



## Appendix B

# Planning Justification Report Proposed Residential Community

Kingsville, ON

November 30, 2020

## SIGN-OFF SHEET

This **Planning Justification Report** was prepared by **Stantec Consulting Ltd. ("Stantec")** for the account of **1646322 Ontario Limited (the "Client")** to support the Client's application for a Zoning By-Law Amendment and Draft Plan of Subdivision for lands legally known as **Parts of Lots 8, 9 and 10, Concession 1 Western Division**. Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope and other limitations stated in the document and in the contract between Stantec and the Client. In connection thereto, this document may be reviewed and used by the provincial and municipal government agencies participating in the planning application process in the normal course of their duties. Except as set forth in the previous sentence, any reliance on this document by any third party for any other purpose is strictly prohibited. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any unauthorized use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on unauthorized use of this document.

Prepared by   
(signature)

**Amelia Sloan, MCIP RPP**



## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2.0</b>	<b>SITE DESCRIPTION .....</b>	<b>1</b>
<b>3.0</b>	<b>CONTEXT .....</b>	<b>2</b>
3.1	PREVIOUS PLANNING APPLICATIONS .....	2
3.2	EXISTING PLANNING FRAMEWORK .....	3
<b>4.0</b>	<b>PROPOSED DEVELOPMENT .....</b>	<b>6</b>
4.1	PROPOSED DRAFT ZONING BY-LAW AMENDMENT .....	7
4.2	DRAFT (LR-*) ZONE SPECIAL PROVISIONS .....	8
4.3	DRAFT C1-* ZONE SPECIAL PROVISIONS.....	10
4.4	DRAFT PLAN OF SUBDIVISION .....	10
4.5	DEVELOPMENT PHASING .....	11
<b>5.0</b>	<b>SUPPORTING STUDIES .....</b>	<b>11</b>
5.1	TRAFFIC IMPACT ASSESSMENT.....	11
5.2	STORMWATER MANAGEMENT .....	12
<b>6.0</b>	<b>PLANNING POLICY ANALYSIS.....</b>	<b>12</b>
6.1	PROVINCIAL POLICY STATEMENT (2014) .....	12
6.2	COUNTY OF ESSEX OFFICIAL PLAN .....	19
6.3	TOWN OF KINGSVILLE OFFICIAL PLAN.....	23
<b>7.0</b>	<b>CONCLUSION .....</b>	<b>27</b>
	<b>APPENDICES.....</b>	<b>29</b>
	<b>LIST OF TABLES</b>	
	Table 1. Proposed Zoning.....	8
	Table 2. Draft LR Zone Provisions Comparison .....	9
	Table 3. Land Use Area Breakdown.....	10
	<b>LIST OF FIGURES</b>	
	Figure 1 Site Location .....	2
	Figure 2 Aerial Imagery & Context .....	3
	Figure 3 County of Essex Official Plan – Schedule A2 – Settlement Structure Plan .....	5
	Figure 4 County of Essex Official Plan – Schedule C5 – Significant Groundwater Recharge Areas.....	5
	Figure 5 Town of Kingsville Official Plan – Schedule “A” - Land Use Plan.....	6



## 1.0 INTRODUCTION

Stantec Consulting has been retained by 1646322 Ontario Limited to prepare a Planning Justification Report in support of a Zoning By-law Amendment and Draft Plan of Subdivision application in the Town of Kingsville, ON. The applicant is proposing the following:

- To amend the Zoning By-law to permit Special Provisions to the current R-4 zoning regulation, to address minimum lot sizes, minimum lot frontages, maximum lot coverage, and setbacks; and
- To develop a residential subdivision consisting of a mix of single detached, semi-detached, and medium-density townhome units. The proposed plan of subdivision also contains parkland and a limited amount of commercial development with access to County Road 20.

The intent of this report is to analyze the land use planning merits to determine the appropriateness of the proposed development and the relevant planning documents including the Provincial Planning Policy, County of Essex Official Plan, Kingsville Official Plan and Town of Kingsville Zoning By-Law. This report is to be submitted with required servicing, transportation and environmental reports and fees to form a "complete" application.

## 2.0 SITE DESCRIPTION

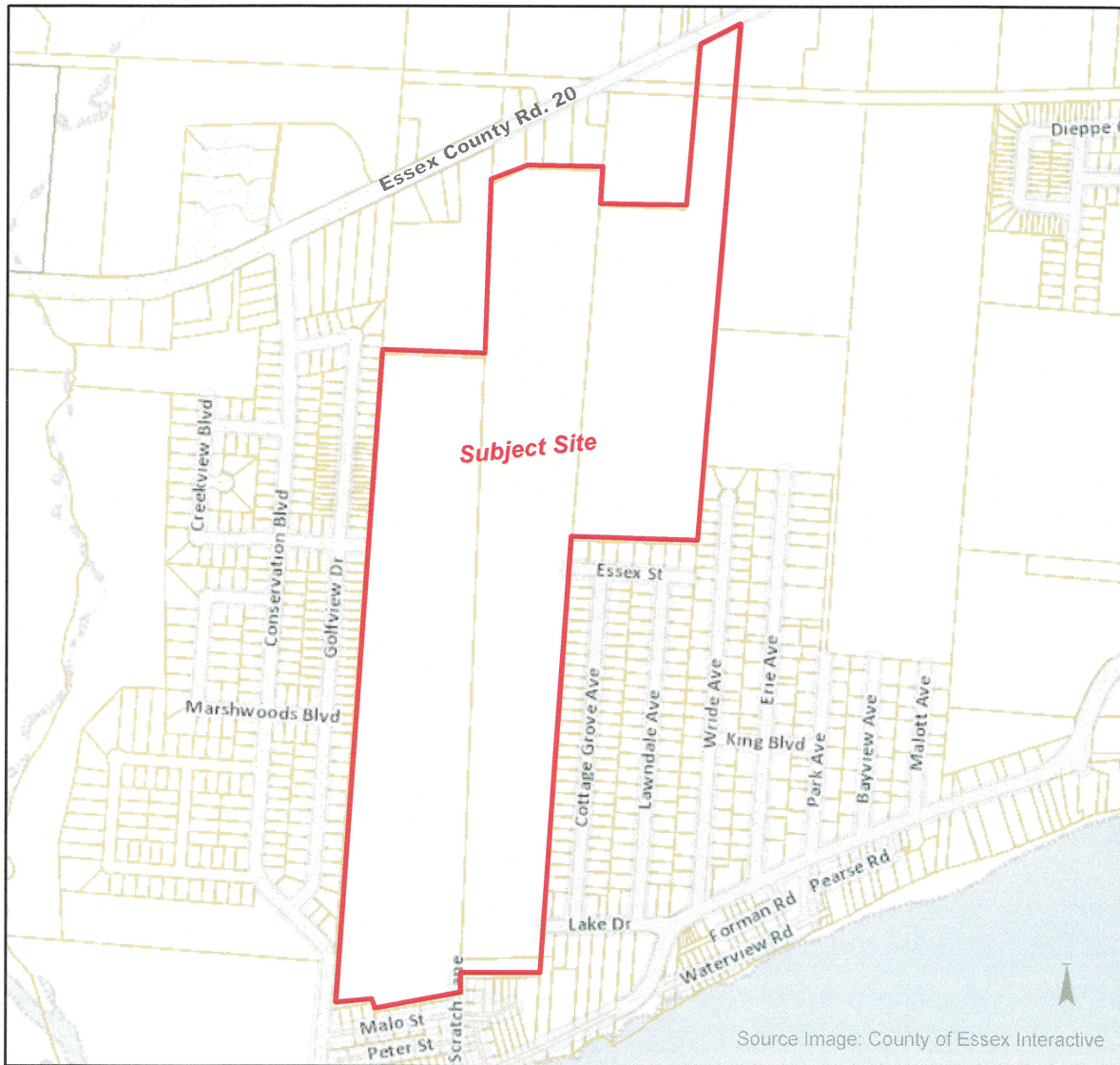
The subject site, identified in Figure 1 Site Location, is legally described as parts of Lot 8-10, Concession 1, Western Division and are currently owned by the proponent (1646322 Ontario Limited). The lands are generally located south of County Road 20, immediately east of Golfview Drive, and north of Heritage Road and Lake Erie shoreline.

The subject site consists of 51 ha (126 ac) of generally flat, undeveloped lands that are currently being cultivated for agricultural purposes, with sparse tree growth (hedgerows) surrounding portions of the individual parcel perimeters. Generally, the site drains southward and outlets into Wigle Creek. Based on the Soils Map of Essex County, the soil conditions are classified as Caistor clay loam with the northern portion classified as Harrow sandy loam.

Primary access into the planned neighbourhood will be from County Road 20 to the north, Essex Street and Lake Drive to the east, and Creekview Blvd. to the west. Both developed and undeveloped lands surround the subject site, which are all planned and identified for residential land uses.

The developed areas adjacent to the site consist of single-family residential development to the west (York Subdivision), south, and southeast of the site. The balance of the lands to the east and north are primarily undeveloped and used for residential/agricultural purposes. To the south, the shoreline of Lake Erie is a short walking distance away from the site. The more established downtown Kingsville area is within a kilometer to the east. Refer to Figure 2 Aerial Imagery & Context.





**Figure 1 Site Location**

## 3.0 CONTEXT

### 3.1 PREVIOUS PLANNING APPLICATIONS

On October 18, 2012, an application was made on behalf of the same proponent and landowner to amend the Town's Zoning By-Law (ZBA16/12). Concurrently, an application was submitted for approval of draft plan of subdivision (37T-12005) to create 973 residential (including single-detached, semi-detached, townhouses), commercial block, and parkland.

The Town had refused the request for a Zoning By-law Amendment (ZBA) and the County of Essex failed to make a decision regarding the related draft plan of subdivision (37-T-12005). The

two applications were appealed to the Ontario Municipal Board (OMB) under Case No. PL140547 (Appendix 2). Prior to the OMB decision, a settlement was reached to reduce the draft plan of subdivision to decrease the number of lots from 973 to 750 lots. The Hearing was subsequently held on August 31, 2015.

On September 16, 2015, the OMB issued a decision that found that the revised and agreed upon ZBA and draft subdivision was consistent with the Provincial Policy Statement and conformed to the County of Essex and Town of Kingsville's Official Plans. The revised draft plan of subdivision and zoning by-law amendment applications were approved by Board Order.

As per Part VI of the Planning Act, the proponent has failed to meet the time period for the issued Board Order and therefore, the OMB Decision has since lapsed.



**Figure 2 Aerial Imagery & Context**

### 3.2 EXISTING PLANNING FRAMEWORK

The following is a listing of the relevant local Municipal Planning framework which are applicable to the proposed for development of the subject lands:

**Table 1: Municipal Planning Framework**

<p><b>County of Essex Official Plan (2014)</b></p>	<p><b>Schedule A1</b> – Land Use Plan (Settlement Area)</p> <p><b>Schedule A2</b> – Settlement Structure Plan (Primary Settlement Area)</p> <p><b>Schedule C5</b> – (Medium to High Ground Water Recharge Vulnerability)</p> <p><b>3.2 Settlement Areas; and 3.2.4 Primary Settlement Areas:</b> the site is identified as a primary settlement area and anticipated for residential growth.</p>
<p><b>Town of Kingsville Official Plan (2012)</b></p>	<p><b>Schedule A</b> – Land Use Plan (Lakeshore Residential West and Parks and Open Space)</p> <p><b>3.6.4 Lakeshore Residential West:</b> This designation is intended to recognize the anticipated residential development south of County Road 20 and along the Lake Erie shoreline, west of the Town's main urban centre. This area of the municipality is currently serviced with full municipal services.</p> <p><b>3.5 Parks and Open Space:</b> this designation ensures that future development supplies the Town with adequate supply and access to open space.</p>
<p><b>Zoning By-law 1-2014, as amended by Board Order PL140547</b></p>	<p>Parkland (PG) zone</p> <p>Lakeshore Residential Exception 29 (LR-29(h)) zone</p> <p>Lakeshore Residential Exception 30 (LR-30(h)) zone</p> <p>Neighbourhood Commercial Exception 1 (C1-1(h)) zone</p>

As per the Previous Planning Applications (Section 3.1), the Zoning By-law was previously approved by Board Order (See Appendix 2 Ontario Municipal Board Order PL140547), however this application proposes to reallocate parkland uses, specifically relocating the small park in the north and reconfiguring the community park in the south. Therefore, an application to amend the Zoning By-law is required with this application to be consistent with the proposed draft plan of subdivision. A comprehensive review of these relevant planning regulatory documents is contained in Section 6.0 of this Report.



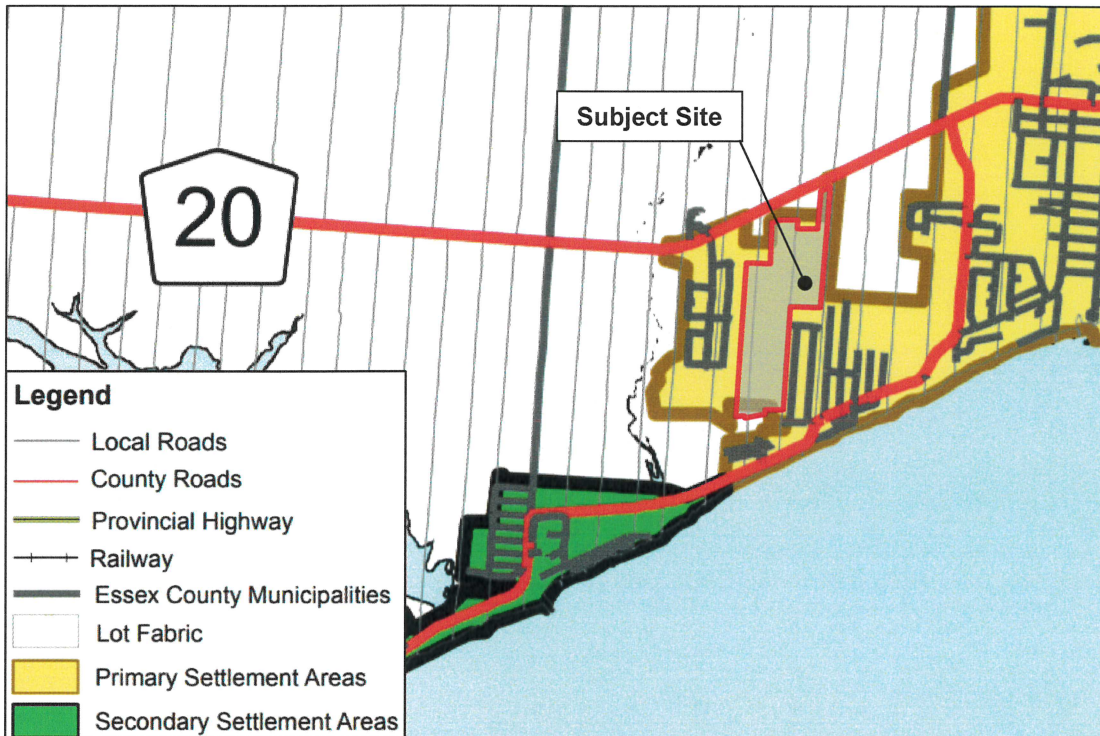


Figure 3 County of Essex Official Plan – Schedule A2 – Settlement Structure Plan

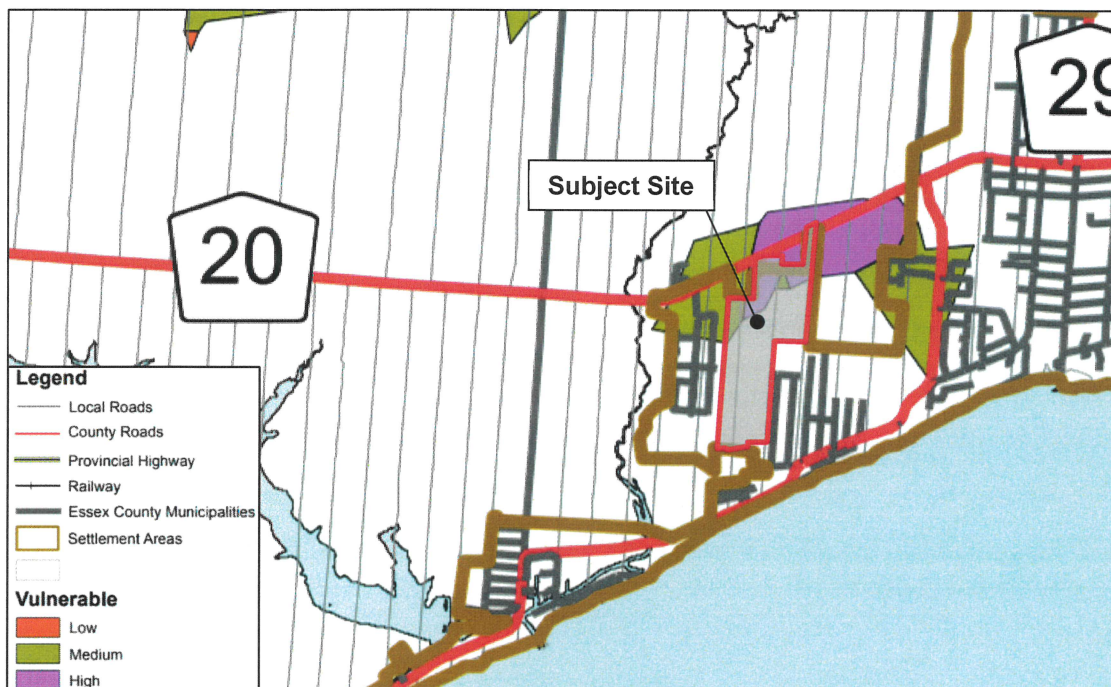
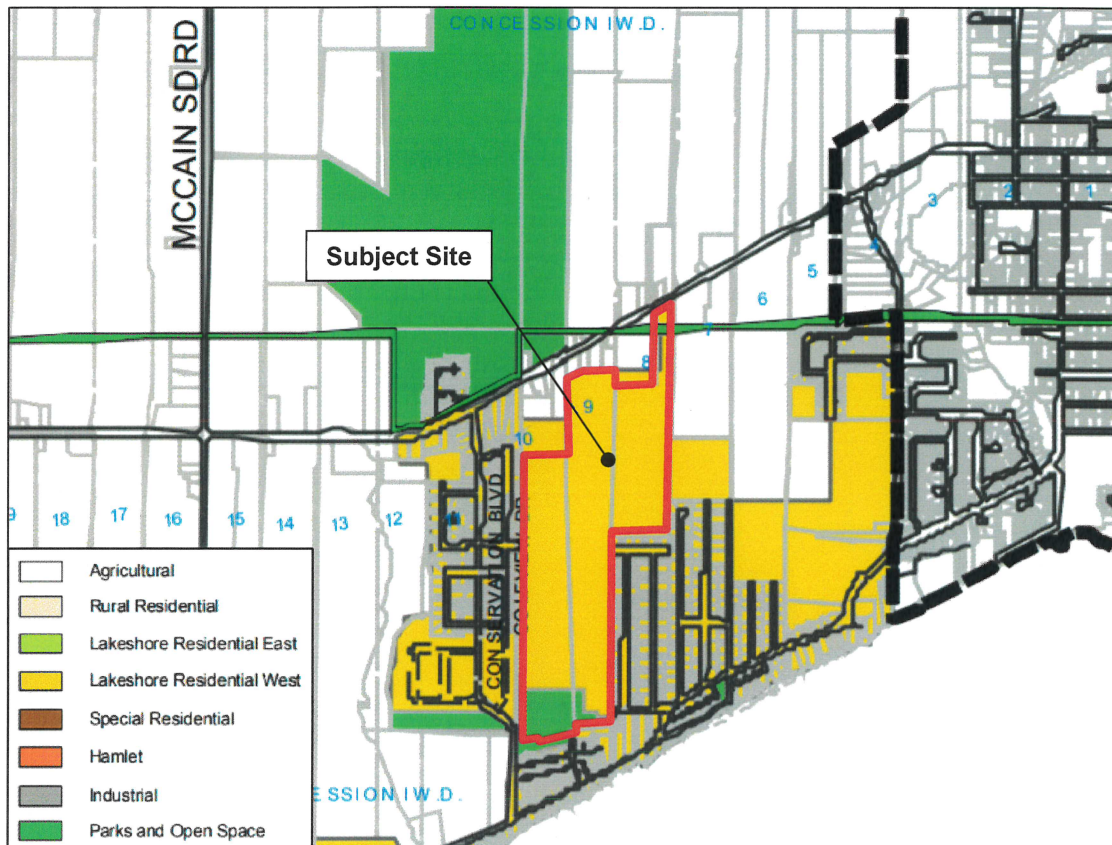


Figure 4 County of Essex Official Plan – Schedule C5 – Significant Groundwater Recharge Areas





**Figure 5 Town of Kingsville Official Plan – Schedule “A” - Land Use Plan**

## 4.0 PROPOSED DEVELOPMENT

This application constitutes a revised submission of the previously approved draft plan of subdivision, that reduces the number of residential lots, realigns streets to encourage traffic calming, and reconfigures parkland to improve design layout and efficiency.

The proponent intends to create a residential development that will offer a combination of single detached, semi-detached, and townhouse dwellings set within a modified grid street network. The modified grid pattern is in keeping with current sustainability initiatives by making it a walkable neighbourhood and reaching densities in an efficient and viable configuration. It also reflects with the precedent set by adjoining neighbourhoods and connects into the existing streets (Scratch Ln, Lake Dr, Championship Way, Creekview Blvd, and Essex St).

The proposed development has also reconfigured and improved the road network from the previous approval. One roadway design improvement includes the redirection of Creekview Blvd/Essex Street, that no longer provides a direct connection through the draft plan. By redirecting traffic, this design revision will deter shortcutting, reduce traffic speeds, and provide a safer neighbourhood street for residents. Curvilinear roads and cul-de-sacs have also been removed, improving circulation permeability, route options, and safety.

The north-south connection through this draft plan of subdivision, linking Heritage Road to County Road 20, has also been redesigned to reduce the length of road and number of lots being created in the first 5 phases. The proposed phasing of development has reduced the lot frontage by approximately 105 lots, improving the rate of which development will occur to make this connection approximately 8 years earlier than the previous draft plan approved by the OMB. This phasing concept has been designed to improve traffic circulation earlier in the development process, reducing traffic congestion at existing intersections while the extension of roads is created through to construction completion.

The total net residential area is approximately 33 ha in area and consists of 642 residential lots, representing a residential density of 19.7 units per net residential hectare. In general, the residential portion of the development will create 642 residential lots, a decrease of 331 lots from the original 2012 application and 108 lots less than the OMB approved design.

The perimeter lots are planned for single detached housing in a size and configuration consistent with those lots existing or planned immediately behind. This will provide a similar scale and built form to the existing/planned development of the adjacent lands. This also creates a transition between the existing larger single detached homes and the higher medium-density lots (semi-detached and townhouses) located central to the proposed draft plan. The higher-density housing is planned to consist of a combination of freehold townhouse and semi-detached dwellings with direct individual access from the respective fronting roads.

The commercial block located along the primary entry (Street "A") from County Road 20 will be used for neighbourhood commercial uses serving the nearby residents. Access and egress are provided from Street "A" and will not negatively impact the adjacent neighbourhoods. In total, there is 0.53 ha (1.3 ac) of commercial planned on a site with a depth of approx. 40 m.

Two public parks are proposed to be dedicated as parkland, providing both active and passive recreational opportunities for the Site and the surrounding neighbourhoods. A 6.2 ha (15.3 ac) community park is planned for the south end of the development, which provides opportunities for active recreational opportunities such as sports fields. The park has also been located proximity to a stormwater facility, located across Conservation Boulevard to the west, providing a connected network of open space. A smaller 0.29 ha (0.72 ac) local park is located near the north portion of the neighbourhood, centrally located and with street frontage along three sides (Streets 'D', 'G' and 'C') and will provide more passive open space for residents within a walking distance. The nature of the park spaces in terms of facilities and design have not yet been determined.

## 4.1 PROPOSED DRAFT ZONING BY-LAW AMENDMENT

A Zoning By-Law Amendment is proposed to rezone the subject lands from Agricultural (A1) Zone to facilitate the implementation of the proposed draft plan configuration. Residential areas will be rezoned to Lakeshore Residential (LR-\*) Zone with Special Provisions to permit a mix of residential uses and densities, including the development of single detached, semi-detached and townhouse uses. In addition, commercial lands in the northeast corner of the site are proposed to be rezoned to Neighbourhood Commercial (C1) Zone with special provisions to permit appropriate commercial/retail uses for both passers-by along Essex County Road 20 as

well as the daily needs of local residents. The two proposed parks will take on the Parkland (PG) Zone to permit public park uses.

**Table 1. Proposed Zoning**

Existing Zone	Proposed Zone
Agricultural (A1)	Recreational (PG) General Commercial (C4) Lakeshore Residential (LR-*)

## 4.2 DRAFT (LR-\*) ZONE SPECIAL PROVISIONS

In review of the applicable zoning requirements and the proposed development, the following special provisions are being requested for all residential lots, as follows:

### a) Permitted Buildings and Structures

The Buildings and Structures permitted in Section 6.7, as well as the following:

- i) Single Detached Dwelling
- ii) Semi-Detached Dwelling
- ii) Townhousing Dwelling

### b) Lot Area (minimum)

- i) Single Detached Dwelling 500 m<sup>2</sup>
- ii) Semi-Detached Dwelling 325 m<sup>2</sup>
- ii) Townhousing Dwelling 250 m<sup>2</sup>

### c) Lot Frontage (minimum)

- i) Single Detached Dwelling 15 m
- ii) Semi-Detached Dwelling 9 m
- ii) Townhousing Dwelling 9.5 m for the end units;  
8 m for the internal unit

### d) Lot Coverage (maximum)

52%

### e) Interior Side Yard (minimum)

1.5 m; however, where there is a common wall 0.0 m is required on a common wall side.

### f) Exterior Side Yard (minimum)

3 m

### g) Main building height (maximum)

10.6 m

**Table 2. Draft LR Zone Provisions Comparison**

Provision	Existing LR Zone	Proposed LR-(*) Zone with Special Provisions
a) Permitted Uses Buildings and Structures	One, single detached dwelling; Buildings and structures accessory to the Main use.	Single Detached Dwelling; Semi-Detached Dwelling; Townhouse Dwelling.
b) Lot Area (minimum)	<b>557 m<sup>2</sup> (5,995 ft<sup>2</sup>)</b> if the residence is connected to all three municipal water, sewer, and storm water services; <b>1,400 m<sup>2</sup> (15,070 ft<sup>2</sup>)</b> if the residence is not connected to any one of three municipal water, sewer, and storm water services.	Single Detached Dwelling - <b>500 m<sup>2</sup></b> ; Semi-Detached Dwelling - <b>325 m<sup>2</sup></b> ; Townhousing Dwelling - <b>250 m<sup>2</sup></b> .
c) Lot Frontage (minimum)	<b>18 m (59 ft)</b> if serviced by a municipal storm sewer; <b>24 m (78.5 ft)</b> if not serviced by a municipal storm sewer	Single Detached Dwelling - <b>15 m</b> ; Semi-Detached Dwelling - <b>9 m</b> Townhousing Dwelling: - <b>9.5 m</b> for the end unit; - <b>8 m</b> for the internal unit
d) Lot Coverage (maximum)	<b>40 %</b>	<b>52%</b>
e) Interior Side Yard (minimum)	<b>1.5 m (5 ft)</b> with an attached garage or carport; or <b>1.5 m (5 ft)</b> on one side of the main building and <b>3.0 m (10 ft)</b> on the other side when there is no attached garage or carport.	<b>1.5 m</b> ; however, where there is a common wall <b>0.0 m</b> is required on a common wall side.
f) Exterior Side Yard (minimum)	<b>4.5 m (15 ft)</b>	<b>3 m</b>
g) Main building height (maximum)	<b>11 m (36 ft)</b>	<b>10.6 m</b>



## 4.3 DRAFT C1-\* ZONE SPECIAL PROVISIONS

The following special provisions are being requested for all commercial lots, as follows:

a) Main Uses

The uses permitted in Section 8.1 as well as the following:

- i) Convenience store
- ii) Professional or General Office
- iii) Commercial School
- iv) Day Nursery
- v) Light Repair Shop
- vi) Medical Office
- vii) Personal Service Shop
- viii) Professional Studio
- ix) Retail Store (exclusive of motor vehicles or heavy machinery sales and service)
- x) Restaurant or Take-out Food Outlet
- xi) Veterinary clinic with indoor facilities only

## 4.4 DRAFT PLAN OF SUBDIVISION

The Draft Plan of Subdivision is shown in **Appendix 1**. The Draft Plan proposes to create:

- 642 total residential lots
  - 149 lots for single detached dwellings (Lots 1 to 149)
  - 434 lots for semi-detached dwellings (Blocks 151 to 164, Blocks 169 to 182, and part Block 183)
  - 59 lots for townhouse dwellings (Blocks 165 to 168 and part of Block 183)
- 2 parkland blocks (Block 184 and 185)
- 1 commercial block (Block 150)
- 16 new public streets (Streets A to P)

An easement is proposed to transect the large parkland (block 184) for stormwater drainage purposes.

**Table 3. Land Use Area Breakdown**

Land Use	Hectares	Percent
Commercial	0.527	1%
Community Park	6.159	12%
Local Park	0.29	0.6%
Circulation	11.568	22.6%
Residential	32.641	63.8%
<b>Gross Area</b>	<b>51.185</b>	<b>100%</b>

## 4.5 DEVELOPMENT PHASING

The proposed phasing for the subdivision is illustrated in Appendix 1 Draft Plan of Subdivision, which identifies a total of 13 potential phases of development. The larger community park is to be dedicated with the first phase of development. As such, the initial phase has been identified at the south end on the Site, including Street "A" from Lake Drive and Street "O" from Championship Way. A priority has also been made to connect the lands south of the Site to Essex County Road 20 via Street A within the first 5 phases. The remaining phases have been illustrated to provide a logical order and extension of municipal services.

## 5.0 SUPPORTING STUDIES

### 5.1 TRAFFIC IMPACT ASSESSMENT

An updated Traffic Impact Assessment (TIA) has been completed and updated by F. R Berry & Associates (June 2018 & January 2020 Addendum) using peak period traffic counts at key intersections surrounding the proposed subdivision:

- County Road 20 and County Road 23
- County Road 20 and Conservation Boulevard
- County Road 20 and County Road 50
- County Road 50 and Conservation Boulevard
- County Road 50 and Lake Drive

The report assumes an extended construction timeline, commencing with Phases 1 through 5, with initial access and servicing from County Road 50. It is expected that approximately 183 residential lots will be completed through Phases 1 to 5 of the subdivision completing a north-south connection with access to County Road 20 to the north and County Road 50 to the south. The remaining Phases 6 through 13 will round out the community once this roadway connection to County Road 20 is completed. With this expected timeline, it was agreed with County staff that the TIA would be undertaken generally as follows:

- Assessment of existing traffic conditions at five key intersections (identified in Section 2).
- Projection of background traffic volumes to 2023 and to 2028 on County Roads 20 and 50.
- Assessment of 2023 demand, including site generated traffic, on County Roads 20 and 50.
- Assessment of 2028 demand, including site generated traffic, on all five key intersection plus Street A.
- Undertake a high level overview of the potential impact at full development, no date specified.

An assessment of traffic impact of the commercial lot, located south of County Road 20, was excluded from this level of review as it would be more appropriate to be completed with site plan review when greater detail is available.

In summary of the assessment, intersection improvements will not be required, and traffic signals are not warranted at any of the 5 key intersections reviewed.

## 5.2 STORMWATER MANAGEMENT

An updated Stormwater Management Report has been prepared by Baird Architecture + Engineering (May 2019 and February 2020) to assess the potential impacts and management of stormwater produced by the proposed development. The study concludes:

- The proposed development of 54.65 ha in size will be required to provide quality mitigation measures of stormwater runoff.
- The preliminary storm sewer network is designed to convey the 5-year storm event based on Windsor rainfall data. All minor storm will convey through storm sewer network to Linden Beach Drain.
- For major storm events where surcharging of the storm sewers exceeds the ground surface, runoff will be conveyed via roadways, grass and swale to Linden Beach Relief Drain which outlet into Wagle Creek.
- Water quality is proposed to be provided by two Oil Grit Separators, located at the south end of the site.
- The existing Linden Beach Relief Drain open channel can convey all minor and major storm including 150mm 100-year stress test storm.
- A detailed maintenance plan should be incorporated into the detailed design.

The proposed development is located toward the downstream end of the Wagle Creek drain so quantity control is not required. The proposed Oil Grit Separators have been designed to adequately address water quality, by removing 85.6% of Total Suspended Solids.

Recommendations also include the provision of erosion and sediment control measures that will be further detailed with the tender process. The Report demonstrates that the proposed applications for Zoning By-law amendment and Draft Plan of Subdivision approval will not have negative impacts on the hydrogeological function of the Site.

## 6.0 PLANNING POLICY ANALYSIS

### 6.1 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (2020) 'PPS' was issued under Section 3 of the Planning Act and came into effect in May 2020. The PPS establishes the policy foundation for regulating the development and use of Land in Ontario and provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure.

The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and safety; and facilitate economic growth.

In our professional opinion, the planned commercial, parkland and residential development is consistent with the relevant policies and intentions of the PPS.

PPS Policy	Policy Consistency
<b>1.0 Building Strong Communities</b>	
1.1.1 Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;	The development proposes a mix of residential uses to meet long-term market demands. The site is also located in proximity to other existing and proposed residential, commercial, and park uses, and is a logical extension of municipal services resulting in efficient and cost-effective development.
b) accommodating an appropriate range and mix of residential, (including second units, affordable housing and housing for older persons), employment (including industrial, and commercial and), institutional uses), (including places of worship, cemeteries and long-term care homes), recreational, park and open space, and other uses to meet long-term needs;	The proposed development promotes efficient land use by providing a range of low and medium density residential development for its intended market and is near open space, commercial uses, municipal services, and a major transportation corridor.
c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;	The proposed land uses will not cause environmental or public health and safety concerns.
d) avoiding development and land use patterns that would prevent the efficient expansion of <i>settlement areas</i> in those areas which are adjacent or close to <i>settlement areas</i> ;	The proposed development is located within Kingsville's settlement area and fills a void in between non-contiguous development, improving the operation and maintenance of the road network and municipal services.
e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;	Full municipal services are proposed. No unplanned extension of municipal services is required to accommodate this development.
h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.	The proposed development is a large-scale intensification of agricultural land between non-contiguous residential development. The Site has historically been cleared and used for crop production, therefore does not have significant natural features present.
1.1.2 Sufficient land shall be made available through <i>intensification</i> and <i>redevelopment</i> and, if necessary, <i>designated growth areas</i> , to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years....  Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas....	The proposed development will assist in providing for the residential needs of the Town of Kingsville for the long-term, providing an anticipated 13 phases of residential development within the settlement boundary.
<b>1.1.3 Settlement Areas</b>	
1.1.3.1 <i>Settlement areas</i> shall be the focus of growth and development, and their vitality and regeneration shall be promoted.	The proposed development is entirely within Kingsville's settlement boundary. The proposed draft plan is an efficient utilization of agricultural land for urban development. The proposed density and mix of commercial, parkland and residential housing (single detached, semi-detached and townhouse



PPS Policy	Policy Consistency
	dwellings) represents an appropriate compact form that is appropriate for the location and market within Kingsville. The logical progression of phasing of the proposed draft plan will bring on convenient and necessary roadway connections to County Rd 20, which will allow for the timely rounding out of development for following phases.
<p>1.1.3.2 Land use patterns within <i>settlement areas</i> shall be based on:</p> <p>a) densities and a mix of land uses which:</p> <ol style="list-style-type: none"> <li>1. efficiently use land and resources;</li> <li>2. are appropriate for, and efficiently use, the <i>infrastructure and public service facilities</i> which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and</li> <li>3. minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> </ol>	<p>The proposed development contributes to a desirable land use pattern within the settlement area by being located within an area already identified and designated for development, making use of available and planned extensions of services, and being located in proximity to existing/future residential and commercial uses, reducing the need for and duration of private vehicle trips. The proposed development will provide a mix of housing forms in the overall development. In addition, opportunities for open space will provide active recreational opportunities for residents and surrounding communities and providing greenspace.</p>
<p>b. a range of uses and opportunities for <i>intensification and redevelopment</i> in accordance with the criteria in policy 1.1.3.3.</p>	<p>This Site represents the development of vacant/underutilized land between non-contiguous residential neighbourhoods. The proposed development provides valuable transportation and servicing network connections.</p>
<p>1.1.3.6 New development taking place in <i>designated growth areas</i> should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, <i>infrastructure and public service facilities</i>.</p>	<p>The proposed development is located adjacent to existing and developing residential development to the west and east, allowing for logical extensions of rights-of-way and public utilities.</p>
<p><b>1.4 Housing</b></p> <p>1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the <i>regional market area</i>, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide a mix of single detached, semi-detached, and townhousing choices to help meet both short and longer-term housing demands in Kingsville. The proposed development accommodates 13 phases, depending on market uptake.</p>

PPS Policy	Policy Consistency
<b>1.5 Public Spaces, Recreation, Parks, Trails and Open Space</b> 1.5.1 Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate <i>active</i> transportation and community connectivity;	<p>The proposed internal neighbourhood streets have been designed primarily using grid geometry, like adjacent residential developments, to provide connectivity and several routing options. However, the design has also consciously deterred short-cutting through the neighbourhood (i.e. Essex Road). Streets will provide traffic and pedestrian functionality and be designed in accordance with County and Town design parameters to provide a safe level of service.</p>
b) Planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for <i>recreation</i> , including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water- based resources;	<p>A small park and large park are planned to be dedicated with this subdivision design, providing open space for active recreational activities for the planned and neighbouring communities.</p>
c) Providing opportunities for public access to shorelines; and	<p>While not directly adjacent to the shoreline, this subdivision design aids in providing connectivity to the Lake Erie shoreline via Conservation Blvd and Scratch Ln.</p>
d) Recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.	<p>The proposed development allocates two park spaces to be integrated into the community and provides both passive and active recreational opportunities. Programming details have not yet been determined.</p>
<b>1.6 Infrastructure &amp; Public Services</b> 1.6.1 <i>Infrastructure</i> , electricity generation facilities and transmission and distribution systems, and <i>public service facilities</i> shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs....	<p>Municipal stormwater, wastewater, and water services are available at the property boundaries and capacity is available in the system, facilitating an efficient and cost-effective development.</p>
1.6.2 Planning authorities should promote green <i>infrastructure</i> to complement <i>infrastructure</i> .	<p>The proposed development dedicates two public parks that provide opportunities for improved water absorption, that may be improved by using increased topsoil depth, swales and other LID principles.</p>
1.6.6.2 <i>Municipal sewage services</i> and <i>municipal water services</i> are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing <i>municipal sewage services</i> and <i>municipal water services</i> should be promoted, wherever feasible.	<p>The development will utilize full municipal services, which are available at the property boundary of the Site.</p>

PPS Policy	Policy Consistency
<p>1.6.6.7 Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) minimize, or wherever possible, prevent increases in contaminant loads;</li> <li>b) minimize changes in water balance and erosion;</li> <li>c) not increase risks to human health and safety and property damage;</li> <li>d) maximize the extent and function of vegetative and pervious surfaces; and</li> <li>e) promote stormwater best management practices, including stormwater attenuation and re-use, and low impact development.</li> </ul>	<p>Stormwater will be appropriately managed and in accordance with all applicable municipal design standards. A stormwater management report has been prepared in accordance with Windsor-Essex Region Stormwater Management Standards Manual and submitted under separate cover.</p>
<p><b>1.6.7 Transportation Systems</b></p> <p>1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The site is immediately adjacent to County Road 20 and will extend local streets through to Conservation Boulevard and Lake Road to the south. New internal streets network will facilitate the safe and convenient movement of residents through the site and to adjacent communities.</p>
<p>1.6.7.2 Efficient use shall be made of existing and planned <i>infrastructure</i>, including through the use of <i>transportation demand management</i> strategies where feasible.</p>	<p>Existing municipal infrastructure is located at the boundary of the Site. A Traffic Impact Study has been prepared and submitted under separate cover.</p>
<p>1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and <i>active transportation</i>.</p>	<p>The proposed development includes a mix of residential and recreational uses in close proximity to commercial/business development to minimize the length and number of vehicle trips.</p>
<p><b>1.6.8 Transportation and Infrastructure Corridors</b></p> <p>1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.</p>	<p>This subdivision connects to the existing County Road 20, via local streets to be dedicated to the Town with subdivision registration. No additional utility or service corridors are anticipated.</p>
<p><b>1.7 Long-term Economic Prosperity</b></p> <p>1.7.1 Long-term economic prosperity should be supported by:</p>	
<p>a) Promoting opportunities for economic development and community investment readiness;</p>	<p>The proposed development supports Kingsville's long-term economic prosperity by providing for a range of residential development, contributing to the local economy, and making efficient use of existing and planned servicing and transportation infrastructure.</p>
<p>b) optimizing the long-term availability and use of land, resources, <i>infrastructure</i>, electricity generation and transmission and distribution systems, and <i>public service facilities</i>;</p>	<p>The proposed development is a logical extension of services provided by abutting residential development from the east and west, and transportation corridor (County Road 20) from the north, making use of underutilized land and public services.</p>

PPS Policy	Policy Consistency
c) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including <i>built heritage resources</i> and <i>cultural heritage landscapes</i> ;	A sense of place will be provided through well designed built form and physical and visual access to the open space/public park areas. No existing built heritage resources or cultural heritage features were identified on the property.
i) promoting energy conservation and providing opportunities for development of <i>renewable energy systems</i> and <i>alternative energy systems</i> , including district energy;	Energy conservation will be addressed primarily through the construction of high quality housing. Blocks oriented north-south also make use of solar exposure in windows to improve passive solar heating in winter months.
j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;	Contemporary sustainable building practices, combined with the green open space aids in minimizing the effects of climate change, while also providing some wildlife habitat or landscaping opportunities using native plant species.
<b>1.8 Energy Conservation, Air Quality and Climate Change</b> 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:	
a) promote compact form and a structure of nodes and corridors;	The proposed development plans to construct a relatively compact development, that is appropriately balanced with respect to local market conditions and the surrounding land use context.
b) promote the use of active transportation and public transit in and between residential, employment (including commercial and industrial and institutional uses) and other areas;	Active transportation is promoted by the inclusion of a local roadway connections, sidewalks and a connection to public parks.
e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; and	The proposed development adds to the mix of housing choice in proximity to commercial and business/employment uses on County Road 20.
f) promote design and orientation which: 1. maximize energy efficiency and conservation, and considers the mitigating effects of vegetation; and 2. maximizes opportunities for the use of <i>renewable energy systems</i> and <i>alternative energy systems</i> ; and	The subdivision plan promotes building orientation which utilizes passive solar capture to heat rooms in the winter season.
g) maximize vegetation within settlement areas, where feasible.	Parkland will be dedicated and may provide additional vegetation and planting of native plant species and provide additional wildlife habitat. Boulevard tree planting, where practical, will also aid in providing urban street coverage.
<b>2.1 Natural Heritage</b> 2.1.1 Natural features and areas shall be protected for the long term.	



PPS Policy	Policy Consistency
	Not applicable for this site, which was historically cultivated for crop production. No significant natural heritage features are present.
<b>2.2 Water</b>	
2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:	The Site is located within medium to high risk groundwater recharge zones. The existing site conditions were evaluated, and no concerns or issues are presented to the ground water or other hydrologic functions of natural features or waterbodies.
d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;	
f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;	The proposed development will utilize appropriate stormwater management practices. A Stormwater Management Report has been completed and submitted under separate cover.
h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.	
<b>2.3 Agriculture</b>	
2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.	The subject lands are within a defined settlement area, intended to focus growth and development.
<b>2.4 Minerals and Petroleum</b>	
2.4.1 Minerals and petroleum resources shall be protected for the long term.	Not applicable. There are no mineral or petroleum resources on this Site.
<b>2.5 Mineral Aggregate Resources</b>	
2.5.1 Mineral aggregate resources shall be protected for long term use....	Not applicable. There are no mineral or petroleum resources on this Site.
<b>2.6 Cultural Heritage &amp; Archaeology</b>	
2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no significant built heritage resources or cultural heritage landscapes on this Site.
2.6.2 <i>Development and site alteration</i> shall not be permitted on lands containing <i>archaeological resources or areas of archaeological potential</i> unless <i>significant archaeological resources</i> have been conserved.	A Stage 1-2 archaeological study has been completed for the Site.
<b>3.1 Natural Hazards</b>	
3.1.1 Development shall generally be directed to areas outside of:	
b) Hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.	The proposed development does not contain any natural or man-made hazards.
d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding	There are no floodways on the Site.
<b>3.2 Human-made Hazards</b>	

PPS Policy	Policy Consistency
<b>3.2.1</b> Development on, abutting or adjacent to lands affected by <i>mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations</i> may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.	Not applicable - there are no known human-made hazards or contamination on or adjacent to the Site.

## 6.2 COUNTY OF ESSEX OFFICIAL PLAN

The County of Essex Official Plan was adopted by County Council in 2014 and approved by MMAH April 28, 2014. The County of Essex Official Plan (OP) provides a policy framework and direction to the seven local municipalities with respect to land use planning matters. Local Official Plans are then prepared in conformity with the County OP. With regard to new development, the County establishes Settlement Areas based on growth projections and demands and dictates that these areas develop on full municipal services.

In our professional opinion, the planned commercial, parkland and residential development is consistent with the relevant policies and intentions of the County Essex Official Plan.

County of Essex Official Plan Policy	Consistency
<b>1.5 Goals for a Healthy County</b> c) To direct the majority of growth (including intensification and affordable housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas. These Primary Settlement Areas will serve as focal points for civic, commercial, entertainment and cultural activities.	The proposed development is located within the Kingsville Primary Settlement Area.
d) To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and transportation systems that create more sustainable, efficient, healthy, and livable communities.	
e) To create more mixed use, compact, pedestrian-oriented development within designated and fully serviced urban settlement areas.	The proposed draft plan is an efficient utilization of land for urban development. The proposed density and mix of commercial, parkland and residential housing (single detached, semi-detached and townhouse dwellings) represents an appropriate compact form that is appropriate for the location and market within Kingsville
f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.	The proposed development will provide a mix of housing forms in the overall development. In addition, opportunities for open space will provide active recreational opportunities for residents and surrounding communities and providing greenspace where residents can live and play.

County of Essex Official Plan Policy	Consistency
g) To prohibit urban forms of development outside of designated "Settlement Areas" and discouraging urban development in areas with partial municipal services.	The proposed development is located within the Kingsville Primary Settlement Area.
h) To create and maintain an improved balance between residential and employment growth in each of the Primary Settlement Areas, as detailed in Section 3.2 of this Plan, by increasing employment opportunities closer to where people live.	The proposed development contributes to a desirable land use pattern by making use of available and planned extensions of services, locating residential uses near higher order transportation corridors and commercial/business uses (County Road 20), reducing the need for and duration of private vehicle trips.
p) To protect and enhance the quality and quantity of ground and surface water and the function of sensitive ground water recharge/discharge areas, highly vulnerable aquifers, headwaters and Intake Protection Zones.	The Site is located within medium to high risk groundwater recharge zones. The existing site conditions were evaluated and no concerns or issues are presented to the ground water or other hydrologic functions of natural features or waterbodies.
q) To protect life and property by directing development away from natural and human-made hazards.	Not applicable, there are no hazards located on the site.
s) To support the creation of interesting and accessible public places to generate activity and vitality and attract people and business to Essex County communities.	Public street and parks will be designed to provide safe and walkable neighbourhoods inducing a sense of community pride.
<b>2.2 Growth Management</b>	
a) Direct non-resource related growth and development to settlements where it can be serviced, with a particular emphasis on Primary Settlement Areas.	Existing municipal services and connections are adjacent to the Site and provide a logical extension of municipal infrastructure.
c) Minimize adverse effects on agricultural lands and operations and be phased in accordance with the availability of appropriate types and levels of services.	The logical progression of phasing of the proposed draft plan will create convenient roadway connections to County Rd 20, which will allow for the timely rounding out of development for following phases.
<b>2.4 Flooding and Erosion (Natural Hazards)</b> <b>2.4.1 Lake St Clair, Detroit River, and Lake Erie</b> Local municipalities will identify areas susceptible to flood and/or erosion along areas of Lake St. Clair, Detroit River and Lake Erie in consultation with local Conservation Authorities....	There are no Natural Hazards within this Site.
<b>2.5 Water Resources Management</b>	
d) The County implementing necessary restrictions on development and site alteration to: i) protect all municipal drinking water supplies and designated vulnerable areas; and ii) protect, improve or restore vulnerable surface and groundwater, sensitive surface water features and sensitive ground water features and their hydrologic functions.	The Site is located within medium to high risk groundwater recharge zones. The existing site conditions were evaluated and no concerns or issues are presented to the surface or ground water resources. It was determined with all applicable that a Groundwater Study is not required.

County of Essex Official Plan Policy	Consistency
g) Ensuring stormwater management practices do not adversely affect stormwater flows or volume, minimize contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.	A stormwater management report has been completed and submitted under separate cover. No adverse impacts will be created with this development.
h) Promoting the use of Low Impact Development stormwater strategies and practices.	LID principles may be implemented on public parks and open spaces, increasing water absorption that improving quality and reducing quantity of runoff stormwater.
<b>2.5.2 Groundwater</b> 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.	The Site is located within medium to high risk groundwater recharge zones. The existing site conditions were evaluated and no concerns or issues are presented. It was determined that a Groundwater Study was not required.
<b>2.5.3 Stormwater Quality and Quantity</b> Stormwater management reports/plans, acceptable to the County, local municipalities, local Conservation Authorities, and the Ministry of the Environment will generally be required in advance of draft approval of applications involving lot creation and/or development or redevelopment.... Stormwater management reports and plans shall be prepared in accordance with the 2003 Ministry of the Environment Stormwater Management Guidelines, as amended, and other resource materials.	A Stormwater Management Report has been completed and submitted under separate cover. The Report has determined that no adverse impacts will be created with this development.
<b>2.7 Cultural Heritage and Archaeological Resources</b> a) Local Official Plans shall include policies to implement the identification, recognition and conservation of built heritage resources and cultural heritage landscapes of cultural heritage value or interest.	Not applicable; there are no cultural heritage features identified on the Site.
<b>2.8 Transportation</b> <b>2.8.1 Roads</b> e) Strive to minimize conflict between local and non-local traffic by protecting the County Road system depicted on Schedule "D1". The County shall discourage new development that would adversely impact traffic movement along the County Road system unless road improvements can be undertaken to eliminate the adverse impact. New development proposing access onto County Roads outside of "Settlement Areas" shall be managed according to the County's access policies.	The proposed subdivision is located within the Primary Settlement Area and connects into County Road 20. A Traffic Impact Study has been completed and submitted under separate cover. This development does not negatively impact the County Road.

County of Essex Official Plan Policy	Consistency
i) Ensure that development proposals that are likely to generate significant traffic are accompanied by a traffic impact study addressing the potential impact on the Provincial and County Road systems and the surrounding land uses and how to minimize any identified negative impact.	A Traffic Impact Study has been completed and submitted under separate cover. This development does not negatively impact the County Road.
<b>2.10 Sewage and Water Systems</b>	
a) Full municipal sewage services and municipal water services are the preferred form of servicing for all settlement areas.	Municipal services are provided to the Draft Plan boundary and capacity is available for the planned development.
<b>3.2 Settlement Areas</b> <b>3.2.2 Goals</b>	This Site represents the development currently vacant/underutilized land between non-contiguous developments. The proposed development provides valuable transportation and servicing network connections.
b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.	The proposed development will provide a mix of single detached, semi-detached and townhousing in the overall development. In addition, opportunities for open space will provide active recreational opportunities for residents and surrounding communities and providing greenspace.
c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.	The proposed development contributes to a desirable land use pattern within the settlement area by being located within an area already identified and designated for a range of residential uses.
d) To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.	Two public parks will be dedicated with the subdivision design to provide local residents, as well as surrounding communities, with places to congregate and recreate.
e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained within this Plan.	The proposed development provides a mix of residential uses with an appropriate density that makes use of available and planned extensions of services and is located in proximity to existing/future residential, increasing the population.
f) To support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth.	The proposed development supports the County's long-term economic prosperity by providing for a range of residential development, contributing to the local economy, and making efficient use of existing and planned servicing and transportation infrastructure.
i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.	The Site is located between two existing residential communities, making use of isolated agricultural land and making use of available and planned municipal services.
<b>3.2.4.1 Policies</b>	

County of Essex Official Plan Policy	Consistency
The following policies apply to Primary Settlement Areas:	
a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.	The Site is located within the Primary Settlement Area.
b) Primary Settlement Areas shall have 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 (or long-term plans for same).	The planned development abuts existing residential development and provided with available municipal services at the site boundary. The subdivision design allows for single detached, semi-detached and townhousing development in proximity to open space, and is well-connected allowing multiple routes through the community, which encourages walking and active forms of recreation.
c) 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 the local Official Plan that are in effect at the time of approval of this Plan.	The Site is located within the Primary Settlement Area and provided with municipal services at the site boundary.
d) 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.	The subdivision design generally uses a grid pattern with multiple local street connections and an appropriate range of residential and open space land uses that do not generate any negative environmental, health, or safety impacts

## 6.3 TOWN OF KINGSVILLE OFFICIAL PLAN

The Town of Kingsville Official Plan was adopted by council on December 19<sup>th</sup>, 2011 and later approved by the County of Essex on February 1, 2012. The Town of Kingsville Official plan guides future development within the Town for a twenty-year planning horizon. All forecasts of growth and related land uses requirements correspond to this planning period.

The Kingsville Official Plan outlines the general development intentions for the Kingsville community in an orderly and controlled allocation of land uses. This is initially controlled through the establishment of Settlement Areas that delineate areas to be considered for development as opposed to those deemed to remain in their form which for the most part is agricultural. As the subject site falls within the settlement area boundaries, the policies controlling the development are more supportive by directing development in certain considerations rather than opposing it.

In our professional opinion, the proposed Zoning and Draft Plan of Subdivision applications are consistent with the relevant policies and intentions of the County Essex Official Plan.



Kingsville Official Plan Policy	Consistency
<b>2.1 General</b> <b>2.1.1 Land Use Planning Principles</b> a) to create more compact development within designated and fully serviced urban settlement areas;	The proposed development will utilize an efficient grid pattern road layout, which will maximize densities in a compact urban form.
b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;	To maximize densities and maintain the intent to provide a range of housing types, the proposed zoning includes single-family detached, semi-detached, and medium-density townhomes, which are appropriate and desirable for this market area.
c) to promote opportunities for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities	Site servicing will be completed by the logical extension of the existing services adjacent to the development boundaries.
d) to discourage urban type development outside of the designated settlement areas of the Village of Cottam, the Hamlet of Ruthven and the Town of Kingsville;	The Site is located within the Town's primary settlement area and planned for future residential growth.
e) to create and maintain an improved balance between residential and employment growth;	The subdivision does not intend for employment uses; however, the increased population will add to local workforce and support local business viability.
h) to protect prime agricultural areas for agricultural use;	The proposed development is located within the primary settlement area and is not considered a prime agricultural area.
i) to protect remaining natural heritage features and other natural resources that are provincially and regionally significant;	There are no natural heritage features located on, or adjacent to, the Site. The subject lands have historically been actively cultivated for crop production and vegetation has been removed.

<b>2.3 Barrier Free Design</b> 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 proposed subdivision will be developed in accordance with the Town's Development Manual, ensuring a safe, convenient and accessible streets and sidewalks for its residents.
<b>2.8 Site Suitability</b> Prior to the approval of any development or amendments to this Plan and/or the Town's Zoning By-law, it shall be established to the satisfaction of Council that:	
a) soil and drainage conditions are suitable to permit the proper siting of buildings;	A geotechnical and servicing review confirms the site suitability for residential development.
b) the necessary services are available to adequately accommodate the proposed development;	Municipal services are available at the subdivision boundary and may be extended for abutting residential subdivisions east and west of the site.
c) no traffic hazards will result because of excess traffic generation or limited sight lines on curves or grades;	A Traffic Impact Study has been completed under separate cover that advises of any improvements needed to ensure no traffic hazards will result from the proposed development.
d) the land fronts on a public road which is of a reasonable standard of construction;	Various points of accesses are available for safe and convenient construction access to the phased development.
e) adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.	The proposed land uses are consistent with the development of the adjacent properties. The perimeter lots are larger in area, maintaining a consistent lot size with the abutting existing developments. Smaller and multi-family lots are located internal to the draft plan layout, reducing any perceived negative impacts.
<b>3.1 Agriculture</b> a) to preserve prime agricultural land for agricultural purposes;	The proposed subdivision is located within the primary settlement area and is planned for residential growth.
<b>3.6.4 Lakeshore Residential West Goals</b> 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;	The perimeter lots of the Draft Plan are larger in area, maintaining a consistent lot size with abutting existing single detached lots. Smaller single detached, semi-detached and townhouse lots are all internal to the draft plan layout, reducing any perceived negative impacts, to provide a gradual transition of residential densities.
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;	A servicing review has been completed for the proposed development and ensures that all municipal services are available, within capacity, and/or planned to be provided.

c) to encourage infilling of the existing development pattern;	The proposed draft plan is located between two existing residential developments, filling in a significant vacant area that would connect transportation and servicing networks, and is a logical extension of services.
d) to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy;	The proposed subdivision creates a variety of housing types, including single detached, semi-detached and townhousing providing housing choice for a wide range of household types and incomes. Opportunities for secondary suites, rental housing, or other opportunities will be available in accordance with Provincial Policy, the County OP, and other applicable policies of the Kingsville OP.
e) to ensure that expansions of the Lakeshore Residential West designation 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.	The development will be fully serviced in accordance with Kingsville's Development Manual and accommodated within expected level of service.
<b>3.6.4 Lakeshore Residential West Policies</b>  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 unit dwellings but may also include single unit detached, two unit and single unit attached dwellings. Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, may also be permitted;	The proposed subdivision design facilitates the construction of a variety of housing types, including single detached, semi-detached and townhousing dwelling types. A smaller pocket park will be dedicated as well as a larger community park, both providing active recreational opportunities. The park will also be adjacent to an existing Stormwater Management Facility (SWM) on the neighboring development, which will ultimately result in a larger open space for the community to utilize.
c) 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;	The development will be provided with full municipal services and constructed in accordance with Kingsville's Development Manual. A request to remove the existing holding zone will be required.
f) 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 allowed within the sewer service area.	
<b>4.5 Water Resources Goals</b>	

<p>The goals relating to water resources are:</p> <p>a) to protect, improve, restore and enhance the quality and quantity of surface and ground water;</p>	<p>The Site is located within medium to high risk groundwater recharge zones. The existing site conditions were evaluated, and no concerns or issues are presented. It was determined with all applicable parties that a Groundwater Study was not required.</p>
<p><b>6.1.4 Local Roads</b></p> <p>i) 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 Ministry of Transportation, 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.</p>	<p>All streets within the proposed subdivision layout are defined as local streets. Local roads within the proposed subdivision design have been designed for typical local roadways, to allow for safe access and traffic flows.</p>
<p><b>6.3 MUNICIPAL SERVICES</b></p> <p><b>6.3.1 Servicing Standards</b></p> <p>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.</p>	<p>The development will be fully serviced in accordance with Kingsville's Development Manual and accommodated within expected level of service.</p>
<p><b>7.1 General</b></p> <p>... 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 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....</p>	<p>As indicated above, the proposed subdivision development is consistent with the relevant policies of the Official Plans for the Town of Kingsville and the County of Essex, as well as the Provincial Policy Statement. To permit the proposed subdivision design, an amendment to the Zoning By-law will be required with this application.</p>

## 7.0 CONCLUSION

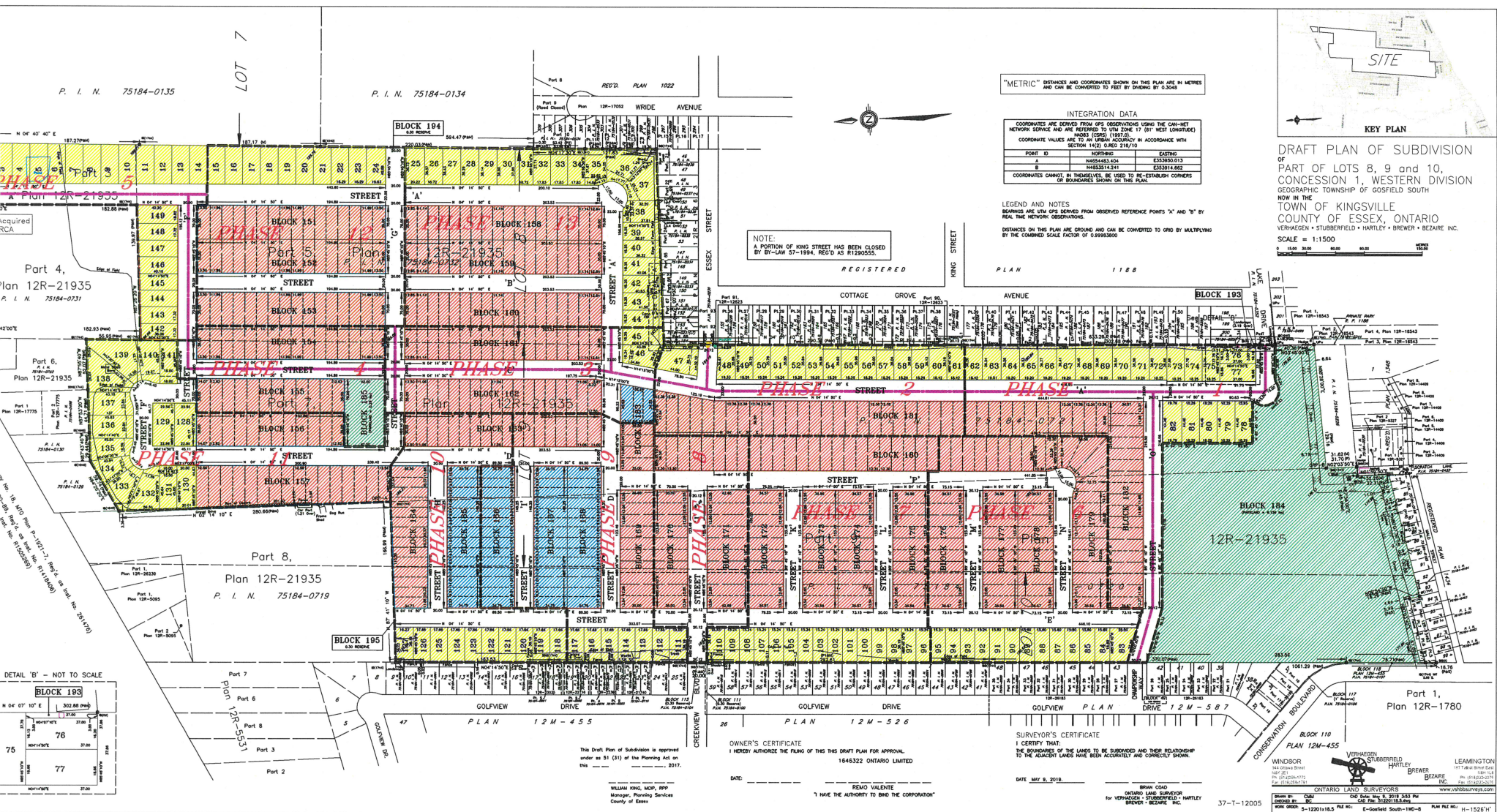
Stantec has been by 1646322 Ontario Limited to prepare this planning justification for their landholdings located south of County Road 20 and east of Golfview Drive. The applications being requested are improvements to the former Draft Plan of Subdivision approved by the Ontario Municipal Board. A total of 642 dwelling units are proposed, surrounding two public parks to be dedicated, and a commercial site adjacent to County Road 20. This Planning Justification Report, in review of the appropriate planning regulations and policies, concludes that the proposed applications are appropriate and represents good planning for the following reasons:

- The proposed applications are consistent with the policies of the Provincial Policy Statement (2014).
- The proposed applications are consistent with the County of Essex Official Plan.
- The proposed applications conform with the policies of the Lakeshore Residential West designation of the Town of Kingsville Official Plan.
- The proposed residential density and development will not have undue negative impacts to the existing residential development.
- The requested zoning and special provisions will permit single detached, semi-detached and townhousing, which is appropriate for this area and the surrounding neighbourhood context.
- The proposed draft plan creates an appropriate street layout and configuration of residential lots that comprise of best practices and good design principals.
- Parkland is proposed to be dedicated that will serve the local residents, as well as the surrounding communities providing amenity space for passive and active forms of recreation.
- The Site can be provided with full municipal services through existing service connections at the site boundary are is a logical extension of services; and
- The proposed development will not generate traffic that cannot be accommodated by the existing road network.

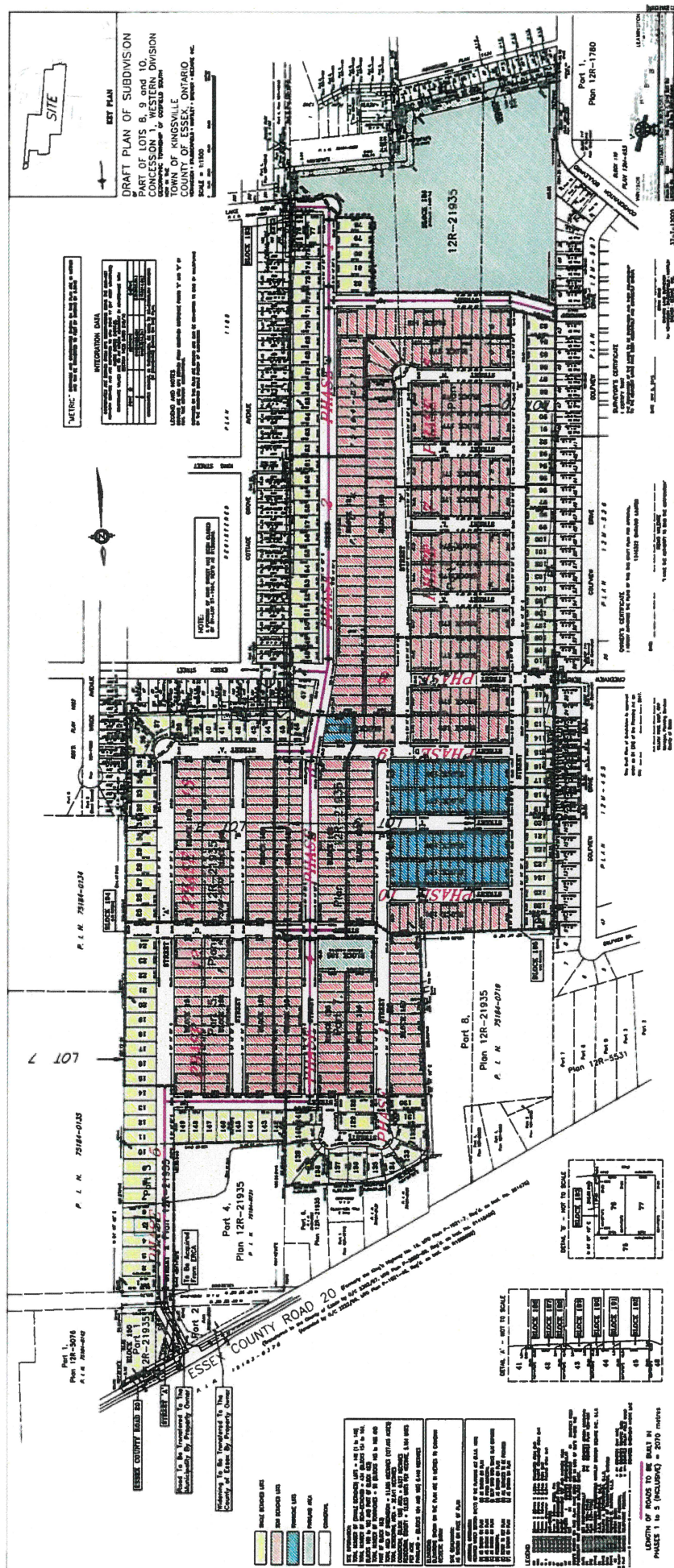
Based on the abovementioned items, it is our professional planning opinion that the submitted applications are consistent with sound planning principles and should be approved.

Appendix 1  
Draft Plan of Subdivision





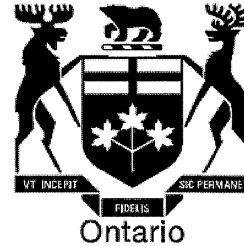




Appendix 2

OMB Decision PL140547

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** September 16, 2015

**CASE NO(S):**

PL140547

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	1646322 Ontario Limited
Subject:	Proposed Plan of Subdivision - Failure of County of Essex to make a decision
Purpose:	To permit a subdivision with 973 residential units, including single detached dwellings, semi-detached dwellings, townhomes, neighbourhood commercial and a regional park
Property Address/Description:	Concession 1, WD PT, Part of Lots 8, 9, 10, South of County Road 20
Municipality:	County of Essex
Municipal File No.:	37-T-12005
OMB Case No.:	PL140547
OMB File No.:	PL140547
OMB Case Name:	1646322 Ontario Limited v. Essex (County)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	1646322 Ontario Limited
Subject:	Application to amend Zoning By-law No. 59-1998 – Refusal or neglect of Town of Kingsville to make a decision
Existing Zoning:	"Agricultural (A1)" zone
Proposed Zoning:	"Lakeshore West Residential Exception Holding (R4-18(h))" zone
Purpose:	To permit a mixed use development comprised of single detached dwellings, semi-detached dwellings, townhomes, neighbourhood commercial and a regional park
Property Address/Description:	Concession 1, WD PT, Part of Lots 8, 9, 10, South of County Road 20

Municipality:	Town of Kingsville
Municipal File No.:	ZBA/16/12
OMB Case No.:	PL140547
OMB File No.:	PL140609

**Heard:** August 31, 2015 in Kingsville, Ontario

**APPEARANCES:**

<u>Parties</u>	<u>Counsel*/Representative</u>
1646322 Ontario Limited	A. Patton
County of Essex	C. Riley
Town of Kingsville	C. Riley

**DECISION DELIVERED BY S. JACOBS AND ORDER OF THE BOARD**

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**BACKGROUND**

[1] 1646322 Ontario Limited (the “applicant”) wishes to develop a subdivision south of County Road 20 in the Town of Kingsville (the “Town”). The Town refused the applicant’s request for a zoning by-law amendment (the “ZBA”) and the County of Essex (the “County”) failed to make a decision regarding the related draft plan of subdivision. The applicant therefore brought appeals to the Ontario Municipal Board (“the Board”) pursuant to s. 34(11) and s. 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the “Act”).

[2] At the outset of the hearing, counsel for the parties advised that they had reached a settlement resulting in a draft plan of subdivision containing 750 units (Exhibit 1, Tab 5, p. 1), in contrast to the 973 units originally proposed, and a draft ZBA (Exhibit 3).

[3] Jacqueline Lassaline, qualified to provide opinion evidence in the area of land use planning, testified in support of the settlement. The Board also received a witness statement from Karl Tanner, a land use planner retained by the Town and the County, in support of the settlement (Exhibit 4).

[4] Eight area residents testified as participants in opposition to the applications: Reg Tease, James Shean, David Croley, Nicole Ward, Cheryl Pracey, David Overbury, Cheryl Bogert, and Robert Adams. The Board notes that Tom Schinkelshoek also attended the hearing as a participant, but that he declined to testify, as his concerns had been addressed by the other participants.

### **The Subject Property**

[5] The subject property is an approximately 51.57 hectare ("ha") parcel located south of County Road 20 and north of County Road 50 (also known as 'Heritage Road'). The property is currently vacant, and though it has been used for agriculture, it is located within the urban settlement area of the Town.

[6] The subject property is located in between two existing plans of subdivision. Cottage Grove to the east is an existing residential plan of subdivision, while York subdivision, to the west, is completing the final phase of development of the residential plan of subdivision. To the north of the subject property, across County Road 20, is the Kingsville Golf and Country Club, which consists of a commercial golf course and a residential plan of condominium at the south-west corner of the golf course.

[7] The property is designated as Lakeshore Residential west in the Town's Official Plan ("OP") and is zoned Agriculture (A1) in the Town's Zoning By-law No. 1-2014 (the "Zoning By-law").

## **The Proposed Development**

[8] The proposal before the Board consists of a draft plan of subdivision containing a total of 750 residential units, with a mix of single detached, semi-detached, and townhouse units, to be constructed over 15 phases (Exhibit 1, Tab 5, Page. 1). Where proposed lots abut existing lots in the adjacent Cottage Grove or York subdivisions, those lots are proposed to match the dwelling type of the adjacent lot. The proposed subdivision also contains a commercial block at the north end that is limited to neighbourhood commercial uses in the draft ZBA (Exhibit 3, s. 3).

[9] The phases are proposed to be constructed from south to north so as to allow the Town and the County to assess traffic impacts and requirements on a phase-by-phase basis. The applicant would be required to enter into a new development agreement prior to constructing each phase, and the applicant would be required to complete a traffic impact study and, potentially, related traffic improvements. Ms. Riley submitted that this phasing is crucial to the Town and County, as their main shared concern is about traffic impacts of the proposed subdivision. At Phase 1, the subdivision will gain access by connecting Street 'I' to Lake Drive to the east, which allows for access to County Road 50, and to Golfview Drive to the west. The construction of phases 5 and 6 will entail a new connection at the north end of the subdivision, to County Road 20.

[10] The proposed Phase 1 consists of a 6.10 ha regional park that is to be shared with the York subdivision, in exchange for the proposed subdivision's use of the storm water management pond in the York subdivision.

## **ISSUES AND ANALYSIS**

[11] In considering the draft plan of subdivision and ZBA, the Board must determine whether the applications are consistent with the *Provincial Policy Statement 2014* (the

“PPS”) and conform to the Town and County OP. The Board must also have regard to the criteria set out in s. 51(24) of the Act when considering the draft plan of subdivision, and also considers whether the ZBA will result in any unacceptable adverse impacts.

### **Consistency with the PPS**

[12] Based on Ms. Lassaline’s evidence, the Board is satisfied that both the draft plan of subdivision and ZBA are consistent with the PPS. Specifically, Ms. Lassaline referred the Board to Policy 1.1.1 to support her opinion that the proposed development sustains healthy, livable and safe communities through its connection to existing municipal water and sewer services, the York and Cottage Grove subdivision road networks, providing a mix of housing types, and having servicing requirements that are well below the 1030 units allocated by the municipality.

[13] Ms. Lassaline also addressed Policy 1.1.2, which directs municipalities to make sufficient land available to meet projected needs for a time horizon of up to 20 years. In her opinion, the proposal is consistent with this policy, and is also consistent with the PPS’ Settlement Areas policies, being located in the Town’s urban settlement area and adjacent to existing built-up areas. She also noted that the proposal provides a mix of housing, consistent with Policy 1.4.3. The proposal’s provision of oversized parkland promotes healthy and active communities in accordance with Policy 1.5.

[14] Ms. Lassaline explained that there are hedgerows on the perimeter of the subject property that initially raised a concern about eastern foxsnake habitat. While further study did not identify any eastern foxsnake on the subject property, the oversized parkland allows for a 2:1 ratio of compensatory land area for the creation of snake habitat, and is therefore consistent with the PPS Natural Heritage policy 2.1.7.

[15] Mr. Croley indicated that the removal of agricultural land is inconsistent with the PPS. However, upon cross-examination, it became apparent that his comment related



to a previous version of the OP, as the current OP designates the subject property for residential use and it is part of the Town's settlement area.

[16] The Board finds that both the draft plan of subdivision and ZBA are consistent with the PPS.

### **Conformity to the Town and County OPs**

[17] The Board heard no evidence to contradict Ms. Lassaline's opinion that the proposal conforms to both the Town and County OP. The County OP directs that the majority of development should occur in the Primary Settlement Area of a municipality; as the proposed plan of subdivision is located in the Town's settlement area, it conforms to this policy (s. 3.2.1). In addition, Ms. Lassaline explained, the proposal meets the County OP's goals for settlement areas including providing for a range of housing types and ensuring the efficient use of land, resources, water and sanitary facilities (s. 3.2.2), and supporting residential intensification (s. 3.2.6(b)).

[18] As noted above, the subject property is designated Lakeshore Residential West in the Town OP. The policy direction for this designation is for infill development to occur in a manner that is in keeping with the capacity of the services available in the municipality (s. 3.6.4). Given that the development is an infill between two existing residential subdivisions and that municipal services are available, it is Ms. Lassaline's opinion that the proposal conforms to this policy. The applicable residential policies allow for a range of dwelling types, with which the proposal conforms (s. 3.6.1).

[19] The Board finds, based on Ms. Lassaline's uncontradicted evidence regarding the OPs, that the draft plan of subdivision and ZBA conform to both the Town and County OP.

**Criteria in s. 51(24) of the Act and Adverse Impacts**

[20] Section 51(24) of the Act sets out several criteria for the Board to have regard to in considering a draft plan of subdivision. Two of the criteria were at issue in the hearing: (1) whether the proposed subdivision is premature or in the public interest (s. 51(24)(a)); and (2) the adequacy of roads within and adjacent to the subdivision (s. 51(24)(e)). Based on the testimony of the participants, it was evident to the Board that these concerns are also tied to concerns about unacceptable adverse impacts of the ZBA.

[21] Many of the residents questioned whether this plan of subdivision is premature, given the availability of land to be developed in the Town. Ms. Lassaline and Mr. Tanner agree that there is currently a 9.6 year supply of draft approved lots available for development in the Town (Exhibit 1, Tab 25, p. 5 and Exhibit 4, Page. 11). Given the number of lots proposed and the phasing plan, the Board concurs with Ms. Lassaline's opinion that the proposal is not premature, and refers to her earlier evidence about the proposal's conformity with Policy 1.1.2 of the PPS regarding the availability of land for a 20 year time horizon.

[22] The concerns relating to the public interest and roads are interrelated. Nearly all of the participants raised concerns about the traffic from the proposed subdivision, particularly regarding the south to north phasing plan that will initially rely on an access from Lake Drive to County Road 50. Many participants noted the poor condition of this road and questioned its ability to handle the additional traffic from this subdivision. They also raised concerns about the rate of phasing of the subdivision, including a concern that all 15 phases could be developed simultaneously. Mr. Tease also spoke of current traffic concerns within and adjacent to the existing subdivisions, including the need for speed bumps that the municipalities have not addressed.

[23] As Ms. Riley noted, traffic is currently a concern for the existing subdivisions. She submitted that the proposed phasing will allow the Town and the County to address these concerns as the subdivision develops, revisiting them with the development of each phase. She referred the Board to the proposed conditions of draft plan approval (Exhibit 6), which may require the applicant to conduct a Traffic Impact Study and to construct any necessary traffic improvements. She also referred the Board to the draft ZBA, which requires the applicant to enter into a development agreement in order for the holding provision for each phase to be removed (Exhibit 3). The Board agrees with her characterization that there are checks and balances in place to allow the municipalities to ensure that any traffic concerns are addressed as the subdivision develops. The Board also agrees with Ms. Riley that, until the Town and County know exactly how this 750-unit will progress, specific traffic improvements cannot be determined.

[24] Several participants also raised concerns about servicing and drainage, questioning whether the Town has servicing capacity for the subdivision, and whether the subdivision will cause drainage problems. As noted earlier, Ms. Lassaline advised that the subdivision's servicing requirements are well below what has been allocated by the Town. Further, the conditions of draft plan approval require the municipality to confirm that capacity is available prior to approving each phase of the subdivision. The conditions also require the applicant to enter into a subdivision agreement that will address stormwater management.

[25] It was apparent to the Board that the participants had not had an opportunity to consider the proposal before the Board, other than through Ms. Lassaline's evidence at the hearing. Their testimony was largely based on the earlier proposal for a 973-unit subdivision concept that had been discussed at a public meeting for the ZBA. That said, the Board takes seriously the concerns of the residents with regard to traffic impacts and related safety concerns. In fact, as Ms. Riley submitted, these concerns are paramount to both the Town and the County. This is reflected in the 15-phase plan before the Board, which the Board is satisfied will allow the municipalities to assess the

traffic issues and potentially require improvements at each and every phase of the proposed development.

[26] The Board finds that the proposed subdivision is appropriate having regard to the criteria set out in s. 51(24) of the Act and that the ZBA will not result in any unacceptable adverse impacts.

## **CONCLUSION**

[27] The Board finds that the proposed subdivision and draft ZBA are consistent with the PPS and conform to both the County and Town OPs. The Board is satisfied that the subdivision is appropriate having regard to the criteria set out in s. 51(24) and that the ZBA will not result in any adverse impacts. While the Board is sympathetic to the concerns expressed by the residents, it notes that they have not had an opportunity to fully review the revised plan of subdivision and to seek clarification from municipal staff. As Ms. Riley explained, many of the residents' concerns will be addressed as this development unfolds, either through the conditions of draft plan approval or the development agreement required at each phase of the subdivision.

## **ORDER**

[28] The appeals are allowed in part. Town of Kingsville By-law No. 1-2014 is amended in accordance with Attachment 1.

[29] The draft plan of subdivision as shown in Exhibit 1, Tab 5, page 1, is approved subject to the fulfillment of the conditions set out in Exhibit 6 and included here as Attachment 2.

*"S. Jacobs"*

S. JACOBS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248



# ATTACHMENT 1

## THE CORPORATION OF THE TOWN OF KINGSVILLE

### BY-LAW NUMBER ##-2015

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*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 regulating the use of lands and the character, location and use of buildings and structures within the Corporation of 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 there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

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

1. That Subsection 6.7 Lakeshore Residential West Exceptions is amended with the addition of the following new subsection:

**"6.7.29 Lakeshore Residential Exception 29 (LR-29(h)) zone:**

No person shall, within the (LR-29(h)) zone, use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

**6.7.29.1 Permitted Uses**

Those uses permitted under Subsection 6.7 a);

**6.7.29.2 Permitted Buildings and Structures**

Those buildings and structures permitted under Subsection 6.7 b);

**6.7.29.3 Regulations**

Notwithstanding provisions under Subsection 6.7 c) the following provisions shall apply to lands zoned (LR-29):

- i) Lot area (minimum) = 464 m<sup>2</sup>
- ii) Lot frontage (minimum) = 15 m
- iii) Lot coverage (maximum) = 50 %
- iv) Building height (maximum) = 10.6 m
- v) Front yard (minimum) = 6 m
- vi) Interior Side Yard (minimum) = 1.5 m on both sides of the main building and 3.0 m on the other side of the main building when there is no attached garage or carport;
- vii) Exterior Side Yard (minimum) = 3.0 m
- viii) Combined total of lots zoned (LR-29) and (LR-30) shall not exceed 750 lots.

ix) the Holding (h) provision will be removed by phase and after authorization of a development agreement by Council."

2. That Subsection 6.7 Lakeshore Residential West Exceptions is amended with the addition of the following new subsection:

**6.7.30 Lakeshore Residential Exception 30 (LR-30(h)) zone:**

No person shall, within the (LR-30(h)) zone, use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

**6.7.30.1 Permitted Uses**

The uses permitted in Subsection 6.7 as well as the following:

- a) Residential uses
- b) Home occupation;
- c) Accessory uses

**6.7.30.2 Permitted Buildings and Structures**

The buildings and structures permitted in Subsection 6.7 as well as the following buildings are permitted on property zoned (LR-30):

- a) Single detached dwelling
- b) Two unit dwelling (semi-detached)
- c) One unit of semi-detached
- d) One unit of a townhouse complex (single unit attached)
- e) Accessory buildings

**6.7.30.3 Zone Provisions**

All lot and zone requirements shall be in compliance with the following table:

	<b>Single detached</b>	<b>Semi-detached</b>	<b>Single unit of a semi-detached</b>	<b>Townhouse (single attached per unit)</b>
<b>Lot Area (minimum)</b>	484 m <sup>2</sup>	557 m <sup>2</sup>	289 m <sup>2</sup>	223 m <sup>2</sup>
<b>Lot Frontage (minimum)</b>	15 m	18 m	8.8 m for an interior lot and 11.8 m for a corner lot	7 m for an interior lot; 8.8 m for a lot containing an exterior unit; 11.8 m for a corner lot
<b>Lot Coverage (maximum)</b>	50%	52%	52%	52%
<b>Front Yard (minimum)</b>	8 m	6 m for unit 1 5.4 m for unit 2	6 m for unit 1 5.4 m for unit 2	6 m for unit 1 5.4 m for unit 2 6 m for unit 3 5.4 m for unit 4 6 m for unit 5
<b>Building Height (maximum)</b>	10 m			
<b>Interior Side Yard (minimum)</b>	1.5 m side yard with an attached garage or carport for each dwelling unit, or			

	1.5 m on one side of the main building and 4.5 m on the other side when there is no attached garage or carport, and 0 m for the common wall side of a single attached unit (2 units or more)
Exterior Side Yard (minimum)	3.0 m
Rear yard (minimum)	6 m
Combined total of lots	For lands zoned (LR-29) and (LR-30), the combined total number of lots shall not exceed 750 lots
Holding provision removal	The Holding (h) provision will be removed by phase and after authorization of a development agreement by Council

3. That Subsection 8.1 Neighbourhood Commercial Exceptions is amended with the addition of the following new subsection:

**8.1.1 Neighbourhood Commercial Exception 1 (C1-1(h)) zone:**

No person shall, within the (C1-1(h)) zone, use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

**8.1.1 Permitted Uses**

The uses permitted in Subsection 8.1 as well as the following:

- a) Convenience store;
- b) Professional or General Office;
- c) Commercial School;
- d) Day Nursery;
- e) Light Repair Shop (exclusive of lawn and garden equipment, and scooters);
- f) Medical Office;
- g) Personal Service Shop;
- h) Professional Studio;
- i) Retail Store (exclusive of motor vehicles or heavy machinery sales and service);
- j) Restaurant or Take-out Food Outlet;
- k) Veterinary clinic with indoor facilities only.

**8.1.2 Zone Provisions**

Notwithstanding provisions under Subsection 8.1.1 the following provisions shall also apply to lands zoned (C1-1(h)).

- a) The Holding (h) provision will be removed by phase and after authorization of a development agreement by Council."

4. Schedule 'A' to By-law 1-2014 is hereby amended by changing the zone category of lands depicted on Schedule 'A' attached hereto from 'Agriculture (A1)' zone in the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville to 'Neighbourhood Commercial Exception 1 (C1-1(h))' zone

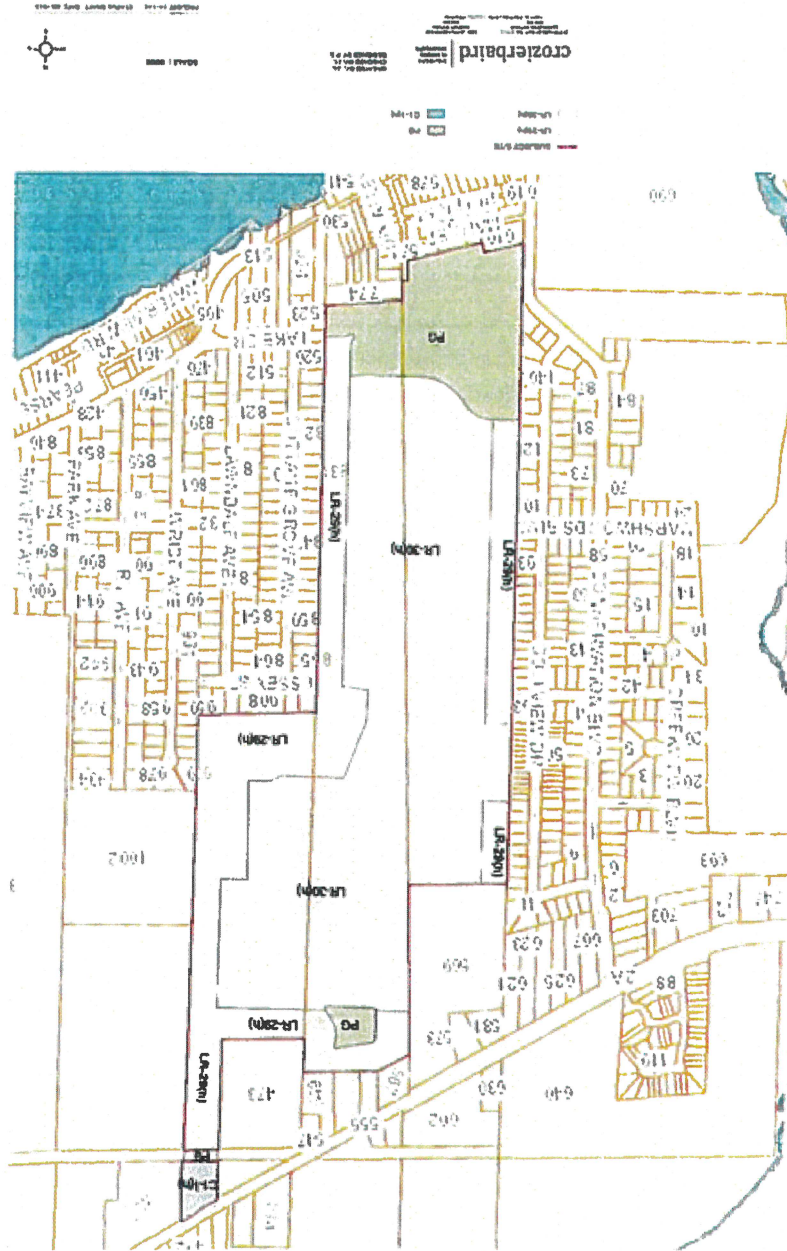
5. Schedule 'A' to By-law 1-2014 is hereby amended by changing the zone category of lands depicted on Schedule 'A' attached hereto from 'Agriculture (A1)' zone in the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville to 'Parkland (PG)' zone.
6. Schedule 'A' to By-law 1-2014 is hereby amended by changing the zone category of lands depicted on Schedule 'A' attached hereto from 'Agriculture (A1)' zone in the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville to 'Lakeshore Residential Exception 29 Holding (LR-29 (h))' zone.
7. Schedule 'A' to By-law 1-2014 is hereby amended by changing the zone category of lands depicted on Schedule 'A' attached hereto from 'Agriculture (A1)' zone in the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville to 'Lakeshore Residential Exception 30 Holding (LR-30 (h))' zone.
8. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
NELSON SANTOS, MAYOR

\_\_\_\_\_  
SANDRA KITCHEN, CLERK

**SCHEDULE 'A'**  
**BY-LAW -2015**



# ATTACHMENT 2

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9, and 10, Concession 1,  
Western Division (Gasfield South)

**Date of Decision:** DRAFT  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

## NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision  
Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. A copy of the decision is attached.

### When and How to File An Appeal

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) set out the reasons for the request for the appeal (a helpful form is available from the OMB website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca)), and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario.

### Who Can File An Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal to the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the County, made oral submission at a public meeting or written submissions to the Council or, in the Ontario Municipal Board's opinion, there is reasonable grounds to add the person or public body as a party.

### Right of Applicant or Public Body to Appeal Conditions

The applicant, the Minister, the Municipality, or any public body that, before the County made its decision,

made oral submissions at a public meeting or written submissions to the County, may at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County to the Ontario Municipal Board by filing with the County a notice of appeal.

### How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, or made a written request to be notified of the changes to the conditions.

### Other Related Applications

None.

### Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Kingsville.

### Mailing Address for Filing a Notice of Appeal:

County of Essex  
Attention: William King, Manager, Planning Services  
360 Fairview Avenue West  
Essex, ON N8M 1Y6  
Tel: (519) 778-6441, Ext 1329  
Fax: (519) 778-4455



**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

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The County of Essex conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

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**No. Conditions**

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1. That this approval applies to the draft plan of subdivision, prepared by Andrew Mantha, O.L.S. dated October 11, 2012, that shows a total of one hundred and forty-nine (149) lots and/or blocks for nine hundred and seventy-three single detached, semi-detached, townhouse and multi-family residential uses, one block for parkland (Block 34), and two blocks for commercial uses (Blocks 32 and 33).
2. That the Owner enters into a subdivision agreement with the Municipality wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges, provisions of roads, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.
3. That the subdivision agreement between the Owner and the Municipality contain provisions requiring financial contributions be made and/or secured to the Municipality including all required letters of credit, cash securities and insurances. Securities will not be released or reduced until after final completion of all required municipal infrastructure and services and any and all deficiencies have been addressed to the satisfaction of the Municipality.
4. That the subdivision agreement between the Owner and the Municipality be registered against the lands to which it applies prior to the registration of the plan of subdivision.
5. That the road allowances included in this draft plan shall be shown and dedicated as public highways, and that dead ends and open sides of road allowances created by this plan of subdivision, shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
6. That the streets shall be named to the satisfaction of the Municipality.
7. That the Owner convey up to 5% of the land included in the plan to the Municipality for park or other recreational purposes. Alternatively, the Municipality may require cash-

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

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in-lieu of all or a portion of the conveyance. This shall include Block 34 as shown on the draft plan.

8. That prior to final approval by the County of Essex, the County is to be advised by the Municipality that this proposed subdivision conforms to the zoning by-law in effect.
9. That the Owner shall provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility.
10. That prior to final approval, the Municipality shall confirm that sewage treatment conveyance capacity and water supply capacity is available for all lots in the proposed development.
11. That the subdivision agreement between the Owner and the Municipality contain provisions to the satisfaction of the Municipality and the Essex Region Conservation Authority, that the Owner finalize, to the satisfaction of the Municipality and the Essex Region Conservation Authority, the report entitled "Valerie Residential Subdivision Draft Stormwater Management Report Prepared for 1646322 Ontario Limited" prepared by Stantec Consulting Ltd. dated April 11, 2012, and install all stormwater management measures identified in the final report as part of the development of the site.
12. That prior to final approval the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans/reports and requirements noted above in Condition 11.
13. That prior to undertaking construction or site alteration activities, any necessary permits or clearances be received from the Essex Region Conservation Authority.
14. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board and the Municipality, requiring sidewalks or a hard surface pad to facilitate bus stops, student safety and walkers.
15. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Windsor-Essex Catholic District School Board, the Greater Essex County District School Board, and the Municipality, requiring notice on

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

---

title for purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.

16. That prior to final approval, of any phase in the development, by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final 12M plan.
17. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Canada Post Corporation and the Municipality, requiring notice on the title for purchasers of lots to be aware of the locations of any community mailboxes within or serving the plan and that mail delivery will be provided via community mailboxes.
18. That prior to site alteration of any kind, and final approval by the County of Essex, the Owner shall provide to the Municipality and the County, a "Letter to Proponent", along with any other letters/authorizations/directions from the Ministry of Natural Resources and Forestry, and confirm that any site alteration will be completed in accordance with the Endangered Species Act, 2007.
19. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that require the Owner to finalize the report entitled "Environmental Evaluation for a Proposed Subdivision known as Valente-Kingsville Subdivision on Part Lots 8, 9 and 10, Front Concession, Town of Kingsville, Ontario", dated October 15, 2012 and prepared by Gerry Waldron, Consulting Ecologists, and implement all recommendations contained in the final report to mitigate the potential impacts on the natural features or their ecological functions on the subject and adjacent lands, and address any concerns regarding Threatened and Endangered Species and/or habitats under the Provincial Policy Statement and the Endangered Species Act.
20. That prior to site alteration of any kind, and final approval by the County of Essex, the Municipality and the County shall be provided with a clearance letter from the Department of Fisheries and Oceans (DFO) confirming compliance with the requirements of the Fisheries Act and the Species at Risk Act (SARA).
21. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the County of Essex Engineer, that require that the Owner prepare a Traffic Impact Study, to the satisfaction of the

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

---

Municipality and the County of Essex Engineer, and to construct any highway improvements identified in the final report as part of the development of the site.

21. That prior to final approval by the County of Essex, the County is advised in writing by the Municipality how Conditions 1 to 11 inclusive, and 14 to 20 inclusive have been satisfied.
22. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how Conditions 11 to 13 inclusive have been satisfied.
23. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 14 and 15 have been satisfied.
24. That prior to final approval by the County of Essex, the County is advised in writing by the Windsor-Essex Catholic District School Board how Condition 15 has been satisfied.
25. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Condition 17 has been satisfied.

#### **NOTES TO DRAFT APPROVAL**

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "37-T-12005".
2. We suggest that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the owner of the land has been certified under the Certification of Titles

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

---

Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of the Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding any further with this plan of subdivision, a consultant(s) should be engaged to conduct the necessary investigations.
5. The Ministry of the Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One Networks Inc. (HONI) facilities or any other local electrical utility that are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One Networks Inc. (HONI) or any other local electrical utility are to be respected.
8. The developer should contact the local Hydro One Networks Inc. Services office or other local electrical utility to verify if any low voltage distribution lines may be affected by this proposal.
9. The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

---

communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.

10. It is suggested that the Municipality register the subdivision agreement as provided by subsection 51(26) of the Planning Act, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.
11. Clearances are required from the following agencies:

Mr. Robert Brown  
Town of Kingsville  
2021 Division Road North  
Kingsville, ON N9Y 2Y9

Mr. Mike Nelson  
Essex Region Conservation Authority  
360 Fairview Avenue West  
Essex, ON N8M 1Y6

Mr. Peter Neice  
Greater Essex District School Board  
451 Park Street West, P.O. Box 210  
Windsor, ON N9A 6K1

Mr. Mario Iatonna  
Windsor-Essex Catholic District School Board  
1325 California Avenue  
Windsor, ON N9B 3Y6

Mr. Tom Zadorsky  
Canada Post Corporation  
955 Highbury Avenue North  
London, ON N5Y 1A3

**Applicant:** 1646322 Ontario Limited  
**File No.:** 37-T-12005  
**Municipality:** Town of Kingsville  
**Location:** Part of Lots 8, 9 and 10, Concession 1  
Western Division (Gosfield South)

**Date of Decision:**  
**Date of Notice:**  
**Last Date of Appeal:**  
**Lapsing Date:**

---

If the agency's clearance concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. The County of Essex does not require a copy of the agreement.

12. All measurements in subdivision and condominium final plans must be presented in metric units.
13. The approval of the draft plan will lapse on \_\_\_\_\_. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses because no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Town of Kingsville.





Design with community in mind