. packing and/or shipping of products; or

   iii. housing any mechanical equipment producing noise or vibrations, such as HVAC equipment or co-generation facilities.

   Where it is not feasible to meet the required setback, measures, as approved by the Town, will be required to demonstrate that any potential impacts of the nearby operations on the BLRH (e.g., landscape buffering for noise, ventilation to prevent infiltration of odours or chemicals) can be mitigated. The Town, at its sole discretion may have any demonstration peer reviewed and paid for by the applicant.

g) BLRHs are required to include amenity space intended for leisure, recreation, sport, or social activities, at a rate which will be identified in the Comprehensive Zoning-by Law. For BLRHs that lawfully existed prior to September 26th, 2022, the Town may allow for operators of BLRHs to provide cash or in-kind services in lieu of amenity space, at a rate to be specified through the municipal licensing by-law.

h) BLRHs (Agricultural) shall be subject to site plan control to ensure the following:

   i. Sufficient amenity area/space;

   i. Reasonable and safe access; and

ii. Required separation or mitigation per the requirements of section 2.10 (f).

i) All BLRHs in the Town may be subject to a licensing framework outlined by the Town through a municipal licensing by-law passed under Part IV of the *Municipal Act*. Licenses may be subject to the following condition:

i. As may be required, the BLRH in question must pass a health inspection by: the Windsor-Essex County Health Unit, a fire inspection by the Town of Kingsville Fire Department, and a building/zoning inspection by the Town of Kingsville Chief Building Official or appointed by-law enforcement officer.

2.14 ECONOMIC DEVELOPMENT

The Town will continue to promote a diverse, innovative and economically strong agricultural industry, and seek to maintain and attract manufacturing, agri-businesses and tourism related businesses and activities that can provide well-paying employment opportunities to existing and future residents.

The Town's 2018 Economic Development Strategy identifies a need to grow the Town's agri-brand with a focus on the existing greenhouse and processing operations, grow the food processing sector (i.e., expansion of existing processors, and identifying new opportunities for processing), support the innovation and diversification of local agriculture, and growing the agri-culinary participation among producers to tourism.

The Strategy also identifies the need to support tourism and increase the volume of year-round accommodations of all kinds, in all markets, develop operator experiences to boost tourism traffic (cross-sector and cross promotion), develop a guided touring sector (e.g. two wheels), expand visitation into the shoulder-season and winter and connect these off peak activities to culture, and identify and support unique retail that either generates tourism visits or extends those visits.

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another. As identified in the Economic Development Strategy, the Town will support the implementation and funding for the Cottam Downtown Community Improvement Plan, and Community Improvement Plans for Ruthven and the community of Kingsville.

The Town will work with infrastructure providers to plan for advanced technologies including, but not limited to, high-speed/fibre networks, and infrastructure to support electric vehicle charging stations.

2.15 SECONDARY PLAN AREAS

Throughout the Town there are lands identified on Schedule "A", "A-2" that require further study to determine how the lands may evolve over time and if so, how that may be facilitated in an orderly and appropriate manner. Successful implementation of this Plan depends to a large degree on whether its policies can guide local development and action in a variety of contexts over the next 25 years. Secondary Plan Areas are proposed to ensure that planning is sensitive to local conditions within a specific area. The Secondary Plan Areas overlay provides an additional layer of policies to help protect certain areas from development until supported by future studies. Further, these areas were assessed on the basis of their development potential, and significance to the Town.

The Secondary Plan Area overlay includes interim policy provisions, which will continue to apply until a Secondary Plan is completed and approved to conform to the provisions of the Official Plan, and any applicable County or Provincial policies, bylaws or regulations. This overlay shall require that a number of studies or phasing requirements be met prior to development of these lands. These may include, but are not limited to, detailed Secondary Plan, pursuant to Section 8.18 of this Plan, Official Plan Amendment, Zoning By-law Amendment, and, as determined by the Town, transportation impact assessment, market analysis, urban design guidelines and overall community design plans.

The following policies will guide the use of Secondary Plan Areas:

a) The locations of Secondary Plan Areas are illustrated on Schedules "A" and "A-2". These Areas are intended to permit existing uses, while protecting the lands for future development. Prior to any development occurring, the proponent and/or the Town, as the case may be, shall demonstrate, through a detailed Secondary Plan, the following:

   i. How the proposal is in-keeping with the provisions of Section 8.18 of this Plan;

   ii. Coordination between the various land owners;

   iii. Access to Town services and if not, a functional servicing report identifying the preferred means of servicing;

   iv. Access to a road maintained year-round by the Town, and confirmation that any impacts from traffic generated can be mitigated;

v. Confirmation of the Town's growth management objectives in accordance with Section 1.6;

vi. Confirmation that the overall phasing strategy for development and associated infrastructure is appropriate.

vii. Confirmation that Natural Heritage Features, Areas or functions, sourcewater, or any other significant environmental features or water resource identified in this Plan shall not be impacted;

viii. There is no risk to public health and safety;

ix. A Planning Rationale Report demonstrating that the proposed use of land is appropriate for the subject lands and cannot be located in any other area of the Town, in accordance with the policies of the proposed land use designation, Section 8.18 of this Plan and in compliance with the policies and objectives of a Local Comprehensive Review; and

x. Official Plan and Zoning By-law Amendment that would accompany the Planning Rationale Report redesignating the lands to an alternative land use.

SECTION 3: LAND USE PLAN

This section contains the goals and policies that pertain to the various land use designations depicted on Schedules "A", "A-1", "A-2". Reference must also be made to the policies contained within the other sections of this Plan when determining the appropriateness of various development proposals.

3.1 AGRICULTURE

Areas designated "Agriculture" on Schedule "A" represent the majority of the land area in the Town of Kingsville. Agriculture, including an extensive vegetable and flower greenhouse farming area, is an extremely important component of Kingsville's land use. The purpose of the goals and policies of this Section are to protect prime agriculture lands for agricultural purposes while acknowledging that this community will continue to grow and prosper in an orderly and responsible manner. It is acknowledged that all of the land in the Town of Kingsville, which is located outside a settlement area, is considered prime agricultural land in accordance with Provincial Policy and accordingly, development in this area is strictly controlled and monitored.

This Plan recognizes the presence of lands which potentially meet the criteria to be considered specialty crop areas. The identification of specialty crop areas within the "Agriculture" designation is encouraged. The Town of Kingsville will identify specialty crop areas in conjunction with the County of Essex and the evaluation procedures established by the Province. If applicable, appropriate Land Use Schedules and policies related to the specialty crop areas will be added to this plan, by way of an amendment.

3.1.1 Goals

The following goals are established for areas designated "Agriculture" on Schedule "A" of this Plan:

a) to preserve prime agricultural land for agricultural purposes to ensure the continued long-term availability of this resource and support a viable agricultural community;

b) to allow farm operators to engage in a wide range of agricultural uses, agriculture-related uses and on-farm diversified uses and activities, including greenhouse farming;

c) to restrict the type and amount of non-agricultural uses in the area designated "Agriculture", and direct non-agricultural uses to the Settlement Areas;

d) to discourage lot creation in the Agriculture designation and establish a minimum farm parcel size that protects agricultural areas from fragmentation;

e) to ensure that new agricultural uses and non-agricultural uses comply with the Province's Minimum Distance Separation Formulae;

f) to support opportunities for local food production, urban and near-urban agriculture, and promote the sustainability of agricultural, agri-food and agri-product businesses through protecting agricultural resources and minimizing land use conflicts;

g) to only permit the expansion of existing Primary Settlement Areas into the Agriculture designation, where the need for expansion has been demonstrated and justified through a Local Comprehensive Review or a County comprehensive review, in accordance with Provincial Policy, the County of Essex Official Plan, and the policies of this Plan, particularly as it relates to Section 1.6.3.1 and Section 8.11 of this Plan.

3.1.2 Policies

The following policies shall apply to those lands designated "Agriculture" on Schedule "A" of this Plan:

a) the predominant use of land and permitted uses shall be agricultural uses, agriculture-related uses and on-farm diversified uses;

b) agricultural uses may include the: growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment; and conservation uses;

c) agriculture-related uses, including: farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, may be permitted through an amendment to the Zoning By-law;

d) on-farm diversified which are secondary to the principal agricultural use of the property, are limited in area, and are compatible with the surrounding agricultural

operations, may be permitted. On-farm diversified uses may include, but are not limited to: home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Agri-tourism uses include farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

3.1.2.1 Greenhouse Farming

Greenhouse farming and associated support facilities such as packing, shipping, and co-generation are permitted in the 'Agriculture' designation subject to the following:

a) greenhouse development shall be subject to the Site Suitability criteria of Section 2.8 of the Plan;

b) greenhouse development will be encouraged to locate in close proximity to existing greenhouse development more specifically south of Road 5 E and east of Division Rd N. New greenhouse development not located within this area shall be required to provide justification of compliance with Section 2.8 (map 3.1);

c) greenhouse development shall be subject to site plan control;

3.1.2.2 Mushroom Farms

Mushroom farms including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production may also be permitted in the "Agriculture" designation and will be subject to zone restrictions as identified in the Zoning By-law and are subject to site plan control. Upon receipt of an application for site plan control to permit the establishment of a mushroom farm, Council shall have due regard to the following:

a) the proximity of the proposed operation to existing residential and other sensitive land uses and zones;

b) the location of the proposed operation and other existing uses with respect to the prevailing winds. It will be preferable to have composting components of the operation aerated;

c) any comments from the Province, including the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment, Conservation and Parks;

d) the site plan control criteria listed in Section 8.15 of this Plan;

3.1.2.3 Agri-Related and On-Farm Diversified Uses

Fruit and vegetable stands, tree farms, aqua-culture farming, wineries, retail nursery outlets and retail floral shops are permitted in the "Agriculture" designation without an amendment to the Zoning By-law provided they are secondary to the agricultural use of the site and that the goods for sale are grown or produced on-site;

3.1.2.4 Cannabis Production Facilities

Licensed Cannabis Production Facilities (CPFs) in accordance with the *Cannabis Act* and subject to other pertinent policies of this Plan, may also be considered as a use in certain areas of the "Agriculture" designation as identified on Schedule "A" and Schedule "A-1" of the Official Plan, subject to a site-specific zoning amendment and site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law.

Upon receipt of an application for a zoning by-law amendment and site plan control to permit a CPF in the "Agriculture" designation, Council shall be satisfied that the following criteria is met:

a) new purpose-built facilities will be encouraged as the first option, any retrofit or use of existing agricultural buildings or structures must demonstrate suitability in accordance with the policies of 8.4.1 of this Plan;

b) that mitigation measures be taken to reduce impacts on nearby residential, institutional, and other sensitive land uses, and, to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including commercial and recreational land uses frequented by members of the public;

c) that buffering and screening will preserve the agricultural character of the surroundings;

d) the criteria listed in Section 8 of this Plan; and

e) that required facilities will be installed such as, but not be limited to, on-site water storage and rate-of-flow control facilities as listed under Sub-Section 6.4.5 and complete Storm water management facilities as listed under Sub-Section 6.4.6 of this Official Plan.

3.1.2.5 Residential Uses in the Agriculture Designation

a) residential uses on existing lots of record in accordance with Section 3.1.1 of this Plan and lots created by the consent process in accordance with Section 7 of this Plan are permitted. The Zoning By-law shall only permit one residence per lot. However, Boarding, Lodging, and Rooming Houses will also be permitted, subject to the policies of section 2.10 of this Official Plan and the requirements of the Zoning By-law.

b) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

3.1.2.6 Small Scale Commercial and Dry Industrial

Small scale commercial and dry industrial uses, as defined in the Zoning By-law, directly related to the farm operation and that are required in close proximity to the farm operation and would include processing agricultural goods or servicing agricultural equipment or operations, will be permitted to locate along County Roads in areas, designated "Agriculture" subject to an amendment to the Zoning By-law. The by-law amendment will establish adequate setback and buffering requirements to ensure that any potential incompatibilities with surrounding uses are minimized;

3.1.2.7 Exploration and Extraction

The exploration and extraction of all mineral resources, petroleum resources and mineral aggregate resources shall be permitted in the "Agriculture" designation and shall be a permitted use in the Agricultural zones of the Zoning By-law provided the exploration and extraction is in accordance with the *Oil, Gas and Salt Resources Act, Aggregate Resources Act* and/or the *Ontario Mining Act*;

a) extractive industrial uses are permitted in the Mineral Aggregate Resource areas shown on Schedule "D" of this Plan in accordance with the policies contained within this Plan;

b) the Mineral Aggregate Resource areas depicted on Schedule "D" of this Plan pertain to lands designated "Agriculture";

3.1.2.8 Non-Agricultural Uses

Non-agricultural uses may only be permitted in the Agriculture designation for the extraction of minerals, petroleum resources and mineral aggregate resources, and for limited non-residential uses in accordance with the policies of this Plan. Limited non-residential uses, including new or expanding recreational uses, may only be permitted in the Agriculture designation subject to a site-specific official plan amendment which has demonstrated that the following have been addressed to the satisfaction of the Town:

a) the submission of all appropriate studies, including but not limited to an Agricultural Impact Assessment;

b) there is a need within the planning horizon of this Plan for the proposed use;

c) the lands do not comprise a *specialty crop area*;

d) alternative locations have been evaluated and,

   i. there are clearly no other reasonable alternatives that are outside of *prime l agricultural areas*; and

   ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands;

e) the proposed use will not be located in an area that may have an impact on the efficient and logical expansion of nearby urban areas;

f) the proposed use complies with the required MDS I setback distances; and,

g) impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands will be minimized to the extent feasible.

h) all lot creation in the "Agriculture" designation shall be in accordance with the land division policies contained in Section 7.3.1 of this Plan;

i) the Town will consider the Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, when addressing the appropriateness of permitted uses within the Agriculture Designation, while ensuring the greatest flexibility to support the continued viability of agricultural operations in the Town.

j) It is recognized that the majority of lands designated "Agriculture" are serviced by private individual sanitary sewage services and, in some cases, individual on-site water services as well. Proposed development in the Agriculture Designation will be serviced with adequate water supply and sanitary sewage disposal services.

For "Agriculture" designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing "Agriculture" designated lands to:

i. address failed individual on-site sewage and individual on-site water services within existing development; &

ii. site conditions are suitable for the long-term provision of such services.

iii. Development proposals for non-agricultural uses will demonstrate the suitability of the site for the proposed method of water supply, sanitary sewage disposal and stormwater management to the satisfaction of the Town and other approval agencies.

3.1.3 Site-Specific Policies

a) notwithstanding any other policies of this Plan to the contrary, a restaurant is permitted on a 2.37 hectare parcel known as Part Lot 1, Fourth Section, Western Division, located on the north side of Highway 20 West and the east side of County Road No. 23 and designated Agriculture. The property shall be zoned in a special rural commercial zone in the implementing zoning by-law to permit a restaurant only. The restaurant will be serviced by a private septic system and shall be serviced by municipal water. All development shall be subject to site plan control;

b) Notwithstanding any other policies of this Plan to the contrary, those lands that are designated Agriculture on Schedule "A" of this Plan and are remnants from the Highway No. 3 By-pass construction project can be used for any of the following purposes, without an amendment to this Plan but subject to a by-law amendment to permit the specific use provided the remnant parcel is smaller than 3 hectares in area and the proposed use satisfies the requirements of the Province and the County of Essex.

The permitted uses for these parcels shall include: service commercial uses such as sales and service establishments, tradesmen's shops and contractors' yards, warehousing, dry light manufacturing and assembly uses and all accessory uses. Other commercial and employment uses shall not be permitted on these parcels. This policy shall not apply to the lands owned by the Province. For clarity purposes this policy does not apply to remnant parcels resulting from the anticipated Highway No. 3 By-pass twinning project anticipated to begin in 2022/2023.

3.1.4 Minimum Distance Separation

Because livestock operations and other types of land uses can have compatibility problems if located too closely to one another, the Zoning By-law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing livestock operations and manure storage facilities shall comply with the Minimum Distance Separation II (MDS II) formula. To ensure that the Minimum Distance Separation is used reciprocally, livestock operations, poultry barns and manure storage facilities will also be protected from encroachment by residential and other types of non-farm development in the Zoning By-law through the use of the Minimum Distance Separation I (MDS I) formula.

The municipality will also implement the provisions of the Minimum Distance Separation I (MDS I) formula on a case-by-case basis for non-farm development within settlement areas as shown in the County Official Plan, on Existing Lots of Record as of the date of the adoption of this Plan and for applications under the *Planning Act*.

The Minimum Distance Separation I (MDS I) formula will not be applicable to settlement areas. In addition, the MDS I formula will not apply to existing dwellings destroyed in whole, or in part, by a catastrophe, provided the new dwelling is no closer to the livestock operation or manure facility than before the catastrophe.

The Minimum Distance Separation II (MDS II) formula will not be applicable to new or expanding livestock operations or anaerobic digesters which are located within

settlement areas In addition, the MDS II formula will not apply to the construction of a livestock operation or manure storage facility that is replacing the same which was destroyed by a catastrophe, provided the new facility does not result in increases to the value factors of odour, amount of material or nutrient units on-site prior to the catastrophe. For the purposes of the Plan, all cemeteries within the Town shall be classified as a Type B land use under the Minimum Distance Separation Formulae.

3.2 COMMERCIAL

3.2.1 Central Commercial

The areas designated "Central Commercial" on Schedules "A-1", and "A-2" are the main commercial areas of the Town. Their purpose is to provide the full range of commercial uses to satisfy the needs of the local area as well as the visiting tourist population.

3.2.1.1 Goals

The following goals are established for the lands designated "Central Commercial" as depicted on Schedules "A-1" "A-2", of this Plan:

a) to continue to strengthen the existing downtown commercial areas (former Kingsville and Cottam downtowns) as community focal points;

b) to ensure that there is sufficient area for commercial expansion within the downtown commercial areas so that the commercial needs of the Town can be satisfied in those locations;

c) to encourage new retail and other commercial uses to locate in the downtown areas, through incentives or other means as deemed appropriate;

d) to promote mixed use redevelopment projects (commercial / residential) including residential apartment development located above the first floor of commercial development in the downtown commercial areas;

e) to provide visually and aesthetically pleasing areas within which to shop;

f) to encourage further expansion of existing retail commercial uses.

3.2.1.2 Policies

The following policies shall apply to those lands designated "Central Commercial" on Schedules "A-1", and "A-2" of this Plan:

a) the predominant use of land in the "Central Commercial" designation shall be for the buying, selling, and provision of goods and services. The permitted uses shall include retail and service commercial stores, banks and other financial institutions, business and professional offices, restaurants, taverns, clubs, recreational establishments, public buildings, parking lots, places of entertainment and amusement, places of worship, institutional uses, and similar type uses. Residential apartment type uses will also be permitted in the "Central Commercial" designation in accordance with the policies in this subsection;

b) it is the policy of this Plan to maintain the "Central Commercial" designation as the primary focus of commercial and civic uses, while accommodating highway commercial type uses within appropriately designated areas. In considering proposals for development within the "Central Commercial" designation, regard shall be given to the following:

   i. where possible, the development of vacant sites and the redevelopment of existing areas within the "Central Commercial" designation shall be encouraged;

   ii. it is generally intended that adequate parking in clearly defined areas will be required for all new development and redevelopment. The number of parking spaces required for various types of commercial uses will be contained in the implementing Zoning By-law.

   Where a development application does not provide for the required minimum number of parking spaces, it shall be demonstrated to the satisfaction of the Town, that the development application will not lead to nuisances through the parking of vehicles on land or streets adjacent to the use, and that an appropriate number of parking spaces are provided.

   Where severe parking problems are encountered in developed areas to an extent that the amenity of the area is affected, the Town will endeavour to establish special parking areas, possibly by assembling land for this purpose pursuant to the provisions of the *Municipal Act* or the *Planning Act*.

   As an alternative to providing on-site parking for non-residential uses, the Town may accept cash-in-lieu of parking to improve parking conditions in the "Central Commercial" designation. All parking areas shall be attractively designed and landscaped to enhance their appearance in keeping with the character of the Town;

iii. the retention, renewal and conservation of commercial built resources of historical and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The impact of such development plans on the character of the surrounding area shall be considered.

c) adequate building height, density, massing, buffering and setback distances shall be provided to ensure compatibility and provide an appropriate transition between the "Central Commercial" uses and adjacent residential uses;

d) it shall be the policy of this Plan to encourage, by all means possible, the aesthetic and physical improvement of the "Central Commercial" areas. This may include:

i. the acquisition of additional land for off-street parking where necessary and financially feasible;

ii. the improvement of traffic circulation and on-street parking practices where necessary; and

iii. encouraging beautification efforts and facade improvements for existing businesses and appropriate site and building design for all new commercial development. The Town will continue to encourage the conservation and preservation of built cultural heritage resources and the character of the area, while considering new development that is contextually appropriate with the predominant architectural style;

e) residential apartment units in a mixed use building will be permitted provided the residential units are located above the first floor. However, residential apartment units may be permitted provided they are on the ground floor, at the rear of the building, and that the floor space does not exceed 40 percent. Street level floor space shall include retail, office and service commercial purposes and residential units.

f) existing residential uses within the "Central Commercial" designation are permitted and may be recognized in the Zoning By-law subject to the Existing Land Uses and Buildings policy in Section 8 of this Plan;

g) development within the "Central Commercial" designation will be subject to site plan control pursuant to the *Planning Act* and the policies of this Plan;

h) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the "Central Commercial" designation;

i) The height, massing, orientation and layout of buildings within the "Central Commercial" designation will promote the creation of a pedestrian scaled environment and reinforce the character of the downtown area. The Town may prepare and implement Urban Design Guidelines to provide further guidance on built form requirements within the "Central Commercial" designation.

j) any application to enlarge or expand the extent of the "Central Commercial" designation shall require an amendment to this Plan. In considering an amendment to this Plan, the Town shall be satisfied that:

   i. where deemed necessary, the applicant has prepared a market potential study to justify the proposed use. The need should be substantiated by adequate market research which will include not only the viability of the proposal but also assess the impact the proposed use may have on the existing commercial uses within the municipality;

   ii. municipal services, including sanitary sewage, potable water and stormwater management are available and have the necessary capacity to satisfy any increased demands as a result of the proposed use, in accordance with Section 6.3 of this Plan;

   iii. the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately accommodate the expansion of the designation;

   iv. if the expansion of the designation necessitates an expansion of the approved municipal sanitary sewage and/or potable water service areas, the expansion of the service areas is undertaken, all in accordance with the requirements of the *Environmental Assessment Act*.

   v. no serious traffic impacts will result from the proposed use;

   vi. the applicant has made reasonable efforts to obtain available space in the existing vacant and/or underutilized areas designated "Central Commercial", or has demonstrated why it is not feasible to locate in these areas; and

   vii. the proposed use will not adversely affect existing adjacent uses.

k) For any new commercial developments, secure bicycle storage is required in accordance with the rates outlined in the implementing Zoning By-law.

3.2.2 Central Commercial/Residential

The areas designated "Central Commercial/Residential" on Schedule "A-2" are the areas that surround the "Central Commercial" designation in the former Town. The purpose of the "Central Commercial/Residential" designation is to provide for an appropriate transition between the commercial core area and the surrounding residential areas.

3.2.2.1 Goals

The following goals are established for the lands designated "Central Commercial / Residential" as depicted on Schedule "A-2" of this Plan:

a) in addition to the goals for lands designated "Central Commercial", to identify specific areas in the vicinity of the "Central Commercial" designation that are also suitable for the development of higher density residential uses.

3.2.2.2 Policies

The following policies shall apply to those lands designated "Central Commercial / Residential" on Schedule "A-2" of this Plan:

a) the uses permitted in the "Central Commercial/Residential" designation include all of the uses permitted in the "Central Commercial" designation in accordance with the policies in that subsection and residential uses to a maximum density of 87 units per gross hectare;

b) the policies outlined in subsection 3.6.3 of this Plan shall apply to the evaluation of any proposed medium or high density residential development within the "Central Commercial/Residential" designation;

c) all medium and high density residential developments shall be subject to an amendment to the Zoning By-law; and

d) development within the "Central Commercial/Residential" designation will be subject to site plan control pursuant to the *Planning Act* and the policies of this Plan.

3.2.3 Highway Commercial

The areas designated "Highway Commercial" on Schedule "A-2" have been determined to be suitable locations for highway commercial type development.

3.2.3.1 Goals

The following goals are established for the areas designated "Highway Commercial" as depicted on Schedule "A-2" of this Plan:

a) to identify specific areas within the Town which are the most appropriate for highway commercial development; and

b) to ensure that the commercial needs of area residents and the Town are satisfied;

c) to identify specific areas other than the downtown core where retail and service commercial facilities may locate.

3.2.3.2 Policies

The following policies shall apply to those lands designated "Highway Commercial" on Schedule "A-2" of this Plan:

a) due to the location, development circumstances and accessibility, the lands designated "Highway Commercial" are best suited for service commercial and retail commercial uses, personal service shops and other commercial uses that require good visibility and on-site parking.

   Accordingly, permitted uses include those that generate moderate to heavy traffic flows, require vehicular access and nearby parking or include the sale of bulk materials or the servicing of large items or merchandise such as establishments which furnish bulk and wholesale supplies such as fuel, building materials, hardware, etc., establishments which sell or service automobiles, trucks recreational vehicles including boats, and farm and garden vehicles and equipment, motels and related tourist facilities, restaurants and banquet halls, recreational uses, retail commercial uses, personal service shops, establishments requiring larger lot areas to accommodate sales and storage such as food stores, furniture stores and warehousing, printing establishments, business and professional offices;

b) all development within the "Highway Commercial" designation shall be subject to site plan control pursuant to the *Planning Act*, and the policies of this Plan;

c) new residential dwellings shall not be permitted within the "Highway Commercial" designation; however, accessory residential uses may be allowed on a case by case basis as determined by Council;

d) existing residential uses within the "Highway Commercial" designation are permitted and may be recognized in the Zoning By-law subject to the Existing Land Uses and Buildings policy in Section 8 of this Plan;

f) adequate yard, parking and loading standards for the uses permitted in this designation shall be contained in the implementing Zoning By-law;

g) adequate buffering and setback distances shall be provided between any Highway Commercial uses and adjacent uses. Such buffering may include separation by distance, the provision of berms, fences, grass strips, appropriate shrub plantings and landscaping using local native plantings or any combination thereof deemed necessary by Council;

h) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the "Highway Commercial" designation. More specifically, for any "Highway Commercial" designated lands serviced by full municipal services, all new development must be fully municipally serviced in accordance with Section 6.3 of this Plan.

   For "Highway Commercial" designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing "Highway Commercial" designated lands to:

   i. address failed individual on-site sewage and individual on-site water services within existing development;

   ii. to allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and

   iii. site conditions are suitable for the long-term provision of such services.

i) new and existing highway commercial uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing highway commercial uses which are limited to the confines of the current zoning shall be permitted; and

j) expansions of the "Highway Commercial" designation will not be considered unless serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing.

3.2.4 Highway Commercial (Seacliff Drive)

In addition to the policies identified in Subsection 3.2.3 Highway Commercial, the following policies shall apply to those lands identified under Highway Commercial (Seacliffe Drive) on Schedule "A-2" of this Plan:

a) The Seacliff Drive Highway Commercial areas are intrinsically and aesthetically important as entrances and gateway areas into the urban area for the Town. The policies for this area will encourage, support and promote the development of buildings and properties as a welcoming, inviting and architecturally interesting area.

b) The highway commercial areas will be comprised of a mix of medium to large format commercial buildings that have units of varying size to accommodate the proposed uses.

c) Site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law will apply to all new main buildings within the area designated Highway Commercial (Seacliff Drive).

d) Multi-purpose trails, walkways and bicycle supportive features will be included for all new development to support a walkable, healthy community.

e) Permitted accessory uses shall include: ancillary uses to the main use; outdoor patio spaces associated with a restaurant; parking; trails; walkways; enclosed outdoor storage or garage facilities; enclosed outdoor garbage facilities; and commercial signs. The accessory building(s) shall be located in the side yard or rear yard of the main structure.

f) All new development will be required to conform to high performance standards relating to noise attenuation, parking, loading, traffic circulation, building design, lighting, landscaping, buffering and control over outside storage as set out in the Zoning By-law.

g) All new buildings are encouraged with elevations that are architecturally significant and take advantage of the streetscape and the viewscape provided along Seacliff Drive.

h) The maximum building height for all buildings will be one storey with a maximum height of 10 m.

i) Proposals for new development and buildings will be encouraged to incorporate innovative designs reflecting a welcoming theme. Local architectural features are encouraged to be incorporated in the new building profiles.

j) Development proposals for the commercial sites will incorporate the healthy community initiative by providing safe, accessible walkways and trails, bike racks, gathering spots and/or resting areas. Building features and facade design will promote and support the walkable, bike-able community.

k) Lands designated Highway Commercial (Seacliff Drive) will incorporate innovative designs to provide for public vistas, public use areas and provide for public gathering spaces.

l) Parking will be provided on site in compliance with the site-specific zoning by-law amendment; well screened with landscaping and buffer spaces from adjacent land uses; encouraged to be located only at the side and/or rear of the property.

m) Lot development regulations shall be contained in the implementing Comprehensive Zoning By-law.

n) Loading spaces will be designed and located with separation from adjacent residential uses. Extra buffering and noise attenuation measures will be applied on site and in the site plan agreement to mitigate and reduce noise generated by the commercial use.

o) Additional side yard setback distances shall be required between the permitted commercial uses and adjacent residential uses and in accordance with the Zoning By-law.

p) New development shall only be permitted on full municipal potable water services.

q) Storm water management plan, subject to applicable guidelines, for the subject property will be required as part of the site plan control.

r) Access roads and traffic circulation patterns for commercial traffic will be carefully planned in order to minimize potential negative impacts on the existing road and active transportation network and surrounding land uses.

3.3 EMPLOYMENT

Lands designated "Employment" are areas that have unique characteristics that make them particularly well suited for employment development. The following goals and policies apply to lands designated "Employment".

3.3.1 Goals

The following goals are established for those lands designated "Employment" as depicted on Schedules "A", "A-1", and "A-2" of this Plan:

a) to identify and develop areas with good access and transportation links, where employment development can take place in an orderly manner;

b) to broaden and enhance the Town's assessment base and to provide additional local employment opportunities;

c) to minimize conflicts with surrounding land uses and provide protection for major manufacturing facilities where non-employment uses are planned; and

d) to protect agricultural areas by directing non-farm related industrial development to appropriate locations.

3.3.2 Policies

The following policies are established for those lands designated "Employment" on Schedules "A", "A-1", and "A-2" of this Plan:

a) the "Employment" designations shown on Schedule "A" include lands presently used for employment purposes and designated for employment purposes, and provide level sites capable of being fully serviced, with accessibility to arterial roads without causing unnecessary traffic to pass through residential areas. Accordingly, permitted uses in Employment areas shall be all forms of fabricating, assembly and processing of goods, materials and food products, warehousing space, storage, building contractors' yards, transportation and communications' facilities and public utilities;

b) the amenities of adjacent non-employment areas shall be safeguarded and employment development shall not be allowed to adversely affect the surrounding areas from, but not necessarily limited to, traffic, noise, odour, dust, vibration and lighting. All industries shall meet the requirements of, and where necessary, obtain the statutory approval(s) of the Province with respect to: water taking, provision of potable water, waste water/sanitary sewage disposal, storm drainage, solid waste

disposal and all emissions to the natural environment, including air, noise, and vibration;

c) the Zoning By-law may divide the employment areas into "heavy" or "light" or "restricted" zones so that employment activities likely to give rise to noise and other nuisances are located where they will not cause an adverse effect to existing uses and other permitted uses;

d) the Zoning By-law may also permit the establishment of commercial uses that are incidental to and associated with employment uses such as wholesale outlets, offices and showrooms or merchandising centres;

e) other commercial uses and private clubs (such as curling clubs) suitable for location in employment areas may be permitted only through an amendment to the Zoning By-law, provided that such amendments shall be approved only when it has been shown to the satisfaction of the Town that:

   i. the commercial use provides a service or benefit to the area, or has similar requirements or characteristics to the industries in or permitted in the area such as service stations, public garages, banks, printing, and photographic establishments and restaurants;

   ii. the site for the proposed commercial use or club is such that its development will be compatible with permitted employment uses; and is so located with respect to other commercial uses that it may make possible the development of a compact commercial concentration;

f) it is not expected that all lands designated as “Employment” shall immediately be so developed. Accordingly, it is the policy of this Plan that, in the interim, the implementing Zoning By-law may establish an appropriate “Industrial Holding Zone” to be used for certain areas pending applications for development. Existing agricultural uses may continue to be permitted in the “Employment” designation; however, new or expanding residential uses shall not be permitted;

g) agricultural uses, excluding livestock operations and residential dwellings existing at the date of the passing of this Plan, may be recognized in the implementing Zoning By-law subject to the Existing Uses policies contained in Section 8.7 of this Plan. New residential uses on Employment land shall not be permitted;

h) employment development should proceed on the basis of the establishment of an industrial park through registered plans of subdivision, or by consent where a plan of

subdivision is not necessary and the application is in accordance with the consent policies contained in Section 7.3 of this Plan;

i) access roads and traffic circulation patterns for industrial traffic will be carefully planned in order to minimize potential negative impacts on surrounding land uses;

j) new industries will be required to conform to high performance standards relating to the type and standard of construction, parking, loading, lighting, signs, landscaping, buffering and control over outside storage which may be established in the implementing Zoning By-law;

k) the retention, renewal and conservation of industrial buildings of historical and architectural merit, whether designated under the *Ontario Heritage Act*, or identified as a property of interest, will be encouraged if they are affected by an application for development or re-development. The impact of such development plans on the character of the surrounding area will also be considered.

l) all "Industrial" development shall be subject to site plan control pursuant to the *Planning Act*, and the policies of Section 8.15 of this Plan;

m) any changes or enlargements to the "Employment" designation shall be subject to the criteria established and set out in Section 8.11 of this Plan and Section 1.6.3 in relation to settlement area expansions;

n) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the "Employment" designation. More specifically, for any "Employment" designated lands serviced by full municipal services, all new development must be fully municipally serviced in accordance with Section 6.3 of this plan.

For "Employment" designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing "Employment" designated lands to accommodate dry industrial uses, and:

i. to address failed individual on-site sewage and individual on-site water services within existing development;

ii. to allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and

iii. site conditions are suitable for the long-term provision of such services.

o) new and existing employment uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing employment uses which are limited to the confines of the current zoning shall be permitted; and

p) Expansions of the "Employment" designation will not be considered unless serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing. Prior to the approval of an amendment to this Plan which would have the effect of increasing the extent of the "Employment" designation, Council shall have regard to the following matters:

i. the adequacy of the services available to the proposed site;

ii. the adequacy of the road system to provide access to the proposed site;

iii. the possible impact of the proposal on adjacent properties; and

iv. the need for additional employment land in relation to the supply/demand circumstances; and

v. the policies in other applicable Sections of this Plan, including the policies contained in Section 8.

3.4 INSTITUTIONAL USES

The development of new and the expansion of existing institutional uses such as schools, places of worship, cemeteries, community halls, government buildings, public works facilities and public utilities shall be permitted in all designations, except the "Agriculture" designation, without an amendment to this Plan, subject to a site specific rezoning and the following policies:

a) new and existing institutional uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing institutional uses which are limited to the confines of the current zoning shall be permitted;

b) adequate precautions shall be taken to ensure that the permitted uses minimize adverse impacts on adjacent land uses;

c) adequate parking, vehicular access, tree planting, landscaping using local native plantings, buffering and site and building design will be required to create an attractive appearance and ensure compatibility with surrounding land uses;

d) suitable arrangements will be made for potable water supply, sanitary sewage treatment and disposal, storm drainage and all other similar services;

e) no other suitable location within the Town serviced by municipal potable water and municipal sanitary sewage and storm drainage services is available; and

f) the retention, renewal and conservation of institutional built resources such as places of worship, churches, jails, monuments, courthouses and other buildings of historic or architectural merit will be encouraged if they are affected by an application of development or re-development. The impact of such development plans on the character of the surrounding area will also be considered;

g) new institutional and emergency service facilities will not be permitted to locate within Natural Hazard Areas;

h) land severances that would result in the creation of a new lot for institutional purposes may be permitted by the Town provided it conforms to the County Official Plan and the Town's Official Plan, it is consistent with the Provincial Policy Statement and the subject property has been rezoned where required; and

i) where an existing institutional use ceases to exist, the Town will work with the landowner to determine the appropriate reuse of the lands. As a priority, the Town will consider the future reuse of the lands for residential uses (in accordance with intensification and affordable housing policies) and secondary, an institutional or community uses, which may include consideration for the public acquisition of the lands. In the event the lands are not required for institutional uses, the Town will consider the reuse of the lands for non-institutional uses which may be considered through an amendment to this Plan. The future reuse and redevelopment of the surplus institutional lands, will take into consideration such matters as:

   i. the appropriateness of the proposed land use,

   ii. compatibility with the surrounding land uses,

   iii. transportation and servicing impacts,

   iv. the scale and massing of the proposed development, and

v. the overall contribution to the continued health and vitality of the Town.

3.5 PARKS AND OPEN SPACE

Lands designated "Parks and Open Space" are areas that are currently used for this purpose. The following goals and policies apply to lands so designated on Schedule "A".

3.5.1 Goals

The following goals are established for those lands designated "Parks and Open Space" as depicted on Schedules "A", "A-1", and "A-2" of this Plan:

a) to ensure that the Town maintains an adequate supply of open space;

b) to ensure that open space areas are provided in suitable locations so as to maximize their accessibility for area residents;

c) to review the parks classification system periodically;

d) to increase the percentage of people located with a minimum distance of parks and open space;

e) to secure additional public beach and waterfront parkland; and

f) to continue to expand active transportation linkages within the Town.

3.5.2 Policies

The following policies are established for those lands designated "Parks and Open Space" on Schedules "A", "A-1", and "A-2" of this Plan:

a) within the area designated "Parks and Open Space", the predominant use of land shall be for active or passive parks, public or private recreational uses and facilities including golf courses, private clubs, picnic areas and conservation lands;

b) indoor recreational facilities shall only be permitted as accessory uses to the major outdoor recreational uses, the general intent of this Plan being to keep these areas open and free from buildings and structures except those which are incidental and accessory to the open space use;

c) cemeteries shall also be permitted within the area designated "Parks and Open Space";

d) it shall be the policy of the Town to acquire additional neighbourhood parkland where necessary to maintain a total supply generally of 2.5 hectares per 1,000

population. In addition, the Town shall promote the development of linear parks for multi-purpose trails;

e) where land is to be developed or redeveloped for residential purposes, the Town shall require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the maximum of the following criteria or combination thereof:

   i. five percent (5%) dedication of the gross area of the land proposed for development; and/or

   ii. dedication at a rate of one hectare per 600 units or cash-in-lieu in the case of land proposed for development or redevelopment for residential purposes or such lesser rate as may be specified in the by-law;

f) where land is developed or redeveloped for employment, institutional or commercial purposes, the Town may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the gross area of the land proposed for development;

g) the Town shall utilize parkland dedication requirements pursuant to the *Planning Act*.

h) the Town will continue to support the development and maintenance of recreational facilities, the acquisition, beautification and maintenance of public open space and the development of recreation programs in accordance with community needs and availability of resources;

i) the Town shall periodically assess the role of municipal parks and open spaces, through the Parks and Recreation Master Plan, in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;

j) the Town will endeavour to work with neighbourhood residents, service clubs and organizations, interested groups and government agencies in meeting parks and open space needs of the community;

k) the Town will seek the cooperation of the Boards of Education having jurisdiction in the community, to maximize the use of school facilities for recreational purposes during off-school hours, which may include entering into a joint use agreement or other appropriate means;

l) where possible, parkland should be located in conjunction with stormwater management facilities and integrated as part of the overall park to achieve maximum

area of open space. Stormwater management facilities, hazard lands, and lands conveyed for public walkways will not form any part of the required parkland dedication, as they are deemed public services and rights-of-way under the *Planning Act*;

m) Parkland dedication land resources do not include lands identified as hazard lands, significant woodlots, ravine lands, natural heritage system lands and associated buffers, easements, vista blocks, stormwater management systems and related undevelopable lands; and

n) Parkland dedication lands will be free of all encumbrances, including but not limited to such easements which the Town, in its sole and absolute discretion, is not prepared to accept and will be free of any contamination, including but not limited to any toxic, noxious or dangerous contaminants, and will otherwise be in a condition satisfactory to the Town.

o) Where new development is proposed on a site, part of which has physical limitations or hazards, then such land will not necessarily be acceptable as part of the land dedication under the *Planning Act*. All land dedicated to the Town will be conveyed in a physical condition satisfactory to the Town, and will meet minimum standards in terms of drainage, grading and general condition. The lands will also be in full compliance in regards to any environmental hazards, contamination or related requirements.

p) new and existing recreational uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing recreational uses which are limited to the confines of the current zoning shall be permitted; however expansions into the "Agriculture" designation would require an amendment to this Plan.

q) The Town will consider opportunities for the promotion and implementation of stormwater management best practices within the Town's parks and open spaces where appropriate. Consideration should be given to stormwater attenuation and re-use and low impact development measures to control the quantity and quality of stormwater.

r) where any lands designated as "Parks and Open Space" are under private ownership, this Plan does not intend that the land will necessarily remain as "Parks and Open Space" indefinitely. Nor shall it be construed as implying that "Parks and Open Space" areas are free and open to the general public or that they will be purchased by the Town. If there are proposals to develop any such lands that are in private

ownership, and the Town or other public agency does not wish to purchase such lands in order to maintain the open space, then an application for the re-designation of such land for other purposes will be given due consideration by the Town;

3.6 RESIDENTIAL

3.6.1 Residential

Areas designated "Residential" on Schedules "A-1", and "A-2" are either currently developed residentially or have previously been determined to be appropriate to accommodate future residential development. It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the planning period of this Plan. In addition, other uses which are considered to be ancillary or necessary to serve the needs of a residential community may also be permitted in the "Residential" designation in accordance with the policies of this Plan.

The following land use goals and policies establish the manner with which new residential development and/or redevelopment should take place in the Town. These policies shall be implemented through regulations enacted in the Town's Zoning By-law, the development review/approval process, and through individual site plan control and development agreements.

3.6.1.1 Goals

The following goals for areas designated "Residential" on Schedules "A-1", and "A-2" of this Plan are to:

a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;

b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;

c) encourage infilling of the existing development pattern within vacant and underutilized areas in a manner that is compatible with the surrounding neighbourhood land use ~~character~~ and built form;

d) encourage the development of a greater variety of housing types and densities within appropriate locations that help increase housing attainability, which provides infrastructure and community services and amenities to support such uses;

e) direct neighbourhood commercial, institutional and other non-residential development to appropriate locations in a manner that is compatible with the surrounding neighbourhood character;

f) encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;

g) encourage new plans of subdivision to provide a full range of housing densities to facilitate movement toward the County target of 20% affordable housing in all new development;

h) provide opportunity to increase the housing supply (including attainable and affordable housing) through residential intensification, in accordance with the policies of Section 2.11 of this Plan;

i) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and guidelines within the Town's Development Standards Manual;

j) encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the planning period.

k) provide opportunity to increase the supply of affordable and attainable housing, in accordance with the policies of Sections 2.12 and 2.12.1 of this Plan.

3.6.1.2 Policies

The following policies shall apply to those lands designated "Residential" on Schedules "A-1", and "A-2" of this Plan:

a) The types of residential units permitted include single detached dwellings, semi-detached dwellings, townhouses, apartments and seniors' housing including retirement homes and long-term care homes and other housing designed to accommodate special needs or interests. The variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law;

b) other uses which are considered necessary and complimentary to serve residential areas, such as schools, places of worship, and institutional uses of a similar scale, neighbourhood-scale commercial uses, and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area and located on an arterial or collector road;

c) neighbourhood-serving parks and trails will be permitted, whereas larger scale parks will only be permitted in the Parks and Open Space Designation.

d) the regulations and provisions for the uses permitted in the "Residential" designation shall be established in the Zoning By-law;

e) the creation of new lots for residential purposes will occur in accordance with the land division policies contained within Section 7 of this Plan;

f) a high standard of urban design and amenity shall be provided in all new residential development;

g) residential infill development in areas of significant historical, architectural or landscape merit shall be permitted provided the following criteria are met:

   i. are sensitive to the existing scale, massing and pattern of the area;

   ii. are consistent with the existing landscape and streetscape qualities; and

   iii. will not result in the loss of any significant heritage resources.

h) All types of residential development will be permitted throughout the area designated "Residential", subject to satisfying certain criteria.

   i. Low Density Residential zones will permit single detached dwellings and semi-detached dwellings at a maximum density of 20 units per gross hectare.

   ii. Medium Density Residential zones will permit single detached dwellings, semi-detached dwellings, townhouse dwellings, apartment buildings not exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 50 units per gross hectare.

   iii. High Density Residential zones will permit multiple dwelling units such as townhouse dwellings, apartment dwellings and all types of senior and other special interest and needs housing. The maximum density for this type of housing should not exceed 124 units per gross hectare.

   iv. Proposals to locate high density residential development in older established residential neighbourhoods will be discouraged if they involve the extensive redevelopment of existing single detached dwellings, and are subject to the residential intensification policies of Section 2.11 of this Plan;

The Zoning By-law will zone only existing medium and high density residential uses as such.

All medium and high density residential development will be subject to site plan control pursuant to the *Planning Act*.

Any new medium or high density residential development or redevelopment proposal will require an amendment to the Zoning By-law.

i) When considering applications to amend the Zoning By-law to permit medium or high density residential development, the Town shall have regard to the following:

   i. the density and form of adjacent development;

   ii. the adequacy of, and extent of uncommitted reserve capacity in the municipal potable treatment and supply system, the municipal, sanitary sewage treatment and collection system, storm drainage and roads to service the proposed development;

   iii. the adequacy of school, park and community facilities to serve the proposed development;

   iv. the adequacy of off-street parking facilities to serve the proposed development;

   v. the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses; and

   vi. accessibility in relation to the location of arterial and collector roads.

j) undeveloped lands that are designated "Residential" may be placed in a holding zone in the Zoning By-law. The holding symbol will be removed when appropriate sewage treatment, municipal water and any other necessary arrangements are made to the satisfaction of the Town and the Province and a plan of subdivision is approved, where required. Existing uses shall be permitted in the interim;

k) all development in the "Residential" designation shall be in accordance with the land division policies contained in Section 7 of this Plan. The provision of a three year supply of residential lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan shall be maintained within areas designated for residential use;

l) the conversion of single detached dwellings to create more than three new dwelling units may be permitted subject to an amendment to the Zoning By-law and subject to compliance with the following requirements:

   i. external changes should be minimal and the single detached character of the dwelling should be preserved to the extent possible;

   ii. adequate off-street parking should be made available for all dwelling units; and

   iii. adequate services should be available to accommodate all units.

m) mobile homes and/or mobile home parks shall not be permitted in the "Residential" designation;

n) home occupations are permitted subject to the requirements of the Zoning By-law;

o) private home day cares are permitted subject to the requirements of the Zoning By-law;

p) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

q) institutional uses are permitted in the "Residential" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria contained in Section 3.4 of this Plan shall be considered;

r) special needs housing, including group homes are permitted in accordance with the policies of Section 2.13.

3.6.1.3 Site Specific Policies

a) a professional and personal service office building shall be permitted in the "Residential" designation on those lands located at the north-west corner of Main Street East and Remark Drive. The implementing Zoning By-law shall limit the permitted uses on those lands to include only a structure for use as a professional and personal service office and will stipulate the lot and building requirements;

b) notwithstanding any other policies in this Plan, the implementing zoning by-law shall limit the list of permitted uses on those lands designated "Residential" on the north side of Lakeview Avenue between Industrial Road and Wigle Avenue to include only existing single detached dwellings, existing townhouses and existing and new uses

accessory to the residential uses. The lot and building requirements for the above permitted uses shall be established in the Zoning By-law.

c) notwithstanding any other policies in this Plan, the lands within the Prince Albert Street North area shown on Schedule A-1, shall only permit single detached dwellings and semi-detached dwellings.

3.6.2 Hamlet

The purpose of the "Hamlet" designation is to identify those rural service areas where low density residential, institutional, recreational, small scale commercial and dry, light industrial uses are permitted. The majority of this designation is serviced by municipal water and sewer services. However, there are small areas which continue to be serviced by private septic facilities and so servicing will be a major consideration for any development proposals within this designation.

3.6.2.1 Goals

The following goals are established for the areas designated "Hamlet" on Schedule "A" of this Plan:

a) to allow the Hamlet to strengthen its identity as a Secondary Settlement Area and service centre to area residents;

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;

c) to continue to provide a location for future residential, institutional, recreational, small scale commercial and small scale dry light industrial uses;

d) to encourage the development of a greater variety of housing types provided the proposed housing can be adequately serviced;

e) to provide the opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions, including accessory apartments, and redevelopment, and will be encouraged in areas designated "Hamlet" as a means of increasing the supply of affordable rental landownership accommodations.

f) provide opportunity to increase the supply of affordable housing, in accordance with the policies of Section 2.13 of this Plan.

3.6.2.2 Policies

The following policies shall apply to those lands designated "Hamlet" on Schedule "A" of this Plan:

a) the permitted uses shall include single detached, semi-detached, and townhouses, institutional, recreational, small scale commercial and dry, light industrial uses and their expansion in accordance with the policies outlined below. Existing agricultural uses are permitted to continue subject to the Existing Uses policies contained in Section 8.7.1 of this Plan;

b) the Zoning By-law shall zone all lands in the "Hamlet" designation according to their existing use. All undeveloped land parcels may be placed in a holding zone in the implementing Zoning By-law, and new development may be subject to a site-specific amendment to the Zoning By-law. New residential, commercial, industrial, recreational and institutional uses may be permitted without an amendment to this Plan provided the Zoning By-law is amended where necessary and the proposed use satisfies the following criteria:

c) the proposed use is generally compatible with existing uses in close proximity;

d) the existing roads can adequately serve the proposed use;

e) the existing services are adequate for the proposed use;

f) the off-street parking is adequate for the proposed use; and

g) where required, the site plan provides adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties;

h) home occupations carried out for remuneration as defined in the Zoning By-law are permitted in the "Hamlet" designation;

i) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

j) existing non-residential uses will be allowed to expand provided the expansion satisfies the criteria outlined in subparagraph b), subsections i) to v) above inclusive;

k) all lot creation in the "Hamlet" designation shall be in accordance with the land division policies contained in Section 7 of this Plan;

l) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing within the Hamlet designation. More specifically, for any Hamlet designated lands serviced by full

municipal services, all new development must be fully municipally serviced. For designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing designated lands to:

i. address failed individual on-site sewage and individual on-site water services;

ii. to allow for infilling and rounding out of existing development between residential lots on the same side of the road provided that the development is within the reserve sewage system and/or reserve water system capacity and

iii. site conditions are suitable for the long term provision of such services.

3.6.3 Lakeshore Residential East

The purpose of the "Lakeshore Residential East" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and east of the Town's main settlement area. This area of the municipality is currently serviced with private septic facilities and so servicing will be a major consideration for any development proposals within this designation.

3.6.3.1 Goals

The following goals are established for the areas designated "Lakeshore Residential East" on Schedule "A" of this Plan:

a) to recognize existing residential development and areas previously designated for residential development;

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;

c) to encourage limited infilling of the existing development pattern;

d) to provide the opportunity for the provision of affordable housing in accordance with Section 2.13 of this Plan.

3.6.3.2 Policies

The following policies are established for the areas designated "Lakeshore Residential East" on Schedule "A" of this Plan:

a) residential development shall only consist primarily of single detached dwellings but may also include semi-detached and townhouse dwellings residential development subject to appropriate sewage treatment, municipal water and shoreline engineering assessment as may be required. Other uses which are complementary to residential areas such as schools, parks, places of worship, day-care centres, home occupations, fruits and vegetable stands and existing greenhouse operations may be permitted;

b) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

c) institutional uses are permitted in the "Lakeshore Residential East" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria in subsections 3.4 and 8.17.3 of this Plan shall be considered;

d) undeveloped lands in the "Lakeshore Residential East" designation may be placed in a holding zone in the implementing Zoning By-law. The holding symbol will be removed when appropriate sewage treatment, municipal water and any other necessary arrangements are made to the satisfaction of the Town and based on the advice of the Province and a plan of subdivision is approved, where required. Properties, which are floodprone or subject to erosion may also, require a shoreline engineering assessment. Existing uses shall be permitted in the interim subject to the Existing Uses policies contained in Section 8.7.1 of this Plan;

e) all lot creation in the "Lakeshore Residential East" designation shall be in accordance with the Land Division policies contained within Section 7 of this Plan provided there is adequate capacity in the municipal water system and the site conditions are suitable for the provision of long term private septic facilities;

f) the "Lakeshore Residential East" area is adjacent to the Lake Erie Shoreline and is susceptible to progressive erosion and bank instability. Subsequently, all development proposals within the Regulated Area will be subject to approval by the Essex Region Conservation Authority and will be subject to the provisions of the same;

g) some properties within the Lakeshore Residential East designation may have limited depth and may not support new development. These areas should be designated as open space, hazard land or water course protection;

h) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing within the Lakeshore Residential East designation. More specifically, for any Lakeshore Residential East designated lands serviced by full municipal services, all new development must be fully municipally serviced.

For designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing designated lands to:

i. address failed individual on-site sewage and individual on-site water services;

ii. to allow for infilling and rounding out of existing development between residential lots on the same side of the road provided that the development is within the reserve sewage system and/or reserve water system capacity; and

iii. site conditions are suitable for the long term provision of such services as demonstrated by the proponent.

3.6.4 Lakeshore Residential West

The purpose of the "Lakeshore Residential West" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town's main settlement area. This area of the municipality is currently serviced with full municipal services. The Lakeshore Residential West designation is further identified as a Primary Settlement Area and a Secondary Settlement Area in accordance with the policies of Section 1.6 of this Plan.

3.6.4.1 Goals

The following goals are established for the areas designated "Lakeshore Residential West" on Schedule "A" of this Plan:

a) to recognize existing residential development and areas previously designated for residential development;

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;

c) to encourage infilling of the existing development pattern;

d) to provide the opportunity for the provision of affordable housing in accordance with Section 2.13 of this Plan; and

e) to ensure that expansions of the Lakeshore Residential West designation identified as a Primary Settlement Area are serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing and the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately accommodate the expansion of the designation, and in accordance with the settlement area expansion policies of Section 1.6.3 of this Plan.

3.6.4.2 Policies

The following policies are established for the areas designated "Lakeshore Residential West" on Schedule "A" of this Plan:

a) residential development shall consist primarily of single detached dwellings but may also include semi-detached and townhouse dwellings subject to appropriate sewage treatment, municipal water and shoreline engineering assessment as may be required. Other uses which are complementary to residential areas such as schools, parks, places of worship, day-care centres, and home occupations, may also be permitted;

b) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

c) institutional uses are permitted in the "Lakeshore Residential West" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria in subsections 3.4 and 8.17.3 of this Plan shall be considered;

d) undeveloped lands in the "Lakeshore Residential West" designation may be placed in a holding zone in the implementing Zoning By-law. The holding symbol will be removed when appropriate agreements regarding servicing are executed with the Town. Properties, which are floodprone or subject to erosion may also, require a shoreline engineering assessment.

e) all lot creation in the "Lakeshore Residential West" designation shall be in accordance with the Land Division policies contained within Section 7 of this Plan;

f) the "Lakeshore Residential West" area is adjacent to the Lake Erie Shoreline and is susceptible to progressive erosion, bank instability and flood hazards. Subsequently, all development proposals within the Regulated Area will be subject to approval by the Essex Region Conservation Authority and will be subject to the provisions of the same;

g) some properties within the Lakeshore Residential East designation may have limited depth and may not support new development. These areas should be designated as open space, hazard land or water course protection, and

h) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the "Lakeshore Residential West" designation in accordance with Section 6.3 of the Plan. Development on private septic facilities shall not be permitted within the sewer service area.

3.6.4.3 Site Specific Policies

a) For the lands identified on Schedule "A" Land Use Plan as a Site Specific Policy Area and located at 700 County Road 20, notwithstanding, or in addition to, other policies of the Official Plan, the following policies will apply:

i. Multiple-unit (apartment dwelling) limited to 96 units and six storeys in height shall be an additional permitted use.

ii. A low rise stay-and-play hotel/motel shall be permitted in combination with the permitted residential uses.

iii. All development of the site shall be subject to a public consultation process related to site plan approval including but not limited to a minimum of one proponent initiated open house including circulation of notice a minimum of 14 days prior to the open house including a detailed, legible copy of the site plan to be considered.

iv. The proponent shall demonstrate to the satisfaction of the Town the availability of full municipal services to the site prior to the removal of the H- Holding provision in the site-specific zoning.

3.6.5 Rural Residential

The purpose of the "Rural Residential" designation is to recognize the existing residential development along each side of County Road 34 between the Town of Essex and

Cottam. Portions of the "Rural Residential" designation are located within the Secondary Settlement Area of Cottam.

3.6.5.1 Goals

The following goals for areas designated "Rural Residential" on Schedules "A" and "A-1" of this Plan are to:

a) recognize pockets of existing residential development along both sides of County Road 34 between the Town of Essex and Cottam; and

b) permit the completion of existing development patterns, while directing the majority of development to lands within the Secondary Settlement Area of Cottam.

3.6.5.2 Policies

The following policies shall apply to those lands designated "Rural Residential" on Schedules "A" and "A-1" of this Plan:

a) residential development shall consist of single detached dwellings only;

b) home occupations as defined in the Zoning By-law are permitted in the "Rural Residential" designation;

c) home industries as defined in the Zoning By-law may only be permitted as an accessory use in the "Rural Residential" designation and will require a site-specific amendment to the Zoning By-law. A proposed home industry must demonstrate to the satisfaction of the Town that it will not negatively impact on abutting uses in terms of light, odour, noise, traffic and dust. A proposed home industry may be subject to site plan control as a method of mitigation with abutting land uses;

d) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

e) all lot creation in the "Rural Residential" designation shall be in accordance with the land division policies contained in Section 7 of this Plan;

f) it is not the intention of this plan to designate additional "Rural Residential" development areas. New rural residential development shall only occur within the boundaries of the existing "Rural Residential" designation and shall only be permitted for infilling and rounding out of existing development, and may require a site-specific amendment to the Zoning By-law;

g) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing. For "Rural Residential" designated lands where partial municipal services (being municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists development will only be permitted on partial services to:

   i. address failed individual on-site sewage and individual on-site water services;

   ii. allow for infilling and the rounding out of existing development between existing residential lots on the same side of the road; and

   iii. site conditions are suitable for the long term provisions of such services.

3.6.6 Special Residential

The purpose of the "Special Residential" designation is to recognize the existing Country Village residential development south of County Road 8. This area is presently developed with a variety of medium-density residential uses. A considerable amount of undeveloped land and some agricultural land exists within this designation.

All of the existing development in the "Special Residential" area is serviced privately including a private sewage lagoon and private roads. Presently, the roads are not at an acceptable municipal standard. The Town may consider assuming the roads, in the future, only once the owner(s) have agreed to upgrade the roads, at the owner(s) expense and to a standard acceptable to the Town. The Town, through execution of an acceptable agreement, may consider assuming maintenance of the internal water lines located within a municipal or private roadway. Although the Town does not view this type of development as desirable and would not support a similar development today, it does realize that this is an existing situation which evolved prior to planning documents and controls being in place. The policies of the "Special Residential" designation are intended to recognize existing uses. It is with this realization and perspective that the following goals and policies are established.

3.6.6.1 Goals

The following goals for "Special Residential" designated areas on Schedule "A" of this Plan are to:

a) recognize existing residential development;

b) maintain a buffer area along the north side of the sewage lagoon to reduce potential compatibility problems between the existing lagoon and proposed new residential development;

c) ensure that the private sanitary services to this area continue to be provided privately and that the Town not be responsible in any way for the provision or maintenance of any private sanitary services now or in the future; and

d) maintain the existing land use designation and corresponding zones to prohibit any further development or subdivision of the lands with the Special Residential designation.

3.6.6.2 Policies

The following policies are established for the areas designated "Special Residential" on Schedule "A" of this Plan:

a) the uses permitted in the "Special Residential" area shall be limited to an existing long-term care home/retirement home complex, existing medium density residential uses, existing agricultural uses and existing single detached dwellings. One produce sales establishment shall also be permitted. The Zoning By-law shall zone the land accordingly and establish the zone provisions;

b) no new lot creation is permitted in this designation;

c) the municipality shall not be responsible for any of the private sanitary services on lands within the Special Residential designation.

3.7 WATERCOURSE PROTECTION

3.7.1 Goals

The following goals are established for the "Watercourse Protection" area shown on Schedule "A-2":

a) to preserve the natural capacity of the floodplain areas to conduct and temporarily store floodwaters by limiting the construction of buildings and structures in these areas; and

b) to protect and re-establish natural vegetation and wildlife habitat along watercourses wherever possible.

3.7.2 Policies

The following policies shall apply to those lands designated "Watercourse Protection" on Schedule "A-2":

a) the predominant use of the land shall be open space, conservation, sustainable forest management, wildlife management areas, natural heritage features and areas and public or private parks;

b) no buildings or structures shall be permitted in areas designated "Watercourse Protection" except where such buildings and structures are intended for flood or erosion control as approved by Council in consultation with the Essex Region Conservation Authority and are subject to permit requirements under Ontario Regulation 158/06, as amended and implemented by the Essex Region Conservation Authority;

c) lands within the "Watercourse Protection" area shall be preserved for natural environment purposes and for public health and safety. Development shall not be permitted within areas that are susceptible to flood and erosion hazards where there is significant risk to human life and property. If such an application is submitted, Council shall consider the request in the context of the goal to preserve the natural environment and minimize potential impacts to public health and safety. If the opinion of Council is such that the proposal does not jeopardize the intent to preserve the natural environment and if appropriate floodproofing measures are implemented and a permit is obtained from the Essex Region Conservation Authority, such development may be approved without an amendment to this Plan provided the proposed use is a permitted use in the abutting designation. Where any uncertainty exists as to what the abutting designation is, the following interpretations shall apply:

   i. where the designations on opposite sides of the watercourse and abutting the "Watercourse Protection" designation are not the same, the centerline of the watercourse shall be used as the dividing line;

   ii. where two different designations meet on the same side of the watercourse and abut the "Watercourse Protection" designation, the abutting designation shall be determined by extending the dividing line between two designations at the same angle and in the same general direction through the "Watercourse Protection" designation to the centerline of the watercourse.

3.8 WATERFRONT MIXED USE NEIGHBOURHOOD

The area designated "Waterfront Mixed Use Neighbourhood" are those areas within the former Town along the harbour area of Lake Erie that have previously been determined to be suitable for a mix of land uses including commercial and residential development. This area is in transition with existing residential uses, proposed residential uses, existing commercial, proposed commercial and municipal initiatives.

The Town will support the establishment of a long-range Waterfront Development Master Plan to enhance the waterfront as a destination, promote the development of a mixed used waterfront area with enhanced public open space areas and integrated trail system.

3.8.1 Goals

The following goals are established for the areas designated "Waterfront Mixed Use Neighbourhood" on Schedule "A-2":

a) to promote the development of a mix of land uses in the waterfront area;

b) to promote the waterfront area as a destination in the Town. The policies encourage and support the development of a welcoming, inviting, intrinsically interesting and an aesthetically appealing area both for visitors coming from the harbor, residents to live in the area and provide for walking or driving through the area, as well as supporting and encouraging new business operators in the area of the waterfront;

c) to ensure that new commercial and residential development meets appropriate site design standards and new commercial and residential development are compatible.

3.8.2 Policies

The following policies shall apply to those lands designated "Waterfront Mixed Use Neighbourhood" on Schedule "A-2" of this Plan.

a) permitted commercial uses shall be restricted to those uses that are compatible with residential uses in the neighbourhood: retail stores, restaurants, personal service shops, taverns, recreational establishments, places of amusement, inns, assembly hall, hotel or motel, professional office space;

b) permitted residential buildings shall be limited to: existing residences, new single detached residences, multiple unit residential structures (semi-detached, townhouses), and apartments. Maximum density for residential units will be 75 units per gross hectare;

c) municipal services, municipal parks, trails, walkways and other necessary municipal features will be permitted in all areas designated 'Waterfront Mixed Use Neighbourhood';

d) permitted accessory uses shall include: ancillary uses to the main use, bed and breakfasts, outdoor patio spaces associated with a restaurant, parking, trails, walkways, outdoor storage, outdoor garbage facilities or garage facilities. The accessory building(s) shall be located in the side yard or rear yard of the main structure;

e) both existing and new residences are encouraged to have commercial uses on the main floor or at the front of the building while allowing for residential uses to the rear or second floor of the building;

f) mixed use buildings with both commercial units and residential units are encouraged and permitted;

g) the maximum building height for buildings on the south side of Park Street will be three (3) storeys. The maximum building height for buildings on the north side of Park Street will be five (5) storeys;

h) all existing and new development is encouraged to incorporate innovative site and building designs to take advantage of the streetscape and the viewscape provided by the harbor area and Lake Erie;

i) proposals for new development will be encouraged to incorporate innovative designs reflecting a welcoming theme, particularly by providing walkways, trails, building features and facade design;

j) lands on the south side of Park Street are encouraged to incorporate innovative designs that will provide for public vistas, viewscapes and pedestrian access to the harbor and waterfront area;

k) the front yard of any new building is considered Park Street with front entrances clearly visible from the street. Garages and accessory structures will not be permitted in the front yard of any building with the exception that parking for single detached residences may be located in the front yard;

l) parking for residential buildings, mixed use buildings, multiple unit buildings or commercial buildings is encouraged to locate in the side yard or rear yard;

m) on-site parking must be provided in compliance with the Comprehensive Zoning By-law for the Town of Kingsville. Parking areas will be well screened with landscaping and buffer spaces from adjacent land uses;

n) lot development regulations for the waterfront mixed use neighbourhood shall be contained in the implementing Comprehensive Zoning By-law;

o) all new development within the "Waterfront Mixed Use Neighbourhood" designation will be required to conform to high performance standards relating to noise attenuation, parking, loading, traffic circulation, building design, lighting, landscaping, buffering and control over outside storage as set out in the Zoning By-law;

p) additional side yard setback distances shall be required between the permitted commercial uses and adjacent residential uses and in compliance with the Zoning By-law;

q) new main buildings that are infilling structures will be located at an established building setback of adjacent building(s). Should there not be adjacent buildings affected by the location of the new building, the new main building shall be brought forward towards the street to create a street presence for the building. The front entrance will be clearly visible and styled to create a welcoming entrance;

r) all new multiple unit buildings or commercial development within the "Waterfront Mixed Use Neighbourhood" designation will be subject to site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law;

s) all lands within the "Waterfront Mixed Use Neighbourhood" designation are subject to holding provisions as permitted under the *Planning Act*. In addition to meeting the requirements contained within Section 8 of this Plan, the holding symbol will not be removed by by-law until such time as the municipality is satisfied that there is sufficient uncommitted reserve sewage capacity;

t) new development shall only be permitted on full municipal sewage (sanitary and storm) and municipal potable water services. New development within the "Waterfront Mixed Use Neighbourhood" designation will not be considered unless:

   i. serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing in accordance with Section 6.3 of this plan;

ii. the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately accommodate the expansion of the designation; and

iii. if the expansion of the designation necessitates an expansion of the approved municipal sanitary sewage and/or potable water service areas, the expansion of the service areas is undertaken, all in accordance with the requirements of the *Environmental Assessment Act*.

SECTION 4: RESOURCES

4.1 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

It is the policy of this Plan, that archaeological, cultural and built heritage resources and landscapes be identified, recognized, enhanced and conserved for the benefit of the community. The Town shall work with the Municipal Heritage Advisory Committee to identify potential archaeological, cultural and built heritage resources and landscapes to increase public awareness and involvement in the protection and enhancement of the Town's heritage features.

4.1.1 Cultural and Built Heritage Resources

For the purposes of this Plan, cultural heritage resources shall mean resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people. Built heritage resources shall mean one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

Kingsville's built heritage resources will be identified by:

a) establishing a framework by which to judge the potential significance of built heritage resources;

b) researching and documenting the potential built heritage significance of properties within the Town of Kingsville using the established framework;

c) based on the completed research and documentation, preparing a register of properties with potential built heritage significance;

d) contacting property owners regarding the potential significance of their property and seek their co-operation and support to have their property designated as a "significant built heritage resource". While co-operation and support of effected property owners is the preferred direction in designating a given property, it is not a requirement of the designation process under the *Ontario Heritage Act*;

e) encouraging Council to continue to offer property tax reduction incentives for properties that have been designated under the *Ontario Heritage Act*;

f) monitoring demolition permit applications to ensure input in the event that a property with potential built heritage significance is proposed for demolition.

Those properties designated or identified in accordance with paragraph c) above (see list in Appendix A (Part 1 and Part 2) of this Plan) and for which property tax incentives are being received, shall be conserved. Demolition shall be prohibited and alterations shall only be permitted if in accordance with the *Ontario Heritage Act*.

For those properties that are included in the Town of Kingsville Heritage Register (see list in Appendix A (Part 1) of this Plan), demolition shall only be permitted in compliance with the provisions of the *Ontario Heritage Act*, R.S.O. 1990, c.O. 18.

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been assessed and evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigating measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the designated heritage property, as identified in Appendix A (Part 1), affected by the adjacent development or site alteration.

The Town may choose to designate a Heritage Conservation District or Districts, including areas of cultural heritage landscape features and heritage attributes. Prior to the designation of a Heritage District, Council will pass a by-law defining an area to be examined for designation as such a district, or may prepare a study for the area to determine the feasibility and appropriateness of such a designation. The study will be prepared in accordance with the Province's Heritage Conservation District Guidelines. The study may also suggest policies and guidelines to advise Council as to the consideration and approval of applications for new development and building alterations on properties located within a designated Heritage Conservation District.

The Town has identified Division Street South as a potential area of interest in establishing a Heritage Conservation District, which may be implemented through the preparation of Heritage Conservation District Study and an amendment to this Plan.

4.1.2 Cultural Heritage Landscapes

Cultural heritage landscape shall mean a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of

heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act* and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trail ways and industrial complexes of cultural heritage value.

4.1.3 Archaeological Resources

Archaeological resources include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological field work undertaken in accordance with the *Ontario Heritage Act*.

In consultation with the Province, and as resources permit, Council may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Town having archaeological potential. The Plan may also outline policies, programs and strategies to protect significant archaeological sites.

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation or by preservation on site when performed by a licensed archaeologist, as per Section 48 of the *Ontario Heritage Act*. Where archaeological resources must be preserved in situ, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Council may conserve the integrity of archaeological resources by restricting land use activities, including the erection of buildings and structures, on sites with archaeological resources through the implementing zoning by-law.

Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including Ministry of Tourism, Culture and Sport, and the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services, when an identified and marked or unmarked cemetery is affected by land use development. Marked and unmarked private family burial plots, where known, shall be registered with the Provincial Cemeteries Registrar and identified in the Zoning By-law. Marked and unmarked private family burial plots shall be preserved.

The Town recognizes that within the boundaries of the Town, there may be marine archaeological remains. Prior to approving a development proposal, where there is a

high potential for marine archaeological resources, the Town will require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Town and the Province, pursuant to the *Ontario Heritage Act*. Any marine archaeological resource that is identified must be reported to the Province immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed through excavation, by a licensed marine archaeologist under the direction of the Province.

The Town shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. The Town shall consult with Indigenous communities when developing and implementing an Archaeological Management Plan or Cultural Heritage Plan.

4.2 NATURAL HERITAGE SYSTEM

The Town of Kingsville encourages the protection and enhancement of its Natural Heritage System, including natural heritage resources and associated linkages, which builds on the natural heritage system established in the County of Essex Official Plan and the Essex Region Natural Heritage System Strategy, 2013 (ERNHSS). The Town's natural heritage resources represent a legacy of the natural landscape of the municipality and as a result have important environmental and social values for this and future generations.

The policies of this Plan protect the Natural Heritage System, which contains potential linkages and corridors as well as restoration opportunities that expand and better protect natural heritage features and promote overall diversity and connectivity of natural heritage resources, functions and areas.

The natural heritage resources that are mapped on Schedule "B-1" and "B-2" include:

a) Natural Environment - includes lands identified as significant wetlands, significant woodlands, significant habitat of endangered species and threatened species, significant natural heritage features, and certain natural heritage features which are privately owned, or owned by the Essex Region Conservation Authority in the Town. Lands identified as "Natural Environment" meet at least 5 of the 11 natural heritage feature criteria outlined in the (ERNHSS), or other lands deemed appropriate by the Town and ERCA;

b) Natural Environment Overlay - includes secondary priority natural heritage features in the Town including woodlands/woodlots, areas of natural and

scientific interest, valleylands and wildlife habitat that have, local or regional significance. Lands identified as "Natural Environment Overlay" meet 1 to 4 of the 11 natural heritage feature criteria outlined in the ERNHSS; and

c) Restoration Opportunities Overlay - includes secondary restoration lands that are intended to promote opportunities to enhance the Town's natural heritage system through policy, stewardship and education. Lands identified as "Priority Restoration Opportunities" meet 3 to 5, or "Secondary Restoration Opportunities" that meet 1-2 of the 5 restoration opportunity criteria outlined in the ERNHSS.

Appendix C provides the natural heritage classifications based on the Provincial Policy Statement, along with their land use classification within this Plan and identifies adjacent land provisions.

4.2.1 Goals

The goals established for the Natural Heritage System as depicted on Schedule "B-1" and "B-2" of this plan are to:

a) facilitate and support the preservation, protection and enhancement of natural heritage resource areas;

b) recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction to facilitate the identification and establishment of the natural heritage system, protect lands adjacent to areas with significant natural heritage resources, create linkages that will sustain existing natural heritage resources and support biodiversity in a changing climate as per the Provincial Policy Statement 2020;

c) work with private property owners to support the preservation and enhancement of natural features and to develop implementation mechanisms to protect high priority restoration opportunity areas including, but not limited to: volunteer stewardship policies, financial programs, and attaching conditions to development approvals.

d) increase the size of core natural areas and to create and protect linkages and corridors as part of a linked Natural Heritage System connecting natural areas, and connect residents to each other and to the Town's natural areas. Inter-municipal co-ordination to accomplish this goal is encouraged.

e) support partnerships with ERCA, local municipalities, and other partners, that result in plans to appropriately manage ecologically sensitive lands that are in public

ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.

f) encourage private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities that will ultimately enhance the Natural Heritage System;

g) maintain and enhance vegetated buffers along municipal drains, where feasible, in order to support the Natural Heritage System and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains;

h) support the creation of new or expanded linkages between natural heritage features, where feasible. Corridors that link isolated natural heritage features or enhance existing linkages improve or enhance the ecological functions of designated natural heritage features and strengthen the overall Natural Heritage System

i) to support the development of policies and programs to protect and enhance natural heritage features and Natural Heritage Systems. This work may include partnerships with conservation organizations such as ERCA and regional municipal partners to encourage the regional protection and implementation of a Natural Heritage System.

4.2.2 Policies

The following policies apply to the Town's Natural Heritage System, as depicted on Schedule "B-1" and "B-2" of this Plan:

a) the Town will work with private property owners and agencies toward preserving and enhancing natural features and will encourage the participation of private property owners in available financial compensation programs to recognize the stewardship of natural heritage resources (e.g., Managed Forest Tax Incentive Program, Conservation Land Tax Incentive Program, Ecogifts).

b) the Town will encourage opportunities that may arise with development proposals for creating new habitats, natural vegetation regeneration, conserving natural landforms and functions for protecting and enhancing groundwater and surface water resources, and for promoting environmental education and interpretation;

c) the Town will encourage that, wherever possible and appropriate, trees be replanted to replace trees removed if a development proceeds. The Town will encourage the conservation or replanting of roadside and fence-line shrubs and trees, and riparian area vegetation, wherever possible and appropriate in the context of new development. Financial compensation for tree loss is not considered the preferable means of appropriate mitigation for development;

d) The extent and diversity of natural heritage features in an area, and the natural connections between them, should be preserved and enhanced where possible. Natural connections will generally follow watercourses and the Lake Erie shoreline with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions, including groundwater features, that create hazards, and will also generally follow the woodlots and hedgerows in the rural areas of the Town.

e) Recognizing that vegetated buffers along municipal drains enhances the Natural Heritage System and provide options for implementation of restoration opportunities adjacent to streams and municipal drains, the Town will work with the Drainage Superintendent and the Drainage Engineer during the preparation of drainage reports under the *Drainage Act* to incorporate vegetated buffers that are within the Restoration Opportunities Overlay on Schedule "B-2", where feasible.

f) This Plan recognizes natural heritage features as viable components of farming operations. Wherever possible, the construction of greenhouses and other agricultural buildings that may have a negative impact on natural heritage should be located away from the natural heritage feature.

g) The Town encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities that will ultimately enhance the natural heritage system. The Town will encourage that, wherever possible and appropriate, trees be replanted to replace trees removed if a development proceeds.

h) If tree harvesting is to occur it should be based on acceptable forest management plans as prepared by a Registered Professional Forester. Hunting, fishing and trail use activities by the property owner, or with the permission of the property owner, are permitted in all areas and in accordance with Provincial and Federal legislation and regulation.

i) The natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by the Town, the Conservation Authority or any other conservation group or agency.

j) The Town supports partnerships with the Essex Region Conservation Authority or any other conservation group or agency that result in plans to appropriately manage ecologically sensitive lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.

k) The Town supports the creation of new or expanded linkages between natural heritage resources, where feasible. Corridors link isolated natural heritage resources or enhance existing linkages, improve or enhance the ecological functions of designated natural heritage resources, and strengthen the overall natural heritage system. Corridors and linkage areas will be identified in consultation with the Essex Region Conservation Authority, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects including those identified on the Restoration Opportunities Overlay on Schedule "B-2".

l) The Town recognizes that a natural heritage system would benefit from public ownership to ensure protection of the features and to provide for public access, where appropriate. The Town will consider all options for the acquisition of land associated with natural heritage features, functions and linkages. However, the County, Town or any other public agency, will not be obligated to acquire or purchase any land containing natural heritage resources.

m) The natural heritage features under private ownership continue to be private and their identification as natural heritage features in no way increases their accessibility to the public or their eligibility for public acquisition.

n) The Town may undertake the following activities in consultation with the Essex Region Conservation Authority to promote the establishment of the natural heritage system.

    i. Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.

ii. Establish goals and strategies to increase the amount of natural heritage area and natural heritage system within the region.

iii. Evaluate the implementation of the natural heritage system on an annual basis.

iv. Require that, when considering development proposals, the Town may require the land owner to enter into a site plan agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a development approval, the use of a variety of native species of vegetation is encouraged.

o) the Town supports the development of a regional policy for restoration and compensation where avoiding an impact to the natural heritage feature of System is unavoidable. This framework will be supportive of the Natural Heritage System goals and ensure that the approach to no negative impact reflects the principle of a net gain or benefit to the Natural Heritage System.

4.2.3 Natural Environment

The Natural Environment designation is shown on Schedule "B-1" of this Plan. Natural Environment features are the most significant components of the Natural Heritage System include Significant Habitat of Endangered and Threatened Species, Significant Wetlands, Significant Woodlands, and Significant Coastal Wetlands, and certain significant or high priority natural heritage resources in the town that meet at least 5 of the 11 natural heritage feature criteria outlined in the ERNHSS or other lands deemed appropriate by the Town and ERCA~~.~~

The following policies apply to lands shown as "Environmental Protection Areas" on Schedule "B-1" to this plan:

a) development and site alteration shall not be permitted on lands designated 'Natural Environment"; and

b) permitted uses on lands designated "Natural Environment" shall be limited to passive recreational uses, research, and activities that create or maintain infrastructure authorized under an environmental assessment process or work subject to the Drainage Act;

b) development and site alteration shall not be permitted on lands ~~adjacent to~~ within 120 m of lands designated "Natural Environment: unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated to the

satisfaction of the municipality, in consultation with the Essex Region Conservation Authority, that development and site alteration will have no negative impacts on the natural heritage resources or on their ecological functions;

c) assessment of negative impacts is to be determined by conducting an Environmental Impact Assessment in accordance with the Province's Natural Heritage Reference Manual and/or the ERCA Environmental Impact Assessment Guidelines prior to consideration of any *Planning Act* application.

d) The Town will work with the Ministry of Natural Resources and Forestry and the Essex Region Conservation Authority to review and assess wetland boundaries.

4.2.4 Natural Environment Overlay

The "Natural Environment Overlay" is shown on Schedules "B-1", and includes secondary priority natural heritage features in the Town that meet 1 to 4 of the 11 natural heritage feature criteria outlined in the ERNHSS.

4.2.4.1 Policies

The following policies apply to the lands identified as "Natural Environment Overlay" on the Land Use Schedules of this plan:

a) development and site alteration shall not be permitted within the "Natural Environment Overlay" unless it has been demonstrated to the satisfaction of the approval authority and/or the Town in consultation with the Essex Region Conservation Authority that there will be no negative impacts on the natural heritage resources or on their ecological functions;

b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas identified as "Natural Environment Overlay" unless it has been demonstrated, to the satisfaction of the Town, in consultation with the Essex Region Conservation Authority, and Province, where required, that there will be no negative impacts on the natural features or on their ecological function.

c) Nothing in this Plan is intended to limit the ability of agricultural uses to continue on lands within or adjacent to those areas identified as "Natural Environment Overlay".

New Agricultural uses may be permitted within the "Natural Environment Overlay" or on adjacent lands if it has been demonstrated to the satisfaction of the municipality, in consultation with the Essex Region Conservation Authority and Province, where

required, that there will be no negative impact on the natural heritage resources or their ecological functions.

d) assessment of negative impact is to be determined by conducting an Environmental Impact Assessment in accordance with the Province's Natural Heritage Reference Manual and/or the ERCA Environmental Impact Assessment Guidelines prior to consideration of any *Planning Act* application. The Town will require pre-consultation with the Province and the Essex Region Conservation Authority prior to considering any *Planning Act* application. Any development and site alteration proposed must also be in accordance with the underlying land use designation on Schedules "A", "A-1", and "A-2" of this Plan;

e) activities that preserve and enhance features contained in the "Natural Environment Overlay", such as tree preservation, tree planting, and establishing and improving linkages, are encouraged.

4.2.5 Restoration Opportunities Overlay

The "Restoration Opportunities Overlay" is shown on Schedule "B-2" of this Plan and includes "Priority Restoration Opportunities" that meet 3 to 5 restoration opportunity criteria outlined in the ERNHSS, or "Secondary Restoration Opportunities" that meet 1 to 2 of the 5 restoration opportunity criteria outlined in the ERNHSS. The Restoration Opportunities Overlay applies to lands that do not contain existing natural heritage features; however, they have been identified as potential ecological restoration areas to enhance the fragmented natural heritage system in the Town and within the region.

4.2.5.1 Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity on Schedule "B-2" and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

a) Prior to the approval of any application seeking to change the land use or subdivide land, or during the preparation of any Environmental Assessment in accordance with the Province's Natural Heritage Reference Manual and/or ERCA Environmental Impact Assessment Guidelines for infrastructure, an Environmental Impact Assessment shall be undertaken that evaluates the following:

   i. opportunities to restore and enhance the natural heritage features in the area, including the establishment of linkages;

ii. the incorporation of low impact development elements into the project where suitable site conditions permit;

iii. opportunities to establish buffers into the project design that would promote the natural restoration of an area;

iv. opportunities to set aside strategic areas for restoration and enhancement;

v. opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's natural heritage system;

vi. opportunities for public acquisition; and

vii. if lands are not acquired then the lands will be placed in a protected designation and zone where appropriate.

b) Prior to the construction of any new municipal drains or any work completed under Section 4 of the *Drainage Act* or any work completed under Section 78 of the *Drainage Act* within the "Restoration Opportunity Overlay" as shown on Schedule "B-2" of this Plan, a Drainage Report shall be prepared in accordance with the *Drainage Act* that includes, where feasible and as recommended by the Drainage Engineer, the establishment of vegetated buffers to enhance the natural heritage system. This approach is in keeping with best management practices recommended by OMAFRA and Agriculture and Agri-Food Canada.

4.2.6 Endangered and Threatened Species Habitat

The significant habitat of endangered species and threatened species is not shown on the Land Use Schedules; however, it can occur in the natural heritage features and areas mapped on the Official Plan Schedules. Species at Risk are identified as extirpated, endangered, threatened or species of special concern on the Species at Risk in Ontario List. The Ministry of Environment, Conservation and Parks (MECP) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MECP is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement 2020. For the purposes of the PPS, MECP is responsible for approving the delineation of significant habitat of endangered species and threatened species. Environmental Impact Assessments or other planning reports may help with identifying the extent of the significant habitat of endangered species and threatened species.

The significant habitat of endangered species and threatened species will be based on a consideration of the following:

a. assessments reviewed and approved by the MECP regarding the extent of the species' habitat;

b. habitats or areas delineated by MNR and/or regulated under the ESA; and

c. habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

4.2.7 Fish Habitat

The Town recognizes that the health of the aquatic environment is a fundamental indicator of the heath of the overall ecosystem. Fish habitat protection and restoration opportunities throughout the Town are significant due to the number of watersheds which outlet into Lake Erie. Natural heritage resources and areas should be recognized to include waters supporting aquatic species at risk (fish and mussels) that may be protected, along with their residences and critical habitat. Fish habitat restoration opportunities may be implemented through watershed or subwatershed plans, secondary plans, and on an individual lot basis subject to the *Fisheries Act*. The harmful alteration, disruption or destruction of fish habitat is prohibited.

The Town will apply the following policies when considering impacts to fish habitat areas:

a) development will only be permitted provided that it does not harmfully alter, disrupt or destroy fish habitat. The goal of "no net loss of productive capacity of fish habitat" and where possible a "net gain of productive capacity of fish habitat" using a fish habitat mitigation / compensation assessment through consultation with Department of Fisheries and Oceans (DFO);

b) any development or change in land use near or adjacent to (within 120 metres) to an existing or potential fish habitat area will be reviewed by DFO with respect to its potential impact. Any proposal shall be subject to an assessment to determine if it will result in a reduction of the fish habitat to sustain the fisheries resource;

c) The Town will determine the minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed;

d) Where it has been determined by DFO that the development or change in land use will affect the natural functions of the fish habitat, the preparation of a fish habitat mitigation/compensation assessment will be required. The assessment should be based on federal guidelines as appropriate.

4.2.7 Environmental Impact Assessments

The preparation of all Environmental Impact Assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The Environmental Impact Assessment is to be prepared on the basis of the natural features or the ecological function for which the area has been identified and in accordance with the Province's Natural Heritage Reference Manual and/or the ERCA Environmental Impact Assessment Guidelines.

When conducting the Environmental Impact Assessment, the environmental professional must acknowledge in the report any new information such as findings of rare or significant species not previously known to exist on the site, and the impact which may result from any proposed development. The municipality and/or other approval authority shall have regard to such new information in its decisions regarding planning applications and shall be consistent with the Provincial Policy Statement. If, based on the new information, the Approval Authority, in consultation with the Province and the Essex Region Conservation Authority, concludes that the natural environment classification should be altered, this Official Plan shall be amended to reflect the change.

Similarly, if a site is identified as having a higher or lower classification by the Province the Essex Region Conservation Authority, or by the municipality through a special planning study which is completed in accordance with Provincial Guidelines, this Official Plan shall be amended to reflect the change. The Town shall ensure consistency with the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with natural environment features and/or functions.

With regard to an EIA, addressing water features and habitat areas in accordance with Federal requirements, development proponents are advised to demonstrate through an EIA that all reasonable alternatives have been considered to reduce and minimize impacts and the proposed development and site alteration will not jeopardize the survival, recovery and conservation of Species at Risk protected under the *Species At Risk Act* including their residences and habitat. The above applies if there may be potential impacts that would contravene the Federal SARA from activities occurring in areas adjacent to the boundary of such waters, residences and developed in consultation with

Fisheries and Oceans Canada and Environment and Climate Change Canada and indicate how the project will be carried out to remain in compliance with the SARA.

Removal of a natural heritage feature for the purpose of lowering the natural environment classification in this Plan and/or otherwise affecting the environmental impact assessment will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the environmental impact assessment.

To assist with determining the alteration of a natural environment area over time, the approval authority will use, at a minimum, the April 2000 photography as one of the tools to establish the baseline from which any site and natural heritage alteration will be assessed.

4.3 MINERAL AGGREGATE RESOURCES

It is the policy of this Plan that mineral resources will be protected for long-term use. Lands identified as Extractive Industrial Overlay on Schedule "D" of this Plan are areas that have been identified as having mineral aggregate resources (primary and secondary) with extractive industrial potential.

As such, any proposed development can only occur if it has been demonstrated to the satisfaction of the Town and the Province that the development will not interfere with the future removal of the resource. Goals and policies for Mineral Aggregate Resource lands are as follows:

4.3.1 Goals

The following goals for Mineral Aggregate Resource lands, as depicted on Schedule "D" of this Plan, are to:

a) permit the extraction of mineral resources as an interim land use in accordance with the policies of this Plan and Provincial Policy;

b) identify areas where mineral aggregate resources are located;

c) protect existing pits and mineral aggregate resources from encroaching incompatible land uses;

d) provide for extraction and removal of resource material from the site in such a manner that will least offend neighbouring property uses;

e) provide for the rehabilitation of these areas to its former land use or as a contribution to the Natural Heritage System once the resource has been removed;

f) undertake extraction in a manner which minimizes social, economic and environmental impacts;

g) undertake mineral aggregate resource conservation through the use of accessory aggregate recycling facilities within operations, wherever feasible.

4.3.2 Policies

The following policies apply to Mineral Aggregate Resource lands as depicted on Schedule "D" of this Plan:

a) the predominant use of land in the Mineral Aggregate Resource area shall be for extractive industrial uses including quarries, sand and gravel pits, wayside pits and quarries, portable asphalt plants, portable concrete plants and other surface mining operations. Agriculture, forestry and conservation uses shall also be permitted prior to removal of the resource;

b) the Zoning By-law will only zone those lands within the Mineral Aggregate Resource area that are licensed for extractive industrial uses or for which a license application has been submitted. All other lands within this area will be zoned Agricultural until such time as the Province advises that the standards of the *Aggregate Resources Act* have been met;

c) extractive uses are permitted as an interim use in prime agricultural areas, on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory Classification System), and on specialty crop lands provided that the site will be rehabilitated back to an agricultural condition (whereby substantially the same area and same average soil quality for agriculture are restored) in accordance with the Provincial Policy Statement.

d) Complete rehabilitation to an agricultural condition is not required if:

   i. Outside of a specialty crop area, there is a substantial quantity of mineral aggregate resource below the water table warranting extraction or the depth of a planned extraction in a pit or quarry makes restoration of pre-extraction agricultural capability unfeasible;

   ii. in a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;

iii. other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Inventory Classes 1, 2 and 3; and

iv. agricultural rehabilitation in remaining areas will be maximized;

e) all development in the Mineral Aggregate Resource area shall be in accordance with the land division policies contained in Section 7 of this Plan;

f) in advance of approving any amendments to this Plan that would have the effect of extending the extent of the Mineral Aggregate Resource area, the proposal shall be forwarded to the Province for comments.

4.3.3 Wayside Pits and Quarries

Wayside pits and quarries which are defined as pits and quarries opened and used by a public road authority for the purposes of a particular road construction project are encouraged to locate in the many areas shown as a Mineral Aggregate Resource area shown on Schedule "D". When a Mineral Aggregate Resource area location is not possible, wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law, except in the "Residential" designations and "Environmental Protection Areas". On specialty crop lands and on prime agricultural lands (Classes 1 to 3 according to the Canada Land Inventory classification system) wayside pits and quarries may occur if agricultural rehabilitation of the site is carried out and substantially the same area and average soil capability for agriculture are restored. Wayside Pits and Quarries shall not be located closer than 385 metres to an existing school.

4.3.4 Portable Asphalt Plants and Portable Concrete Plants

Portable asphalt plants means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes the stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but is designed to be dismantled and moved to another location as required. Portable concrete plants means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials

used in the process; and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project. Portable asphalt plants and portable concrete plants used by a public road authority or it's agent, shall be permitted in the "Agriculture" designation and Mineral Aggregate Resource areas without amendment to this Plan or the Zoning By-law, subject to the following provisions:

a) portable asphalt plants and portable concrete plants must obtain a certificate of approval from the Province;

b) portable asphalt plants and portable concrete plants must meet the Province's minimum separation distance, but in no case shall they be located closer than 385 metres from an existing residence or existing school;

c) portable asphalt plants and portable concrete plants must be removed from the site upon completion of the public project;

d) sites used for portable asphalt plants and portable concrete plants in the agricultural areas, must be rehabilitated back to an agricultural condition or as agreed to in the closure plan.

4.4 PETROLEUM RESOURCES

Petroleum Resources means oil, gas, and brine resources that have been identified through exploration and verified by preliminary drilling or other forms of investigation. It is the policy of this Plan that petroleum resources will be identified and protected for long term use.

a) New development shall be setback a minimum of 75 metres from existing petroleum wells;

b) Petroleum resource operations should be carried out in accordance with the Oil, Gas and *Salt Resources Act*.

c) sites used to facilitate the extraction or storage of petroleum resources in the agricultural areas, must be rehabilitated back to their former agricultural use.

d) In areas of known petroleum resources and significant areas of petroleum resource potential, development and activities in these resource areas or on adjacent lands, which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

i. resource use would not be feasible; or

ii. the proposed land use or development serves a greater long-term public interest; and

iii. issues of public health, public safety and environmental impact are addressed.

4.5 WATER RESOURCES

The main watersheds within the Town of Kingsville include Cedar Creek, Wigle Creek, Mill Creek, Belle River and Ruscom River. Water resources refers to: watersheds; subwatersheds; surface water features including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetland and associated riparian lands; ground water features; and hydrologic functions.

The protection of water resources from contamination and degradation associated with certain land uses and activities is an important element to maintaining the quality of life experienced by both existing residents and businesses and to supporting future growth. Integrating land management and the protection of water allows for the continuance of a healthy environment, solid economic development and healthy communities.

4.5.1 Goals

The goals relating to water resources are:

a) to protect, improve, restore and enhance the quality and quantity of surface and ground water;

b) to protect the hydrologic functions of water resources;

c) to participate in watershed planning; and

d) to promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.

4.5.2 Policies

The following policies will be used to achieve the water resources' goals for the Town of Kingsville:

a) The Town will participate in watershed and subwatershed plans in cooperation with the Essex Region Conservation Authority, Provincial ministries, other organizations and adjacent municipalities

b) The Town will identify surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of watersheds;

c) Watershed and subwatershed plans should be undertaken with the relevant findings to be implemented through an amendment to this plan;

d) 'Highly Vulnerable Aquifers' (HVAs), 'Significant Groundwater Recharge Areas' (SGRAs) and associated watercourses will be protected from contamination by uses and activities, which could affect the recovery and use of groundwater and surface water supplies for domestic and agricultural purposes and environmental health;

e) Development and site alteration may be restricted in or near sensitive ground or surface water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigation measures and/or alternative development approaches may be required in order to achieve this policy; and

f) The Town will work with various agencies to develop a septic system management program. The management program shall consider opportunities including but not limited to provisions under the Ontario Building Code, facility design and permitting, landowner education and awareness, as well as monitoring and inspections.

4.5.3 Source Protection

Within the Town of Kingsville, the Essex Region Source Protection Plan has been prepared in compliance with the *Clean Water Act*, 2006. The plan has been approved by the Province and came into effect October 1, 2015. In addition to the policies of this Section, reference should be made to the Essex Region Source Protection Plan for specific policies that may apply to the vulnerable areas which may restrict or prohibit certain land uses or activities within those areas. The Source Protection Plan and associated technical studies (Assessment Report) look at the current and future sources of municipal residential drinking water, identify the potential threats to these sources and include policies for actions and programs to reduce or eliminate these risks.

The *Clean Water Act* requires that all municipal decisions under the *Planning Act*, or *Building Code* made by municipal planning authorities must conform to significant threat policies and have regard for other policies in an approved Source Protection Plan and Assessment Report, as amended from time to time. Within areas identified in an approved Source Protection Plan any use or activity that is, or would be a significant drinking water threat is required to conform to all applicable Source Protection Plan

policies and, as such, may be prohibited, regulated or otherwise restricted by those Source Protection Plan policies. According to the Source Protection Plans, the most prevalent type of Significant Drinking Water Threat in the Essex Region is the storage, handling, or transportation of large volumes of liquid fuels. Where required by policies in an approved Source Protection Plan, the local municipalities shall circulate all development applications or proposed land use changes proposing fuel storage, or fuel transportation to the Risk Management Official (RMO). Where the Source Protection Plan does not require an RMO notice, the local municipality should be satisfied that the proposal will not include activities which would be a significant threat in the location proposed. The Risk Management Official has provided a Written Direction to provide guidance for the implementation of applicable policies that must be adhered to when screening Planning or Building applications

The policies apply to 'vulnerable areas' as identified in the technical studies (Assessment Report) for the Source Protection Plan, which include:

- 'Intake Protection Zones' (IPZs);
- 'Highly Vulnerable Aquifers' (HVAs); and
- 'Significant Groundwater Recharge Areas' (SGRAs).
- 'Event Based Areas' (EBAs)

These vulnerable areas are identified on Schedules "F, G, and H" of this Official Plan. This mapping is intended to reflect the mapping in the approved Source Protection Plan (SPP) and Assessment Report (AR) which may be revised or updated from time to time without the need for an amendment to this Plan. In the case of a discrepancy, the mapping in the most recently approved SPP and AR shall take precedence.

Intake Protection Zones (IPZs) are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could have a direct effect on the source water at the municipal drinking water intakes.

Reference must be made to the Source Protection Plan and accompanying Assessment Report for more complete details and explanations regarding these IPZs, the threats to drinking water sources, and associated policies.

a) The Intake Protection Zones within the Town, as shown on Schedule "F" include:

    i. Intake Protection Zone 1 (IPZ-1) is the area immediately surrounding the intake crib, defined for Type A (Lake Erie) intakes by a one kilometre radius centered on

the crib of the intake. Where the IPZ-1 abuts land it shall only include a setback on the land that is the area of land that drains into the surface water body measured from the high water mark and is not more than 120m or a Conservation Authority Regulation Limit whichever is greater.

ii. Intake Protection Zone 2 (IPZ-2) extends outward from IPZ-1. In water, IPZ -2 reflects the response time for the water treatment plant operator to respond an emergency. This would be a minimum of a two-hour travel time. If that boundary abuts land, the area includes the following setbacks along the abutted land: Regulation Limit and a setback up to 120 meters from the high water mark where overland flow drains into the surface water body.

iii. Intake Protection Zone 3 (IPZ-3) extends outward from IPZ-2 to include all rivers and tributaries where modeling demonstrates that contaminant spills may reach the intake. If that boundary abuts land, the area includes the following setbacks along the abutted land: Regulation Limit and a setback up to 120 meters from the high water mark where overland flow drains into the surface water body.

iv. The Event Based Area (EBA) is an area where modeling has demonstrated that a spill from a specific activity can or could cause deterioration to the raw water quality at the drinking water system. In the Essex Region, the Event Based Area for the handling and storage of fuel is the combination of all on land portions and in water portions of IPZ-1, IPZ-2 and IPZ-3

All IPZs also include lands within 120 metres of the top-of-bank of the subject waterways, or the flood plain regulated area, whichever is greater.

b) The following uses and activities shall be managed and require the preparation of a risk management plan to the satisfaction of the Risk Management Official (RMO), in accordance with Section 58 of the *Planning Act*:

i. Above grade handling and storage of liquid fuels (containing benzene) in quantities of 15,000 L or greater in Union IPZ-1, IPZ-2, IPZ-3 (Cedar/Wigle/Mill Creeks, Leamington Area Drainage), Belle River IPZ-3 and Stoney Point IPZ-3.

ii. Above grade handling and storage of liquid fuels (containing benzene) in quantities of 34,000 L or greater in Union IPZ-3 (Sturgeon Creek drainage).

The Risk Management Plan may include, but is not limited to, details concerning installation, operation and regular inspection of fuel storage tanks, how fuel is

contained, the location of fuel, and how fuel is stored. The Risk Management Official will have discretion as to what constitutes a satisfactory Risk Management Plan.

c) Within Union IPZ-1, IPZ-2 and IPZ-3 (Cedar/Wigle/Mill Creeks, Leamington Area Drainage), Stoney Point IPZ-3, and Belle River IPZ-3, the handling and storage of liquid fuels (containing benzene) in quantities greater than 15,000 L shall be restricted in accordance with Section 59 of the *Clean Water Act* for any commercial, agricultural and industrial land uses.

d) Within Union IPZ-3 (Sturgeon Creek drainage), the handling and storage of liquid fuels (containing benzene) in quantities greater than 34,000 L shall be restricted in accordance with Section 59 of the *Clean Water Act* for any commercial, agricultural and industrial land uses.

e) Within Union IPZ-1, IPZ-2 and IPZ-3 (Cedar/Wigle/Mill Creeks, Leamington Area Drainage), Stoney Point IPZ-3, Belle River IPZ-3 and Union IPZ-3 (Sturgeon Creek Drainage), a notice from the Risk Management Official in accordance with Section 59(2) of the *Clean Water Act* shall be required prior to approval of any *Planning Act* or Building Permit application. Despite the above policy, a Risk Management Official may issue written direction specifying the situations under which a planning authority or building official may be permitted to make the determination that a site specific land use is not designated for the purposes of Section 59. Where such direction has been issued, a site specific-land use that is the subject of an application for approval under the *Planning Act* or for a permit under the *Building Code Act* is not designated for the purposes of Section 59, provided that the planning authority or building official, as the case may be, is satisfied that:

   i. The application complies with the situations specified in the written direction from the Risk Management Official; and

   ii. The applicant has demonstrated that a significant drinking water threat activity designated for the purposes of Section 57 or 58 will not be engaged in by the application.

4.5.4 Groundwater

The protection, conservation and careful management of groundwater resources is necessary to meet the present and future needs of residents, businesses, visitors, and the flora and fauna within the natural environment. Surface and groundwater must be protected across the County and the Town to ensure a clean water baseflow for creeks,

streams, ponds and wetlands, and to ensure the protection of the quality and quantity of drinking water sources.

Schedules G and H identify the Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA) within the Town.

The following will be the policy of the Town:

a) The Town will support initiatives of the Province, the County of Essex and local municipalities, the local Conservation Authorities, the City of Windsor, the Municipality of Chatham-Kent, and other agencies, including the implementation of the Essex Region/Chatham-Kent Regional Groundwater Study in identifying strategies to protect groundwater resources.

b) Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA.

c) Any development which utilizes ground water requiring a Permit to Take Water from the Province will be required to demonstrate to the satisfaction of the Town that there will be no negative impact to the long-term quantity or quality of the ground water source being used.

d) The Town of Kingsville includes areas identified as HVAs and SGRAs as identified on Schedules G and H.

e) The Town will support the Essex Region Conservation Authority in education and outreach programs, directed to all landowners and residents with private wells in HVAs, SGRAs and other rural areas, to identify and promote best management practices to help address various potential threats to groundwater resources, raise awareness of drinking water threats, and provide education on the vulnerability of HVAs, SGRAs and abandoned or poorly maintained wells as transport pathways of contamination to sources of groundwater, for existing and future uses listed below:

    - handling and storage of road salt;
    - storage of snow;
    - handling and storage of fuel;
    - waste disposal sites;

- establishment, operation or maintenance of a system that collects,
- stores, transmits, treats or disposes of sewage;
- handling and storage of a dense non-aqueous phase liquid;
- handling and storage of an organic solvent;
- application of pesticide to land;
- handling and storage of pesticide;
- application of commercial fertilizer to land;
- handling and storage of commercial fertilizer;
- application of agricultural source material to land;
- storage of agricultural source material;
- management of agricultural source material;
- application of non-agricultural source material to land; and
- handling and storage of non-agricultural source material.

f) The Town and Essex Region Conservation Authority should explore the cumulative impacts of developments requiring Permits to Take Water to minimize impacts on highly vulnerable areas.

4.5.5 Watercourses

a) Watercourses, as shown on Schedule "C" to this Plan, transport both water and sediment from areas of high elevation to areas of low elevation. Changes to amount or velocity of water being transported or the amount or size of bed load being moved can have significant impacts on the watercourse. Changes can result in increased erosion and flooding. Watercourses provide habitat for fish and other species to live as well as provide water for human consumption, wildlife and livestock. Watercourses are directly related to many of the hazards including flooding, erosion, slope stability and wetlands. The following principles may apply to developments located along watercourses:

i. If possible, natural stream bank vegetation should be maintained;

ii. grassed slopes, in natural vegetation, or other suitable erosion control methods are the preferred alternative;

iii. construction of tile outlets should not contribute to erosion along watercourses;

iv. tree planting, restoration and stewardship should occur along watercourses, where possible to enhance the natural corridor function, cool water temperatures and protect watercourse banks;

v. best management practices and interim measures shall be utilized during construction projects to reduce sedimentation and erosion;

vi. a setback from the top of bank for all new and expansions to development will be required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat.

b) If a person applies to a municipality for approval of a proposal to engage in an activity in a wellhead protection area or a surface water intake protection zone that may result in the creation of a new transport pathway or the modification of an existing transport pathway, the municipality shall give the source protection authority and the source protection committee notice of the proposal and shall include a description of the proposal, the identity of the person responsible for the proposal and a description of the approvals the person requires to engage in the proposed activity. O. Reg. 246/10, s. 12.

c) If a municipality gives a notice described in subsection (3), the municipality shall give a copy of the notice to the person responsible for the proposal. O. Reg. 246/10, s. 12.

This section should be read in conjunction with the policies in Section 5.2.

SECTION 5: HUMAN-MADE AND NATURAL HAZARDS

Section 5 contains policies pertaining to human-made and natural hazards as defined in the Provincial Policy Statement. Human-made hazards are lands related to, or in proximity of, resource extraction and/or processing of: oil, gas and salt, petroleum, and mineral aggregates. Natural hazards are lands adjacent to shorelines and inland watercourses impacted by flooding or erosion where property may be unsafe for development due to naturally occurring processes. The majority of the human-made and natural hazards occur within the rural areas of the Town in lands designated "Agriculture".

5.1 HUMAN-MADE HAZARDS

Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource extraction operations may be permitted if remediation measures to address, and mitigate known or suspected contaminants or hazardous conditions are underway or have been completed.

Contaminated sites shall be restored as necessary prior to any activity on a site associated with a proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

a) past and present uses of the site;

b) a soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;

c) an acknowledgement of the requirement that the site restoration is to occur in accordance with Province's requirements specified in Ontario Regulation 153/04 of the *Environmental Protection Act* as may be revised from time to time as a 'Record of Site Condition'; where contamination has been identified, a letter from the Province acknowledging filing of a 'Record of Site Condition' prior to the development approvals being granted

d) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the *Environmental Protection Act*, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

5.1.1 Unplugged Oil and Natural Gas Wells

a) Unplugged oil and natural gas wells must be decommissioned (plugged) in accordance with the Province's *Oil, Gas and Salt Resources Act* regulations and Provincial Operating Standards. A licence pursuant to section 10. of the *Oil, Gas and Salt Resources Act*, is required in order to perform any work on a well. It is recommended that although development may not be proposed near an unplugged well, landowners should decommission (plug) the wells and associated works for safety purposes.

b) Development on, or adjacent to oil, gas and salt hazards or former petroleum operations will be permitted only when rehabilitation measures to address and mitigate known and suspected hazards are underway or have been completed. Prior to the issuance of a building permit, landowners proposing to develop a site with an abandoned well, must reference the "Record of Site Condition Regulation, O. Reg. 153/04" as amended by the *Environmental Protection Act* and must decommission the well and associated works.

5.2 NATURAL HAZARDS

Lake Erie and the various sub-watersheds of the Town of Kingsville, represent dynamic water systems that are impacted throughout the year by climate and precipitation. At certain periods of the year, the areas in and around Lake Erie and Kingsville's creeks are susceptible to flooding and/or erosion. These potential flooding and erosion events are natural hazards to development. The inland watercourse areas which are susceptible to flooding are identified as "Floodplain Development Control Area", while the floodplain of Lake Erie for the Town is identified as the "Lake Erie Floodprone Area" on Schedule "C" to this Plan.

Schedule "C" depicts the extent of the Natural Hazards lands for the Town as a visual representation only. When considering development, the exact boundaries of these lands should be confirmed in consultation with the Essex Region Conservation Authority. The land uses permitted within Natural Hazards are determined by the underlying land use designation identified on Schedule "A", "A-1", and "A-2" are subject to the overlying policies of this Section, with exception to the Floodway of inland watercourses.

Development within Natural Hazard lands must be capable of satisfying provincial hazard management issues.

5.2.1 Lake Erie Hazard Area & Floodplain Development Control Area

Lands along Lake Erie are prone to shoreline flooding, erosion, wave uprush, fluctuating lake levels and in some cases dynamic beach hazards. The Lake Erie Hazard Area & Floodplain Development Control Area are identified on Schedule "C" of this Plan. Pre-consultation with the Essex Region Conservation Authority to determine the technical support studies is required in order to ascertain the feasibility of obtaining the *Planning Act* approvals and necessary permit/clearances that will be required prior to any development occurring.

The land uses permitted within the Lake Erie Hazard Area & Floodplain Development Control Area are determined by the underlying designations also identified on Schedules "A", "A-1", and "A-2" are subject to the 1:100 Year flood conditions and erosion information associated with Lake Erie. This information is subject to update and may result in the need to review and remove lands that currently permit development. The Zoning By-law will need to be updated and monitored to establish specific zones to evaluate the appropriateness of existing development within the hazard land areas.

An important factor in considering new development within floodprone areas is the provision of safe access during times of a flooding hazard. In accordance with Provincial Policy, development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. Early consultation with the Town and the Essex Region Conservation Authority is required to determine whether lands within the floodprone areas have safe access appropriate for the nature of the development and the natural hazard.

Development and site alteration shall only be permitted in areas identified as being susceptible to flooding and/or erosion if:

- the hazard can be safely addressed;
- new hazards are not created and existing hazards are not aggravated;
- no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required);

- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies; and
- the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.
- development and site alteration is carried out in accordance with floodproofing standards, protection works standards

Furthermore, the Town in consultation with the Essex Region Conservation Authority, will endeavour to undertake a detailed Shoreline Management Plan Hazard Management Plan study to comprehensively assess the floodprone areas and requirements for safe access and opportunities for future development along the entire length of Lake Erie shoreline within the boundary of the Town. The flood study recommendations and associated detailed risk hazard mapping will be implemented through an amendment to the Town's Official Plan and/or Zoning By-law.

5.2.1.1 Lake Erie Setbacks

The implementing Zoning By-law will prescribe shoreline protection measures including minimum floodproofing elevation requirements for development within the floodprone area and setbacks from the top of bank for erosion prone areas, as determined in consultation with the Essex Region Conservation Authority. Development setbacks are encouraged as the preferred method for protecting new development as opposed to relying on structural or non-structural protection measures that require maintenance and upgrading over time.

Generally, the setbacks and floodproofing requirements will vary depending on existing site conditions (breakwalls, revetments and slope stability) on subject and adjacent lands. The required setbacks will be determined in consultation with the Essex Region Conservation Authority and the implementing Zoning By-law may reference the Conservation Authority's Regulations as a method of prescribing the minimum elevation requirements.

5.2.1.2 Lake Erie Floodproofing

Floodproofing shall be provided to the regulatory flood elevation. Where the area is subject to the Conservation Authority's regulations, a permit must be obtained prior to undertaking any development, including but not limited to construction, grading/placement of fill, breakwall and other shoreline construction works.

5.2.2 Watercourse Hazard Lands (Floodplain Development Control Area)

As the flooding of watercourses creates a hazard with respect to creeks and other water tributaries, the Essex Region Conservation Authority has adopted a two zone approach for regulating floodplains. A floodplain contains two distinct areas: 1) a floodway and 2) a flood fringe.

The two zone concept distinguishes between areas where development and site alteration may be permitted or where development is prohibited. Development and site alteration is not permitted within the floodway. In keeping with PPS, development and site alteration may be permitted within the flood fringe subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry. In areas where floodplain mapping has not been established or is required to be updated, the Town will work with the ERCA to establish updates based on the proposed development. No new development is permitted within the area identified as floodway, which would include the creation of new lot lines.

5.2.2.1 Floodway

The floodway includes the channel and the lands immediately adjacent to the channel area that is characterized by deeper, faster moving water in a flood event. The floodway is the more hazardous portion of the floodplain and development and site alteration are not permitted within it. For areas where channels have been constructed or existing channels have been modified, the floodway width typically varies from 8 metres to 15 metres on both sides of the channel depending on the depth of the channel present.

In low lying areas adjacent to natural watercourses the limit of the floodway could extend significantly wider than the 15 metres on both sides of the channel and will be determined based on the Essex Region Conservation Authority criteria, a site specific analysis and the nature of the individual watercourse. The Essex Region Conservation Authority will utilize specific policies in determining the extent of the floodway mapping based on standardized criteria. The extent of the floodway may be different for various reaches of an individual watercourse.

5.2.2.2 Flood Fringe

Lands identified as a Flood Fringe by the Essex Region Conservation Authority are areas being susceptible to flooding under regulatory flood conditions (1:100 year) or the maximum observed for the Ruscom River and are subject to Ontario Regulations158/06,

as amended and implemented by the Essex Region Conservation Authority. As such, the requirement to obtain a permit or clearance from the Essex Region Conservation Authority will be necessary in advance of any development occurring. Development shall only be permitted if:

a) It is identified that the development will not adversely affect the existing flood levels and/or flow of the specific waterway;

b) floodproofing of buildings and/or structures is undertaken;

c) a permit is issued by the Essex Region Conservation Authority which may require environmental and other technical studies in advance of a permit being issued; and

d) all development is in accordance with the underlying land use designation(s).

5.2.2.3 Watercourse Setbacks

For any inland watercourses, as shown on Schedule "C" of this Plan, where engineered flood lines are not available, the Town, in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of bank such watercourses, into the Zoning By-law. When determining such setbacks, the Town shall take into consideration the type of watercourse, bank stability, angle of bank slope and other relative aspects. In evaluating development applications for lands adjacent to any watercourse or drain, the Town, in consultation with the Essex Region Conservation Authority, may request the proponent to establish appropriate floodproofing elevations, and such floodproofing requirements shall be implemented through the Zoning By-law, development agreements and any permit required to be issued by the Essex Region Conservation Authority.

5.2.3 Limit of the Regulated Area (LORA)

The "Limit of the Regulated Area" ("LORA") is based upon mapping supplied by the Essex Region Conservation Authority. Development within the LORA will be subject to minimum building setbacks and minimum building elevations to be identified in the implementing Zoning By-law (where available) in consultation with the Essex Region Conservation Authority. The lands are also subject to Regulations administered by ERCA under Section 28 of the *Conservation Authorities Act*, which, along with the above, control the placement and grading of fill associated with development and other construction activities.

Development setbacks are the preferred method for protecting new development as opposed to relying on structural and non-structural protection measures that require maintenance and upgrading overtime.

SECTION 6: ROADS, UTILITIES & SERVICES

Section 6 contains policies pertaining to the current level of servicing in the Town of Kingsville as well as various servicing improvements and enhancements that are anticipated.

6.1 HIGHWAYS & ROADS

In order to minimize congestion and interference to the flow of traffic, and to establish the requirements of future traffic routes, the roads throughout the Town are classified according to their function. The road network shown on Schedule "E" consists of a Provincial Highway, County Roads, Local Roads, Private Roads not assumed by the Town, and Future Roads.

6.1.1 Provincial Highway

Provincial Highway 3 located within the Town of Kingsville is under the control and jurisdiction of the Ministry of Transportation (MTO). Any development which falls within MTO's permit control areas under the Public Transportation and Highway Improvement *Act* (PTHIA) will be subject to MTO's policies, standards and requirements. In addition to all applicable Town requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the PTHIA will also be subject to MTO approval.

The location of entrances, buildings, signs and encroachments within MTO's permit control area of a provincial highway shall be subject to the approval of MTO. Should MTO requirements conflict with this Official Plan, the higher standard shall prevail. New direct private entrances to Provincial Highway 3 will not be permitted.

Proposed development within the permit control area of the Provincial Highway may require an applicant to prepare a transportation impact assessment in accordance with the MTO's "General Guidelines for the Preparation of Traffic Impact Studies". The main purpose of a Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of access approval.

Any new proposed access connection located on a municipal crossroad and within the MTO's permit control area shall meet MTO's access management best practices. All applicant's proposing severances, new development, changes to existing developments

or land use changes that require an Official Plan Amendment or Zoning By-law Amendment within MTO's permit control areas are advised to consult with MTO prior to making formal submission of their application under the *Planning Act,* as access to the development is strictly controlled.

The Town and MTO will work cooperatively with respect to the planning of land development and associated access connections within MTO's permit control areas adjacent to all provincial highways and intersection within the Town, in order to protect the future safety, operation and capacity of both the provincial highway network and the Town's transportation corridors for the movement of people and goods.

In addition to all other requirements, development adjacent to the Provincial Highway requiring an amendment to this Plan, an amendment to the Zoning By-law or approval of a Plan of Subdivision shall demonstrate to the satisfaction of the Approval Authority and the Town that the expected level of noise is either within the Provincial criteria or is within a feasible range of attenuation. Where the Ministry's criteria are exceeded, a Noise Attenuation Report shall be submitted to and approved by the Approval Authority and the Town and its recommendations implemented.

6.1.2 County Roads

County Road Corridors (including 8, 14, 18, 20, 23, 27, 29, 31, 34, 45, and 50) function as major 'inter-regional' transportation corridors and accommodate large volumes of traffic and distributes traffic throughout the region. The protection of County Road Corridors is warranted to ensure their continued role and function. The County's goal is to optimize roadway network capacity through roadway access management and intersection optimization as well as to:

a) Limit direct access to the corridor in favour of shared/consolidated access points;

b) Protect and secure additional road right-of-way along the corridor where required;

c) Maintain local consistency with County policy on road classification and active transportation facilities;

d) Review road corridors to determine if a change in classification is necessary, which will not require an amendment to this Plan; and

e) Encourage safe, convenient and visually appealing pedestrian facilities, where appropriate.

6.1.3 Local Roads

All other roads are expected to function as local roads during the planning period, providing direct access to various abutting land uses. Through traffic will be discouraged, and restrictions on short-term parking within the defined urban area will be minimal.

a) Special minimum right-of-way widths and other special restrictions (e.g. setbacks and access limitations to protect adjacent uses and maintain traffic flows) shall be as prescribed by the Province, the County of Essex or the Town, depending on the agency having jurisdiction. The implementing Zoning By-law shall make provisions for adequate setbacks for all new developments, having regard for both the width and function of the abutting road and in accordance with site plan control where deemed necessary.

b) To ensure that the Town continues to maintain a quality road system, the Municipal Council shall continue a policy of having a defined Road Needs Study Program to improve and maintain roadway surfaces, highway bridges, road alignments, intersections, pavement widths, etc., in accordance with the Development Standards Manual and the Town's ability to pay for the specific projects.

c) It shall be a further policy of Council to provide for the improvement of existing arterial, collector and local roads wherever possible when separated storm and sanitary sewers are installed or when *Municipal Drainage Act* projects are undertaken, to bring these roads to proper standards.

d) It shall further be a policy of Council that wherever possible roadside vegetation and tree planting shall be retained or replaced after road improvements have been completed.

6.1.4 Private Roads

The following will be the Policy of the Town:

a) For the purpose of this Plan, Private Roads are roads that are not owned or maintained by the Province, the County, or the Town or maintained by a Local Roads Board that service two or more properties in separate ownership.

b) Development on Private Roads and the creation of new Private Roads will only occur as roads internal to plans of condominiums.

c) New Private Roads, as part of a condominium, must directly connect to a public road which is maintained year-round.

d) New or extended Private Roads will be prohibited.

e) Direct access to existing Private Roads from existing abutting properties without road frontage or access may be permitted provided the access point is in a location where there are adequate sight lines considering the topography and the geometric design of the Town.

f) Private Roads may be assumed by the Town once they have been upgraded to an accepted municipal standard. However, the Town is not obligated to assume any road even if it has been brought up to an accepted municipal standard. The Town will not be responsible for upgrading Private Roads.

6.1.5 Future Roads

Council has identified the need to protect, and advance the planning for and the development of a west side collector road extending from the existing intersection of Heritage Road through to Road 2 W to access lands for future development and allow for an additional north south collector road to service the demand of the Town.

This future road has been identified on Schedule "E" to the Official Plan and once plans have been finalized on the chosen route, an Official Plan Amendment shall be required to officially include the west side collector road on Schedule "E".

6.2 ACTIVE TRANSPORTATION

A shift towards active lifestyles and increasing demands for sustainable modes of transportation presents a need for a useful and accessible walking and cycling network in the Town. This Plan recognizes that bicycle and pedestrian trails and paths contribute to healthy communities and supports such sustainable modes of travel. The Town encourages the development and enhancement of pedestrian and shared use of non-motorized trails and bicycle routes within the Town and across the County, in support of the County Wide Active Transportation System (CWATS) Master Plan.

The following will be the policy of the Town:

a) The Town, through its Comprehensive Transportation Master Plan, will take a multi-modal, complete streets approach to ensure that all forms of travel, including active transportation, are considered in the planning, design, and implementation of transportation infrastructure.

This will include providing safe bicycle and pedestrian paths, both separated from the roadway, on existing and proposed roads, on abandoned rail corridors, on utility corridors, and within parks and open spaces, as appropriate.

b) The Town will consider adapting roads to provide safer travel for bicycles and pedestrians on road pathways, where feasible and appropriate with the intent that all local municipal and County roads shall be considered accessible for active transportation, unless otherwise designated. Further, the Town recognizes that bicycles are a vehicle which operates on public roadways or within road rights-of-way with the same rights and responsibilities as motor vehicles.

c) The Town will promote accessible and convenient trail systems within a reasonable distance from the target neighbourhoods and major destinations and will undertake to interconnect existing walking trails and bicycle paths, where feasible and appropriate to provide continuous access between neighbourhoods, parks, schools, recreation facilities, the waterfront, business and commercial areas, trails, and other public buildings and services.

d) The Town will promote aesthetically pleasing trail systems, particularly for recreational purposes. Particular attention will be given to trail systems associated with natural assets including the waterfront, parks, and natural features.

e) The implementation of trail systems should be feasible given the consideration of the costs and benefits associated with the route selection. This should take into consideration the costs of healthy living, environmental sustainability, and the neighbourhood character.

f) The Town will encourage the integration of active transportation systems into the design of transportation facilities by including facilities such as sufficient and protected bicycle storage areas and parking, places of employment and major community, institutional, educational, cultural and shopping locations, where appropriate.

g) The Town will implement and operate an effective trail system maintenance program.

h) Throughout the Town there are a number of navigable waterways, including Cedar Creek and its tributaries including Mill Creek and Wigle Creek, which flow into Lake Erie. The Town supports the provision of recreational trail opportunities and access along these waterways.

i) The Town will support the implementation of the County Wide Active Transportation System (CWATS) Master Plan, as identified on County Schedule "D.2". Furthermore, the Town will support the implementation of the Town's Parks and Recreation Master Plan and the Comprehensive Transportation Master Plan to facilitate the development of a comprehensive and integrated active transportation network throughout the Town.

6.3 UTILITIES

6.3.1 Electrical Power Facilities

a) All existing electric power facilities and the development of any new electric power facilities that operate at 50 kilovolts and above, or facilities that transform from above 50 kilovolts to less than 50 kilovolts, including all works as defined in the *Power Corporation Act*, (such as transmission lines, transformer stations and distributing stations) shall be permitted in any land use designation without an amendment to this Plan provided that such development has been approved as applicable under the provisions of the *Environmental Assessment Act* and its regulations; and a Renewable Energy Approval under O.Reg 359/09 of the *Environmental Protection Act*, and any other relevant statutes and regulations. Hydro One and E.L.K. shall be required to consult with the Town regarding the location of any and all new facilities including new transformer stations. However any use of lands, buildings or structures by Hydro One and/or E.L.K. that are subject to approval under the provisions of the *Environmental Assessment Act* and its regulations; and a Renewable Energy Approval under O.Reg. 359/09 of the Environmental Protection *Act*, and any other relevant statutes and regulations shall be exempt from the policies of this Plan and the provisions of the Town's Zoning By-law.

b) Other electric power facilities, including buildings and facilities not used directly for the generation and supply of electric power, shall comply with the policies of this Plan and the provisions of the implementing Zoning By-law.

c) The above policies, however, do not preclude the Town's right to participate in discussions on the location criteria of new electric power facilities. Wherever practicable, single footing narrow base tower construction and existing rights-of-way should be used for new hydro transmission lines. Secondary land uses may be permitted on Hydro One and/or E.L.K. lands where deemed by Council to be compatible with adjacent land uses and by agreement with Hydro One and/or E.L.K.

d) The Town has adequate service to provide hydro to most new residential, agricultural, commercial, employment, or institutional development areas. The hydro service can be further extended as and when required such as when three-phase hydro is required to new greenhouse developments.

6.3.2 Other Utility Services

a) All existing facilities and the development of any new facilities associated with a public utility, telephone, cable transmission or other similar communications company or a gas distribution or a transmission company, shall be permitted in any land use designation without an amendment to this Plan.

b) The utility or company involved shall be required to obtain the approval of the Town regarding the location of any and all new facilities and buildings.

6.4 MUNICIPAL SERVICES

6.4.1 Servicing Standards

All development within the Town of Kingsville shall be serviced in accordance with the Development Standards Manual which has been adopted by Council resolution and is amended from time to time. The Town will consider developing and implementing a local excess soil re-use policy.

6.4.2 Servicing Requirements

As required in Provincial Policy, this Plan directs growth in a manner that promotes the efficient use of existing municipal sewage services and municipal water services, as such municipal sewage services and municipal water services are the preferred form of servicing settlement areas. Sewage and water services shall apply to community structure policy areas and be provided in a manner that can be sustained by the water resources upon which such services rely; is financially viable and complies with all regulatory requirements; and protects human health and the natural environment.

It is the policy of this Plan to:

a) promote water conservation and water use efficiency;

b) integrate servicing and land use considerations at all stages of the planning process; and

c) allow lot creation only if there is confirmation of sufficient uncommitted reserve sewage system capacity and sufficient uncommitted reserve water system capacity

within municipal services. The determination of sufficient uncommitted reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

Full municipal sewage services and municipal potable water services are the preferred form of servicing for all areas. The use of private septic facilities within municipal sanitary sewage service areas shall not be allowed.

The use of private on-site sewage services shall only be allowed on lands where municipal sewage services are not provided, are not anticipated to be serviced by municipal sanitary sewage services within the time period of this Plan, are proposed outside of the established municipal sanitary sewage service area, and only for new development of three or less lots or private residences and where site conditions are suitable for the long-term provision of such services.

Partial services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) shall only be permitted where they are necessary to address failed individual on-site sewage and/or failed individual on-site water services in existing development or along the waterfront area to allow for infilling and rounding out of existing development on partial services provided that development is within the reserve uncommitted sewage system capacity and/or reserve uncommitted water system capacity and site conditions are suitable for the long-term provision of such services.

Work on the completion of a comprehensive master servicing plan for future development in Kingsville is encouraged. Where appropriate, joint servicing plans are encouraged to ensure that infrastructure is built and maintained in a cost effective, environmentally sound and coordinated manner that meets the long-term needs of the community.

6.4.3 Staging of Development

It is the policy of this Plan to control the sequence of development within the Town where necessary, so that the financing and construction of public works can be undertaken without any undue financial hardship.

Generally, for any new development, the developer must provide and pay for all internal services within a development area in accordance with municipal servicing requirements in effect.

6.4.4 Sanitary Sewage Collection and Treatment

The Town's present sewage system will require implementation of the planned improvements to adequately accommodate new residential, commercial, employment and institutional development in the urban centre area of the Town. All new development shall incorporate appropriate separation distances from sewage treatment works and sensitive land uses in accordance with the Provincial Guidelines. Municipal Sanitary Treatment and Collection Facilities have been identified on Schedule "E" to this Plan.

Full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible the preferred means of servicing within any designation. All new development will be adequately serviced in accordance with the Town's requirements. Prior to the issuance of a building permit, this will mean that a developer will be required to enter into a servicing agreement with the Town, stipulating the services to be installed and the financial contributions necessary to improve existing services external to the subject property, in order to permit adequate servicing of the development proposal.

For lands where partial services (being municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial services to address failed individual on-site sewage and individual on-site water services within an existing development, and to allow for infilling or rounding out of existing development on partial services only if site conditions are suitable for the long term provision of such services.

All development throughout the Town will have to satisfy the Province and the requirements of the Town with respect to the collection and treatment of sanitary waste.

6.4.5 Water Supply and Distribution

The vast majority of the Town is now serviced with a municipal water supply which is obtained from the Union Water Treatment Plant located south of the Hamlet of Ruthven in the former Township of Gosfield South. Any properties not currently serviced by municipal water have private water facilities either in the form of dug or drilled wells.

Total water flows and pressures are considered good throughout the immediate urban centre of Kingsville and the Village of Cottam can easily accommodate both existing development and any future residential, commercial, employment or institutional development within these areas.

The existing water distribution system within the Kingsville Southwest Service Area is considered to have insufficient unreserved capacity to support any further development without having a significant detrimental impact on the remainder of the water distribution system until system improvements can be implemented.

There are also concerns in the rural areas of the Town where continued growth in the greenhouse industry, coupled with an increase in the farming practice known as drip irrigation for certain field specialty crops, will eventually utilize the majority of the water flow through existing watermain infrastructure so that a municipal potable water supply becomes less available for human consumption and sanitary purposes.

Presently, the Town is attempting to deal with the situation by:

a) requiring greenhouse operations and other large indoor growing operations to provide on-site storage and rate-of-flow control facilities in order to spread water demand more uniformly thereby reducing the peak water demand and achieving economy of operation;

b) recommending that greenhouse operations and other large indoor growing operations with large watercourses nearby obtain raw water from the surface watercourse and utilize the municipal water supply for back-up purposes only.

   If greater than 50,000 litres of water a day is to be taken from the surface watercourse(s), this approach requires the issuance of a Permit to Take Water (PTTW) under the *Ontario Water Resources Act* from the Province prior to the taking of water. Similarly, if groundwater is drawn at a rate of greater than 50,000 liters of water a day, this approach requires the issuance of a PTTW from the Province under the *Ontario Water Resources Act* prior to the water taking.

   Considerations as to whether a PTTW will be issued will include, but may not necessarily be limited to, the size, nature, existing use and sensitivity of the surface watercourse and ground water resource as well as the submission of a Hydrogeological Study to demonstrate that that the existing water balance will be maintained (i.e. there will be no reduction in recharge);

c) requiring that greenhouse operations and other large indoor growing operations to implement a water recycle system would allow reclamation and reuse of most of the water thereby reducing the demand on the water system;

d) the Town recognizes that greenhouse farming is permitted in all "Agriculture" designated and zoned areas, but encourage their establishment and operation in locations where servicing is demonstrated to be consistent with Section 2.8.

It is anticipated that the water supply and transmission problems to the agricultural area will be dealt with in a manner which will support the well-being of the present residents and the future growth of the Town.

6.4.6 Stormwater Management

The topography of the Town is very flat and is drained by an extensive network of inland watercourses, municipal drains and mechanical pumping schemes where low lying lands are below lake level. In Managing stormwater, the Town will seek to implement the recommendation of the Windsor/Essex Region Stormwater Management Standards Manual.

Stormwater management facilities shall be provided in accordance with the following:

a) Stormwater management will be required for all development in the Town to ensure that runoff is controlled such that development does not increase peak flows to any greater extent than pre-development runoff in watercourses that impact on downstream flooding and to also institute runoff control to prevent the accelerated enrichment of watercourses and Lake Erie from pollutants. Stormwater management design shall ensure the protection of water resources and support climate resiliency.

b) Prior to development approval of subdivisions or applications involving significant lot creation and/or development, the Town will require the preparation and approval of a stormwater management plan, which either implements the management concept of the Subwatershed Study, if prepared, or is acceptable to the Town, Essex Region Conservation Authority and the Province, and is completed in accordance the Windsor/Essex Region Stormwater Management Standards Manual and the current Provincial Stormwater Planning and Design Manual.

c) The Ministry of Transportation will be consulted in relation to stormwater management plans and facilities in proximity to Provincial Highways. The Ministry of Transportation requires the submission of a Stormwater Management Report, where applicable, for their review and approval, to ensure that stormwater runoff from any proposed development does not affect the Provincial highway drainage system or right-of-way.

The Province also requires that a Stormwater Management Plan be designed in accordance the Windsor/Essex Region Stormwater Management Standards Manual and current provincial standards as it may be amended from time to time and that it addresses pollutants/nutrient loadings on Lake Erie. The Town will require developers to undertake stormwater management pursuant to current legislation in order to address these issues. The Town will also incorporate these requirements into the Zoning By-law and the development agreements. Stormwater management facilities will be owned, operated and maintained by the Town into perpetuity.

d) Stormwater management facilities shall not be permitted within areas designated "Environmental Protection Areas" or "Environmental Significant Areas".

e) It is the preference of the Town that all stormwater related to new development will be managed by regional facilities, where feasible. No new development will have a negative impact on the drainage characteristics of adjacent land.

f) Stormwater management facilities will be designed to manage stormwater quality and quantity, at an appropriate level, as defined by the Windsor/Essex Region Stormwater Management Standards Manual and the most current Province's Stormwater Planning and Design Manual, in consultation with the Essex Region Conservation Authority, and the statutory approval authority for the stormwater works being proposed. The integration of natural vegetative features adjacent to and within new facilities will be encouraged where appropriate, and the naturalization of the periphery of the existing stormwater management facilities is encouraged.

g) In Settlement Areas it may be necessary for some storm sewer oversizing and deepening to occur. The design and construction of all storm sewers and improvements to natural watercourses shall have sufficient capacity to serve all areas which ultimately may be connected to sewers or open watercourses. Modifications to existing natural watercourses will only be undertaken where natural features can be integrated with the optimal design ensuring quality and quantity impacts are mitigated, and subject to approvals from the Town and Conservation Authority, where required. In reviewing individual development applications, the Town will, where applicable, require developers to utilize appropriate stormwater management techniques to minimize erosion and siltation of watercourses and open drains and to not adversely affect upstream or downstream property owners.

h) The Town will encourage the preparation of stormwater management plans on a watershed or subwatershed basis.

i) Prior to development approval, the development proponent will consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourses.

j) Prior to development approval, the proponent will provide, where appropriate, public access to and along the stormwater management system and the receiving watercourse where such areas can be used to form part of a natural trail or open space system. Roads and sidewalks within the study area will be required to provide access to these natural areas. The use of dry ponds which can be located adjacent to parkland for the purpose of maximizing the space available for public use is encouraged. Wet ponds are encouraged to be incorporated into subdivision design as aesthetic features of the community.

k) In order to ensure that the size, configuration and grade of the land surrounding the facility can be efficiently programmed as a component of a trail or open space system, it may be necessary to prepare a landscape design prior to development approval.

l) Lands required for stormwater management will not be considered toward the parkland dedication. However, the incorporation of these areas into parkland facilities, such as the provision of asphalt paths, may be considered as a portion of cash-in-lieu of parkland contribution. The provision of additional land to facilitate the use of these areas as parkland may also be considered.

m) The Town will ensure that the design of stormwater management facilities includes long-term maintenance and safety requirements.

6.4.7 Waste Disposal Sites

Any development proposed within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site shall be restricted, unless it has been demonstrated that there is no evidence of leachate, landfill generated gas migration including, but not necessarily limited to, methane gas, or other contaminants present in the soils or groundwater supply. Proponents of development on, or within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site shall prepare a report, prepared by a qualified professional, to the satisfaction of the municipality, in accordance with Provincial guidelines, that demonstrates that there is no evidence of leachate, landfill generated gas migration including, but not limited to, methane gas or other contaminants present in the soils or groundwater, surface runoff, vermin, visual impact and ground settlement.

Development will be restricted if the active and/or former waste disposal site poses any adverse environmental effects or risk(s) to public health and safety. If significant impacts are encountered at or beyond 500 metres, the study area within which an assessment is undertaken will be expanded as deemed appropriate. In exceptional hydrogeologic situations, such as areas of fractured rock or sand, where it is anticipated that leachate or landfill generated gas, including, but not necessarily limited to, methane gas, could migrate beyond 500 metres and pose a problem, hydrogeologic and/or engineering studies beyond 500 metres of the perimeter of the fill area will be conducted.

Where development is located or proposed on a waste disposal site, no official plan amendment, zoning by-law amendment or building permit will be adopted or granted until the Province is appropriately consulted, and Section 46 Approval under the *Environmental Protection Act* is obtained from the Minister of the Environment, if it is, in fact, determined to be applicable.

All known active and former waste disposal sites within the Town of Kingsville and those in adjoining municipalities within 500 metres of the municipal boundary have been identified on Schedule "E" to this Plan.

SECTION 7: LAND DIVISION POLICIES

This section shall form the basis for decisions on all applications for the division of land within the Town of Kingsville.

7.1 GENERAL

The division of land shall generally occur by registered plan of subdivision or the consent process in accordance with the policies of this Plan. A plan of subdivision will be required for development where 4 or more new lots are proposed or for any number of lots where service extensions are required.

The division of land will only be allowed if the proposed lots conform to the policies of this Official Plan and comply with the provisions of the Zoning By-law for the Town which shall establish minimum lot frontages and areas in accordance with Provincial, County and municipal requirements established at the time of approval of this Plan. Where any by-law amendment or minor variance is necessary, it shall be completed concurrently with an application for consent or plan of subdivision.

The division of land shall not be allowed where development could occur on lands subject to flooding, erosion or unstable conditions or any other physical limitation as determined by the Town in consultation with the Essex Region Conservation Authority.

The division of land which is adjacent to a Provincial Highway shall be designed in accordance with the policies, standards and requirements of the MTO and such lots shall be oriented to back onto the Provincial Highway and front onto a local internal street.

7.2 PLANS OF SUBDIVISION

In considering applications for proposed plans of subdivision, Council shall have regard to the policies of this Plan as well as those matters outlined in Section 51 (24) of the *Planning Act*.

New plans of subdivision where four or more lots are proposed shall only be permitted if adequate potable water supply, sanitary sewage treatment and disposal, and stormwater management can be provided in accordance with this Plan, and to the satisfaction of the County, Town and the statutory approval authority having jurisdiction. The following policies will apply to plans of applications for approval of a draft plan of subdivision or condominium:

a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements and part-lot control, will be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.

b) Prior to approval of an application for plan of subdivision or plan of condominium, the proponent, in consultation with the Town, will confirm the availability of adequate servicing infrastructure and allocation, waste collection and disposal services, and roads, pedestrian pathways and public transit rights-of-way.

c) Applications for plan of subdivision or plan of condominium approval will be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.

d) All lots within a plan of subdivision will have frontage on a public road maintained on a year round basis, constructed to an acceptable Town standard. Plans of condominium will have access to a public road maintained on a year round basis, however, it is recognized that development within the condominium plan may occur on private roads.

e) Natural heritage features and functions will be protected and preserved in the design of any plan of subdivision or condominium. The Town will explore opportunities to implement the policies of Section 4.2 relating to the establishment of natural heritage linkages. The Town may require the dedication of lands that it determines to be part of the natural heritage system as part of the conditions of approval.

f) All new plans of subdivision, as part of a planning justification report, must address the provision of affordable housing and how it is conforming to the target identified in Section 3.6.6.1 (g) of this Plan;

g) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.

h) All plans of subdivision will be subject to a subdivision agreement between the Town and the development proponent.

i) All plans of condominium will be subject to a development agreement between the Town and the development proponent.

j) Parkland dedication will be provided pursuant to Section 3.5.2 of this Plan. Land to be dedicated for park purposes must be acceptable to the Town. Under no circumstances will the Town be obligated to accept parklands being offered in a proposed plan of subdivision.

k) The Town will consult with the Essex Region Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.

l) In recommending approval to a draft plan of subdivision, the Town may request that the approval lapses at the expiration of a specified time period, being not less than 3 years. The County, in consultation with the Town may extend the approval time period, prior to its expiration.

m) The Town may request that the County, withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before the final approval of the plan of subdivision.

n) The Town may consider passing a By-law under the provisions of the *Planning Act* deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.

o) The Town will consider the policies of this Plan in totality to determine the information required by an applicant to form a complete application for approval of a plan of subdivision.

7.3 CONSENTS

In considering applications for consent, Council and the Committee of Adjustment shall have regard to the policies of this Plan, to those matters outlined in Section 53(2) of the *Planning Act* and to the following general and specific policies:

a) three new lots or fewer may be created by consent provided the proposed use is permitted in this Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water supply, sanitary sewage treatment and disposal and stormwater management can be provided in accordance with this Plan, all to the satisfaction of the Town, and the proposed lots comply with the Zoning By-law;

b) consents should be granted only when the land fronts on an existing public road which is of a reasonable standard acceptable to the Town and/or the Province or the County of Essex;

c) consents, in any designation, on private roads or rights-of-way shall be restricted

c) consents, in any designation, on private roads or rights-of-way;

d) consents should be used as a vehicle to provide for infilling in existing built-up areas between residential lots on the same side of the road;

e) consents will not be granted to create lots for Additional Residential Units

f) the size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the minimum provisions of the implementing Zoning By-law. The consent granting authority may exercise its powers under Section 45(1) of the *Planning Act* when reviewing the appropriateness of the proposed shape, size, or configuration of any proposed lot;

g) consents should not be granted adjacent to a road where traffic hazards due to limited sight lines on curves would be created or proximity to intersections;

h) regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area;

i) a cultural heritage and/or archaeological resource assessment may be required for any lands to be subdivided. The assessment and the conservation of any significant cultural heritage resources identified through the assessment will be a pre-condition of any consent;

j) consents for mortgage purposes, not in the "Agriculture" designation, may be allowed if the use of land does not change as a result of the mortgage. The Committee of Adjustment shall use Section 50(16) of the *Planning Act* to ensure that once the mortgage has been discharged, a further consent would be required to transfer or sell off the parcel that was subject to the mortgage;

k) consents for lot adjustments or minor boundary changes are permitted provided both parcels comply with the provisions of the implementing Zoning By-law and the consent is granted conditional to Section 50(3) or (5) of the *Planning Act*;

l) the division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:

   i. to permit the proper sitting of a building:

   ii. to obtain a sufficient and potable water supply;

   iii. to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of this Plan, to the satisfaction of the Town and the statutory approval authority having jurisdiction;

m) when considering consents involving lands within 120 metres of any active Licensed Aggregate Extraction Operation, the Committee of Adjustment will give consideration to possible incompatibilities which could result from the noise, dust, vibration and traffic associated with the Mineral Aggregate Resource use;

n) when granting consent applications or plans of subdivision, Council and the Committee of Adjustment will give consideration to the following requirements which may be included as a condition of the consent:

   i. the parkland dedication and/or cash-in-lieu of parkland dedication policies of Section 3.5.2 will apply.

   ii. any road widening identified in Table 7.1 is required to be dedicated to the Town, County or Province at the sole expense of the applicant;

   iii. the Town's implementing Zoning By-law is to be amended to permit the proposed use, if necessary, prior to any certificate under Section 53(21) of the *Planning Act* being endorsed on the transfer deeds;

   iv. that the applicant enter into an Agreement to construct and/or maintain any drainage facilities servicing the agricultural sector which traverse the subject property;

   v. that the applicant, if required, agree to construct and/or maintain fences around the proposed lot;

   vi. that access to the property be constructed to the satisfaction and requirements of the Town and other appropriate agencies;

Table 7.1 Roads Requiring Widening		
Roads Requiring Widening	**Amount of Land Required**	**Side from which the land is to be Taken**
Graham Sideroad between Highway No. 18 and 3	6 metres	West
Peterson Road (entire road)	13 metres	East
Olinda Sideroad between County Road 34 and the Sixth Concession Road	10 metres	East
Jasperson Lane (entire road)	13 metres	West
Sixth Concession Road between County Road 29 and the McCain Sideroad	6 metres	North
Sixth Concession Road between McCain Sideroad and County Road 23	6 metres	South
McCracken Sideroad south of Highway No. 18	11 metres	East
Thompson Crescent (entire road)	14 metres	South and East
North Talbot Road south of the Sixth Concession Road	13 metres	East
Cedar Island Rd south of County Rd 50	11 metres	West
County Road 18, 604 metres east of County Road 29	4 metres	North
County Road 18, 604 metres east of County Road 29 to County Road 31	4 metres	South
County Road 18 from County Road 34 to McDonald Drain	4 metres	North
County Road 23 from Nelson Drain Outlet to Second Concession Drain	4 metres	East
County Road 29 from Wallace Drain Outlet into Division Road Drain to Provincial Highway No. 3	4 metres	West
County Road 31 from the Sixth Concession Road to the McDonald Drain	4 metres	West
County Road 31 from Blind Line Drain (Sturgeon Creek Drain) to Hwy No. 18	4 metres	West

County Road 31 from Greenway to County Road 50	4 metres	East
County Road 50 from County Road 23 to R.P. #1274	4 metres	South
County Road 50 from Birch Avenue southerly for 195 metres	4 metres	East
County Road 50 from McCain Sideroad to Wigle Creek	5 metres	North
County Road 50 from Wigle Creek East to where Heritage Road turns to Lake Drive	7 metres	North
County Road 50 from Cull Drive north to Greenway	4 metres	West

7.3.1 Agriculture Land Division

The following specific policies shall apply to those lands designated "Agriculture" on Schedule "A" of this Plan. Lot creation in the Agriculture designation will be generally discouraged, all division of land shall occur through the consent process and such consents shall only be permitted in accordance with the policies outlined below.

7.3.1.1 Division of Farm Lots

A consent may be granted for agricultural uses and agriculture-related uses to permit a farm lot to be divided into two farm lots provided each lot, both retained and conveyed, meets the following requirements:

a) for agricultural uses, each lot is of a size that is appropriate for the type of agricultural use that is common in the area;

b) for agriculture-related uses, the new lot will be limited to a minimum size need to accommodate the use and appropriate sewage and water services;

c) each lot is sufficiently large to maintain flexibility for future changes in the type and size of the agricultural operation;

d) each lot shall have a minimum lot area of 40 hectares;

e) each lot shall comply with the Minimum Distance Separation requirements;

f) notwithstanding item d) above, in the case of a specialty crop operation as established by the Provincial evaluation procedures, a smaller parcel size may be

permitted subject to demonstrating that the size of the retained and severed parcels is appropriate.

7.3.1.2 Residence Surplus to a Farm Operation

A consent may be granted to sever a dwelling that is considered surplus to the needs of the farm operation as a result of the consolidation of an additional farm lot provided that:

a) the size of a lot for a residence surplus to a farming operation should be limited in area consistent with the standards outlined in Provincial Policy Statement. Lots larger than 0.8 ha will require the proponent to demonstrate the need for the additional lands but at no time should include lands that are currently, or previously, farmed as of the date of adoption of this plan;

b) barns in close proximity to a residence surplus to a farming operation that are in a state of disrepair are to be removed as a condition of consent approval. Buildings and structures still actively used as part of a farming operation should not be included with a proposed surplus dwelling lot. Buildings capable of housing livestock shall be decommissioned to the satisfaction of the Town;

c) the surplus residential dwelling must have been in existence prior to the date of the adoption of this plan and in a habitable condition;

d) the approval of any consent to permit the severance of a surplus dwelling shall be conditional upon rezoning the vacant remnant parcel of farmland resulting from the severance to prohibit new residential dwellings; and

The creation of new residential lots in the Agriculture designation shall not be permitted except in accordance with the above policies.

7.3.1.3 Lot Additions

Lot additions or adjustments for lands within the agricultural area may be permitted for legal or technical reasons provided that:

a) both parcels comply with the provisions of the Zoning By-law;

b) the consent is granted subject to Section 50(3) or (5) of the *Planning Act*, R.S.O. 1990

c) a minor boundary adjustment does not result in the creation of a new lot not otherwise permitted;

d) the lot addition or adjustment is considered minor in nature;

e) minimizes the removal of actively farmed lands;

f) does not negatively impact on the surface or subsurface drainage on the resulting remnant lands

7.3.1.4 Infrastructure

Lot creation for lands within the agricultural area may be permitted for infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

SECTION 8: IMPLEMENTATION AND INTERPRETATIONS

The policies in this section apply to the implementation and interpretation of this Plan.

8.1 GENERAL

This Plan shall be implemented by means of the statutory powers conferred upon the Council and other municipal officials by the *Planning Act*, the *Municipal Act*, the *Development Charges Act* and any other powers as may be exercised through the implementing Zoning By-law, subdivision agreements, site plan control, development agreements and standards of maintenance and occupancy by-laws.

8.2 COMMITTEE OF ADJUSTMENT

It is intended that the Town will continue to maintain a Committee of Adjustment under the provisions of the *Planning Act* to preside over consent, minor variance and non-conforming use applications. The Committee shall be guided by the policies of this Plan and the requirements of the Zoning By-law in making decisions on applications. Furthermore, the Town may adopt a by-law to establish criteria that must be complied with, for the Committee of Adjustment in considering minor variance applications, or alternatively, criteria which may be prescribed by the Province.

8.3 COMMUNITY IMPROVEMENT

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another. The Town will support the preparation and implementation of Community Improvement Plans for Cottam, Ruthven, Kingsville and the larger Industrial or Commercial areas within Kingsville.

8.3.1 Goals

a) to use community improvement plans to revitalize areas in decline or in transition from one land use to another;

b) to establish minimum standards for building and property maintenance and occupancy;

c) to encourage the preservation, rehabilitation, renewal and reuse of heritage resources;

d) to establish partnerships with the community to revitalize and strengthen neighbourhoods; and

e) to use community improvement plans to encourage the provision of affordable and attainable housing.

8.3.2 Policies

a) Council may designate, by by-law, a Community Improvement Project Area in accordance with the *Planning Act* to revitalize neighbourhoods or any identified area in decline or in transition from one land use to another;

b) a Community Improvement Project Area may include any area within the Town, or the entire Town. Specifically, project areas that have any of the following characteristics shall be considered:

   i. residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;

   ii. declining commercial or mixed-use areas where there are a number of vacant or underutilized properties;

   iii. declining or obsolete industrial areas;

   iv. areas in which there are land use conflicts as a result of incompatible uses;

   v. areas that have deficient municipal services such as parks, walkways, sanitary and storm sewers, waterlines and roads;

   vi. areas that have the potential to be new employment areas.

c) where Council authorizes the preparation of a Community Improvement Plan, it shall be prepared in accordance with the *Planning Act* and shall contain the following information:

   i. a statement of the basis or rationale for the preparation of the Community Improvement Plan;

   ii. a description of the project area including a map;

   iii. a statement of the desired purpose of the Community Improvement Plan;

   iv. the goals and policies for the Community Improvement Area;

   v. provisions for the revitalization of land and buildings and the acquisition, sale or lease of lands or buildings acquired by the Town to facilitate community improvement;

vi. provisions for the establishment and/or distribution of grants or loans for the purpose of revitalizing the area;

d) Council shall provide an opportunity for public input on the Community Improvement Plan in accordance with the *Planning Act*;

e) Council shall dissolve a Community Improvement Area in accordance with the *Planning Act* once it has been determined that the purpose for the Community Improvement Plan has been accomplished;

f) Council shall continue to enforce its Property Standards and Occupancy By-law;

g) Council may contribute funding toward the revitalization of areas through the capital works budget for projects including, but not limited to, streetscape improvement, infrastructure improvements, the provision and upgrading of open space areas and the provision and upgrading of community facilities within a designated Community Improvement Project Area.

8.4 COMPLETE APPLICATIONS

In order to consider a planning application as complete as set out in the *Planning Act* and to ensure that all applicable information is provided during the preliminary stages of the planning process for Council and/or its designated approval authority to make informed decisions within the prescribed time periods of the *Planning Act*, the Town shall require the following conditions to be satisfied:

a) pre-consultation has taken place with a municipal planning official and any other Approval Authority, regarding the nature of the planning approvals required;

b) the need for one or more support studies has been identified by the Town and the applicant notified;

c) a plan of survey and or other acceptable legal land description has been submitted along with full disclosure regarding land owner, agent and applicant;

d) all application fees and deposits are submitted;

e) all required supporting studies, developed to the satisfaction of the Town, are submitted; and

f) that for the purposes of a consent, the provision of a survey of the smaller of the two lots may be acceptable provided it satisfies the requirements of the *Registry Act* and the regulations thereto.

The Town may require any of the additional information (e.g. studies/assessments) to be peer reviewed on behalf of the Town at the applicant's expense.

8.4.1 Additional Information Requirements

Support studies required as part of a complete application will comprise one or more of the following:

- Aggregate Potential Assessment;
- Agricultural Impact Assessment
- Archaeological Assessment;
- Environmental Impact Assessment or Screening Report;
- Fire Safety Plan will be required for all new and existing buildings to be used
- Functional Servicing Report
- Groundwater Impact Assessment
- Heritage Assessment/Impact Study;
- Hydrogeological Study
- Hydrological Study
- Hydraulic Floodway Analysis and Detailed Flood Line Mapping Study
- Land Use Compatibility Assessment;
- Landscaping Plan;
- Lighting or Photometric Study;
- Market Impact Assessment;
- Master Environmental Servicing Plan
- Natural Site Features Inventory and Preservation Plan;
- Noise and Vibration Study;
- Nutrient Management Plan;
- Odour/Ventilation Plan to mitigate noxious odours being released into the atmosphere that may cause discomfort for neighbouring properties

- Parking Study
- Phase I Environmental Site Assessment (ESA) or Site Screening Questionnaire, where a Phase 1 Environmental Site Assessment is not required
- Planning Justification Report;
- Record of Site Condition (RSC)
- Retail Market Impact Study
- Risk Management Plan;
- Shadow Impact Study;
- Shoreline Erosion or Coastal Engineering Study
- Slope Stability Study;
- Species at Risk Assessment;
- Stormwater Management Report;
- Transportation Impact Assessment;
- Urban Design Study;
- Waste Management Plan that identifies how all waste (solid and liquid) will be managed;
- Watershed/Subwatershed Plan;
- Such other studies, details or combination of studies and details specifically identified elsewhere in this Plan or deemed necessary to properly evaluate the desirability and impacts of the proposed development, in a manner satisfactory to the Town and other approval authorities having jurisdiction.

8.5 COUNTY OFFICIAL PLAN AND PROVINCIAL POLICY

It is the opinion of the Council for the Town of Kingsville that the designations and policies contained within this Official Plan are in conformity with the County Official Plan and are consistent with Provincial Policy.

In the event of a conflict between the County of Essex Official Plan and the Town of Kingsville Official Plan, the County Official Plan prevails.

8.6 *DEVELOPMENT CHARGES ACT*

In accordance with the provisions of the *Development Charges Act*, the Town has duly passed and enacted a Development Charges By-law which has the effect of ensuring that the majority of long-range expenses incurred as a result of new development will be borne by the land developers and not the Town at large.

8.7 LAND USES

8.7.1 Existing Land Uses and Buildings

Certain lands within the Town have been developed with a land use other than that which is intended by the designations and policies of this Plan. Some of these uses are still operating but some have ceased to exist leaving substantial vacant buildings, most commonly commercial or industrial in nature. Provided these uses legally existed prior to the date of adoption of this Plan, they may be recognized as legal conforming uses in the implementing Zoning By-law. Further, the zoning of the lands which these uses and/or buildings occupy may also permit a limited range of similar or related uses provided the following criteria are met:

a) the zoning does not permit any change of performance standard that aggravates any situation detrimental to adjacent complying uses;

b) any air and sewage discharges from the use, and water takings associated with the use, are capable of obtaining, and will apply for, a Certificate of Approval/Permit To Take Water (as applicable) from the Province and, furthermore, will not interfere with the normal enjoyment of property;

c) the use does not interfere with the desirable development or enjoyment of the adjacent area;

d) the use does not constitute a danger to surrounding uses and persons because of its hazardous nature or traffic generated.

Applications to amend the Zoning By-law to permit a use that is as, or more compatible with the surrounding area may also be approved by Council without an amendment to this Plan provided the proposed use satisfies the above criteria.

8.7.2 Non-Conforming Land Uses

Any land use which lawfully exists but does not meet the provisions of Subsection 8.7.1 shall be described as a non-conforming use in the implementing Zoning By-law. As a general rule, such a use should cease to exist in the long term. In special circumstances,

however, it may be desirable to permit the extension or enlargement of such non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that extensions and enlargements be handled without an amendment to this Plan. When considering an application for the extension or enlargement of a use which does not conform to the implementing Zoning By-law, Council or the Committee of Adjustment shall decide if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, and in so doing shall have regard to the following matters:

a) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Official Plan and the implementing Zoning By-law applying to the area;

b) the proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing Zoning By-law;

c) an application which would affect the boundary areas of different land use designations will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the interpretation clause, subsection 8.11.2 of this Plan, without the need for an amendment. Any major variance will require an amendment to this Plan;

d) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation;

e) the neighbouring sensitive land uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisance, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement, and where feasible, also extended to the established use in order to improve its compatibility with the surrounding area;

f) traffic and parking conditions in the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate designs of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections;

g) adequate provisions have been, or will be made for off-street parking and loading facilities;

h) applicable municipal services such as storm drainage, sanitary sewage collection and disposal and potable water treatment and supply are adequate and meet with the approval of the Province and/or the applicable statutory approval authority having jurisdiction.

8.8 LOTS OF RECORD - EXISTING

There are several existing lots of record in the Town which are under separate ownership and which do not conform with the development standards of the designation or the corresponding zone in the implementing Zoning By-law. Notwithstanding their non-compliance, it is the policy of this Plan that these lots may be developed for a use permitted by this Plan in accordance with the requirements established in the implementing Zoning By-law provided:

a) the lot abuts an existing public road of a standard of construction acceptable to the Town and/or the County of Essex and/or the Province;

b) the necessary approvals are obtained from the Province and/or the applicable statutory approval authority having jurisdiction;

c) the lot is serviced by an existing municipal potable water supply or by a private potable water supply which is capable of providing an adequate supply of potable water for the intended use without causing any well water interference with other existing users of that groundwater resource;

d) the development is in compliance with the Minimum Distance Separation requirements.

8.9 LEGISLATION PURSUANT TO THE *MUNICIPAL ACT*

The Town shall review existing legislation pursuant to the *Municipal Act* governing such uses as automobile wrecking yards, trailers, fences and signs and, where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

8.10 PROPERTY STANDARDS BY-LAW

The Town will continue to enforce its property standards by-law for all existing and future development in accordance with the provisions of the *Building Code Act*. This by-

law establishes the minimum standards for property maintenance and occupancy as they relate to:

a) the physical conditions of yards and passageways;

b) the adequacy of sanitation including drainage and garbage;

c) the physical condition of all structures with particular regard for the following:

   i. structural standards;

   ii. lights and ventilation;

   iii. condition of stairs;

   iv. interior walls, ceilings and floors;

   v. condition of chimney and heating systems;

   vi. electrical service;

   vii. access.

   viii. toilet facilities;

The Property Standards By-law for the Town will be enforced and maintained by the Chief Building Official and/or any other person designated by the Town. A Committee to review and provide decisions with respect to any and all appeals may also be established.

8.11 OFFICIAL PLAN

8.11.1 Amendment Procedures

Should changing conditions necessitate the need for an amendment of the Official Plan or the Zoning By-law, in accordance with the *Planning Act*, due regard shall be given to the following criteria:

a) the need for the proposed use;

b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:

   i. the existing environment and/or physical hazards;

ii. the potential impacts of these hazards; and

iii. the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;

d) the location of the area under consideration with respect to:

i. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;

ii. the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto; and

iii. the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;

e) the compatibility of the proposed use with uses in adjoining areas;

f) the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;

g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;

h) the potential effect of the proposed use in relation to the intent and implementing regulations of the *Environmental Protection Act*, *Ontario Resources Act*, *Pesticides Act*, *Safe Drinking Water Act* and *Environmental Assessment Act*;

i) the regulations of the Essex Region Conservation Authority;

j) compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;

k) conformity with the County Official Plan and Provincial Policy; and

l) Where an application for an amendment to this Plan is refused by Town Council and a notice of appeal is filed, the Town may pursue mediation, conciliation or other dispute resolution techniques in an attempt to resolve the dispute, in accordance with the requirements of the *Planning Act*.

Proposals for expansions to designated settlement areas will require an amendment to this Plan and the County Official Plan through a County Comprehensive Review or a Local Comprehensive Review, in accordance with the policies of Section 1.6 of this Plan, and the provisions the Provincial Policy Statement. Proposals for the conversion of employment lands to non-employment uses will require an amendment to this Plan, through a Local Comprehensive Review, in accordance with the policies of Section 1.6 of this Plan, and the provisions the Provincial Policy Statement.

8.11.2 Interpretation

This Plan applies to all lands within the Town of Kingsville. Its objectives and policies are intended to achieve the goal of balanced and sustainable development for the period that it is in effect.

The interpretation of its objectives and policies are flexible to the following degree:

a) Section 6.0, Definitions, of the Provincial Policy Statement 2020, is the source of the definition of key words used in this Plan. Where definitions are not present in the PPS, reference shall be made to the specific *Act* or statutes associated with the word; otherwise, if not specifically defined in this Plan, the standard dictionary definition will apply;

b) to correct grammatical, numerical or reference errors, adjust page numbering or formatting or update statistical information or projections, such changes may be authorized by the Town Clerk without public notice or formal amendment to this Plan;

c) the boundaries of settlement areas are not subject to broad interpretation; the closest right of way or prominent physical feature to the boundaries shown on the Schedules to this Plan shall be deemed to be the actual boundary;

d) Where no right of way or prominent physical feature exists, the boundary will be the nearest lot of record boundary which most closely approximates the line shown on the respective Schedules;

e) the boundaries between various land use designations are approximate except where well defined physical or infrastructure features exist; Reference to the words “zone” or “zoning district” mean the land use zoning districts in the Town of Kingsville comprehensive zoning by-law(s);

f) adjustments to the boundaries of future roads, recreation corridors and other linear features or the addition of public facility or infrastructure information for reference purposes, in the Schedules, may be undertaken without an Official Plan amendment to this Plan.

g) where examples of permitted uses are provided, they are intended for illustrative purposes only and do not compromise the full range of permitted uses. Specific uses which are considered by Council to be similar to a stated use and to conform to the general intent and objectives of this Plan may be recognized without further amendment to this Plan;

h) for the purpose of this Plan, a lot is defined as a contiguous area of land under one ownership, the boundaries of which are on record in the Land registry Office of the County of Essex in the Registry or Land Titles Division;

i) general references to the *Planning Act* means The *Planning Act* of Ontario, R.S.O. 1990, as the same may be amended from time to time. Reference to all other *Act*s and portions thereof are more specifically noted, but also mean such *Act* as amended from time to time.

8.11.3 Other Methods of Implementation

The Town may use the agencies and techniques listed below to assist in the implementation of Official Plan policies as appropriate:

a) the assistance and advice of the Essex Region Conservation Authority on identifying the extent of the flood plain or flood prone areas, and identifying adequate flood protection measures and other related matters;

b) the assistance and advice of Indigenous communities on cultural heritage resources and natural heritage preservation matters;

c) the assistance and advice of the Province, County, Indigenous Communities and the local municipal inspectors regarding various servicing matters.

8.11.4 Review

The policies of this Plan are designed for effective use over a planning period of twenty-five years or until 2031, in accordance with the County of Essex Official Plan. The Plan shall undergo a review every ten years after the Plan comes into effect as a New Official Plan, and every five years thereafter, unless the Official Plan has been replaced by another new Official Plan. The purpose of the review will be to:

a) document the type and location of new development that occurred during the preceding five-year period;

b) project future population and household increases, and identify development prospects during the subsequent five to ten-year period;

c) consult the general public and special interest groups on the continued appropriateness of the Plan's goals, policies and designations;

d) formulate revisions or new goals, policies and designations as required;

e) policies on employment lands are to be confirmed or amended during the course of the five-year review of the Plan;

f) to ensure conformity to the policies and the Land Use designations of the County of Essex Official Plan, as it may be amended from time to time; and

g) monitor annually the supply and number of draft approved and registered vacant lots within the Town, and the number of new residential units occurring by way of intensification and redevelopment, and submit to the County.

8.12 PLANS OF SUBDIVISION

It shall be the policy of the Town, to recommend for approval, only those plans of subdivision which comply with the provisions of this Plan, which can be supplied with adequate servicing such as fire protection, potable water supply, storm drainage and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction, and which are appropriate in light of the Town's capital budget and schedule.

8.13 ENGAGEMENT AND PARTICIPATION

Council shall actively encourage meaningful engagement and participation by seeking the opinions and advice of individuals and community stakeholder groups including Indigenous communities in the on-going task of implementing, monitoring and reviewing this Plan.

Council shall ensure that the public is adequate notified and consulted. The measure utilized to facilitate engagement and participation with be consistent with the scope and nature of the planning matter being addressed.

Prior to the Municipality adopting an amendment to this Plan or approving a Zoning By-law, it shall provide adequate information to such boards, agencies or commissions that

may have an interest and to the general public pertaining to the application and at the scheduled Public Meeting and/or meetings. Such information, notices and public meetings shall be in accordance with the provisions of the *Planning Act* and the County of Essex Official Plan.

Participation will be consistent with the scope and nature of the planning matter being addressed. Prior to making decisions related to planning matters, Council will encourage appropriate steps to be taken to resolve conflicting issues associated with the proposal. Where conflicting issues remain unresolved, these issues and the measures taken to respond to these issues shall be identified as part of any planning report prepared. Measures such as peer review and Alternate Dispute Resolution will be used when determined to be appropriate.

All other *Planning Act* applications shall follow the applicable notification procedures for said application(s) as outlined in the *Planning Act*.

Depending on the scope and scale of their applications, *Planning Act* applicants may be required to host a Public Information Centre (PIC) or meeting prior to a statutory public meeting as required in the *Planning Act*.

8.14 INDIGENOUS COMMUNITIES CONSULTATION

Council shall actively encourage meaningful consultation and participation by seeking the opinions of Indigenous communities as appropriate in the task of implementing and monitoring of this Plan.

8.15 PUBLIC WORKS AND CAPITAL WORKS PROGRAM

It is intended that the construction of public works within the Town of Kingsville shall be carried out in accordance with the policies of this Plan.

8.16 SITE PLAN CONTROL

The Town of Kingsville intends to exercise the site plan control powers assigned to it under the *Planning Act*, and in accordance with the Town's Site Plan Control By-law. Its objectives in using these powers are:

a) to ensure proper standards of site design for new development;

b) to ensure safety and efficiency of vehicular and pedestrian access;

c) to ensure accessibility for persons with disabilities and the elderly throughout the built landscape;

d) to minimize incompatibilities between new and existing development;

e) to control the location of driveways, parking, loading and garbage collection facilities;

f) to secure easements or grading and alterations necessary to provide for public utilities and site drainage;

g) to ensure that the development proposed is built and maintained as approved by Council.

8.16.1 Application

All of the lands within the Town of Kingsville's area of jurisdiction, as shown on Schedule "A" of this Plan, are proposed to be site plan control areas and will be designated as such by by-law. Site plan control will apply to all types of new development and to the expansion of existing uses within the Town. The Town will also require the submission of drawings as detailed in the *Planning Act*, for all residential buildings within its area of jurisdiction containing less than twenty-five dwelling units pursuant to the provisions of the *Planning Act*.

In addition to the above policies, the Town shall also use site plan control, consent applications and plans of subdivision to obtain needed road widening. As a condition of the approval of a site plan, consent or plan of subdivision, the Town, and/or County of Essex, may require the owner to provide, at no expense to the municipality, a specified amount of land for the purpose of future road widening. Such land shall only be required where the proposed development fronts on one or more of the roads indicated in Table 7.1 and only on the side and to the extent indicated in the table unless otherwise determined from an Environmental Assessment.

8.16.2 Implementation

This policy shall be implemented through the adoption of one or more Site Plan Control By-laws designating specific Site Plan Control Areas in accordance with the *Planning Act* and the policies contained in this subsection.

8.17 SUBSEQUENT LEGISLATION

Where any *Act* or portion of an *Act* is referred to in this Official Plan, such reference shall be interpreted to include any subsequent legislation that may replace or revise the specified *Act*.

8.18 ZONING BY-LAW

8.18.1 Holding Zone

The Town's implementing Zoning By-law will make selective use of the "Holding" zone approach as set out in Section 36 of the *Planning Act*. Certain areas will be zoned for their intended uses but will have the (h) symbol added. The addition of this symbol will delay the final approval of development until such time as specific conditions are met. When the conditions are met, the municipality will pass the necessary by-law removing the (h) symbol.

The use of the "Holding" zone approach will ensure the efficient phasing and proper servicing of all new types of development including Residential, Employment and Commercial. Undeveloped lands designated "Residential" and not covered by a draft or finally approved plan of subdivision will generally be subject to a "Holding" category until such time as engineering studies indicating the presence of an adequate level of services are approved by the Town. Prior to the removal of the (h) symbol, Council shall be satisfied that adequate sanitary sewage capacity and municipal water capacity is available to service the proposed development.

8.18.2 Implementing

The Town will revise its existing Zoning By-law to zone lands in accordance with the policies and designations contained within this Plan and will establish regulations to control the use of land and the character, location and use of buildings and structures.

8.18.3 Temporary Use By-Laws

Pursuant to the *Planning Act*, Council may pass "Temporary Use By-laws" to authorize the temporary use of land, buildings or structures for a purpose not otherwise authorized by the Zoning By-law for a specific period of time not to exceed three years. Council may authorize a temporary use on a one-time basis or for a short period of time not to exceed three years. Council may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation, etc. are not practical. Council may pass subsequent by-laws for granting extensions for up to three years. Once the by-law has lapsed, however, the use must cease or otherwise will be viewed as contravening the Zoning By-law.

Prior to the approval of any temporary use by-law, Council shall be satisfied that the following principals and criteria are met:

a) the proposed use shall be of a temporary nature, and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of temporary use provisions;

b) the proposed use shall not be incompatible with adjacent land uses and the character of the surrounding land area;

c) the proposed use shall be properly serviced and not require the extension or expansion of existing municipal services;

d) the proposed use shall not create any traffic problems within the surrounding area, nor shall it adversely affect the volume and/or the type of traffic commonly found on the area roads;

e) parking facilities required by the proposed use shall be provided entirely on-site;

f) the proposed use shall generally be beneficial to the surrounding area or the community-at-large.

g) Notwithstanding the policies of this Plan, Council may authorize the temporary use of land which may not conform to the land use policies of this Plan provided:

   i. the temporary use is determined to not have any detrimental effect upon the existing land uses in the area; and

   ii. the proposed temporary use conforms to the principles and criteria established in this subsection.

8.18.4 Interim Control By-laws

The Town may establish interim control by-laws in accordance with the relevant sections of the *Planning Act*, in order to control the use of land, buildings or structures within specifically identified areas for a specified period of time not exceeding one year, plus a permissible one-year extension in length.

8.18.5 Bonus/Density Increases

In accordance with the *Planning Act*, the Town may pass, at its sole discretion, a site-specific Zoning By-law amendment to authorize increases in the height and density of development above what is permitted in the Zoning By-law, in return for the following:

a) The provision of affordable or rental housing;

b) The preservation of built or cultural heritage features;

c) The provision of sustainable design features;

d) The protection and/or enhancement of Natural Heritage Features;

e) Parkland greater than that required by this Plan;

f) The provision of community centres, day care facilities or other public service facility;

g) The provision of urban spaces or private development sites in the Primary Nodes or Mixed Use Nodes;

h) Public art; and/or

i) Development charge credits, subject to the Development Charge By-law.

The funds received by the Town in relation to the above will be paid into a special account and used only for the facilities, services and other matters as specified in the by-law. The Town will annually, provide Council a financial statement relating to the special account, in accordance with the *Planning Act*.

8.19 SECONDARY PLANS

The following sections outline the requirements for the preparation of a Secondary Plan, including the contents of the Secondary Plan and the supporting study requirements.

8.19.1 Secondary Plan Preparation

Secondary Plans may be prepared to plan for growth and development on large areas of land within the Town or existing portions of the Town that require special land use policies. Should lands for growth and development be identified that are beyond the existing Settlement Area boundaries as a result of subsequent reviews of this Plan, a Secondary Plan will be required prior to development.

The following policies will apply to the preparation of secondary plans:

a) The Town may choose to undertake a Special Planning Study or Secondary Plan for lands not identified as a Secondary Plan Area on Schedule "A".

b) When undertaking a Special Planning Study or Secondary Plan for a Secondary Plan Area, land abutting the boundaries as shown on Schedule "A" may be included within the study area without amendment to this Plan. If the resultant study concludes that the abutting lands should be included within the Secondary Plan Area an amendment of this Plan shall be required.

c) The establishment of a Secondary Plan Area will recognize and account for any existing uses within the area and will seek to direct new development to areas outside of natural heritage features and hazard lands.

d) The establishment of a Secondary Plan Area or the preparation of a Secondary Plan will be approved by resolution of Town Council.

e) Secondary Plans may be used to establish unique or more detailed land use policies or land use designations than that of this Plan and will establish the location of key community services and amenities including schools, parks and open space and related uses.

f) Secondary Plans will be adopted as amendments to this Plan and read in conjunction with this Plan in its entirety. The Goals, Objectives and policies of this Plan will be maintained in the Secondary Plan. Any specific policy guidance resulting from the preparation of a Secondary Plan will be included within Section 2.15 of this Plan and the relevant schedules to this Plan will be amended or new schedules may be added.

g) The costs of preparing a Secondary Plan will be borne by the affected landowners, and not the Town. Should Council direct that a Secondary Plan be undertaken for an area that requires special land use policies, the Town may either share in the costs of preparing the Secondary Plan, or choose to assume the costs without landowner participation.

h) A Secondary Plan may be undertaken simultaneously with an undertaking under the *Environmental Assessment Act* to satisfy the Environmental Assessment requirements in a comprehensive and integrated process.

i) Prior to undertaking a Secondary Plan, the Town in consultation with the County of Essex, appropriate Conservation Authority, other agencies as deemed appropriate, and the proponent, may establish a terms of reference for the preparation of the Secondary Plan and any required supporting studies, to the satisfaction of the Town.

8.19.2 Secondary Plan Contents

Secondary Plans will generally include the following:

a) A statement of the basis or rationale for the preparation of the Secondary Plan;

b) A description of the area under study and the role and relationship of the area to the Town as a whole;

c) A description of the current land use, ownership, built and natural environment, and infrastructure in the area;

d) A statement of the desired land use arrangement for the area;

e) Goals and objectives appropriate for the area including a statement of how they are in keeping with the goals and objectives of this Plan;

f) Concept plan(s) showing, where appropriate, the following:

i. land use designations of the desired type and pattern of development with due consideration to the community design policies of this Plan;

ii. the nature and location of public facilities;

iii. the desired transportation network for the area and its links to the existing transportation network and active transportation network of the Town;

iv. the nature and location of municipal services including but not limited to sanitary sewage, stormwater management and potable water facilities;

v. the identification, protection and/or integration of significant cultural, built and natural heritage resources and areas and hazard lands;

vi. the identification of the natural heritage system; and

vii. the phasing of development and infrastructure;

g) Specific policies and strategies for achieving the goals and objectives established for the area that complement the policies of this Plan; and

h) Implementation measures to ensure the orderly delivery of the planned development.

8.19.3 Secondary Plan Supporting Requirements

The Town, in order to provide the appropriate background information for the Secondary Plan, may require the undertaking of a number of background reports at the Town's sole discretion. These reports may include, but will not be limited to:

a) An environmental impact assessment to determine environmental protection and natural heritage areas, the cumulative impact of development, and the identification of a natural heritage system, including supportive implementation policies;

b) A master servicing plan;

c) A stormwater management study;

d) A watershed or subwatershed plan;

e) A hydrological study, floodway delineation and flood modeling study and/or erosion study for hazard lands and flood prone areas;

f) A hydrogeological study;

g) A traffic impact analysis;

h) An urban design study;

i) A parks and open space study;

j) A community services and facilities study;

k) A cultural heritage and archaeological resource study;

l) An agricultural impact assessment;

m) A planning rationale report. The planning rationale report will address the following:

   i. The integration of proposed new development with the existing development;

   ii. The distribution of proposed land uses;

   iii. The range of housing styles and densities;

   iv. Neighbourhood commercial uses to service the residential and employment areas;

   v. Linkages between the residential and employment areas, parks, schools, recreational areas and institutional facilities;

   vi. The impact on adjacent agricultural operations, including consideration of Minimum Distance Separation Formulae; and

n) Other studies as may be identified by the Town, in consultation with the Essex Region Conservation Authority of other agencies.

The requirements of Subsections (a) through (f) may be embodied in an integrated and comprehensive study known as a Master Environmental Servicing Plan (MESP).

8.20 LANDOWNER COORDINATION AND COST-SHARING

In order to ensure appropriate and orderly development within the Town, the Town will ensure that the required agreements respecting infrastructure provision including financial provisions and cost sharing arrangements are in place prior to development proceeding.

a) To ensure that property owners contribute equitably towards the provisions of community and infrastructure facilities such as community use lands, parks, and local infrastructure facilities or public works (i.e. over sizing) and including roads, sanitary, water and storm water facilities, financing and indexing adjustments, property owners shall be required to enter into one or more developer (private) cost sharing agreements as a condition for the development of their lands, providing for the equitable distribution of the costs (including lands) of the aforementioned community and common public facilities where such costs are not dealt with under the *Development Charges Act*.

b) Prior to the approval of any development applications, the Town may require landowners to enter into an agreement as set out in (a) above. For those facilities not of community wide benefit, costs will only be allocated to those landowners who are benefited by the specified work. This may be implemented through a condition of Draft Plan of Subdivision approval or development agreement.

c) As a condition of development approval, the Town shall require that appropriate arrangements have been made between the Town and/or benefitting landowners to require the equitable payment for the required infrastructure or services which are required to serve the development.

d) Notwithstanding subsection c), the Town may continue to process development applications, but will not approve development until such time as the required cost recovery or cost sharing agreements are in place, to the satisfaction of the Town.

e) The Town shall be satisfied that the proposed developments are coordinated to ensure the appropriate provision of and extension of infrastructure.

f) The Town may require a letter of clearance from the trustee of the landowners cost sharing group to confirm that the landowner is in good standing with the landowners group, as a condition of draft plan approval.

g) The development of individual parcels of land should generally not be permitted in the absence of participation in a cost recovery or cost sharing agreement, where required to ensure orderly development.

h) The cost sharing agreements may be registered on title for each participating landowner to ensure that the covenants and obligations of the cost sharing agreement survive any transfer of ownership of the specific parcel of land.

i) The Town may establish more detailed policies to ensue landowner coordination and cost-sharing agreements are in place through Secondary Plans.

8.21 INTER-MUNICIPAL COORDINATION

The Town of Kingsville is adjacent to the Municipality of Leamington and Town of Essex, two constituent municipalities of the County of Essex. The Town recognizes the need to achieve orderly growth and the efficient provision of services to ensure the long-term health and prosperity of the region. The Town has to date worked cooperatively with its neighbouring and County municipalities to provide improved rivers and drains, sewer and water capacity, and sewage treatment. There is an on-going need to ensure coordinated planning and engineering and plans of action to foster effective and efficient growth and settlement.

Council shall, in conjunction with the County of Essex and local Essex County municipalities establish and maintain a formal protocol for on-going liaison on matters of mutual interest and concern including, but not limited to the following:

a) Growth management;

b) Transportation and physical service;

c) Natural area conservation and watershed management;

d) Economic development;

e) Climate change mitigation and adaptation;

f) Planning activities, and.

g) Cultural heritage resources.

8.21.1 Infrastructure

The Town will, in conjunction with local municipalities in the area including those in south-eastern Michigan, promote an effective and efficient system of infrastructure

through the support and participation of regional, Provincial and international infrastructure master plans.

The Town will endeavor to co-operate with and invite affected adjacent municipalities to participate in Municipal Class Environmental Assessments for municipal infrastructure projects including roads, water and wastewater projects. The Town will also participate in the preparation of Municipal Class Environmental Assessments within adjacent municipalities as potentially being affected by the subject undertaking.

The Town shall promote the achievement of a sustainable, efficient and effective regional transportation system that meets the economic, social and environmental needs of the area through the following:

a) Working with the County and local municipal participation in the regular review, monitoring and updating of the Essex-Windsor Transportation Master Plan and County Wide Active Transportation System.

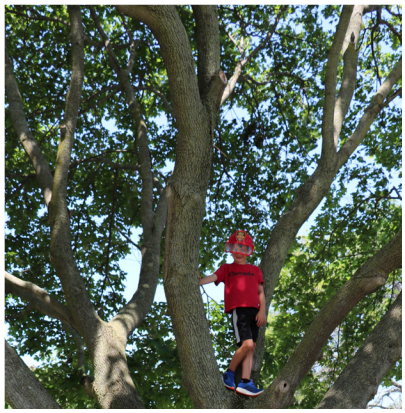
b) Supporting the preparation of traffic impact analysis and studies for major developments that are proposed in the area including an assessment of required regional transportation system improvements and equitable cost-sharing formulas.

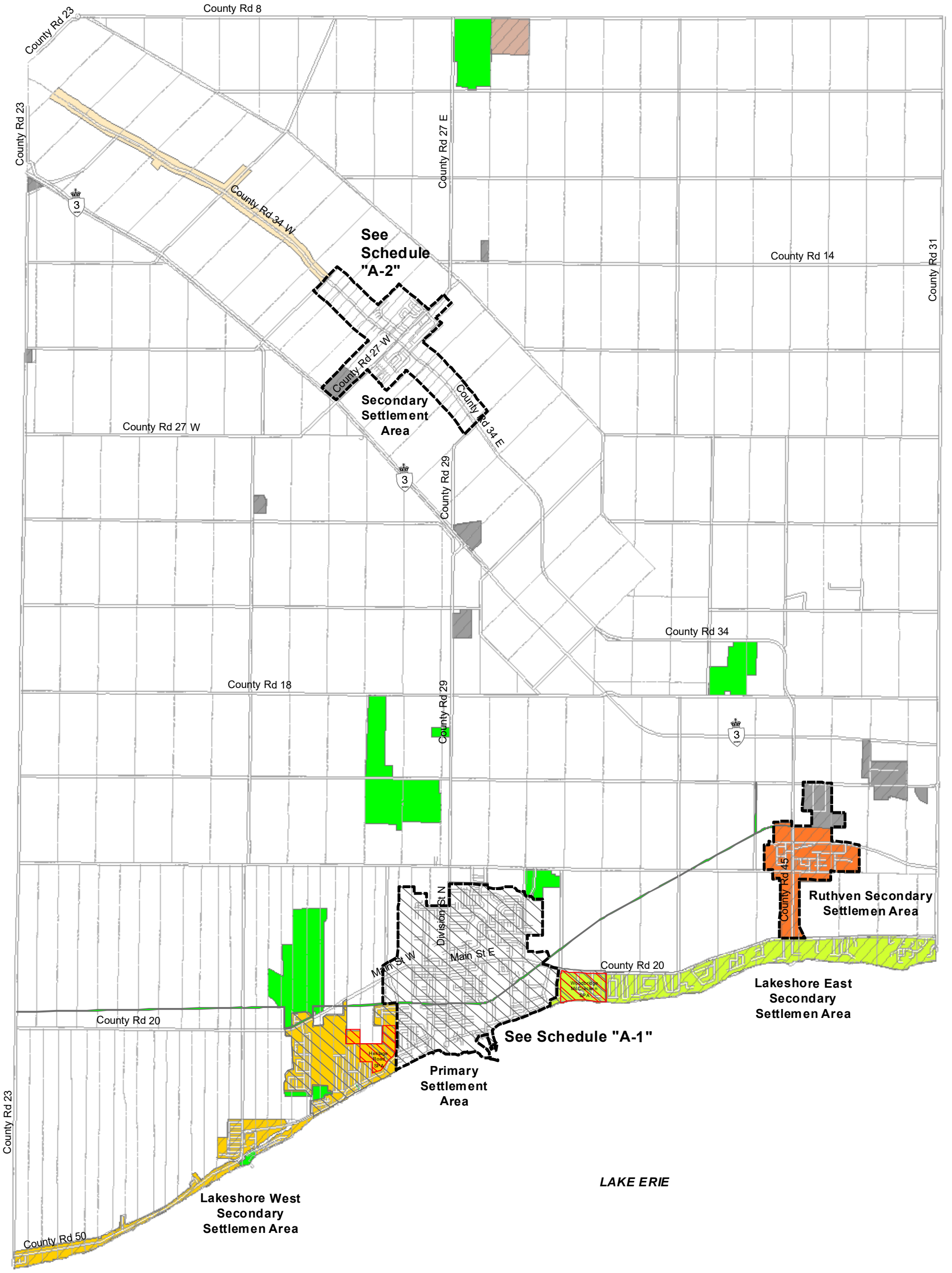
c) Identifying, coordinating and implementing fair and equitable funding sources for sharing capital and operating costs of region-wide transportation system improvements.

The Corporation of the Town of Kingsville

OFFICIAL PLAN SCHEDULES

December 2011
Town Council Approval: December 19, 2011
County of Essex Approval: February 1, 2012
5 Year Conformity Review: April 25, 2023





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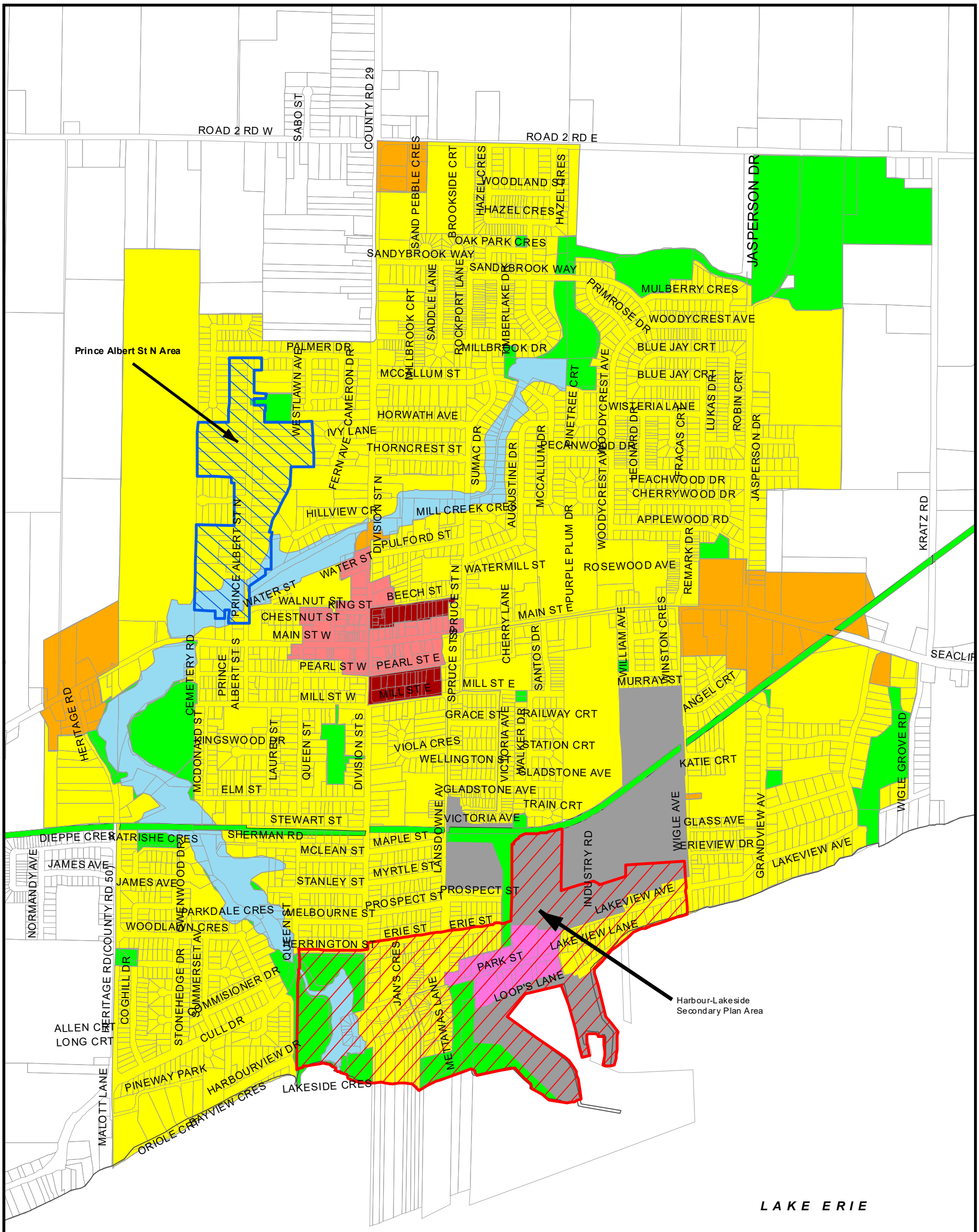
SCALE: 1:60,000

Schedule "A"
Land Use Plan
Town of Kingsville
Official Plan

Kingsville

Updated March 2023

- Agricultural
- Rural Residential
- Lakeshore Residential East
- Lakeshore Residential West
- Special Residential
- Hamlet
- Industrial
- Parks and Open Space
- Primary Settlement Area
- Secondary Settlement Area
- Secondary Plan Area



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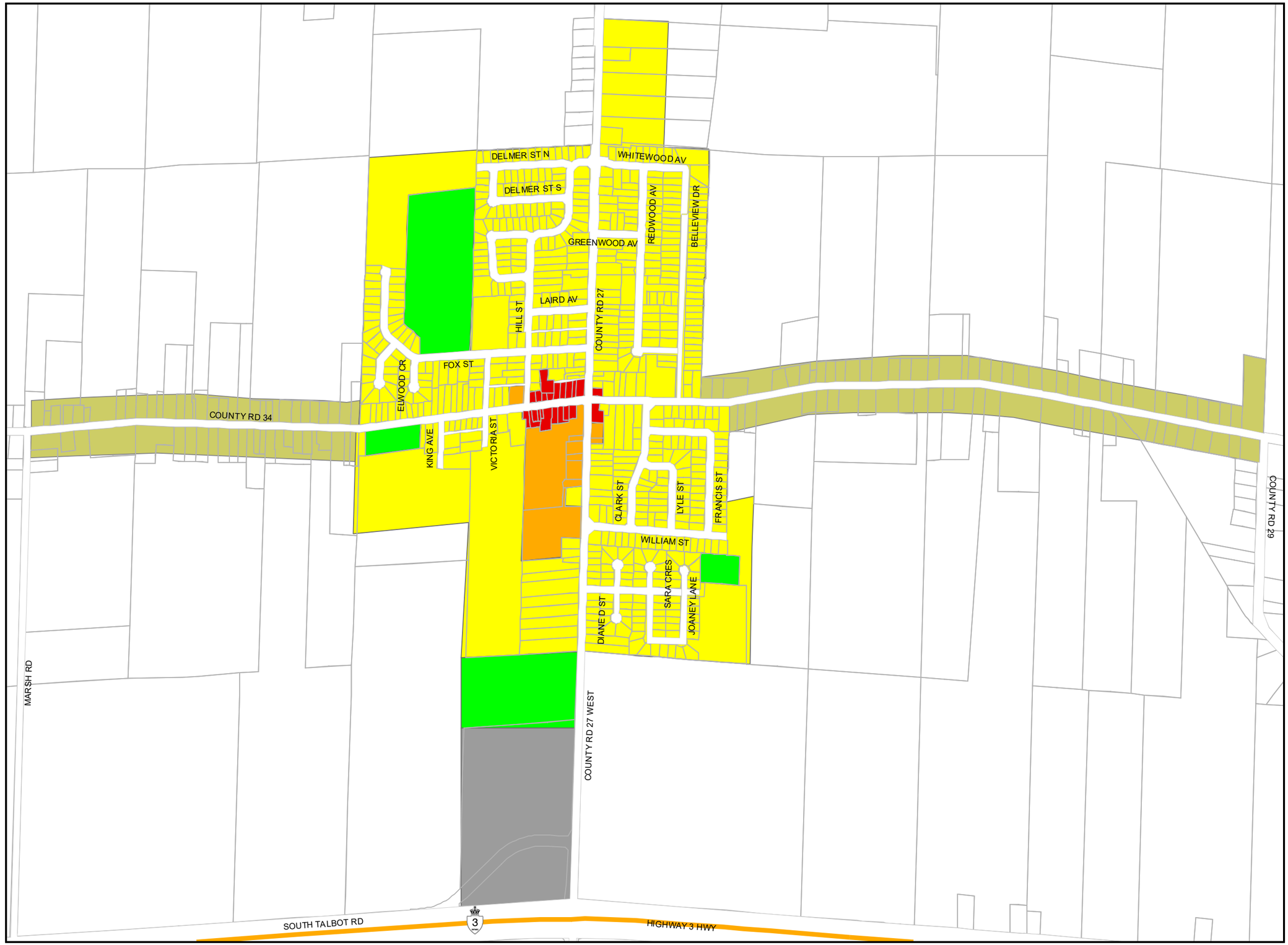
SCALE: 1:12,000

Schedule "A-1"
Land Use Plan
Town of Kingsville
Official Plan

Updated March 2023

- Residential
- Central Commercial
- Central Commercial/Residental
- Highway Commercial
- Waterfront Mixed Use Neighbourhood
- Industrial
- Park and Open Space
- Watercourse Protection
- Secondary Plan Area
- Prince Albert St N Area



Kingsville

Schedule "A-2" Land Use Plan Cottam in the Town of Kingsville Official Plan

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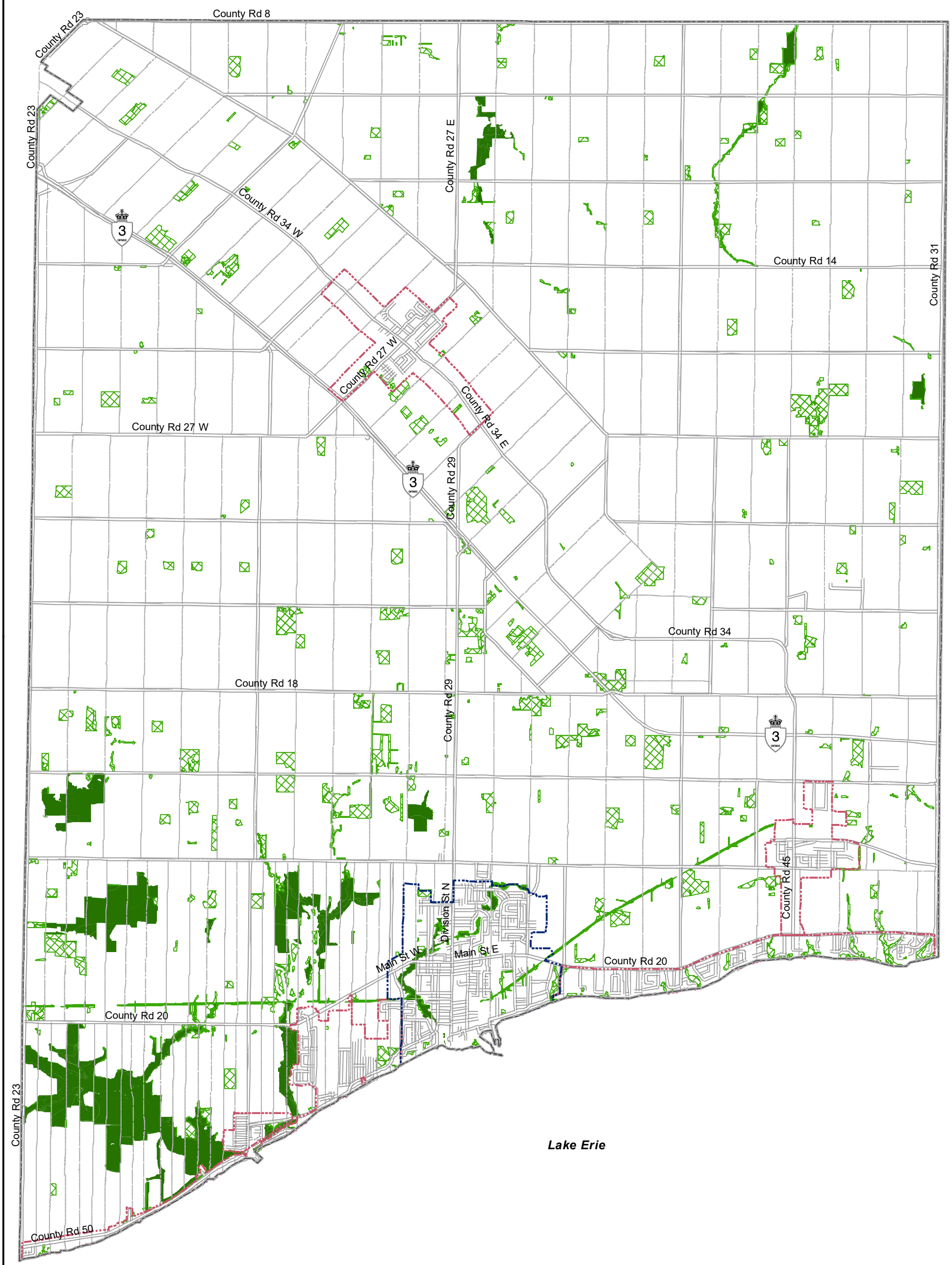
Meters

SCALE: 1:10,000

Updated March 2023

- Residential
- Rural Residential
- Central Commercial
- Industrial
- Park and Open Space
- Highway Commercial



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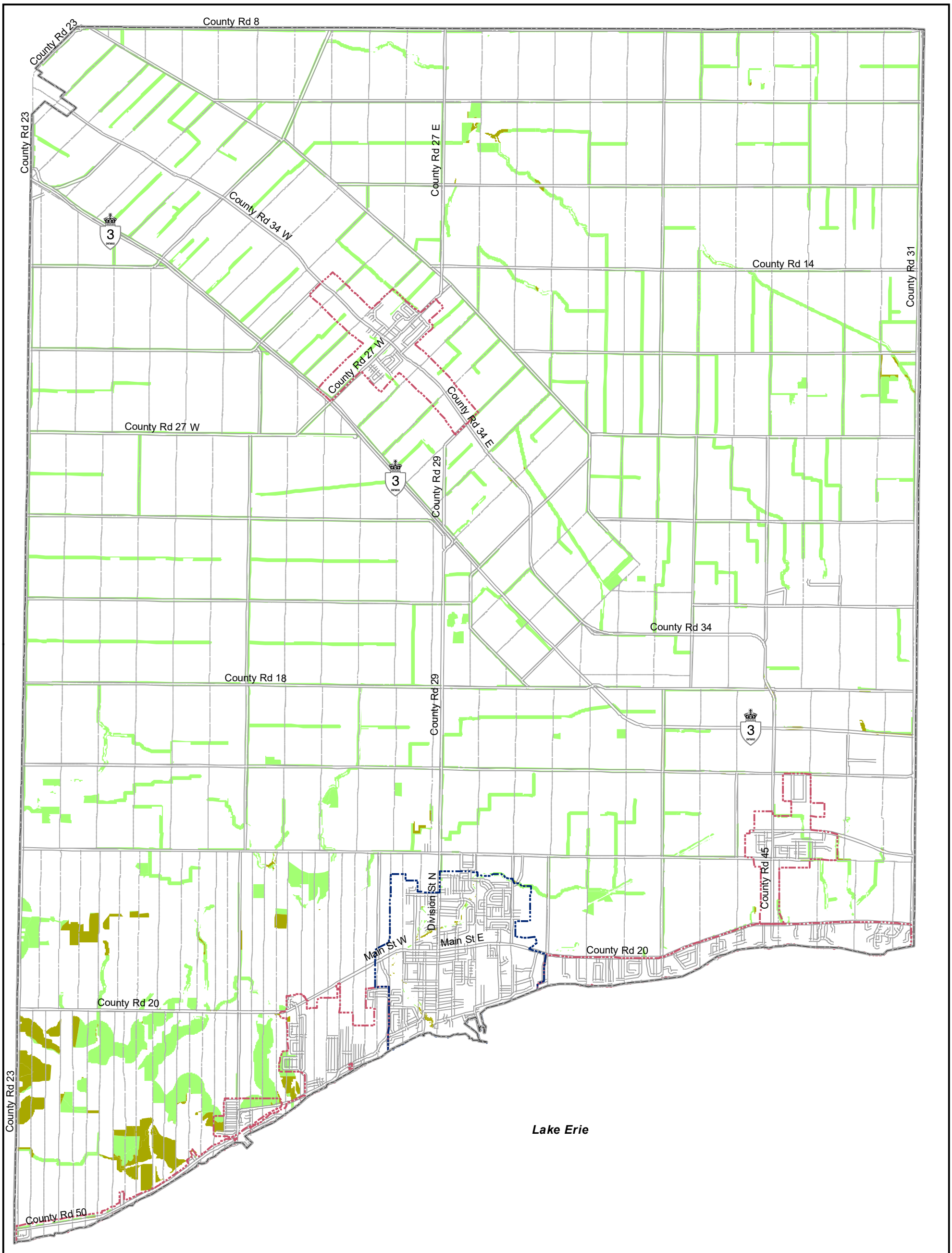
SCALE: 1:60,000

Schedule "B"
Natural Heritage System
Town of Kingsville
Official Plan

Kingsville

Updated March 2023

- Natural Environment Overlay
- Natural Environment
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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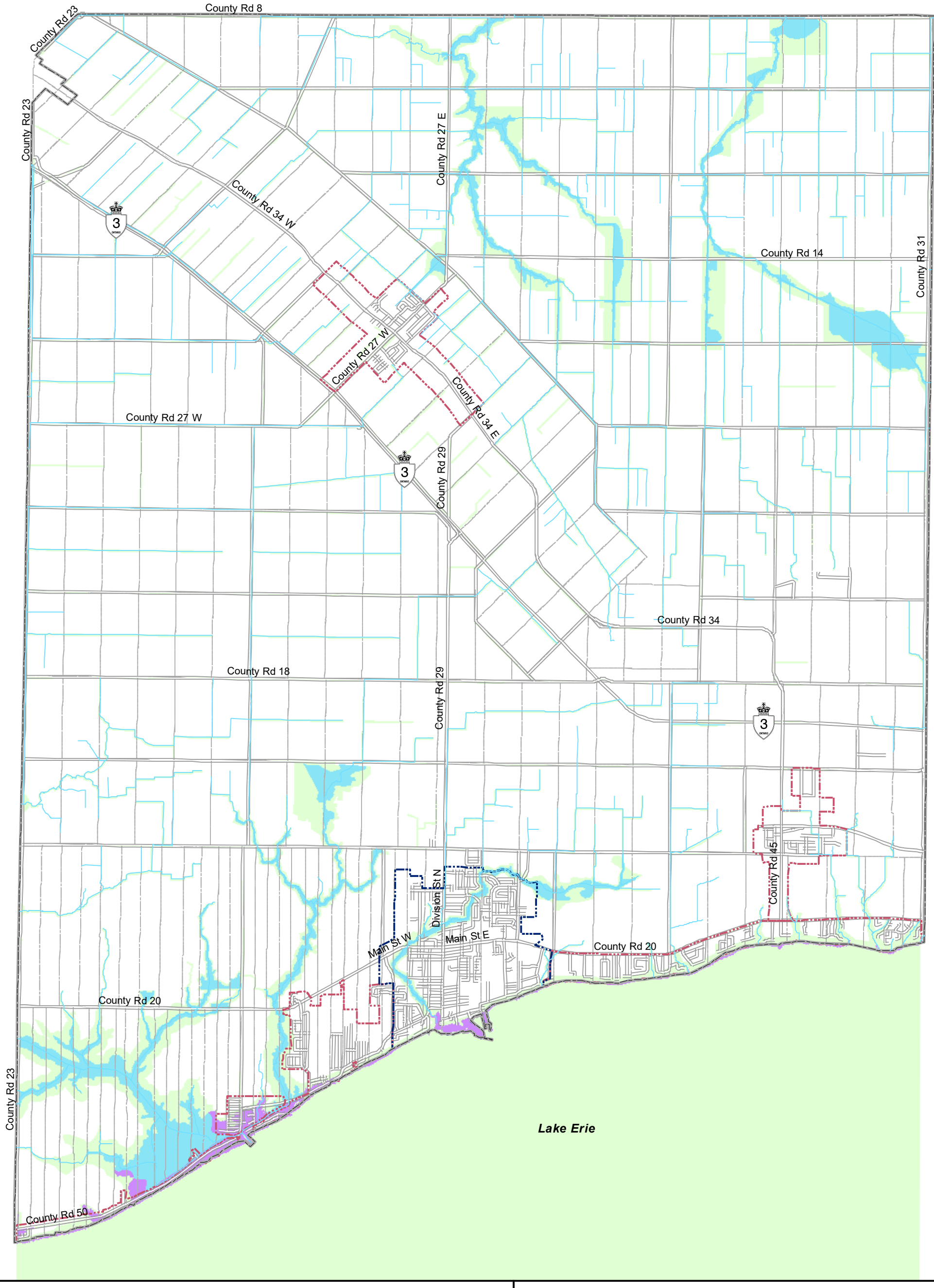
SCALE: 1:60,000

Schedule "B-1"
Natural Heritage System
Restoration Opportunities
Town of Kingsville
Official Plan

Kingsville

Updated March 2023

- Priority Restoration Opportunities
- Secondary Restoration Opportunities
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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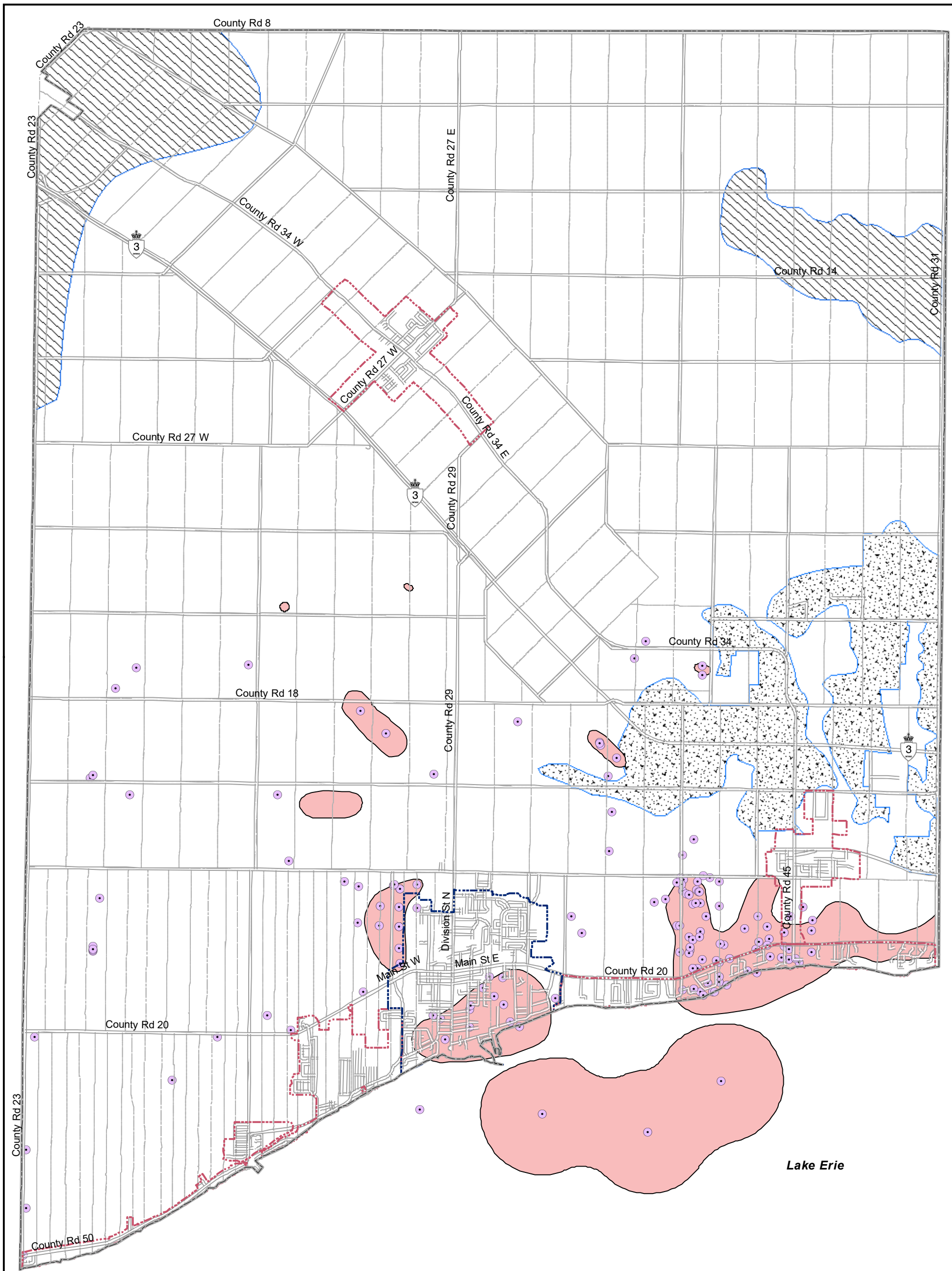
SCALE 1:60,000

Schedule "C"
Natural Hazards
Town of Kingsville
Official Plan

Updated March 2023

- Lake Erie Hazard Area Overlay
- Floodplain Development Control Area Overlay
- Limit of Regulated Area
- Watercourses/ Municipal Drains
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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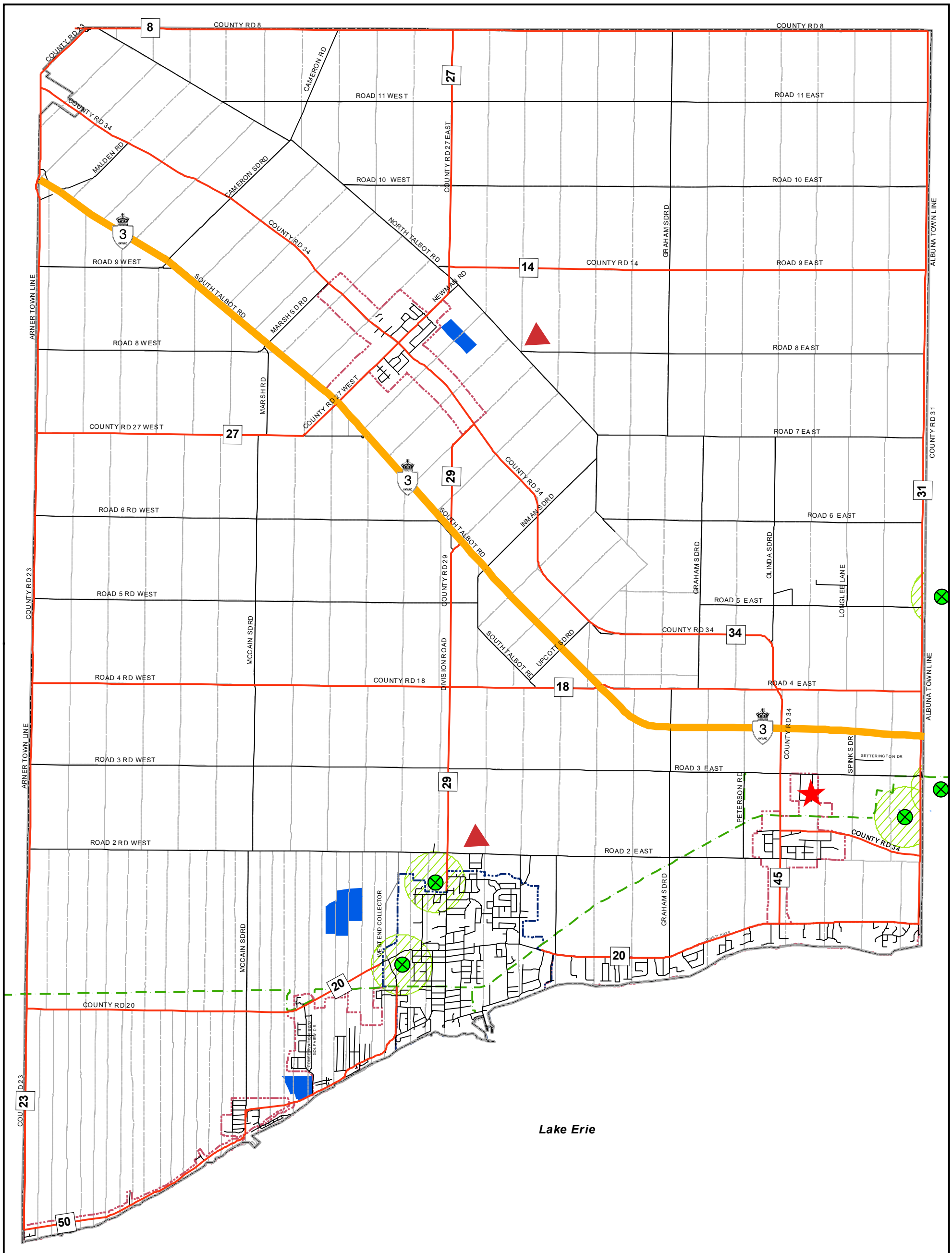
SCALE: 1:60,000

Schedule "D"
Natural Resources
Town of Kingsville
Official Plan

Updated March 2023

- Petroleum Wells
- Petroleum Pools
- Extractive Industrial Overlay (Primary)
- Extractive Industrial Overlay (Secondary)
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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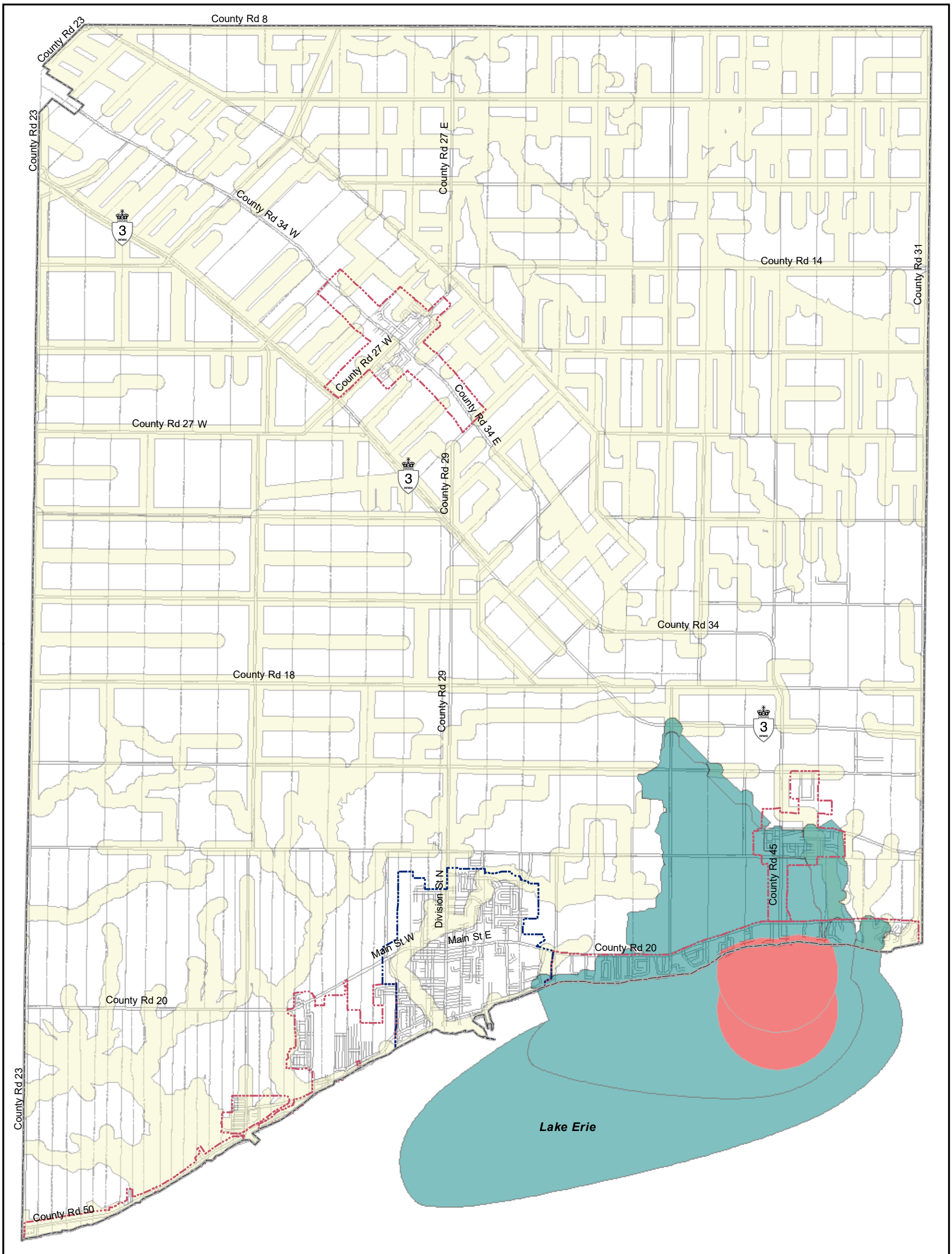
SCALE: 1:60,000

Schedule "E"
Roads, Utilities, Services
Town of Kingsville
Official Plan

Updated March 2023

- ELECTRICAL POWER FACILITY
- RUTHVEN INDUSTRIAL PARK
- SANITARY TREATMENT FACILITIES
- WASTE DISPOSAL SITES
- 500-METRE INFLUENCE AREA
- PROVINCIAL HIGHWAY
- COUNTY ROADS
- LOCAL ROADS
- FUTURE ROADS
- TRAILS



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SCALE: 1:60,000

Schedule "F"
Intake Protection Zones

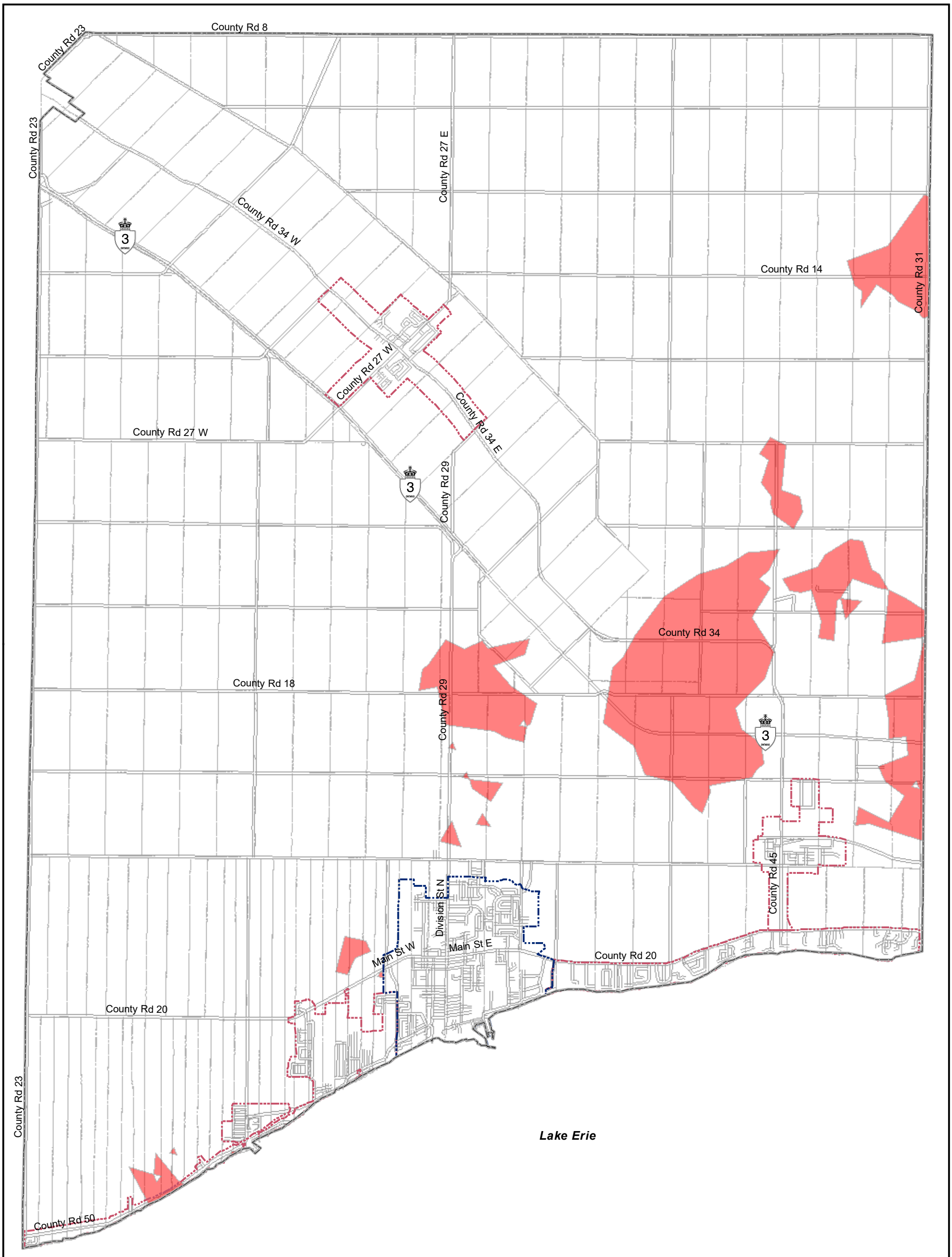
Updated March 2023

Intake Protection Zone

IPZ Type

- 1
- 2
- 3

- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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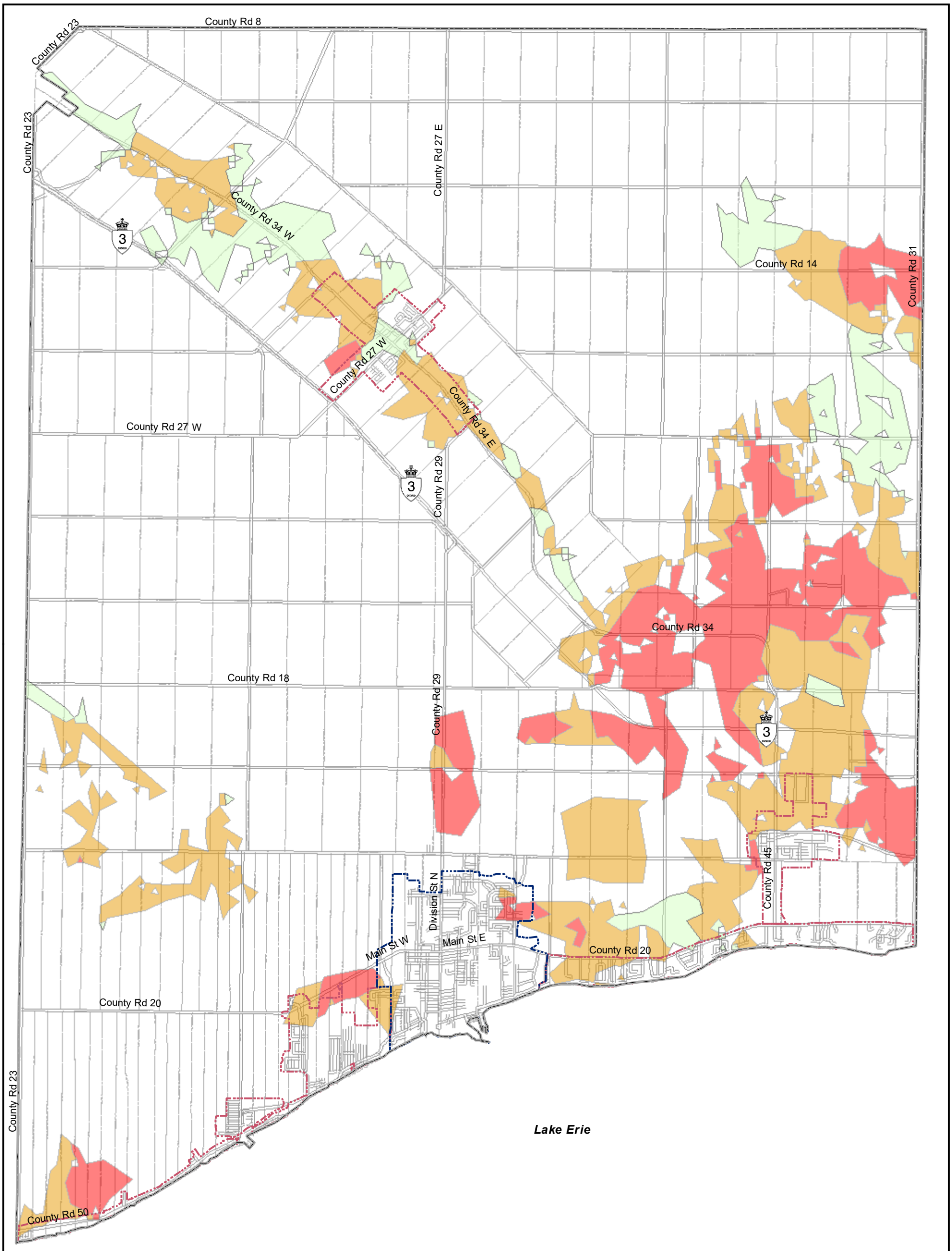
SCALE: 1:60,000

Schedule "G"
Highly Vulnerable Aquifers

Updated March 2023

- Highly Vulnerable Aquifer
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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SCALE: 1:60,000

Schedule "H"
Significant Groundwater Recharge Areas

Updated March 2023

SGRA Vulnerabilty

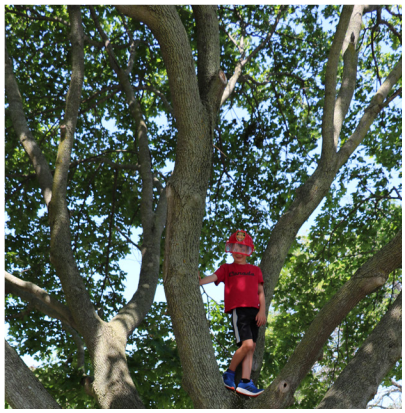
- High
- Medium
- Low

- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area

The Corporation of the Town of Kingsville

OFFICIAL PLAN APPENDICES

December 2011
Town Council Approval: December 19, 2011
County of Essex Approval: February 1, 2012
5 Year Conformity Review: April 25, 2023



APPENDIX A: DESIGNATED HERITAGE PROPERTIES

Street	Street Number	Academic Style	By-Law Number
County Rd. 14	192 E	Eduardian	106-2018
County Rd. 34	325 E	Gothic Revival	102-2010
County Rd. 34	1500	Regional Vernacular	91-2014
Division St.	111 S	Queen Anne	30-1987
Division St.	28 S	Art Deco	61-2012
Division St.	164 S	Italianate	96-2006
Division St.	78 S	Queen Anne	98-2006
Division St.	86 S	Italianate	97-2006
Division St.	189 S	Folk Victorian	121-2006
Division St.	62 S	Colonial Revival	137-2010
Division St.	59 S	Colonial Revival	10-2013
Division St.	171 N	National	68-2013
Division St.	126 N	Colonial Revival	74-2015
Division St.	2467 N	Cemeteries	83-2005
Elgin St.	1633	Queen Anne	81-2012
Elm St.	107	Queen Anne	12-2017
Elm St.	40	Queen Anne	80-2011
Lakeview Ave.	321	Georgian	138-2006
Lakeview Ave.	311	Mission	141-2011
Lansdowne Ave.	169	Richardsonian Romanesque	31-1994
Laurel St.	121	Gothic Revival	35-2008
Main St.	98 E	Queen Anne	84-2005
Main St.	108 W	Italianate	14-2007
Main St.	90 E	Gothic Revival	34-2008
Main St.	171 E	Queen Anne	82-2012

Main St.	189 W	Italian Renaissance	102-2013
Main St.	30 E	Arts And Craft	126-2018
Main St.	29 W	Italianate	10-2010
Mc Cain Side Rd.	1423	Second Empire	137-2006
Mill St.	2	Gothic Revival	92-2008
Park St.	64	National	101-2010
Queen St.	47	Queen Anne	111-2007
Queen St.	31	Craftsman	122-2006
Queen St.	315	Park	136-2010
Road 3	1422 E	Second Empire	98-2018
Road 3	332	Edwardian	39-2022
Seacliff Drive	608	Gothic Revival	140-2011
Seacliff Drive	755	Craftsman	14-2017

APPENDIX B: LISTED HERITAGE PROPERTIES

Street	Street Number	Academic Style	By-Law Number
Albuna Townline	1893	Italianate	January 1st, 2025
Albuna Townline	3123	Queen Anne	January 1st, 2025
Arner Townline	3280	Gothic Revival	January 1st, 2025
Beech Street	72	Italianate	January 1st, 2025
County Rd. 14	76	Gothic Revival	January 1st, 2025
County Rd. 14	81	Italianate	January 1st, 2025
County Rd. 14	103 E	Georgian	January 1st, 2025
County Rd. 14	331	Tudor	January 1st, 2025
County Rd. 20	389	Queen Anne	January 1st, 2025
County Rd. 20	452	Colonial	January 1st, 2025
County Rd. 20	530	Queen Anne	January 1st, 2025
County Rd. 20	693	Colonial Revival	January 1st, 2025
County Rd. 20	907	Colonial Revival	January 1st, 2025
County Rd. 20	1201	Gothic Revival	January 1st, 2025
County Rd. 20	1542	Italianate	January 1st, 2025
County Rd. 20	1609	Colonial Revival	January 1st, 2025
County Rd. 20	1684	National	January 1st, 2025
County Rd. 20	1754	Italianate	January 1st, 2025
County Rd. 20	1788	Gothic Revival	January 1st, 2025
County Rd. 20	1842	Craftsman	January 1st, 2025
County Rd. 27	48	Gothic Revival	January 1st, 2025
County Rd. 27	116	Colonial Revival	January 1st, 2025
County Rd. 27	125	National	January 1st, 2025
County Rd. 27	130	Italianate	January 1st, 2025
County Rd. 27	199	National	January 1st, 2025
County Rd. 27	239	Queen Anne	January 1st, 2025
County Rd. 27	242	Queen Anne	January 1st, 2025

County Rd. 27	269	National	January 1st, 2025
County Rd. 27	283	Gothic Revival	January 1st, 2025
County Rd. 27	328	Gothic Revival	January 1st, 2025
County Rd. 27	401	National	January 1st, 2025
County Rd. 34	102 E	Colonial Revival	January 1st, 2025
County Rd. 34	106 W	Colonial Revival	January 1st, 2025
County Rd. 34	111 W	Colonial Revival	January 1st, 2025
County Rd. 34	112 E	Colonial Revival	January 1st, 2025
County Rd. 34	113 E	Colonial Revival	January 1st, 2025
County Rd. 34	113 W	Colonial Revival	January 1st, 2025
County Rd. 34	117 W	Colonial Revival	January 1st, 2025
County Rd. 34	118 E	Tudor	January 1st, 2025
County Rd. 34	135 W	Gothic Revival	January 1st, 2025
County Rd. 34	138 W	Colonial Revival	January 1st, 2025
County Rd. 34	142 W	Gothic Revival	January 1st, 2025
County Rd. 34	145 W	Colonial Revival	January 1st, 2025
County Rd. 34	152 W	Neoclassical	January 1st, 2025
County Rd. 34	154 W	Greek Revival	January 1st, 2025
County Rd. 34	159 W	National	January 1st, 2025
County Rd. 34	174 E	National	January 1st, 2025
County Rd. 34	175 W	Park	January 1st, 2025
County Rd. 34	184 W	Colonial Revival	January 1st, 2025
County Rd. 34	186 W	Gothic Revival	January 1st, 2025
County Rd. 34	200 W	National	January 1st, 2025
County Rd. 34	205 W	Queen Anne	January 1st, 2025
County Rd. 34	208 E	Neoclassical	January 1st, 2025
County Rd. 34	211 E	Gothic Revival	January 1st, 2025
County Rd. 34	211 W	Gothic Revival	January 1st, 2025
County Rd. 34	217 W	Gothic Revival	January 1st, 2025

County Rd. 34	235 W	Gothic Revival	January 1st, 2025
County Rd. 34	243 E	Gothic Revival	January 1st, 2025
County Rd. 34	262 W	National	January 1st, 2025
County Rd. 34	279 E	Tudor	January 1st, 2025
County Rd. 34	284 E	Colonial Revival	January 1st, 2025
County Rd. 34	293 W	National	January 1st, 2025
County Rd. 34	304 W	Colonial Revival	January 1st, 2025
County Rd. 34	322 W	Gothic Revival	January 1st, 2025
County Rd. 34	355 W	Gothic Revival	January 1st, 2025
County Rd. 34	364 W	Gothic Revival	January 1st, 2025
County Rd. 34	365 W	Gothic Revival	January 1st, 2025
County Rd. 34	367 E	Gothic Revival	January 1st, 2025
County Rd. 34	377 W	National	January 1st, 2025
County Rd. 34	391 W	Gothic Revival	January 1st, 2025
County Rd. 34	393 W	Gothic Revival	January 1st, 2025
County Rd. 34	405 W	Colonial Revival	January 1st, 2025
County Rd. 34	423 W	Italianate	January 1st, 2025
County Rd. 34	439 W	National	January 1st, 2025
County Rd. 34	522 W	Gothic Revival	January 1st, 2025
County Rd. 34	543 W	Adam	January 1st, 2025
County Rd. 34	552 W	Gothic Revival	January 1st, 2025
County Rd. 34	576	Italianate	January 1st, 2025
County Rd. 34	695-707	Queen Anne	January 1st, 2025
County Rd. 34	755	Gothic Revival	January 1st, 2025
County Rd. 34	916	National	January 1st, 2025
County Rd. 34	1027	Gothic Revival	January 1st, 2025
County Rd. 34	1246	Colonial Revival	January 1st, 2025
County Rd. 34	1429	National	January 1st, 2025
County Rd. 34	1498	Greek Revival	January 1st, 2025

County Rd. 34	1521-1523	National	January 1st, 2025
County Rd. 34	1573	National	January 1st, 2025
County Rd. 34	1575	Craftsman	January 1st, 2025
County Rd. 34	1583-1585	Colonial Revival	January 1st, 2025
County Rd. 34	1952	Gothic Revival	January 1st, 2025
Division St.	14-18 S	Art Deco	January 1st, 2025
Division St.	20 S	Queen Anne	January 1st, 2025
Division St.	23 N	Pre-Modern	January 1st, 2025
Division St.	25 N	Chicago Style	January 1st, 2025
Division St.	31 S	Queen Anne	January 1st, 2025
Division St.	38 S	Craftsman	January 1st, 2025
Division St.	53 S	Queen Anne	January 1st, 2025
Division St.	56 S	Richardsonian Romanesque	January 1st, 2025
Division St.	63 N	Adam	January 1st, 2025
Division St.	73 S	Craftsman	January 1st, 2025
Division St.	77s	Queen Anne	January 1st, 2025
Division St.	98 S	Gothic Revival	January 1st, 2025
Division St.	103 S	National	January 1st, 2025
Division St.	121 S	Colonial Revival	January 1st, 2025
Division St.	138 N	Craftsman	January 1st, 2025
Division St.	138 S	Gothic Revival	January 1st, 2025
Division St.	147 N	Gothic Revival	January 1st, 2025
Division St.	150 N	Gothic Revival	January 1st, 2025
Division St.	153 N	Craftsman	January 1st, 2025
Division St.	163 N	Adam	January 1st, 2025
Division St.	167 S	Folk Victorian	January 1st, 2025
Division St.	172 N	Queen Anne	January 1st, 2025
Division St.	172 S	Queen Anne	January 1st, 2025

Division St.	177 S	Folk Victorian	January 1st, 2025
Division St.	186 N	National	January 1st, 2025
Division St.	202 N	Folk Victorian	January 1st, 2025
Division St.	205 N	National	January 1st, 2025
Division St.	209 S	Craftsman	January 1st, 2025
Division St.	214 S	National	January 1st, 2025
Division St.	235 S	Prairie	January 1st, 2025
Division St.	247 S	Prairie	January 1st, 2025
Division St.	261 S	Prairie	January 1st, 2025
Division St.	267 S	Gothic Revival	January 1st, 2025
Division Rd.	2953 N	Colonial Revival	January 1st, 2025
Division Rd.	2953 N	Craftsman	January 1st, 2025
Division Rd.	2960 N	Second Empire	January 1st, 2025
Elgin St.	1622	Queen Anne	January 1st, 2025
Elgin St.	1625	National	January 1st, 2025
Elgin St.	1672	National	January 1st, 2025
Elm St.	14	Folk Victorian	January 1st, 2025
Elm St.	25	Folk Victorian	January 1st, 2025
Elm St.	39	National	January 1st, 2025
Elm St.	77	Folk Victorian	January 1st, 2025
Elm St.	83	National	January 1st, 2025
Elm St.	91	National	January 1st, 2025
Elm St.	108	Gothic Revival	January 1st, 2025
Erie St.	28	Prairie	January 1st, 2025
Erie St.	41	Italianate	January 1st, 2025
Erie St.	45	Gothic Revival	January 1st, 2025
Francis	781	Pre-Railroad	January 1st, 2025
Graham Side Rd.	4263	National	January 1st, 2025
Graham Side Rd.	4458	Queen Anne	January 1st, 2025

Harbour View	84	Prairie	January 1st, 2025
Heritage Rd.	97	Gothic Revival	January 1st, 2025
Heritage Rd.	200	Queen Anne	January 1st, 2025
Heritage Rd.	1247	Colonial Revival	January 1st, 2025
Heritage Rd.	1600	National	January 1st, 2025
Heritage Rd.	1830-1852	Gothic Revival	January 1st, 2025
Herrington St.	40	Colonial Revival	January 1st, 2025
Jasperson Dr.	1596	Dutch Colonial	January 1st, 2025
King St.	7	Folk Victorian	January 1st, 2025
King St.	13	National	January 1st, 2025
Lakeview Ave.	205	Colonial Revival	January 1st, 2025
Lakeview Ave.	229	Dutch Colonial	January 1st, 2025
Lakeview Ave.	251	Georgian	January 1st, 2025
Lakeview Ave.	257	Georgian	January 1st, 2025
Lakeview Ave.	329	Queen Anne	January 1st, 2025
Lakeview Ave.	335	Shingle	January 1st, 2025
Lakeview Ave.	351	Craftsman	January 1st, 2025
Lansdowne Ave.	92	Adam	January 1st, 2025
Lansdowne Ave.	273	Queen Anne	January 1st, 2025
Laurel St.	71-73	Gothic Revival	January 1st, 2025
Laurel St.	99	Gothic Revival	January 1st, 2025
Laurel St.	105	National	January 1st, 2025
Laurel St.	122	Dutch Colonial	January 1st, 2025
Main St.	1 E	Chicago Style	January 1st, 2025
Main St.	12 E	Nameless Vernacular	January 1st, 2025
Main St.	13 E	Chicago Style	January 1st, 2025
Main St.	15 E	Georgian	January 1st, 2025
Main St.	19 E	Chicago Style	January 1st, 2025
Main St.	21 E	Pre-Modern	January 1st, 2025

Main St.	24 W	Italian Renaissance	January 1st, 2025
Main St.	31 W	Italianate	January 1st, 2025
Main St.	33 W	Italianate	January 1st, 2025
Main St.	58 E	Craftsman	January 1st, 2025
Main St.	64 E	Folk Victorian	January 1st, 2025
Main St.	67 E	Gothic Revival	January 1st, 2025
Main St.	76 E	Second Empire	January 1st, 2025
Main St.	84 W	Colonial Revival	January 1st, 2025
Main St.	93 E	Craftsman	January 1st, 2025
Main St.	96 W	Gothic Revival	January 1st, 2025
Main St.	102 E	Folk Victorian	January 1st, 2025
Main St.	119 W	Colonial Revival	January 1st, 2025
Main St.	120 W	National	January 1st, 2025
Main St.	135 E	Gothic Revival	January 1st, 2025
Main St.	172 W	Craftsman	January 1st, 2025
Main St.	190 W	Neoclassical	January 1st, 2025
Main St.	220 E	Colonial Revival	January 1st, 2025
Main St.	289 W	Italianate	January 1st, 2025
Malott Lane	880	Colonial Revival	January 1st, 2025
Malott Lane	892	Second Empire	January 1st, 2025
Malott Lane	908	Folk Victorian	January 1st, 2025
Maple St.	13	National	January 1st, 2025
Mc Cain Side Rd.	995	Barn	January 1st, 2025
Mc Cain Side Rd.	1001	Colonial Revival	January 1st, 2025
Mc Donald St.	85	Adam	January 1st, 2025
Mc Lean St.	18	Gothic Revival	January 1st, 2025
Mill St.	20 W	Prairie	January 1st, 2025
Mill St.	29 W	Gothic Revival	January 1st, 2025
Mill St.	30 E	Gothic Revival	January 1st, 2025

Mill St.	32 W	Gothic Revival	January 1st, 2025
Mill St.	74 W	Folk Victorian	January 1st, 2025
Mill St.	101 W	Octagon	January 1st, 2025
Mill St.	108 W	Gothic Revival	January 1st, 2025
Mill St.	123 W	Georgian	January 1st, 2025
Mill St.	125 W	National	January 1st, 2025
Mill St.	136 W	Queen Anne	January 1st, 2025
North Talbot Rd.	194	Colonial Revival	January 1st, 2025
North Talbot Rd.	212	Georgian	January 1st, 2025
Olinda Side Rd.	2851	Gothic Revival	January 1st, 2025
Olinda Side Rd.	2918	Pre-Railroad	January 1st, 2025
Olinda Side Rd.	2953	Gothic Revival	January 1st, 2025
Olinda Side Rd.	3025	Queen Anne	January 1st, 2025
Orchard Blvd.	833	Folk Victorian	January 1st, 2025
Park St.	56	Colonial Revival	January 1st, 2025
Pearl St. W	36	National	January 1st, 2025
Pearl St. W	59	National	January 1st, 2025
Pearl St. W	37	National	January 1st, 2025
Pearl St. W	69	Folk Victorian	January 1st, 2025
Pearl St. W	91	Gothic Revival	January 1st, 2025
Prince Albert St.	41	Folk Victorian	January 1st, 2025
Prospect St.	50	Queen Anne	January 1st, 2025
Queen St.	38	Folk Victorian	January 1st, 2025
Queen St.	59	Queen Anne	January 1st, 2025
Queen St.	60	National	January 1st, 2025
Queen St.	64	Folk Victorian	January 1st, 2025
Queen St.	76	National	January 1st, 2025
Queen St.	94	Colonial Revival	January 1st, 2025
Queen St.	95	Gothic Revival	January 1st, 2025

Queen St.	127	Gothic Revival	January 1st, 2025
Queen St.	160	Gothic Revival	January 1st, 2025
Queen St.	217	National	January 1st, 2025
Queen St.	253	Queen Anne	January 1st, 2025
Road 2	319 E	Italianate	January 1st, 2025
Road 2	611 W	Gothic Revival	January 1st, 2025
Road 2	622 W	Italianate	January 1st, 2025
Road 2	849 W	Gothic Revival	January 1st, 2025
Road 2	958 E	Craftsman	January 1st, 2025
Road 2	1005 W	Richardsonian Romanesque	January 1st, 2025
Road 2	1142 W	Gothic Revival	January 1st, 2025
Road 2	1880 W	National	January 1st, 2025
Road 3	251 E	National	January 1st, 2025
Road 3	366 E	National	January 1st, 2025
Road 3	641 E	National	January 1st, 2025
Road 3	644 W	National	January 1st, 2025
Road 3	710 E	Gothic Revival	January 1st, 2025
Road 3	734 W	Folk Victorian	January 1st, 2025
Road 3	749 E	Gothic Revival	January 1st, 2025
Road 3	838 E	Gothic Revival	January 1st, 2025
Road 3	1417	Prairie	January 1st, 2025
Road 3	1557 E	National	January 1st, 2025
Road 3	1642 W	Folk Victorian	January 1st, 2025
Road 3	1744 W	Queen Anne	January 1st, 2025
Road 3	2014 E	National	January 1st, 2025
Road 4	250 E	Gothic Revival	January 1st, 2025
Road 4	573 E	Prairie	January 1st, 2025
Road 4	629 E	Queen Anne	January 1st, 2025

Road 4	1329 E	National	January 1st, 2025
Road 4	1712 W	Gothic Revival	January 1st, 2025
Road 5	1520 E	National	January 1st, 2025
Road 5	1628 E	Gothic Revival	January 1st, 2025
Road 5	1706 E	Folk Victorian	January 1st, 2025
Road 5	2043 E	Gothic Revival	January 1st, 2025
Road 6	982-984 E	Queen Anne	January 1st, 2025
Road 6	1988 W	National	January 1st, 2025
Road 7	1 E	Gothic Revival	January 1st, 2025
Road 7	27 E	Queen Anne	January 1st, 2025
Road 7	46 E	Georgian	January 1st, 2025
Road 7	173	Tudor	January 1st, 2025
Road 7	187 E	Gothic Revival	January 1st, 2025
Road 7	315 E	Italianate	January 1st, 2025
Road 8	93 W	Pre-Railroad	January 1st, 2025
Road 8	131 W	Gothic Revival	January 1st, 2025
Road 8	138 W	Folk Victorian	January 1st, 2025
Road 8	155 W	National	January 1st, 2025
Road 10	254	Colonial Revival	January 1st, 2025
Road 10	257	Gothic Revival	January 1st, 2025
Road 10	274	Gothic Revival	January 1st, 2025
Road 10	560	Queen Anne	January 1st, 2025
Road 11	169	National	January 1st, 2025
Road 11	671 E	Craftsman	January 1st, 2025
Seacliff Drive	455-465	Georgian	January 1st, 2025
Seacliff Drive	470	Colonial Revival	January 1st, 2025
Seacliff Drive	525	Folk Victorian	January 1st, 2025
Seacliff Drive	528	Colonial Revival	January 1st, 2025
Seacliff Drive	570	Tudor	January 1st, 2025

Seacliff Drive	681	Georgian	January 1st, 2025
Seacliff Drive	764	National	January 1st, 2025
Seacliff Drive	787	Craftsman	January 1st, 2025
Seacliff Drive	850	National	January 1st, 2025
Seacliff Drive	1108	Georgian	January 1st, 2025
Seacliff Drive	1203	Adam	January 1st, 2025
Seacliff Drive	1242	National	January 1st, 2025
Seacliff Drive	1313	Queen Anne	January 1st, 2025
Seacliff Drive	1395	Prairie	January 1st, 2025
Seacliff Drive	1699	Second Empire	January 1st, 2025
Seacliff Drive	1519	Folk Victorian	January 1st, 2025
Seacliff Drive	1961	Craftsman	January 1st, 2025
Seacliff Drive	2044	Folk Victorian	January 1st, 2025
Seacliff Drive	3061	Georgian	January 1st, 2025
Seacliff Drive	3089	Georgian	January 1st, 2025
Stanley St.	35	Folk Victorian	January 1st, 2025
Stanley St.	92	National	January 1st, 2025
Stewart St.	78	Gothic Revival	January 1st, 2025
Talbot Rd.	1818	Gothic Revival	January 1st, 2025
Thompson Cres.	3088	Craftsman	January 1st, 2025
Victoria Ave.	123	Spanish Colonial	January 1st, 2025
Water St.	10	Gothic Revival	January 1st, 2025
Water St.	16	Gothic Revival	January 1st, 2025

APPENDIX C: NATURAL ENVIRONMENT TYPES

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
Significant wetlands and significant coastal wetlands	MNRF	Delineating wetlands or reviewing and approving the works of others in accordance with the Ontario Wetland Evaluation System (OWES).	Environmental Protection Areas designation on Schedules A and B.	Development and site alteration shall not be permitted.
Lands designated for natural heritage protection	County of Essex, Town or ERCA	Site-specific request for protection designation by owner.	Environmental Protection Areas designation on Schedules A and B.	Development and site alteration shall not be permitted.
Other High Priority Existing Natural Features	County of Essex through Town, and ERCA	Existing natural features that satisfied between 5 and 11 criteria, determined in accordance with the Essex Region Natural Heritage System Strategy (ERNHSS).	Environmental Protection Areas designation on Schedules A and B.	Development and site alteration shall not be permitted.
Significant habitat of endangered species andthreatened species	MECP, Fisheries and Oceans Canada	Delineating, describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable.	Not specifically mapped on Schedules.	Development and site alteration shall not be permitted except in accordance with provincial and federal requirements.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
Aquatic and Fish habitat	Fisheries and Oceans Canada	Identified through pre-consultation with Fisheries and Oceans Canada.	Not specifically mapped on Schedules.	Development and site alteration shall not be permitted except in accordance with provincial and federal requirements.
Significant Woodlands	County of Essex through Town, and ERCA	All woodlands 2 hectares in size orlarger using the size criteria recommended in the Natural Heritage Reference Manual (MNRF, 2010) and as per the ERNHSS. Smaller woodlands may be considered significant if they exhibit composition, age or quality that is uncommon in the municipality or the region.	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.
Significant areas of natural and scientific interest	MNRF	In accordance with the areas of natural and scientific interest confirmation process. Policies apply to both Earth and Life science areas of natural and scientific interest.	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.
Significant wildlife habitat	County ofEssex through MNRF, Town, and ERCA	Using criteria recommended in the Natural Heritage Reference Manual (MNRF, 2010), the Significant Wildlife Habitat Technical Guide and the	Not specifically mapped on Schedules.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
		EcoRegion Criteria Schedules and using Ecological Land Classification. Significant wildlife habitat has been divided into four broad categories: 1) seasonal concentration areas, 2) rare vegetation communities or specialized habitats for wildlife, 3) habitat of species of conservation concern (excluding the habitat of endangered and threatened species), and 4) animal movement corridors.		on their ecological functions.
Significant valleylands	County of Essex through Town and ERCA	Significant valleyland features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNRF, 2010) and are based on the following features: 1) more or less continuous naturalareas providing connections withinthe watershed;	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
		2) contains a diversity of native species, natural communities and landscapes; and 3) provides ecological functions such as habitat, passage, refuge, hydrological flow, and buffering fromadjacent areas.		
Identified significant existing natural heritage feature	County of Essex, Town, and ERCA	Existing natural feature that satisfied between 1 and 4 of 11 criteria determined in accordance with the ERNHSS.	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.
Lands adjacent to all natural heritage features	County of Essex or Town	A 120 metre adjacent lands width is identified and referenced for all natural heritage features with the exception of Earth Science ANSI which have a recommended 50 metre adjacent lands width.	Shown as an outline on Schedule B.	Development and site alteration shall not be permitted on adjacent lands to the natural heritage feature and areasunless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
Unevaluated wetlands and locally significant wetlands	MNRF	Unevaluated wetlands can be identified using ELC or OWES through processes such as EIAs or candidate natural heritage studies. Once an unevaluated wetland is identified, the next step is to complete a wetland evaluation. The wetland evaluation will result in a determination of significance for thewetland, i.e., Provincially or locally significant. The methodology used to determine significance of wetlands is the OWES.Wetlands can be identified and evaluated by MNRF staff or other qualified professionals provided that they use the approved OWES methodology and have received MNRF certified.All wetland evaluations must be sent to MNRF regardless of the preliminary determination of significance. The MNRF is responsible for reviewing and approving all wetland	Not specifically mapped on Schedules.	Development and site alteration will not be permitted until the significance of the feature has been determined usingOWES. For wetlands determined to be Provincially Significant Wetlands the policies of this Plan relating to significant wetlands and significant coastal wetlands will apply. For wetlands that have been determined to be locally significant, development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
		evaluations.		
Restoration Opportunities	County of Essex through Town, and ERCA	Restoration Opportunities as determined in accordance with the ERNHSS.	Restoration Opportunities on Schedule B.	Provide for a focused approach towards the implementation of the natural heritage system. Supported options may include focused land securement, stewardship activities, and volunteer restoration.

APPENDIX "B"

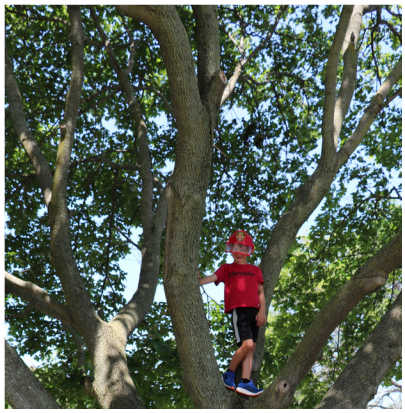
OFFICIAL PLAN 5-Year Conformity Review including Official Plan Schedules and Appendices – Tracked Comments.

This version highlights changes made and provides associated notes and comments related to those changes.

The Corporation of the Town of Kingsville

FINAL DRAFT OFFICIAL PLAN

December 2011
Town Council Approval: December 19, 2011
County of Essex Approval: February 1, 2012
5 Year Conformity Review: April 25, 2023



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APPENDICES

[note: Appendix "B" has been changed to reflect have been updated to reflect January 1, 2025 expiry date per Bill 23. Appendix "C" has been changed to reflect changes in Natural Heritage System narrative in keeping with County of Essex Official Plan and ERCA comments]

APPENDIX "A" DESIGNATED HERITAGE PROPERTIES

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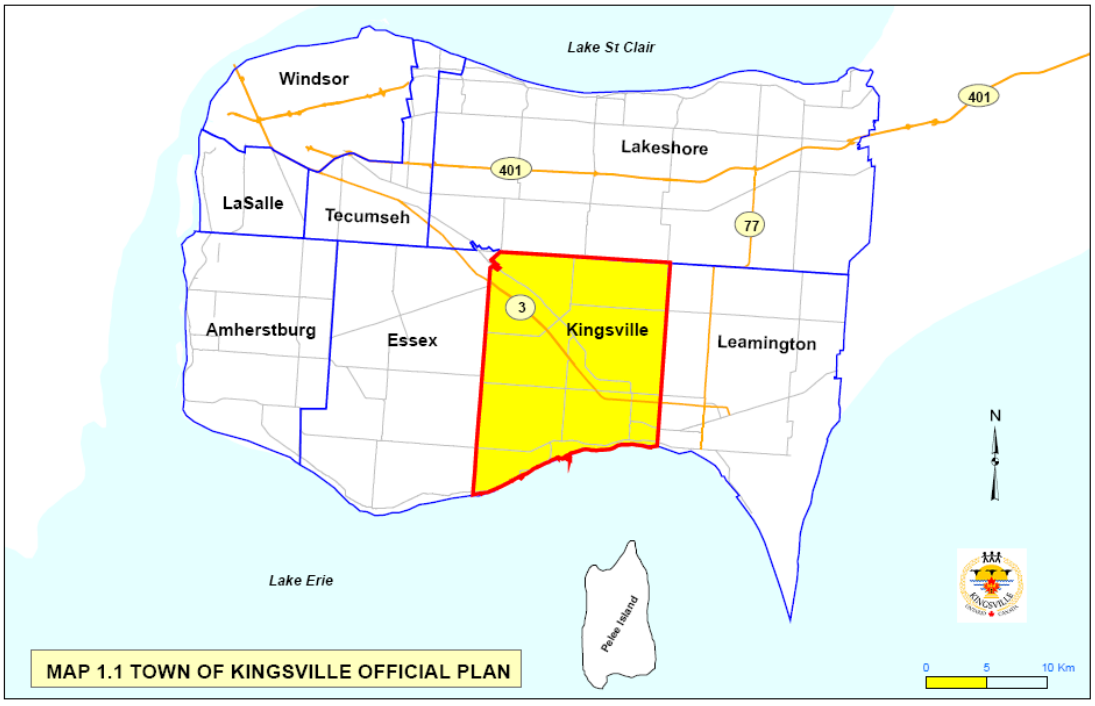
SECTION 1: GENERAL

1.1 TITLE AND COMPONENTS

This Plan shall be known as the Official Plan for the Town of Kingsville. The following text and Schedules "A", "A-1", "A-2", "B-1", "B-2", ~~"B",~~ "C"," D", "E", "F", "G", and "H" inclusive constitute the Official Plan. The policies and land use designations described in this Plan should not be considered static and should be reviewed and altered by way of amendment as required. A major review of all policies and land use designations shall be undertaken every five years.

1.2 THE PLANNING AREA

The following text and schedules constituting the Official Plan for the Town of Kingsville apply to all lands within the corporate limits. The restructured Town was incorporated on January 1st, 1999 joining the former Town of Kingsville and Townships of Gosfield North and Gosfield South into the Town of Kingsville. The Town of Kingsville has a land area of 24,660 hectares and a ~~2016 population of 21,552 (2016 Census Canada)~~ 2021 population of 22, 119 (Statistics Canada, Population and Dwelling Counts. 2022). Geographically, Kingsville is located in the south east portion of Essex County bordered by the Town of Essex to the west, the Town of Lakeshore to the north, the Municipality of Leamington to the east and Lake Erie to the south (Map 1.1) ~~. See Map 1.1 for the location of the Town of Kingsville.~~



1.3 PLANNING AUTHORITY

In accordance with the *Planning Act*, the Council of a Town may provide for the preparation of a plan suitable for adoption as the Official Plan of the Town. An Official Plan is defined in the *Planning Act* as a document, approved by the Approval Authority, containing objectives and policies established primarily to provide guidance for the physical development of a Town while having regard to relevant social, economic and environmental matters. Section 24 of the *Act* further provides that where an Official Plan is in effect no public work shall be undertaken and no by-law passed for any purpose unless it is in conformity with the Official Plan.

1.4 PURPOSE OF THE PLAN

1.4.1 Town's Mission and Vision Statement

The Town's Mission, Vision Statement and Values provide broad direction for the long-term planning and development of the Town. The Kingsville Strategic Plan (2017-2022) outlines the shared vision for the Town, which was developed through a consultation process that involved input from the community, agencies, Town administration and staff, and Council. The purpose of the Strategic Plan is to provide a guideline for taking actions that will strengthen the Town of Kingsville. The Strategic Plan is intended to sustain the quality of life that is enjoyed by residents. The Strategic Plan is designed to capture the ideas and input of the community members and combine it with the current competitive advantages of the Town of Kingsville.

The planning framework and policies of this Plan are based on the Strategic Plan, and provide further direction for land use planning within the Town.

The Town's Mission Statement is:

"To make Kingsville a progressive and prosperous place."

The Town's Vision is:

"Kingsville: A friendly and safe community – Proud of our past; excited about our future."

The Town's Values are:

Community: The Town of Kingsville values a friendly community that works together to maintain a high quality of life for all its residents.

Leadership: The Town of Kingsville values a proactive approach that moves the community forward rather than reacting to emerging threats and changing times.

Professionalism and Accountability: The Town of Kingsville values professional, responsible service based on sound planning, budgeting and reporting.

Preservation of a Small Town Culture: The Town of Kingsville values the beautiful environment of the small town culture it inhabits and strives to ensure a healthy legacy for current and future generations.

1.4.2 Guiding Principles

[This section was re-structured to align principles with s. 1.4.1 Town Values. There were no changes to principles unless noted. No principles were removed or added unless noted.]

This Official Plan sets out in general terms the future pattern of development for the Town of Kingsville. The Plan's purpose is:

Community

a) to designate sufficient lands to encourage and accommodate future development proposals and to identify a desired land use pattern for such future development that ensures a basic compatibility between and among various land uses within the Town;

b) to guide the location, type and sequence of all new development so that it may be provided with efficient public services based on reasonable and sound standards;

c) to ensure that the development design provides for the future development of abutting land by oversizing services where necessary, properly designing road patterns so that separate abutting developments will ultimately interconnect and by establishing development standards in an attempt to minimize any future incompatibility problems;

d) to inform the general public and the private sector of the type and standard of development that will be permitted within the Town in the future;

e) to guide Council, the Committee of Adjustment, municipal staff and other regulatory agencies in making decisions regarding the future development of the Town;

f) to encourage the provision of affordable and attainable housing policies consistent with Provincial Policy;

g) to ensure that transportation facilities required for the efficient movement of people and goods within, to and from the Town are appropriate or will be available to serve the varied land use pattern proposed by this Plan;

Leadership

a) to establish a framework for the engagement and participation of the public including individuals, community groups, stakeholders and Indigenous communities in the implementation and review of the Plan's goals and policies;

b) to provide policies that are consistent with the Provincial Policy Statement, 2020; and

c) to conform to and implement the County Official Plan's policy framework at the local level, and provide more detailed policy direction for the Town.

d) to provide a frame of reference for future detailed studies and updates to existing studies which may be undertaken when considered necessary by Council;

Professionalism and Accountability

a) to provide for the necessary capital works programs and municipal legislation to implement the Plan's goals;

b) to identify the present level of services available within the Town and the capacity of these services with respect to expansions and extensions required to facilitate future development;

c) to ensure that any development which may occur does so at a pace that is within the financial capabilities of the Town;

Small Town Culture

a) to further enhance the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive and convenient environment, and maintaining a high quality of life for all its residents;

b) preserve the small town culture and ensure a healthy legacy for current and future generations;

c) to ensure all cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community;

d) to ensure that prime agricultural lands (Class 1, 2 and 3 soils as established by the Canada Land Inventory together with specialty crop lands, should they be identified) are preserved for agricultural use with a priority on food production;

e) to maintain, restore or where possible improve, the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems while recognizing and enhancing the linkages between natural heritage, surface water and groundwater features or areas;

f) to maximize the environmental, social and economic benefits derived from protecting, maintaining and enhancing woodlands for the residents of the Town;

g) to promote development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

h) to protect natural resources, including mineral aggregate resources, and mineral and petroleum resources;

i) To ensure the Town is resilient and adapted to a changing climate and planned in a sustainable manner

1.5 BASIS OF THE PLAN

The policies contained in this Plan are based on several assumptions and conclusions that emerged out of the research and analysis phase of the Official Plan review and the 5-Year Review of the Official Plan, undertaken in 2018. If with time, any of these assumptions prove to be invalid, it will be necessary to review the Plan policies and if necessary amend them as considered necessary and appropriate.

1.5.1 Time Period of the Plan

This Plan is intended to guide future development within the Town of Kingsville for approximately a twenty-five year planning horizon ~~or to the year 2031~~, in conformity with the planning horizon of the County of Essex Official Plan. All forecasts of growth and related land use requirements correspond to this planning period. The policies contained herein will be reviewed at least once every five years to ensure that they conform to Provincial Plans, if applicable, have regard to matters of Provincial interest as outlined in the *Planning Act*, are consistent with Provincial Policy Statements, are in conformity with the County of Essex Official Plan, and are appropriate given the Town's development circumstances and the desired policy direction of the Town.

1.5.2 Community Profile

The Town of Kingsville had a population growth of 2.6% between 2016 and 2021 (from 21,552 persons as of 2016 to 22,119 persons in 2021 (Statistics Canada, 2021 Census of Population) and a land area of approximately 24,660 hectares. Kingsville is primarily an agricultural community with most types of agriculture being present in the area. The Town also accommodates a substantial area of greenhouses producing tomatoes, cucumbers, peppers, flowers and potted plants. In addition to agriculture, a sand and gravel industry and commercial fishing industry also exists. Employment development within Kingsville is primarily related to greenhouse support industries and food processing. However, secondary feeder plants to the major auto industries are also present.

1.5.3 Forecasted Residential Demand

The residential policies contained in this Plan are based on the following population assumptions:

a) annual average growth rates for the three former municipalities have been positive but variable. Generally, population has increased as sewage capacity has become available;

b) the forecasted residential growth conforms to the County of Essex Official Plan to the planning horizon year of 2031; as allocated by the County of Essex Official Plan and supporting Population and Employment Foundation Report, County of Essex Official Plan Review, August 2011;

c) the three tables that follow outline the anticipated population and household growth projected for the Town of Kingsville:

Table 1.1 20 Year Population Projections: 2011-2031

Population	2011	2016	2027	2031
Kingsville	21,362	21,552	23,882	25,088

Source: Statistics Canada, 2016 Census of Population. Town of Kingsville Development Charges Background Study, 2017. County of Essex Official Plan, 2014

Table 1.2 20 Year Household Projections: 2011-2031

Households	2011	2016	2027	2031

Singles and Semi-Detached	6,825	7,010	8,021	8,321
Multiple Dwellings	490	525	667	740
Apartments	365	400	456	483
Other	40	40	40	40
Total	7,720	7,975	9,184	9,584
Source: Statistics Canada, 2016 Census of Population. Town of Kingsville Development Charges Background Study, 2017. County of Essex Official Plan, 2014				

Table 1.3 Additional Household Projected: 2011-2031

Households	2011-2016	2016-2027	2027-2031
Singles and Semi-Detached	185	1,011	300
Multiple Dwellings	35	142	73
Apartments	35	56	27
Other	0	0	0
Total	255	1,090	400
Source: Town of Kingsville Development Charges Background Study, 2017			

d) based on the preceding tables, it is estimated that there will be a demand for approximately 1,609 additional dwellings from 2016 to 2031. Assuming an average density of 10 units per hectare, a total of 160 hectares of land will be required for residential development to the year 2031.

Those lands designated as "Residential" as shown on Schedules "A", "A1" and "A2" currently meet the required demand for residential development to the year 2031. Furthermore, the Essex County Official Plan provides that the existing inventory of residentially designated land is sufficient to accommodate the projected 20-year demand for additional housing units (to the year 2031), and sufficient land has been designated in the Town's Official Plan to accommodate the projected residential land use needs of the Town.

e) The Town will work with the County and the local municipalities to ensure an appropriate growth projection and allocation to the Town of Kingsville as part of the preparation of ~~at the time of~~ the next County of Essex Official Plan ~~review~~ which began in 2021.

1.5.4 Forecasted Agricultural Demand

Agriculture and related development will remain the primary economic activity of the Town. The main agricultural uses in Kingsville are field crops and greenhouse farming (primarily vegetable production, commercial cannabis, and limited flower and plant greenhouses). Secondary agricultural uses include mushroom production and raising of livestock ~~and the recent introduction of commercial cannabis for medical and recreational use.~~

Growth in the greenhouse sector is increasing ~~remains consistent from~~ year to year. Availability and cost of services will remain the key factors in future growth.

1.5.5 Forecasted Commercial Demand

[Note: this section was revised to reflect current and anticipated commercial development on Main Street East, Division Street North, and Main Street West]

The Town expects new commercial development as private sector developers continue to attempt to reduce the outflow of shopping dollars from the Kingsville trade area. In addition, tourism in Kingsville has increased as a result of wineries and specialty retail shops and restaurants and visitors to the various roadside fruit, vegetable and flower stands.

~~Based on past commercial development activity and with recent amendments, it is estimated that there are adequate lands currently designated for commercial development to meet the needs of existing and projected residents. There has been some adjustment to the dividing lines between commercial and residential areas in an effort to ensure that the commercial parcels have sufficient area to be properly developed for commercial use. Commercial development should be focused to the downtown areas to enhance the vitality of these areas and the communities they support.~~

Commercial development should continue to be focused to the downtown areas to enhance the vitality of these areas and the communities they support. However, there are commercial development areas at the easterly end of Main St. E and northern end of Division Rd N which are also a key part of the commercial service needs of the Town. Residential development also continues to extend westward, and with the planned construction of the West Side Collector road, there may be a need for additional lands to be designated for commercial purposes within the Plan's time horizon.

1.5.6 Waterfront Development

[Note: this section was restructured for clarity]

This Plan encourages the continued effort by the Town to improve the waterfront area and supports the establishment of a long-range Waterfront Development Master Plan. The policies of this Plan will be amended once a Waterfront Master Plan is completed and accepted by the Town.

In the interim, the Town has approved a new "Waterfront Mixed Use Neighbourhood" designation ~~(OPA #1)~~ that generally applies to lands along the Park Street corridor between Lansdowne Avenue and Lakeview Lane. The intent of the "Waterfront Mixed Use Neighbourhood" designation is to:

a) promote the development of a mix of commercial, residential, office and institutional lands uses in the waterfront area;

b) promote the waterfront area as a destination in the Town, and

c) ensure that new commercial and residential development meets appropriate site design standards and new commercial and residential development are compatible.

Furthermore, the Town will continue their efforts to improve publicly accessible parks and trails along the waterfront, including the provision of a linear park system along the waterfront joining the Kingsville dock area with Lakeside Park.

1.5.7 Forecasted Industrial Demand

The 2011 County of Essex Population and Employment Foundation Report forecasted employment growth to the Town of Kingsville of 7,930 to 8,450 employees to the year 2031, which represents an increase of 1,410 to 1,930 employees from 2016.

The rate of employment growth based on the 2011 Foundation Report is expected to be below past levels with most growth occurring in the mid-to-long term. Employment growth is anticipated to favour industrial related over population related employment development. In terms of land supply, a surplus exists County-wide to accommodate all of the projected employment growth, and the Settlement Areas contain sufficient land for the County as a whole, and each local municipality, to accommodate all employment growth during the planning period to 2031. Sufficient employment lands have been designated in the Town to the year 2031, which includes the employment lands designated on the south edge of Cottam and the north edge of Ruthven, to meet forecasted employment demands. The development of the Employment designated area

within Cottam will be dependent upon improvements to the existing municipal sanitary sewage treatment facility.

The Town will work with the County and the local municipalities to ensure an appropriate growth projection and allocation to the Town of Kingsville as part of the preparation of the next County of Essex Official Plan which began in 2021. The Town will actively monitor the supply and availability of designated employment lands to ensure an adequate supply is available over the planning horizon to meet the expected demand and also to provide reasonable market choice and competition. Careful attention will be provided to ensuring that existing employment areas are provided with good access and transportation links, appropriate sanitary sewage, storm water and potable water servicing, while minimizing potential conflicts with residential and commercial areas.

This Plan encourages additional employment development particularly, industries associated with food processing and product storage, other agricultural related industries and automotive related industries.

There are also extractive industrial activities in Kingsville (Schedule 'D'). The areas of the Town that possess extractive potential are well known and identified. It is expected that the extractive resource will continue to be removed as required.

1.5.8 Forecasted Recreational and Institutional Development

It is expected that demand for new institutional and recreational opportunities will continue. The Town is generally in support of such new facilities provided their development is in accordance with the policies of this Plan.

~~The Town in consultation with the Greater Essex County District School Board is currently in the process of planning for a new school site in the northeast corner of the Kingsville settlement area.~~ The Greater Essex County District School Board is currently constructing a new school site in the northeast corner of the Kingsville Primary Settlement Area. The new school will replace Kingsville District High School, Kingsville Public School and Jack Miner Public School. ~~The Parks, Recreation, Arts & Culture Master Plan recognizes that with the likelihood of one or more surplus schools becoming available, the Town may be faced with the prospect of purchasing the buildings in order to keep the space within the public realm and to supplement the local recreation inventory.~~ The Town will plan for the future reuse and redevelopment of surplus institutional properties, where they are no longer required for institutional uses. The potential redevelopment of these sites for non-institutional uses should explore opportunities to integrate a variety of uses and provide opportunities to improve the health and vitality of the Town.

The Town will continue to review and implement the Town's Parks, Recreation, Arts & Culture Master Plan, which provides further direction pertaining to the establishment of new or expanded recreational opportunities.

It is also the Town's intention to develop more passive recreational facilities such as walkways, particularly along the waterfront and Mill Creek, and bicycle paths. The Essex County Wide Active Transportation Study (CWATS) and the Town's Comprehensive Transportation Master Plan (2022) will provide further direction for establishing an active transportation system throughout the Town.

1.6 GROWTH MANAGEMENT AND COMMUNITY STRUCTURE

The Town of Kingsville is comprised of a large geographic community with multiple urban centres, hamlets, and lakeshore residential areas, resulting from municipal restructuring and the historic growth and settlement trends. The Official Plan recognizes the unique challenges faced by the Town, and promotes a comprehensive planning framework to appropriately manage future growth and development.

The community structure for the Town promotes the creation of complete communities, which meet immediate and future needs by providing access to a full range and mix of housing, diverse employment and shopping opportunities, a range of community services and facilities, recreational and open space opportunities, convenient transportation choices, and protection and enhancement of agricultural and natural resources, while directing development away from natural hazards, minimizing negative impacts to air quality and climate change and promoting energy efficiency.

This Section identifies community structure policy areas which provide guidance on the overall growth management and community structure for the Town. Schedule "A" illustrates the planned community structure for the Town over the planning horizon.

The growth management strategy and community structure for the Town is comprised principally of Primary Settlement Areas, Secondary Settlement Areas, and the Agricultural Area. The Primary Settlement Areas include the Settlement Areas of the community of Kingsville and a portion of the Lakeshore Residential West area abutting the community of Kingsville; and the Secondary Settlement Areas which include a diversity of settlements including: Cottam; the Hamlet Areas of Ruthven and Country Village; a portion of the Lakeshore Residential West area, the Lakeshore Residential East Area along Lake Erie; and various un-named Secondary Settlement Areas within the Agricultural Area, which largely comprise areas of agricultural related industrial and rural employment areas.

Table 1.6 and Schedule A identify the Primary and Secondary Settlement Areas in the Town which are further distinguished by their applicable land use designations as designated on Schedule A.

Table 1.6 Settlement Areas

Settlement Area Type	Settlement Area
Primary	Kingsville
	Portion of the Lakeshore Residential West
Secondary	Cottam
	Ruthven
	Country Village
	Portion of the Lakeshore Residential West
	Lakeshore Residential East
	Various un-named Secondary Settlement Areas within the Agricultural Area.

The Town's growth management strategy is to direct the majority of future growth and development to the Primary Settlement Areas to strengthen the Town's settlement structure, and provide for development patterns that efficiently use land, resources, infrastructure, and public service facilities. Primary Settlement Areas promote the development of healthy and sustainable communities through more compact urban forms, the efficient use of infrastructure, and the provision of a range of land uses, while preserving lands designated Agricultural.

Secondary Settlements vary in nature and character but will generally accommodate more modest growth than that directed to the Primary Settlement Areas, in accordance with the policies of this Plan.

1.6.1 Primary Settlement Areas

The Primary Settlement Areas are identified on Schedule "A" and represent urban settlement areas which are the primary focus of growth and development. Primary Settlement Areas promote the development of healthy and sustainable communities through more compact urban forms, efficient use of infrastructure, and the provision of a range of land uses.

The following policies apply to Primary Settlement Areas:

a) Primary Settlement Areas shall be the focus of growth and public/private investment in the Town.

b) Primary Settlement Areas shall have and be planned for full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options.

c) All types of land use are permitted within the Primary Settlement Areas designation subject to the specific land use designations and the policies of this Plan.

d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in effect in this Plan.

e) Expansions of the boundaries of a Primary Settlement Area shall only occur in accordance with the Local Comprehensive Review policies in Section 1.6.3.1 of this Plan. An amendment to this Plan and the County Official Plan shall be required to alter the boundary of any Settlement Area.

f) To ensure the orderly growth of the Town of Kingsville, the Town will monitor development applications immediately outside of the Kingsville Settlement Area as they may represent a logical extension for future urban growth. These lands should be protected for the long term and where they are deemed to be required to accommodate growth, the boundary of the Kingsville Settlement Area shall be revised in accordance with the Local Comprehensive Review requirements of Section 1.6.3.1.

g) The downtown area of Kingsville should be planned to maintain and/or enhance the existing character of these areas. Mixed-use development, residential intensification, and an accessible pedestrian oriented streetscape are encouraged.

h) The Town encourages the redevelopment of brownfield properties.

i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

j) The Town supports universal physical access and encourages the building industry to incorporate such features into new structures.

1.6.2 Secondary Settlement Areas

The Secondary Settlement Areas are identified on Schedule "A" and represent small hamlet, village, employment based, or other site-specific settlements or developments that have historically existed and been identified in the Town's Official Plan. Secondary Settlement Areas do not meet the criteria outlined above for Primary Settlement Areas; however, they do have varying levels of community investment such as partial services and associated community services and facilities.

The Secondary Settlement Areas in the Town are predominately residential in nature, such as the Town's shoreline areas. However, there are Secondary Settlement Areas that contain a mixture of uses such as the Hamlet of Cottam. There are also several employment-based Secondary Settlement Areas such as Ruthven and the surrounding areas. Furthermore, there are a number of smaller un-named Secondary Settlement Areas throughout the Town's Agricultural area which comprise largely rural employment areas.

The Town recognizes the diversity among the many different Secondary Settlements Areas and has established the following policy framework that recognizes this diversity:

a) New development will be permitted within the boundaries of the Secondary Settlement Areas as shown on Schedule "A" provided such development is consistent with the Provincial Policy Statement, the intent of the County Official Plan, and the policies of this Plan.

b) The majority of new development within Secondary Settlement Areas will primarily be directed to Cottam, Ruthven, and the Lakeshore Residential Areas, and to a lesser extent, the smaller un-named Secondary Settlement Areas designated Employment throughout the Town's Agricultural area.

c) New development is encouraged on full municipal services, where available, unless there are interim servicing policies in effect in this Plan.

d) Expansions to the boundaries of a Secondary Settlement Area are not permitted. However, the Town may undertake a Local Comprehensive Review in accordance with Section 1.6.3.1, and the policies of the County Official Plan, that may result in the reduction of the Secondary Settlement Area boundaries in conjunction with the corresponding expansion of a Primary Settlement Area boundary. An amendment to

the County Official Plan and this Plan and shall be required to alter the boundary of any Settlement Area.

e) All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of this Plan.

f) In some cases Secondary Settlement Areas are unnamed and do not contain the basic elements that comprise a settlement area. The Town may consider removing the Secondary Settlement Area delineation of these Settlement Areas from the land use schedule or further restrict new development.

g) Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:

   i. Though growth and investment in Secondary Settlement Areas is permitted, they shall not be the focus of growth or public or private investment, and they should, at most, retain their existing historic development patterns. ~~Growth and investment in these Secondary Settlement Areas are permitted, provided the Primary Settlement Areas in the Town remain the focus of growth.~~

   ii. New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.

   iii. Residential intensification, outside of infilling, shall only occur on full municipal sewage services and municipal water services.

h) Secondary Settlement Areas, or portions thereof, that generally consist of employment uses are subject to the following additional policies:

   i. Cost effective development patterns and those which reduce servicing costs are encouraged.

   ii. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

   iii. New development shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.

   iv. New development on private or partial sewage services and water services shall generally be limited to dry industrial uses.

   v. The orderly and appropriate development of these areas will be accommodated

~~**1.6.3 Settlement Area Expansions**~~

[note: in response to comments from the County of Essex, the Settlement Area Expansions section, and the Local Comprehensive Review Sections were merged as a new Local Comprehensive Review of Settlement Areas. The new language is also consistent with current Local Comprehensive Review initiated in September 2022. In addition, at the request of the County of Essex, this amended OP deletes specific policy requirements of the County Official Plan and simply refers to policies of the PPS and the County of Essex Official Plan that may change to reflect new criteria related to intensification and redevelopment targets that will likely be revised in the current County of Essex Official Plan review.]

~~It is anticipated that sufficient land has been designated to accommodate growth and development over the planning horizon, therefore, Settlement Area expansions are not contemplated within the planning horizon. A Primary Settlement Area expansion, that would result in an addition to the aggregate amount of land is not contemplated within the planning horizon, in accordance with the County of Essex Official Plan. A Primary Settlement Area expansion that would result in an addition to the aggregate amount of land, may only be considered through a Comprehensive Review of the County of Essex Official Plan. Expansions to the boundaries of a Secondary Settlement Area are not permitted. Notwithstanding, the Town may undertake a Local Comprehensive Review of the Settlement Areas, with a goal of re-allocating growth to the most appropriate locations in the Town. The Town may initiate a Local Comprehensive Review at any time in accordance with the County Official Plan and policies of Section 1.6.3.1 of this Plan.~~

1.6.3 Local Comprehensive Review <u>of Settlement Areas</u>

~~A Primary Settlement Area expansion, that would result in an addition to the aggregate amount of land is not contemplated within the planning horizon, in accordance with the County of Essex Official Plan.~~ A Primary Settlement Area expansion that would result in an addition to the aggregate amount of land, may only be considered through a Comprehensive Review of the County of Essex Official Plan.

<u>Notwithstanding, in accordance with the Provincial Policy Statement and the County of Essex Official Plan, the Town will complete a Local Comprehensive Review (LCR) to determine how lands and land uses are currently utilized in Kingsville, how much future growth can the settlement area accommodate, where reallocation of existing lands may be needed to meet growth demands, and to identify the most and least appropriate locations for growth within the Town.</u>

~~An LCR may recommend alterations to one or more Settlement Area boundaries provided that such adjustment would maintain or reduce the aggregate amount of land within the Town's Settlement Areas. The Town may undertake an LCR to identify the most and least appropriate locations for growth within the Town. An LCR is distinguished from a comprehensive review as defined in the County of Essex Official Plan and the Provincial Policy Statement. An LCR is an Official Plan review which may be initiated at any time by the Town or an Official Plan Amendment which is initiated or adopted by the Town in accordance with the policies of this Plan,~~

SECTION 2: GENERAL DEVELOPMENT POLICIES

The policies in this section apply to development proposals in all designations throughout the Town of Kingsville.

2.1 GENERAL

It is the intent of this Plan to ensure that development takes place in an orderly fashion having regard to a set of land use planning principles. It is important to note that the following planning principles are inter-related. It is expected that the principles will be considered collectively and not that any one principle is to be considered independent of the others. This Plan contains the necessary goals and policies to ensure the intent of these principles is realized.

2.1.1 Land Use Planning Principles

a) to create more compact, mixed use, and pedestrian oriented development within designated and fully serviced urban settlement areas;

b) to support and promote healthy, diverse and vibrant settlement areas, where all residents can live, work and enjoy recreational opportunities;

c) to provide a broad range of housing types, services and amenities, employment and leisure opportunities for a growing and aging population;

d) to promote attainable and affordable housing and special needs housing within Primary Settlement Areas, and to a lesser extent within Secondary Settlement Areas;

e) to promote the creation of public spaces within all neighbourhoods and settlements that foster a sense of community pride, well-being, and create a sense of place;

f) to require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities to accommodate growth, in a fiscally appropriate manner;

g) to promote opportunities for intensification and redevelopment within Primary Settlement Areas which are ~~consistent~~ compatible with the existing built form of the area, in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities;

h) to focus urban type development within the designated Primary Settlement Areas of the community of Kingsville and the eastern portion of the Lakeshore West

Residential Area, and to a lesser extent to the Secondary Settlement Areas of the Village of Cottam, the Hamlet of Ruthven and the Lakeshore West Residential Area;

i) to create and maintain an improved balance between residential and employment growth by increasing the opportunity for job creation, and maintaining and attracting industries and businesses;

j) to maintain and enhance the uptown area of Kingsville and the commercial area of Cottam as focal points where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed use environment;

k) to maintain and attract manufacturing, agri-businesses and tourism-related businesses and activities that can provide employment opportunities to existing and future residents;

l) to protect prime agricultural areas for agricultural use;

m) to protect natural heritage resources and other natural resources that are provincially, regionally, and locally significant;

n) to increase the amount of core natural area and natural buffers where possible, particularly through restoration efforts;

o) to link wildlife habitat and natural heritage areas to each other, human settlements to other human settlements and people to nature, consistent with federal, provincial, and regional requirements;

p) to provide land reserves or corridors for future linear transportation and utility facilities and services;

q) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;

r) to implement the growth management strategy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to the Primary Settlement Areas;

s) to encourage methods and opportunities that first increase the ability for residents to age-in-place and secondly for the development of long term-care facilities;

t) to provide cost effective and environmentally sound municipal services, to support long-term economic prosperity;

u) to provide co-operative inter-municipal consultation and co-ordination in the provision of those municipal services that have inter-municipal considerations;

v) to continue work on long term servicing strategies for sanitary sewage treatment, the provision of potable water and storm water management;

w) to ensure that petroleum, non-metallic mineral resources and aggregate resources are available for future use and that extractive operations are protected from activities that would hinder their expansion or continued use; and

x) to prohibit development within, and/or direct development away from natural and human-made hazardous areas, in accordance with the policies of this Plan; and

y) to promote natural habitat restoration within, and linkages between, natural areas to support the development of the natural heritage system.

2.2 CLIMATE CHANGE

[note: this section, previously identified as "Air Quality, Energy Conservation and Green Infrastructure" has been reworked by Administration to speak more directly to climate change risks and vulnerabilities and energy planning and management rather than the dated language related to 'smog action' as was included in previous drafts].

Climate Change is a global challenge but it is municipalities that are increasingly responsible for solutions and funding to mitigate the future impacts of climate change from infrastructure investments (e.g.) roads, bridges, water, wastewater, drainage and storm water), emergency services, responding to extreme weather events, transit and active transportation, and developing and connecting parks, facilities, open space and natural areas.

2.2.1 Climate Change Risks and Vulnerabilities

It is the policy of this Plan to support actions to mitigate risks and vulnerabilities, increase community resilience to climate change, adapt to current and future climate related risks and opportunities, and consider the impact of development on the environment, economy and society in a comprehensive manner.

The Town should prepare and adopt a Climate Change Action Plan that advances the following goals and requires they be considered when reviewing development proposals.

a) Support sustainability-related planning principles and design features such as compact form, lot layout and building location, landscaping and microclimates, active

transportation, energy efficiency and conservation, renewable/alternative energy systems

b) Encourage multi-unit design and mixed use development where appropriate and locating land uses in such a manner that reduces or minimizes distance and vehicle trips;

c) Create, protect and manage greenspaces as part of a robust system of parks, open spaces and natural areas and maintain and increase urban forest canopy;

d) Promote increased levels of transit and active transportation modes and the creation of a Kingsville Trails Strategy to complement the Town's Comprehensive Transportation Strategy;

e) Incorporate environment and climate change planning and projections in decision making and municipal policies, including secondary planning, watershed and sub-watershed plans, and associated studies;

fi) enhance the city/ town air and water quality;

h) maximize the efficiency of existing development and municipal infrastructure and integrate green infrastructure into stormwater management, infrastructure planning, asset management and site development;

2.2.2 Energy Conservation Policies

It is the policy of this Plan to explore and promote energy conservation and alternative energy sources to reduce the amount of energy used and greenhouse gas emissions produced in Kingsville, improve air quality, and promote energy efficient development that is resilient to the impacts of climate change:

a) Seek opportunities to further the implementation of the County of Essex Regional Energy Plan;

b) Implement the Corporate Energy Management Plan, including undertaking audits of energy use in facilities owned and operated by Kingsville to identify energy conservation opportunities;

c) encourage innovative building designs and construction techniques that conserve energy and lead to a reduction of energy consumption in both development and redevelopment

d) Use any energy conservation grants, loans and audit services to retrofit or renovate older buildings and structures within the Town to incorporate energy saving mechanical, electrical and lighting systems and electrical vehicle charging stations.

e) Involve local utilities and elementary and secondary schools to develop educational programs that will increase public awareness of energy conservation techniques, and will promote the utilization of energy saving fixtures, appliances and modes of transportation.

f) Contribute to and promote a culture of conservation among all public, private, and community groups and local citizens and aim to reduce energy use in all sectors.

g) Promote and encourage business and homeowner participation in programs that reward or incentivize investments in energy efficient technologies.

h) Opportunities for upgrades to municipal infrastructure will consider the impacts of climate change including more frequent and severe rain events and floods to prevent a failure of existing systems.

i) Consider the use of Community Improvement Plans as a tool to encourage energy efficient development and the retrofitting or upgrading of existing facilities.

j) Encourage and effectively participate in the review and public consultation process for the consideration of renewable energy projects and facilities which require a Renewable Energy Approval in accordance with applicable Provincial or Federal regulations. The Town will provide municipal comments which acknowledge the demand for service, the impact on the community, infrastructure and natural heritage features and systems.

~~2.2 AIR QUALITY, ENERGY CONSERVATION AND GREEN INFRASTRUCTURE~~

~~It is the policy of this Plan to support energy efficiency, improved air quality, and the use of green infrastructure by preparing and adopting a "Smog Action Plan" and by having regard to the following when reviewing development proposals:~~

~~a) whether the proposal includes opportunities for active forms of transportation such as walking and cycling;~~

~~b) whether the proposal has the potential to increase air pollution and, if so what remedial measures are proposed;~~

c) locating various land uses in such a manner that reduces distance and vehicle trips; and

d) whether the proposal protects and improves trees and natural areas and offers multi-functional green space;

e) whether the design incorporates compact form, efficiently uses land and where appropriate, a mixture of uses and housing types.

f) whether the design and orientation maximizes the use of alternative or renewable energy.

g) whether the design incorporates green infrastructure components that reduce the stress on traditional sanitary, water, stormwater and road infrastructure. Examples include the use of permeable pavements, Low Impact Development, rain gardens and bioretention systems, and constructed wetlands for the management of stormwater runoff undertaken in accordance with the requirements of the Windsor Essex Stormwater Management Guide.

It is the policy of this Plan to support energy conservation through the following:

h) The Town will support the implementation of a Local Energy Plan to support municipal energy conservation initiatives in consultation with the County's Community Energy Plan.

i) The Town will use any energy conservation grants, loans and audit services to retrofit or renovate older buildings and structures within the Town to incorporate energy saving mechanical, electrical and lighting systems.

j) The Town will involve local utilities and elementary and secondary schools to develop educational programs that will increase public awareness of energy conservation techniques, and will promote the utilization of energy saving fixtures, appliances and modes of transportation.

k) The Town will contribute to and promote a culture of conservation among all public, private, and community groups and local citizens and aim to reduce energy use in all sectors.

l) The Town will promote and encourage business and homeowner participation in programs that reward or incentivize investments in energy efficient technologies.

~~m) The Town may undertake tree planting, landscaping, and naturalization initiatives, where appropriate, on municipal property to improve air quality.~~

~~n) Opportunities for upgrades to municipal infrastructure will consider the impacts of climate change including more frequent and severe rain events and floods to prevent a failure of existing systems.~~

~~o) The Town may consider the use of Community Improvement Plans as a tool to encourage energy efficient development and the retrofitting or upgrading of existing facilities.~~

2.3 BARRIER FREE DESIGN

Barrier free design should be considered in any development or redevelopment of properties, whether in draft plans of subdivision or in site plan applications. Kingsville recognizes the importance of providing accessibility for persons with disabilities and the elderly throughout the built landscape.

The Town will have regard for the requirements of the *Accessibility for Ontarians with Disabilities Act* and:

a) The Town's Joint Accessibility Advisory Committee addresses accessibility issues of all existing and new municipal facilities, and if appropriate, on the accessibility of development proposed in Site Plan Approval applications; and

b) The Town will encourage all new development to incorporate universal design and accessibility features to support aging in place.

2.4 BED AND BREAKFASTS AND SHORT-TERM RENTALS ~~ESTABLISHMENTS~~

Note: This section was expanded to include future development of policy related to short-term rentals.

Bed and breakfast establishments are permitted within a single detached residential dwelling within the Agricultural, Residential, Hamlet, Rural Residential, Lakeshore Residential East and Lakeshore Residential West designations. Specific details pertaining to bed and breakfast establishments are contained within the Zoning By-law.

It is recommended that the Town undertake a review of policies related to Short-term rentals prior to establishing a formal direction on short-term rentals.

2.5 BROWNFIELD SITES

Brownfield sites refer to lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential. Historic contaminated sites are most often identified and located during site inspections and other activities associated with preparing land for development.

Development on or adjacent to lands where contaminants may be present will be permitted only if rehabilitation measures to address and mitigate known or suspected contaminants are underway or have been completed. It is the policy of this Plan that contaminated sites shall be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

a) past and present uses of the site;

b) a soil report prepared in accordance with the Record of Site Condition Regulation O. Reg. 153/04, as amended, of the *Environmental Protection Act* for the decommissioning and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;

c) where contamination has been identified, a letter from the Province acknowledging filing of a "Record of Site Condition" prior to development approvals being granted;

d) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the *Environmental Protection Act*, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

2.6 BUFFERING

Adequate buffering will be required between all uses of land where there may be a conflict such that one use will detract from the enjoyment and/or functioning of the adjoining use. Such buffering may include landscaping using local native plantings,

screening and greater separation distances between incompatible uses. Required distance separations shall be established in the Zoning By-law that reflect the Provincial guidelines regarding appropriate separation distances and buffering between industrial and sensitive land uses.

2.7 MOBILE HOMES

Mobile homes shall not be permitted within the Town except in designated mobile home park areas as specifically permitted by the policies of this Plan and located in accordance with the requirements of the Zoning By-law. In some instances, mobile homes may be permitted by Council as temporary housing, and in some instances in the agricultural areas for on-site, supplementary or temporary worker housing purposes.

New mobile home parks and expansions to existing mobile home parks, may be permitted where they are serviced by municipal sanitary sewage, storm water management and potable water services.

New mobile home parks and expansions to existing mobile home parks within the Agricultural Area will only be considered through a Local Comprehensive Review, in accordance with the policies of Section 1.6.3.1.

2.8 SITE SUITABILITY

Prior to the approval of any development or amendments to this Plan and/or the Town's Zoning By-law, Council shall be satisfied that:

a) the proposed development has demonstrated that all necessary services are available to adequately accommodate the proposal;

b) development be required to connect to sanitary sewer services and demonstrate that adequate unreserved capacity is available. Development in close proximity to sanitary sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available;

c) development demonstrate appropriate, safe access to the local and County road network capable of supporting the type and volume of vehicular traffic generated by the proposed development;

d) development provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s);

e) development make best efforts to incorporate best management practices and the utilize low impact storm water management systems;

f) development with limited lot frontage be required to demonstrate to the satisfaction of the Town how the subject site can be accessed without impact to abutting sensitive land uses. Minimum lot frontage requirements are more specifically outlined in the implementing Zoning By-law;

g) development located to the rear of existing sensitive land uses be required to demonstrate a higher standard of separation and buffering through the site plan approval process; and

h) development be designed and oriented as to maximize buffering between it and sensitive land uses to minimize or mitigate adverse effects as defined in Provincial Policy Statement and detailed in ERCA's Environmental Impact Assessment Guidelines. Generally, "adverse effect" can be summarized as impairment of the quality of the natural environment; injury or damage to property, plant, or animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment of normal use of property; and interference with normal conduct of business.

2.9 VISUAL AMENITY

The visual amenity of the Town will be preserved and enhanced wherever possible. This will be achieved by efforts to place telephone and power distribution lines underground wherever financially feasible, by enforcing minimum property standards, by the regulation of signs through the development of a sign by-law and use of site plan control and by encouraging good landscape design and tree planting.

2.10 ~~SECONDARY DWELLING UNITS~~ ADDITIONAL DWELLING UNITS (ADU)

[note: this section was re-defined as Additional Dwelling Units and re-worked in response to comments from the County and to reflect changes in legislation which expand the number of additional units permitted on a site. Specific controls for ADUs will be further refined and implemented through the Comprehensive Zoning By-Law]

Additional Dwelling Units are separate and self-contained dwelling units with kitchen and bathroom facilities that are created within a single detached, semi-detached or townhouse dwelling or dwelling unit or within an existing or new detached accessory

building. Notwithstanding any other policy in this plan to the contrary, the policies regarding the establishment of additional residential units are as follows:

a) A maximum of two additional residential units are permitted within a single detached dwelling, semi-detached dwelling unit or townhouse dwelling unit.

b) A maximum of one additional residential unit is permitted within a building or structure accessory to a permitted single detached dwelling, semi-detached dwelling unit or townhouse dwelling unit

c) Additional residential units will not be permitted in a seasonal dwelling unit or an accessory dwelling unit in a commercial, industrial or mixed use building.

d) Additional residential units may not be used as part of a bed and breakfast or short-term rental (e.g. AirBnB).

e) Additional residential units shall be incidental to the main permitted residential use ~~and shall not change the general appearance of the dwelling or negatively impact the character of the neighbourhood~~.

f) Additional dwelling units will only be permitted in residential zones and agricultural zones ~~where full municipal servicing is present and has uncommitted reserve capacity available~~

~~g) Additional dwelling units may be permitted through a site-specific zoning amendment where full services are not available, subject to confirmation that private services can demonstrate to adequately serve the additional residential unit(s), or can be upgraded to serve the additional residential unit(s), to the satisfaction to the Town.~~

g) 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.

~~i) Where additional residential units are proposed, site plan control may be applied to ensure the following:~~

h) The Comprehensive Zoning By-law may regulate the height, size, parking requirements, location and setbacks of a building which contains an additional unit in order to ensure the following:

i. Sufficient amenity area;

ii. Reasonable and safe access to a public highway;

iii. The adequacy of municipal or private ~~and~~ utility services serving the property, and the ability to connect to such services;

iv. Measures necessary to protect the privacy of neighbouring residents are taken.

j) New development, such as draft plans of subdivision shall consider the accommodation of new additional residential units in the design of the subdivision.

k) An additional residential unit will not be permitted where:

i. A lot has a garden suite or any other form of ancillary residential accommodation including a Boarding, Lodging and Rooming House;

~~ii. A lot is subject to the mitigation or avoidance of hazards, such as flooding or erosion and/or ingress and egress limitations;~~

ii. A property owner cannot demonstrate to the satisfaction of the Town and Essex Region Conservation Authority that all applicable hazards including flooding, erosion, pollution, safe access, dynamic beach or conservation of land have been addressed on the subject property.

iii. Lands are located along the shoreline of a road that does not meet minimum Provincial flood proofing standards;

iv. A lot is designated as being of Provincial interest due to a natural heritage overlay or lies within a Provincially Significant Wetland.

l) Where located on a property identified on the Municipal Heritage Register or within a Heritage Conservation District, 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 Heritage Committee, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or district.

m) The Town has prepared a guide to assist landowners in the navigation of the additional residential unit development processes. This guide may be updated as changes in legislation occur or additional information become necessary.

2.11 RESIDENTIAL INTENSIFICATION

The intensification of urban residential development reduces the need for urban expansions encroaching into the Agricultural Area. The Town encourages urban residential intensification, infilling and redevelopment of existing areas within Settlement Areas to encourage more efficient use of land and allow for the efficient provision of urban services, thereby helping to minimize the costs of providing services. Intensification meets ~~while meeting~~ an important component of the Town's housing needs: to allow for more housing affordability and attainability. Residential intensification will be guided by the following policies:

~~a) The Town will support appropriate redevelopment, infill and intensification proposals. Housing will, in part, be provided through urban residential intensification, which may include any of the following:~~

a) Appropriate redevelopment, infill and intensification proposals are encouraged. Housing will, in part, be provided through urban residential intensification, which may include any of the following:

i) small scale intensification through modifications to an existing dwelling to include a secondary dwelling unit or construction of a new building containing ~~one or two~~ up to three units;

ii) infill development and residential development of vacant land or underutilized land in existing developed areas;

iii) the redevelopment of brownfield sites, subject to appropriate site remediation, where required; and/or

iv) redevelopment which includes either the replacement or conversion of existing residential uses with compatible new residential developments at a high density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

[note: The Town of Kingsville will work with the County of Essex and other municipalities to satisfy any reporting mechanisms outside the Official Plan]

b) In accordance with the County of Essex Official Plan, and the policies of this Plan, the Town will seek to achieve a minimum of 15 percent of all new residential development on an annual basis to occur by way of residential intensification, infill and redevelopment within existing built-up areas of the Town's Settlement Areas.

The Town will monitor intensification activity and, through the development approvals and building permitting process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. ~~The Town will report annually to the County on the implementation of the residential intensification strategies and meeting the residential intensification target.~~

c) Residential intensification will be primarily directed to the Primary Settlement Areas serviced by municipal infrastructure and community services in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

d) Intensification and redevelopment within Secondary Settlement Areas is permitted to assist in meeting the intensification target provided it occurs on the full municipal sanitary and water services, and subject to the servicing policies of this Plan.

e) The Town will consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:

   i. the development proposal is within a Settlement Area, and is appropriately suited for intensification in the context of the surrounding neighbourhood;

   ii. the existing or planned municipal water and sanitary sewer services can accommodate the additional development;

   iii. the road network can accommodate the traffic generated;

   iv. the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood;

   v. <u>the proposed development is not in a hazard land, and</u> safe access and use of property will not be impacted by an erosion or flooding hazard; and

   vi. the proposed development is consistent with the policies of the appropriate land use designation associated with the land.

f) Development of new residential dwellings within established residential areas shall have consideration to maintaining ~~the existing character,~~ composition, built form, massing, setbacks and scale of the surrounding residential neighbourhood. The Town will require proposals for residential intensification within neighbourhoods to

demonstrate that they will be compatible with the surrounding neighbourhood and at a minimum, address the following built form and urban design considerations:

i. ~~respect and reinforce~~ reflect the existing physical character of the buildings, streetscapes and open space areas in the area and provides heights, massing and scale appropriate to the site and compatible with the surrounding neighbourhood;

~~ii. is compatible with the surrounding development;~~

~~ii. provide heights, massing and scale appropriate to the site and compatible with adjacent lands;~~

ii. ~~provide adequate~~ considers privacy, sunlight and sky views for existing and new residents;

iii. locate parking areas in the interior or rear yards, screened from public view;

iv. encourage a variety of housing forms that accommodate more compact and efficient development, including reduced minimum frontage requirements for lower density residential uses; and

[Note: 2.11 f) v. and vi. were merged with parts of 2.11 h) to create a new policy regarding infill development (g) and requirements for (j) design guidelines and character study]

g). Infill development that is at a higher density than that which currently exists in the neighbourhood should generally be directed to arterial and collector roads. However, this should be evaluated on a case-by-case basis based on its appropriateness in a lower-density neighbourhood. ~~Building heights should be of a similar height and scale and provide an appropriate transition through the use of building setbacks, building stepbacks, angular planes, and landscaped buffers;~~

~~vi. new development in older established areas of historic, architectural or landscape value should be developed in a manner consistent with the overall character of the established area. In areas where character has not been studied,~~

h) For larger scale infill and intensification proposals which involve multiple residential buildings or a complex of buildings, the Town may require the submission of land use compatibility and urban design assessments as a component of the planning rationale report accompanying development applications, to demonstrate how the policies of this Plan are being achieved.

[Note: 2.11 h) was removed as policies regarding Main Street and Main Street East Secondary Plan are intended to capture ideas presented by the Main Street Development Policy Review Committee]

~~h) The Town has organized a Main Street Development Policy Review Committee to review the current Official Plan and zoning regulations applicable to Main Street development between Heritage Road and Kratz Road. As a result, the Committee will develop recommendations for new, revised or updated policy to form a comprehensive plan for development on Main Street including but not limited to identifying the key development areas, establishment of urban design guidelines and a Downtown Community Improvement Plan, solutions to address traffic management and other areas or issues identified by the Committee. Upon completion of the review, the recommendations will be implemented through an Official Plan Amendment.~~

i) The Zoning By-law shall establish zone provisions related to residential intensification, infilling and redevelopment to ensure compatibility with the ~~existing character of the~~ surrounding residential neighbourhood.

j) The Town may develop urban design guidelines or require an Urban Design Study through the development approvals process to assist in defining character and compatibility as well as the types of development that may be appropriate in these areas.

2.12 AFFORDABLE HOUSING

Note: additional clarity was added in response to comments from the County, and in keeping with Provincial and County Planning policy. Bulleted definitions of 'ownership housing' and 'rental housing' were placed in narrative form for clarity. Additionally, this section was moved up to align with other housing-related policies]

The Town supports the provision of affordable housing for low and moderate-income households, and will work to implement the strategies of the Windsor Essex Housing and Homelessness Plan, to support opportunities to increase the supply of affordable housing within the Town. The Town will support the provision of housing which is attainable for younger families and an aging population.

In the case of ownership housing, affordable housing is the least expensive of housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households,

or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

In the case of rental housing, affordable housing is the least expensive of a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate-income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

The Town will support the provision of affordable housing in accordance with the Town's Affordable Housing Strategy and the following policies:

a) The provision of housing that is affordable and accessible to low and moderate-income households will be a priority. The Town will seek to achieve a minimum of 20% of all new residential development on an annual basis to be considered affordable, which may include ownership housing or rental housing.

b) The Town will encourage opportunities for more affordable housing to be primarily focused within the Primary Settlement Areas, which offer convenient access to existing services, facilities and infrastructure.

c) The Town will actively discourage the demolition or conversion of affordable rental housing stock to freehold if such conversion results in a reduction in the amount of affordable rental housing available to an unacceptable level.

d) The Town will consider opportunities for permitting additional units in existing dwellings, through the accommodation of additional residential units, in accordance with the policies of Section 3.6.6.1 (g), to assist the Town in achieving their affordable housing target.

e) The Town will encourage the provision of affordable housing through:

    i. supporting increased residential densities in appropriate locations along arterial and collector roads and a full range of housing types, adequate land supply, redevelopment and residential intensification, where appropriate;

    ii. supporting assisted housing, special needs housing and alternative housing forms including <u>additional residential</u> units where full services are available and temporary garden suites on partial or private services;

    iii. the timely provision of infrastructure in the Settlement Areas;

iv. working with various agencies, builders, and providers to determine the availability of incentives and how they may apply;

v. supporting the reduction of housing costs by streamlining the development approvals process and waiving municipal planning application and building fees and charges, in full or in part, to encourage affordable housing;

vi. providing full or partial property tax exemptions for affordable housing units which remain affordable for a minimum period of 20 years;

vii. negotiating agreements with the public and private sectors to address the provision of affordably priced housing through the draft plan of subdivision and condominium approval process;

viii. Requiring all new applications for medium and high density residential development to address, as part of a planning justification report, the provision of affordable housing and how it is conforming to the target identified in Section 3.6.6.1 (g) of this Plan;

ix. considering innovative and alternative residential development standards that facilitate affordable housing and more compact development form; and

x. considering creating an Affordable Housing Advisory Committee with representatives from other municipalities and agencies, and residents to facilitate partnerships for the provision of affordable housing.

f) The Town may adopt a Municipal Housing Facilities By-law to develop affordable housing as a "community facility" under the *Municipal Act*. In an effort to facilitate affordable housing the Town may:

i. enter into capital facility agreements and/or partnerships with both private and non-profit organizations for affordable housing;

ii. use available grants and loans, including tax-equivalent grants or loans to encourage the construction of affordable housing; and

iii. enter into public/private partnerships for the provision of new affordable housing.

g) The Town will encourage that affordable housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, especially where the

land is in close proximity to human services. Special attention will be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses.

h) The Town will first consider surplus municipal land for affordable housing and may evaluate the feasibility of providing municipally owned land at a reduced cost for the construction of affordable housing. Furthermore, the Town will work with other levels of government to make surplus land available to providers of affordable housing at little or no cost.

i) The Town will encourage the development of low income housing geared towards seniors, which may include lower maintenance housing types such as condominiums and townhouses.

j) The Town will encourage affordable housing in a variety of building forms to meet the housing needs of a socially and economically diverse population in support of a broad range of employment opportunities.

k) The Town will support the development of new barrier free housing which is affordable to accommodate a diverse range of housing needs.

l) The Town may designate certain areas or the Town as a whole, as a Community Improvement Area to facilitate the use of grants or loans to support the development of affordable housing.

m) In accordance with bonusing provisions of the *Planning Act*, the Town may consider increases in the height and density in major residential, and in combination with commercial, developments in exchange for community benefits related to the provision of affordable or rental housing.

2.12.1 Attainable Housing

[Note: this section was added by Administration]

In addition to its commitment to providing *affordable* housing for low- and moderate-income households, the Town will strive to provide a supply of *attainable* housing.

Attainable housing includes housing that:

a) is not considered affordable as defined in the PPS, but is at a price point that is below the average new home or resale home price for a given type of dwelling including but not limited to single detached, semi-detached and townhouse dwellings;

b) allows households and persons of all ages and backgrounds to enter, and graduate through, the housing market;

c) is in a state of good repair;

~~d) encourages accessible for its occupants;~~

d) is located nearby common services and amenities, transportation, and employment and educational opportunities; and

e) reduces the dependency on individual car ownership.

2.13 SPECIAL NEEDS HOUSING

Special needs housing includes any housing, including dedicated facilities, in whole or in part, that is used by people who have special needs beyond economic needs, including but not limited to, needs such as mobility requirements or support facilities required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

The Town will endeavour to improve access to housing for those people with special needs, including assisted housing, seniors housing, as well as various forms of supportive housing, including group homes and emergency/transitional housing, subject to the policies of this Plan:

a) The Town will work with other agencies and local groups to assess the extent of the need of these forms of housing.

b) The Town will support community agencies interested in pursuing additional funding from the Provincial government to address identified needs for special needs housing.

c) The Town will support the distribution of special needs housing provided by community groups.

d) Group homes will be permitted within the Settlement Areas, in land use designations where single detached, duplex, semi-detached, triplex, townhouse and apartment dwelling units are permitted, and in accordance with the Town's Zoning By-law. Group homes will be compatible with adjacent uses. Existing facilities that do not comply with the requirements will be allowed to continue but will not be permitted to expand without an application for expansion of a non-conforming use or zoning

by-law amendment. Group homes with any correctional purpose will be treated as an institutional use, and not a residential use by this Plan and the Zoning By-law.

e) When reviewing any proposal for the purposes of establishing, through new construction or conversion of existing structures, a group home, hostel, temporary shelter, emergency shelter or other similar form of special needs shelter, the Town will be satisfied that:

   i. the traffic generated from the facility can be adequately accommodated by the road network and will not have a significant impact on adjacent land uses, particularly residential uses;

   ii. the facility is of a design which maintains the scale, density, appearance, character and continuity of existing land uses in the surrounding area and immediate neighbourhood;

   iii. the land, buildings and structures for the proposed facility conform to the provisions of the Zoning By-law, including those related to parking requirements, ensuring that on-site parking is sufficient to meet the needs of residents, support staff and visitors; and

   iv. where appropriate, that a licence has been granted by the licensing Provincial or Federal agency.

f) Special needs housing and aging-in-place for seniors will be encouraged so that:

   i. individuals living in a non-healthcare environment, will have access to municipal services and amenities so that they may carry out their daily life without having to relocate as their circumstances change;

   ii. where the above is not suitable due to the physical or mental condition of the individual, independent living, assisted living and skilled nursing is available in residences for seniors, such as in a continuing care retirement community; and

   iii. a variety of dwelling types and housing tenures are available to accommodate seniors housing needs and aging-in-place.

g) Long-term care facilities that meet the needs of the community will be encouraged.

h) The Town will endeavour to provide a barrier-free environment where possible.

i) The Town will encourage new residential development to incorporate universal design and accessibility features to support aging in place.

2.14 BOARDING, LODGING, AND ROOMING HOUSES

[note: Boarding, Lodging and Rooming Houses polices added to the OP as adopted as Official Plan Amendment No. 13 (OPA/01/22)]

Boarding, lodging, and rooming houses (BLRHs) represent dwelling units where bedrooms are rented or provided to individuals, rather than the entire unit. Residents of BLRHs share bathroom and/or kitchen facilities, and occupants may be unrelated. BLRHs are rented or provided to tenants for twenty-eight (28) days or more.

There are two categories of BLRHs:

- Boarding, Lodging, and Rooming House (Residential): 10 or fewer occupants.
- Boarding, Lodging, and Rooming House (Agricultural): Any number of occupants.

The Town will support the provision of BLRHs in accordance with the following policies:

a) BLRHs (Residential) will be permitted throughout the Town wherever residential uses are permitted by this Official Plan.

b) BLRHs (Agricultural) will be permitted in agricultural areas, subject to site plan control.

c) BLRHs will not be permitted in industrial areas.

d) The maximum number of occupants permitted to live in a BLRH will be defined in the Town's Comprehensive Zoning By-law.

e) BLRHs located in agricultural areas will not be permitted within the same building or structure that houses an agricultural use, with the exception of administrative or office uses related to the agricultural operation, provided that the two uses do not happen concurrently.

f) BLRHs will be separated by a minimum distance, to be defined in the Town's Comprehensive Zoning By-law, from any building that as part of an agricultural operation is used for:

   i. storage of chemicals, fuel, pesticides, insecticides, solid or liquid agricultural waste, or other noxious items;

   ii. packing and/or shipping of products; or

   iii. housing any mechanical equipment producing noise or vibrations, such as HVAC equipment or co-generation facilities.

Where it is not feasible to meet the required setback, measures, as approved by the Town, will be required to demonstrate that any potential impacts of the nearby operations on the BLRH (e.g., landscape buffering for noise, ventilation to prevent infiltration of odours or chemicals) can be mitigated. The Town, at its sole discretion may have any demonstration peer reviewed and paid for by the applicant.

g) BLRHs are required to include amenity space intended for leisure, recreation, sport, or social activities, at a rate which will be identified in the Comprehensive Zoning-by Law. For BLRHs that lawfully existed prior to September 26th, 2022, the Town may allow for operators of BLRHs to provide cash or in-kind services in lieu of amenity space, at a rate to be specified through the municipal licensing by-law.

h) BLRHs (Agricultural) shall be subject to site plan control to ensure the following:

i. Sufficient amenity area/space;

i. Reasonable and safe access; and

ii. Required separation or mitigation per the requirements of section 2.10 (f).

i) All BLRHs in the Town may be subject to a licensing framework outlined by the Town through a municipal licensing by-law passed under Part IV of the *Municipal Act*. Licenses may be subject to the following condition:

i. As may be required, the BLRH in question must pass a health inspection by: the Windsor-Essex County Health Unit, a fire inspection by the Town of Kingsville Fire Department, and a building/zoning inspection by the Town of Kingsville Chief Building Official or appointed by-law enforcement officer.

2.14 ECONOMIC DEVELOPMENT

[note: as noted above, this section was moved down, but not changed, to maintain flow of housing-related policies]

The Town will continue to promote a diverse, innovative and economically strong agricultural industry, and seek to maintain and attract manufacturing, agri-businesses and tourism related businesses and activities that can provide well-paying employment opportunities to existing and future residents.

The Town's 2018 Economic Development Strategy identifies a need to grow the Town's agri-brand with a focus on the existing greenhouse and processing operations, grow the food processing sector (i.e., expansion of existing processors, and identifying new

opportunities for processing), support the innovation and diversification of local agriculture, and growing the agri-culinary participation among producers to tourism.

The Strategy also identifies the need to support tourism and increase the volume of year-round accommodations of all kinds, in all markets, develop operator experiences to boost tourism traffic (cross-sector and cross promotion), develop a guided touring sector (e.g. two wheels), expand visitation into the shoulder-season and winter and connect these off peak activities to culture, and identify and support unique retail that either generates tourism visits or extends those visits.

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another. As identified in the Economic Development Strategy, the Town will support the implementation and funding for the Cottam Downtown Community Improvement Plan, and Community Improvement Plans for Ruthven and the community of Kingsville.

[note: policies related to Waterfront Development included in S.3.8 Waterfront Development]

~~The Town will support the establishment of a long-range Waterfront Development Master Plan to enhance the waterfront as a destination, promote the development of a mixed used waterfront area with enhanced public open space areas and integrated trail system, while incorporating a long-term shoreline protection strategy to ensure public health and safety.~~

The Town will work with infrastructure providers to <u>plan for</u> ~~with the intent of future-proofing for~~ advanced technologies including, but not limited to, high-speed/fibre networks, and infrastructure to support electric vehicle charging stations.

2.15 SECONDARY PLAN AREAS

[note: Changes to Provincial and County planning policy require consideration of 25-year, rather than 20-year planning horizons. Additionally, requirement for planning rationale report was revised to reference policy objectives of a Local Comprehensive Review]

Throughout the Town there are lands identified on Schedule "A", "A-2" that require further study to determine how the lands may evolve over time and if so, how that may be facilitated in an orderly and appropriate manner. Successful implementation of this Plan depends to a large degree on whether its policies can guide local development and action in a variety of contexts over the next <u>25</u> years. Secondary Plan Areas are proposed

to ensure that planning is sensitive to local conditions within a specific area. The Secondary Plan Areas overlay provides an additional layer of policies to help protect certain areas from development until supported by future studies. Further, these areas were assessed on the basis of their development potential, and significance to the Town.

The Secondary Plan Area overlay includes interim policy provisions, which will continue to apply until a Secondary Plan is completed and approved to conform to the provisions of the Official Plan, and any applicable County or Provincial policies, bylaws or regulations. This overlay shall require that a number of studies or phasing requirements be met prior to development of these lands. These may include, but are not limited to, detailed Secondary Plan, pursuant to Section 8.18 of this Plan, Official Plan Amendment, Zoning By-law Amendment, and, as determined by the Town, transportation impact assessment, market analysis, urban design guidelines and overall community design plans.

The following policies will guide the use of Secondary Plan Areas:

a) The locations of Secondary Plan Areas are illustrated on Schedules "A" and "A-2". These Areas are intended to permit existing uses, while protecting the lands for future development. Prior to any development occurring, the proponent and/or the Town, as the case may be, shall demonstrate, through a detailed Secondary Plan, the following:

   i. How the proposal is in-keeping with the provisions of Section 8.18 of this Plan;

   ii. Coordination between the various land owners;

   iii. Access to Town services and if not, a functional servicing report identifying the preferred means of servicing;

   iv. Access to a road maintained year-round by the Town, and confirmation that any impacts from traffic generated can be mitigated;

   v. Confirmation of the Town's growth management objectives in accordance with Section 1.6;

   vi. Confirmation that the overall phasing strategy for development and associated infrastructure is appropriate.

   vii. Confirmation that Natural Heritage Features, Areas or functions, sourcewater, or any other significant environmental features or water resource identified in this Plan shall not be impacted;

viii. There is no risk to public health and safety;

ix. A Planning Rationale Report demonstrating that the proposed use of land is appropriate for the subject lands and cannot be located in any other area of the Town, in accordance with the policies of the proposed land use designation, Section 8.18 of this Plan and in compliance with the policies and objectives of a Local Comprehensive Review; and

x. Official Plan and Zoning By-law Amendment that would accompany the Planning Rationale Report redesignating the lands to an alternative land use.

SECTION 3: LAND USE PLAN

This section contains the goals and policies that pertain to the various land use designations depicted on Schedules "A", "A-1", "A-2". Reference must also be made to the policies contained within the other sections of this Plan when determining the appropriateness of various development proposals.

3.1 AGRICULTURE

Areas designated "Agriculture" on Schedule "A" represent the majority of the land area in the Town of Kingsville. Agriculture, including an extensive vegetable and flower greenhouse farming area, is an extremely important component of Kingsville's land use. The purpose of the goals and policies of this Section are to protect prime agriculture lands for agricultural purposes while acknowledging that this community will continue to grow and prosper in an orderly and responsible manner. It is acknowledged that all of the land in the Town of Kingsville, which is located outside a settlement area, is considered prime agricultural land in accordance with Provincial Policy and accordingly, development in this area is strictly controlled and monitored.

This Plan recognizes the presence of lands which potentially meet the criteria to be considered specialty crop areas. The identification of specialty crop areas within the "Agriculture" designation is encouraged. The Town of Kingsville will identify specialty crop areas in conjunction with the County of Essex and the evaluation procedures established by the Province. If applicable, appropriate Land Use Schedules and policies related to the specialty crop areas will be added to this plan, by way of an amendment.

3.1.1 Goals

The following goals are established for areas designated "Agriculture" on Schedule "A" of this Plan:

a) to preserve prime agricultural land for agricultural purposes to ensure the continued long-term availability of this resource and support a viable agricultural community;

b) to allow farm operators to engage in a wide range of agricultural uses, agriculture-related uses and on-farm diversified uses and activities, including greenhouse farming;

c) to restrict the type and amount of non-agricultural uses in the area designated "Agriculture", and direct non-agricultural uses to the Settlement Areas;

d) to discourage lot creation in the Agriculture designation and establish a minimum farm parcel size that protects agricultural areas from fragmentation;

e) to ensure that new agricultural uses and non-agricultural uses comply with the Province's Minimum Distance Separation Formulae;

f) to support opportunities for local food production, urban and near-urban agriculture, and promote the sustainability of agricultural, agri-food and agri-product businesses through protecting agricultural resources and minimizing land use conflicts;

g) to only permit the expansion of existing Primary Settlement Areas into the Agriculture designation, where the need for expansion has been demonstrated and justified through a Local Comprehensive Review or a County comprehensive review, in accordance with Provincial Policy, the County of Essex Official Plan, and the policies of this Plan, particularly as it relates to Section 1.6.3.1 and Section 8.11 of this Plan.

3.1.2 Policies

The following policies shall apply to those lands designated "Agriculture" on Schedule "A" of this Plan:

a) the predominant use of land and permitted uses shall be agricultural uses, agriculture-related uses and on-farm diversified uses;

b) agricultural uses may include the: growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment; and conservation uses;

c) agriculture-related uses, including: farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, may be permitted through an amendment to the Zoning By-law;

d) on-farm diversified which are secondary to the principal agricultural use of the property, are limited in area, and are compatible with the surrounding agricultural

operations, may be permitted. On-farm diversified uses may include, but are not limited to: home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Agri-tourism uses include farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

[note: for clarity, the following sections were restructured as subsections rather than having all agriculture policies in one overall section]

3.1.2.1 Greenhouse Farming

Greenhouse farming and associated support facilities such as packing, shipping, and co-generation ~~and on-site labour housing~~ are permitted in the 'Agriculture' designation subject to the following:

a) greenhouse development shall be subject to the Site Suitability criteria of Section 2.8 of the Plan;

b) greenhouse development will be encouraged to locate in close proximity to existing greenhouse development more specifically south of Road 5 E and east of Division Rd N. New greenhouse development not located within this area shall be required to provide justification of compliance with Section 2.8 (map 3.1);

c) greenhouse development shall be subject to site plan control;

[note: the following sections are to be removed as Boarding, Lodging, and Rooming House policies apply]

~~d) greenhouse development shall demonstrate that it is providing sufficient on-site labour housing for the crop(s) being grown. Labour for a given greenhouse development shall be provided wholly on the same property. Notwithstanding labour may be housed at an existing off-site bunkhouse accessory to a greenhouse facility subject to demonstration of safe and appropriate private transportation between locations;~~

~~e) on-site farm housing shall be required to maintain a rural residential character within the agricultural area. Consideration shall be given to the design, placement, landscaping, separation from the main permitted use(s) and shall encourage the provision of outdoor amenity space as defined in the Zoning By-law;~~

~~f) the use of existing single detached dwellings for the housing of on-site labour is permitted. Only legally converted dwellings, subject to Building, Fire and Health Unit inspection will be considered subject to item b) iii) and iv);~~

~~g) the use of any building or structure for farm labour must meet the following criteria:~~

~~i. be located on the farm parcel where the farm labour is employed, or;~~

~~ii. be located on a farm parcel which under the same ownership as the farming operation where the farm labour is employed;~~

~~iii. is not located on a lot where the principle or only use is residential;~~

~~iv. was legally established prior to August 16, 2021.~~

h) greenhouse development shall be encouraged to provide active transportation linkages to existing and future active transportation corridors including the CWATS and ERCA Greenway;

i) the internal recycling of fertigation water by greenhouse farms shall be encouraged in order to reduce primary water use, in accordance with the policies of this Plan, including Section 6.3.5; and

j) that required facilities will be installed such as, but not be limited to, on-site water storage and rate-of-flow control facilities as listed under Sub-Section 6.4.5 and

complete Stormwater management facilities as listed under Sub-Section 6.4.6 of this Official Plan.

3.1.2.2 Mushroom Farms

Mushroom farms including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production may also be permitted in the "Agriculture" designation and will be subject to zone restrictions as identified in the Zoning By-law and are subject to site plan control. Upon receipt of an application for site plan control to permit the establishment of a mushroom farm, Council shall have due regard to the following:

a) the proximity of the proposed operation to existing residential and other sensitive land uses and zones;

b) the location of the proposed operation and other existing uses with respect to the prevailing winds. It will be preferable to have composting components of the operation aerated;

c) any comments from the Province, including the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment, Conservation and Parks;

d) the site plan control criteria listed in Section 8.15 of this Plan;

3.1.2.3 Agri-Related and On-Farm Diversified Uses

Fruit and vegetable stands, tree farms, aqua-culture farming, wineries, retail nursery outlets and retail floral shops are permitted in the "Agriculture" designation without an amendment to the Zoning By-law provided they are secondary to the agricultural use of the site and that the goods for sale are grown or produced on-site;

3.1.2.4 Cannabis Production Facilities

Licensed Cannabis Production Facilities (CPFs) in accordance with the *Cannabis Act* and subject to other pertinent policies of this Plan, may also be considered as a use in certain areas of the "Agriculture" designation as identified on Schedule "A" and Schedule "A-1" of the Official Plan, subject to a site-specific zoning amendment and site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law.

Upon receipt of an application for a zoning by-law amendment and site plan control to permit a CPF in the "Agriculture" designation, Council shall be satisfied that the following criteria is met:

a) new purpose-built facilities will be encouraged as the first option, any retrofit or use of existing agricultural buildings or structures must demonstrate suitability in accordance with the policies of 8.4.1 of this Plan;

b) that mitigation measures be taken to reduce impacts on nearby residential, institutional, and other sensitive land uses, and, to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including commercial and recreational land uses frequented by members of the public;

c) that buffering and screening will preserve the agricultural character of the surroundings;

d) the criteria listed in Section 8 of this Plan; and

e) that required facilities will be installed such as, but not be limited to, on-site water storage and rate-of-flow control facilities as listed under Sub-Section 6.4.5 and complete Storm water management facilities as listed under Sub-Section 6.4.6 of this Official Plan.

3.1.2.5 Residential Uses in the Agriculture Designation

[note: change to 3.1.2.5 (a) in keeping with Boarding, Lodging and Rooming Houses polices added to the OP as adopted as Official Plan Amendment No. 13 (OPA/01/22)]

~~a) residential uses on existing lots of record in accordance with Section 3.1.1 of this Plan and lots created by the consent process in accordance with Section 7 of this Plan are permitted. The Zoning By-law shall only permit one residence per lot. A consent for land division for such a dwelling will not be permitted. The accommodation of seasonal or temporary farm help may include the use of bunkhouses or mobile homes.~~

a) residential uses on existing lots of record in accordance with Section 3.1.1 of this Plan and lots created by the consent process in accordance with Section 7 of this Plan are permitted. The Zoning By-law shall only permit one residence per lot. However, Boarding, Lodging, and Rooming Houses will also be permitted, subject

to the policies of section 2.10 of this Official Plan and the requirements of the Zoning By-law.

b) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

3.1.2.6 Small Scale Commercial and Dry Industrial

Small scale commercial and dry industrial uses, as defined in the Zoning By-law, directly related to the farm operation and that are required in close proximity to the farm operation and would include processing agricultural goods or servicing agricultural equipment or operations, will be permitted to locate along County Roads in areas, designated "Agriculture" subject to an amendment to the Zoning By-law. The by-law amendment will establish adequate setback and buffering requirements to ensure that any potential incompatibilities with surrounding uses are minimized;

3.1.2.7 Exploration and Extraction

The exploration and extraction of all mineral resources, petroleum resources and mineral aggregate resources shall be permitted in the "Agriculture" designation and shall be a permitted use in the Agricultural zones of the Zoning By-law provided the exploration and extraction is in accordance with the *Oil, Gas and Salt Resources Act, Aggregate Resources Act* and/or the *Ontario Mining Act*;

a) extractive industrial uses are permitted in the Mineral Aggregate Resource areas shown on Schedule "D" of this Plan in accordance with the policies contained within this Plan;

b) the Mineral Aggregate Resource areas depicted on Schedule "D" of this Plan pertain to lands designated "Agriculture";

3.1.2.8 Non-Agricultural Uses

[note: changes were made as noted to clarify the need for site-specific amendments to permit identified uses]

Non-agricultural uses may only be permitted in the Agriculture designation for the extraction of minerals, petroleum resources and mineral aggregate resources, and for limited non-residential uses in accordance with the policies of this Plan. Limited non-residential uses, including new or expanding recreational uses, may only be permitted in the Agriculture designation subject to a site-specific official plan amendment which has demonstrated that the following have been addressed to the satisfaction of the Town:

a) the submission of all appropriate studies, including but not limited to an Agricultural Impact Assessment;

b) there is a need within the planning horizon of this Plan for the proposed use;

c) the lands do not comprise a *specialty crop area*;

d) alternative locations have been evaluated and,

   i. there are clearly no other reasonable alternatives that are outside of *prime l agricultural areas*; and

   ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands;

e) the proposed use will not be located in an area that may have an impact on the efficient and logical expansion of nearby urban areas;

f) the proposed use complies with the required MDS I setback distances; and,

g) impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands will be minimized to the extent feasible.

h) all lot creation in the "Agriculture" designation shall be in accordance with the land division policies contained in Section 7.3.1 of this Plan;

i) the Town will consider the Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, when addressing the appropriateness of permitted uses within the Agriculture Designation, while ensuring the greatest flexibility to support the continued viability of agricultural operations in the Town.

j) It is recognized that the majority of lands designated "Agriculture" are serviced by private individual sanitary sewage services and, in some cases, individual on-site water services as well. Proposed development in the Agriculture Designation will be serviced with adequate water supply and sanitary sewage disposal services.

For "Agriculture" designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing "Agriculture" designated lands to:

i. address failed individual on-site sewage and individual on-site water services within existing development; &

ii. site conditions are suitable for the long-term provision of such services.

iii. Development proposals for non-agricultural uses will demonstrate the suitability of the site for the proposed method of water supply, sanitary sewage disposal and stormwater management to the satisfaction of the Town and other approval agencies.

3.1.3 Site-Specific Policies

a) notwithstanding any other policies of this Plan to the contrary, a restaurant is permitted on a 2.37 hectare parcel known as Part Lot 1, Fourth Section, Western Division, located on the north side of Highway 20 West and the east side of County Road No. 23 and designated Agriculture. The property shall be zoned in a special rural commercial zone in the implementing zoning by-law to permit a restaurant only. The restaurant will be serviced by a private septic system and shall be serviced by municipal water. All development shall be subject to site plan control;

b) Notwithstanding any other policies of this Plan to the contrary, those lands that are designated Agriculture on Schedule "A" of this Plan and are remnants from the Highway No. 3 By-pass construction project can be used for any of the following purposes, without an amendment to this Plan but subject to a by-law amendment to permit the specific use provided the remnant parcel is smaller than 3 hectares in area and the proposed use satisfies the requirements of the Province and the County of Essex.

The permitted uses for these parcels shall include: service commercial uses such as sales and service establishments, tradesmen's shops and contractors' yards, warehousing, dry light manufacturing and assembly uses and all accessory uses.

Other commercial and employment uses shall not be permitted on these parcels. This policy shall not apply to the lands owned by the Province. For clarity purposes this policy does not apply to remnant parcels resulting from the anticipated Highway No. 3 By-pass twinning project anticipated to begin in 2022/2023.

3.1.4 Minimum Distance Separation

Because livestock operations and other types of land uses can have compatibility problems if located too closely to one another, the Zoning By-law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing livestock operations and manure storage facilities shall comply with the Minimum Distance Separation II (MDS II) formula. To ensure that the Minimum Distance Separation is used reciprocally, livestock operations, poultry barns and manure storage facilities will also be protected from encroachment by residential and other types of non-farm development in the Zoning By-law through the use of the Minimum Distance Separation I (MDS I) formula.

The municipality will also implement the provisions of the Minimum Distance Separation I (MDS I) formula on a case-by-case basis for non-farm development within settlement areas as shown in the County Official Plan, on Existing Lots of Record as of the date of the adoption of this Plan and for applications under the *Planning Act*.

The Minimum Distance Separation I (MDS I) formula will not be applicable to settlement areas. In addition, the MDS I formula will not apply to existing dwellings destroyed in whole, or in part, by a catastrophe, provided the new dwelling is no closer to the livestock operation or manure facility than before the catastrophe.

The Minimum Distance Separation II (MDS II) formula will not be applicable to new or expanding livestock operations or anaerobic digesters which are located within settlement areas In addition, the MDS II formula will not apply to the construction of a livestock operation or manure storage facility that is replacing the same which was destroyed by a catastrophe, provided the new facility does not result in increases to the value factors of odour, amount of material or nutrient units on-site prior to the catastrophe. For the purposes of the Plan, all cemeteries within the Town shall be classified as a Type B land use under the Minimum Distance Separation Formulae.

3.2 COMMERCIAL

3.2.1 Central Commercial

The areas designated "Central Commercial" on Schedules "A-1", and "A-2" are the main commercial areas of the Town. Their purpose is to provide the full range of commercial uses to satisfy the needs of the local area as well as the visiting tourist population.

3.2.1.1 Goals

The following goals are established for the lands designated "Central Commercial" as depicted on Schedules "A-1" "A-2", of this Plan:

a) to continue to strengthen the existing downtown commercial areas (former Kingsville and Cottam downtowns) as community focal points;

b) to ensure that there is sufficient area for commercial expansion within the downtown commercial areas so that the commercial needs of the Town can be satisfied in those locations;

c) to encourage new retail and other commercial uses to locate in the downtown areas, through incentives or other means as deemed appropriate;

d) to promote mixed use redevelopment projects (commercial / residential) including residential apartment development located above the first floor of commercial development in the downtown commercial areas;

e) to provide visually and aesthetically pleasing areas within which to shop;

f) to encourage further expansion of existing retail commercial uses.

3.2.1.2 Policies

The following policies shall apply to those lands designated "Central Commercial" on Schedules "A-1", and "A-2" of this Plan:

a) the predominant use of land in the "Central Commercial" designation shall be for the buying, selling, and provision of goods and services. The permitted uses shall include retail and service commercial stores, banks and other financial institutions, business and professional offices, restaurants, taverns, clubs, recreational establishments, public buildings, parking lots, places of entertainment and amusement, places of worship, institutional uses, and similar type uses. Residential apartment type uses will also be permitted in the "Central Commercial" designation in accordance with the policies in this subsection;

b) it is the policy of this Plan to maintain the "Central Commercial" designation as the primary focus of commercial and civic uses, while accommodating highway commercial type uses within appropriately designated areas. In considering proposals for development within the "Central Commercial" designation, regard shall be given to the following:

   i. where possible, the development of vacant sites and the redevelopment of existing areas within the "Central Commercial" designation shall be encouraged;

   ii. it is generally intended that adequate parking in clearly defined areas will be required for all new development and redevelopment. The number of parking spaces required for various types of commercial uses will be contained in the implementing Zoning By-law.

   Where a development application does not provide for the required minimum number of parking spaces, it shall be demonstrated to the satisfaction of the Town, that the development application will not lead to nuisances through the parking of vehicles on land or streets adjacent to the use, and that an appropriate number of parking spaces are provided.

   Where severe parking problems are encountered in developed areas to an extent that the amenity of the area is affected, the Town will endeavour to establish special parking areas, possibly by assembling land for this purpose pursuant to the provisions of the *Municipal Act* or the *Planning Act*.

   As an alternative to providing on-site parking for non-residential uses, the Town may accept cash-in-lieu of parking to improve parking conditions in the "Central Commercial" designation. All parking areas shall be attractively designed and landscaped to enhance their appearance in keeping with the character of the Town;

   iii. the retention, renewal and conservation of commercial built resources of historical and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The impact of such development plans on the character of the surrounding area shall be considered.

c) adequate building height, density, massing, buffering and setback distances shall be provided to ensure compatibility and provide an appropriate transition between the "Central Commercial" uses and adjacent residential uses;

d) it shall be the policy of this Plan to encourage, by all means possible, the aesthetic and physical improvement of the "Central Commercial" areas. This may include:

   i. the acquisition of additional land for off-street parking where necessary and financially feasible;

   ii. the improvement of traffic circulation and on-street parking practices where necessary; and

   iii. encouraging beautification efforts and facade improvements for existing businesses and appropriate site and building design for all new commercial development. The Town will continue to encourage the conservation and preservation of built cultural heritage resources and the character of the area, while considering new development that is contextually appropriate with the predominant architectural style;

e) residential apartment units in a mixed use building will be permitted provided the residential units are located above the first floor. However, residential apartment units may be permitted provided they are on the ground floor, at the rear of the building, and that the floor space does not exceed 40 percent. Street level floor space shall include retail, office and service commercial purposes and residential units.

f) existing residential uses within the "Central Commercial" designation are permitted and may be recognized in the Zoning By-law subject to the Existing Land Uses and Buildings policy in Section 8 of this Plan;

g) development within the "Central Commercial" designation will be subject to site plan control pursuant to the *Planning Act* and the policies of this Plan;

h) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the "Central Commercial" designation;

i) The height, massing, orientation and layout of buildings within the "Central Commercial" designation will promote the creation of a pedestrian scaled environment and reinforce the character of the downtown area. The Town may prepare and implement Urban Design Guidelines to provide further guidance on built form requirements within the "Central Commercial" designation.

j) any application to enlarge or expand the extent of the "Central Commercial" designation shall require an amendment to this Plan. In considering an amendment to this Plan, the Town shall be satisfied that:

i. where deemed necessary, the applicant has prepared a market potential study to justify the proposed use. The need should be substantiated by adequate market research which will include not only the viability of the proposal but also assess the impact the proposed use may have on the existing commercial uses within the municipality;

ii. municipal services, including sanitary sewage, potable water and stormwater management are available and have the necessary capacity to satisfy any increased demands as a result of the proposed use, in accordance with Section 6.3 of this Plan;

iii. the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately accommodate the expansion of the designation;

iv. if the expansion of the designation necessitates an expansion of the approved municipal sanitary sewage and/or potable water service areas, the expansion of the service areas is undertaken, all in accordance with the requirements of the *Environmental Assessment Act*.

v. no serious traffic impacts will result from the proposed use;

vi. the applicant has made reasonable efforts to obtain available space in the existing vacant and/or underutilized areas designated "Central Commercial", or has demonstrated why it is not feasible to locate in these areas; and

vii. the proposed use will not adversely affect existing adjacent uses.

k) For any new commercial developments, secure bicycle storage is required in accordance with the rates outlined in the implementing Zoning By-law.

3.2.2 Central Commercial/Residential

The areas designated "Central Commercial/Residential" on Schedule "A-2" are the areas that surround the "Central Commercial" designation in the former Town. The purpose of the "Central Commercial/Residential" designation is to provide for an appropriate transition between the commercial core area and the surrounding residential areas.

3.2.2.1 Goals

The following goals are established for the lands designated "Central Commercial / Residential" as depicted on Schedule "A-2" of this Plan:

a) in addition to the goals for lands designated "Central Commercial", to identify specific areas in the vicinity of the "Central Commercial" designation that are also suitable for the development of higher density residential uses.

3.2.2.2 Policies

The following policies shall apply to those lands designated "Central Commercial / Residential" on Schedule "A-2" of this Plan:

a) the uses permitted in the "Central Commercial/Residential" designation include all of the uses permitted in the "Central Commercial" designation in accordance with the policies in that subsection and residential uses to a maximum density of 87 units per gross hectare;

b) the policies outlined in subsection 3.6.3 of this Plan shall apply to the evaluation of any proposed medium or high density residential development within the "Central Commercial/Residential" designation;

c) all medium and high density residential developments shall be subject to an amendment to the Zoning By-law; and

d) development within the "Central Commercial/Residential" designation will be subject to site plan control pursuant to the *Planning Act* and the policies of this Plan.

3.2.3 Highway Commercial

The areas designated "Highway Commercial" on Schedule "A-2" have been determined to be suitable locations for highway commercial type development.

3.2.3.1 Goals

The following goals are established for the areas designated "Highway Commercial" as depicted on Schedule "A-2" of this Plan:

a) to identify specific areas within the Town which are the most appropriate for highway commercial development; and

b) to ensure that the commercial needs of area residents and the Town are satisfied;

c) to identify specific areas other than the downtown core where retail and service commercial facilities may locate.

3.2.3.2 Policies

The following policies shall apply to those lands designated "Highway Commercial" on Schedule "A-2" of this Plan:

a) due to the location, development circumstances and accessibility, the lands designated "Highway Commercial" are best suited for service commercial and retail commercial uses, personal service shops and other commercial uses that require good visibility and on-site parking.

   Accordingly, permitted uses include those that generate moderate to heavy traffic flows, require vehicular access and nearby parking or include the sale of bulk materials or the servicing of large items or merchandise such as establishments which furnish bulk and wholesale supplies such as fuel, building materials, hardware, etc., establishments which sell or service automobiles, trucks recreational vehicles including boats, and farm and garden vehicles and equipment, motels and related tourist facilities, restaurants and banquet halls, recreational uses, retail commercial uses, personal service shops, establishments requiring larger lot areas to accommodate sales and storage such as food stores, furniture stores and warehousing, printing establishments, business and professional offices;

b) all development within the "Highway Commercial" designation shall be subject to site plan control pursuant to the *Planning Act*, and the policies of this Plan;

c) new residential dwellings shall not be permitted within the "Highway Commercial" designation; however, accessory residential uses may be allowed on a case by case basis as determined by Council;

d) existing residential uses within the "Highway Commercial" designation are permitted and may be recognized in the Zoning By-law subject to the Existing Land Uses and Buildings policy in Section 8 of this Plan;

f) adequate yard, parking and loading standards for the uses permitted in this designation shall be contained in the implementing Zoning By-law;

g) adequate buffering and setback distances shall be provided between any Highway Commercial uses and adjacent uses. Such buffering may include separation by distance, the provision of berms, fences, grass strips, appropriate shrub plantings and landscaping using local native plantings or any combination thereof deemed necessary by Council;

h) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the

"Highway Commercial" designation. More specifically, for any "Highway Commercial" designated lands serviced by full municipal services, all new development must be fully municipally serviced in accordance with Section 6.3 of this Plan.

For "Highway Commercial" designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing "Highway Commercial" designated lands to:

i. address failed individual on-site sewage and individual on-site water services within existing development;

ii. to allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and

iii. site conditions are suitable for the long-term provision of such services.

i) new and existing highway commercial uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing highway commercial uses which are limited to the confines of the current zoning shall be permitted; and

j) expansions of the "Highway Commercial" designation will not be considered unless serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing.

3.2.4 Highway Commercial (Seacliff Drive)

In addition to the policies identified in Subsection 3.2.3 Highway Commercial, the following policies shall apply to those lands identified under Highway Commercial (Seacliffe Drive) on Schedule "A-2" of this Plan:

a) The Seacliff Drive Highway Commercial areas are intrinsically and aesthetically important as entrances and gateway areas into the urban area for the Town. The policies for this area will encourage, support and promote the development of buildings and properties as a welcoming, inviting and architecturally interesting area.

b) The highway commercial areas will be comprised of a mix of medium to large format commercial buildings that have units of varying size to accommodate the proposed uses.

c) Site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law will apply to all new main buildings within the area designated Highway Commercial (Seacliff Drive).

d) Multi-purpose trails, walkways and bicycle supportive features will be included for all new development to support a walkable, healthy community.

e) Permitted accessory uses shall include: ancillary uses to the main use; outdoor patio spaces associated with a restaurant; parking; trails; walkways; enclosed outdoor storage or garage facilities; enclosed outdoor garbage facilities; and commercial signs. The accessory building(s) shall be located in the side yard or rear yard of the main structure.

f) All new development will be required to conform to high performance standards relating to noise attenuation, parking, loading, traffic circulation, building design, lighting, landscaping, buffering and control over outside storage as set out in the Zoning By-law.

g) All new buildings are encouraged with elevations that are architecturally significant and take advantage of the streetscape and the viewscape provided along Seacliff Drive.

h) The maximum building height for all buildings will be one storey with a maximum height of 10 m.

i) Proposals for new development and buildings will be encouraged to incorporate innovative designs reflecting a welcoming theme. Local architectural features are encouraged to be incorporated in the new building profiles.

j) Development proposals for the commercial sites will incorporate the healthy community initiative by providing safe, accessible walkways and trails, bike racks, gathering spots and/or resting areas. Building features and facade design will promote and support the walkable, bike-able community.

k) Lands designated Highway Commercial (Seacliff Drive) will incorporate innovative designs to provide for public vistas, public use areas and provide for public gathering spaces.

l) Parking will be provided on site in compliance with the site-specific zoning by-law amendment; well screened with landscaping and buffer spaces from adjacent land uses; encouraged to be located only at the side and/or rear of the property.

m) Lot development regulations shall be contained in the implementing Comprehensive Zoning By-law.

n) Loading spaces will be designed and located with separation from adjacent residential uses. Extra buffering and noise attenuation measures will be applied on site and in the site plan agreement to mitigate and reduce noise generated by the commercial use.

o) Additional side yard setback distances shall be required between the permitted commercial uses and adjacent residential uses and in accordance with the Zoning By-law.

p) New development shall only be permitted on full municipal potable water services.

q) Storm water management plan, subject to applicable guidelines, for the subject property will be required as part of the site plan control.

r) Access roads and traffic circulation patterns for commercial traffic will be carefully planned in order to minimize potential negative impacts on the existing road and active transportation network and surrounding land uses.

3.3 EMPLOYMENT

Lands designated "Employment" are areas that have unique characteristics that make them particularly well suited for employment development. The following goals and policies apply to lands designated "Employment".

3.3.1 Goals

The following goals are established for those lands designated "Employment" as depicted on Schedules "A", "A-1", and "A-2" of this Plan:

a) to identify and develop areas with good access and transportation links, where employment development can take place in an orderly manner;

b) to broaden and enhance the Town's assessment base and to provide additional local employment opportunities;

c) to minimize conflicts with surrounding land uses and provide protection for major manufacturing facilities where non-employment uses are planned; and

d) to protect agricultural areas by directing non-farm related industrial development to appropriate locations.

3.3.2 Policies

The following policies are established for those lands designated "Employment" on Schedules "A", "A-1", and "A-2" of this Plan:

a) the "Employment" designations shown on Schedule "A" include lands presently used for employment purposes and designated for employment purposes, and provide level sites capable of being fully serviced, with accessibility to arterial roads without causing unnecessary traffic to pass through residential areas. Accordingly, permitted uses in Employment areas shall be all forms of fabricating, assembly and processing of goods, materials and food products, warehousing space, storage, building contractors' yards, transportation and communications' facilities and public utilities;

b) the amenities of adjacent non-employment areas shall be safeguarded and employment development shall not be allowed to adversely affect the surrounding areas from, but not necessarily limited to, traffic, noise, odour, dust, vibration and lighting. All industries shall meet the requirements of, and where necessary, obtain the statutory approval(s) of the Province with respect to: water taking, provision of potable water, waste water/sanitary sewage disposal, storm drainage, solid waste disposal and all emissions to the natural environment, including air, noise, and vibration;

c) the Zoning By-law may divide the employment areas into "heavy" or "light" or "restricted" zones so that employment activities likely to give rise to noise and other nuisances are located where they will not cause an adverse effect to existing uses and other permitted uses;

d) the Zoning By-law may also permit the establishment of commercial uses that are incidental to and associated with employment uses such as wholesale outlets, offices and showrooms or merchandising centres;

e) other commercial uses and private clubs (such as curling clubs) suitable for location in employment areas may be permitted only through an amendment to the Zoning By-law, provided that such amendments shall be approved only when it has been shown to the satisfaction of the Town that:

    i. the commercial use provides a service or benefit to the area, or has similar requirements or characteristics to the industries in or permitted in the area such as service stations, public garages, banks, printing, and photographic establishments and restaurants;

ii. the site for the proposed commercial use or club is such that its development will be compatible with permitted employment uses; and is so located with respect to other commercial uses that it may make possible the development of a compact commercial concentration;

f) it is not expected that all lands designated as "Employment" shall immediately be so developed. Accordingly, it is the policy of this Plan that, in the interim, the implementing Zoning By-law may establish an appropriate "Industrial Holding Zone" to be used for certain areas pending applications for development. Existing agricultural uses may continue to be permitted in the "Employment" designation; however, new or expanding residential uses shall not be permitted;

g) agricultural uses, excluding livestock operations and residential dwellings existing at the date of the passing of this Plan, may be recognized in the implementing Zoning By-law subject to the Existing Uses policies contained in Section 8.7 of this Plan. New residential uses on Employment land shall not be permitted;

h) employment development should proceed on the basis of the establishment of an industrial park through registered plans of subdivision, or by consent where a plan of subdivision is not necessary and the application is in accordance with the consent policies contained in Section 7.3 of this Plan;

i) access roads and traffic circulation patterns for industrial traffic will be carefully planned in order to minimize potential negative impacts on surrounding land uses;

j) new industries will be required to conform to high performance standards relating to the type and standard of construction, parking, loading, lighting, signs, landscaping, buffering and control over outside storage which may be established in the implementing Zoning By-law;

k) the retention, renewal and conservation of industrial buildings of historical and architectural merit, whether designated under the *Ontario Heritage Act*, or identified as a property of interest, will be encouraged if they are affected by an application for development or re-development. The impact of such development plans on the character of the surrounding area will also be considered.

l) all "Industrial" development shall be subject to site plan control pursuant to the *Planning Act*, and the policies of Section 8.15 of this Plan;

m) any changes or enlargements to the "Employment" designation shall be subject to the criteria established and set out in Section 8.11 of this Plan and Section 1.6.3 in relation to settlement area expansions;

n) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the "Employment" designation. More specifically, for any "Employment" designated lands serviced by full municipal services, all new development must be fully municipally serviced in accordance with Section 6.3 of this plan.

   For "Employment" designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing "Employment" designated lands to accommodate dry industrial uses, and:

   i. to address failed individual on-site sewage and individual on-site water services within existing development;

   ii. to allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and

   iii. site conditions are suitable for the long-term provision of such services.

o) new and existing employment uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing employment uses which are limited to the confines of the current zoning shall be permitted; and

p) Expansions of the "Employment" designation will not be considered unless serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing. Prior to the approval of an amendment to this Plan which would have the effect of increasing the extent of the "Employment" designation, Council shall have regard to the following matters:

   i. the adequacy of the services available to the proposed site;

   ii. the adequacy of the road system to provide access to the proposed site;

   iii. the possible impact of the proposal on adjacent properties; and

iv. the need for additional employment land in relation to the supply/demand circumstances; and

v. the policies in other applicable Sections of this Plan, including the policies contained in Section 8.

3.4 INSTITUTIONAL USES

The development of new and the expansion of existing institutional uses such as schools, places of worship, cemeteries, community halls, government buildings, public works facilities and public utilities shall be permitted in all designations, except the "Agriculture" designation, without an amendment to this Plan, subject to a site specific rezoning and the following policies:

a) new and existing institutional uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing institutional uses which are limited to the confines of the current zoning shall be permitted;

b) adequate precautions shall be taken to ensure that the permitted uses minimize adverse impacts on adjacent land uses;

c) adequate parking, vehicular access, tree planting, landscaping using local native plantings, buffering and site and building design will be required to create an attractive appearance and ensure compatibility with surrounding land uses;

d) suitable arrangements will be made for potable water supply, sanitary sewage treatment and disposal, storm drainage and all other similar services;

e) no other suitable location within the Town serviced by municipal potable water and municipal sanitary sewage and storm drainage services is available; and

f) the retention, renewal and conservation of institutional built resources such as places of worship, churches, jails, monuments, courthouses and other buildings of historic or architectural merit will be encouraged if they are affected by an application of development or re-development. The impact of such development plans on the character of the surrounding area will also be considered;

g) new institutional and emergency service facilities will not be permitted to locate within Natural Hazard Areas;

h) land severances that would result in the creation of a new lot for institutional purposes may be permitted by the Town provided it conforms to the County Official

Plan and the Town's Official Plan, it is consistent with the Provincial Policy Statement and the subject property has been rezoned where required; and

i) where an existing institutional use ceases to exist, the Town will work with the landowner to determine the appropriate reuse of the lands. As a priority, the Town will consider the future reuse of the lands for residential uses (in accordance with intensification and affordable housing policies) and secondary, an institutional or community uses, which may include consideration for the public acquisition of the lands. In the event the lands are not required for institutional uses, the Town will consider the reuse of the lands for non-institutional uses which may be considered through an amendment to this Plan. The future reuse and redevelopment of the surplus institutional lands, will take into consideration such matters as:

   i. the appropriateness of the proposed land use,

   ii. compatibility with the surrounding land uses,

   iii. transportation and servicing impacts,

   iv. the scale and massing of the proposed development, and

   v. the overall contribution to the continued health and vitality of the Town.

3.5 PARKS AND OPEN SPACE

Lands designated "Parks and Open Space" are areas that are currently used for this purpose. The following goals and policies apply to lands so designated on Schedule "A".

3.5.1 Goals

The following goals are established for those lands designated "Parks and Open Space" as depicted on Schedules "A", "A-1", and "A-2" of this Plan:

a) to ensure that the Town maintains an adequate supply of open space;

b) to ensure that open space areas are provided in suitable locations so as to maximize their accessibility for area residents;

c) to review the parks classification system periodically;

d) to increase the percentage of people located with a minimum distance of parks and open space;

e) to secure additional public beach and waterfront parkland; and

f) to continue to expand ~~develop 1 kilometre of~~ active transportation linkages within the Town.

3.5.2 Policies

The following policies are established for those lands designated "Parks and Open Space" on Schedules "A", "A-1", and "A-2" of this Plan:

a) within the area designated "Parks and Open Space", the predominant use of land shall be for active or passive parks, public or private recreational uses and facilities including golf courses, private clubs, picnic areas and conservation lands;

b) indoor recreational facilities shall only be permitted as accessory uses to the major outdoor recreational uses, the general intent of this Plan being to keep these areas open and free from buildings and structures except those which are incidental and accessory to the open space use;

c) cemeteries shall also be permitted within the area designated "Parks and Open Space";

[note: The OP consideration of 2.1 ha/1,000 population for parkland is low. Municipal standards are generally 1.2-1.5 ha/1,000 for 'local' parkland and 2.5 ha/1,000 for community/regional parkland, amounting to a collective ratio of 3.7 ha/1,000 to 4.0 ha/1,000. Kingsville's Parks, Recreation, Arts and Culture Master Plan identifies 2.5 ha/1,000 and notes that Kingsville has the least amount of parkland in Windsor Essex. The OP policy was amended from 2.1 to 2.5 ha/1,000 to be consistent with the PRAC Master Plan. It is recommended that this be reviewed as part of a PRAC review and update.

Additionally, amendments are also identified to reflect current changes to the Planning Act regarding dedication rates/number of units as a result of Bill 23].

d) it shall be the policy of the Town to acquire additional neighbourhood parkland where necessary to maintain a total supply generally of ~~2.1~~ 2.5 hectares per 1,000 population. In addition, the Town shall promote the development of linear parks for multi-purpose trails;

e) where land is to be developed or redeveloped for residential purposes, the Town shall require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the maximum of the following criteria or combination thereof:

   i. five percent (5%) dedication of the gross area of the land proposed for development; and/or

ii. dedication at a rate of one hectare per ~~300~~ 600 units or cash-in-lieu in the case of land proposed for development or redevelopment for residential purposes ~~at a rate of one hectare per 500 units~~ or such lesser rate as may be specified in the by-law;

f) where land is developed or redeveloped for employment, institutional or commercial purposes, the Town may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the gross area of the land proposed for development;

g) the Town shall utilize parkland dedication requirements pursuant to the *Planning Act*.

h) the Town will continue to support the development and maintenance of recreational facilities, the acquisition, beautification and maintenance of public open space and the development of recreation programs in accordance with community needs and availability of resources;

i) the Town shall periodically assess the role of municipal parks and open spaces, through the Parks and Recreation Master Plan, in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;

j) the Town will endeavour to work with neighbourhood residents, service clubs and organizations, interested groups and government agencies in meeting parks and open space needs of the community;

k) the Town will seek the cooperation of the Boards of Education having jurisdiction in the community, to maximize the use of school facilities for recreational purposes during off-school hours, which may include entering into a joint use agreement or other appropriate means;

l) where possible, parkland should be located in conjunction with stormwater management facilities and integrated as part of the overall park to achieve maximum area of open space. Stormwater management facilities, hazard lands, and lands conveyed for public walkways will not form any part of the required parkland dedication, as they are deemed public services and rights-of-way under the *Planning Act*;

m) ~~the Town will only accept~~ Parkland dedication land resources do not include ~~under the following circumstances the~~ lands ~~are not~~ identified as hazard lands, significant woodlots, ravine lands, natural heritage system lands and associated buffers,

easements, vista blocks, stormwater management ~~ponds~~ systems and related undevelopable lands; and

n) ~~the~~ Parkland dedication lands will be free of all encumbrances, including but not limited to such easements which the Town, in its sole and absolute discretion, is not prepared to accept and will be free of any contamination, including but not limited to any toxic, noxious or dangerous contaminants, and will otherwise be in a condition satisfactory to the Town.

o) Where new development is proposed on a site, part of which has physical limitations or hazards, then such land will not necessarily be acceptable as part of the land dedication under the *Planning Act*. All land dedicated to the Town will be conveyed in a physical condition satisfactory to the Town, and will meet minimum standards in terms of drainage, grading and general condition. The lands will also be in full compliance in regards to any environmental hazards, contamination or related requirements.

p) new and existing recreational uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing recreational uses which are limited to the confines of the current zoning shall be permitted; however expansions into the "Agriculture" designation would require an amendment to this Plan.

q) The Town will consider opportunities for the promotion and implementation of stormwater management best practices within the Town's parks and open spaces where appropriate. Consideration should be given to stormwater attenuation and re-use and low impact development measures to control the quantity and quality of stormwater.

[note: following section was previously identified as (h) but moved for readability]

r) where any lands designated as "Parks and Open Space" are under private ownership, this Plan does not intend that the land will necessarily remain as "Parks and Open Space" indefinitely. Nor shall it be construed as implying that "Parks and Open Space" areas are free and open to the general public or that they will be purchased by the Town. If there are proposals to develop any such lands that are in private ownership, and the Town or other public agency does not wish to purchase such lands in order to maintain the open space, then an application for the re-designation of such land for other purposes will be given due consideration by the Town;

3.6 RESIDENTIAL

3.6.1 Residential

Areas designated "Residential" on Schedules "A-1", and "A-2" are either currently developed residentially or have previously been determined to be appropriate to accommodate future residential development. It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the planning period of this Plan. In addition, other uses which are considered to be ancillary or necessary to serve the needs of a residential community may also be permitted in the "Residential" designation in accordance with the policies of this Plan.

The following land use goals and policies establish the manner with which new residential development and/or redevelopment should take place in the Town. These policies shall be implemented through regulations enacted in the Town's Zoning By-law, the development review/approval process, and through individual site plan control and development agreements.

3.6.1.1 Goals

The following goals for areas designated "Residential" on Schedules "A-1", and "A-2" of this Plan are to:

a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;

b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;

c) encourage infilling of the existing development pattern within vacant and underutilized areas in a manner that is compatible with the surrounding neighbourhood land use ~~character~~ and built form;

d) encourage the development of a greater variety of housing types and densities within appropriate locations that help increase housing attainability, which provides infrastructure and community services and amenities to support such uses;

e) direct neighbourhood commercial, institutional and other non-residential development to appropriate locations in a manner that is compatible with the surrounding neighbourhood character;

f) encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;

g) encourage new plans of subdivision to provide a full range of housing densities to facilitate movement toward the County target of 20% affordable housing in all new development;

h) provide opportunity to increase the housing supply (including attainable and affordable housing) through residential intensification, in accordance with the policies of Section 2.11 of this Plan;

i) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and guidelines within the Town's Development Standards Manual;

j) encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the planning period.

k) provide opportunity to increase the supply of affordable and attainable housing, in accordance with the policies of Sections 2.12 and 2.12.1 of this Plan.

3.6.1.2 Policies

[note: some of the approved policies were reworked by Administration to group similar policies to provide clarity. The intent/content of the policies did not change]

The following policies shall apply to those lands designated "Residential" on Schedules "A-1", and "A-2" of this Plan:

a) The types of residential units permitted include single detached dwellings, semi-detached dwellings, townhouses, apartments and seniors' housing including retirement homes and long-term care homes and other housing designed to accommodate special needs or interests. The variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law;

b) other uses which are considered necessary and complimentary to serve residential areas, such as schools, places of worship, and institutional uses of a similar scale, neighbourhood-scale commercial uses, and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area and located on an arterial or collector road;

c) neighbourhood-serving parks and trails will be permitted, whereas larger scale parks will only be permitted in the Parks and Open Space Designation.

~~d) uses that are existing on the date of adoption of this Plan are also permitted in the "Residential" designation;~~

d) the regulations and provisions for the uses permitted in the "Residential" designation shall be established in the Zoning By-law;

e) the creation of new lots for residential purposes will occur in accordance with the land division policies contained within Section 7 of this Plan;

f) a high standard of urban design and amenity shall be provided in all new residential development;

g) residential infill development in areas of significant historical, architectural or landscape merit shall be permitted provided the following criteria are met:

i. are sensitive to the existing scale, massing and pattern of the area;

ii. are consistent with the existing landscape and streetscape qualities; and

iii. will not result in the loss of any significant heritage resources.

h) All types of residential development will be permitted throughout the area designated "Residential", subject to satisfying certain criteria.

i. Low Density Residential zones will permit single detached dwellings and semi-detached dwellings at a maximum density of 20 units per gross hectare.

ii. Medium Density Residential zones will permit single detached dwellings, semi-detached dwellings, townhouse dwellings, apartment buildings not exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 50 units per gross hectare.

iii. High Density Residential zones will permit multiple dwelling units such as townhouse dwellings, apartment dwellings and all types of senior and other special interest and needs housing. The maximum density for this type of housing should not exceed 124 units per gross hectare.

iv. Proposals to locate high density residential development in older established residential neighbourhoods will be discouraged if they involve the extensive

redevelopment of existing single detached dwellings, and are subject to the residential intensification policies of Section 2.11 of this Plan;

The Zoning By-law will zone only existing medium and high density residential uses as such.

All medium and high density residential development will be subject to site plan control pursuant to the *Planning Act*.

Any new medium or high density residential development or redevelopment proposal will require an amendment to the Zoning By-law.

i) When considering applications to amend the Zoning By-law to permit medium or high density residential development, the Town shall have regard to the following:

   i. the density and form of adjacent development;

   ii. the adequacy of, and extent of uncommitted reserve capacity in the municipal potable treatment and supply system, the municipal, sanitary sewage treatment and collection system, storm drainage and roads to service the proposed development;

   iii. the adequacy of school, park and community facilities to serve the proposed development;

   iv. the adequacy of off-street parking facilities to serve the proposed development;

   v. the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses; and

   vi. accessibility in relation to the location of arterial and collector roads.

j) undeveloped lands that are designated "Residential" may be placed in a holding zone in the Zoning By-law. The holding symbol will be removed when appropriate sewage treatment, municipal water and any other necessary arrangements are made to the satisfaction of the Town and the Province and a plan of subdivision is approved, where required. Existing uses shall be permitted in the interim;

k) all development in the "Residential" designation shall be in accordance with the land division policies contained in Section 7 of this Plan. The provision of a three year supply of residential lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been

created in accordance with Section 7 of this Plan shall be maintained within areas designated for residential use;

l) the conversion of single detached dwellings to create more than three new dwelling units may be permitted subject to an amendment to the Zoning By-law and subject to compliance with the following requirements:

i. external changes should be minimal and the single detached character of the dwelling should be preserved to the extent possible;

ii. adequate off-street parking should be made available for all dwelling units; and

iii. adequate services should be available to accommodate all units.

m) mobile homes and/or mobile home parks shall not be permitted in the "Residential" designation;

n) home occupations are permitted subject to the requirements of the Zoning By-law;

o) private home day cares are permitted subject to the requirements of the Zoning By-law;

p) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

q) institutional uses are permitted in the "Residential" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria contained in Section 3.4 of this Plan shall be considered;

r) special needs housing, including group homes are permitted in accordance with the policies of Section 2.13.

3.6.1.3 Site Specific Policies

a) a professional and personal service office building shall be permitted in the "Residential" designation on those lands located at the north-west corner of Main Street East and Remark Drive. The implementing Zoning By-law shall limit the permitted uses on those lands to include only a structure for use as a professional and personal service office and will stipulate the lot and building requirements;

b) notwithstanding any other policies in this Plan, the implementing zoning by-law shall limit the list of permitted uses on those lands designated "Residential" on the north

side of Lakeview Avenue between Industrial Road and Wigle Avenue to include only existing single detached dwellings, existing townhouses and existing and new uses accessory to the residential uses. The lot and building requirements for the above permitted uses shall be established in the Zoning By-law.

c) notwithstanding any other policies in this Plan, the lands within the Prince Albert Street North area shown on Schedule A-1, shall only permit single detached dwellings and semi-detached dwellings.

3.6.2 Hamlet

The purpose of the "Hamlet" designation is to identify those rural service areas where low density residential, institutional, recreational, small scale commercial and dry, light industrial uses are permitted. The majority of this designation is serviced by municipal water and sewer services. However, there are small areas which continue to be serviced by private septic facilities and so servicing will be a major consideration for any development proposals within this designation.

3.6.2.1 Goals

The following goals are established for the areas designated "Hamlet" on Schedule "A" of this Plan:

a) to allow the Hamlet to strengthen its identity as a Secondary Settlement Area and service centre to area residents;

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;

c) to continue to provide a location for future residential, institutional, recreational, small scale commercial and small scale dry light industrial uses;

d) to encourage the development of a greater variety of housing types provided the proposed housing can be adequately serviced;

e) to provide the opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions, including accessory apartments, and redevelopment, and will be encouraged in areas designated "Hamlet" as a means of increasing the supply of affordable rental landownership accommodations.

f) provide opportunity to increase the supply of affordable housing, in accordance with the policies of Section 2.13 of this Plan.

3.6.2.2 Policies

The following policies shall apply to those lands designated "Hamlet" on Schedule "A" of this Plan:

a) the permitted uses shall include single detached, semi-detached, and townhouses, institutional, recreational, small scale commercial and dry, light industrial uses and their expansion in accordance with the policies outlined below. Existing agricultural uses are permitted to continue subject to the Existing Uses policies contained in Section 8.7.1 of this Plan;

b) the Zoning By-law shall zone all lands in the "Hamlet" designation according to their existing use. All undeveloped land parcels may be placed in a holding zone in the implementing Zoning By-law, and new development may be subject to a site-specific amendment to the Zoning By-law. New residential, commercial, industrial, recreational and institutional uses may be permitted without an amendment to this Plan provided the Zoning By-law is amended where necessary and the proposed use satisfies the following criteria:

c) the proposed use is generally compatible with existing uses in close proximity;

d) the existing roads can adequately serve the proposed use;

e) the existing services are adequate for the proposed use;

f) the off-street parking is adequate for the proposed use; and

g) where required, the site plan provides adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties;

h) home occupations carried out for remuneration as defined in the Zoning By-law are permitted in the "Hamlet" designation;

i) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

j) existing non-residential uses will be allowed to expand provided the expansion satisfies the criteria outlined in subparagraph b), subsections i) to v) above inclusive;

k) all lot creation in the "Hamlet" designation shall be in accordance with the land division policies contained in Section 7 of this Plan;

l) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing within the Hamlet designation. More specifically, for any Hamlet designated lands serviced by full municipal services, all new development must be fully municipally serviced. For designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing designated lands to:

   i. address failed individual on-site sewage and individual on-site water services;

   ii. to allow for infilling and rounding out of existing development between residential lots on the same side of the road provided that the development is within the reserve sewage system and/or reserve water system capacity and

   iii. site conditions are suitable for the long term provision of such services.

3.6.3 Lakeshore Residential East

The purpose of the "Lakeshore Residential East" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and east of the Town's main settlement area. This area of the municipality is currently serviced with private septic facilities and so servicing will be a major consideration for any development proposals within this designation.

3.6.3.1 Goals

The following goals are established for the areas designated "Lakeshore Residential East" on Schedule "A" of this Plan:

a) to recognize existing residential development and areas previously designated for residential development;

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;

c) to encourage limited infilling of the existing development pattern;

d) to provide the opportunity for the provision of affordable housing in accordance with Section 2.13 of this Plan.

3.6.3.2 Policies

[note: policies were clarified to include shoreline engineering assessments as may be required and to note that some properties may not support new development based on natural hazards]

The following policies are established for the areas designated "Lakeshore Residential East" on Schedule "A" of this Plan:

a) residential development shall ~~only~~ consist primarily of single detached dwellings but may also include semi-detached and townhouse dwellings residential development subject to appropriate sewage treatment, municipal water and shoreline engineering assessment as may be required. Other uses which are complementary to residential areas such as schools, parks, places of worship, day-care centres, home occupations, fruits and vegetable stands and existing greenhouse operations may be permitted;

b) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

c) institutional uses are permitted in the "Lakeshore Residential East" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria in subsections 3.4 and 8.17.3 of this Plan shall be considered;

d) undeveloped lands in the "Lakeshore Residential East" designation may be placed in a holding zone in the implementing Zoning By-law. The holding symbol will be removed when appropriate sewage treatment, municipal water and any other necessary arrangements are made to the satisfaction of the Town and based on the advice of the Province and a plan of subdivision is approved, where required. Properties, which are floodprone or subject to erosion may also, require a shoreline engineering assessment. Existing uses shall be permitted in the interim subject to the Existing Uses policies contained in Section 8.7.1 of this Plan;

e) all lot creation in the "Lakeshore Residential East" designation shall be in accordance with the Land Division policies contained within Section 7 of this Plan provided there is adequate capacity in the municipal water system and the site conditions are suitable for the provision of long term private septic facilities;

f) the "Lakeshore Residential East" area is adjacent to the Lake Erie Shoreline and is susceptible to progressive erosion and bank instability. Subsequently, all development proposals within the Regulated Area will be subject to approval by the

Essex Region Conservation Authority and will be subject to the provisions of the same;

g) some properties within the Lakeshore Residential East designation may have limited depth and may not support new development. These areas should be designated as open space, hazard land or water course protection;

h) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing within the Lakeshore Residential East designation. More specifically, for any Lakeshore Residential East designated lands serviced by full municipal services, all new development must be fully municipally serviced.

For designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing designated lands to:

i. address failed individual on-site sewage and individual on-site water services;

ii. to allow for infilling and rounding out of existing development between residential lots on the same side of the road provided that the development is within the reserve sewage system and/or reserve water system capacity; and

iii. site conditions are suitable for the long term provision of such services as demonstrated by the proponent.

3.6.4 Lakeshore Residential West

The purpose of the "Lakeshore Residential West" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town's main settlement area. This area of the municipality is currently serviced with full municipal services. The Lakeshore Residential West designation is further identified as a Primary Settlement Area and a Secondary Settlement Area in accordance with the policies of Section 1.6 of this Plan.

3.6.4.1 Goals

The following goals are established for the areas designated "Lakeshore Residential West" on Schedule "A" of this Plan:

a) to recognize existing residential development and areas previously designated for residential development;

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;

c) to encourage infilling of the existing development pattern;

d) to provide the opportunity for the provision of affordable housing in accordance with Section 2.13 of this Plan; and

e) to ensure that expansions of the Lakeshore Residential West designation identified as a Primary Settlement Area are serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing and the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately accommodate the expansion of the designation, and in accordance with the settlement area expansion policies of Section 1.6.3 of this Plan.

3.6.4.2 Policies

[note: policies were clarified to include shoreline engineering assessments as may be required and to note that some properties may not support new development based on natural hazards]

The following policies are established for the areas designated "Lakeshore Residential West" on Schedule "A" of this Plan:

a) residential development shall consist primarily of single detached dwellings but may also include semi-detached and townhouse dwellings subject to appropriate sewage treatment, municipal water and shoreline engineering assessment as may be required. Other uses which are complementary to residential areas such as schools, parks, places of worship, day-care centres, and home occupations, may also be permitted;

b) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

c) institutional uses are permitted in the "Lakeshore Residential West" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria in subsections 3.4 and 8.17.3 of this Plan shall be considered;

d) undeveloped lands in the "Lakeshore Residential West" designation may be placed in a holding zone in the implementing Zoning By-law. The holding symbol will be removed when appropriate agreements regarding servicing are executed with the Town. Properties, which are floodprone or subject to erosion may also, require a shoreline engineering assessment.

e) all lot creation in the "Lakeshore Residential West" designation shall be in accordance with the Land Division policies contained within Section 7 of this Plan;

f) the "Lakeshore Residential West" area is adjacent to the Lake Erie Shoreline and is susceptible to progressive erosion, bank instability and flood hazards. Subsequently, all development proposals within the Regulated Area will be subject to approval by the Essex Region Conservation Authority and will be subject to the provisions of the same;

g) some properties within the Lakeshore Residential East designation may have limited depth and may not support new development. These areas should be designated as open space, hazard land or water course protection, and

h) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the "Lakeshore Residential West" designation in accordance with Section 6.3 of the Plan. Development on private septic facilities shall not be permitted within the sewer service area.

3.6.4.3 Site Specific Policies

a) For the lands identified on Schedule "A" Land Use Plan as a Site Specific Policy Area and located at 700 County Road 20, notwithstanding, or in addition to, other policies of the Official Plan, the following policies will apply:

i. Multiple-unit (apartment dwelling) limited to 96 units and six storeys in height shall be an additional permitted use.

ii. A low rise stay-and-play hotel/motel shall be permitted in combination with the permitted residential uses.

iii. All development of the site shall be subject to a public consultation process related to site plan approval including but not limited to a minimum of one proponent initiated open house including circulation of notice a minimum of 14 days prior to the open house including a detailed, legible copy of the site plan to be considered.

iv. The proponent shall demonstrate to the satisfaction of the Town the availability of full municipal services to the site prior to the removal of the H- Holding provision in the site-specific zoning.

3.6.5 Rural Residential

The purpose of the "Rural Residential" designation is to recognize the existing residential development along each side of County Road 34 between the Town of Essex and Cottam. Portions of the "Rural Residential" designation are located within the Secondary Settlement Area of Cottam.

3.6.5.1 Goals

The following goals for areas designated "Rural Residential" on Schedules "A" and "A-1" of this Plan are to:

a) recognize pockets of existing residential development along both sides of County Road 34 between the Town of Essex and Cottam; and

b) permit the completion of existing development patterns, while directing the majority of development to lands within the Secondary Settlement Area of Cottam.

3.6.5.2 Policies

[note: policies were clarified as noted to describe conditions and requirements of home industries in response to County comments]

The following policies shall apply to those lands designated "Rural Residential" on Schedules "A" and "A-1" of this Plan:

a) residential development shall consist of single detached dwellings only;

b) home occupations as defined in the Zoning By-law are permitted in the "Rural Residential" designation;

c) home industries as defined in the Zoning By-law may only be permitted as an accessory use in the "Rural Residential" designation and will require a site-specific amendment to the Zoning By-law. A proposed home industry must demonstrate to the satisfaction of the Town that it will not negatively impact on abutting uses in terms of light, odour, noise, traffic and dust. A proposed home industry may be subject to site plan control as a method of mitigation with abutting land uses;

d) bed and breakfast establishments are permitted subject to the requirements of the Zoning By-law;

e) all lot creation in the "Rural Residential" designation shall be in accordance with the land division policies contained in Section 7 of this Plan;

f) it is not the intention of this plan to designate additional "Rural Residential" development areas. New rural residential development shall only occur within the boundaries of the existing "Rural Residential" designation and shall only be permitted for infilling and rounding out of existing development, and may require a site-specific amendment to the Zoning By-law;

g) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing. For "Rural Residential" designated lands where partial municipal services (being municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists development will only be permitted on partial services to:

   i. address failed individual on-site sewage and individual on-site water services;

   ii. allow for infilling and the rounding out of existing development between existing residential lots on the same side of the road; and

   iii. site conditions are suitable for the long term provisions of such services.

3.6.6 Special Residential

[note: policies were revised by the Town of Kingsville to describe the conditions that would be required to be met for the Town to assume roads/services currently provided by Country Village].

The purpose of the "Special Residential" designation is to recognize the existing Country Village residential development south of County Road 8. This area is presently developed with a variety of medium-density residential uses. A considerable amount of undeveloped land and some agricultural land exists within this designation.

All of the existing development in the "Special Residential" area is serviced privately including a private sewage lagoon and private roads. Presently, the roads are not at an acceptable municipal standard. ~~The Town has no intention of assuming the roads, neither in their present state nor if they are brought up to standard some time in the future. Also, the Town is not prepared to take over any of the other services in the area. This area has been privately serviced since it was developed and there have been few, if any, problems.~~ The Town may consider assuming the roads, in the future, only once the owner(s) have agreed to upgrade the roads, at the owner(s) expense and to a standard

acceptable to the Town. The Town, through execution of an acceptable agreement, may consider assuming maintenance of the internal water lines located within a municipal or private roadway. Although the Town does not view this type of development as desirable and would not support a similar development today, it does realize that this is an existing situation which evolved prior to planning documents and controls being in place. The policies of the "Special Residential" designation are intended to recognize existing uses. It is with this realization and perspective that the following goals and policies are established.

3.6.6.1 Goals

The following goals for "Special Residential" designated areas on Schedule "A" of this Plan are to:

a) recognize existing residential development;

b) maintain a buffer area along the north side of the sewage lagoon to reduce potential compatibility problems between the existing lagoon and proposed new residential development;

~~c) ensure that the services to this area continue to be provided privately and that the Town not be responsible in any way for the provision or maintenance of any services now or in the future; and~~

c) ensure that the private sanitary services to this area continue to be provided privately and that the Town not be responsible in any way for the provision or maintenance of any private sanitary services now or in the future; and

~~d) correct the land use designation and corresponding zones that presently apply to the property prior to some further unwanted, but permitted development occurring on the site.~~

d) maintain the existing land use designation and corresponding zones to prohibit any further development or subdivision of the lands with the Special Residential designation.

3.6.6.2 Policies

The following policies are established for the areas designated "Special Residential" on Schedule "A" of this Plan:

a) the uses permitted in the "Special Residential" area shall be limited to an existing long-term care home/retirement home complex, existing medium density residential uses, existing agricultural uses and existing single detached dwellings. One produce sales establishment shall also be permitted. The Zoning By-law shall zone the land accordingly and establish the zone provisions;

b) no new lot creation is permitted in this designation;

c) the municipality shall not be responsible for any of the private sanitary services on lands within the Special Residential designation ~~including roads, water lines, or sanitary sewer servicing.~~

3.7 WATERCOURSE PROTECTION

3.7.1 Goals

The following goals are established for the "Watercourse Protection" area shown on Schedule "A-2":

a) to preserve the natural capacity of the floodplain areas to conduct and temporarily store floodwaters by limiting the construction of buildings and structures in these areas; and

b) to protect and re-establish natural vegetation and wildlife habitat along watercourses wherever possible.

3.7.2 Policies

The following policies shall apply to those lands designated "Watercourse Protection" on Schedule "A-2":

a) the predominant use of the land shall be open space, conservation, sustainable forest management, wildlife management areas, natural heritage features and areas and public or private parks;

b) no buildings or structures shall be permitted in areas designated "Watercourse Protection" except where such buildings and structures are intended for flood or erosion control as approved by Council in consultation with the Essex Region Conservation Authority and are subject to permit requirements under Ontario Regulation 158/06, as amended and implemented by the Essex Region Conservation Authority;

c) lands within the "Watercourse Protection" area shall be preserved for natural environment purposes and for public health and safety. Development shall not be permitted within areas that are susceptible to flood and erosion hazards where there is significant risk to human life and property. If such an application is submitted, Council shall consider the request in the context of the goal to preserve the natural environment and minimize potential impacts to public health and safety. If the opinion of Council is such that the proposal does not jeopardize the intent to preserve the natural environment and if appropriate floodproofing measures are implemented and a permit is obtained from the Essex Region Conservation Authority, such development may be approved without an amendment to this Plan provided the proposed use is a permitted use in the abutting designation. Where any uncertainty exists as to what the abutting designation is, the following interpretations shall apply:

i. where the designations on opposite sides of the watercourse and abutting the "Watercourse Protection" designation are not the same, the centerline of the watercourse shall be used as the dividing line;

ii. where two different designations meet on the same side of the watercourse and abut the "Watercourse Protection" designation, the abutting designation shall be determined by extending the dividing line between two designations at the same angle and in the same general direction through the "Watercourse Protection" designation to the centerline of the watercourse.

3.8 WATERFRONT MIXED USE NEIGHBOURHOOD

The area designated "Waterfront Mixed Use Neighbourhood" are those areas within the former Town along the harbour area of Lake Erie that have previously been determined to be suitable for a mix of land uses including commercial and residential development. This area is in transition with existing residential uses, proposed residential uses, existing commercial, proposed commercial and municipal initiatives.

The Town will support the establishment of a long-range Waterfront Development Master Plan to enhance the waterfront as a destination, promote the development of a mixed used waterfront area with enhanced public open space areas and integrated trail system.

3.8.1 Goals

The following goals are established for the areas designated "Waterfront Mixed Use Neighbourhood" on Schedule "A-2":

a) to promote the development of a mix of land uses in the waterfront area;

b) to promote the waterfront area as a destination in the Town. The policies encourage and support the development of a welcoming, inviting, intrinsically interesting and an aesthetically appealing area both for visitors coming from the harbor, residents to live in the area and provide for walking or driving through the area, as well as supporting and encouraging new business operators in the area of the waterfront;

c) to ensure that new commercial and residential development meets appropriate site design standards and new commercial and residential development are compatible.

3.8.2 Policies

The following policies shall apply to those lands designated "Waterfront Mixed Use Neighbourhood" on Schedule "A-2" of this Plan.

a) permitted commercial uses shall be restricted to those uses that are compatible with residential uses in the neighbourhood: retail stores, restaurants, personal service shops, taverns, recreational establishments, places of amusement, inns, assembly hall, hotel or motel, professional office space;

b) permitted residential buildings shall be limited to: existing residences, new single detached residences, multiple unit residential structures (semi-detached, townhouses), and apartments. Maximum density for residential units will be 75 units per gross hectare;

c) municipal services, municipal parks, trails, walkways and other necessary municipal features will be permitted in all areas designated 'Waterfront Mixed Use Neighbourhood';

d) permitted accessory uses shall include: ancillary uses to the main use, bed and breakfasts, outdoor patio spaces associated with a restaurant, parking, trails, walkways, outdoor storage, outdoor garbage facilities or garage facilities. The accessory building(s) shall be located in the side yard or rear yard of the main structure;

e) both existing and new residences are encouraged to have commercial uses on the main floor or at the front of the building while allowing for residential uses to the rear or second floor of the building;

f) mixed use buildings with both commercial units and residential units are encouraged and permitted;

g) the maximum building height for buildings on the south side of Park Street will be three (3) storeys. The maximum building height for buildings on the north side of Park Street will be five (5) storeys;

h) all existing and new development is encouraged to incorporate innovative site and building designs to take advantage of the streetscape and the viewscape provided by the harbor area and Lake Erie;

i) proposals for new development will be encouraged to incorporate innovative designs reflecting a welcoming theme, particularly by providing walkways, trails, building features and facade design;

j) lands on the south side of Park Street are encouraged to incorporate innovative designs that will provide for public vistas, viewscapes and pedestrian access to the harbor and waterfront area;

k) the front yard of any new building is considered Park Street with front entrances clearly visible from the street. Garages and accessory structures will not be permitted in the front yard of any building with the exception that parking for single detached residences may be located in the front yard;

l) parking for residential buildings, mixed use buildings, multiple unit buildings or commercial buildings is encouraged to locate in the side yard or rear yard;

m) on-site parking must be provided in compliance with the Comprehensive Zoning By-law for the Town of Kingsville. Parking areas will be well screened with landscaping and buffer spaces from adjacent land uses;

n) lot development regulations for the waterfront mixed use neighbourhood shall be contained in the implementing Comprehensive Zoning By-law;

o) all new development within the "Waterfront Mixed Use Neighbourhood" designation will be required to conform to high performance standards relating to noise attenuation, parking, loading, traffic circulation, building design, lighting,

landscaping, buffering and control over outside storage as set out in the Zoning By-law;

p) additional side yard setback distances shall be required between the permitted commercial uses and adjacent residential uses and in compliance with the Zoning By-law;

q) new main buildings that are infilling structures will be located at an established building setback of adjacent building(s). Should there not be adjacent buildings affected by the location of the new building, the new main building shall be brought forward towards the street to create a street presence for the building. The front entrance will be clearly visible and styled to create a welcoming entrance;

r) all new multiple unit buildings or commercial development within the "Waterfront Mixed Use Neighbourhood" designation will be subject to site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law;

s) all lands within the "Waterfront Mixed Use Neighbourhood" designation are subject to holding provisions as permitted under the *Planning Act*. In addition to meeting the requirements contained within Section 8 of this Plan, the holding symbol will not be removed by by-law until such time as the municipality is satisfied that there is sufficient uncommitted reserve sewage capacity;

t) new development shall only be permitted on full municipal sewage (sanitary and storm) and municipal potable water services. New development within the "Waterfront Mixed Use Neighbourhood" designation will not be considered unless:

   i. serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing in accordance with Section 6.3 of this plan;

   ii. the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately accommodate the expansion of the designation; and

   iii. if the expansion of the designation necessitates an expansion of the approved municipal sanitary sewage and/or potable water service areas, the expansion of the service areas is undertaken, all in accordance with the requirements of the *Environmental Assessment Act*.

SECTION 4: RESOURCES

4.1 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

It is the policy of this Plan, that archaeological, cultural and built heritage resources and landscapes be identified, recognized, enhanced and conserved for the benefit of the community. The Town shall work with the Municipal Heritage Advisory Committee to identify potential archaeological, cultural and built heritage resources and landscapes to increase public awareness and involvement in the protection and enhancement of the Town's heritage features.

4.1.1 Cultural and Built Heritage Resources

For the purposes of this Plan, cultural heritage resources shall mean resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people. Built heritage resources shall mean one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

Kingsville's built heritage resources will be identified by:

a) establishing a framework by which to judge the potential significance of built heritage resources;

b) researching and documenting the potential built heritage significance of properties within the Town of Kingsville using the established framework;

c) based on the completed research and documentation, preparing a register of properties with potential built heritage significance;

d) contacting property owners regarding the potential significance of their property and seek their co-operation and support to have their property designated as a "significant built heritage resource". While co-operation and support of effected property owners is the preferred direction in designating a given property, it is not a requirement of the designation process under the *Ontario Heritage Act*;

e) encouraging Council to continue to offer property tax reduction incentives for properties that have been designated under the *Ontario Heritage Act*;

f) monitoring demolition permit applications to ensure input in the event that a property with potential built heritage significance is proposed for demolition.

Those properties designated or identified in accordance with paragraph c) above (see list in Appendix A (Part 1 and Part 2) of this Plan) and for which property tax incentives are being received, shall be conserved. Demolition shall be prohibited and alterations shall only be permitted if in accordance with the *Ontario Heritage Act*.

For those properties that are included in the Town of Kingsville Heritage Register (see list in Appendix A (Part 1) of this Plan), demolition shall only be permitted in compliance with the provisions of the *Ontario Heritage Act*, R.S.O. 1990, c.O. 18.

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been assessed and evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigating measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the designated heritage property, as identified in Appendix A (Part 1), affected by the adjacent development or site alteration.

The Town may choose to designate a Heritage Conservation District or Districts, including areas of cultural heritage landscape features and heritage attributes. Prior to the designation of a Heritage District, Council will pass a by-law defining an area to be examined for designation as such a district, or may prepare a study for the area to determine the feasibility and appropriateness of such a designation. The study will be prepared in accordance with the Province's Heritage Conservation District Guidelines. The study may also suggest policies and guidelines to advise Council as to the consideration and approval of applications for new development and building alterations on properties located within a designated Heritage Conservation District.

The Town has identified Division Street South as a potential area of interest in establishing a Heritage Conservation District, which may be implemented through the preparation of Heritage Conservation District Study and an amendment to this Plan.

4.1.2 Cultural Heritage Landscapes

Cultural heritage landscape shall mean a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of

heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act* and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trail ways and industrial complexes of cultural heritage value.

4.1.3 Archaeological Resources

Archaeological resources include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological field work undertaken in accordance with the *Ontario Heritage Act*.

In consultation with the Province, and as resources permit, Council may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Town having archaeological potential. The Plan may also outline policies, programs and strategies to protect significant archaeological sites.

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation or by preservation on site when performed by a licensed archaeologist, as per Section 48 of the *Ontario Heritage Act*. Where archaeological resources must be preserved in situ, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Council may conserve the integrity of archaeological resources by restricting land use activities, including the erection of buildings and structures, on sites with archaeological resources through the implementing zoning by-law.

Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including Ministry of Tourism, Culture and Sport, and the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services, when an identified and marked or unmarked cemetery is affected by land use development. Marked and unmarked private family burial plots, where known, shall be registered with the Provincial Cemeteries Registrar and identified in the Zoning By-law. Marked and unmarked private family burial plots shall be preserved.

The Town recognizes that within the boundaries of the Town, there may be marine archaeological remains. Prior to approving a development proposal, where there is a

high potential for marine archaeological resources, the Town will require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Town and the Province, pursuant to the *Ontario Heritage Act*. Any marine archaeological resource that is identified must be reported to the Province immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed through excavation, by a licensed marine archaeologist under the direction of the Province.

Note: the following paragraph was amended to reflect PPS]

~~The Town will ensure the interests of Indigenous communities are considered in conserving cultural heritage and archaeological resources, and in undertaking an Archaeological Management Master Plan or Cultural Heritage Plan.~~

The Town shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. The Town shall consult with Indigenous communities when developing and implementing an Archaeological Management Plan or Cultural Heritage Plan.

4.2 NATURAL HERITAGE SYSTEM ~~HERITAGE RESOURCES~~

[Note: this section was revised to reflect comments from the County and ERCA. Changes noted directly reflect County policy as has been adopted by most lower-tier municipalities in their Official Plans. Additions to reflect the County of Essex Official Plan are highlighted. Other sections that are not highlighted may have been moved within this section for consistency with the County OP, or to facilitate readability and flow]

The Town of Kingsville encourages the protection and enhancement of its Natural Heritage System, including natural heritage resources and associated linkages, which builds on the natural heritage system established in the County of Essex Official Plan and the Essex Region Natural Heritage System Strategy, 2013 (ERNHSS). The Town's natural heritage resources ~~that~~ represent a legacy of the natural landscape of the municipality and as a result have important environmental and social values for this and future generations.

The policies of this Plan protect the Natural Heritage System, which contains potential linkages and corridors as well as restoration opportunities that expand and better protect natural heritage features and promote overall diversity and connectivity of natural heritage resources, functions and areas.

The natural heritage resources that are mapped on Schedule "B-1" and "B-2" include:

a) ~~Environmental Protection Areas~~ Natural Environment - includes lands identified as significant wetlands, significant woodlands, significant habitat of endangered species and threatened species, significant natural heritage features, and certain natural heritage features which are privately owned, or owned by the Essex Region Conservation Authority in the Town. Lands identified as "Natural Environment" meet at least 5 of the 11 natural heritage feature criteria outlined in the (ERNHSS), or other lands deemed appropriate by the Town and ERCA;

b) Natural Environment Overlay - includes secondary priority natural heritage features in the Town including woodlands/woodlots, areas of natural and scientific interest, valleylands and wildlife habitat that have, local or regional significance. Lands identified as "Natural Environment Overlay" meet 1 to 4 of the 11 natural heritage feature criteria outlined in the ERNHSS; and

c) Restoration Opportunities Overlay - includes secondary restoration lands that are intended to promote opportunities to enhance the Town's natural heritage system through policy, stewardship and education. Lands identified as "Priority Restoration Opportunities" meet 3 to 5, or "Secondary Restoration Opportunities" that meet 1-2 of the 5 restoration opportunity criteria outlined in the ERNHSS.

Appendix C provides the natural heritage classifications based on the Provincial Policy Statement, along with their land use classification within this Plan and identifies adjacent land provisions.

4.2.1 Goals

The ~~following~~ goals ~~are~~ established for the Natural Heritage System as depicted on Schedule "B-1" and "B-2" of this plan are to: a~~pply to Natural Heritage Resource areas, as depicted on Schedule "B" of this Plan, are to:~~

a) facilitate and support the preservation, protection and enhancement of natural heritage resource areas;

~~b) protect lands adjacent to areas with significant natural heritage resources from land uses that would negatively impact the natural features; and~~

b) recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction to facilitate the identification and establishment of the natural heritage system, protect lands adjacent to areas with significant natural heritage resources, create linkages that will sustain existing natural heritage

resources and support biodiversity in a changing climate as per the Provincial Policy Statement 2020;

c) work with private property owners to support the preservation and enhancement of natural features and to develop implementation mechanisms to protect high priority restoration opportunity areas including, but not limited to: volunteer stewardship policies, financial programs, and attaching conditions to development approvals.

d) increase the size of core natural areas and to create and protect linkages and corridors as part of a linked Natural Heritage System connecting natural areas, and connect residents to each other and to the Town's natural areas. Inter-municipal co-ordination to accomplish this goal is encouraged.

e) support partnerships with ERCA, local municipalities, and other partners, that result in plans to appropriately manage ecologically sensitive lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.

f) encourage private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities that will ultimately enhance the Natural Heritage System;

g) maintain and enhance vegetated buffers along municipal drains, where feasible, in order to support the Natural Heritage System and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains;

h) support the creation of new or expanded linkages between natural heritage features, where feasible. Corridors that link isolated natural heritage features or enhance existing linkages improve or enhance the ecological functions of designated natural heritage features and strengthen the overall Natural Heritage System

i) to support the development of policies and programs to protect and enhance natural heritage features and Natural Heritage Systems. This work may include partnerships with conservation organizations such as ERCA and regional municipal partners to encourage the regional protection and implementation of a Natural Heritage System.

4.2.2 Policies

The following policies apply to the Town's Natural Heritage System, as depicted on Schedule "B-1" and "B-2" of this Plan:

a) the Town will work with private property owners and agencies toward preserving and enhancing natural features and will encourage the participation of private property owners in available financial compensation programs to recognize the stewardship of natural heritage resources (e.g., Managed Forest Tax Incentive Program, Conservation Land Tax Incentive Program, Ecogifts).

b) the Town will encourage opportunities that may arise with development proposals for creating new habitats, natural vegetation regeneration, conserving natural landforms and functions for protecting and enhancing groundwater and surface water resources, and for promoting environmental education and interpretation;

c) the Town will encourage that, wherever possible and appropriate, trees be replanted to replace trees removed if a development proceeds. The Town will encourage the conservation or replanting of roadside and fence-line shrubs and trees, and riparian area vegetation, wherever possible and appropriate in the context of new development. Financial compensation for tree loss is not considered the preferable means of appropriate mitigation for development;

~~a) The Town will support the development of policies and programs to protect and enhance natural heritage resources and the natural heritage system.~~

d) The extent and diversity of natural heritage features in an area, and the natural connections between them, should be preserved and enhanced where possible. Natural connections will generally follow watercourses and the Lake Erie shoreline with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions, including groundwater features, that create hazards, and will also generally follow the woodlots and hedgerows in the rural areas of the Town.

e) Recognizing that vegetated buffers along municipal drains enhances the Natural Heritage System and provide options for implementation of restoration opportunities adjacent to streams and municipal drains, the Town will work with the ~~This can be achieved by working with local~~ Drainage Superintendent and the Drainage Engineer ~~associations~~ during the preparation of drainage reports under the

Drainage Act ~~that includes~~ to incorporate vegetated buffers ~~for new municipal drains and updates~~ that are within the Restoration Opportunities Overlay on Schedule "B-2", where feasible.

f) This Plan recognizes ~~woodlots~~ natural heritage features as viable components of farming operations. Wherever possible, the construction of greenhouses and other agricultural buildings that may have a negative impact on natural heritage should be located away from the natural heritage feature.

~~e) The Town will encourage private owners to participate in voluntary stewardship agreements to manage natural heritage resources appropriately.~~

g) The Town encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities that will ultimately enhance the natural heritage system. The Town will encourage that, wherever possible and appropriate, trees be replanted to replace trees removed if a development proceeds.

h) If tree harvesting is to occur it should be based on acceptable forest management ~~practices~~ plans as prepared by a Registered Professional Forester. Hunting, fishing and trail use activities by the property owner, or with the permission of the property owner, are permitted in all areas and in accordance with Provincial and Federal legislation and regulation.

i) The natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by the Town, the Conservation Authority or any other conservation group or agency.

j) The Town supports partnerships with the Essex Region Conservation Authority or any other conservation group or agency that result in plans to appropriately manage ecologically sensitive lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.

k) The Town supports the creation of new or expanded linkages between natural heritage resources, where feasible. Corridors link isolated natural heritage resources or enhance existing linkages, improve or enhance the ecological functions of designated natural heritage resources, and strengthen the overall natural heritage system. Corridors and linkage areas will be identified in consultation with the Essex Region Conservation Authority, non-government organizations and private

landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects including those identified on the Restoration Opportunities Overlay on Schedule "B-2".

l) The Town recognizes that a natural heritage system would benefit from public ownership to ensure protection of the features and to provide for public access, where appropriate. The Town will consider all options for the acquisition of land associated with natural heritage features, functions and linkages. However, the County, Town or any other public agency, will not be obligated to acquire or purchase any land containing natural heritage resources.

m) The natural heritage features under private ownership continue to be private and their identification as natural heritage features in no way increases their accessibility to the public or their eligibility for public acquisition.

m) The Town may undertake ~~encourages~~ the following activities in consultation with the Essex Region Conservation Authority to promote the establishment of the natural heritage system ~~(e.g., Natural Heritage System Strategy Implementation Plan)~~:

i. Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.

ii. Establish goals and strategies to increase the amount of natural heritage area and natural heritage system within the region.

iii. Evaluate the implementation of the natural heritage system on an annual basis.

iv. Require that, when considering development proposals, the Town may require the land owner to enter into a site plan agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a development approval, the use of a variety of native species of vegetation is encouraged.

n) the Town supports the development of a regional policy for restoration and compensation where avoiding an impact to the natural heritage feature of System is unavoidable. This framework will be supportive of the Natural Heritage System goals and ensure that the approach to no negative impact reflects the principle of a net gain or benefit to the Natural Heritage System.

~~o) the Town will work with the Essex Region Conservation Authority to support the development of habitat offsetting guidelines.~~

~~p) The Town will work collaboratively with the Essex Region Conservation Authority to provide input into a regional Compensation Guidelines document.~~

4.2.3 ~~Environmental Protection~~ Natural Environment ~~Areas~~

[note: County of Essex Official Plan and lower tier municipal Official plans reference 'Natural Environment Areas rather than Environmental Protection Areas. Changes have been made to be consistent with County of Essex OP and the Essex Region Natural Heritage System Strategy]

"~~Environmental Protection~~ The Natural Environment designation is shown on Schedule "B-1" of this Plan. Natural Environment features are the most significant components of the Natural Heritage System and ~~Areas"~~ include Significant Habitat of Endangered and Threatened Species, Significant Wetlands, Significant Woodlands, and Significant Coastal Wetlands, and certain significant or high priority natural heritage resources in the town that meet at least 5 of the 11 natural heritage feature criteria outlined in the ERNHSS or other lands deemed appropriate by the Town and ERCA ~~which are privately or publicly owned. It should be noted that the Town may also identify additional areas that are of local and/or regional significance for protection~~.

~~Significant Habitat of Endangered and Threatened Species includes general and regulated habitat for the species that are designated endangered and/or threatened on the Species At Risk in Ontario (SARO) list. Habitat of endangered and threatened species is difficult to map and therefore may be located beyond the "Environmentally Protected Areas" designation or "Natural Environment Overlay".~~

~~Significant Wetlands and Significant Coastal Wetlands are lands identified by the Province as being provincially significant.~~

The following policies apply to lands shown as "Environmental Protection Areas" on Schedule "B-1" to this plan:

a) development and site alteration shall not be permitted on lands designated 'Natural Environment"; and ~~in "Environmental Protection Areas";~~

b) permitted uses on lands designated "Natural Environment" shall be limited to passive recreational uses, research, and activities that create or maintain infrastructure authorized under an environmental assessment process or work subject to the Drainage Act;

b) development and site alteration shall not be permitted on lands ~~adjacent to~~ within 120 m of lands designated "Natural Environment: ~~areas designated as "Environmental Protection"~~, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated to the satisfaction of the municipality, in consultation with the Essex Region Conservation Authority, that development and site alteration will have no negative impacts on the natural heritage resources or on their ecological functions;

[note: 'c' and 'd' were amended to reflect comments from the County and ERCA]

c) assessment of negative impacts is to be determined by conducting an Environmental Impact Assessment in accordance with the Province's Natural Heritage Reference Manual and/or the ERCA Environmental Impact Assessment Guidelines prior to consideration of any *Planning Act* application. ~~Adjacent lands mean within 120 m of an "Environmental Protection Area"; and~~

d) The Town will work with the Ministry of Natural Resources and Forestry and the Essex Region Conservation Authority to review and assess wetland boundaries.

4.2.4 Natural Environment Overlay

[Note: references to ERCA's EIA guidelines were expanded throughout to also include any similar guidance from the province as well]

The "Natural Environment Overlay" is shown on Schedules "B-1", and includes secondary priority natural heritage features in the Town that meet 1 to 4 of the 11 natural heritage feature criteria outlined in the ERNHSS.

~~include Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat and Significant Areas of Natural and Scientific Interest.~~

~~Significant woodlands are functionally important due to their contribution to the broader landscape based on size, location and the amount of forest cover in the surrounding planning area. They are economically important due to site quality, species composition and past management history. In the Essex Region, all woodlands that are two (2) hectares in size or larger are considered significant natural heritage resources. Smaller woodlands may be considered significant if they exhibit composition, age or quality that is uncommon in the municipality or the region.~~

~~Wildlife habitat is one of the primary ecological functions provided by natural heritage resources. Significant wildlife habitat is an area where plants, animals and other organisms live and find adequate amounts of food, shelter, water and the space need to~~

~~sustain their populations. All plants and animals have individual habitat requirements which vary at different periods in their life cycles.~~

~~Significant Valleylands in the Town are those areas which have been identified and mapped by the Essex Region Conservation Authority. Significant Valleylands provide important ecological functions in the drainage system of watersheds. These resources have been identified and evaluated consistent with criterial establish by the province through the Natural Heritage Reference Manual.~~

~~Significant Areas of Natural and Scientific Interest are areas of land and water which contain natural landscapes or resources that have been identified as having life science or earth science values related to protection, scientific study or education. The province periodically identifies Areas of Natural or Scientific Interest and classifies them as either being of regional or provincial significance.~~

4.2.4.1 Policies

The following policies apply to the lands ~~shown~~ identified as "Natural Environment Overlay" on the Land Use Schedules of ~~"B" to~~ this plan:

a) development and site alteration shall not be permitted within the "Natural Environment Overlay" ~~as identified on Schedule "B"~~ unless it has been demonstrated to the satisfaction of the approval authority and/or the Town in consultation with the Essex Region Conservation Authority~~, and Province, where required,~~ that there will be no negative impacts on the natural heritage resources or on their ecological functions;

b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas ~~designated~~ identified as "Natural Environment Overlay" unless it has been demonstrated, to the satisfaction of the Town, in consultation with the Essex Region Conservation Authority, and Province, where required, that there will be no negative impacts on the natural features or on their ecological function.

[Note: 'c' was amended to reflect comments from the County]

c) nothing in this Plan is intended to limit the ability of agricultural uses to continue on lands within or adjacent to those areas identified as "Natural Environment Overlay".

New Agricultural uses may be permitted within the "Natural Environment Overlay" or on adjacent lands if it has been demonstrated to the satisfaction of the municipality,

in consultation with the Essex Region Conservation Authority and Province, where required, that there will be no negative impact on the natural heritage resources or their ecological functions.

d) assessment of negative impact is to be determined by conducting an Environmental Impact Assessment in accordance with the Province's Natural Heritage Reference Manual and/or the ERCA Environmental Impact Assessment Guidelines prior to consideration of any *Planning Act* application. The Town will require pre-consultation with the Province and the Essex Region Conservation Authority prior to considering any *Planning Act* application. Any development and site alteration proposed must also be in accordance with the underlying land use designation on Schedules "A", "A-1", and "A-2" of this Plan;

e activities that preserve and enhance features contained in the "Natural Environment Overlay", such as tree preservation, tree planting, and establishing and improving linkages, are encouraged.

~~e) linkages and corridors, whether associated with woodlands, valleylands, wetlands or other natural heritage resources, provide movement corridors within a wildlife habitat for various local animal species. Recreational trails or other similar uses shall only be permitted if it is demonstrated that such a use will not negatively impact the environment.~~

4.2.5 Restoration Opportunities~~y~~ Overlay

[note: Schedule "B-1" was created to clarify Restoration Opportunities Overlay]

The "Restoration Opportunities Overlay" is shown on Schedule "B-2" of this Plan and includes "Priority Restoration Opportunities" that meet 3 to 5 restoration opportunity criteria outlined in the ERNHSS, or "Secondary Restoration Opportunities" that meet 1 to 2 of the 5 restoration opportunity criteria outlined in the ERNHSS. The Restoration Opportunities Overlay applies to lands that do not contain existing natural heritage features; however, they have been identified as potential ecological restoration areas to enhance the fragmented natural heritage system in the Town and within the region.

4.2.5.1 Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity on Schedule "B-2" and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

~~The following policies apply to the lands shown as "Restoration Opportunity Overlay" on Schedule "B" to this Plan:~~

a) Prior to the approval of any application seeking to change the land use or subdivide land, or during the preparation of any Environmental Assessment in accordance with the Province's Natural Heritage Reference Manual and/or ERCA Environmental Impact Assessment Guidelines for infrastructure, an Environmental Impact Assessment shall be undertaken that evaluates the following:

   i. opportunities to restore and enhance the natural heritage features in the area, including the establishment of linkages;

   ii. the incorporation of low impact development elements into the project where suitable site conditions permit;

   iii. opportunities to establish buffers into the project design that would promote the natural restoration of an area;

   iv. opportunities to set aside strategic areas for restoration and enhancement;

   v. opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's natural heritage system;

   vi. opportunities for public acquisition; and

   vii. if lands are not acquired then the lands will be placed in a protected designation and zone where appropriate.

b) Prior to the construction of any new municipal drains or any work completed under Section 4 of the *Drainage Act* or any work completed under Section 78 of the *Drainage Act* within the "Restoration Opportunity Overlay" as shown on Schedule "B-2" of this Plan, a Drainage Report shall be prepared in accordance with the *Drainage Act* that includes, where feasible and as recommended by the Drainage Engineer, the establishment of vegetated buffers to enhance the natural heritage system. This approach is in keeping with best management practices recommended by OMAFRA and Agriculture and Agri-Food Canada.

4.2.6 Endangered and Threatened Species Habitat

[note: the following was added, based on County of Essex Official Plan and PPS to provide clarity regarding habitat of endangered and threatened species]

The significant habitat of endangered species and threatened species is not shown on the Land Use Schedules; however, it can occur in the natural heritage features and areas mapped on the Official Plan Schedules. Species at Risk are identified as extirpated, endangered, threatened or species of special concern on the Species at Risk in Ontario List. The Ministry of Environment, Conservation and Parks (MECP) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MECP is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement 2020. For the purposes of the PPS, MECP is responsible for approving the delineation of significant habitat of endangered species and threatened species. Environmental Impact Assessments or other planning reports may help with identifying the extent of the significant habitat of endangered species and threatened species.

The significant habitat of endangered species and threatened species will be based on a consideration of the following:

a. assessments reviewed and approved by the MECP regarding the extent of the species' habitat;

b. habitats or areas delineated by MNR and/or regulated under the ESA; and

c. habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

4.2.7 Fish Habitat

[note: revised to reflect ERCA comments]

The Town recognizes that the health of the aquatic environment is a fundamental indicator of the heath of the overall ecosystem. Fish habitat protection and restoration opportunities throughout the Town are significant due to the number of watersheds which outlet into Lake Erie. Natural heritage resources and areas should be recognized to include waters supporting aquatic species at risk (fish and mussels) that may be

protected, along with their residences and critical habitat. Fish habitat restoration opportunities may be implemented through watershed or subwatershed plans, secondary plans, and on an individual lot basis subject to the *Fisheries Act*. The harmful alteration, disruption or destruction of fish habitat is prohibited.

The Town will apply the following policies when considering impacts to fish habitat areas:

a) development will only be permitted provided that it does not harmfully alter, disrupt or destroy fish habitat. The goal of "no net loss of productive capacity of fish habitat" and where possible a "net gain of productive capacity of fish habitat" using a fish habitat mitigation / compensation assessment through consultation with Department of Fisheries and Oceans (DFO);

b) any development or change in land use near or adjacent to (within 120 metres) to an existing or potential fish habitat area will be reviewed by DFO with respect to its potential impact. Any proposal shall be subject to an assessment to determine if it will result in a reduction of the fish habitat to sustain the fisheries resource;

c) The Town will determine the minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed;

d) Where it has been determined by DFO that the development or change in land use will affect the natural functions of the fish habitat, the preparation of a fish habitat mitigation/compensation assessment will be required. The assessment should be based on federal guidelines as appropriate.

4.2.7 Environmental Impact Assessments

The preparation of all Environmental Impact Assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The Environmental Impact Assessment is to be prepared on the basis of the natural features or the ecological function for which the area has been identified and in accordance with the Province's Natural Heritage Reference Manual and/or the ERCA Environmental Impact Assessment Guidelines.

When conducting the Environmental Impact Assessment, the environmental professional must acknowledge in the report any new information such as findings of rare or significant species not previously known to exist on the site, and the impact which may result from any proposed development. The municipality and/or other approval authority shall have regard to such new information in its decisions regarding planning

applications and shall be consistent with the Provincial Policy Statement. If, based on the new information, the Approval Authority, in consultation with the Province and the Essex Region Conservation Authority, concludes that the natural environment classification should be altered, this Official Plan shall be amended to reflect the change.

Similarly, if a site is identified as having a higher or lower classification by the Province the Essex Region Conservation Authority, or by the municipality through a special planning study which is completed in accordance with Provincial Guidelines, this Official Plan shall be amended to reflect the change. The Town shall ensure consistency with the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with natural environment features and/or functions.

With regard to an EIA, addressing water features and habitat areas in accordance with Federal requirements, development proponents are advised to demonstrate through an EIA that all reasonable alternatives have been considered to reduce and minimize impacts and the proposed development and site alteration will not jeopardize the survival, recovery and conservation of Species at Risk protected under the *Species At Risk Act* including their residences and habitat. The above applies if there may be potential impacts that would contravene the Federal SARA from activities occurring in areas adjacent to the boundary of such waters, residences and developed in consultation with Fisheries and Oceans Canada and Environment and Climate Change Canada and indicate how the project will be carried out to remain in compliance with the SARA.

Removal of a natural heritage feature for the purpose of lowering the natural environment classification in this Plan and/or otherwise affecting the environmental impact assessment will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the environmental impact assessment.

To assist with determining the alteration of a natural environment area over time, the approval authority will use, at a minimum, the April 2000 photography as one of the tools to establish the baseline from which any site and natural heritage alteration will be assessed.

4.3 MINERAL AGGREGATE RESOURCES

It is the policy of this Plan that mineral resources will be protected for long-term use. Lands identified as Extractive Industrial Overlay on Schedule "D" of this Plan are areas that have been identified as having mineral aggregate resources (primary and secondary) with extractive industrial potential.

As such, any proposed development can only occur if it has been demonstrated to the satisfaction of the Town and the Province that the development will not interfere with the future removal of the resource. Goals and policies for Mineral Aggregate Resource lands are as follows:

4.3.1 Goals

The following goals for Mineral Aggregate Resource lands, as depicted on Schedule "D" of this Plan, are to:

a) permit the extraction of mineral resources as an interim land use in accordance with the policies of this Plan and Provincial Policy;

b) identify areas where mineral aggregate resources are located;

c) protect existing pits and mineral aggregate resources from encroaching incompatible land uses;

d) provide for extraction and removal of resource material from the site in such a manner that will least offend neighbouring property uses;

e) provide for the rehabilitation of these areas to its former land use or as a contribution to the Natural Heritage System once the resource has been removed;

f) undertake extraction in a manner which minimizes social, economic and environmental impacts;

g) undertake mineral aggregate resource conservation through the use of accessory aggregate recycling facilities within operations, wherever feasible.

4.3.2 Policies

The following policies apply to Mineral Aggregate Resource lands as depicted on Schedule "D" of this Plan:

a) the predominant use of land in the Mineral Aggregate Resource area shall be for extractive industrial uses including quarries, sand and gravel pits, wayside pits and quarries, portable asphalt plants, portable concrete plants and other surface mining operations. Agriculture, forestry and conservation uses shall also be permitted prior to removal of the resource;

b) the Zoning By-law will only zone those lands within the Mineral Aggregate Resource area that are licensed for extractive industrial uses or for which a license application has been submitted. All other lands within this area will be zoned Agricultural until

such time as the Province advises that the standards of the *Aggregate Resources Act* have been met;

c) extractive uses are permitted as an interim use in prime agricultural areas, on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory Classification System), and on specialty crop lands provided that the site will be rehabilitated back to an agricultural condition (whereby substantially the same area and same average soil quality for agriculture are restored) in accordance with the Provincial Policy Statement.

d) Complete rehabilitation to an agricultural condition is not required if:

   i. Outside of a specialty crop area, there is a substantial quantity of mineral aggregate resource below the water table warranting extraction or the depth of a planned extraction in a pit or quarry makes restoration of pre-extraction agricultural capability unfeasible;

   ii. in a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;

   iii. other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Inventory Classes 1, 2 and 3; and

   iv. agricultural rehabilitation in remaining areas will be maximized;

e) all development in the Mineral Aggregate Resource area shall be in accordance with the land division policies contained in Section 7 of this Plan;

f) in advance of approving any amendments to this Plan that would have the effect of extending the extent of the Mineral Aggregate Resource area, the proposal shall be forwarded to the Province for comments.

4.3.3 Wayside Pits and Quarries

Wayside pits and quarries which are defined as pits and quarries opened and used by a public road authority for the purposes of a particular road construction project are encouraged to locate in the many areas shown as a Mineral Aggregate Resource area shown on Schedule "D". When a Mineral Aggregate Resource area location is not possible, wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law, except in the "Residential" designations and "Environmental Protection Areas". On specialty crop lands and on prime agricultural lands (Classes 1 to 3 according to the Canada Land Inventory classification system) wayside pits and quarries may occur if agricultural rehabilitation of the site is carried out and substantially the same area and average soil capability for agriculture are restored. Wayside Pits and Quarries shall not be located closer than 385 metres to an existing school.

4.3.4 Portable Asphalt Plants and Portable Concrete Plants

Portable asphalt plants means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes the stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but is designed to be dismantled and moved to another location as required. Portable concrete plants means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project. Portable asphalt plants and portable concrete plants used by a public road authority or it's agent, shall be permitted in the "Agriculture" designation and Mineral Aggregate Resource areas without amendment to this Plan or the Zoning By-law, subject to the following provisions:

a) portable asphalt plants and portable concrete plants must obtain a certificate of approval from the Province;

b) portable asphalt plants and portable concrete plants must meet the Province's minimum separation distance, but in no case shall they be located closer than 385 metres from an existing residence or existing school;

c) portable asphalt plants and portable concrete plants must be removed from the site upon completion of the public project;

d) sites used for portable asphalt plants and portable concrete plants in the agricultural areas, must be rehabilitated back to an agricultural condition or as agreed to in the closure plan.

4.4 PETROLEUM RESOURCES

Petroleum Resources means oil, gas, and brine resources that have been identified through exploration and verified by preliminary drilling or other forms of investigation. It is the policy of this Plan that petroleum resources will be identified and protected for long term use.

a) New development shall be setback a minimum of 75 metres from existing petroleum wells;

b) Petroleum resource operations should be carried out in accordance with the Oil, Gas and *Salt Resources Act*.

c) sites used to facilitate the extraction or storage of petroleum resources in the agricultural areas, must be rehabilitated back to their former agricultural use.

d) In areas of known petroleum resources and significant areas of petroleum resource potential, development and activities in these resource areas or on adjacent lands, which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

   i. resource use would not be feasible; or

   ii. the proposed land use or development serves a greater long-term public interest; and

   iii. issues of public health, public safety and environmental impact are addressed.

4.5 WATER RESOURCES

The main watersheds within the Town of Kingsville include Cedar Creek, Wigle Creek, Mill Creek, Belle River and Ruscom River. Water resources refers to: watersheds; subwatersheds; surface water features including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetland and associated riparian lands; ground water features; and hydrologic functions.

The protection of water resources from contamination and degradation associated with certain land uses and activities is an important element to maintaining the quality of life experienced by both existing residents and businesses and to supporting future growth.

Integrating land management and the protection of water allows for the continuance of a healthy environment, solid economic development and healthy communities.

4.5.1 Goals

The goals relating to water resources are:

a) to protect, improve, restore and enhance the quality and quantity of surface and ground water;

b) to protect the hydrologic functions of water resources;

c) to participate in watershed planning; and

d) to promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.

4.5.2 Policies

The following policies will be used to achieve the water resources' goals for the Town of Kingsville:

a) The Town will participate in watershed and subwatershed plans in cooperation with the Essex Region Conservation Authority, Provincial ministries, other organizations and adjacent municipalities

b) The Town will identify surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of watersheds;

c) Watershed and subwatershed plans should be undertaken with the relevant findings to be implemented through an amendment to this plan;

d) 'Highly Vulnerable Aquifers' (HVAs), 'Significant Groundwater Recharge Areas' (SGRAs) and associated watercourses will be protected from contamination by uses and activities, which could affect the recovery and use of groundwater and surface water supplies for domestic and agricultural purposes and environmental health;

e) Development and site alteration may be restricted in or near sensitive ground or surface water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigation measures and/or alternative development approaches may be required in order to achieve this policy; and

f) The Town will work with various agencies to develop a septic system management program. The management program shall consider opportunities including but not limited to provisions under the Ontario Building Code, facility design and permitting, landowner education and awareness, as well as monitoring and inspections.

4.5.3 Source Protection

[Note: revisions made to reflect comments by ERCA Source Water Protection Program]

Within the Town of Kingsville, the Essex Region Source Protection Plan has been prepared in compliance with the *Clean Water Act*, 2006. The plan has been approved by the Province and ~~are now in~~ came into effect October 1, 2015. In addition to the policies of this Section, reference should be made to the Essex Region Source Protection Plan for specific policies that may apply to the vulnerable areas which may restrict or prohibit certain land uses or activities within those areas. The Source Protection Plan and associated technical studies (Assessment Report) look at the current and future sources of municipal residential drinking water, identify the potential threats to these sources and include policies for actions and programs to reduce or eliminate these risks.

The *Clean Water Act* requires that all municipal decisions under the *Planning Act*, or *Building Code* ~~or *Condominium Act*~~ made by municipal planning authorities must conform to significant threat policies and have regard for other policies in an approved Source Protection Plan and Assessment Report, as amended from time to time. Within areas identified in an approved Source Protection Plan any use or activity that is, or would be a significant drinking water threat is required to conform to all applicable Source Protection Plan policies and, as such, may be prohibited, regulated or otherwise restricted by those Source Protection Plan policies. According to the Source Protection Plans, the most prevalent type of Significant Drinking Water Threat in the Essex Region is the storage, handling, or transportation of large volumes of liquid fuels. Where required by policies in an approved Source Protection Plan, the local municipalities shall circulate all development applications or proposed land use changes proposing fuel storage, or fuel transportation ~~or industrial uses~~ to the Risk Management Official (RMO). Where the Source Protection Plan does not require an RMO notice, the local municipality should be satisfied that the proposal will not include activities which would be a significant threat in the location proposed. The Risk Management Official has provided a Written Direction to provide guidance for the implementation of applicable policies that must be adhered to when screening Planning or Building applications

The policies apply to 'vulnerable areas' as identified in the technical studies (Assessment Report) for the Source Protection Plan, which include:

- 'Intake Protection Zones' (IPZs);
- 'Highly Vulnerable Aquifers' (HVAs); and
- 'Significant Groundwater Recharge Areas' (SGRAs).
- 'Event Based Areas' (EBAs)

These vulnerable areas are identified on Schedules "F, G, and H" of this Official Plan. This mapping is intended to reflect the mapping in the approved Source Protection Plan (SPP) and Assessment Report (AR) which may be revised or updated from time to time without the need for an amendment to this Plan. In the case of a discrepancy, the mapping in the most recently approved SPP and AR shall take precedence.

Intake Protection Zones (IPZs) are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could ~~directly impact~~ have a direct effect on the source water at the municipal drinking water intakes.

Reference must be made to the Source Protection Plan and accompanying Assessment Report for more complete details and explanations regarding these IPZs, the threats to drinking water sources, and associated policies.

[note: policies in this section were revised to reflect County and ERCA comments and provide clarity]

a) The Intake Protection Zones within the Town, as shown on Schedule "F" include:

i. Intake Protection Zone 1 (IPZ-1) is the area immediately surrounding the intake crib, defined for Type A (Lake Erie) intakes by a one kilometre radius centered on the crib of the intake. Where the IPZ-1 abuts land it shall only include a setback on the land that is the area of land that drains into the surface water body measured from the high water mark and is not more than 120m or a Conservation Authority Regulation Limit whichever is greater.

ii. Intake Protection Zone 2 (IPZ-2) extends outward from IPZ-1. In water, IPZ -2 reflects the response time for the water treatment plant operator to respond an emergency. This would be a minimum of a two-hour travel time. If that boundary abuts land, the area includes the following setbacks along the abutted land: Regulation Limit and a setback up to 120 meters from the high water mark where overland flow drains into the surface water body. ~~is the area of water and land~~

~~that is outside IPZ-1 and accounts for the influence of nearby watersheds, where runoff may pick up pollutants and affect water quality in the near-shore water at municipal intakes. IPZ-2 areas generally encompass areas within a few kilometres of the intakes and are based on a two-hour time of travel for the flow of water along the shores and in the tributary watersheds.~~

iii. Intake Protection Zone 3 (IPZ-3) extends outward from IPZ-2 to include all rivers and tributaries where modeling demonstrates that contaminant spills may reach the intake. If that boundary abuts land, the area includes the following setbacks along the abutted land: Regulation Limit and a setback up to 120 meters from the high water mark where overland flow drains into the surface water body.

~~, and covers larger watershed areas generally within a specific time of travel related to the transport of specific contaminants reaching the intake. IPZ-3 includes all rivers and tributaries where modelling demonstrates that contaminant spills may reach the intake during an extreme rainfall or wind storm event.~~

iv. The Event Based Area (EBA) is an area where modeling has demonstrated that a spill from a specific activity can or could cause deterioration to the raw water quality at the drinking water system. In the Essex Region, the Event Based Area for the handling and storage of fuel is the combination of all on land portions and in water portions of IPZ-1, IPZ-2 and IPZ-3

All IPZs also include lands within 120 metres of the top-of-bank of the subject waterways, or the flood plain regulated area, whichever is greater.

b) The following uses and activities shall be managed ~~regulated~~ and require the preparation of a risk management plan to the satisfaction of the Risk Management Official (RMO), in accordance with Section 58 of the *Planning Act*:

i. Above grade handling and storage of liquid fuels (containing benzene) in quantities of 15,000 L or greater in Union IPZ-1, IPZ-2, IPZ-3 (Cedar/Wigle/Mill Creeks, Leamington Area Drainage), Belle River IPZ-3 and Stoney Point IPZ-3.

ii. Above grade handling and storage of liquid fuels (containing benzene) in quantities of 34,000 L or greater in Union IPZ-3 (Sturgeon Creek drainage).

The Risk Management Plan may include, but is not limited to, details concerning installation, operation and regular inspection of fuel storage tanks, how fuel is

contained, the location of fuel, and how fuel is stored. The Risk Management Official will have discretion as to what constitutes a satisfactory Risk Management Plan.

c) Within Union IPZ-1, IPZ-2 and IPZ-3 (Cedar/Wigle/Mill Creeks, Leamington Area Drainage), Stoney Point IPZ-3, and Belle River IPZ-3, the handling and storage of liquid fuels (containing benzene) in quantities greater than 15,000 L shall be restricted in accordance with Section 59 of the *Clean Water Act* for any commercial, agricultural and industrial land uses.

d) Within Union IPZ-3 (Sturgeon Creek drainage), the handling and storage of liquid fuels (containing benzene) in quantities greater than 34,000 L shall be restricted in accordance with Section 59 of the *Clean Water Act* for any commercial, agricultural and industrial land uses.

e) Within Union IPZ-1, IPZ-2 and IPZ-3 (Cedar/Wigle/Mill Creeks, Leamington Area Drainage), Stoney Point IPZ-3, Belle River IPZ-3 and Union IPZ-3 (Sturgeon Creek Drainage), a notice from the Risk Management Official in accordance with Section 59(2) of the *Clean Water Act* shall be required prior to approval of any *Planning Act* or Building Permit application. Despite the above policy, a Risk Management Official may issue written direction specifying the situations under which a planning authority or building official may be permitted to make the determination that a site specific land use is not designated for the purposes of Section 59. Where such direction has been issued, a site specific-land use that is the subject of an application for approval under the *Planning Act* or for a permit under the *Building Code Act* is not designated for the purposes of Section 59, provided that the planning authority or building official, as the case may be, is satisfied that:

   i. The application complies with the situations specified in the written direction from the Risk Management Official; and

   ii. The applicant has demonstrated that a significant drinking water threat activity designated for the purposes of Section 57 or 58 will not be engaged in by the application.

4.5.4 Groundwater

[note: revisions made to provide clarity and reflect comments from ERCA. Policy 'c' was added by Administration in response to Council direction]

The protection, conservation and careful management of groundwater resources is necessary to meet the present and future needs of residents, businesses, visitors, and the

flora and fauna within the natural environment. Surface and groundwater must be protected across the County and the Town to ensure a clean water baseflow for creeks, streams, ponds and wetlands, and to ensure the protection of the quality and quantity of drinking water sources.

Schedules G and H identify the Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA) within the Town.

The following will be the policy of the Town:

a) The Town will support initiatives of the Province, the County of Essex and local municipalities, the local Conservation Authorities, the City of Windsor, the Municipality of Chatham-Kent, and other agencies, including the implementation of the Essex Region/Chatham-Kent Regional Groundwater Study in identifying strategies to protect groundwater resources.

b) Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA.

c) Any development which utilizes ground water requiring a Permit to Take Water from the Province will be required to demonstrate to the satisfaction of the Town that there will be no negative impact to the long-term quantity or quality of the ground water source being used.

d) The Town of Kingsville includes areas identified as HVAs and SGRAs as identified on Schedules G and H. ~~The following regulations shall be applied to HVAs and SGRAs.~~

e) The Town will support the~~ local Conservation Authorities~~ Essex Region Conservation Authority in education and outreach programs, directed to all landowners and residents with private wells in HVAs, SGRAs and other rural areas, to identify and promote best management practices to help address various potential threats to groundwater resources, raise awareness of drinking water threats, and provide education on the vulnerability of HVAs, SGRAs and abandoned or poorly maintained wells as transport pathways of contamination to sources of groundwater, for existing and future uses listed below:

- handling and storage of road salt;
- storage of snow;

- handling and storage of fuel;
- waste disposal sites;
- establishment, operation or maintenance of a system that collects,
- stores, transmits, treats or disposes of sewage;
- handling and storage of a dense non-aqueous phase liquid;
- handling and storage of an organic solvent;
- application of pesticide to land;
- handling and storage of pesticide;
- application of commercial fertilizer to land;
- handling and storage of commercial fertilizer;
- application of agricultural source material to land;
- storage of agricultural source material;
- management of agricultural source material;
- application of non-agricultural source material to land; and
- handling and storage of non-agricultural source material.

f) The Town and Essex Region Conservation Authority should explore the cumulative impacts of developments requiring Permits to Take Water to minimize impacts on highly vulnerable areas.

4.5.5 Watercourses

a) Watercourses, as shown on Schedule "C" to this Plan, transport both water and sediment from areas of high elevation to areas of low elevation. Changes to amount or velocity of water being transported or the amount or size of bed load being moved can have significant impacts on the watercourse. Changes can result in increased erosion and flooding. Watercourses provide habitat for fish and other species to live as well as provide water for human consumption, wildlife and livestock. Watercourses are directly related to many of the hazards including flooding, erosion, slope stability and wetlands. The following principles may apply to developments located along watercourses:

i. If possible, natural stream bank vegetation should be maintained;

ii. grassed slopes, in natural vegetation, or other suitable erosion control methods are the preferred alternative;

iii. construction of tile outlets should not contribute to erosion along watercourses;

iv. tree planting, restoration and stewardship should occur along watercourses, where possible to enhance the natural corridor function, cool water temperatures and protect watercourse banks;

v. best management practices and interim measures shall be utilized during construction projects to reduce sedimentation and erosion;

vi. a setback from the top of bank for all new and expansions to development will be required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat.

b) If a person applies to a municipality for approval of a proposal to engage in an activity in a wellhead protection area or a surface water intake protection zone that may result in the creation of a new transport pathway or the modification of an existing transport pathway, the municipality shall give the source protection authority and the source protection committee notice of the proposal and shall include a description of the proposal, the identity of the person responsible for the proposal and a description of the approvals the person requires to engage in the proposed activity. O. Reg. 246/10, s. 12.

c) If a municipality gives a notice described in subsection (3), the municipality shall give a copy of the notice to the person responsible for the proposal. O. Reg. 246/10, s. 12.

This section should be read in conjunction with the policies in Section 5.2.

SECTION 5: HUMAN-MADE AND NATURAL HAZARDS

Section 5 contains policies pertaining to human-made and natural hazards as defined in the Provincial Policy Statement. Human-made hazards are lands related to, or in proximity of, resource extraction and/or processing of: oil, gas and salt, petroleum, and mineral aggregates. Natural hazards are lands adjacent to shorelines and inland watercourses impacted by flooding or erosion where property may be unsafe for development due to naturally occurring processes. The majority of the human-made and natural hazards occur within the rural areas of the Town in lands designated "Agriculture".

5.1 HUMAN-MADE HAZARDS

Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource extraction operations may be permitted if remediation measures to address, and mitigate known or suspected contaminants or hazardous conditions are underway or have been completed.

Contaminated sites shall be restored as necessary prior to any activity on a site associated with a proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

a) past and present uses of the site;

b) a soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;

c) an acknowledgement of the requirement that the site restoration is to occur in accordance with Province's requirements specified in Ontario Regulation 153/04 of the *Environmental Protection Act* as may be revised from time to time as a 'Record of Site Condition'; where contamination has been identified, a letter from the Province acknowledging filing of a 'Record of Site Condition' prior to the development approvals being granted

d) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the *Environmental Protection Act*, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

5.1.1 Unplugged Oil and Natural Gas Wells

a) Unplugged oil and natural gas wells must be decommissioned (plugged) in accordance with the Province's *Oil, Gas and Salt Resources Act* regulations and Provincial Operating Standards. A licence pursuant to section 10. of the *Oil, Gas and Salt Resources Act*, is required in order to perform any work on a well. It is recommended that although development may not be proposed near an unplugged well, landowners should decommission (plug) the wells and associated works for safety purposes.

b) Development on, or adjacent to oil, gas and salt hazards or former petroleum operations will be permitted only when rehabilitation measures to address and mitigate known and suspected hazards are underway or have been completed. Prior to the issuance of a building permit, landowners proposing to develop a site with an abandoned well, must reference the "Record of Site Condition Regulation, O. Reg. 153/04" as amended by the *Environmental Protection Act* and must decommission the well and associated works.

5.2 NATURAL HAZARDS

[note: S.5.2 was edited to provide clarity and reflect comments from ERCA and the County of Essex. Administration also restructured the policies in this section to provide clarity. No new policies or changes were made unless highlighted]

Lake Erie and the various sub-watersheds of the Town of Kingsville, represent dynamic water systems that are impacted throughout the year by climate and precipitation. At certain periods of the year, the areas in and around Lake Erie and Kingsville's creeks are susceptible to flooding and/or erosion. These potential flooding and erosion events are natural hazards to development. The inland watercourse areas which are susceptible to flooding are identified as "Floodplain Development Control Area", while the floodplain of Lake Erie for the Town is identified as the "Lake Erie Floodprone Area" on Schedule "C" to this Plan.

Schedule "C" depicts the extent of the Natural Hazards lands for the Town as a visual representation only. When considering development, the exact boundaries of these lands should be confirmed in consultation with the Essex Region Conservation Authority.

The land uses permitted within Natural Hazards are determined by the underlying land use designation identified on Schedule "A", "A-1", and "A-2" are subject to the overlying policies of this Section, with exception to the Floodway of inland watercourses. Development within Natural Hazard lands must be capable of satisfying provincial hazard management issues.

5.2.1 Lake Erie Hazard Area & Floodplain Development Control Area

Lands along Lake Erie are prone to shoreline flooding, erosion, wave uprush, fluctuating lake levels and in some cases dynamic beach hazards. The Lake Erie Hazard Area & Floodplain Development Control Area are identified on Schedule "C" of this Plan. Pre-consultation with the Essex Region Conservation Authority to determine the technical support studies is required in order to ascertain the feasibility of obtaining the *Planning Act* approvals and necessary permit/clearances that will be required prior to any development occurring.

The land uses permitted within the Lake Erie Hazard Area & Floodplain Development Control Area are determined by the underlying designations also identified on Schedules "A", "A-1", and "A-2" are subject to the 1:100 Year flood conditions and erosion information associated with Lake Erie. This information is subject to update and may result in the need to review and remove lands that currently permit development. The Zoning By-law will need to be updated and monitored to establish specific zones to ~~address~~ evaluate the appropriateness of ~~if~~ existing development ~~located~~ within the hazard land areas ~~may continue~~.

An important factor in considering new development within floodprone areas is the provision of safe access during times of a flooding hazard. In accordance with Provincial Policy, development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. Early consultation with the Town and the Essex Region Conservation Authority is required to determine whether lands within the floodprone areas ~~can demonstrate that the site~~ have safe access appropriate for the nature of the development and the natural hazard.

Development and site alteration shall only be permitted in areas identified as being susceptible to flooding and/or erosion if:

- the hazard can be safely addressed;

- new hazards are not created and existing hazards are not aggravated;
- no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required);
- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies; and
- the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.
- development and site alteration is carried out in accordance with floodproofing standards, protection works standards

Furthermore, the Town in consultation with the Essex Region Conservation Authority, will endeavour to undertake a detailed Shoreline Management Plan Hazard Management Plan study to comprehensively assess the floodprone areas and requirements for safe access and opportunities for future development along the entire length of Lake Erie shoreline within the boundary of the Town. The flood study recommendations and associated detailed risk hazard mapping will be implemented through an amendment to the Town's Official Plan and/or Zoning By-law.

5.2.1.1 Lake Erie Setbacks

The implementing Zoning By-law will prescribe shoreline protection measures including minimum floodproofing elevation requirements for development within the floodprone area and setbacks from the top of bank for erosion prone areas, as determined in consultation with the Essex Region Conservation Authority. Development setbacks are encouraged as the preferred method for protecting new development as opposed to relying on structural or non-structural protection measures that require maintenance and upgrading over time.

Generally, the setbacks and floodproofing requirements will vary depending on existing site conditions (breakwalls, revetments and slope stability) on subject and adjacent lands. The required setbacks will be determined in consultation with the Essex Region Conservation Authority and the implementing Zoning By-law may reference the Conservation Authority's Regulations as a method of prescribing the minimum elevation requirements.

5.2.1.2 Lake Erie Floodproofing

Floodproofing shall be provided to the regulatory flood elevation. Where the area is subject to the Conservation Authority's regulations, a permit must be obtained prior to undertaking any development, including but not limited to construction, grading/placement of fill, breakwall and other shoreline construction works.

5.2.2 Watercourse Hazard Lands (Floodplain Development Control Area)

As the flooding of watercourses creates a hazard with respect to creeks and other water tributaries, the Essex Region Conservation Authority has adopted a two zone approach for regulating floodplains. A floodplain contains two distinct areas: 1) a floodway and 2) a flood fringe.

The two zone concept distinguishes between areas where development and site alteration may be permitted or where development is prohibited. Development and site alteration is not permitted within the floodway. In keeping with PPS, development and site alteration may be permitted within the flood fringe subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry ~~where the development is capable of satisfying Provincial floodplain hazard management issues under the jurisdiction of the Essex Region Conservation Authority~~. In areas where floodplain mapping has not been established or is required to be updated, the Town will work with the ERCA to establish updates based on the proposed development. No new development is permitted within the area identified as floodway, which would include the creation of new lot lines.

5.2.2.1 Floodway

The floodway includes the channel and the lands immediately adjacent to the channel area that is characterized by deeper, faster moving water in a flood event. The floodway is the more hazardous portion of the floodplain and development and site alteration are not permitted within it. For areas where channels have been constructed or existing channels have been modified, the floodway width typically varies from 8 metres to 15 metres on both sides of the channel depending on the depth of the channel present.

In low lying areas adjacent to natural watercourses the limit of the floodway could extend significantly wider than the 15 metres on both sides of the channel and will be determined based on the Essex Region Conservation Authority criteria, a site specific analysis and the nature of the individual watercourse. The Essex Region Conservation Authority will utilize specific policies in determining the extent of the floodway mapping

based on standardized criteria. The extent of the floodway may be different for various reaches of an individual watercourse.

5.2.2.2 Flood Fringe

Lands identified as a Flood Fringe by the Essex Region Conservation Authority are areas being susceptible to flooding under regulatory flood conditions (1:100 year) or the maximum observed for the Ruscom River and are subject to Ontario Regulations158/06, as amended and implemented by the Essex Region Conservation Authority. As such, the requirement to obtain a permit or clearance from the Essex Region Conservation Authority will be necessary in advance of any development occurring. Development shall only be permitted if:

a) It is identified that the development will not adversely affect the existing flood levels and/or flow of the specific waterway;

b) floodproofing of buildings and/or structures is undertaken;

c) a permit is issued by the Essex Region Conservation Authority which may require environmental and other technical studies in advance of a permit being issued; and

d) all development is in accordance with the underlying land use designation(s).

5.2.2.3 Watercourse Setbacks

For any inland watercourses, as shown on Schedule "C" of this Plan, where engineered flood lines are not available, the Town, in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of bank such watercourses, into the Zoning By-law. When determining such setbacks, the Town shall take into consideration the type of watercourse, bank stability, angle of bank slope and other relative aspects. In evaluating development applications for lands adjacent to any watercourse or drain, the Town, in consultation with the Essex Region Conservation Authority, may request the proponent to establish appropriate floodproofing elevations, and such floodproofing requirements shall be implemented through the Zoning By-law, development agreements and any permit required to be issued by the Essex Region Conservation Authority.

5.2.3 Limit of the Regulated Area (LORA)

The "Limit of the Regulated Area" ("LORA") ~~formerly known as the "Regulated Fill Line"~~ is based upon mapping supplied by the Essex Region Conservation Authority. Development within the LORA will be subject to minimum building setbacks and

minimum building elevations to be identified in the implementing Zoning By-law (where available) in consultation with the Essex Region Conservation Authority. The lands are also subject to Regulations administered by ERCA under Section 28 of the *Conservation Authorities Act*, which, along with the above, control the placement and grading of fill associated with development and other construction activities.

Development setbacks are the preferred method for protecting new development as opposed to relying on structural and non-structural protection measures that require maintenance and upgrading overtime.

SECTION 6: ROADS, UTILITIES & SERVICES

Section 6 contains policies pertaining to the current level of servicing in the Town of Kingsville as well as various servicing improvements and enhancements that are anticipated.

6.1 HIGHWAYS & ROADS

In order to minimize congestion and interference to the flow of traffic, and to establish the requirements of future traffic routes, the roads throughout the Town are classified according to their function. The road network shown on Schedule "E" consists of a Provincial Highway, County Roads, Local Roads, Private Roads not assumed by the Town, and Future Roads.

6.1.1 Provincial Highway

Provincial Highway 3 located within the Town of Kingsville is under the control and jurisdiction of the Ministry of Transportation (MTO). Any development which falls within MTO's permit control areas under the Public Transportation and Highway Improvement *Act* (PTHIA) will be subject to MTO's policies, standards and requirements. In addition to all applicable Town requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the PTHIA will also be subject to MTO approval.

The location of entrances, buildings, signs and encroachments within MTO's permit control area of a provincial highway shall be subject to the approval of MTO. Should MTO requirements conflict with this Official Plan, the higher standard shall prevail. New direct private entrances to Provincial Highway 3 will not be permitted.

Proposed development within the permit control area of the Provincial Highway may require an applicant to prepare a transportation impact assessment in accordance with the MTO's "General Guidelines for the Preparation of Traffic Impact Studies". The main purpose of a Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of access approval.

Any new proposed access connection located on a municipal crossroad and within the MTO's permit control area shall meet MTO's access management best practices. All applicant's proposing severances, new development, changes to existing developments

or land use changes that require an Official Plan Amendment or Zoning By-law Amendment within MTO's permit control areas are advised to consult with MTO prior to making formal submission of their application under the *Planning Act,* as access to the development is strictly controlled.

The Town and MTO will work cooperatively with respect to the planning of land development and associated access connections within MTO's permit control areas adjacent to all provincial highways and intersection within the Town, in order to protect the future safety, operation and capacity of both the provincial highway network and the Town's transportation corridors for the movement of people and goods.

In addition to all other requirements, development adjacent to the Provincial Highway requiring an amendment to this Plan, an amendment to the Zoning By-law or approval of a Plan of Subdivision shall demonstrate to the satisfaction of the Approval Authority and the Town that the expected level of noise is either within the Provincial criteria or is within a feasible range of attenuation. Where the Ministry's criteria are exceeded, a Noise Attenuation Report shall be submitted to and approved by the Approval Authority and the Town and its recommendations implemented.

6.1.2 County Roads

[note: changes were made to be consistent with County Road classifications and active transportation policies]

County Road Corridors (including 8, 14, 18, 20, 23, 27, 29, 31, 34, 45, and 50) function as major 'inter-regional' transportation corridors and accommodate large volumes of traffic and distributes traffic throughout the region. The protection of County Road Corridors is warranted to ensure their continued role and function. The County's goal is to optimize roadway network capacity through roadway access management and intersection optimization as well as to:

a) Limit direct access to the corridor in favour of shared/consolidated access points;

b) Protect and secure additional road right-of-way along the corridor where required;

c) Maintain local consistency with County policy on road classification and active transportation facilities;

d) Review road corridors to determine if a change in classification is necessary, which will not require an amendment to this Plan; and

e) Encourage safe, convenient and visually appealing pedestrian facilities, where appropriate.

6.1.3 Local Roads

All other roads are expected to function as local roads during the planning period, providing direct access to various abutting land uses. Through traffic will be discouraged, and restrictions on short-term parking within the defined urban area will be minimal.

a) Special minimum right-of-way widths and other special restrictions (e.g. setbacks and access limitations to protect adjacent uses and maintain traffic flows) shall be as prescribed by the Province, the County of Essex or the Town, depending on the agency having jurisdiction. The implementing Zoning By-law shall make provisions for adequate setbacks for all new developments, having regard for both the width and function of the abutting road and in accordance with site plan control where deemed necessary.

b) To ensure that the Town continues to maintain a quality road system, the Municipal Council shall continue a policy of having a defined Road Needs Study Program to improve and maintain roadway surfaces, highway bridges, road alignments, intersections, pavement widths, etc., in accordance with the Development Standards Manual and the Town's ability to pay for the specific projects.

c) It shall be a further policy of Council to provide for the improvement of existing arterial, collector and local roads wherever possible when separated storm and sanitary sewers are installed or when *Municipal Drainage Act* projects are undertaken, to bring these roads to proper standards.

d) It shall further be a policy of Council that wherever possible roadside vegetation and tree planting shall be retained or replaced after road improvements have been completed.

6.1.4 Private Roads

The following will be the Policy of the Town:

a) For the purpose of this Plan, Private Roads are roads that are not owned or maintained by the Province, the County, or the Town or maintained by a Local Roads Board that service two or more properties in separate ownership.

b) Development on Private Roads and the creation of new Private Roads will only occur as roads internal to plans of condominiums.

c) New Private Roads, as part of a condominium, must directly connect to a public road which is maintained year-round.

d) New or extended Private Roads will be prohibited.

e) Direct access to existing Private Roads from existing abutting properties without road frontage or access may be permitted provided the access point is in a location where there are adequate sight lines considering the topography and the geometric design of the Town.

f) Private Roads may be assumed by the Town once they have been upgraded to an accepted municipal standard. However, the Town is not obligated to assume any road even if it has been brought up to an accepted municipal standard. The Town will not be responsible for upgrading Private Roads.

6.1.5 Future Roads

Council has identified the need to protect, and advance the planning for and the development of a west side collector road extending from the existing intersection of Heritage Road through to Road 2 W to access lands for future development and allow for an additional north south collector road to service the demand of the Town.

This future road has been identified on Schedule "E" to the Official Plan and once plans have been finalized on the chosen route, an Official Plan Amendment shall be required to officially include the west side collector road on Schedule "E".

6.2 ACTIVE TRANSPORTATION

[Note: section amendments to reflect the Comprehensive Transportation Master Plan]

A shift towards active lifestyles and increasing demands for sustainable modes of transportation presents a need for a useful and accessible walking and cycling network in the Town. This Plan recognizes that bicycle and pedestrian trails and paths contribute to healthy communities and supports such sustainable modes of travel. The Town encourages the development and enhancement of pedestrian and shared use of non-motorized trails and bicycle routes within the Town and across the County, in support of the County Wide Active Transportation System (CWATS) Master Plan.

The following will be the policy of the Town:

~~a) The Town will work towards providing safe bicycle and pedestrian paths, both separated from the roadway, on existing and proposed roads, on abandoned rail corridors, on utility corridors, and within parks and open spaces, as appropriate.~~

a) The Town, through its Comprehensive Transportation Master Plan, will take a multi-modal, complete streets approach to ensure that all forms of travel, including active transportation, are considered in the planning, design, and implementation of transportation infrastructure.

   This will include providing safe bicycle and pedestrian paths, both separated from the roadway, on existing and proposed roads, on abandoned rail corridors, on utility corridors, and within parks and open spaces, as appropriate.

b) The Town will consider adapting roads to provide safer travel for bicycles and pedestrians on road pathways, where feasible and appropriate with the intent that all local municipal and County roads shall be considered accessible for active transportation, unless otherwise designated. Further, the Town recognizes that bicycles are a vehicle which operates on public roadways or within road rights-of-way with the same rights and responsibilities as motor vehicles.

c) The Town will promote accessible and convenient trail systems within a reasonable distance from the target neighbourhoods and major destinations and ~~The Town~~ will undertake to interconnect existing walking trails and bicycle paths, where feasible and appropriate to provide continuous ~~trail system linkages. Routes should provide continuous~~ access between neighbourhoods, parks, schools, recreation facilities, the waterfront, business and commercial areas, trails, and other public buildings and services.

~~d) The Town will promote accessible and convenient trail systems within a reasonable distance from the target neighbourhoods and major destinations.~~

d) The Town will promote aesthetically pleasing trail systems, particularly for recreational purposes. Particular attention will be given to trail systems associated with natural assets including the waterfront, parks, and natural features.

e) The implementation of trail systems should be feasible given the consideration of the costs and benefits associated with the route selection. This should take into consideration the costs of healthy living, environmental sustainability, and the neighbourhood character.

f) The Town will encourage the integration of ~~bicycle path and walkway systems~~ active transportation systems into the design of transportation facilities by including facilities such as sufficient and protected bicycle storage areas and parking, places of employment and major community, institutional, educational, cultural and shopping

locations, where appropriate. ~~The Zoning By-law has established provisions related to minimum parking requirements and should also consider design standards related to illumination.~~

g) The Town will implement and operate an effective trail system maintenance program.

~~j) The Town will promote opportunities for public access to the waterfront and the development of a waterfront trail system.~~

~~k) The Town will explore opportunities for the reuse of abandoned rail corridors for potential trail systems.~~

h) Throughout the Town there are a number of navigable waterways, including Cedar Creek and its tributaries including Mill Creek and Wigle Creek, which flow into Lake Erie. The Town supports the provision of recreational trail opportunities and access along these waterways.

~~m) The Town will support the creation of the primary bicycle network as identified in the Town's Transportation Master Plan and Trails Master Plan.~~

i) The Town will support the implementation of the County Wide Active Transportation System (CWATS) Master Plan, as identified on County Schedule "D.2". Furthermore, the Town will support the implementation of the Town's Parks and Recreation Master Plan and the Comprehensive Transportation Master Plan to facilitate the development of a comprehensive and integrated active transportation network throughout the Town.

6.3 UTILITIES

6.3.1 Electrical Power Facilities

a) All existing electric power facilities and the development of any new electric power facilities that operate at 50 kilovolts and above, or facilities that transform from above 50 kilovolts to less than 50 kilovolts, including all works as defined in the *Power Corporation Act*, (such as transmission lines, transformer stations and distributing stations) shall be permitted in any land use designation without an amendment to this Plan provided that such development has been approved as applicable under the provisions of the *Environmental Assessment Act* and its regulations; and a Renewable Energy Approval under O.Reg 359/09 of the *Environmental Protection Act*, and any other relevant statutes and regulations. Hydro One and E.L.K. shall be required to consult with the Town regarding the location of

any and all new facilities including new transformer stations. However any use of lands, buildings or structures by Hydro One and/or E.L.K. that are subject to approval under the provisions of the *Environmental Assessment Act* and its regulations; and a Renewable Energy Approval under O.Reg. 359/09 of the Environmental Protection *Act*, and any other relevant statutes and regulations shall be exempt from the policies of this Plan and the provisions of the Town's Zoning By-law.

b) Other electric power facilities, including buildings and facilities not used directly for the generation and supply of electric power, shall comply with the policies of this Plan and the provisions of the implementing Zoning By-law.

c) The above policies, however, do not preclude the Town's right to participate in discussions on the location criteria of new electric power facilities. Wherever practicable, single footing narrow base tower construction and existing rights-of-way should be used for new hydro transmission lines. Secondary land uses may be permitted on Hydro One and/or E.L.K. lands where deemed by Council to be compatible with adjacent land uses and by agreement with Hydro One and/or E.L.K.

d) The Town has adequate service to provide hydro to most new residential, agricultural, commercial, employment, or institutional development areas. The hydro service can be further extended as and when required such as when three-phase hydro is required to new greenhouse developments.

6.3.2 Other Utility Services

a) All existing facilities and the development of any new facilities associated with a public utility, telephone, cable transmission or other similar communications company or a gas distribution or a transmission company, shall be permitted in any land use designation without an amendment to this Plan.

b) The utility or company involved shall be required to obtain the approval of the Town regarding the location of any and all new facilities and buildings.

~~6.3.3 Energy Conservation, Air Quality and Climate Change~~

[note: Section 6.3.3 and Section 6.3.4 was restructured as part of the review of the Climate Change policies in Section 2.2. Administration believes the policies described below are captured more fully in Section 2.2.. References to *Green Energy and Green Economy Act*

were also removed as those *Acts* were repealed. Policies proposed in 6.3.4 and now included in Section 2.2 more generally support renewable energy projects]

~~a) The Town will explore and promote the use of energy conservation and alternative energy sources as a means to improve air quality and adapt to climate change, while ensuring the appropriate development of energy supply including electricity generation facilities and transmission and distribution systems to meet the Town's needs. In all types of development proposals, designs which attempt to minimize energy costs for future residents, businesses and agriculture through road design, lot layout, building location and multi-unit design, and also maximize solar orientation and sun exposure, will be encouraged. In both development and redevelopment, innovative building designs and construction techniques that conserve energy and lead to a reduction of energy consumption will be encouraged. Energy conservation lighting and heating systems will be considered.~~

~~b) The use of programs which would assist in the reduction of energy use within existing buildings will be encouraged. The landscaping and sitting of buildings on a building lot to provide wind shelter and maximize sunlight exposure will be encouraged. The Town will encourage the use of amenities such as sidewalks and bicycle lanes within new residential developments and will also consider the provision of bicycle lanes and sidewalks along streets within existing residential areas.~~

~~c) The Town will promote opportunities to partner with infrastructure providers to increase access to electrical vehicle charging stations.~~

~~d) The Town will promote the Essex County Regional Energy Plan.~~

~~6.3.4 Renewable Energy Facilities~~

~~It is the policy of this Plan, that renewable energy projects and facilities shall be encouraged. The Town will effectively participate in the review and public consultation process for the consideration of projects which require a Renewable Energy Approval in accordance with applicable Provincial or Federal regulations. The Town will provide municipal comments which acknowledge the demand for service, the impact on the community, infrastructure and natural heritage features and systems.~~

6.4 MUNICIPAL SERVICES

6.4.1 Servicing Standards

All development within the Town of Kingsville shall be serviced in accordance with the Development Standards Manual which has been adopted by Council resolution and is

amended from time to time. The Town will consider developing and implementing a local excess soil re-use policy.

6.4.2 Servicing Requirements

[note: bulleted lists in this section were placed in narrative for clarity]

As required in Provincial Policy, this Plan directs growth in a manner that promotes the efficient use of existing municipal sewage services and municipal water services, as such municipal sewage services and municipal water services are the preferred form of servicing settlement areas. Sewage and water services shall apply to community structure policy areas and be provided in a manner that can be sustained by the water resources upon which such services rely; is financially viable and complies with all regulatory requirements; and protects human health and the natural environment.

It is the policy of this Plan to:

a) promote water conservation and water use efficiency;

b) integrate servicing and land use considerations at all stages of the planning process; and

c) allow lot creation only if there is confirmation of sufficient uncommitted reserve sewage system capacity and sufficient uncommitted reserve water system capacity within municipal services. The determination of sufficient uncommitted reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

Full municipal sewage services and municipal potable water services are the preferred form of servicing for all areas. The use of private septic facilities within municipal sanitary sewage service areas shall not be allowed.

The use of private on-site sewage services shall only be allowed on lands where municipal sewage services are not provided, are not anticipated to be serviced by municipal sanitary sewage services within the time period of this Plan, are proposed outside of the established municipal sanitary sewage service area, and only for new development of three or less lots or private residences and where site conditions are suitable for the long-term provision of such services.

Partial services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) shall only be permitted where they are necessary to address failed individual on-site sewage and/or

failed individual on-site water services in existing development or along the waterfront area to allow for infilling and rounding out of existing development on partial services provided that development is within the reserve uncommitted sewage system capacity and/or reserve uncommitted water system capacity and site conditions are suitable for the long-term provision of such services.

Work on the completion of a comprehensive master servicing plan for future development in Kingsville is encouraged. Where appropriate, joint servicing plans are encouraged to ensure that infrastructure is built and maintained in a cost effective, environmentally sound and coordinated manner that meets the long-term needs of the community.

6.4.3 Staging of Development

It is the policy of this Plan to control the sequence of development within the Town where necessary, so that the financing and construction of public works can be undertaken without any undue financial hardship.

Generally, for any new development, the developer must provide and pay for all internal services within a development area in accordance with municipal servicing requirements in effect.

6.4.4 Sanitary Sewage Collection and Treatment

The Town's present sewage system will require implementation of the planned improvements to adequately accommodate new residential, commercial, employment and institutional development in the urban centre area of the Town. All new development shall incorporate appropriate separation distances from sewage treatment works and sensitive land uses in accordance with the Provincial Guidelines. Municipal Sanitary Treatment and Collection Facilities have been identified on Schedule "E" to this Plan.

Full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible the preferred means of servicing within any designation. All new development will be adequately serviced in accordance with the Town's requirements. Prior to the issuance of a building permit, this will mean that a developer will be required to enter into a servicing agreement with the Town, stipulating the services to be installed and the financial contributions necessary to improve existing services external to the subject property, in order to permit adequate servicing of the development proposal.

For lands where partial services (being municipal piped water in the absence of municipal sanitary sewers or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial services to address failed individual on-site sewage and individual on-site water services within an existing development, and to allow for infilling or rounding out of existing development on partial services only if site conditions are suitable for the long term provision of such services.

All development throughout the Town will have to satisfy the Province and the requirements of the Town with respect to the collection and treatment of sanitary waste.

6.4.5 Water Supply and Distribution

The vast majority of the Town is now serviced with a municipal water supply which is obtained from the Union Water Treatment Plant located south of the Hamlet of Ruthven in the former Township of Gosfield South. Any properties not currently serviced by municipal water have private water facilities either in the form of dug or drilled wells.

Total water flows and pressures are considered good throughout the immediate urban centre of Kingsville and the Village of Cottam can easily accommodate both existing development and any future residential, commercial, employment or institutional development within these areas.

The existing water distribution system within the Kingsville Southwest Service Area is considered to have insufficient unreserved capacity to support any further development without having a significant detrimental impact on the remainder of the water distribution system until system improvements can be implemented.

There are also concerns in the rural areas of the Town where continued growth in the greenhouse industry, coupled with an increase in the farming practice known as drip irrigation for certain field specialty crops, will eventually utilize the majority of the water flow through existing watermain infrastructure so that a municipal potable water supply becomes less available for human consumption and sanitary purposes.

Presently, the Town is attempting to deal with the situation by:

a) requiring greenhouse operations and other large indoor growing operations to provide on-site storage and rate-of-flow control facilities in order to spread water demand more uniformly thereby reducing the peak water demand and achieving economy of operation;

b) recommending that greenhouse operations and other large indoor growing operations with large watercourses nearby obtain raw water from the surface watercourse and utilize the municipal water supply for back-up purposes only.

If greater than 50,000 litres of water a day is to be taken from the surface watercourse(s), this approach requires the issuance of a Permit to Take Water (PTTW) under the *Ontario Water Resources Act* from the Province prior to the taking of water. Similarly, if groundwater is drawn at a rate of greater than 50,000 liters of water a day, this approach requires the issuance of a PTTW from the Province under the *Ontario Water Resources Act* prior to the water taking.

Considerations as to whether a PTTW will be issued will include, but may not necessarily be limited to, the size, nature, existing use and sensitivity of the surface watercourse and ground water resource as well as the submission of a Hydrogeological Study to demonstrate that that the existing water balance will be maintained (i.e. there will be no reduction in recharge);

c) requiring that greenhouse operations and other large indoor growing operations to implement a water recycle system would allow reclamation and reuse of most of the water thereby reducing the demand on the water system;

d) the Town recognizes that greenhouse farming is permitted in all "Agriculture" designated and zoned areas, but ~~allowed~~ encourage their establishment and operation in locations where servicing is demonstrated to be consistent with Section 2.8.

It is anticipated that the water supply and transmission problems to the agricultural area will be dealt with in a manner which will support the well-being of the present residents and the future growth of the Town.

6.4.6 Stormwater Management

[note: Administration added reference to the Regional Stormwater Management Standards Manual to guide planning and management of stormwater and Essex Region Conservation Authority as a reviewer of SWM Plans]

The topography of the Town is very flat and is drained by an extensive network of inland watercourses, municipal drains and mechanical pumping schemes where low lying lands are below lake level. In Managing stormwater, the Town will seek to implement the recommendation of the Windsor/Essex Region Stormwater Management Standards Manual.

Stormwater management facilities shall be provided in accordance with the following:

a) Stormwater management will be required for all development in the Town to ensure that runoff is controlled such that development does not increase peak flows to any greater extent than pre-development runoff in watercourses that impact on downstream flooding and to also institute runoff control to prevent the accelerated enrichment of watercourses and Lake Erie from pollutants. Stormwater management design shall ensure the protection of water resources and support climate resiliency.

b) Prior to development approval of subdivisions or applications involving significant lot creation and/or development, the Town will require the preparation and approval of a stormwater management plan, which either implements the management concept of the Subwatershed Study, if prepared, or is acceptable to the Town, ~~relevant~~ Essex Region Conservation Authority and the Province, and is completed in accordance the Windsor/Essex Region Stormwater Management Standards Manual and the current Provincial Stormwater Planning and Design Manual.

c) The Ministry of Transportation will be consulted in relation to stormwater management plans and facilities in proximity to Provincial Highways. The Ministry of Transportation requires the submission of a Stormwater Management Report, where applicable, for their review and approval, to ensure that stormwater runoff from any proposed development does not affect the Provincial highway drainage system or right-of-way.

   The Province also requires that a Stormwater Management Plan be designed in accordance the Windsor/Essex Region Stormwater Management Standards Manual and current provincial standards as it may be amended from time to time and that it addresses pollutants/nutrient loadings on Lake Erie. The Town will require developers to undertake stormwater management pursuant to current legislation in order to address these issues. The Town will also incorporate these requirements into the Zoning By-law and the development agreements. Stormwater management facilities will be owned, operated and maintained by the Town into perpetuity.

d) Stormwater management facilities shall not be permitted within areas designated "Environmental Protection Areas" or "Environmental Significant Areas".

e) It is the preference of the Town that all stormwater related to new development will be managed by regional facilities, where feasible. No new development will have a negative impact on the drainage characteristics of adjacent land.

f) Stormwater management facilities will be designed to manage stormwater quality and quantity, at an appropriate level, as defined by the Windsor/Essex Region Stormwater Management Standards Manual and the most current Province's Stormwater Planning and Design Manual, in consultation with the ~~appropriate~~ Essex Region Conservation Authority, and the statutory approval authority for the stormwater works being proposed. The integration of natural vegetative features adjacent to and within new facilities will be encouraged where appropriate, and the naturalization of the periphery of the existing stormwater management facilities is encouraged.

g) In Settlement Areas it may be necessary for some storm sewer oversizing and deepening to occur. The design and construction of all storm sewers and improvements to natural watercourses shall have sufficient capacity to serve all areas which ultimately may be connected to sewers or open watercourses. Modifications to existing natural watercourses will only be undertaken where natural features can be integrated with the optimal design ensuring quality and quantity impacts are mitigated, and subject to approvals from the Town and Conservation Authority, where required. In reviewing individual development applications, the Town will, where applicable, require developers to utilize appropriate stormwater management techniques to minimize erosion and siltation of watercourses and open drains and to not adversely affect upstream or downstream property owners.

h) The Town will encourage the preparation of stormwater management plans on a watershed or subwatershed basis.

i) Prior to development approval, the development proponent will consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourses.

j) Prior to development approval, the proponent will provide, where appropriate, public access to and along the stormwater management system and the receiving watercourse where such areas can be used to form part of a natural trail or open space system. Roads and sidewalks within the study area will be required to provide access to these natural areas. The use of dry ponds which can be located adjacent to parkland for the purpose of maximizing the space available for public use is encouraged. Wet ponds are encouraged to be incorporated into subdivision design as aesthetic features of the community.

k) In order to ensure that the size, configuration and grade of the land surrounding the facility can be efficiently programmed as a component of a trail or open space system, it may be necessary to prepare a landscape design prior to development approval.

l) ~~It is the position of the municipality that the areas~~ Lands required for stormwater management will not be considered toward the parkland dedication. However, the incorporation of these areas into parkland facilities, such as the provision of asphalt paths, may be considered as a portion of cash-in-lieu of parkland contribution. The provision of additional land to facilitate the use of these areas as parkland may also be considered.

m) The Town will ensure that the design of stormwater management facilities includes long-term maintenance and safety requirements.

~~n) The Town will seek to implement the recommendation of the Regional Stormwater Management Guidelines.~~

6.4.7 Waste Disposal Sites

Any development proposed within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site shall be restricted, unless it has been demonstrated that there is no evidence of leachate, landfill generated gas migration including, but not necessarily limited to, methane gas, or other contaminants present in the soils or groundwater supply. Proponents of development on, or within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site shall prepare a report, prepared by a qualified professional, to the satisfaction of the municipality, in accordance with Provincial guidelines, that demonstrates that there is no evidence of leachate, landfill generated gas migration including, but not limited to, methane gas or other contaminants present in the soils or groundwater, surface runoff, vermin, visual impact and ground settlement.

Development will be restricted if the active and/or former waste disposal site poses any adverse environmental effects or risk(s) to public health and safety. If significant impacts are encountered at or beyond 500 metres, the study area within which an assessment is undertaken will be expanded as deemed appropriate. In exceptional hydrogeologic situations, such as areas of fractured rock or sand, where it is anticipated that leachate or landfill generated gas, including, but not necessarily limited to, methane gas, could migrate beyond 500 metres and pose a problem, hydrogeologic and/or engineering studies beyond 500 metres of the perimeter of the fill area will be conducted.

Where development is located or proposed on a waste disposal site, no official plan amendment, zoning by-law amendment or building permit will be adopted or granted until the Province is appropriately consulted, and Section 46 Approval under the *Environmental Protection Act* is obtained from the Minister of the Environment, if it is, in fact, determined to be applicable.

All known active and former waste disposal sites within the Town of Kingsville and those in adjoining municipalities within 500 metres of the municipal boundary have been identified on Schedule "E" to this Plan.

SECTION 7: LAND DIVISION POLICIES

This section shall form the basis for decisions on all applications for the division of land within the Town of Kingsville.

7.1 GENERAL

[note: minor amendment made in response to County comment to provide for ZBA to be completed concurrently with consent of plan of subdivision]

The division of land shall generally occur by registered plan of subdivision or the consent process in accordance with the policies of this Plan. A plan of subdivision will be required for development where 4 or more new lots are proposed or for any number of lots where service extensions are required.

The division of land will only be allowed if the proposed lots conform to the policies of this Official Plan and comply with the provisions of the Zoning By-law for the Town which shall establish minimum lot frontages and areas in accordance with Provincial, County and municipal requirements established at the time of approval of this Plan. Where any by-law amendment or minor variance is necessary, it shall be ~~a condition of the consent or plan of subdivision approval~~ completed concurrently with an application for consent or plan of subdivision.

The division of land shall not be allowed where development could occur on lands subject to flooding, erosion or unstable conditions or any other physical limitation as determined by the Town in consultation with the Essex Region Conservation Authority.

The division of land which is adjacent to a Provincial Highway shall be designed in accordance with the policies, standards and requirements of the MTO and such lots shall be oriented to back onto the Provincial Highway and front onto a local internal street.

7.2 PLANS OF SUBDIVISION

In considering applications for proposed plans of subdivision, Council shall have regard to the policies of this Plan as well as those matters outlined in Section 51 (24) of the *Planning Act*.

New plans of subdivision where four or more lots are proposed shall only be permitted if adequate potable water supply, sanitary sewage treatment and disposal, and stormwater management can be provided in accordance with this Plan, and to the satisfaction of the County, Town and the statutory approval authority having jurisdiction. The following

policies will apply to plans of applications for approval of a draft plan of subdivision or condominium:

a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements and part-lot control, will be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.

b) Prior to approval of an application for plan of subdivision or plan of condominium, the proponent, in consultation with the Town, will confirm the availability of adequate servicing infrastructure and allocation, waste collection and disposal services, and roads, pedestrian pathways and public transit rights-of-way.

c) Applications for plan of subdivision or plan of condominium approval will be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.

d) All lots within a plan of subdivision will have frontage on a public road maintained on a year round basis, constructed to an acceptable Town standard. Plans of condominium will have access to a public road maintained on a year round basis, however, it is recognized that development within the condominium plan may occur on private roads.

e) Natural heritage features and functions will be protected and preserved in the design of any plan of subdivision or condominium. The Town will explore opportunities to implement the policies of Section 4.2 relating to the establishment of natural heritage linkages. The Town may require the dedication of lands that it determines to be part of the natural heritage system as part of the conditions of approval.

f) All new plans of subdivision, as part of a planning justification report, must address the provision of affordable housing and how it is conforming to the target identified in Section 3.6.6.1 (g) of this Plan;

g) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.

h) All plans of subdivision will be subject to a subdivision agreement between the Town and the development proponent.

i) All plans of condominium will be subject to a development agreement between the Town and the development proponent.

j) Parkland dedication will be provided pursuant to Section 3.5.2 of this Plan. Land to be dedicated for park purposes must be acceptable to the Town. Under no circumstances will the Town be obligated to accept parklands being offered in a proposed plan of subdivision.

k) The Town will consult with the ~~appropriate~~ Essex Region Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.

l) In recommending approval to a draft plan of subdivision, the Town may request that the approval lapses at the expiration of a specified time period, being not less than 3 years. The County, in consultation with the Town may extend the approval time period, prior to its expiration.

m) The Town may request that the County, withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before the final approval of the plan of subdivision.

n) The Town may consider passing a By-law under the provisions of the *Planning Act* deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.

o) The Town will consider the policies of this Plan in totality to determine the information required by an applicant to form a complete application for approval of a plan of subdivision.

7.3 CONSENTS

[note: 'c' revised to clarify limits on consents on private roads/rights-of-way. Revisions also made to 'm) ii.' to clarify that any road widening required (as shown on Table 7.1) is at the applicant's expense]

In considering applications for consent, Council and the Committee of Adjustment shall have regard to the policies of this Plan, to those matters outlined in Section 53(2) of the *Planning Act* and to the following general and specific policies:

a) three new lots or fewer may be created by consent provided the proposed use is permitted in this Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water supply, sanitary sewage

treatment and disposal and stormwater management can be provided in accordance with this Plan, all to the satisfaction of the Town, and the proposed lots comply with the Zoning By-law;

b) consents should be granted only when the land fronts on an existing public road which is of a reasonable standard acceptable to the Town and/or the Province or the County of Essex;

c) consents, in any designation, on private roads or rights-of-way shall be restricted ~~should be discouraged and only permitted in limited cases where it is a single infill lot and satisfy all other requirements of this Plan;~~

c) consents, in any designation, on private roads or rights-of-way;

d) consents should be used as a vehicle to provide for infilling in existing built-up areas between residential lots on the same side of the road;

e) consents will not be granted to create lots for Additional Residential Units

f) the size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the minimum provisions of the implementing Zoning By-law. The consent granting authority may exercise its powers under Section 45(1) of the *Planning Act* when reviewing the appropriateness of the proposed shape, size, or configuration of any proposed lot;

g) consents should not be granted adjacent to a road where traffic hazards due to limited sight lines on curves would be created or proximity to intersections;

h) regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area;

i) a cultural heritage and/or archaeological resource assessment may be required for any lands to be subdivided. The assessment and the conservation of any significant cultural heritage resources identified through the assessment will be a pre-condition of any consent;

j) consents for mortgage purposes, not in the "Agriculture" designation, may be allowed if the use of land does not change as a result of the mortgage. The Committee of Adjustment shall use Section 50(16) of the *Planning Act* to ensure that once the mortgage has been discharged, a further consent would be required to transfer or sell off the parcel that was subject to the mortgage;

k) consents for lot adjustments or minor boundary changes are permitted provided both parcels comply with the provisions of the implementing Zoning By-law and the consent is granted conditional to Section 50(3) or (5) of the *Planning Act*;

l) the division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:

   i. to permit the proper sitting of a building:

   ii. to obtain a sufficient and potable water supply;

   iii. to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of this Plan, to the satisfaction of the Town and the statutory approval authority having jurisdiction;

m) when considering consents involving lands within 120 metres of any active Licensed Aggregate Extraction Operation, the Committee of Adjustment will give consideration to possible incompatibilities which could result from the noise, dust, vibration and traffic associated with the Mineral Aggregate Resource use;

n) when granting consent applications or plans of subdivision, Council and the Committee of Adjustment will give consideration to the following requirements which may be included as a condition of the consent:

   i. the parkland dedication and/or cash-in-lieu of parkland dedication policies of Section 3.5.2 will apply.

   ii. any road widening identified in Table 7.1 is required to be dedicated to the Town, County or Province at the sole expense of the applicant;

   iii. the Town's implementing Zoning By-law is to be amended to permit the proposed use, if necessary, prior to any certificate under Section 53(21) of the *Planning Act* being endorsed on the transfer deeds;

   iv. that the applicant enter into an Agreement to construct and/or maintain any drainage facilities servicing the agricultural sector which traverse the subject property;

   v. that the applicant, if required, agree to construct and/or maintain fences around the proposed lot;

vi. that access to the property be constructed to the satisfaction and requirements of the Town and other appropriate agencies;

Table 7.1 Roads Requiring Widening

Roads Requiring Widening	Amount of Land Required	Side from which the land is to be Taken
Graham Sideroad between Highway No. 18 and 3	6 metres	West
Peterson Road (entire road)	13 metres	East
Olinda Sideroad between County Road 34 and the Sixth Concession Road	10 metres	East
Jasperson Lane (entire road)	13 metres	West
Sixth Concession Road between County Road 29 and the McCain Sideroad	6 metres	North
Sixth Concession Road between McCain Sideroad and County Road 23	6 metres	South
McCracken Sideroad south of Highway No. 18	11 metres	East
Thompson Crescent (entire road)	14 metres	South and East
North Talbot Road south of the Sixth Concession Road	13 metres	East
Cedar Island Rd south of County Rd 50	11 metres	West
County Road 18, 604 metres east of County Road 29	4 metres	North
County Road 18, 604 metres east of County Road 29 to County Road 31	4 metres	South
County Road 18 from County Road 34 to McDonald Drain	4 metres	North
County Road 23 from Nelson Drain Outlet to Second Concession Drain	4 metres	East
County Road 29 from Wallace Drain Outlet into Division Road Drain to Provincial Highway No. 3	4 metres	West

County Road 31 from the Sixth Concession Road to the McDonald Drain	4 metres	West
County Road 31 from Blind Line Drain (Sturgeon Creek Drain) to Hwy No. 18	4 metres	West
County Road 31 from Greenway to County Road 50	4 metres	East
County Road 50 from County Road 23 to R.P. #1274	4 metres	South
County Road 50 from Birch Avenue southerly for 195 metres	4 metres	East
County Road 50 from McCain Sideroad to Wigle Creek	5 metres	North
County Road 50 from Wigle Creek East to where Heritage Road turns to Lake Drive	7 metres	North
County Road 50 from Cull Drive north to Greenway	4 metres	West

7.3.1 Agriculture Land Division

The following specific policies shall apply to those lands designated "Agriculture" on Schedule "A" of this Plan. Lot creation in the Agriculture designation will be generally discouraged, all division of land shall occur through the consent process and such consents shall only be permitted in accordance with the policies outlined below.

7.3.1.1 Division of Farm Lots

A consent may be granted for agricultural uses and agriculture-related uses to permit a farm lot to be divided into two farm lots provided each lot, both retained and conveyed, meets the following requirements:

a) for agricultural uses, each lot is of a size that is appropriate for the type of agricultural use that is common in the area;

b) for agriculture-related uses, the new lot will be limited to a minimum size need to accommodate the use and appropriate sewage and water services;

c) each lot is sufficiently large to maintain flexibility for future changes in the type and size of the agricultural operation;

d) each lot shall have a minimum lot area of 40 hectares;

e) each lot shall comply with the Minimum Distance Separation requirements;

f) notwithstanding item d) above, in the case of a specialty crop operation as established by the Provincial evaluation procedures, a smaller parcel size may be permitted subject to demonstrating that the size of the retained and severed parcels is appropriate.

7.3.1.2 Residence Surplus to a Farm Operation

A consent may be granted to sever a dwelling that is considered surplus to the needs of the farm operation as a result of the consolidation of an additional farm lot provided that:

a) the size of a lot for a residence surplus to a farming operation should be limited in area consistent with the standards outlined in Provincial Policy Statement. Lots larger than 0.8 ha will require the proponent to demonstrate the need for the additional lands but at no time should include lands that are currently, or previously, farmed as of the date of adoption of this plan;

b) barns in close proximity to a residence surplus to a farming operation that are in a state of disrepair are to be removed as a condition of consent approval. Buildings and structures still actively used as part of a farming operation should not be included with a proposed surplus dwelling lot. Buildings capable of housing livestock shall be decommissioned to the satisfaction of the Town;

c) the surplus residential dwelling must have been in existence prior to the date of the adoption of this plan and in a habitable condition;

d) the approval of any consent to permit the severance of a surplus dwelling shall be conditional upon rezoning the vacant remnant parcel of farmland resulting from the severance to prohibit new residential dwellings; and

The creation of new residential lots in the Agriculture designation shall not be permitted except in accordance with the above policies.

7.3.1.3 Lot Additions

Lot additions or adjustments for lands within the agricultural area may be permitted for legal or technical reasons provided that:

a) both parcels comply with the provisions of the Zoning By-law;

b) the consent is granted subject to Section 50(3) or (5) of the *Planning Act*, R.S.O. 1990

c) a minor boundary adjustment does not result in the creation of a new lot not otherwise permitted;

d) the lot addition or adjustment is considered minor in nature;

e) minimizes the removal of actively farmed lands;

f) does not negatively impact on the surface or subsurface drainage on the resulting remnant lands

7.3.1.4 Infrastructure

Lot creation for lands within the agricultural area may be permitted for infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

SECTION 8: IMPLEMENTATION AND INTERPRETATIONS

The policies in this section apply to the implementation and interpretation of this Plan.

8.1 GENERAL

This Plan shall be implemented by means of the statutory powers conferred upon the Council and other municipal officials by the *Planning Act*, the *Municipal Act*, the *Development Charges Act* and any other powers as may be exercised through the implementing Zoning By-law, subdivision agreements, site plan control, development agreements and standards of maintenance and occupancy by-laws.

8.2 COMMITTEE OF ADJUSTMENT

It is intended that the Town will continue to maintain a Committee of Adjustment under the provisions of the *Planning Act* to preside over consent, minor variance and non-conforming use applications. The Committee shall be guided by the policies of this Plan and the requirements of the Zoning By-law in making decisions on applications. Furthermore, the Town may adopt a by-law to establish criteria that must be complied with, for the Committee of Adjustment in considering minor variance applications, or alternatively, criteria which may be prescribed by the Province.

8.3 COMMUNITY IMPROVEMENT

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another. The Town will support the preparation and implementation of Community Improvement Plans for Cottam, Ruthven, Kingsville and the larger Industrial or Commercial areas within Kingsville.

8.3.1 Goals

a) to use community improvement plans to revitalize areas in decline or in transition from one land use to another;

b) to establish minimum standards for building and property maintenance and occupancy;

c) to encourage the preservation, rehabilitation, renewal and reuse of heritage resources;

d) to establish partnerships with the community to revitalize and strengthen neighbourhoods; and

e) to use community improvement plans to encourage the provision of affordable and attainable housing.

8.3.2 Policies

a) Council may designate, by by-law, a Community Improvement Project Area in accordance with the *Planning Act* to revitalize neighbourhoods or any identified area in decline or in transition from one land use to another;

b) a Community Improvement Project Area may include any area within the Town, or the entire Town. Specifically, project areas that have any of the following characteristics shall be considered:

   i. residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;

   ii. declining commercial or mixed-use areas where there are a number of vacant or underutilized properties;

   iii. declining or obsolete industrial areas;

   iv. areas in which there are land use conflicts as a result of incompatible uses;

   v. areas that have deficient municipal services such as parks, walkways, sanitary and storm sewers, waterlines and roads;

   vi. areas that have the potential to be new employment areas.

c) where Council authorizes the preparation of a Community Improvement Plan, it shall be prepared in accordance with the *Planning Act* and shall contain the following information:

   i. a statement of the basis or rationale for the preparation of the Community Improvement Plan;

   ii. a description of the project area including a map;

   iii. a statement of the desired purpose of the Community Improvement Plan;

   iv. the goals and policies for the Community Improvement Area;

   v. provisions for the revitalization of land and buildings and the acquisition, sale or lease of lands or buildings acquired by the Town to facilitate community improvement;

vi. provisions for the establishment and/or distribution of grants or loans for the purpose of revitalizing the area;

d) Council shall provide an opportunity for public input on the Community Improvement Plan in accordance with the *Planning Act*;

e) Council shall dissolve a Community Improvement Area in accordance with the *Planning Act* once it has been determined that the purpose for the Community Improvement Plan has been accomplished;

f) Council shall continue to enforce its Property Standards and Occupancy By-law;

g) Council may contribute funding toward the revitalization of areas through the capital works budget for projects including, but not limited to, streetscape improvement, infrastructure improvements, the provision and upgrading of open space areas and the provision and upgrading of community facilities within a designated Community Improvement Project Area.

8.4 COMPLETE APPLICATIONS

In order to consider a planning application as complete as set out in the *Planning Act* and to ensure that all applicable information is provided during the preliminary stages of the planning process for Council and/or its designated approval authority to make informed decisions within the prescribed time periods of the *Planning Act*, the Town shall require the following conditions to be satisfied:

a) pre-consultation has taken place with a municipal planning official and any other Approval Authority, regarding the nature of the planning approvals required;

b) the need for one or more support studies has been identified by the Town and the applicant notified;

c) a plan of survey and or other acceptable legal land description has been submitted along with full disclosure regarding land owner, agent and applicant;

d) all application fees and deposits are submitted;

e) all required supporting studies, developed to the satisfaction of the Town, are submitted; and

f) that for the purposes of a consent, the provision of a survey of the smaller of the two lots may be acceptable provided it satisfies the requirements of the *Registry Act* and the regulations thereto.

The Town may require any of the additional information (e.g. studies/assessments) to be peer reviewed on behalf of the Town at the applicant's expense.

8.4.1 Additional Information Requirements

Support studies required as part of a complete application will comprise one or more of the following:

- Aggregate Potential Assessment;
- Agricultural Impact Assessment
- Archaeological Assessment;
- Environmental Impact Assessment or Screening Report;
- Fire Safety Plan will be required for all new and existing buildings to be used
- Functional Servicing Report
- Groundwater Impact Assessment
- Heritage Assessment/Impact Study;
- Hydrogeological Study
- Hydrological Study
- Hydraulic Floodway Analysis and Detailed Flood Line Mapping Study
- Land Use Compatibility Assessment;
- Landscaping Plan;
- Lighting or Photometric Study;
- Market Impact Assessment;
- Master Environmental Servicing Plan
- Natural Site Features Inventory and Preservation Plan;
- Noise and Vibration Study;
- Nutrient Management Plan;
- Odour/Ventilation Plan to mitigate noxious odours being released into the atmosphere that may cause discomfort for neighbouring properties

- Parking Study
- Phase I Environmental Site Assessment (ESA) or Site Screening Questionnaire, where a Phase 1 Environmental Site Assessment is not required
- Planning Justification Report;
- Record of Site Condition (RSC)
- Retail Market Impact Study
- Risk Management Plan;
- Shadow Impact Study;
- Shoreline Erosion or Coastal Engineering Study
- Slope Stability Study;
- Species at Risk Assessment;
- Stormwater Management Report;
- Transportation Impact Assessment;
- Urban Design Study;
- Waste Management Plan that identifies how all waste (solid and liquid) will be managed;
- Watershed/Subwatershed Plan;
- Such other studies, details or combination of studies and details specifically identified elsewhere in this Plan or deemed necessary to properly evaluate the desirability and impacts of the proposed development, in a manner satisfactory to the Town and other approval authorities having jurisdiction.

8.5 COUNTY OFFICIAL PLAN AND PROVINCIAL POLICY

It is the opinion of the Council for the Town of Kingsville that the designations and policies contained within this Official Plan are in conformity with the County Official Plan and are consistent with Provincial Policy.

In the event of a conflict between the County of Essex Official Plan and the Town of Kingsville Official Plan, the County Official Plan prevails.

8.6 *DEVELOPMENT CHARGES ACT*

In accordance with the provisions of the *Development Charges Act*, the Town has duly passed and enacted a Development Charges By-law which has the effect of ensuring that the majority of long-range expenses incurred as a result of new development will be borne by the land developers and not the Town at large.

8.7 LAND USES

8.7.1 Existing Land Uses and Buildings

[Note: reference in 8.7.1 to non-conforming land uses is unclear and was removed. Section 8.7.2 'non-conforming land uses' has been clarified and describes policies related to non-conforming land uses].

Certain lands within the Town have been developed with a land use other than that which is intended by the designations and policies of this Plan. Some of these uses are still operating but some have ceased to exist leaving substantial vacant buildings, most commonly commercial or industrial in nature. Provided these uses legally existed prior to the date of adoption of this Plan, they may be recognized as legal conforming uses in the implementing Zoning By-law. Further, the zoning of the lands which these uses and/or buildings occupy may also permit a limited range of similar or related uses provided the following criteria are met:

a) the zoning does not permit any change of performance standard that aggravates any situation detrimental to adjacent complying uses;

b) any air and sewage discharges from the use, and water takings associated with the use, are capable of obtaining, and will apply for, a Certificate of Approval/Permit To Take Water (as applicable) from the Province and, furthermore, will not interfere with the normal enjoyment of property;

c) the use does not interfere with the desirable development or enjoyment of the adjacent area;

d) the use does not constitute a danger to surrounding uses and persons because of its hazardous nature or traffic generated.

Applications to amend the Zoning By-law to permit a use that is as, or more compatible with the surrounding area may also be approved by Council without an amendment to this Plan provided the proposed use satisfies the above criteria.

~~Throughout the agricultural areas of Kingsville there exists a number of uses which would not be allowed according to the foregoing policies and these are therefore classified as 'non-conforming uses." For all practical purposes the land cannot be returned to agriculture due to ground disturbance, lot size, acquired value etc. They may be recognized and zoned for the existing use unless they are highly incompatible with farming. If recognized they should be zoned in a way that reflects the existing use to the exclusion of others in order that no change may occur without rezoning. If a particular non-conforming use ceases to exist, the land may be rezoned to permit another type of non-conforming use provided no greater incompatibility with agricultural operations will result and without the need to amend this Plan.~~

8.7.2 Non-Conforming Land Uses

Any land use which lawfully exists but does not meet the provisions of Subsection 8.7.1 shall be ~~left~~ described as a non-conforming use in the implementing Zoning By-law. As a general rule, such a use should cease to exist in the long term. In special circumstances, however, it may be desirable to permit the extension or enlargement of such non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that extensions and enlargements be handled without an amendment to this Plan. When considering an application for the extension or enlargement of a use which does not conform to the implementing Zoning By-law, Council or the Committee of Adjustment shall decide if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, and in so doing shall have regard to the following matters:

a) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Official Plan and the implementing Zoning By-law applying to the area;

b) the proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing Zoning By-law;

c) an application which would affect the boundary areas of different land use designations will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the interpretation clause, subsection 8.11.2 of this Plan, without the need for an amendment. Any major variance will require an amendment to this Plan;

d) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation;

e) the neighbouring sensitive land uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisance, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement, and where feasible, also extended to the established use in order to improve its compatibility with the surrounding area;

f) traffic and parking conditions in the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate designs of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections;

g) adequate provisions have been, or will be made for off-street parking and loading facilities;

h) applicable municipal services such as storm drainage, sanitary sewage collection and disposal and potable water treatment and supply are adequate and meet with the approval of the Province and/or the applicable statutory approval authority having jurisdiction.

8.8 LOTS OF RECORD - EXISTING

There are several existing lots of record in the Town which are under separate ownership and which do not conform with the development standards of the designation or the corresponding zone in the implementing Zoning By-law. Notwithstanding their non-compliance, it is the policy of this Plan that these lots may be developed for a use permitted by this Plan in accordance with the requirements established in the implementing Zoning By-law provided:

a) the lot abuts an existing public road of a standard of construction acceptable to the Town and/or the County of Essex and/or the Province;

b) the necessary approvals are obtained from the Province and/or the applicable statutory approval authority having jurisdiction;

c) the lot is serviced by an existing municipal potable water supply or by a private potable water supply which is capable of providing an adequate supply of potable water for the intended use without causing any well water interference with other existing users of that groundwater resource;

d) the development is in compliance with the Minimum Distance Separation requirements.

8.9 LEGISLATION PURSUANT TO THE *MUNICIPAL ACT*

The Town shall review existing legislation pursuant to the *Municipal Act* governing such uses as automobile wrecking yards, trailers, fences and signs and, where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

8.10 PROPERTY STANDARDS BY-LAW

The Town will continue to enforce its property standards by-law for all existing and future development in accordance with the provisions of the *Building Code Act*. This by-law establishes the minimum standards for property maintenance and occupancy as they relate to:

a) the physical conditions of yards and passageways;

b) the adequacy of sanitation including drainage and garbage;

c) the physical condition of all structures with particular regard for the following:

i. structural standards;

ii. lights and ventilation;

iii. condition of stairs;

iv. interior walls, ceilings and floors;

v. condition of chimney and heating systems;

vi. electrical service;

vii. access.

viii. toilet facilities;

The Property Standards By-law for the Town will be enforced and maintained by the Chief Building Official and/or any other person designated by the Town. A ~~Property~~

~~Standards~~ Committee to review and provide decisions with respect to any and all appeals ~~will~~ may also be ~~maintained~~ established ~~to review and provide decisions with respect to any and all appeals~~.

8.11 OFFICIAL PLAN

8.11.1 Amendment Procedures

Should changing conditions necessitate the need for an amendment of the Official Plan or the Zoning By-law, in accordance with the *Planning Act*, due regard shall be given to the following criteria:

a) the need for the proposed use;

b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:

   i. the existing environment and/or physical hazards;

   ii. the potential impacts of these hazards; and

   iii. the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;

d) the location of the area under consideration with respect to:

   i. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;

   ii. the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto; and

   iii. the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;

e) the compatibility of the proposed use with uses in adjoining areas;

f) the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;

g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;

h) the potential effect of the proposed use in relation to the intent and implementing regulations of the *Environmental Protection Act*, *Ontario Resources Act*, *Pesticides Act*, *Safe Drinking Water Act* and *Environmental Assessment Act*;

i) the regulations of the Essex Region Conservation Authority;

j) compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;

k) conformity with the County Official Plan and Provincial Policy; and

l) Where an application for an amendment to this Plan is refused by Town Council and a notice of appeal is filed, the Town may pursue mediation, conciliation or other dispute resolution techniques in an attempt to resolve the dispute, in accordance with the requirements of the *Planning Act*.

Proposals for expansions to designated settlement areas will require an amendment to this Plan and the County Official Plan through a County Comprehensive Review or a Local Comprehensive Review, in accordance with the policies of Section 1.6 of this Plan, and the provisions the Provincial Policy Statement. Proposals for the conversion of employment lands to non-employment uses will require an amendment to this Plan, through a Local Comprehensive Review, in accordance with the policies of Section 1.6 of this Plan, and the provisions the Provincial Policy Statement.

8.11.2 Interpretation

[note: this section was revised to reflect County of Essex comments and PPS and County OP and best practices]

This Plan applies to all lands within the Town of Kingsville. Its objectives and policies are intended to achieve the goal of balanced and sustainable development for the period that it is in effect.

~~The intent of the Plan shall, in all cases, be considered flexible, and no strict interpretation of any figure or policy statement is intended. Appropriate variations may be made to these and to the other statements herein where, in the opinion of Council, they are deemed to be necessary for the desirable development of the planning area, provided that the general intent of the Plan is maintained. Amendments to the Plan are~~

~~not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved and the land use does not exceed the boundaries of the established settlement area, existing lot lines, or delineated natural heritage features.~~

The interpretation of its objectives and policies are flexible to the following degree:

a) Section 6.0, Definitions, of the Provincial Policy Statement 2020, is the source of the definition of key words used in this Plan. Where definitions are not present in the PPS, reference shall be made to the specific *Act* or statutes associated with the word; otherwise, if not specifically defined in this Plan, the standard dictionary definition will apply;

b) to correct grammatical, numerical or reference errors, adjust page numbering or formatting or update statistical information or projections, such changes may be authorized by the Town Clerk without public notice or formal amendment to this Plan;

c) the boundaries of settlement areas are not subject to broad interpretation; the closest right of way or prominent physical feature to the boundaries shown on the Schedules to this Plan shall be deemed to be the actual boundary;

d) Where no right of way or prominent physical feature exists, the boundary will be the nearest lot of record boundary which most closely approximates the line shown on the respective Schedules;

e) the boundaries between various land use designations are approximate except where well defined physical or infrastructure features exist; Reference to the words "zone" or "zoning district" mean the land use zoning districts in the Town of Kingsville comprehensive zoning by-law(s);

f) adjustments to the boundaries of future roads, recreation corridors and other linear features or the addition of public facility or infrastructure information for reference purposes, in the Schedules, may be undertaken without an Official Plan amendment to this Plan.

g) where examples of permitted uses are provided, they are intended for illustrative purposes only and do not compromise the full range of permitted uses. Specific uses which are considered by Council to be similar to a stated use and to conform to the general intent and objectives of this Plan may be recognized without further amendment to this Plan;

h) for the purpose of this Plan, a lot is defined as a contiguous area of land under one ownership, the boundaries of which are on record in the Land registry Office of the County of Essex in the Registry or Land Titles Division;

i) general references to the *Planning Act* means The *Planning Act* of Ontario, R.S.O. 1990, as the same may be amended from time to time. Reference to all other *Act*s and portions thereof are more specifically noted, but also mean such *Act* as amended from time to time.

8.11.3 Other Methods of Implementation

The Town may use the agencies and techniques listed below to assist in the implementation of Official Plan policies as appropriate:

a) the assistance and advice of the Essex Region Conservation Authority on identifying the extent of the flood plain or flood prone areas, and identifying adequate flood protection measures and other related matters;

b) the assistance and advice of Indigenous communities on cultural heritage resources and natural heritage preservation matters;

c) the assistance and advice of the Province, County, Indigenous Communities and the local municipal inspectors regarding various servicing matters.

8.11.4 Review

[note: Changes to PPS now require consideration of a 25 year planning horizon]

The policies of this Plan are designed for effective use over a planning period of twenty-five years or until 2031, in accordance with the County of Essex Official Plan. The Plan shall undergo a review every ten years after the Plan comes into effect as a New Official Plan, and every five years thereafter, unless the Official Plan has been replaced by another new Official Plan. The purpose of the review will be to:

a) document the type and location of new development that occurred during the preceding five-year period;

b) project future population and household increases, and identify development prospects during the subsequent five to ten year period;

c) consult the general public and special interest groups on the continued appropriateness of the Plan's goals, policies and designations;

d) formulate revisions or new goals, policies and designations as required;

e) policies on employment lands are to be confirmed or amended during the course of the five year review of the Plan;

f) to ensure conformity to the policies and the Land Use designations of the County of Essex Official Plan, as it may be amended from time to time; and

g) monitor annually the supply and number of draft approved and registered vacant lots within the Town, and the number of new residential units occurring by way of intensification and redevelopment, and submit to the County.

8.12 PLANS OF SUBDIVISION

It shall be the policy of the Town, to recommend for approval, only those plans of subdivision which comply with the provisions of this Plan, which can be supplied with adequate servicing such as fire protection, potable water supply, storm drainage and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction, and which are appropriate in light of the Town's capital budget and schedule.

8.13 ENGAGEMENT AND PARTICIPATION

[note: This section was renamed from 'Public Notification Procedures' to reflect broader engagement and participation expectations. In addition, changes were made in response to comments from the County of Essex.]

Council shall actively encourage meaningful engagement and participation by seeking the opinions and advice of individuals and community stakeholder groups including Indigenous communities in the on-going task of implementing, monitoring and reviewing this Plan.

Council shall ensure that the public is adequate notified and consulted. The measure utilized to facilitate engagement and participation with be consistent with the scope and nature of the planning matter being addressed.

Prior to the Municipality adopting an amendment to this Plan or approving a Zoning By-law, it shall provide adequate information to such boards, agencies or commissions that may have an interest and to the general public pertaining to the application and at the scheduled Public Meeting and/or meetings. Such information, notices and public meetings shall be in accordance with the provisions of the *Planning Act* and the County of Essex Official Plan.

Participation will be consistent with the scope and nature of the planning matter being addressed. Prior to making decisions related to planning matters, Council will encourage appropriate steps to be taken to resolve conflicting issues associated with the proposal. Where conflicting issues remain unresolved, these issues and the measures taken to respond to these issues shall be identified as part of any planning report prepared. Measures such as peer review and Alternate Dispute Resolution will be used when determined to be appropriate.

All other *Planning Act* applications shall follow the applicable notification procedures for said application(s) as outlined in the *Planning Act*.

Depending on the scope and scale of their applications, *Planning Act* applicants may be required to host a Public Information Centre (PIC) or meeting prior to a statutory public meeting as required in the *Planning Act*.

~~Applications to amend the Zoning By-law that are required as a condition of a Committee of Adjustment consent to sever approval shall have alternate notice procedures as follows:~~

~~a) the notice of public meeting shall only be sent to everyone who attended the Committee of Adjustment meeting or who requested a copy of the notice in writing to the Secretary-Treasurer;~~

~~b) the notice shall be in the form prescribed in the Planning Act Regulations for Zoning By-law amendments;~~

~~c) the public meeting, by-law adoption, notification of passage of the by-law, the form of the notice of adoption and the appeal period shall follow those procedures established in the Planning Act and associated Regulations;~~

8.14 INDIGENOUS COMMUNITIES CONSULTATION

Council shall actively encourage meaningful consultation and participation by seeking the opinions of Indigenous communities as appropriate in the task of implementing and monitoring of this Plan.

8.15 PUBLIC WORKS AND CAPITAL WORKS PROGRAM

It is intended that the construction of public works within the Town of Kingsville shall be carried out in accordance with the policies of this Plan.

8.16 SITE PLAN CONTROL

The Town of Kingsville intends to exercise the site plan control powers assigned to it under the *Planning Act*, and in accordance with the Town's Site Plan Control By-law. Its objectives in using these powers are:

a) to ensure proper standards of site design for new development;

b) to ensure safety and efficiency of vehicular and pedestrian access;

c) to ensure accessibility for persons with disabilities and the elderly throughout the built landscape;

d) to minimize incompatibilities between new and existing development;

e) to control the location of driveways, parking, loading and garbage collection facilities;

f) to secure easements or grading and alterations necessary to provide for public utilities and site drainage;

g) to ensure that the development proposed is built and maintained as approved by Council.

8.16.1 Application

All of the lands within the Town of Kingsville's area of jurisdiction, as shown on Schedule "A" of this Plan, are proposed to be site plan control areas and will be designated as such by by-law. Site plan control will apply to all types of new development and to the expansion of existing uses within the Town. The Town will also require the submission of drawings as detailed in the *Planning Act*, for all residential buildings within its area of jurisdiction containing less than twenty-five dwelling units pursuant to the provisions of the *Planning Act*.

In addition to the above policies, the Town shall also use site plan control, consent applications and plans of subdivision to obtain needed road widening. As a condition of the approval of a site plan, consent or plan of subdivision, the Town, and/or County of Essex, may require the owner to provide, at no expense to the municipality, a specified amount of land for the purpose of future road widening. Such land shall only be required where the proposed development fronts on one or more of the roads indicated in Table 7.1 and only on the side and to the extent indicated in the table unless otherwise determined from an Environmental Assessment.

8.16.2 Implementation

This policy shall be implemented through the adoption of one or more Site Plan Control By-laws designating specific Site Plan Control Areas in accordance with the *Planning Act* and the policies contained in this subsection.

8.17 SUBSEQUENT LEGISLATION

Where any *Act* or portion of an *Act* is referred to in this Official Plan, such reference shall be interpreted to include any subsequent legislation that may replace or revise the specified *Act*.

8.18 ZONING BY-LAW

8.18.1 Holding Zone

The Town's implementing Zoning By-law will make selective use of the "Holding" zone approach as set out in Section 36 of the *Planning Act*. Certain areas will be zoned for their intended uses but will have the (h) symbol added. The addition of this symbol will delay the final approval of development until such time as specific conditions are met. When the conditions are met, the municipality will pass the necessary by-law removing the (h) symbol.

The use of the "Holding" zone approach will ensure the efficient phasing and proper servicing of all new types of development including Residential, Employment and Commercial. Undeveloped lands designated "Residential" and not covered by a draft or finally approved plan of subdivision will generally be subject to a "Holding" category until such time as engineering studies indicating the presence of an adequate level of services are approved by the Town. Prior to the removal of the (h) symbol, Council shall be satisfied that adequate sanitary sewage capacity and municipal water capacity is available to service the proposed development.

8.18.2 Implementing

The Town will revise its existing Zoning By-law to zone lands in accordance with the policies and designations contained within this Plan and will establish regulations to control the use of land and the character, location and use of buildings and structures.

8.18.3 Temporary Use By-Laws

Pursuant to the *Planning Act*, Council may pass "Temporary Use By-laws" to authorize the temporary use of land, buildings or structures for a purpose not otherwise authorized by the Zoning By-law for a specific period of time not to exceed three years.

Council may authorize a temporary use on a one-time basis or for a short period of time not to exceed three years. Council may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation, etc. are not practical. Council may pass subsequent by-laws for granting extensions for up to three years. Once the by-law has lapsed, however, the use must cease or otherwise will be viewed as contravening the Zoning By-law.

Prior to the approval of any temporary use by-law, Council shall be satisfied that the following principals and criteria are met:

a) the proposed use shall be of a temporary nature, and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of temporary use provisions;

b) the proposed use shall not be incompatible with adjacent land uses and the character of the surrounding land area;

c) the proposed use shall be properly serviced and not require the extension or expansion of existing municipal services;

d) the proposed use shall not create any traffic problems within the surrounding area, nor shall it adversely affect the volume and/or the type of traffic commonly found on the area roads;

e) parking facilities required by the proposed use shall be provided entirely on-site;

f) the proposed use shall generally be beneficial to the surrounding area or the community-at-large.

g) Notwithstanding the policies of this Plan, Council may authorize the temporary use of land which may not conform to the land use policies of this Plan provided:

    i. the temporary use is determined to not have any detrimental effect upon the existing land uses in the area; and

    ii. the proposed temporary use conforms to the principles and criteria established in this subsection.

8.18.4 Interim Control By-laws

The Town may establish interim control by-laws in accordance with the relevant sections of the *Planning Act*, in order to control the use of land, buildings or structures within specifically identified areas for a specified period of time not exceeding one year, plus a permissible one year extension in length.

8.18.5 Bonus/Density Increases

In accordance with the *Planning Act*, the Town may pass, at its sole discretion, a site-specific Zoning By-law amendment to authorize increases in the height and density of development above what is permitted in the Zoning By-law, in return for the following:

a) The provision of affordable or rental housing;

b) The preservation of built or cultural heritage features;

c) The provision of sustainable design features;

d) The protection and/or enhancement of Natural Heritage Features;

e) Parkland greater than that required by this Plan;

f) The provision of community centres, day care facilities or other public service facility;

g) The provision of urban spaces or private development sites in the Primary Nodes or Mixed Use Nodes;

h) Public art; and/or

i) Development charge credits, subject to the Development Charge By-law.

The funds received by the Town in relation to the above will be paid into a special account and used only for the facilities, services and other matters as specified in the by-law. The Town will annually, provide Council a financial statement relating to the special account, in accordance with the *Planning Act*.

8.19 SECONDARY PLANS

The following sections outline the requirements for the preparation of a Secondary Plan, including the contents of the Secondary Plan and the supporting study requirements.

8.19.1 Secondary Plan Preparation

Secondary Plans may be prepared to plan for growth and development on large areas of land within the Town or existing portions of the Town that require special land use

policies. Should lands for growth and development be identified that are beyond the existing Settlement Area boundaries as a result of subsequent reviews of this Plan, a Secondary Plan will be required prior to development.

The following policies will apply to the preparation of secondary plans:

a) The Town may choose to undertake a Special Planning Study or Secondary Plan for lands not identified as a Secondary Plan Area on Schedule "A".

b) When undertaking a Special Planning Study or Secondary Plan for a Secondary Plan Area, ~~the boundaries as shown on Schedule "A" may be reviewed and modified without amendment to this Plan~~ land abutting the boundaries as shown on Schedule "A" may be included within the study area without amendment to this Plan. If the resultant study concludes that the abutting lands should be included within the Secondary Plan Area an amendment of this Plan shall be required.

c) The establishment of a Secondary Plan Area will recognize and account for any existing uses within the area and will seek to direct new development to areas outside of natural heritage features and hazard lands.

d) The establishment of a Secondary Plan Area or the preparation of a Secondary Plan will be approved by resolution of Town Council.

e) Secondary Plans may be used to establish unique or more detailed land use policies or land use designations than that of this Plan and will establish the location of key community services and amenities including schools, parks and open space and related uses.

f) Secondary Plans will be adopted as amendments to this Plan and read in conjunction with this Plan in its entirety. The Goals, Objectives and policies of this Plan will be maintained in the Secondary Plan. Any specific policy guidance resulting from the preparation of a Secondary Plan will be included within Section 2.15 of this Plan and the relevant schedules to this Plan will be amended or new schedules may be added.

g) The costs of preparing a Secondary Plan will be borne by the affected landowners, and not the Town. Should Council direct that a Secondary Plan be undertaken for an area that requires special land use policies, the Town may either share in the costs of preparing the Secondary Plan, or choose to assume the costs without landowner participation.

h) A Secondary Plan may be undertaken simultaneously with an undertaking under the *Environmental Assessment Act* to satisfy the Environmental Assessment requirements in a comprehensive and integrated process.

i) Prior to undertaking a Secondary Plan, the Town in consultation with the County of Essex, appropriate Conservation Authority, other agencies as deemed appropriate, and the proponent, may establish a terms of reference for the preparation of the Secondary Plan and any required supporting studies, to the satisfaction of the Town.

8.19.2 Secondary Plan Contents

Secondary Plans will generally include the following:

a) A statement of the basis or rationale for the preparation of the Secondary Plan;

b) A description of the area under study and the role and relationship of the area to the Town as a whole;

c) A description of the current land use, ownership, built and natural environment, and infrastructure in the area;

d) A statement of the desired land use arrangement for the area;

e) Goals and objectives appropriate for the area including a statement of how they are in keeping with the goals and objectives of this Plan;

f) Concept plan(s) showing, where appropriate, the following:

i. land use designations of the desired type and pattern of development with due consideration to the community design policies of this Plan;

ii. the nature and location of public facilities;

iii. the desired transportation network for the area and its links to the existing transportation network and active transportation network of the Town;

iv. the nature and location of municipal services including but not limited to sanitary sewage, stormwater management and potable water facilities;

v. the identification, protection and/or integration of significant cultural, built and natural heritage resources and areas and hazard lands;

vi. the identification of the natural heritage system; and

vii. the phasing of development and infrastructure;

g) Specific policies and strategies for achieving the goals and objectives established for the area that complement the policies of this Plan; and

h) Implementation measures to ensure the orderly delivery of the planned development.

8.19.3 Secondary Plan Supporting Requirements

The Town, in order to provide the appropriate background information for the Secondary Plan, may require the undertaking of a number of background reports at the Town's sole discretion. These reports may include, but will not be limited to:

a) An environmental impact assessment to determine environmental protection and natural heritage areas, the cumulative impact of development, and the identification of a natural heritage system, including supportive implementation policies;

b) A master servicing plan;

c) A stormwater management study;

d) A watershed or subwatershed plan;

e) A hydrological study, floodway delineation and flood modeling study and/or erosion study for hazard lands and flood prone areas;

f) A hydrogeological study;

g) A traffic impact analysis;

h) An urban design study;

i) A parks and open space study;

j) A community services and facilities study;

k) A cultural heritage and archaeological resource study;

l) An agricultural impact assessment;

m) A planning rationale report. The planning rationale report will address the following:

   i. The integration of proposed new development with the existing development;

   ii. The distribution of proposed land uses;

   iii. The range of housing styles and densities;

iv. Neighbourhood commercial uses to service the residential and employment areas;

v. Linkages between the residential and employment areas, parks, schools, recreational areas and institutional facilities;

vi. The impact on adjacent agricultural operations, including consideration of Minimum Distance Separation Formulae; and

n) Other studies as may be identified by the Town, in consultation with the Essex Region Conservation Authority of other agencies.

The requirements of Subsections (a) through (f) may be embodied in an integrated and comprehensive study known as a Master Environmental Servicing Plan (MESP).

8.20 LANDOWNER COORDINATION AND COST-SHARING

In order to ensure appropriate and orderly development within the Town, the Town will ensure that the required agreements respecting infrastructure provision including financial provisions and cost sharing arrangements are in place prior to development proceeding.

a) To ensure that property owners contribute equitably towards the provisions of community and infrastructure facilities such as community use lands, parks, and local infrastructure facilities or public works (i.e. over sizing) and including roads, sanitary, water and storm water facilities, financing and indexing adjustments, property owners shall be required to enter into one or more developer (private) cost sharing agreements as a condition for the development of their lands, providing for the equitable distribution of the costs (including lands) of the aforementioned community and common public facilities where such costs are not dealt with under the *Development Charges Act*.

b) Prior to the approval of any development applications, the Town may require landowners to enter into an agreement as set out in (a) above. For those facilities not of community wide benefit, costs will only be allocated to those landowners who are benefited by the specified work. This may be implemented through a condition of Draft Plan of Subdivision approval or development agreement.

c) As a condition of development approval, the Town shall require that appropriate arrangements have been made between the Town and/or benefitting landowners to

require the equitable payment for the required infrastructure or services which are required to serve the development.

d) Notwithstanding subsection c), the Town may continue to process development applications, but will not approve development until such time as the required cost recovery or cost sharing agreements are in place, to the satisfaction of the Town.

e) The Town shall be satisfied that the proposed developments are coordinated to ensure the appropriate provision of and extension of infrastructure.

f) The Town may require a letter of clearance from the trustee of the landowners cost sharing group to confirm that the landowner is in good standing with the landowners group, as a condition of draft plan approval.

g) The development of individual parcels of land should generally not be permitted in the absence of participation in a cost recovery or cost sharing agreement, where required to ensure orderly development.

h) The cost sharing agreements may be registered on title for each participating landowner to ensure that the covenants and obligations of the cost sharing agreement survive any transfer of ownership of the specific parcel of land.

i) The Town may establish more detailed policies to ensue landowner coordination and cost-sharing agreements are in place through Secondary Plans.

8.21 INTER-MUNICIPAL COORDINATION

The Town of Kingsville is adjacent to the Municipality of Leamington and Town of Essex, two constituent municipalities of the County of Essex. The Town recognizes the need to achieve orderly growth and the efficient provision of services to ensure the long-term health and prosperity of the region. The Town has to date worked cooperatively with its neighbouring and County municipalities to provide improved rivers and drains, sewer and water capacity, and sewage treatment. There is an on-going need to ensure coordinated planning and engineering and plans of action to foster effective and efficient growth and settlement.

Council shall, in conjunction with the County of Essex and local Essex County municipalities establish and maintain a formal protocol for on-going liaison on matters of mutual interest and concern including, but not limited to the following:

a) Growth management;

b) Transportation and physical service;

c) Natural area conservation and watershed management;

d) Economic development;

e) Climate change mitigation and adaptation;

f) Planning activities, and.

g) Cultural heritage resources.

8.21.1 Infrastructure

The Town will, in conjunction with local municipalities in the area including those in south-eastern Michigan, promote an effective and efficient system of infrastructure through the support and participation of regional, Provincial and international infrastructure master plans.

The Town will endeavor to co-operate with and invite affected adjacent municipalities to participate in Municipal Class Environmental Assessments for municipal infrastructure projects including roads, water and wastewater projects. The Town will also participate in the preparation of Municipal Class Environmental Assessments within adjacent municipalities as potentially being affected by the subject undertaking.

The Town shall promote the achievement of a sustainable, efficient and effective regional transportation system that meets the economic, social and environmental needs of the area through the following:

a) Working with the County and local municipal participation in the regular review, monitoring and updating of the Essex-Windsor Transportation Master Plan and County Wide Active Transportation System.

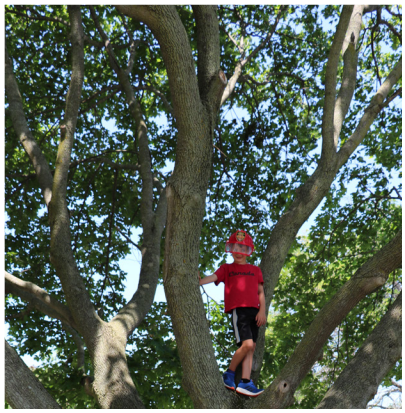
b) Supporting the preparation of traffic impact analysis and studies for major developments that are proposed in the area including an assessment of required regional transportation system improvements and equitable cost-sharing formulas.

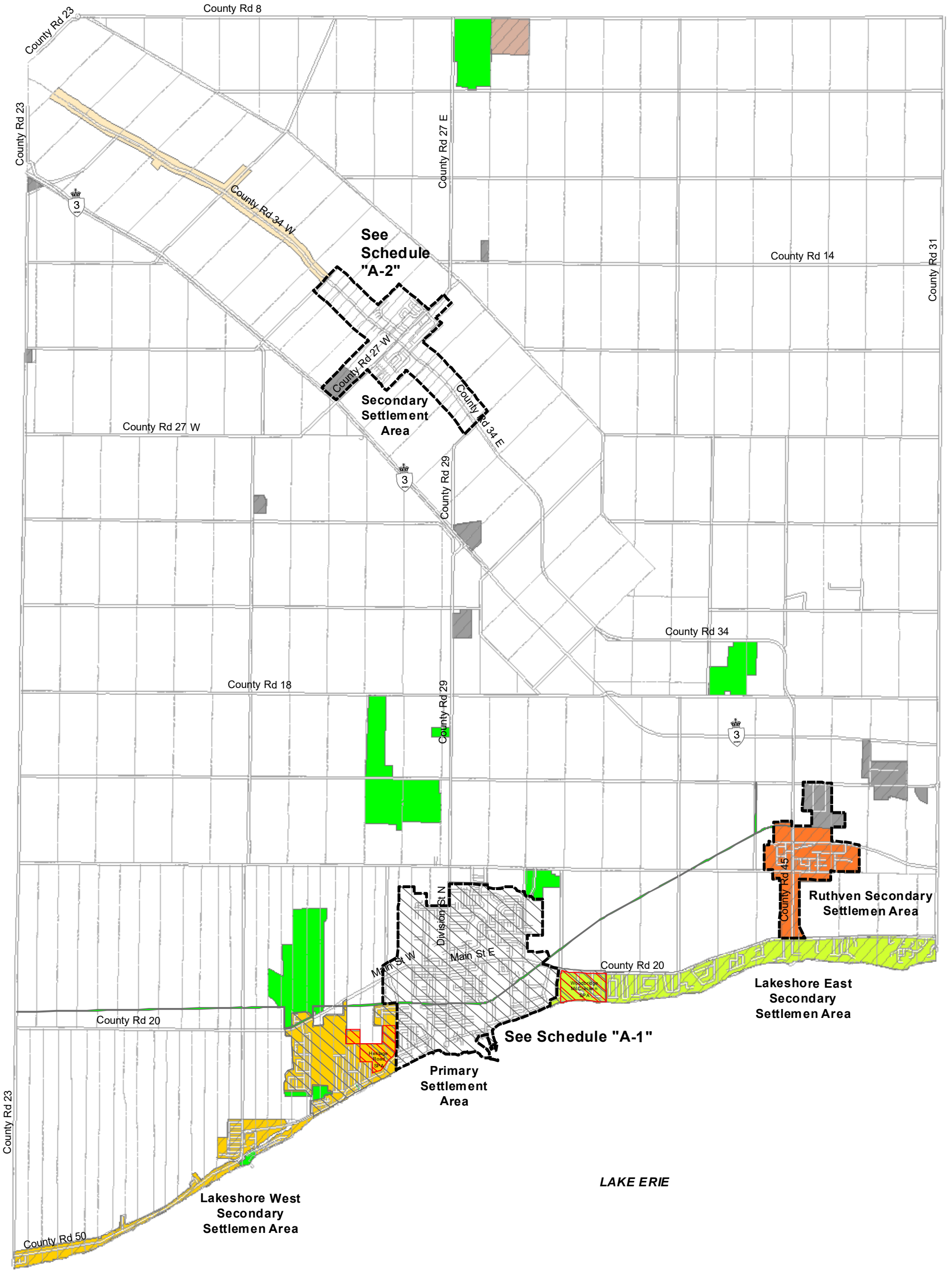
c) Identifying, coordinating and implementing fair and equitable funding sources for sharing capital and operating costs of region-wide transportation system improvements.

The Corporation of the Town of Kingsville

OFFICIAL PLAN SCHEDULES

December 2011
Town Council Approval: December 19, 2011
County of Essex Approval: February 1, 2012
5 Year Conformity Review: April 25, 2023





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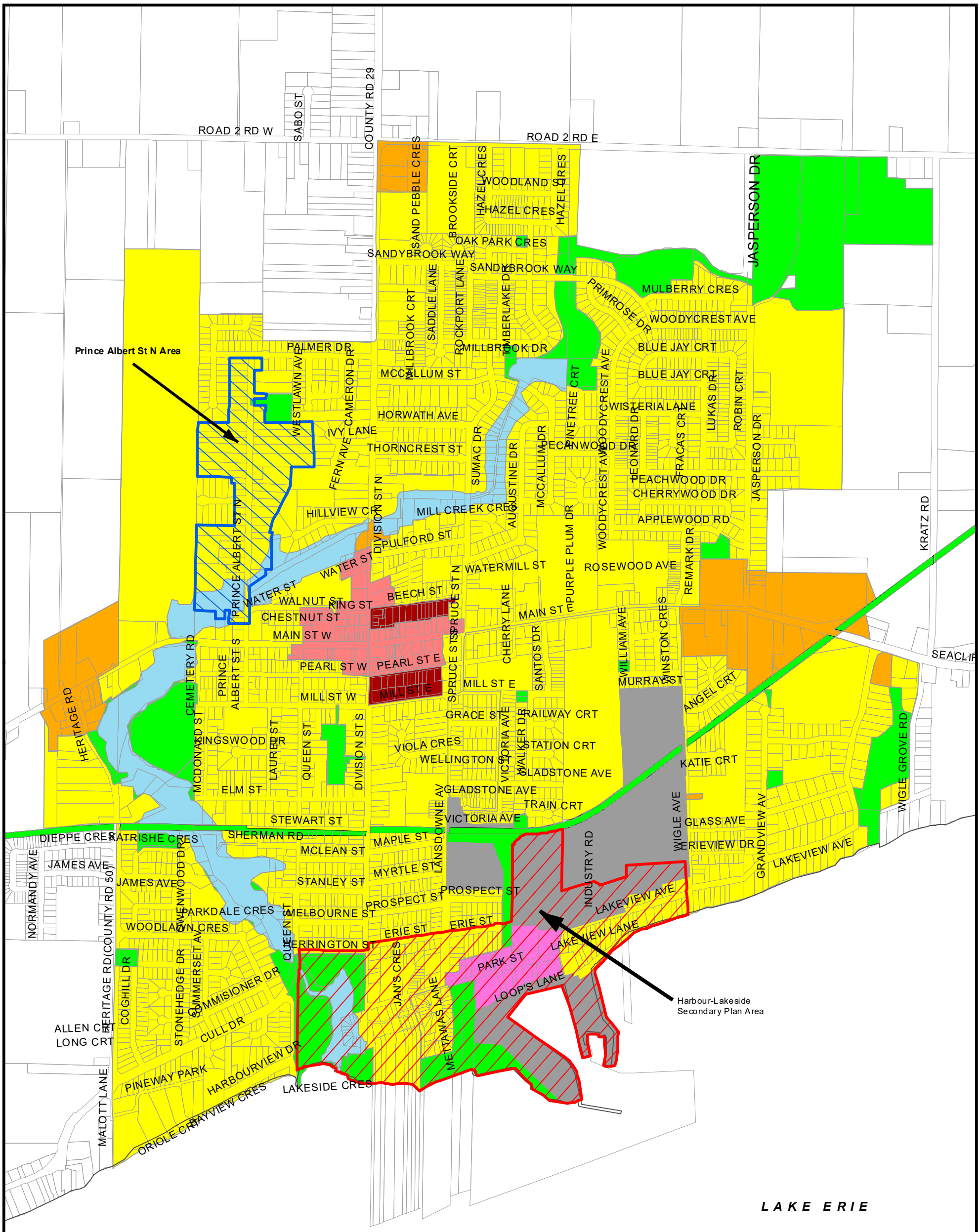
SCALE: 1:60,000

Schedule "A"
Land Use Plan
Town of Kingsville
Official Plan

Kingsville

Updated March 2023

- Agricultural
- Rural Residential
- Lakeshore Residential East
- Lakeshore Residential West
- Special Residential
- Hamlet
- Industrial
- Parks and Open Space
- Primary Settlement Area
- Secondary Settlement Area
- Secondary Plan Area



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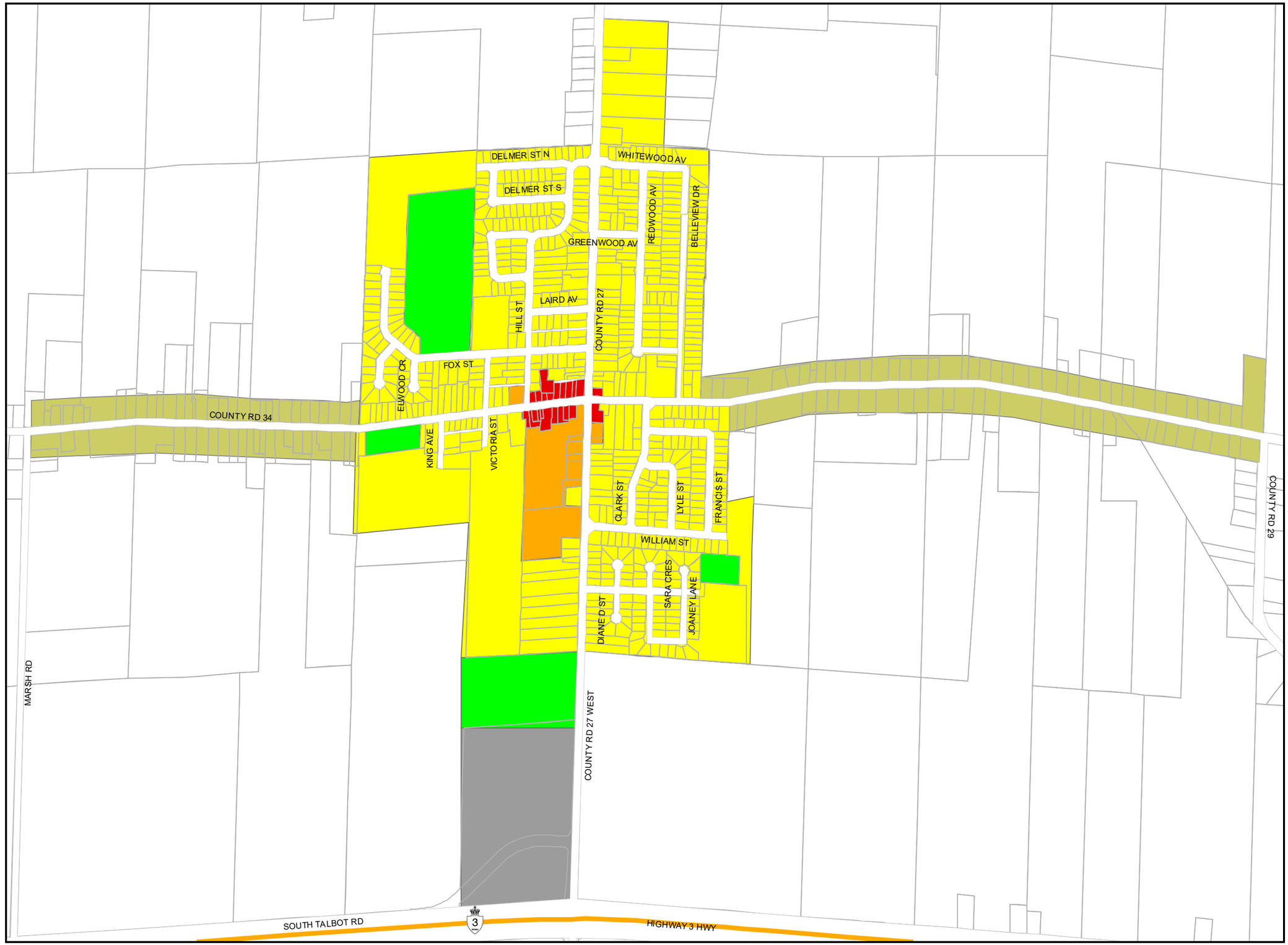
SCALE: 1:12,000

Schedule "A-1"
Land Use Plan
Town of Kingsville
Official Plan

Updated March 2023

- Residential
- Central Commercial
- Central Commercial/Residental
- Highway Commercial
- Waterfront Mixed Use Neighbourhood
- Industrial
- Park and Open Space
- Watercourse Protection
- Secondary Plan Area
- Prince Albert St N Area



Schedule "A-2" Land Use Plan Cottam in the Town of Kingsville Official Plan

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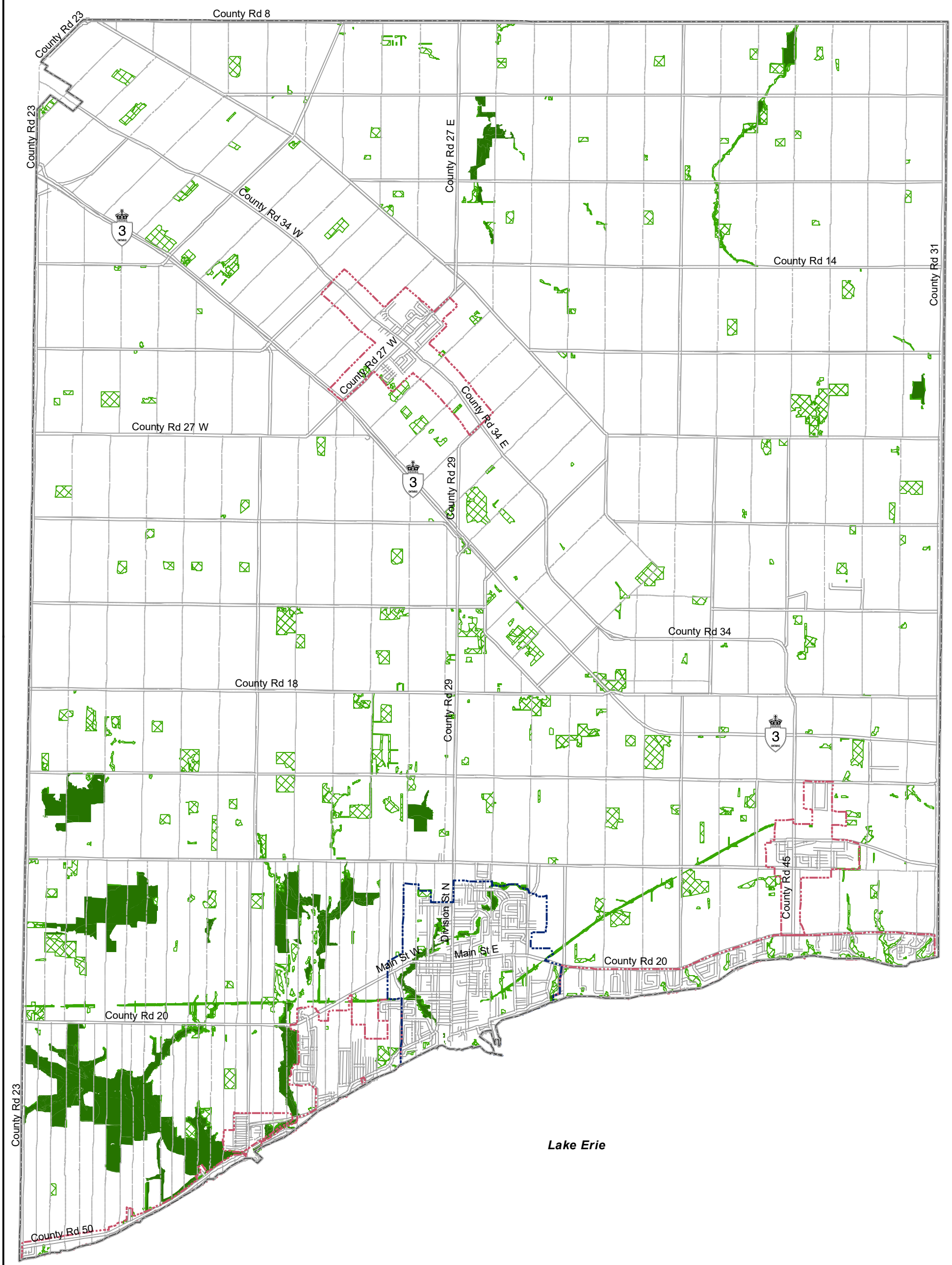
Meters

SCALE: 1:10,000

Updated March 2023

- Residential
- Rural Residential
- Central Commercial
- Industrial
- Park and Open Space
- Highway Commercial



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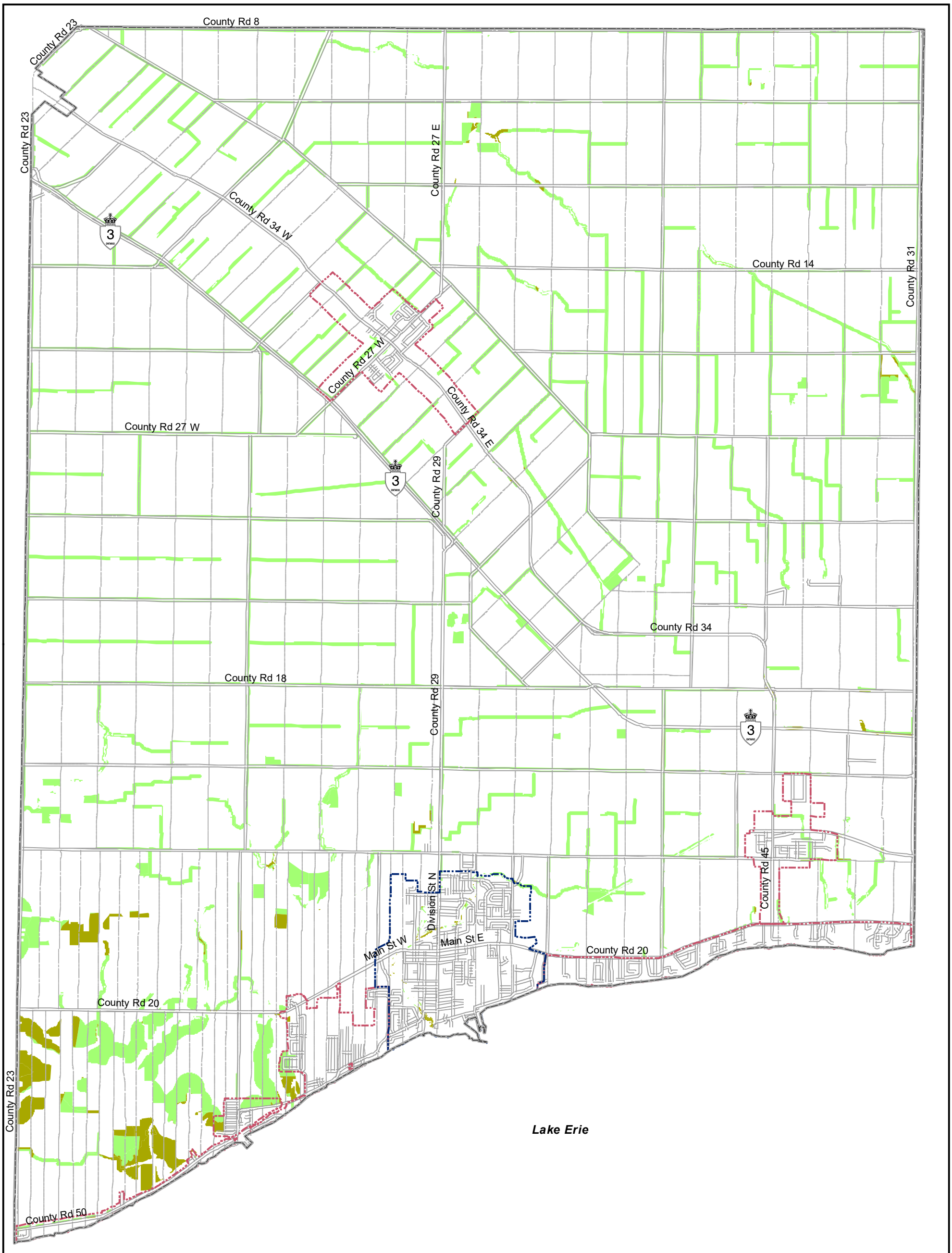
SCALE: 1:60,000

Schedule "B"
Natural Heritage System
Town of Kingsville
Official Plan

Kingsville

Updated March 2023

- Natural Environment Overlay
- Natural Environment
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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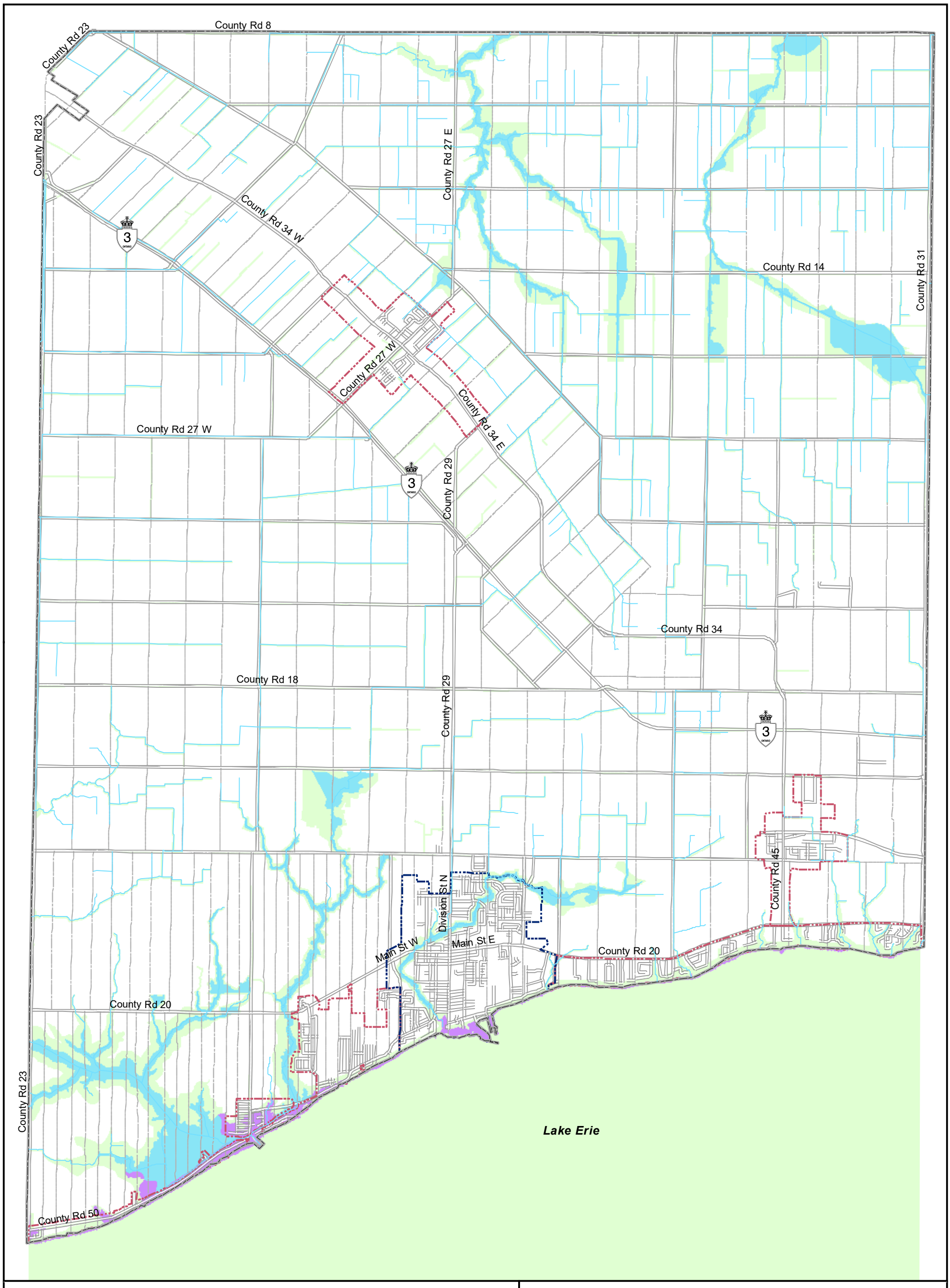
SCALE: 1:60,000

Schedule "B-1"
Natural Heritage System
Restoration Opportunities
Town of Kingsville
Official Plan

Kingsville

Updated March 2023

- Priority Restoration Opportunities
- Secondary Restoration Opportunities
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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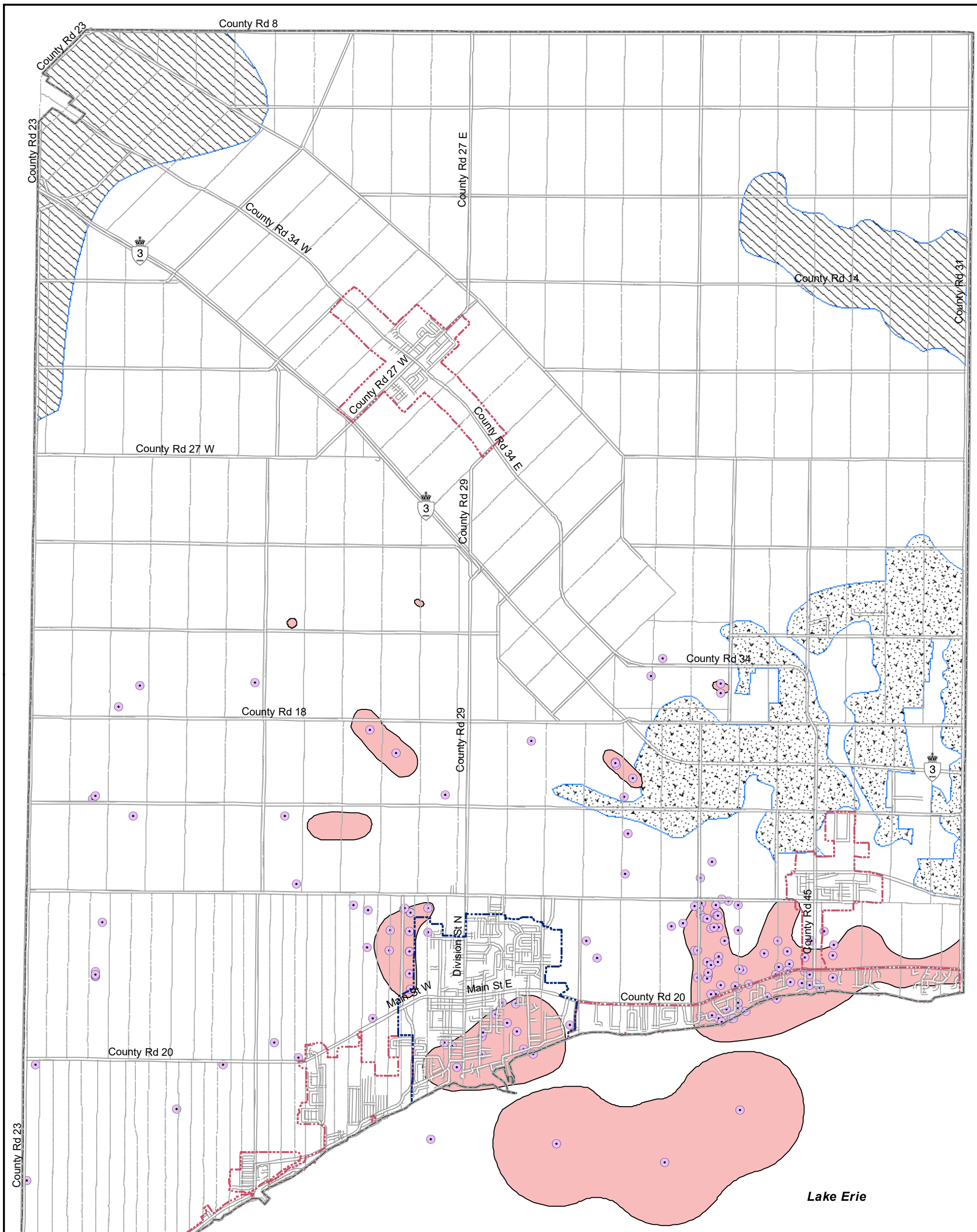
SCALE 1:60,000

Schedule "C"
Natural Hazards
Town of Kingsville
Official Plan

Updated March 2023

- Lake Erie Hazard Area Overlay
- Floodplain Development Control Area Overlay
- Limit of Regulated Area
- Watercourses/ Municipal Drains
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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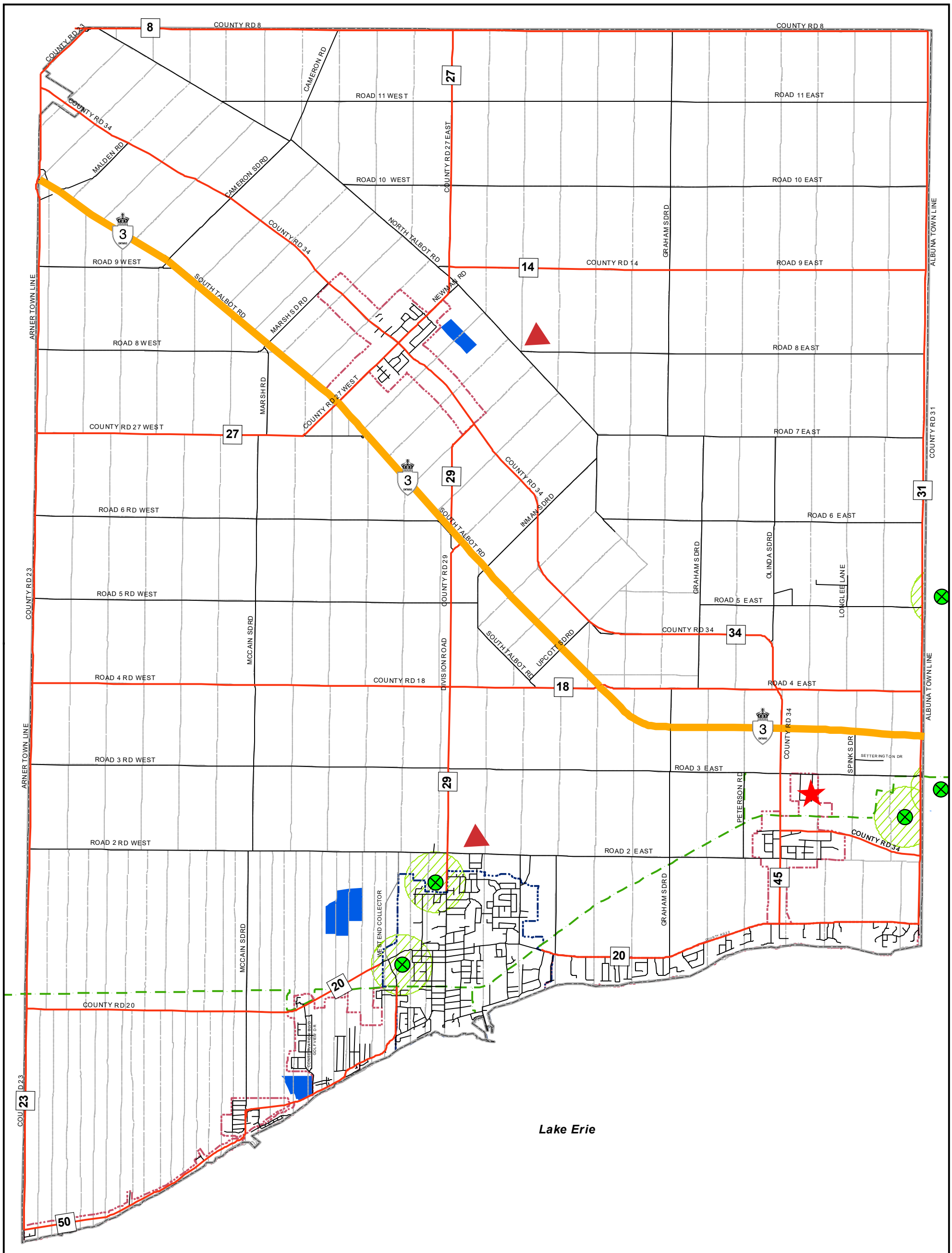
SCALE: 1:60,000

Schedule "D"
Natural Resources
Town of Kingsville
Official Plan

Updated March 2023

- Petroleum Wells
- Petroleum Pools
- Extractive Industrial Overlay (Primary)
- Extractive Industrial Overlay (Secondary)
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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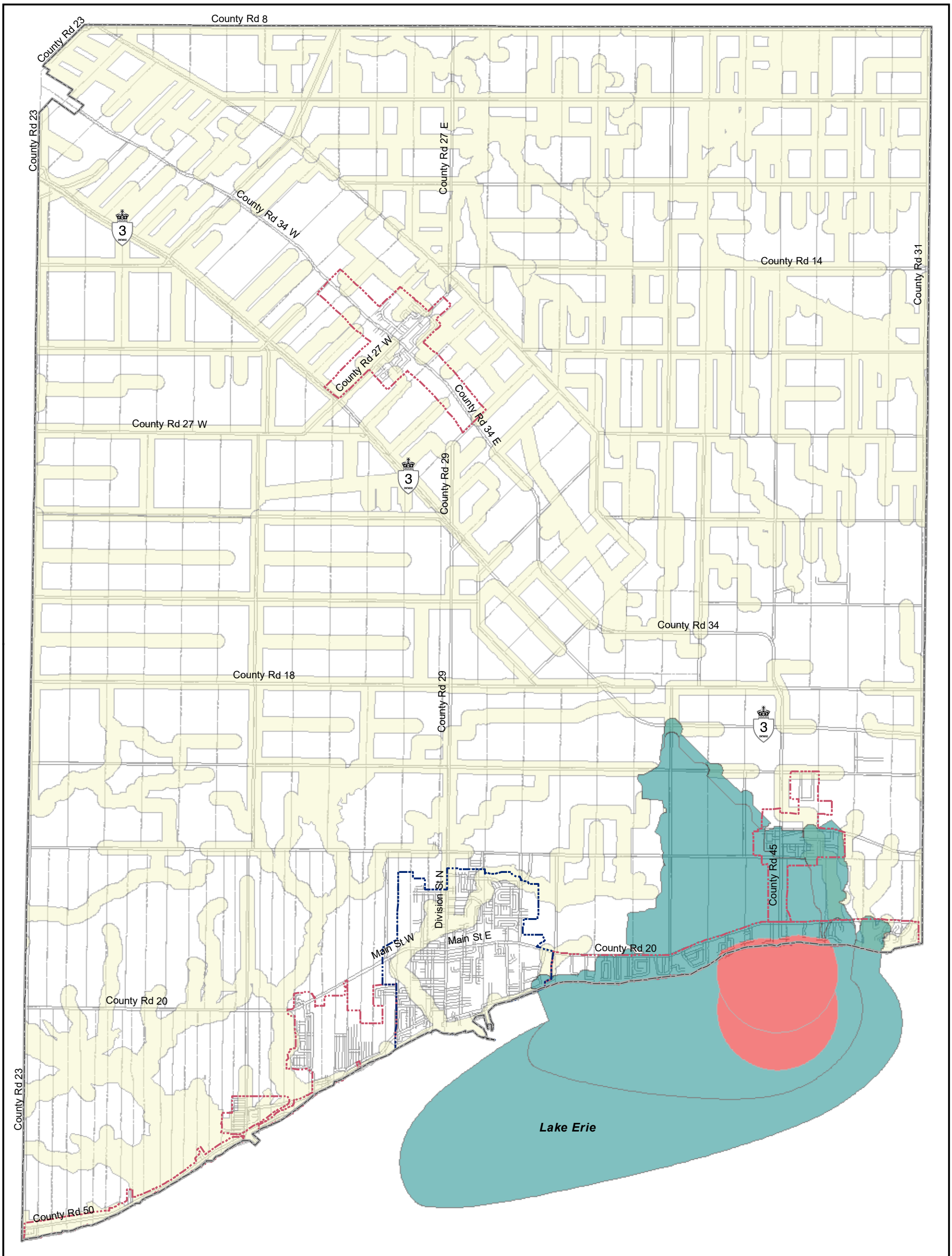
SCALE: 1:60,000

Schedule "E"
Roads, Utilities, Services
Town of Kingsville
Official Plan

Updated March 2023

- ELECTRICAL POWER FACILITY
- RUTHVEN INDUSTRIAL PARK
- SANITARY TREATMENT FACILITIES
- WASTE DISPOSAL SITES
- 500-METRE INFLUENCE AREA
- PROVINCIAL HIGHWAY
- COUNTY ROADS
- LOCAL ROADS
- FUTURE ROADS
- TRAILS



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SCALE: 1:60,000

Schedule "F"
Intake Protection Zones

Intake Protection Zone

IPZ Type

1

2

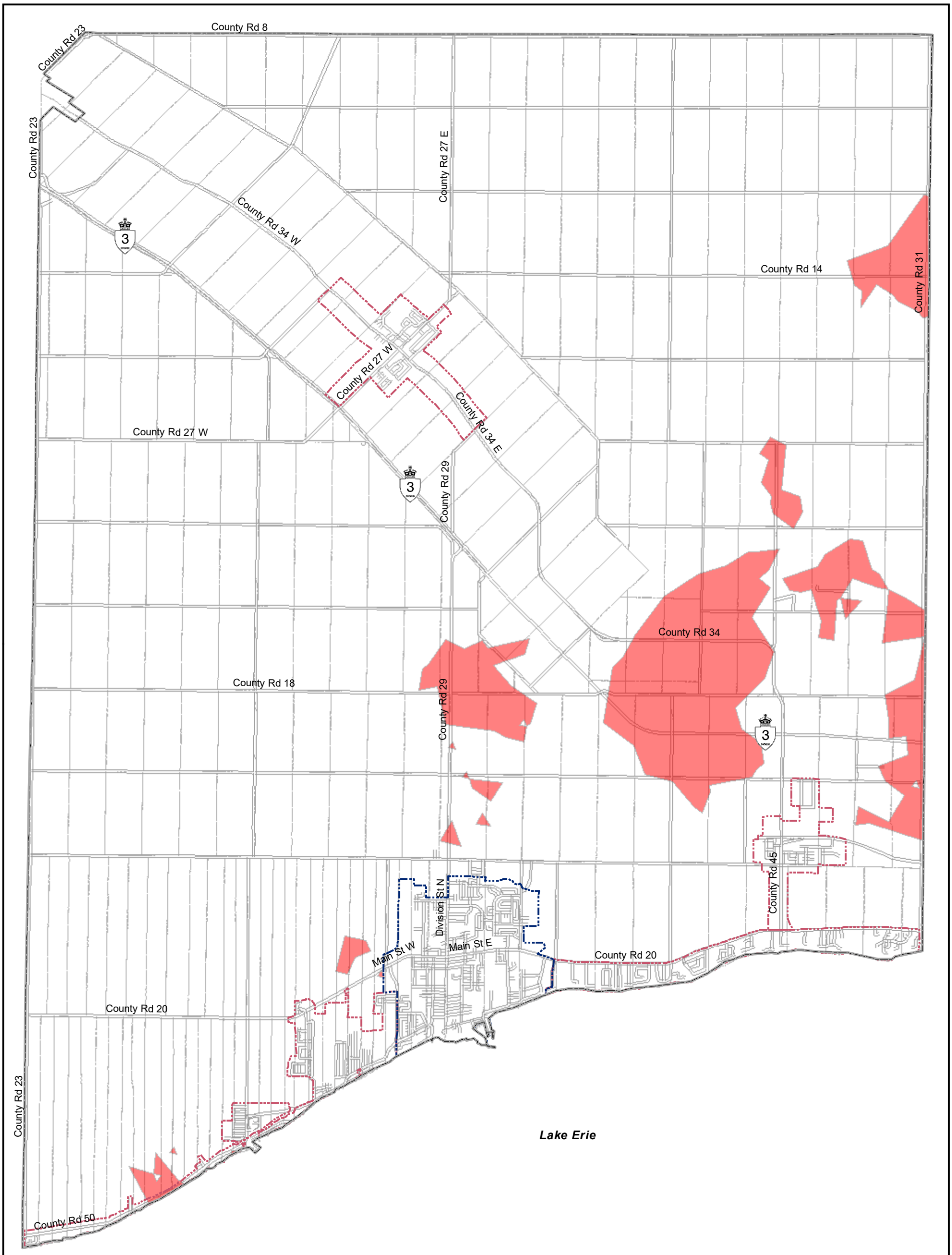
3

Town of Kingsville

Primary Settlement Area

Secondary Settlement Area

Updated March 2023



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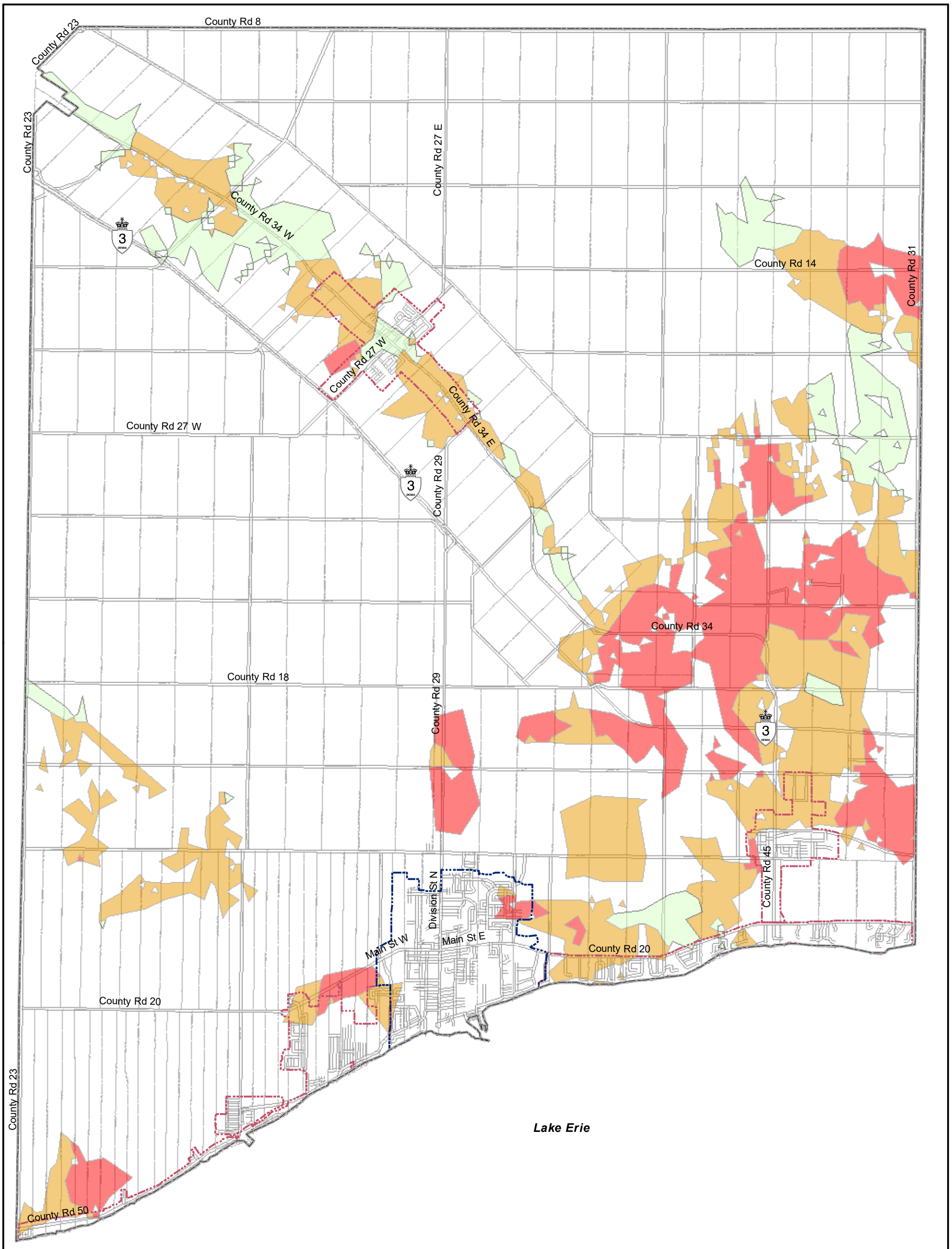
SCALE: 1:60,000

Schedule "G"
Highly Vulnerable Aquifers

Updated March 2023

- Highly Vulnerable Aquifer
- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area



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SCALE: 1:60,000

Schedule "H"
Significant Groundwater Recharge Areas

Updated March 2023

SGRA Vulnerabilty

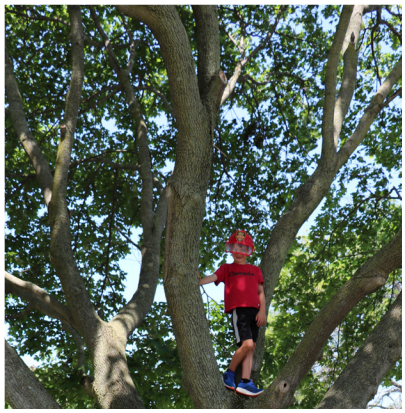
- High
- Medium
- Low

- Town of Kingsville
- Primary Settlement Area
- Secondary Settlement Area

The Corporation of the Town of Kingsville

OFFICIAL PLAN APPENDICES

December 2011
Town Council Approval: December 19, 2011
County of Essex Approval: February 1, 2012
5 Year Conformity Review: April 25, 2023



APPENDIX A: DESIGNATED HERITAGE PROPERTIES

Street	Street Number	Academic Style	By-Law Number
County Rd. 14	192 E	Eduardian	106-2018
County Rd. 34	325 E	Gothic Revival	102-2010
County Rd. 34	1500	Regional Vernacular	91-2014
Division St.	111 S	Queen Anne	30-1987
Division St.	28 S	Art Deco	61-2012
Division St.	164 S	Italianate	96-2006
Division St.	78 S	Queen Anne	98-2006
Division St.	86 S	Italianate	97-2006
Division St.	189 S	Folk Victorian	121-2006
Division St.	62 S	Colonial Revival	137-2010
Division St.	59 S	Colonial Revival	10-2013
Division St.	171 N	National	68-2013
Division St.	126 N	Colonial Revival	74-2015
Division St.	2467 N	Cemeteries	83-2005
Elgin St.	1633	Queen Anne	81-2012
Elm St.	107	Queen Anne	12-2017
Elm St.	40	Queen Anne	80-2011
Lakeview Ave.	321	Georgian	138-2006
Lakeview Ave.	311	Mission	141-2011
Lansdowne Ave.	169	Richardsonian Romanesque	31-1994
Laurel St.	121	Gothic Revival	35-2008
Main St.	98 E	Queen Anne	84-2005
Main St.	108 W	Italianate	14-2007
Main St.	90 E	Gothic Revival	34-2008
Main St.	171 E	Queen Anne	82-2012

Main St.	189 W	Italian Renaissance	102-2013
Main St.	30 E	Arts And Craft	126-2018
Main St.	29 W	Italianate	10-2010
Mc Cain Side Rd.	1423	Second Empire	137-2006
Mill St.	2	Gothic Revival	92-2008
Park St.	64	National	101-2010
Queen St.	47	Queen Anne	111-2007
Queen St.	31	Craftsman	122-2006
Queen St.	315	Park	136-2010
Road 3	1422 E	Second Empire	98-2018
Road 3	332	Edwardian	39-2022
Seacliff Drive	608	Gothic Revival	140-2011
Seacliff Drive	755	Craftsman	14-2017

APPENDIX B: LISTED HERITAGE PROPERTIES

Street	Street Number	Academic Style	By-Law Number
Albuna Townline	1893	Italianate	January 1st, 2025
Albuna Townline	3123	Queen Anne	January 1st, 2025
Arner Townline	3280	Gothic Revival	January 1st, 2025
Beech Street	72	Italianate	January 1st, 2025
County Rd. 14	76	Gothic Revival	January 1st, 2025
County Rd. 14	81	Italianate	January 1st, 2025
County Rd. 14	103 E	Georgian	January 1st, 2025
County Rd. 14	331	Tudor	January 1st, 2025
County Rd. 20	389	Queen Anne	January 1st, 2025
County Rd. 20	452	Colonial	January 1st, 2025
County Rd. 20	530	Queen Anne	January 1st, 2025
County Rd. 20	693	Colonial Revival	January 1st, 2025
County Rd. 20	907	Colonial Revival	January 1st, 2025
County Rd. 20	1201	Gothic Revival	January 1st, 2025
County Rd. 20	1542	Italianate	January 1st, 2025
County Rd. 20	1609	Colonial Revival	January 1st, 2025
County Rd. 20	1684	National	January 1st, 2025
County Rd. 20	1754	Italianate	January 1st, 2025
County Rd. 20	1788	Gothic Revival	January 1st, 2025
County Rd. 20	1842	Craftsman	January 1st, 2025
County Rd. 27	48	Gothic Revival	January 1st, 2025
County Rd. 27	116	Colonial Revival	January 1st, 2025
County Rd. 27	125	National	January 1st, 2025
County Rd. 27	130	Italianate	January 1st, 2025
County Rd. 27	199	National	January 1st, 2025
County Rd. 27	239	Queen Anne	January 1st, 2025
County Rd. 27	242	Queen Anne	January 1st, 2025

County Rd. 27	269	National	January 1st, 2025
County Rd. 27	283	Gothic Revival	January 1st, 2025
County Rd. 27	328	Gothic Revival	January 1st, 2025
County Rd. 27	401	National	January 1st, 2025
County Rd. 34	102 E	Colonial Revival	January 1st, 2025
County Rd. 34	106 W	Colonial Revival	January 1st, 2025
County Rd. 34	111 W	Colonial Revival	January 1st, 2025
County Rd. 34	112 E	Colonial Revival	January 1st, 2025
County Rd. 34	113 E	Colonial Revival	January 1st, 2025
County Rd. 34	113 W	Colonial Revival	January 1st, 2025
County Rd. 34	117 W	Colonial Revival	January 1st, 2025
County Rd. 34	118 E	Tudor	January 1st, 2025
County Rd. 34	135 W	Gothic Revival	January 1st, 2025
County Rd. 34	138 W	Colonial Revival	January 1st, 2025
County Rd. 34	142 W	Gothic Revival	January 1st, 2025
County Rd. 34	145 W	Colonial Revival	January 1st, 2025
County Rd. 34	152 W	Neoclassical	January 1st, 2025
County Rd. 34	154 W	Greek Revival	January 1st, 2025
County Rd. 34	159 W	National	January 1st, 2025
County Rd. 34	174 E	National	January 1st, 2025
County Rd. 34	175 W	Park	January 1st, 2025
County Rd. 34	184 W	Colonial Revival	January 1st, 2025
County Rd. 34	186 W	Gothic Revival	January 1st, 2025
County Rd. 34	200 W	National	January 1st, 2025
County Rd. 34	205 W	Queen Anne	January 1st, 2025
County Rd. 34	208 E	Neoclassical	January 1st, 2025
County Rd. 34	211 E	Gothic Revival	January 1st, 2025
County Rd. 34	211 W	Gothic Revival	January 1st, 2025
County Rd. 34	217 W	Gothic Revival	January 1st, 2025

County Rd. 34	235 W	Gothic Revival	January 1st, 2025
County Rd. 34	243 E	Gothic Revival	January 1st, 2025
County Rd. 34	262 W	National	January 1st, 2025
County Rd. 34	279 E	Tudor	January 1st, 2025
County Rd. 34	284 E	Colonial Revival	January 1st, 2025
County Rd. 34	293 W	National	January 1st, 2025
County Rd. 34	304 W	Colonial Revival	January 1st, 2025
County Rd. 34	322 W	Gothic Revival	January 1st, 2025
County Rd. 34	355 W	Gothic Revival	January 1st, 2025
County Rd. 34	364 W	Gothic Revival	January 1st, 2025
County Rd. 34	365 W	Gothic Revival	January 1st, 2025
County Rd. 34	367 E	Gothic Revival	January 1st, 2025
County Rd. 34	377 W	National	January 1st, 2025
County Rd. 34	391 W	Gothic Revival	January 1st, 2025
County Rd. 34	393 W	Gothic Revival	January 1st, 2025
County Rd. 34	405 W	Colonial Revival	January 1st, 2025
County Rd. 34	423 W	Italianate	January 1st, 2025
County Rd. 34	439 W	National	January 1st, 2025
County Rd. 34	522 W	Gothic Revival	January 1st, 2025
County Rd. 34	543 W	Adam	January 1st, 2025
County Rd. 34	552 W	Gothic Revival	January 1st, 2025
County Rd. 34	576	Italianate	January 1st, 2025
County Rd. 34	695-707	Queen Anne	January 1st, 2025
County Rd. 34	755	Gothic Revival	January 1st, 2025
County Rd. 34	916	National	January 1st, 2025
County Rd. 34	1027	Gothic Revival	January 1st, 2025
County Rd. 34	1246	Colonial Revival	January 1st, 2025
County Rd. 34	1429	National	January 1st, 2025
County Rd. 34	1498	Greek Revival	January 1st, 2025

County Rd. 34	1521-1523	National	January 1st, 2025
County Rd. 34	1573	National	January 1st, 2025
County Rd. 34	1575	Craftsman	January 1st, 2025
County Rd. 34	1583-1585	Colonial Revival	January 1st, 2025
County Rd. 34	1952	Gothic Revival	January 1st, 2025
Division St.	14-18 S	Art Deco	January 1st, 2025
Division St.	20 S	Queen Anne	January 1st, 2025
Division St.	23 N	Pre-Modern	January 1st, 2025
Division St.	25 N	Chicago Style	January 1st, 2025
Division St.	31 S	Queen Anne	January 1st, 2025
Division St.	38 S	Craftsman	January 1st, 2025
Division St.	53 S	Queen Anne	January 1st, 2025
Division St.	56 S	Richardsonian Romanesque	January 1st, 2025
Division St.	63 N	Adam	January 1st, 2025
Division St.	73 S	Craftsman	January 1st, 2025
Division St.	77s	Queen Anne	January 1st, 2025
Division St.	98 S	Gothic Revival	January 1st, 2025
Division St.	103 S	National	January 1st, 2025
Division St.	121 S	Colonial Revival	January 1st, 2025
Division St.	138 N	Craftsman	January 1st, 2025
Division St.	138 S	Gothic Revival	January 1st, 2025
Division St.	147 N	Gothic Revival	January 1st, 2025
Division St.	150 N	Gothic Revival	January 1st, 2025
Division St.	153 N	Craftsman	January 1st, 2025
Division St.	163 N	Adam	January 1st, 2025
Division St.	167 S	Folk Victorian	January 1st, 2025
Division St.	172 N	Queen Anne	January 1st, 2025
Division St.	172 S	Queen Anne	January 1st, 2025

Division St.	177 S	Folk Victorian	January 1st, 2025
Division St.	186 N	National	January 1st, 2025
Division St.	202 N	Folk Victorian	January 1st, 2025
Division St.	205 N	National	January 1st, 2025
Division St.	209 S	Craftsman	January 1st, 2025
Division St.	214 S	National	January 1st, 2025
Division St.	235 S	Prairie	January 1st, 2025
Division St.	247 S	Prairie	January 1st, 2025
Division St.	261 S	Prairie	January 1st, 2025
Division St.	267 S	Gothic Revival	January 1st, 2025
Division Rd.	2953 N	Colonial Revival	January 1st, 2025
Division Rd.	2953 N	Craftsman	January 1st, 2025
Division Rd.	2960 N	Second Empire	January 1st, 2025
Elgin St.	1622	Queen Anne	January 1st, 2025
Elgin St.	1625	National	January 1st, 2025
Elgin St.	1672	National	January 1st, 2025
Elm St.	14	Folk Victorian	January 1st, 2025
Elm St.	25	Folk Victorian	January 1st, 2025
Elm St.	39	National	January 1st, 2025
Elm St.	77	Folk Victorian	January 1st, 2025
Elm St.	83	National	January 1st, 2025
Elm St.	91	National	January 1st, 2025
Elm St.	108	Gothic Revival	January 1st, 2025
Erie St.	28	Prairie	January 1st, 2025
Erie St.	41	Italianate	January 1st, 2025
Erie St.	45	Gothic Revival	January 1st, 2025
Francis	781	Pre-Railroad	January 1st, 2025
Graham Side Rd.	4263	National	January 1st, 2025
Graham Side Rd.	4458	Queen Anne	January 1st, 2025

Harbour View	84	Prairie	January 1st, 2025
Heritage Rd.	97	Gothic Revival	January 1st, 2025
Heritage Rd.	200	Queen Anne	January 1st, 2025
Heritage Rd.	1247	Colonial Revival	January 1st, 2025
Heritage Rd.	1600	National	January 1st, 2025
Heritage Rd.	1830-1852	Gothic Revival	January 1st, 2025
Herrington St.	40	Colonial Revival	January 1st, 2025
Jasperson Dr.	1596	Dutch Colonial	January 1st, 2025
King St.	7	Folk Victorian	January 1st, 2025
King St.	13	National	January 1st, 2025
Lakeview Ave.	205	Colonial Revival	January 1st, 2025
Lakeview Ave.	229	Dutch Colonial	January 1st, 2025
Lakeview Ave.	251	Georgian	January 1st, 2025
Lakeview Ave.	257	Georgian	January 1st, 2025
Lakeview Ave.	329	Queen Anne	January 1st, 2025
Lakeview Ave.	335	Shingle	January 1st, 2025
Lakeview Ave.	351	Craftsman	January 1st, 2025
Lansdowne Ave.	92	Adam	January 1st, 2025
Lansdowne Ave.	273	Queen Anne	January 1st, 2025
Laurel St.	71-73	Gothic Revival	January 1st, 2025
Laurel St.	99	Gothic Revival	January 1st, 2025
Laurel St.	105	National	January 1st, 2025
Laurel St.	122	Dutch Colonial	January 1st, 2025
Main St.	1 E	Chicago Style	January 1st, 2025
Main St.	12 E	Nameless Vernacular	January 1st, 2025
Main St.	13 E	Chicago Style	January 1st, 2025
Main St.	15 E	Georgian	January 1st, 2025
Main St.	19 E	Chicago Style	January 1st, 2025
Main St.	21 E	Pre-Modern	January 1st, 2025

Main St.	24 W	Italian Renaissance	January 1st, 2025
Main St.	31 W	Italianate	January 1st, 2025
Main St.	33 W	Italianate	January 1st, 2025
Main St.	58 E	Craftsman	January 1st, 2025
Main St.	64 E	Folk Victorian	January 1st, 2025
Main St.	67 E	Gothic Revival	January 1st, 2025
Main St.	76 E	Second Empire	January 1st, 2025
Main St.	84 W	Colonial Revival	January 1st, 2025
Main St.	93 E	Craftsman	January 1st, 2025
Main St.	96 W	Gothic Revival	January 1st, 2025
Main St.	102 E	Folk Victorian	January 1st, 2025
Main St.	119 W	Colonial Revival	January 1st, 2025
Main St.	120 W	National	January 1st, 2025
Main St.	135 E	Gothic Revival	January 1st, 2025
Main St.	172 W	Craftsman	January 1st, 2025
Main St.	190 W	Neoclassical	January 1st, 2025
Main St.	220 E	Colonial Revival	January 1st, 2025
Main St.	289 W	Italianate	January 1st, 2025
Malott Lane	880	Colonial Revival	January 1st, 2025
Malott Lane	892	Second Empire	January 1st, 2025
Malott Lane	908	Folk Victorian	January 1st, 2025
Maple St.	13	National	January 1st, 2025
Mc Cain Side Rd.	995	Barn	January 1st, 2025
Mc Cain Side Rd.	1001	Colonial Revival	January 1st, 2025
Mc Donald St.	85	Adam	January 1st, 2025
Mc Lean St.	18	Gothic Revival	January 1st, 2025
Mill St.	20 W	Prairie	January 1st, 2025
Mill St.	29 W	Gothic Revival	January 1st, 2025
Mill St.	30 E	Gothic Revival	January 1st, 2025

Mill St.	32 W	Gothic Revival	January 1st, 2025
Mill St.	74 W	Folk Victorian	January 1st, 2025
Mill St.	101 W	Octagon	January 1st, 2025
Mill St.	108 W	Gothic Revival	January 1st, 2025
Mill St.	123 W	Georgian	January 1st, 2025
Mill St.	125 W	National	January 1st, 2025
Mill St.	136 W	Queen Anne	January 1st, 2025
North Talbot Rd.	194	Colonial Revival	January 1st, 2025
North Talbot Rd.	212	Georgian	January 1st, 2025
Olinda Side Rd.	2851	Gothic Revival	January 1st, 2025
Olinda Side Rd.	2918	Pre-Railroad	January 1st, 2025
Olinda Side Rd.	2953	Gothic Revival	January 1st, 2025
Olinda Side Rd.	3025	Queen Anne	January 1st, 2025
Orchard Blvd.	833	Folk Victorian	January 1st, 2025
Park St.	56	Colonial Revival	January 1st, 2025
Pearl St. W	36	National	January 1st, 2025
Pearl St. W	59	National	January 1st, 2025
Pearl St. W	37	National	January 1st, 2025
Pearl St. W	69	Folk Victorian	January 1st, 2025
Pearl St. W	91	Gothic Revival	January 1st, 2025
Prince Albert St.	41	Folk Victorian	January 1st, 2025
Prospect St.	50	Queen Anne	January 1st, 2025
Queen St.	38	Folk Victorian	January 1st, 2025
Queen St.	59	Queen Anne	January 1st, 2025
Queen St.	60	National	January 1st, 2025
Queen St.	64	Folk Victorian	January 1st, 2025
Queen St.	76	National	January 1st, 2025
Queen St.	94	Colonial Revival	January 1st, 2025
Queen St.	95	Gothic Revival	January 1st, 2025

Queen St.	127	Gothic Revival	January 1st, 2025
Queen St.	160	Gothic Revival	January 1st, 2025
Queen St.	217	National	January 1st, 2025
Queen St.	253	Queen Anne	January 1st, 2025
Road 2	319 E	Italianate	January 1st, 2025
Road 2	611 W	Gothic Revival	January 1st, 2025
Road 2	622 W	Italianate	January 1st, 2025
Road 2	849 W	Gothic Revival	January 1st, 2025
Road 2	958 E	Craftsman	January 1st, 2025
Road 2	1005 W	Richardsonian Romanesque	January 1st, 2025
Road 2	1142 W	Gothic Revival	January 1st, 2025
Road 2	1880 W	National	January 1st, 2025
Road 3	251 E	National	January 1st, 2025
Road 3	366 E	National	January 1st, 2025
Road 3	641 E	National	January 1st, 2025
Road 3	644 W	National	January 1st, 2025
Road 3	710 E	Gothic Revival	January 1st, 2025
Road 3	734 W	Folk Victorian	January 1st, 2025
Road 3	749 E	Gothic Revival	January 1st, 2025
Road 3	838 E	Gothic Revival	January 1st, 2025
Road 3	1417	Prairie	January 1st, 2025
Road 3	1557 E	National	January 1st, 2025
Road 3	1642 W	Folk Victorian	January 1st, 2025
Road 3	1744 W	Queen Anne	January 1st, 2025
Road 3	2014 E	National	January 1st, 2025
Road 4	250 E	Gothic Revival	January 1st, 2025
Road 4	573 E	Prairie	January 1st, 2025
Road 4	629 E	Queen Anne	January 1st, 2025

Road 4	1329 E	National	January 1st, 2025
Road 4	1712 W	Gothic Revival	January 1st, 2025
Road 5	1520 E	National	January 1st, 2025
Road 5	1628 E	Gothic Revival	January 1st, 2025
Road 5	1706 E	Folk Victorian	January 1st, 2025
Road 5	2043 E	Gothic Revival	January 1st, 2025
Road 6	982-984 E	Queen Anne	January 1st, 2025
Road 6	1988 W	National	January 1st, 2025
Road 7	1 E	Gothic Revival	January 1st, 2025
Road 7	27 E	Queen Anne	January 1st, 2025
Road 7	46 E	Georgian	January 1st, 2025
Road 7	173	Tudor	January 1st, 2025
Road 7	187 E	Gothic Revival	January 1st, 2025
Road 7	315 E	Italianate	January 1st, 2025
Road 8	93 W	Pre-Railroad	January 1st, 2025
Road 8	131 W	Gothic Revival	January 1st, 2025
Road 8	138 W	Folk Victorian	January 1st, 2025
Road 8	155 W	National	January 1st, 2025
Road 10	254	Colonial Revival	January 1st, 2025
Road 10	257	Gothic Revival	January 1st, 2025
Road 10	274	Gothic Revival	January 1st, 2025
Road 10	560	Queen Anne	January 1st, 2025
Road 11	169	National	January 1st, 2025
Road 11	671 E	Craftsman	January 1st, 2025
Seacliff Drive	455-465	Georgian	January 1st, 2025
Seacliff Drive	470	Colonial Revival	January 1st, 2025
Seacliff Drive	525	Folk Victorian	January 1st, 2025
Seacliff Drive	528	Colonial Revival	January 1st, 2025
Seacliff Drive	570	Tudor	January 1st, 2025

Seacliff Drive	681	Georgian	January 1st, 2025
Seacliff Drive	764	National	January 1st, 2025
Seacliff Drive	787	Craftsman	January 1st, 2025
Seacliff Drive	850	National	January 1st, 2025
Seacliff Drive	1108	Georgian	January 1st, 2025
Seacliff Drive	1203	Adam	January 1st, 2025
Seacliff Drive	1242	National	January 1st, 2025
Seacliff Drive	1313	Queen Anne	January 1st, 2025
Seacliff Drive	1395	Prairie	January 1st, 2025
Seacliff Drive	1699	Second Empire	January 1st, 2025
Seacliff Drive	1519	Folk Victorian	January 1st, 2025
Seacliff Drive	1961	Craftsman	January 1st, 2025
Seacliff Drive	2044	Folk Victorian	January 1st, 2025
Seacliff Drive	3061	Georgian	January 1st, 2025
Seacliff Drive	3089	Georgian	January 1st, 2025
Stanley St.	35	Folk Victorian	January 1st, 2025
Stanley St.	92	National	January 1st, 2025
Stewart St.	78	Gothic Revival	January 1st, 2025
Talbot Rd.	1818	Gothic Revival	January 1st, 2025
Thompson Cres.	3088	Craftsman	January 1st, 2025
Victoria Ave.	123	Spanish Colonial	January 1st, 2025
Water St.	10	Gothic Revival	January 1st, 2025
Water St.	16	Gothic Revival	January 1st, 2025

APPENDIX C: NATURAL ENVIRONMENT TYPES

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
Significant wetlands and significant coastal wetlands	MNRF	Delineating wetlands or reviewing and approving the works of others in accordance with the Ontario Wetland Evaluation System (OWES).	Environmental Protection Areas designation on Schedules A and B.	Development and site alteration shall not be permitted.
Lands designated for natural heritage protection	County of Essex, Town or ERCA	Site-specific request for protection designation by owner.	Environmental Protection Areas designation on Schedules A and B.	Development and site alteration shall not be permitted.
Other High Priority Existing Natural Features	County of Essex through Town, and ERCA	Existing natural features that satisfied between 5 and 11 criteria, determined in accordance with the Essex Region Natural Heritage System Strategy (ERNHSS).	Environmental Protection Areas designation on Schedules A and B.	Development and site alteration shall not be permitted.
Significant habitat of endangered species andthreatened species	MECP, Fisheries and Oceans Canada	Delineating, describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable.	Not specifically mapped on Schedules.	Development and site alteration shall not be permitted except in accordance with provincial and federal requirements.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
Aquatic and Fish habitat	Fisheries and Oceans Canada	Identified through pre-consultation with Fisheries and Oceans Canada.	Not specifically mapped on Schedules.	Development and site alteration shall not be permitted except in accordance with provincial and federal requirements.
Significant Woodlands	County of Essex through Town, and ERCA	All woodlands 2 hectares in size orlarger using the size criteria recommended in the Natural Heritage Reference Manual (MNRF, 2010) and as per the ERNHSS. Smaller woodlands may be considered significant if they exhibit composition, age or quality that is uncommon in the municipality or the region.	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.
Significant areas of natural and scientific interest	MNRF	In accordance with the areas of natural and scientific interest confirmation process. Policies apply to both Earth and Life science areas of natural and scientific interest.	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.
Significant wildlife habitat	County ofEssex through MNRF, Town, and ERCA	Using criteria recommended in the Natural Heritage Reference Manual (MNRF, 2010), the Significant Wildlife Habitat Technical Guide and the	Not specifically mapped on Schedules.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
		EcoRegion Criteria Schedules and using Ecological Land Classification. Significant wildlife habitat has been divided into four broad categories: 1) seasonal concentration areas, 2) rare vegetation communities or specialized habitats for wildlife, 3) habitat of species of conservation concern (excluding the habitat of endangered and threatened species), and 4) animal movement corridors.		on their ecological functions.
Significant valleylands	County of Essex through Town and ERCA	Significant valleyland features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNRF, 2010) and are based on the following features: 1) more or less continuous naturalareas providing connections withinthe watershed;	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
		2) contains a diversity of native species, natural communities and landscapes; and 3) provides ecological functions such as habitat, passage, refuge, hydrological flow, and buffering fromadjacent areas.		
Identified significant existing natural heritage feature	County of Essex, Town, and ERCA	Existing natural feature that satisfied between 1 and 4 of 11 criteria determined in accordance with the ERNHSS.	Natural Environment Overlay on Schedule B.	Development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.
Lands adjacent to all natural heritage features	County of Essex or Town	A 120 metre adjacent lands width is identified and referenced for all natural heritage features with the exception of Earth Science ANSI which have a recommended 50 metre adjacent lands width.	Shown as an outline on Schedule B.	Development and site alteration shall not be permitted on adjacent lands to the natural heritage feature and areasunless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
Unevaluated wetlands and locally significant wetlands	MNRF	Unevaluated wetlands can be identified using ELC or OWES through processes such as EIAs or candidate natural heritage studies. Once an unevaluated wetland is identified, the next step is to complete a wetland evaluation. The wetland evaluation will result in a determination of significance for thewetland, i.e., Provincially or locally significant. The methodology used to determine significance of wetlands is the OWES.Wetlands can be identified and evaluated by MNRF staff or other qualified professionals provided that they use the approved OWES methodology and have received MNRF certified.All wetland evaluations must be sent to MNRF regardless of the preliminary determination of significance. The MNRF is responsible for reviewing and approving all wetland	Not specifically mapped on Schedules.	Development and site alteration will not be permitted until the significance of the feature has been determined usingOWES. For wetlands determined to be Provincially Significant Wetlands the policies of this Plan relating to significant wetlands and significant coastal wetlands will apply. For wetlands that have been determined to be locally significant, development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or on their ecological functions.

Natural Environment Types				
Natural Heritage Feature	**Agencies Determining Significance**	**Criteria and Methods used to Determine Significance**	**Schedule**	**Policies**
		evaluations.		
Restoration Opportunities	County of Essex through Town, and ERCA	Restoration Opportunities as determined in accordance with the ERNHSS.	Restoration Opportunities on Schedule B.	Provide for a focused approach towards the implementation of the natural heritage system. Supported options may include focused land securement, stewardship activities, and volunteer restoration.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 32-2023

Being a By-law to amend the Official Plan of the Town of Kingsville

WHEREAS the *Planning Act* R.S.O. 1990, c.P. 13, Section 17 and 26 permits the Corporation of the Town of Kingsville to amend the Official Plan of the Corporation of the Town of Kingsville;

NOW THEREFORE the Council of the Corporation of the Town of Kingsville, in accordance with the provisions of the *Planning Act*, hereby enacts as follows:

1. Amendment No. 13 to the Kingsville Official Plan consisting of the attached text amendment attached hereto as Schedule 'A' including map amendments, namely Schedules A, A-1, A-2, A-3, B, C, D, E, F, G and H attached hereto is hereby adopted.

2. The Clerk is hereby authorized and directed to provide Notice of Adoption of the Amendment in accordance with Section 17(23) of the *Planning Act*, R.S.O., as amended.

3. The plan authorized by this by-law shall come in effect pursuant to Section 17(27) of the Planning Act, R.S.O., as amended.

4. This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker

PART 'A'
AMENDMENT NO. 13
TO THE KINGSVILLE OFFICIAL PLAN

1. PURPOSE

The purpose of this Amendment is to amend the Kingsville Official Plan following a 5-Year Review of the Plan.

2. LOCATION

The Amendment to the Official Plan affects all lands within the municipal boundary of the Town of Kingsville.

3. BASIS

The Official Plan is established through engagement with the public, agencies, and upper-tier governments and contains the vision, goals and objectives intended to guide land use development and growth in Kingsville over a 25-year time horizon.

The *Planning Act* requires that an Official Plan be updated to ensure that it conforms with provincial plans, or does not conflict with them; has regard to matters of provincial interest and is consistent with provincial policy statements. The Kingsville Official Plan must also conform with the County of Essex Official Plan.

This Amendment updates the Kingsville Official Plan and is necessary to bring the plan into conformity with the County of Essex Official Plan (2014) and be consistent with the Provincial Policy Statement (2020).

The amendments are being made following a 5-Year Review process, which included a Special Meeting under Section 26 of the *Planning Act*, Public Open Houses and a Public Meeting under Section 17 of the *Planning Act*.

4. DETAILS OF THE AMENDMENT

4.1 The text of the Kingsville Official Plan is hereby amended by replacing it with the text in the attached Appendix "A".

4.2 Schedules "A", "A-1", "A-2", "B", "C", "D", "E", "F", and "H" of the Kingsville Official Plan are hereby amended by replacing them with Schedules "A", "A-1", "A-2", "B", "B1", "C", "D", "E", "F", "G" and "H" and Official Plan Appendices "A", "B", and "C" in the attached Appendix "A".

Date: **April 24, 2023**

To: **Mayor and Council**

Author: **Vicky Sawatzky**

RE: **2023 Final Tax Levy By-Law**

Report No.: **FS-2023-08**

RECOMMENDED ACTION

1. That **By-Law 24-2023** being a by-law for the establishment of the 2023 final tax levy be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

In accordance with Section 312 (2) of *Municipal Act, 2001,* each year council must authorize a by-law to establish rates for the levy and collection of property taxes.

The Town of Kingsville is also responsible for levying and collecting property taxes on behalf of the County of Essex and the Ministry of Education.

DISCUSSION

The total tax rate for each property tax class is comprised of three separate components:

1. Local rate
2. County rate
3. Education rate

The Local tax rates are based on the following factors:

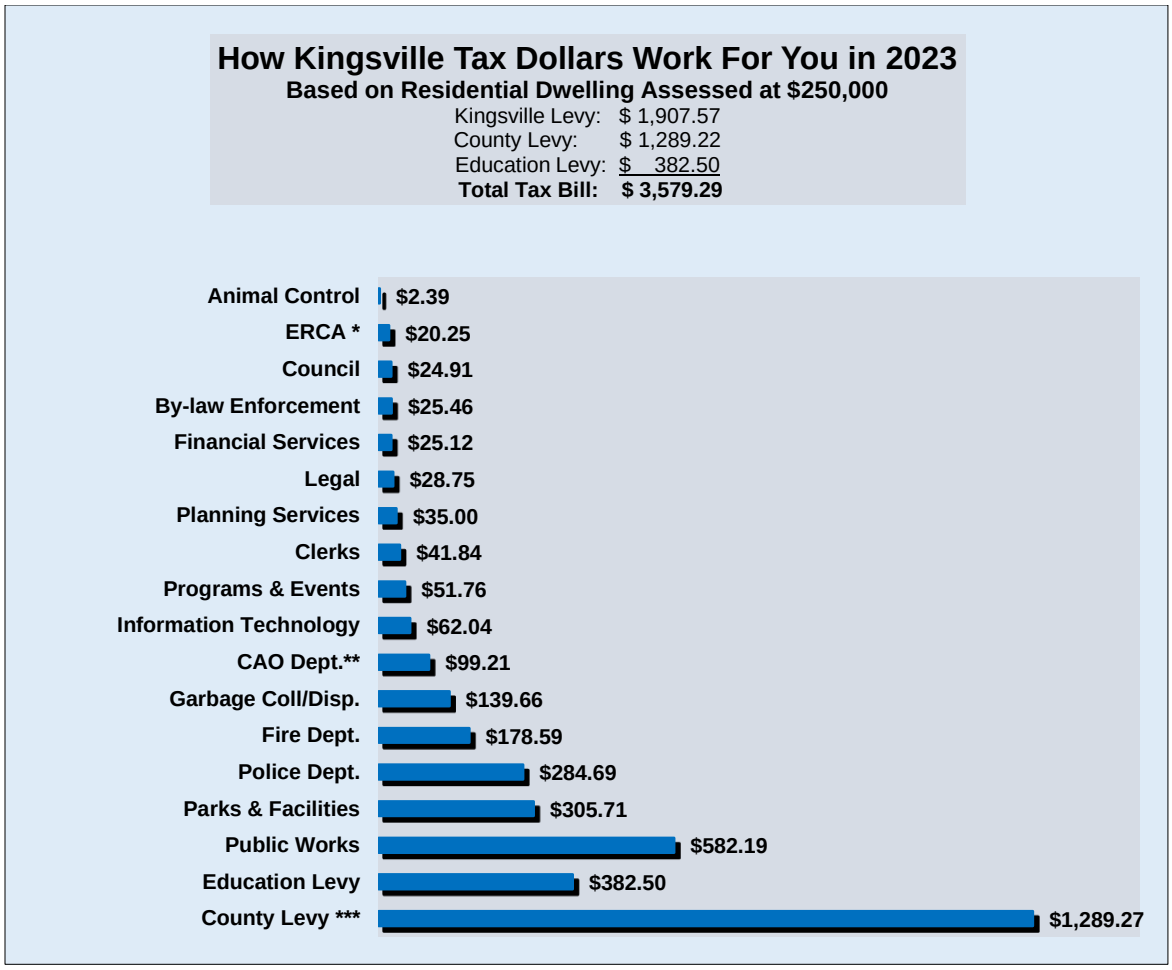
- the amount to be levied, as per the approved municipal budget
- the assessment roll for the tax year, as provided by MPAC
- the tax class ratios, as established by the County of Essex

The Town of Kingsville approved its 2023 municipal budget on January 25, 2023.

The County tax rates are established annually by County Council. For 2023, these rates are provided in County of Essex By-law 2023-04.

The Education tax rates are provided each year by the Ministry of Education.

On a combined basis, the Local, County, and Education tax rates have increased by 3.9% over 2023. For the average residential dwelling, assessed at $250,000, this amounts to an increase of $134.87. A breakdown of the allocation of tax dollars is noted below.



** Essex Region Conservation Authority*
***CAO Dept. includes: CAO office, Human Resources, Economic Development & Communications*
**** County levy spent on: County Roads, Libraries, Social Services, Ambulance, etc.*

FINANCIAL CONSIDERATIONS

Based on the current year assessment roll as provided by MPAC, the local tax rates proposed in By-law 24-2023 will raise $21,789,337 as approved in the 2023 municipal budget.

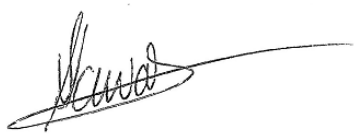
ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations associated with this report.

CONSULTATIONS

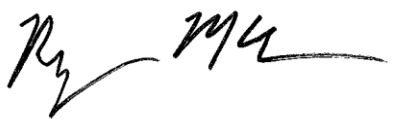
The assessment values and tax classes for all properties are provided by Municipal Property Assessment Corporation

PREPARED BY:



Vicky Sawatzky, BBA
Supervisor of Customer Service and Tax Revenue

REVIEWED BY:



Ryan McLeod, CPA, CA
Director of Finance, IT and Customer Service

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 24-2023

Being a By-law to provide for the establishment of rates for the levy and collection of property taxes in the Town of Kingsville for the year 2023 pursuant to the provisions of the Municipal Act.

WHEREAS the Council of the Corporation of the Town of Kingsville has reviewed its estimates for the year 2023;

AND WHEREAS Section 290 (1) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the Council of a local municipality shall in each year prepare and adopt a budget including the estimates of all sums required during the year for the purposes of the municipality;

AND WHEREAS the Council of the Corporation of the Town of Kingsville has approved the 2023 Town of Kingsville estimates in accordance with Schedule "A" attached hereto;

AND WHEREAS pursuant to the Corporation of the County of Essex By-law 2023-04, the Corporation of the County of Essex passed a by-law to adopt estimates of all sums required during the year 2023 for the Corporation of the County of Essex and to establish tax rates for same against the local municipalities;

AND WHEREAS Section 312 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law to levy a separate tax rate, as specified in the by-law, on the assessment in each property class in the municipality ratable for local municipal purposes;

AND WHEREAS Section 312 (6) of the said Act requires tax rates to be established in the same proportion to tax ratios;

AND WHEREAS The Corporation of the County of Essex passed By-law 2023-04, being a by-law to establish tax ratios for 2023 for the Corporation of the County of Essex and the lower tier municipalities within the boundaries of the County of Essex, pursuant to Section 308 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended;

AND WHEREAS Sections 315 and 322 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provide for the apportionment of payments in lieu of taxes and taxation of certain railway and power utility lands.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That the 2023 assessment per property class as detailed in Schedule "B" attached hereto and forming part of this by-law, be adopted for purposes of calculating the tax rates for municipal purposes and for determining the levy for the Town of Kingsville.

2. That the amount to be raised by tax rates for the Town of Kingsville purposes in the amount of $21,789,337 as set out in Schedule "A" attached hereto and forming part of this by-law be adopted.

3. That the tax rates as listed in Schedule "C" attached to this by-law be applied to the corresponding taxable assessments listed in Schedule "B" to raise sums of: $21,789,337 for general Town purposes; $14,726,750 for the County of Essex; and $6,292,790 for education purposes.

4. That the levies listed in clause (3) of this by-law shall be reduced by the amount of the interim levy for 2023.

5. That the 2023 final tax demand be levied in two (2) installments which will be due and payable on **August 31, 2023** and **November 30, 2023**.

6. That amounts to be collected for local improvements, tile drains, municipal drains, water mains, sewers and miscellaneous charges shall be collected in accordance with their respective authorizing by-laws and are deemed to be imposed and due on the installment due dates listed in clause (5) of this by-law.

7. That the Treasurer and/or Tax Collector, no later than twenty one (21) days prior to the day the first installment is due, may mail or cause to be mailed to the address of the residence or place of business of each person taxed as aforesaid, a notice specifying the amount of taxes payable by such person/corporation.

8. That pursuant to Section 345 (2) of the Municipal Act, 2001, S.O. 2001, C.25, as amended, 1 ¼ per cent of the amount of taxes due and unpaid, shall be imposed as a penalty for the non-payment of taxes on the first day of default.

9. That pursuant to Section 345 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, 1 ¼ per cent shall be imposed on outstanding taxes on the first day of the calendar month after payment default and each calendar month thereafter. No discount shall be allowed for pre-payment.

10. That failure to receive a tax notice does not exempt the property owner from penalty and late payment charges as outlined in clauses (8) and (9) of this by-law.

11. Council reserves the right to waive or reduce the penalty and interest calculations outlined in clauses (8) and (9), for specified periods of time, through an approved motion of Council. Any such waivers or reductions shall be applied consistently, to all property classes.

12. That taxes shall be payable to The Corporation of the Town of Kingsville at 2021 Division Road North, Kingsville, ON or paid at any financial institution which is authorized to accept payment under the Canadian Payments Association Regulations.

13. That the Treasurer and/or Tax Collector shall hereby be authorized to administer a pre-authorized payment plan for the Town of Kingsville and accept four (4) quarterly due date or twelve (12) monthly payments on account of taxes due.

14. This By-law shall remain in force from year to year until it is repealed and any By-law repealing this by-law shall be effective only at the end of any year.

15. In the event of conflict between the provisions of this By-law and any other By-law, the provisions of this by-law shall prevail.

16. That all By-laws inconsistent with this by-law are hereby repealed.

17. This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker

Consolidated Budget Summary

Taxation	2022 Budget	2023 Budget
Taxation Levy	$ 20,101,860	$ 21,789,337
Supplemental & Other Taxes	$ 391,000	$ 390,000
Total Taxation:	**$ 20,492,860**	**$ 22,179,337**

Operations	2022 Budget	2023 Budget
Operating Revenue:		
Council	$ -	$ -
Financial Services	$ 1,641,655	$ 1,698,100
CAO Dept.*	$ 88,750	$ 81,750
Clerks	$ 24,050	$ 24,200
Legal	$ -	$ 200
Information Technology	$ 20,000	$ 17,000
Animal Control	$ 40,000	$ 40,000
Fire	$ 119,950	$ 143,950
Police	$ 122,698	$ 182,400
Building and By-law	$ 865,350	$ 893,350
Public Works	$ 190,680	$ 200,700
Sanitation	$ -	$ -
Cemetery	$ 97,225	$ 97,225
Arena	$ 282,200	$ 271,700
Parks	$ 12,500	$ 15,000
Facilities	$ 185,276	$ 196,000
Marina	$ 67,000	$ 77,000
Programs & Events	$ 39,700	$ 38,700
Planning	$ 115,500	$ 145,000
BIA	$ 138,400	$ 143,750
Total:	**$ 4,050,934**	**$ 4,266,025**
Operating Expenditures:		
Council	$ 285,280	$ 289,655
Financial Services	$ 1,694,333	$ 1,850,682
CAO Dept.*	$ 1,032,852	$ 1,235,313
Clerks	$ 634,281	$ 485,622
Legal	$ 410,595	$ 334,468
Information Technology	$ 666,993	$ 696,293
Animal Control	$ 67,800	$ 67,800
Fire	$ 1,839,516	$ 1,898,846
Police	$ 3,391,714	$ 3,412,446
Building and By-law	$ 1,222,947	$ 1,321,829
Public Works	$ 3,203,547	$ 3,439,853
Sanitation	$ 1,531,549	$ 1,623,848
Cemetery	$ 135,906	$ 158,175
Arena	$ 1,205,236	$ 1,307,047
Parks	$ 746,326	$ 945,158
Facilities	$ 359,900	$ 420,085
Marina	$ 99,115	$ 99,125
Programs & Events	$ 532,415	$ 640,488
Planning	$ 525,824	$ 551,961
BIA	$ 144,632	$ 153,803
Total:	**$ 19,730,762**	**$ 20,932,497**
Transfer to (from) Operating Reserves:	**$ (178,214)**	**$ (141,532)**
Operating Surplus/(Deficit):	**$ (15,501,614)**	**$ (16,524,940)**

Capital	2022 Budget	2023 Budget
Capital Revenue:	**$ 17,589,336**	**$ 20,807,000**
Capital Expenditures:		
Council	$ -	$ -
Financial Services	$ 135,000	$ 319,000
CAO Dept.*	$ -	$ -
Clerks	$ -	$ -
Legal	$ -	$ -
Information Technology	$ 150,800	$ 95,000
Animal Control	$ -	$ -
Fire	$ 580,000	$ 786,600
Police	$ 16,000	$ -
Building and By-law	$ 40,000	$ 53,000
Public Works	$ 15,847,000	$ 16,297,750
Sanitation	$ -	$ -
Cemetery	$ -	$ -
Arena	$ 175,000	$ 1,930,000
Parks	$ 922,235	$ 2,370,500
Facilities	$ 50,000	$ 165,000
Marina	$ 45,000	$ 25,000
Programs & Events	$ -	$ -
Planning	$ 200,000	$ 85,000
BIA	$ -	$ -
Total:	**$ 18,161,035**	**$ 22,126,850**
Transfer to Capital Reserves	**$ 3,375,000**	**$ 3,290,000**
Repayment of Long-Term Debt	**$ 1,044,547**	**$ 1,044,547**
Capital Surplus/(Deficit)	**$ (4,991,246)**	**$ (5,654,397)**

Net Surplus/(Deficit)	**$ -**	**$ -**

*CAO Department includes Human Resources, Communications, and Economic Development.

2023 Assesment Totals
(including Payment In Lieu Assessment)

Taxable Assessment

Realty Tax Class	Realty Tax Qualifier	RTC/RTQ	Current Value Assessment (CVA)
Commercial	Small Scale On-Farm Business	C7	31,200
Commercial	Full	CT	178,828,758
Commercial	Excess Land	CU	1,691,900
Commercial	Vacant Land	CX	1,914,600
Office	Full	DT	946,400
Farm	Full	FT	662,916,400
Parking Lot	Full	GT	71,000
Industrial	Small Scale On-Farm Business	I7	51,000
Industrial	Full	IT	34,412,900
Industrial	Excess Land	IU	761,800
Industrial	Vacant Land	IX	2,490,800
Large Industrial	Full	LT	12,240,500
Large Industrial	Excess Land	LU	53,700
Multi-Residential	Full	MT	23,647,900
New Multi-Residential	Full	NT	333,900
Pipeline	Full	PT	25,481,000
Residential	Farmland 1	R1	1,279,800
Residential	Full	RT	2,297,111,242
Shopping Centre	Full	ST	10,270,200
Shopping Centre	Excess Land	SU	127,600
Managed Forest	Full	TT	703,000
		Total:	3,255,365,600

Payment In Lieu Assessment

Realty Tax Class	Realty Tax Qualifier	RTC/RTQ	Current Value Assessment (CVA)
Commercial	Full	CF	11,739,100
Commercial	General	CG	1,618,000
Commercial	Full, Shared PIL	CH	84,000
Farm	Full, Taxable Tenant of Province	FP	0
Industrial	Full, Shared PIL	IH	329,900
Industrial	Vacant Land, Shared PIL	IJ	51,000
Industrial	Excess Land, Shared PIL	IK	33,600
Residential	General	RG	24,300
Residential	Full, Shared PIL	RH	94,000
Residential	Full, Taxable Tenant of Province	RP	23,000
		Total:	13,996,900

Exempt Assessment

Realty Tax Class	Realty Tax Qualifier	RTC/RTQ	Current Value Assessment (CVA)
Exempt	Exempt	E	78,324,100
		Total:	78,324,100
		Total:	3,347,686,600

2023 Tax Rates

Tax Property Class	Class	Local	County	Education	Total
Residential	RT	0.00763028	0.00515708	0.00153000	0.01431736
Farmland	FT / R1	0.00190757	0.00128927	0.00038250	0.00357934
Commercial Occupied	CT	0.00825630	0.00558018	0.00880000	0.02263648
Office Building	DT	0.00825630	0.00558018	0.00880000	0.02263648
Commercial Excess Land	CU	0.00577941	0.00390613	0.00880000	0.01848554
Commercial Vacant Land	CX	0.00444464	0.00300400	0.00633473	0.01378337
Commercial On-Farm Business	C7	0.00825630	0.00558018	0.00220000	0.01603648
Parking Lot	GT	0.00444464	0.00300400	0.00633473	0.01378337
Multi-Residential	MT	0.01002505	0.00677562	0.00153000	0.01833067
Multi-Residential New Construction	NT	0.00839331	0.00567278	0.00153000	0.01559609
Pipelines	PT	0.00994226	0.00671967	0.00880000	0.02546193
Industrial Occupied	IT	0.01482182	0.01001762	0.00880000	0.03363944
Industrial Excess Land	IU	0.00963419	0.00651145	0.00880000	0.02494564
Industrial Vacant Land	IX	0.00963419	0.00651145	0.00880000	0.02494564
Industrial On-Farm Business	I7	0.01482182	0.01001762	0.00220000	0.02703944
Large Industrial Occupied	LT	0.02049570	0.01385242	0.00880000	0.04314812
Large Industrial Excess Land	LU	0.01332221	0.00900407	0.00880000	0.03112628
Managed Forests	TT	0.00190757	0.00128927	0.00038250	0.00357934
Shopping Centres	ST	0.00825630	0.00558018	0.00880000	0.02263648
Shopping Centres Excess Land	SU	0.00577941	0.00390613	0.00880000	0.01848554
Exempt	Ex	0.00000000	0.00000000	0.00000000	0.00000000

Date: **April 24, 2023**

To: **Mayor and Council**

Author: **Paula Parker, Town Clerk**

RE: **Flag Policy Amendments**

RECOMMENDED ACTION

1. That the Flag Policy **BE APPROVED**, as amended.

BACKGROUND

Council, at their Committee of the Whole meeting on February 21, 2023 discussed amendments to the current Flag Policy. At that meeting, the committee provided direction to Administration to bring back an amended policy for Council consideration.

DISCUSSION

During discussion at the February 21st Committee of the Whole meeting, the following amendments were directed by the Committee:

- Add - criteria for approving/denying special flag requests.
- Add - a 1 week limitation for flying special flags.
- Add - that special flags are only to be flown at the Arena.
- Add - delegated authority to the Mayor to consider and approve requests as per the approved policy.

The amended policy addresses the direction provided by the Committee and is attached for Council's consideration.

FINANCIAL CONSIDERATIONS

There are no financial considerations in relation to the policy amendments.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations in relation to the policy amendments**.**

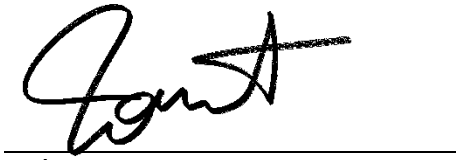
CONSULTATIONS

Committee of the Whole

PREPARED BY:

Paula Parker
Town Clerk

REVIEWED BY:



John Norton
Chief Administrative Officer

CORPORATE SERVICES
FLAG POLICY

Policy #: CS-011	Issued: September 23, 2009	Reviewed/Revised: April 24, 2023
Prepared By: P. Parker	Reviewed By: J. Norton	Approved By: Council

1.0 PURPOSE

The purpose of this policy is to establish a protocol by which flags are flown throughout the Town of Kingsville. Flags are flown half-mast to bestow an honour and express the collective sense of sorrow. Special flags are flown to honour groups, organizations, and on special occasions to recognize specific achievements or special events and occasions.

2.0 SCOPE

3.0 DEFINITIONS

4.0 REFERENCE DOCUMENTS

5.0 RESPONSIBILITIES

The Mayor has the authority to approve or deny requests for special flag raising upon consideration of the special flag raising criteria in listed in this policy.

6.0 PROCEDURE

Mandatory Half-Masting

Flags flying at Municipal buildings will be lowered to half-mast and remain lowered until funeral services are completed upon notice of death of any of the following:

1. Present local Federal Member of Parliament – All Municipal Buildings
2. Present local Provincial Member of Ontario Legislature – All Municipal Buildings
3. Present and former Members of Kingsville Council – All Municipal Buildings
4. Present and former Kingsville employees – Administration Building, Fire Hall and Recreation Complex
5. Town of Kingsville Firefighters, Kingsville O.P.P. Officers or Military Armed Forces upon “In the Line of Duty Death” – respectively, Kingsville Fire Hall, North and South Stations, Kingsville O.P.P. Detachment Office or the Town’s Municipal Office
6. In honour of Remembrance Day, November 11th – Town’s Municipal Office

7. April 28th (National Day of Mourning for Persons Killed or Injured in the Workplace)
8. June 23rd (National Day of Remembrance for Victims of Terrorism)
9. December 6th (National Day of Remembrance and Action on Violence against Women)

Discretionary Authority and Provisions for Half-Masting

Upon recommendation of the Chief Administrative Officer and/or the Mayor, the flag may be lowered to half-mast at the Town's Municipal Office in exceptional circumstances for individuals who are not provided for under these guidelines.

Disposal of Flags

When a flag becomes tattered and torn and is no longer in a condition suitable for us, it will be destroyed in a dignified manner by burning it privately. The Municipal Services Department will be responsible for disposal of flags.

Special Flag Raising Criteria

Special Flags will only be flown at the Kingsville Arena Complex, located at 1741 Jasperson Drive for a duration of one (1) week.

Requests to fly a special flag will be considered if the reason for flying the flag meets one of the following criteria:

- Support of a particular event by a non-profit or charitable organization;
- Celebration achievements;
- Celebration of multi-cultural and civic events;
- Public awareness campaigns.

Restrictions:

Approval will not be given to fly flags for the purpose of supporting or promoting the following:

- Political parties or political organizations;
- Religious organizations or religious events or celebrations;
- Celebrations, campaigns or events intended for profit-making purposes;
- Events that support discrimination, hatred, violence or prejudice.

The Town of Kingsville will follow national and provincial guidance regarding public recognition/display of flags and nations. Additional guidance shall be sought when in doubt.

7.0 REVIEW/REVISIONS

No.	Revision Details (incl. provision #)	Revision By	Date
1.	April 28th (National Day of Mourning for Persons Killed or Injured in the Workplace)		February 13, 2017
2.	June 23rd (National Day of Remembrance for Victims of Terrorism)		February 13, 2017
3.	December 6th (National Day of Remembrance and Action on Violence against Women)		February 13, 2017
4.	Added criteria for considering special flag raising requests. Added delegated authority to the Mayor to approve or deny special flag raising requests.		
5.			
6.			
7.			
8.			

Questions about this policy can be referred to the Town Clerk.

COMMITTEE MINUTES

Committee of Adjustment & Appeals
March 21st, 2023, 6:00 p.m.
Town Hall, Council Chambers
2021 Division Road North

A. Call to Order

Chairperson Gord Queen called the Meeting to order at 6:00 p.m. with the following persons in attendance:

Members of Committee Of Adjustment:	**Members of Administration:**
Gord Queen	George Robinson, Manager of Planning
Councillor Thomas Neufeld	Angelina Pannunzio, Recording Secretary
Nicole Hackett-Winkels	
Sandra Zwiers	
Russell Horrocks	

B. Disclosure of Pecuniary Interest

Chairperson Gord Queen reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. Minutes of the Previous Meeting

Adoption of Committee of Adjustment & Appeals Meeting Minutes, dated February 14th, 2023

CA-10-2023

Moved by Sandra Zwiers, seconded by Russell Horrocks, that the Committee of Adjustment & Appeals Meeting Minutes dated February 14th, 2023, be adopted.

CARRIED

D. In-Camera Session

Chairperson, Gord Queen, relayed to the Committee that pursuant to section 239(2) of the *Municipal Act,* 2001, the Committee was to enter into a Closed Session to address the following items:

- Item 1 – Legal advice - Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CA-11-2023

Moved by Russell Horrocks, seconded by Nicole Hackett-Winkels, that the Committee enter into a Closed Session.

CARRIED

The Committee convened to a private boardroom to conduct the Closed Session

CA-12-2023

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, that the Committee rise from the Closed Session.

CARRIED

The Committee completed their in-camera item and returned to resume the meeting. There was nothing to report out of the closed session.

E. Committee of Adjustment Hearings

1. A-2023-3 – Minor Variance for Kevin & Janice Schill – 17 Gregory Avenue

George Robinson, Manager of Planning, introduced the Minor Variance application and reviewed the report dated February 17th, 2023, which provides details regarding the request to increase lot coverage to allow construction of a single detached dwelling, on lands known as 17 Gregory Avenue, in the Town of Kingsville.

The subject parcel is a 1,132.5 sq. m (12,190 sq. ft.) vacant residential lot in the final phase of the Timbercreek subdivision currently under development. The applicants are planning to construct

a new single-detached dwelling on the subject lands. The total footprint of the new dwelling is 418.71 sq. m (4,507 sq. ft.) with a 16.72 sq. m (180 sq. ft.) accessory structure. The proposed dwelling has front and rear covered porches, and a proposed pool house as an accessory structure, resulting in a total lot coverage of 38.5%. The permitted total coverage is limited to 35%, therefore the applicants are requesting relief to increase the maximum permitted lot coverage in the 'Residential Zone 1 Urban – Exception 24 (R1.1-24)' zone, specific to this lot to 38.5%.

The applicants' agent, Cindy Prince, was in attendance.

Chairperson, Gord Queen, asked if there were any comments or questions from the Committee, the applicants' agent, or the public.

The applicants' agent, Cindy Prince offered to provide further information to the Committee for their consideration. Ms. Prince stated the applicants had submitted a similar proposal in 2022, which the preceding Committee denied. She relayed the applicants have altered their original plans with a smaller accessory structure, which has reduced the requested relief. Ms. Prince mentioned the applicants are caring for a family member with special needs, where a two-storey home would not be fit. She said the applicants require a larger floor plan as they are a family of five, require an additional bedroom for a care-giver, and a ranch-style house plan would eliminate a portion of the needed space given with a two-storey plan.

Ms. Prince stated the rear lot abuts storm water management pond for the Timbercreek subdivision, which provides open green space, and suggested that the small proposed increase in lot coverage would not have drastic impact on lost green space. She confirmed the aesthetic and size for the planned house is comparable to other homes in the neighbourhood.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicants' agent, nor the public.

CA-13-2023

Moved by Sandra Zwiers, seconded by Councillor Thomas Neufeld, that Minor Variance application A-2023-3 for the construction of a single detached dwelling, pertaining to the lands known as 17 Gregory Avenue to increase the maximum permitted lot coverage from 35% to 38.5%, be APPROVED, without conditions.

CARRIED

2. A-2023-2 – Minor Variance for Heinrich & Susie Klassen – 150 Division Street South

George Robinson, Manager of Planning, introduced the Minor Variance application and reviewed the report dated February 15th, 2023, which provides details regarding the request to provide relief from the exterior yard setback, interior side-yard setback, and to permit an additional driveway, on lands known as 150 Division Street South, in the Town of Kingsville.

The subject property is designated 'Residential' by the Official Plan. The parcel is zoned 'Residential Zone 1 Urban (R1.1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 1,318.29 sq. m (14,190 sq. ft.) residential lot with an existing single-detached dwelling and an accessory structure. The applicants would like to build an addition to the existing single-detached dwelling and an addition on the existing accessory structure. The applicants are asking for three variances from the following Kingsville Comprehensive Zoning By-law sections:

1. Section 6.1.1(c) (viii): Exterior Side Yard Width for main building
    - House Addition – Reduction from 4.5m (14.7 ft.) to 2.4m (7.8 ft.);

2. Section 4.2(i): Interior Side Yard Width for accessory building
    - Garage Addition – Reduction from 1m (3 ft.) to 0.3m (1 ft.) *(Note length of wall exceeds 50% limit set out in non-complying buildings Section 4.24(b))*;

3. Section 5.9 (a): only one entrance will be permitted for each residential lot
    - Proposed: Additional driveway off of Stewart Street.

All other sections of the zoning by-law will be met.

The applicants' agent, Joyce Eaton, was in attendance.

Chairperson, Gord Queen, asked if there were any comments or questions from the Committee, the applicants' agent, or the public.

Committee Member, Sandra Zwiers, requested clarification from the Planning Department as to whether the recommendation for denial was partly due to the applicants submitting one application requesting three variances, and if the evaluation would differ had the applicants submitted three applications.

George Robinson, Manager of Planning, confirmed that the recommendation was not affected by the request for three variances on one application, and the evaluation would be unchanged.

Committee Member, Russell Horrocks, questioned if the Town would be supportive if the applicants were to propose an addition to the house and abort plans for the garage addition and added driveway.

George Robinson, Manager of Planning, stated the plans submitted for the house addition were most compliant with the four tests for minor variances, and therefore would have been supportable as a single request.

The applicants' agent, Joyce Eaton, stated the existing garage has posed issues for the applicants, as they are unable to drive their car into the garage and are required to park on a cement slab. She relayed they are requesting an additional driveway because they prefer not to remove the cement, and wish to have the ability to drive into the garage to park their vehicle.

Ms. Eaton further relayed the intention for the proposed addition to the garage is partly for a workshop for the applicants. She stated the request for reduction in interior side yard width for the garage exceeds the 50% limit for legal non-conforming buildings to allow for sufficient area for the workshop and garage.

Ms. Eaton referred to the preliminary departmental comments from the Town's Technical Advisory Committee (TAC), citing the concern the applicants may convert the garage to an additional dwelling unit (ADU), and emphasized there is no intention for an ADU in the future. She confirmed additional services would not be required for the proposed addition to the garage.

Ms. Eaton stated the applicants plan to address any concerns from the Kingsville Fire Department, including fire-rating where necessary. Ms. Eaton mentioned the applicants were issued a permit by the Town's Public Works Department for a second entrance.

Councillor Thomas Neufeld requested clarification as to why a permit for a second driveway had been issued by the Public Works Department, when it is not permitted by the Town's Zoning By-Law regulations.

George Robinson, Manager of Planning, stated that permits for entrances do not refer to zoning regulations, and instead relate to attributes such as curb cut, curb apron detail, or the required type of materials. Mr. Robinson confirmed that if future requests for a second driveway are submitted, the Planning Department will review at that time.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicants' agent, nor the public.

CA-14-2023

Moved by Councillor Thomas Neufeld, seconded by Russell Horrocks, that Minor Variance application A-2023-3 for relief from the exterior yard setback, interior side-yard setback, and to permit an additional driveway on lands known as 150 Division Street South, in the Town of Kingsville, be denied.

CARRIED

F. New Business

George Robinson, Manager of Planning, advised the Committee that the Town has created an online form, available on the Town's website, for Committee members who are required to disclose any conflicts with agenda items for public meetings.

G. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place April 18th, 2023 at 6:00 p.m.

H. Adjournment

CA-15-2023

Moved by Russell Horrocks, seconded by Nicole Hackett-Winkels, to adjourn this meeting at 6:53 p.m.

CARRIED

_____

CHAIR, Gord Queen

_____

SECRETARY TREASURER,
George Robinson

COMMITTEE MINUTES

FANTASY OF LIGHTS COMMITTEE
MARCH 9, 2023 @ 5:00 P.M.
Kingsville, Arena – Room C

PRESENT: Councillor T. Gaffan
K. Sanecki
M. Edwards
J. Willoughby
K. Loney, Administrative Support

ABSENT: J. Willoughby, L. Pittendreigh, D. Laman

A. CALL TO ORDER

K. Loney called the Meeting to order at 5:05 P.M.

B. DISCLOSURE OF PECUNIARY INTEREST

K. Loney reminded that when a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

C. AMENDMENTS TO THE AGENDA – NONE

1. APPOINTMENT OF POSITIONS

A. Chair – K. Sanecki was acclaimed as Chair
B. Vice Chair - J. Willoughby
C. Secretary - to be determined

D. STAFF REPORTS

1. **K. Loney**, Manager of Recreation Programs and Special Events
    a. Governance/workgroups - With the new Council Committee Terms of Reference, workgroups are an option

b. Budget
    i. Advertising $5,000
    ii. Maintenance & Upgrades $20,000
    iii. Miscellaneous $2,500
    iv. Fireworks $5,000
    v. Parade $10,000
    vi. Food / Sundry Expenses $1,000
    vii. Special Events $1,000
    viii. Children's Activity $700
c. COTW update
    i. Provided an update to Council which can be read at: https://calendar.kingsville.ca/council/Detail/2023-02-21-1800-Committee-of-the-Whole/869480dc-cf1a-4e85-8915-afac010f332b
d. Fireworks
    i. Proposed to have fireworks on New Year's eve
e. Meeting Schedule
    i. To continue on the 3rd Tuesday of the month

E. MINUTES OF THE PREVIOUS MEETING

1. To receive the Fantasy of Lights Committee Meeting Minutes of October 17, 2022
   Moved by Councillor T. Gaffan
   Seconded by Kristina Sanecki

CARRIED

F. NEW AND UNFINISHED BUSINESS

1. Membership review/volunteers
    a. Will be posting for new members
2. Planning for 2023
    a. Parade
        i. All floats needed music
        ii. Some were not decorated well enough
        iii. Block entrance from Zehrs
        iv. Could look at a theme and prizes
        v. Kristen will take the lead on the parade
    b. Opening Ceremonies
        i. To think about ideas
    c. Fireworks
        i. Agreed to have them at the arena
        ii. Ask social media what time people would want fireworks 7, 8 or 9 pm

d. Kingsville Fantasy Express Weekends
    i. Look cost and potential performers
e. Paws and Claus
    i. Janet to lead
f. Crafts with Santa/Collaboration with Optimist Club
    i. Optimist Club to take the lead
g. Artisan Market
    i. Leslie to lead
h. Virtual Scavenger Hut
    i. Karen to lead
i. Lights
    i. Can the large trees be strung up
    ii. Can there be walking lights for all year
    iii. Could we do a large tree in the middle
    iv. When they were made people sponsors but they need updating and many business would be willing to contribute
    v. Look at the plan for four years; what do we have, what is needed, where should they be placed
j. Sponsorship
    i. Karen to send out package to committee to review
k. Other
    i. To put brainstorming on next agenda

G. NEXT MEETING DATE

1. The next meeting of the Fantasy of Lights Committee shall take place on April 18th at Kingsville Arena – Room C @ 6:00pm

H. ADJOURNMENT

The meeting was adjourned at 6:28 pm

Moved by Councillor T. Gaffan
Seconded by Kristina Sanecki

CARRIED

_____
CHAIR,

_____
RECORDING SECRETARY,

COMMITTEE MINUTES

KINGSVILLE ACCESSIBILITY ADVISORY COMMITTEE

Wednesday, February 8, 2023 at 4:00 pm
Council Chambers
2021 Division Road North, Kingsville, Ontario

PRESENT: Michele Chauvin, Chair
Phil Caruana, Vice-Chair
David Kfrerer
Councillor Debby Jarvis-Chausse

Stephanie Olewski, Staff Liaison
Paula Parker, Town Clerk

A. CALL TO ORDER

Stephanie Olewski, Staff Liaison called the meeting to order at 4:00 p.m.

B. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

1. Nomination and election of 2023 Chairperson

Administration opened nominations for the position of Chairperson and Vice-Chairperson for 2023.

Michele Chauvin was nominated as Chairperson for the Kingsville Accessibility Advisory Committee.

Moved by David Kfrerer
Seconded by Councillor Jarvis-Chausse

THAT the Chairperson for the Kingsville Accessibility Advisory Committee be Michele Chauvin.

CARRIED

2. Nomination and election of 2023 Vice-Chairperson

Phil Caruana was nominated as Vice-Chairperson for the Kingsville Accessibility Advisory Committee.

Moved by Michele Chauvin
Seconded by David Kfrerer

THAT the Vice-Chairperson for the Kingsville Accessibility Advisory Committee be Phil Caruana.

CARRIED

C. DISCLOSURE OF PECUNIARY INTEREST

The Chair reminded the Committee of their duty to disclose any pecuniary interests as they arise.

D. ORDER OF BUSINESS

1. Proposed meeting dates for 2023
   The Committee discussed the proposed meeting dates and decided on:
   - Wednesday, April 12, 2023
   - Wednesday, June 14, 2023
   - Wednesday, September 13, 2023
   - Wednesday, November 15, 2023

2. Duties of KAAC
   The Staff Liaison discussed the committee's responsibilities under AODA.

3. Post-Election Accessibility Report
   The Staff Liaison discussed the Clerk's responsibilities with respect to post-election reporting. She also advised that the requirements of the *Municipal Elections Act* were met with respect to completing an Accessibility Plan and reviewing it with the Accessibility Advisory Committee in 2022. The requirements of the Act were also met by posting the post-election report publicly prior to Jan 31, 2023.

4. Accessibility Plan Status Update
   The Staff Liaison discussed the requirements to update the Accessibility Plan annually based on the five Integrated Accessibility Standards. Administration will provide an update to be brought back to the committee for review.

5. Multi-Year Accessibility Plan
   The Staff Liaison discussed the requirements to review the Multi-Year Plan annually. This will be brought forward to the committee at a future meeting.

6. Assessing and Improving AODA Compliance in Public Spaces
   The Staff Liaison reminded the committee that the compliance report is due at the end of 2023 and will be completed by Administration.

E. MINUTES OF THE PREVIOUS MEETING

1. Kingsville Accessibility Advisory Committee Meeting Minutes—March 21, 2022

Moved by Councillor Jarvis-Chausse
Seconded by Phil Caruana

THAT the minutes of the Kingsville Accessibility Advisory Committee dated March 21, 2022 be received.

CARRIED

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. Councillor Jarvis-Chausse brought forward some concerns regarding accessibility issues in Town with respect to private businesses. Administration advised that the Town was aware of the concerns, however does not govern private property once development is complete. Administration also assured the Committee that going forward, the Accessibility Advisory Committee would have opportunities to review site plans for large developments within the Town and can provide recommendations at that time to improve upon minimum building code requirements. The Committee was reminded however, that its recommendations are simply that, and may not be implemented by developers.

2. Phil Caruana advised that the exterior front door of Town Hall was a concern when entering the premises this evening. Mr. Caruana advised that the accessible door button did not work when he entered. Administration advised that the Manager of Parks, Recreation and Facilities will assess and resolve the concern.

H. INFORMATION ITEMS

1. Update from 2023 Budget meeting

2. Upcoming events:
   a) National AccessAbility Week (NAAW) May 28 – June 3, 2023

Moved by Phil Caruana
Seconded by David Kfrerer

THAT Councillor Jarvis-Chausse bring forward a request to Council to raise the Accessibility flag during National AccessAbility Week.

CARRIED

   b) Mobility mats for Cedar Beach –ribbon cutting ceremony May 31st
   c) Red Shirt Day – May 31, 2023
   d) 2023 Kingsville Highland Games
   e) 2023 Open Streets event

3. WE Check the Trails – County of Essex initiative

4. Feedback – any questions or comments on our accessibility in services, programs or facilities can contact the Town at requests@kingsville.ca.

I. NEXT MEETING DATE

Wednesday, April 12, 2023 at 4:00 p.m.

J. ADJOURNMENT

Moved by David Kfrerer
Seconded by Councillor Jarvis-Chausse

THAT the meeting adjourn at 4:42 p.m.

CARRIED

_____
CHAIR, Michele Chauvin

_____
RECORDING SECRETARY, Stephanie Olewski

COMMITTEE MINUTES

Kingsville Municipal Heritage Advisory Committee

Tuesday, March 7, 2023 At 6:00 P.M.
Kingsville Arena Complex
1741 Jasperson Drive, Kingsville
2nd Floor, Room B

A. Call to Order

Jeffrey Robinson called the Meeting to order at 6:00 p.m. with the following persons in attendance:

Members of Municipal Heritage Advisory Committee:	**Members of Administration:**
Jeffrey Robinson, Chair	Manager of Planning, George Robinson
Stacey Jones, Vice-Chair	Planner, Sarah Campbell
Councillor Sheri Lowrie	Recording Secretary, Angelina Pannunzio
Carolyn Smith	
Steve Allman Jr.	

Also in Attendance: Veronica Brown, Researcher

B. Disclosure of Pecuniary Interest

Jeffrey Robinson reminded the Committee members in attendance that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. Minutes of the Previous Meeting

Review & adopt Kingsville Municipal Heritage Advisory Committee Meeting Minutes, dated February 7th, 2023.

MHC-08-2023 *Moved by Stacey Jones, seconded by Carolyn Smith, that the minutes of the Kingsville Municipal Heritage Advisory Committee Meeting, dated February 7th, 2023 be adopted.*

CARRIED

D. Presentations

S. Campbell, Planner – Report to Heritage Advisory Committee
RE: Application for proposed addition by Frank and Denise Spidalieri, 321 Lakeview Avenue, CON 1 ED PT LOT 3, with supporting appendices.

Sarah Campbell, Planner, presented her report dated February 21, 2023 to provide details regarding a proposal for lands located on the South side of Lakeview Avenue. The subject property contains a heritage structure, known as The Jasperson House, designated by By-Law 138-2006. The applicants are proposing an addition that includes a garage, bonus room, sunroom, and a covered area.

The Committee commented that there were no heritage concerns related to the applicants' proposal for an addition.

MHC-09-2023 *Moved by Stacey Jones, seconded by Steve Allman Jr., that the Committee has no heritage objections to the proposal for the property municipally known as 321 Lakeview Avenue, and that the Committee recommends to Council of the Corporation of the Town of Kingsville that the addition be approved.*

CARRIED

E. New Business

1. Review the Designated and Listed Heritage Registry Tables

Sarah Campbell, Planner, reviewed the Designated and Listed Heritage Registry Tables, which is being proposed for distribution on the Town of Kingsville Website.

2. Brief Work Plan Discussion for Designated and Listed Heritage Properties

George Robinson, Manager of Planning, initiated a discussion with Committee Members to devise a work plan for the Designated and Listed Heritage Properties.

3. Review and Discuss New Online form for Disclosure of Pecuniary Interest

George Robinson, Manage of Planning, advised the Committee that the Town has created an online form, available on the Town's website, for Committee members who are required to disclose any conflicts with agenda items for public meetings.

F. Next Meeting Date

The next meeting of the Heritage Advisory Committee shall be April 4th, 2023.

G. Adjournment

MHC-10-2023 *Moved by Stacey Jones, seconded by Carolyn Smith, to adjourn this meeting at 7:37 p.m.*

CARRIED

_____
CHAIR, Jeffrey Robinson

_____
STAFF LIAISON, Sarah Campbell

MINUTES

POLICE SERVICES BOARD MEETING
WEDNESDAY, SEPTEMBER 28, 2022 @ 4:00 P.M.
Council Chambers
2021 Division Road North, Kingsville, Ontario N9Y 2Y9

A. CALL TO ORDER

Vice Chair Chisholm called the Meeting to order at 4:01 p.m. with the following persons in attendance:

William Chisholm	-	Board Member
Barry Wilson	-	Board Member
Kim DeYong	-	Board Member

Also in attendance:

Inspector Angela Ferguson
Staff Sergeant Jennifer Wilson
Constable Silvano Bertoni

Members of Administration:		Deputy Clerk/Council Services Sandra Kitchen CAO John Norton Director of Financial and IT Services R. McLeod
Absent:	-	Board Member Bill Baird (on personal business)

B. ELECTION OF CHAIR

Vice Chair Chisholm informed that Kingsville Council, at its Regular Meeting held on August 8, 2022, decided to leave the Police Services Board seat formerly occupied by Nelson Santos (who had acted as Chair) vacant for the remainder of the 2018-2022 Council term.

He stated that it would be in order to call for nominations for the Chair position.

Ms. DeYong nominated William Chisholm as Chair.

Mr. Wilson nominated William Chisholm as Chair.

Ms. Kitchen asked if there were any further or other nominations. There being no further nominations, Mr. Chisholm accepted the nomination by acclamation to act as Chair of the Police Services Board for the remainder of the 2018-2022 Council term.

C. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of interest. Chair Chisholm reminded Board members that any declaration is to be made prior to each item being discussed.

D. DELEGATIONS/PRESENTATIONS

1. Director of Financial and IT Services R. McLeod Re: Discussion re: Proposed OPP Contract extension for a one (1) year period

Mr. McLeod advised that the existing Police Services Board contract expires on December 31, 2022 and the Town has the option to extend the contract. He recommended that the term be extended for one (1) year. Discussion ensued and Mr. McLeod responded to questions of the Board members.

PSB25-2022 Moved by K. DeYong, seconded B. Wilson that the Board supports the recommendation that the Kingsville Police Services contract with the Town of Kingsville be extended one (1) year on a status quo basis.

CARRIED

Director McLeod will bring a Report to Kingsville Council in regard to the proposed OPP Contract extension.

E. ADOPTION OF MINUTES OF PREVIOUS MEETING

1. **Adoption of Police Services Board Minutes –** held on June 22, 2022.

PSB26-2022 Moved by K. DeYong, seconded by B. Wilson to adopt the Police Services Board Meeting Minutes dated June 22, 2022 as presented.

CARRIED

F. REPORTS

1. Monthly Status Reports

i) Town of Kingsville PSB report and Crime Stoppers report for June 2022
ii) Town of Kingsville PSB report and Crime Stoppers report for July 2022
iii) Town of Kingsville PSB report and Crime Stoppers report for August 2022 (to be provided)

The Inspector presented an overview of the Town of Kingsville Monthly Status reports and responded to questions presented by the Board members.

PSB26-2022 Moved by K. DeYong, seconded by B. Wilson that the Board prepare correspondence requesting that the County of Essex provide more regional mental health services in the Town of Kingsville.

CARRIED

The draft correspondence will be brought back to the Board for review at the next meeting.

PSB27-2022 Moved by B. Wilson, seconded by K. DeYong to receive the Kingsville PSB Reports and Crime Stoppers Reports for the months of June, July and August 2022 as information.

CARRIED

An integrated Kingsville PSB Report will be brought back to the Board at its October meeting.

G. BUSINESS/CORRESPONDENCE

There were no items.

H. NEW AND UNFINISHED BUSINESS

1. 4-way stop at intersection of County Road 34 and County Road 27 in Cottam

Chair Chisholm thanked the officers for patrolling and monitoring the new 4-way stop sign that has been installed at the intersection of County Roads 34 and 27.

2. Mr. Wilson asked about open streets and the greenway jam.

3. Chair Chisholm advised that at its Regular Meeting held 2022 09 12 Kingsville Council passed the following motion:

   "347-09122022
   Moved by Councillor Laura Lucier,
   Seconded by Councillor Tony Gaffan
   WHEREAS there have been ongoing complaints about the use of Lions Park;
   AND WHEREAS these concerns have continued to escalate to unacceptable levels;
   AND WHEREAS efforts to date by the Town and OPP to curb these issues have been unsuccessful;
   THEREFORE BE IT RESOLVED that Administration be directed to prepare a report outlining immediate actions that can be taken to ensure all residents can safely enjoy their property, along with a request to the Police Services Board for a report from the OPP detailing the complaints that have been received and their response to such complaints, both reports to be presented to Council by the end of 2022."

   Details in regard to the Lions Park concerns will come back to the October 26, 2022 Police Services Board meeting for further discussion and review.

4. Constable Silvano provided the following updates:

   i) An officer has been recently transferred to the Kingsville Detachment, who is motorcycle trained. The motorcycle is now stored in Kingsville, the citizens will see more OPP motorcycle parol and traffic enforcement conducted in the area.

   ii) Constable Silvano participated in a 5 km kilt ride on June 25, and attended the annual Cottam Rotary Fall Fair and Horse show on September 18 which was well attended;

   iii) the Reduce Impaired Driving Everyway (RIDE) Grant Application for the 2022-23 to 2023-24 term (2-year term) has been submitted to the Ministry of the Solicitor General;

iv) Speed trailer results--Data taken on Road 3 East resulted in an average speed of 70 km/hr. in a 60 km/hr. zone. County Road 50 speed trailer results resulted in an average speed of 52 km./hr. in a 50 km/hr. zone.

v) A new heating and air conditioning unit has been added to Kingsville Detachment. Town of Kingsville Parks and Recreation Manager Courtney Godfrey is addressing the security lights etc.

I. ADJOURNMENT

PSB28 -2022 Moved by B. Wilson, seconded by K. DeYong to adjourn the meeting at 5:15 p.m. and to meet again on October 26, 2022.

CARRIED

CHAIRPERSON, William Chisholm

DEPUTY CLERK/COUNCIL SERVICES, Sandra Kitchen

REGULAR MEETING OF COUNCIL

MINUTES

Tuesday, April 11, 2023
6:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9

PRESENT: Mayor Dennis Rogers
Deputy Mayor Kimberly DeYong
Councillor Tony Gaffan
Councillor Debby Jarvis-Chausse
Councillor Sheri Lowrie
Councillor Thomas Neufeld
Councillor Larry Patterson

John Norton, CAO
Paula Parker, Clerk

A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 6:00 p.m.

B. LAND ACKNOWLEDGEMENT

The Mayor acknowledged the Three Fires Confederacy (Ojibwe, Potawatomie and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would like to acknowledge other nearby First Nations Communities and First Nations across Turtle Island.

C. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

Mayor Rogers invited everyone to stand for a moment of silent reflection and the national anthem.

D. MAYOR'S WELCOME AND REMARKS

Mayor Rogers thanked Administration for a successful Easter weekend. He reminded everyone of National Wildlife Week at Jack Miner Bird Sanctuary. Mayor Rogers also advised that the April 17, 2023 Committee of the Whole Meeting would be a discussion focused on the Town's Main Street Development Strategy at the Kingsville Arena.

E. AMENDMENTS TO THE AGENDA

Deputy Mayor DeYong and Councillor Neufeld each added one announcement.

F. DISCLOSURE OF PECUNIARY INTEREST

Mayor Rogers reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

Mayor Rogers disclosed an interest in Item H.1 which pertains to his neighbour. He discussed this item with the Integrity Commissioner and was advised that his conflict is not pecuniary in nature.

G. DELEGATIONS

1. Lions Club 90th Anniversary and Star Chef Gala 2023 - Fred Cross, Lions Club

Mr. Fred Cross addressed Council with respect to an invitation to the Lions Club 90th Anniversary celebration. In addition, Mr. Casey Van den Heuvel invited Council to attend the Lions Club 2023 Star Chef Gala and requested that the fee be waived or significantly reduced for rental of the Grovedale.

119-04112023
Moved By Councillor Neufeld
Seconded By Councillor Patterson

That a rental fee of $300 for the Lions Club's use of the Grovedale BE APPROVED for the 2023 Star Chef Gala.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

120-04112023
Moved By Councillor Gaffan
Seconded By Councillor Lowrie

That set rates for the Grovedale of $150/day or $300/weekend for non profit organizations and $3500/per day or $5000/weekend for all others BE APPROVED for the remainder of the year.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

2. Crosswalk on Greenway - Chuck Laliberte, Royal Canadian Legion

Mr. Laliberte proposed to Council a crosswalk by the Greenway near the Royal Canadian Legion with red and white stripes including the words "Lest we forget." Council referred the proposal to Administration for follow up.

H. MATTERS SUBJECT TO NOTICE

1. Application for Zoning By-law Amendment and Consent for Severance by L.V Renaud Enterprises Inc. (Larry Renaud) ZBA-2023-03 and B-34-22 – Surplus Dwelling Severance at 848 Road 2 West

Sebastien Schmoranz, Legal Counsel for the Applicant spoke to the severance request. No other comments from the public were received.

121-04112023
Moved By Councillor Patterson
Seconded By Councillor Jarvis-Chausse

1. **That consent application B/34/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.48 ha (1.2 ac.) lot shown as Part 1 on the applicants' sketch, known as 848 Road 2 West, in the Town of Kingsville, BE APPROVED, subject to the following conditions:**

a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c) That any necessary drainage apportionments be undertaken.

d) That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2023-03).

f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.

g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

h) That each parcel have their own access to Road 2 or Road 3 West and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town or County of Essex as applicable.

i) That the applicant provide confirmation to the satisfaction of the Town that any structures in proximity to newly created lot lines are moved to meet minimum setback requirements or demolished.

j) The conditions imposed above shall be fulfilled by April 11, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. **By-law 25-2023 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

2. ZBA-2023-5 Application for Zoning By-law Amendment by Terry Murdoch V/L County Road 34 West 3711-600-0000-6600

Mr. Wayne Mills, Wayne Mills Consulting, an agent acting on behalf of the Applicant spoke to the severance request. No other comments from the public were heard.

122-04112023
Moved By Councillor Patterson
Seconded By Councillor Gaffan

1. **That the zoning by-law amendment application ZBA/2023/05 to amend the zoning for the subject parcel on County Road 34 West (roll number 3711-600-0000-6600) in the Town of Kingsville, from Agriculture (A1) to Agriculture Exemption 81 (A1-81) to permit a Contractor's Yard and Shop on an undersized parcel BE APPROVED with the following:**
    i. **Reduction of the required lot area minimum from 16 ha (39.5 ac.) to 0.77 ha (1.9 ac.);**
    ii. **Permit a Contractor's yard, office and shop as a Main Use; and**
2. **By-law 26-2023 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

J. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

No reports.

K. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

1. Tile Loan Applications

123-04112023
Moved By Deputy Mayor DeYong
Seconded By Councillor Patterson

1. **That Tile Drainage Debenture 20-2023 and the related Offer to Sell, BE APPROVED; and,**
2. **That By-Law 20-2023 to authorize the issuance and collection of Tile Loans under the Tile Drainage Act be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

L. REPORTS - FIRE SERVICES

No reports.

M. REPORTS - INFRASTRUCTURE AND ENGINEERING

No reports.

N. REPORTS - LEGAL AND BUILDING SERVICES

No reports.

O. REPORTS - CAO's OFFICE

No reports.

P. CONSENT AGENDA

Councillor Jarvis-Chausse noted errors in the Migration Festival Committee Minutes of February 28, 2023 and asked that they be removed and amended prior to adoption by Council.

124-04112023
Moved By Deputy Mayor DeYong
Seconded By Councillor Patterson

That the consent agenda items 2-7 BE RECEIVED:

2. **Fantasy of Lights Advisory Committee Minutes - March 9, 2023**
3. **Special Closed Session Meeting Minutes - February 13, 2023**
4. **Regular Council Meeting Minutes - February 13, 2023**
5. **Regular Council Meeting Minutes - March 6, 2023**
6. **Special Closed Session Council Meeting Minutes - March 23, 2023**
7. **Regular Council Meeting Minutes - March 27, 2023**

CARRIED

Q. CORRESPONDENCE

1. Appointment of Municipal Representation to the Essex Region Source Protection Committee (SPC)

125-04112023

Moved By Deputy Mayor DeYong
Seconded By Councillor Lowrie

That Council endorse the following individuals' appointment to the Essex Region Source Protection Committee: Frank Garardo, City of Windsor and Dennis Rogers, Union Water Supply System.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

R. NOTICES OF MOTION

There were no notices of motion introduced at this meeting.

S. UNFINISHED BUSINESS AND ANNOUNCEMENTS

The Deputy Mayor reminded Council and the community of a Seniors Expo at the Kingsville Community Centre, Thursday April 13, 2023 9 am to 12 pm.

Councillor Neufeld announced a 30 year celebration event on May 6th, 2023 at the Kingsville Military Museum. Tickets are available for $20 and dinner begins at 5:30 pm.

T. BYLAWS

126-04112023

Moved By Deputy Mayor DeYong
Seconded By Councillor Neufeld

That By-laws 27-2023 and 28-2023 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

U. ADJOURNMENT

127-04112023

Moved By Councillor Patterson
Seconded By Councillor Jarvis-Chausse

That Council adjourns this Regular Meeting at 6:40 p.m.

CARRIED

_____
MAYOR, Dennis Rogers

_____
CLERK, Paula Parker

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 33 - 2023

Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its April 24, 2023 Meeting of Council

WHEREAS sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

AND WHEREAS section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the "Town") be confirmed and adopted by by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. The actions of the Council at its April 24, 2023 Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.

2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.

3. This By-Law comes into force and takes effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker