



Date: August 14, 2023

To: Mayor and Council

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Manager of Planning

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RE: ZBA-2023-12 – Town-wide Parks and Open Space Zoning By-law
Update

RECOMMENDED ACTION

1. That the establishment of the 'Environmental Reserve District' (ERD) as described in this report and the amending by-law **BE APPROVED**;
2. That Zoning By-law Amendment ZBA-2023-12 to update the zoning of multiple environmental, park, and open space parcels in the Town of Kingsville **BE APPROVED**; and,
3. **By-law 49-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has initiated a Local Comprehensive Review (LCR) to develop land inventories for the Kingsville settlement areas. Through this process, a number of Town parks and Town-owned lands were found to retain original Residential, Commercial, and/or Industrial zones, and were not rezoned to reflect their change of use.

The Town's parks and open spaces, as well as ERCA-owned lands, within the municipality require proper zoning to ensure they are held for their intended use, now and into the future.

Administration is proposing that appropriate Town or Conservation Authority lands in various locations across Kingsville are to be rezoned as either Parkland (PG),

Recreation (RG), Public Utilities and Services (MG), Wetland (WE), and/or a new Environmental Reserve District (ERD) zone.

Administration is proposing the introduction of a new environmental zone called 'Environmental Reserve District' (ERD). The purpose of this zone will be to protect and hold lands with environmental features not currently intended for recreational or park use and that do not fall within the current Wetland (WE) or Natural Environment (NE) zoning. ERD-zoned lands may be used in the future as parkland or kept as environmental/natural heritage lands to the ecological benefit of the community.

Location maps showing the zoning changes are attached as Appendix A.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

The PPS provides policy direction on the management of land use and development patterns. The PPS describes recreation, parks, trails, and open space as efficient land uses for the sake of healthy, liveable communities, stating: "Healthy liveable communities are sustained by:

- (b) Accommodating an appropriate mix of recreation, park, and open space to meet long-term needs" (Section 1.1.1).

Section 1.5.1 states that, "Healthy, active communities should be promoted by:

- (b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;"

Comment: There are no issues of Provincial significance raised as a result of the proposed zoning by-law amendments. The Province recommends the planning of parks and open space for the intent of long-term use toward community well-being.

2) Town of Kingsville Official Plan

The majority of the subject properties are designated 'Park and Open Space' and subject to the policies under Section 3.5 of the Official Plan for the Town of Kingsville.

In the Policies section of the 'Park and Open Space' designation, the following criteria are established for official plan and zoning bylaw amendments:

- a) Within the area designated "Parks and Open Space", the predominant use of land shall be for active or passive parks, public or private recreational uses

and facilities including golf courses, private clubs, picnic areas and conservation lands;

Comment: 'Parks and Open Space' designation is intended for parks and green space.

A number of other subject properties are designated 'Agriculture', 'Residential', 'Lakeshore Residential West', 'Lakeshore Residential East', 'Hamlet', 'Industrial', 'Watercourse Protection', and 'Waterfront Mixed Use Neighbourhood'. A list of the parcels and their addresses are attached as Appendix B. These designations are generally supportive of parks and open space subject to policy, as described below.

Under Section 3.1 of the Official Plan of Kingsville, policies pertaining to the 'Agriculture' designation are established:

- a) The predominant use of land shall be agricultural and associated uses, including growing of crops and raising livestock, forestry and conservation uses;

Comment: The subject parcels are all related to the conservation of greenspace and natural heritage. Specifically, subject parcels that fall under the Agriculture designation are all either part of the Greenway conservation trails or are to be rezoned as Environmental Reserve District for the purpose of conserving natural heritage features.

Under Section 3.3 of the Official Plan of Kingsville, policies pertaining to the 'Industrial' designation are established:

- b) It is a basic policy of this Plan that the amenities of adjacent non-industrial areas shall be safeguarded and industrial development shall not be allowed to adversely affect the surrounding areas from, but not necessarily limited to, noise, odour, dust, vibration, and lighting [...]

Comment: Subject parcels within the 'Industrial' designation are being zoned are used as buffers to safeguard adjacent properties from industrial development and associated adverse effects.

Under Section 3.6.1 of the Official Plan of Kingsville, policies pertaining to the 'Residential' designation are established:

- b) Other uses which are considered necessary and complimentary to serve residential areas, such as schools, parks, churches, day care centres, home occupations and essential buildings and structure for public utilities, may be permitted where they are compatible with the residential area.

Comment: 'Residential' designation supports the presence of parks and green space.

Under Section 3.6.2 of the Official Plan of Kingsville, policies pertaining to the 'Hamlet' designation are established:

- a) The permitted uses shall include single unit detached, two unit and single unit attached residential uses, institutional, recreational, small scale commercial and dry, light industrial uses and their expansion in accordance with the policies outlined below.

Comment: 'Hamlet' designation supports the presence of parks and green space.

Under Section 3.6.3 of the Official Plan of Kingsville, policies pertaining to the 'Lakeshore Residential East' designation are established:

- a) [...] Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, fruits and vegetable stands and existing greenhouse operations including growing, packing and shipping and their expansion, may also be permitted;

Comment: 'Lakeshore Residential East' designation supports the presence of parks and green space.

Under Section 3.6.4 of the Official Plan of Kingsville, policies pertaining to the 'Lakeshore Residential West' designation are established:

- a) [...] Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, may also be permitted;

Comment: 'Lakeshore Residential East' designation supports the presence of parks and green space.

Under Section 3.7 of the Official Plan of Kingsville, policies pertaining to the 'Watercourse Protection' designation are established:

- a) The predominant use of the land shall be open space, conservation, sustainable forest management, wildlife management areas, natural heritage features and areas and public or private parks.

Comment: 'Watercourse Protection' designation is intended for parks and green spaces with natural heritage features.

Under Section 3.8 of the Official Plan of Kingsville (OPA 1), policies pertaining to the 'Waterfront Mixed Use Neighbourhood' designation are established:

- c) Municipal services, municipal parks, trails, walkways and other necessary municipal features will be permitted in all areas designated 'Waterfront Mixed Use Neighbourhood'.

Comment: 'Waterfront Mixed Use Neighbourhood' designation supports the presence of parks and green space.

In general, Section 1.4 states the purpose of the Plan which includes:

- i) further enhancement of the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive, and convenient environment;
- ii) to maintain, restore or where possible, improve, the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems [...]; and
- iii) to maximize the environmental, social, and economic benefits derived from protecting, maintaining and enhancing woodlands for the residents of the Town.

The proposed rezoning complies with policies in the Official Plan.

3) Comprehensive Zoning By-law

Subject parcels are zoned a mix of Residential, Commercial, and/or Industrial.

The current zoning includes 'Residential Zone 1 Urban' (R1.1), 'Residential Zone 2 Urban' (R2.1), 'Residential Zone 2 Ruthven/Cottam' (R2.2), 'Residential Zone 3 Urban' (R3.1), 'Lakeshore Residential' (LR), 'Agriculture' (A1), 'Light Industrial' (M1), 'General Commercial' (C4), 'Waterfront Mixed Use Neighbourhood' (C5), 'Education' (EG), 'Wetland' (WE), 'Parkland' (PG), 'Recreation' (RG), and 'Public Utilities and Facilities' (MG).

Proposed rezoning to 'Parkland' (PG), 'Recreation' (RG), 'Public Utilities and Facilities' (MG), or 'Environmental Resource District' (ERD) more appropriately reflect the current and intended uses of the subject properties.

Table One – Zoning Key	
ZONE NAME	CODE
Parkland	PG
Recreational	RG
Public Utilities & Facilities	MG
Wetland	WE
Environmental Reserve District	ERD
Residential Zone 1	R1.1
Residential Zone 2	R2.1
Residential Zone 2 (Ruthven/Cottam)	R2.2
Residential Zone 3	R3.1
Lakeshore Residential	LR
Agriculture	A1
Light Industrial	M1
General Commercial	C4
Waterfront Mixed Use Neighbourhood	C5
Education	EG

‘Parkland’ (PG) permitted main uses are public parks and the Greenway. Section 3.9.8 defines ‘public park’ as any area of land under the jurisdiction of a public authority that is designed and/or maintained for recreational purposes. A ‘public park’ does not need to be developed for active or recreational uses.

‘Recreation’ (RG) permitted main uses are arenas, curling clubs, golf courses, the Greenway, private or public marinas, public outdoor markets, private or public clubs, and private or public parks. RG zoning permits buildings and structures for the main use, differentiating the zone from PG.

‘Public Utilities and Facilities’ (MG) permitted main uses are municipal services facilities, storm water management facilities, sewage treatment, waste disposal sites, water facilities, and wind farms.

‘Environmental Reserve District’ (ERD) is proposed for the zoning of natural environment areas, public parks, the Greenway, as well as existing agricultural operations. The purpose of this zone will be to protect and hold lands with environmental features not currently intended for recreational or park use and that

do not fall within the current Wetland (WE) or Natural Environment (NE) zoning. ERD-zoned lands may be used in the future as parkland or kept as environmental/natural heritage lands to the ecological benefit of the community.

FINANCIAL CONSIDERATIONS

There are no anticipated financial impacts associated with this zoning by-law amendment as the lands that are to be rezoned are already used in accordance with the proposed zoning.

ENVIRONMENTAL CONSIDERATIONS

Ensuring that properties with parkland, recreation land, municipal utilities, and natural heritage features are properly zoned benefits environmental outcomes of the Town. 'Environmental Reserve District' zoning is intended for the long-term protection of watercourses and other natural heritage features. The proposed amendments support accurate tracking and future protection of the natural environment.

While conducting the Local Comprehensive Review, it will be possible for environmental land to be accounted for properly in the land use inventory, providing more accurate and functional information on the settlement area. As well as informing Administration in relation to the needs of the Community, in terms of environmental resources and space available for housing. This work will also help to inform a future update to the Parks and Recreation Master Plan.

CONSULTATIONS

Senior Management Team

Notice of the Zoning By-law Amendments were posted on the Town of Kingsville website on June 9, 2023, and advertised in the following local newspapers:

Harrow News – June 20 and July 18, 2023
Essex Free Press – June 15 and July 20, 2023

At the time of writing this report, one public comment was received, attached as Appendix C.

1.0 ERCA

- The Essex Region Conservation Authority has been circulated and was consulted extensively during the development of these amendments, and are in support. The ERCA response is attached as Appendix D.

2.0 Town of Kingsville – Technical Advisory Committee (TAC)

- TAC was circulated and no concerns were identified.

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REVIEWED BY:



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