



**Date:** August 23, 2023

**To:** Mayor and Council

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

**RE:** Main Street Corridor – Official Plan and Zoning By-law  
Amendments

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### **RECOMMENDED ACTION**

1. That Official Plan Amendment Number 16 (OPA/01/23) to establish definitions and policies related to land use within the Main Street Corridor in the Town of Kingsville **BE APPROVED** pending County approval of the Town of Kingsville Official Plan Five-Year Conformity Review;
2. That Administration **BE DIRECTED** to forward the Official Plan Amendment Number 16 (OPA/01/23) to the County of Essex for final approval;
3. That Zoning By-Law Amendment OPA & ZBA 2023-1 to implement Official Plan Amendment Number 16 and establish regulations related to the creation of the following zones within the Main Street Corridor **BE APPROVED**:
  - a) Main Street Corridor – Core (MS1)
  - b) Main Street Corridor – Neighbourhoods (MS2)
  - c) Main Street Corridor – Gateways (MS3)
4. That By-law 58-2023 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**

In February 2020, in response to issues facing Main Street corridor, Council directed Administration to review current policy (Official Plan, zoning, approvals processes) and create an Ad Hoc Committee of stakeholders to review provide recommendations for updates and changes to inform a comprehensive plan for development on Main Street. The Main Street Policy Development Review Committee was established and provided ideas to Council related to: Traffic; Heritage; Urban Design; and Zoning, Landscape and Signage.

In response to these ideas, in November 2021 Administration drafted a Framework for a Main Street Strategy which includes short, and longer-term planning, design and policy initiatives that respond to ideas presented by the Main Street Policy Development Review Committee and places them in a planning and design context.

In March 2022, Administration proposed Secondary Plan policies for Main Street in response to an Interim Control By-law enacted in May 2021, related to 4 properties on Main Street. The proposed Secondary Plan policies included recommendations related to density and building height, access to Main Street, and the provision of east-west traffic routes through the high school lands. These proposed policies were deferred to a future Committee of the Whole meeting of Council and the ICBL was extended to May 2023.

In April 2023, Administration presented a report to Committee of the Whole (COTW) that described projects and actions taken in response to ideas and recommendations from the Main Street Development Committee. Main Street Development was set as one of Council's three short-term priorities for 2023, along with Attainable Housing, and a Facilities Assessment – all related, in part, to Main Street.

Within this report, Administration proposed a vision for Main Street as a pedestrian-oriented, compact and mixed-use centre that is enhanced by a high-quality public realm, its cultural heritage, vibrant and animated urban environments and the highest quality of building design. The vision described Main Street as a place where the community meets, interacts, celebrates, shops, and entertains and where visitors gravitate to experience our community. Development within the Main Street Corridor Area will build on its assets to continue to evolve into a vibrant place to live, shop, work and play.

In keeping with this vision, the COTW recommended approval of policies related to land use; building height, orientation, setbacks, and urban design within three policy areas/zones within the Main Street Corridor as summarized below:

#### Zone 1 – Main Street Core

- Buildings in Zone 1 shall be a minimum of 7.5m (2 storeys) and a maximum of 11 m (3 storeys)
- Mixed Use buildings shall include non-residential uses at grade with residential uses above the first floor
- Building design should consider adjacent and surrounding developments while fostering a pedestrian oriented landscape
- New buildings along Main Street will be designed so that service areas are located at the rear or exterior side of the building with appropriate screening from adjacent properties.
- Main entrances, must be designed to face and be accessed from Main Street. Entrances should be prominent and defined through architectural features, materials, and signage.

- Building height articulation, such as parapets, is encouraged for commercial buildings along Main Street to reinforce architectural or cultural heritage details.
- Buildings along Main Street will maintain a consistent set-back from the front lot line to maintain and enhance the street wall. Exceptions may be considered where publicly-accessible courtyards are integrated into the design, or where a view of cultural heritage resources can be retained.

### Zone 2 – Main Street Neighbourhoods

- Buildings in the sub-area shall be a minimum of 7.5m (2 storeys), and a maximum of 22 m (6 storeys) with a minimum 45-degree angular plane applied from the front property line, beginning at the height of the top of the third storey
- All new development is encouraged to reflect the existing architectural features common in the area and must develop in a way that does not detract, hide from view, or impose in a negative way, on existing cultural heritage resources.
- Commercial uses are encouraged to be located on the main floor of mixed-use residential buildings.
- All building frontages must be oriented toward public streets and other public spaces, in order to clearly define the public realm, create a consistent street wall, and to create an attractive street environment for pedestrians
- Residential development shall enhance the public realm by providing landscaping space within a front setback that reflects neighbouring lands (i.e. 5.5m) and supports public street trees and/or sustainable tree planting to promote an attractive streetscape

### Zone 3 – Main Street Gateways

- Buildings in this sub-area shall be a maximum of 22 m (6 storeys).
- To emphasize pedestrian access, new buildings in this sub-area shall be designed so that service areas are located at the rear or side of the building with appropriate screening from adjacent properties.

## **DISCUSSION**

Administration has reviewed the recommended policies within the provincial, county, and municipal policy and regulatory context as described below:

### *Planning Act*

Ontario's *Planning Act* is the statutory basis for all land use planning decisions in the province, from which all provincial and municipal policy flows.

Section 2 of the *Planning Act* sets out a number of matters of provincial interest which all planning authorities must have regard to in undertaking planning decisions, including:

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
- the orderly development of safe and healthy communities
- the adequate provision of a full range of housing, including affordable housing
- the adequate provision of employment opportunities
- the appropriate location of growth and development
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- the promotion of built form that is (i) well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Further, the *Planning Act* provides the basis for the Town of Kingsville to regulate and manage land uses through zoning and zoning by-laws. Specifically, for regulating type of construction, minimum and maximum building height, character and use of buildings within any defined area or areas, and minimum frontage, depths and lot coverages.

The proposed amendments to both the Official Plan and Zoning By-law are in keeping with *Planning Act* policies. Infill in the Main Street Corridor through mid-rise, mixed use development is more efficient and has less impact on servicing than expansion into greenfield lands outside the core where service upgrades are more substantial. Clarifying building heights (and densities) encourage growth and development within existing lands where not only servicing, but commercial and personal services are already in place and within walkable distances which alleviates traffic within the corridor. Sub-zoning the Main Street corridor allows policies to better reflect existing neighbouring land uses, through building heights, setbacks, and orientation (for example) promotes built form that encourages a sense of place and encouraging compact neighbourhoods further promotes walkability, interaction, and experience.

### Provincial Policy Statements

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land.

This includes policies related to managing land use to achieve efficient and resilient development and land use patterns. In keeping with this, the PPS requires that planning authorities provide for an appropriate range and mix of housing options and densities, PPS also requires that municipalities prioritize intensification and infilling to use land, resources, infrastructure and public services most efficiently to support livable and resilient communities. Similarly, PPS requires municipalities to promote economic development through encouraging compact, mixed-use development that incorporates compatible employment uses that similarly can be supported in areas

where the necessary infrastructure and public service facilities are or will be available to meet current and project needs.

PPS also encourages municipalities to support long-term economic prosperity by maintaining, and where possible, enhancing the vitality and viability of downtowns and main streets, encouraging a sense of place by promoting well-designed built form and conserving features that help define character, providing opportunities for sustainable tourism development, providing integrated, multi-modal transportation systems and optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.

The proposed OPA and ZBA were developed, in large part, to provide clarity for development within the Main Street Corridor. The proposed vision and goals described in the OPA reflect policies described in the PPS, specifically around enhancing viability and vitality of Main Street and encouraging a sense of place by promoting well-designed built form in both the OPA and ZBA. Further, the intensification and infilling along the corridor places housing and residents within walking distances of Main Street services, and within existing infrastructure.

### County of Essex Official Plan

The County of Essex Official Plan implements the Planning Act and PPS at a County level and outlines a policy framework for planning and development for lower-tier municipalities.

Section 3 of the County OP sets out the goals of the OP, which includes supporting and promoting public and private re-investment in the Primary Settlement Areas, and promoting compact, mixed-use, pedestrian oriented developments with a broad range of housing types, services and amenities for all residents; and promoting community pride and well-being and creating a sense of place. The County OP also promotes residential intensification within primary settlement areas where municipal services, land uses and densities, and housing options can be most efficiently and effectively supported. These goals are further described in general settlement area policies, intensification and redevelopment policies, and housing policies.

The County Official Plan establishes a policy framework that grounds Planning Act and PPS policies in Essex County and guides the County's future growth and development. The County OP similarly provides guidelines for the preparation and implementation of detailed planning documents by the local municipalities as necessary to achieve the County OP Goals.

The proposed OPA and ZBA are consistent with County OP in that they are designed to promote re-investment within the primary secondary area, support infill and intensification within serviced areas of town, and encourage the development of compact, mixed-use, and pedestrian oriented developments that provide a range of housing and amenities.

## Town of Kingsville OP

The Official Plan sets out the municipality's vision for its growth and development, but as described in the *Planning Act* (S.34), the actual control of land use is implemented through Zoning-By-laws, which allow municipalities to control, among other things; the regulation and management of land uses through zoning and zoning by-laws. Specifically, for regulating type of construction, minimum and maximum building height, character and use of buildings within any defined area or areas, and minimum frontage, depths and lot coverages.

The current OP and Zoning By-law currently provide opportunities for interpretation around these types of policies generally, and specifically within the Main Street Corridor in that the Official Plan is permissive of building heights and densities, where the zoning by-law is prescriptive. The proposed OPA and ZBA are designed to provide clarity and consistency related to development within the Main Street Corridor, thereby removing interpretation and potential challenges or appeals to decisions. As such, the OPA and ZBA and reinforces local decision making, which also provides clarity around land use planning decision-making, another goal of the *Planning Act*.

Based on the policy and regulatory context described, the proposed OPA and ZBA are consistent with provincial and county policies and regulations, and additionally, provide clarity to the local context. The proposed OPA and ZBA were developed through a public and consultative process that included local context, policy and regulatory context (as described above), a jurisdictional scan and best practices, and a discussion of options which ultimately lead to the proposed recommendations and amendments.

The posted amendments respond to concerns and comments received to date from industry, agencies representing farm workers, the Ontario Human Rights Commission, and the community as expressed through those consultation sessions, multiple engagement sessions, presentations and discussions (including delegations) at open Council meetings and Committee of the Whole meetings, and individual discussions and meetings with industry, community and agency representatives. More importantly, the posted amendments provide clarity to industry and staff and provide for opportunities to advance and address farm worker and other housing needs in Kingsville.

## Next Steps

On adoption by Council, the OPA and ZBA will be forwarded to the County of Essex for final approval.

## **FINANCIAL CONSIDERATIONS**

The vision and goals of the Main Street corridor is to create a pedestrian-oriented, compact and mixed-use centre that is enhanced by a high-quality public realm, cultural heritage, and vibrant and animated urban environments and the highest quality of building design. This vision celebrates Main Street as a place where the community meets, interacts, celebrates, shops, and entertains and where visitors gravitate to experience our community. Development within the Main Street Corridor Area will build on its assets to continue to evolve into a vibrant place to live, shop, work and play.

Adding housing, mixed-use commercial, and other amenities in the Main Street corridor will see increased residential and commercial growth in an area requiring less investment in infrastructure and upgrades to accommodate this growth. Growth along the corridor will lead to increase in tax and development charges.

## **ENVIRONMENTAL CONSIDERATIONS**

The proposed OPA and ZBA Policies are designed to encourage compact, pedestrian-oriented development with access to multi-use trails and greenways. This will lead to less reliance of automobile along the corridor. In addition, PPS and OP policies encourage 'green' development, and require consideration of climate change as part of design, leading to a more sustainable and resilient community.

## **CONSULTATIONS**

As noted earlier, the policies presented in the Official Plan and Zoning By-law Amendments were based on recommendations from the Main Street Development Review Committee that were presented to Committee of the Whole in April 2023. The COTW recommended approval of policies related to land use; building height, orientation, setbacks, and urban design within three policy areas/zones within the Main Street Corridor as summarized in this report. The proposed Official Plan and Zoning By-law Amendments

Notice of the Official Plan and Zoning By-Law Amendments were posted on the Town of Kingsville website on September 1, 2023, and advertised in the following local newspapers:

- Harrow News – September 5, 2023
- Southpoint Sun – August 30, 2023

At the time of writing this report, no public comments were received.

### Technical Advisory Committee

- Main Street Development Review Committee
- Committee of the Whole

- Senior Management Team
- George Robinson, Manager of Planning

Based on internal discussions and review, Administration is recommending minor revisions to the proposed amendments (see attached):

- Official Plan Amendment No. 16 included revisions to Section 3.9.3 (d) Sub-Area Three – Main Street Gateways, and permit multi-unit residential to be consistent with policy recommendations
- Zoning By-law Amendment includes the following revisions:
  - clarify that drive-through facilities are prohibited in the Main Street Core and Main Street Neighbourhood zones
  - clarify language regarding minimum floor to floor building height at the ground level
  - remove minimum lot area to encourage infill developments and allow flexibility for site design. Buildings would still be required to meet front, rear, and side yard setback minimums to ensure building footprints are managed on each property
  - revise definition of ‘Established Building Line’ to include Main Street Core, Neighbourhood and Gateway zones as described in the proposed amendments.

**PREPARED BY:**



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**REVIEWED BY:**



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