

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 58-2023

Being a By-law to amend the Town of Kingsville Comprehensive Zoning By-law 1-2014 with respect to the entire Town of Kingsville.

WHEREAS the Council of the Town of Kingsville deems it advisable to amend the Town of Kingsville Comprehensive Zoning By-law 1-2014;

AND WHEREAS this By-law is in conformity with the Town of Kingsville Official Plan;

THEREFORE, the Council of the Town of Kingsville enacts as follows:

1. That Zoning Map Schedule 'A' to the Town of Kingsville Comprehensive Zoning By-law 1-2014 is hereby deleted and replaced with the schedules attached hereto.
2. Unless otherwise specifically noted in this By-law, all Section references and numbering will be adjusted sequentially to reflect changes introduced by this By-law.
3. That the By-law be amended by inserting Section 12 "Main Street Corridor Provisions" to read as follows:

SECTION 12 Main Street Corridor Provisions

Subsection 12.1	Main Street Core (MS1)	
a) <i>Permitted Uses</i>		
i) Main use	appliance sales and service; art <i>studio</i> and art gallery; <i>assembly hall</i> , convention or conference hall; <i>automobile service</i> establishments (existing); bakery and bakeshop; convenience <i>store</i> ; craft and creative <i>studio</i> ; <i>residential use</i> ; <i>financial institutions</i> ; <i>Fitness centre</i> <i>funeral home</i> and rest parlour; grocery store; home supply specialty shop; <i>hotel or inn</i> ; <i>institutional use</i> ; medical and/or dental <i>clinic</i> ;	municipal, provincial or federal government office; <i>personal service shop</i> ; physio/chiropractic/naturopathic clinic; <i>places of amusement/</i> entertainment/ recreation; <i>place of worship</i> plumbing and plumbing supply <i>facility</i> ; public and municipal <i>use</i> ; private or public clubs and meeting hall; restaurants and/or tavern; retail store; school, educational institution, trade school; small goods repair shop; <i>temporary outdoor vendor</i> ; <i>veterinary clinic</i> ;

ii) Accessory Use	<p><i>Accessory Dwelling Units</i> in a commercial building in accordance with Subsection 4.3 of this by-law</p> <p>Outside display and sale of goods and materials</p> <p>Outdoor patio accessory to a restaurant/bar</p> <p>Accessory uses</p>
iii) Prohibited Uses	<p><i>Outdoor storage</i></p> <p><u>Drive-Through facility</u> (restaurant or bank)</p>
b) Permitted Buildings and Structures	
<p>i. <i>Existing buildings</i></p> <p>ii. Buildings and structures for the permitted commercial uses</p> <p>iii. Mixed Use <i>buildings</i> with non residential uses abutting a public right of way</p>	
c) Regulations	
i. <i>Main Building height (minimum):</i>	7.5m (2 storeys)
ii. <i>Main Building height (maximum):</i>	11m (3 storeys)
iii. Front setback	0m or established building line
iv. Rear setback	Established building line or 4.5m where abutting a residential land use
v. Interior Side yard width:	0m
vi. Exterior Side yard width:	0m or established building line
vii. <u><i>New Buidings shall have a minimum</i></u> floor-to-floor building height at the ground level of 4.5m	
viii. The <i>Main Entry Feature</i> will face the primary street frontage	
ix. <i>Loading spaces</i> are to <u>shall</u> be located at the rear or exterior side of the building	
d) Parking Requirements	
The provisions of Section 5.17 - Parking Requirements do not apply to any commercial uses in the Main Street Core (MS1) zone.	
e) Supplemental Regulations	
<p>i) Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.</p> <p>ii) Accessory Residential Units:</p> <p>i. shall be located behind the commercial use on the main floor or above the commercial uses;</p> <p>ii. shall comprise a maximum of 75% of the total building floor area;</p> <p>iii. shall have a separate entrance from the commercial business;</p> <p>iv. shall have parking in compliance with Subsection 5 of this By-law.</p>	

- iii) The following supplementary regulations shall also apply to lands zoned (MS1):
 - i. Subsection 3: Definitions
 - ii. Subsection 4: General Provisions
 - iii. Subsection 5: Parking Regulations - except as specified in 12.1 (d)
- iv) Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
 - i. Natural Environment Zone – Subsection 11.1;
 - ii. Wetland Zone – Subsection 11.2,&
 - iii. ERCA Floodplain Development Control Area

Subsection 12.2	Main Street Neighbourhood (MS2)
a) Permitted Uses	
i) Main use	<i>Residential</i> <i>Commercial, Neighbourhood</i> with the exception of a <i>commercial</i> plaza <i>School</i> – Elementary or Secondary <i>Place of Worship</i> Restaurants and/or tavern Boarding, lodging, and rooming house – Residential; Rest home or Nursing home; or Group home.
ii) Accessory Use	<i>Accessory Dwelling Units</i> in a commercial building in accordance with Subsection 4.3 of this by-law <i>Enclosed Storage</i> Accessory uses
iii) Prohibited Uses	<i>Outdoor storage</i> <i>Drive-Through facility (restaurant or bank)</i>
b) Permitted Buildings and Structures	
i. <i>Existing buildings</i> ii. Buildings and structures for the permitted uses iii. Mixed Use <i>buildings</i> with non residential uses abutting a public right of way	
c) Regulations	
i. Main Building height (minimum):	7.5m (2 storeys)
ii. Main Building height (maximum):	22m (6 storeys)
iii. Maximum Lot Area	3,000 m ² (32,300 ft ²)
iv. New Buildings taller than 11m shall incorporate step-backs beyond the top of the third storey to fall within an <i>angular plane</i> measured at 45 degrees from the front property line beginning at the height of the top of the third storey to a maximum of 22m.	

v. Front setback (<i>minimum</i>)	5.5m
vi. Rear setback (<i>minimum</i>)	7.5m
vii. Interior Side yard width	1.5m
viii. Exterior Side yard width (<i>minimum</i>):	3m <u>or established building line</u>
ix. <u>New Buildings</u> with <i>commercial uses</i> on the ground floor will <u>shall</u> have a <i>minimum</i> floor-to-floor building height at the ground level of 4.5m	
x. The <i>Main Entry Feature</i> will face the primary street frontage	
xi. <i>Loading spaces</i> are to <u>shall</u> be located at the rear or exterior side of the building	
d) Supplemental Regulations	
i) <i>Enclosed storage</i> , if it contains combustible materials (e.g., propane tanks) must be <i>setback</i> 20m from the <i>side lot line</i> adjacent an Education (EG) zone and any Residential zones or a <i>sensitive land use</i> defined by the Ministry of the Environment, Conservation and Parks (MECP).	
ii) Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.	
iii) Accessory Residential Units:	
i. shall be located behind the commercial use on the main floor or above the commercial uses;	
ii. shall comprise a maximum of 75% of the total building floor area;	
iii. shall have a separate entrance from the commercial business;	
iv. shall have parking in compliance with Subsection 5 of this By-law.	
iv) The following supplementary regulations shall also apply to lands zoned (MS2):	
i. Subsection 3: Definitions	
ii. Subsection 4: General Provisions	
iii. Subsection 5: Parking Regulations	
v) Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":	
i. Natural Environment Zone – Subsection 11.1;	
ii. Wetland Zone – Subsection 11.2, and	
iii. ERCA Floodplain Development Control Area	

Subsection 12.3	Main Street Gateway (MS3)	
a) Permitted Uses		
i) Main use	<p>Assembly hall, convention centre</p> <p>automobile gas stations</p> <p>automobile, RV, farm/garden equipment sales and service;</p> <p><i>automatic car wash</i> and automobile detailing facility</p> <p><i>coin operated car wash</i>;</p> <p><i>commercial</i> education facility;</p> <p>convenience stores;</p> <p>drive-through facility (restaurant, bank);</p> <p>financial institutions;</p> <p>fitness centres;</p> <p>funeral home or rest home;</p> <p>garden centre and landscaping supply;</p> <p>grocery stores;</p> <p>home building and supply stores;</p> <p>home supply specialty shop (tiles, carpeting);</p> <p><i>hotels</i> and <i>motels</i>;</p>	<p>laundromats;</p> <p>long term care facilities;</p> <p>lumber yards and building supply outlet;</p> <p>micro brewery;</p> <p>minor <i>commercial</i> centre;</p> <p>personal service shops;</p> <p>pharmacy;</p> <p>place of amusement, entertainment facilities;</p> <p>private and public recreation</p> <p>professional or medical offices;</p> <p>retail establishments;</p> <p>recreation or community centres;</p> <p><i>residential use</i>;</p> <p>restaurant, taverns, outdoor patios;</p> <p>retirement homes and seniors homes;</p> <p><i>roadside</i> stand;</p> <p>taxi <i>office</i> and dispatch;</p> <p>trade <i>school</i>;</p>
i) Accessory Use	<p>Enclosed Storage</p> <p>Outside display and sale of goods and materials</p> <p>Outdoor patio accessory to a restaurant/bar</p> <p><i>Accessory Dwelling Units</i> in a commercial building in accordance with Subsection 4.3 of this by-law</p> <p>Accessory uses</p>	
b) Permitted Buildings and Structures		
<p>i. Existing buildings;</p> <p>ii. Buildings and structures for the permitted uses;</p> <p>iii. Mixed Use buildings containing commercial and residential uses</p>		
c) Regulations		
i. Minimum Lot area	464 m ² (5,000 ft ²)	
ii. Minimum Lot frontage	15 m (50 ft)	
iii. Main Building height (minimum):	7.5m (2 storeys)	

iv. <i>Main Building height (maximum):</i>	22m (6 storeys)
v. <i>Front setback (minimum)</i>	0m for any <i>commercial</i> or mixed use structures, 5.5m for any residential only structures
vi. <i>Rear setback (minimum)</i>	6m or established building line <u>7.5m</u> where abutting a residential land use
vii. <i>Interior Side yard width</i>	1.5m
viii. <i>Exterior Side yard width (minimum):</i>	3m <u>or established building line</u>
ix. <i>Buildings with commercial uses on the ground floor will have a minimum floor-to-floor building height at the ground level of 4.5m</i>	
x. <i>The Main Entry Feature will face the primary street frontage</i>	
xi. <i>Loading spaces shall be located at the rear or exterior side of the building</i>	
xii. <i>Notwithstanding any provision of Section 5, vehicular entry ways to drive-through facilities shall not use frontage along Main Street. Vehicles shall access a drive-through facility through a secondary access to a primary access along Main Street. (For example drive-through located as a pad within a larger complex, not direct access to Main Street).</i>	
d) Supplemental Regulations	
i) <i>Outside storage is only permitted within an enclosed area.</i>	
ii) <i>Enclosed storage, if it contains combustible materials (e.g., propane tanks) must be setback 20m from the side lot line adjacent an Education (EG) zone and any Residential zones or a sensitive land use defined by the Ministry of the Environment, Conservation and Parks (MECP).</i>	
iii) <i>Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.</i>	
iv) <i>A drive-through facility shall not be permitted on an interior lot when adjacent to a residential land use.</i>	
v) <i>Accessory Residential Units:</i>	
i. <i>shall be located behind the commercial use on the main floor or above the commercial uses;</i>	
ii. <i>shall comprise a maximum of 75% of the total building floor area;</i>	
iii. <i>shall have a separate entrance from the commercial business;</i>	
iv. <i>shall have parking in compliance with Subsection 5 of this By-law.</i>	
vi) <i>The following supplementary regulations shall also apply to lands zoned (MS2):</i>	
i. <i>Subsection 3: Definitions</i>	
ii. <i>Subsection 4: General Provisions</i>	
iii. <i>Subsection 5: Parking Regulations</i>	
vii) <i>Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":</i>	
i. <i>Natural Environment Zone – Subsection 11.1;</i>	

- ii. Wetland Zone – Subsection 11.2,&
- iii. ERCA Floodplain Development Control Area

4. That Section 4.3 (a) be amended by striking out “shall be provided from an adjacent street or public lane” to read as follows:

pedestrian access to an *accessory dwelling unit* shall be for the sole use of the occupants of the said accessory dwelling and shall be separate from the access to the commercial portion of the building

5. That Section 4.3 (b)(i) be amended to read as follows:

“a *minimum* of one (1) parking space per *dwelling unit* when the structure is within a Central (C2) Commercial zone, a Main Street Core (MS1) zone, a Main Street Neighbourhood (MS2) zone, or a Main Street Gateway (MS3) zone;”

6. That Section 4.11 be amended to be read as follows:

4.11 Established Building Line

On a lot within an Established Residential (ER) or Main Street (MS1, MS2, or MS3) Zone, the required front yard or exterior side yard depth may be reduced on the following basis:

- a) On an interior lot that abuts lots on which dwellings have setbacks from the front lot line of less than that required by this by-law, the minimum required front yard depth is equal to the average front yard depth of the dwellings on the abutting lots;
- b) On a corner lot that abuts a lot on which a dwelling is setback from the front lot line less than that required by this by-law, the minimum required front yard depth is equal to the front yard depth of the dwelling on the abutting lot, but not less than 3 m (10 ft.);
- c) On a corner lot that abuts a lot to the rear on which a dwelling is setback from the exterior side lot line less than that required by this by-law, the minimum required exterior side yard depth is equal to the exterior side yard depth of the dwelling on the abutting lot, but not less than 1.5 m (5 ft.)
- d) The provisions of paragraphs a) and b) of this subsection also apply to an accessory garage or carport.

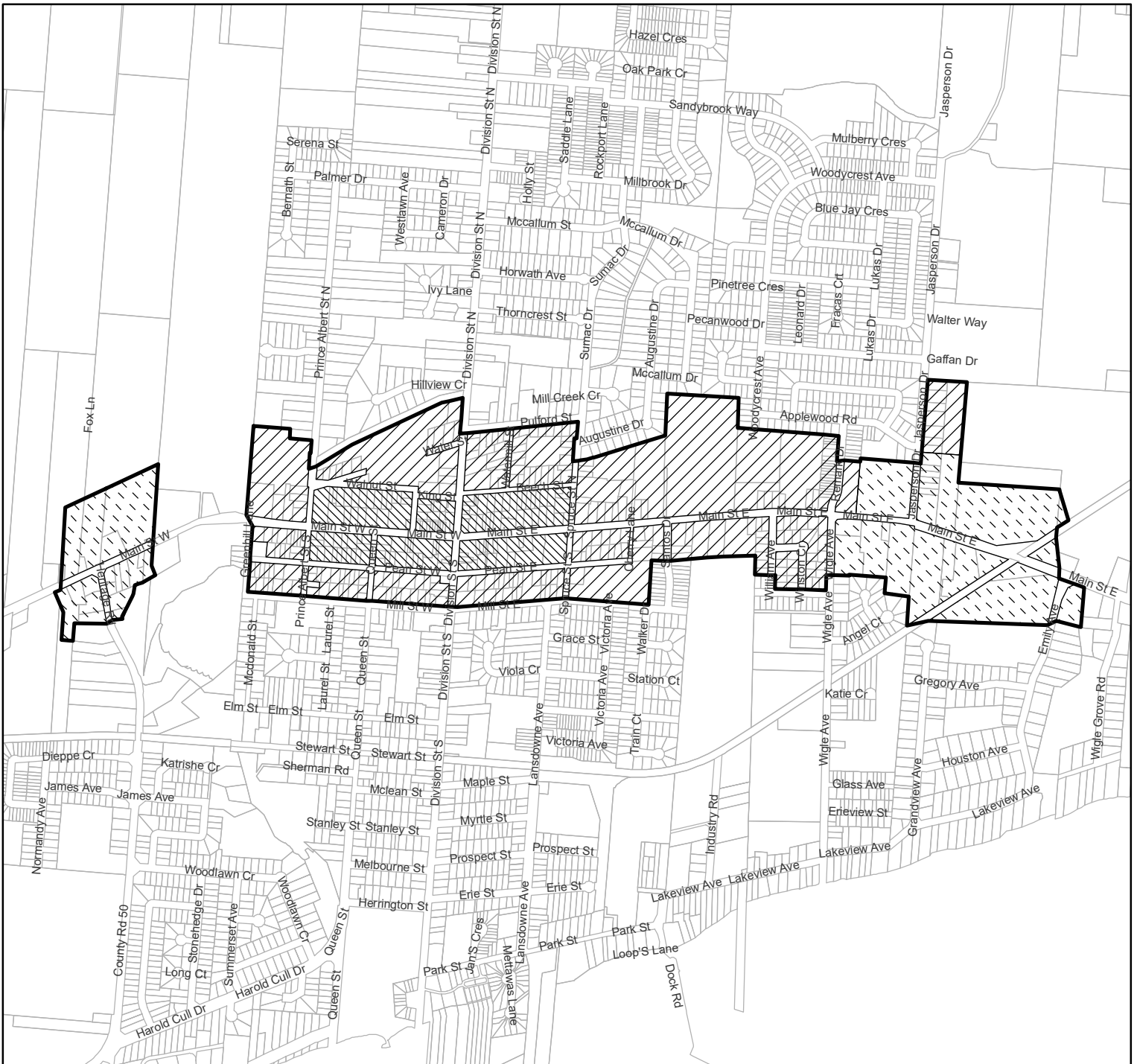
7. That this by-law does not come into force and take effect until after Amendment No. 16 to the Town of Kingsville Official Plan has been approved in accordance with the provisions of Section 24(2) of the Planning Act, R.S.O 1990, c. P.13.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF SEPTEMBER, 2023.

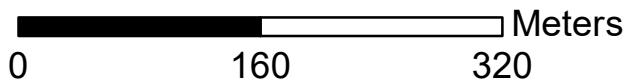
MAYOR, Dennis Rogers





CLERK, Paula Parker

Schedule A - Index



Main Street Corridor Zoning Amendments Index Map By-Law 58-2023

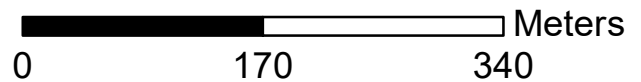


-  Sub-Zone One - Main Street Core
-  Sub-Zone Two - Main Street Neighbourhood
-  Sub-Zone Three - Main Street Gateway
-  Main Street Corridor

Schedule A



**Main Street Core
Part of Lots 1 & 2 Concession 1
Western Division
By-Law 58-2023**

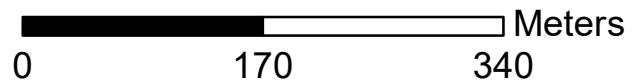


Schedule "A", Map 69 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Central Commercial (C2)', 'Residential Zone 4 Urban Exception 7 (R4.1-7)', and 'Residential Zone 1 Urban (R1.1)' to 'Main Street Core (MS1)'.

Schedule A

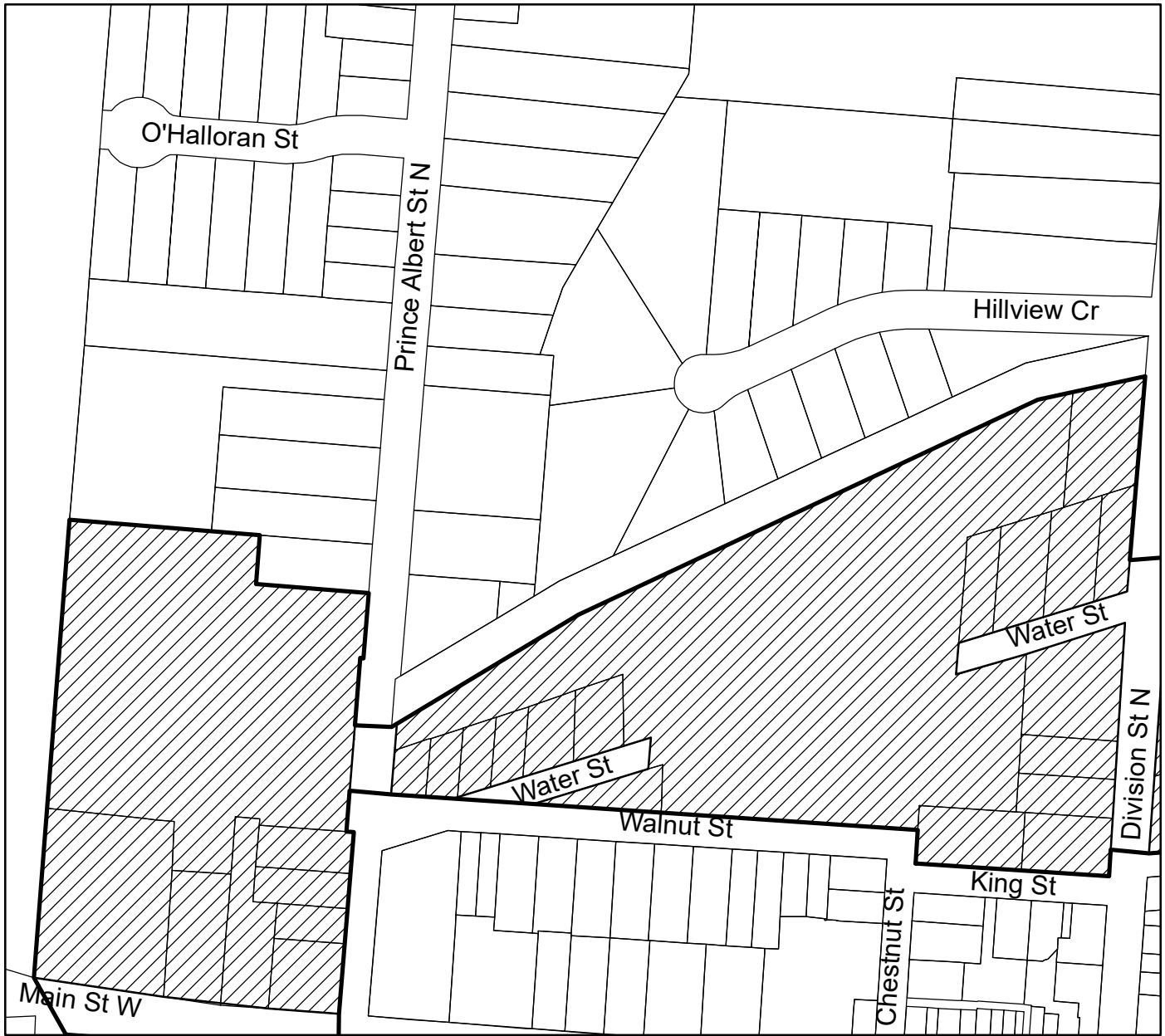


**Main Street Core
Part of Lot 1
Concession 1 Eastern Division
By-Law 58-2023**

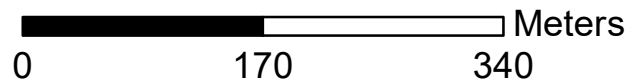


Schedule "A", Map 70 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'General Commercial (C4)', 'Transitional Commercial (C3)', and 'Residential Zone 1 Urban (R1.1)' to 'Main Street Core (MS1)'.

Schedule A



**Main Street Neighbourhood
Part of Lots 1 & 2
Concession 1 Western Division
By-Law 58-2023**

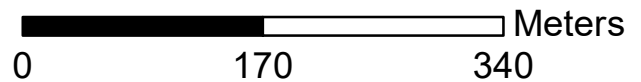


Schedule "A", Map 65 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'General Commercial (C4)', 'Neighbourhood Commercial (C1)', 'Residential Zone 1 Urban (R1.1)', and 'Residential Zone 1 Urban Exception 5 (R1.1-5)' to 'Main Street Neighbourhood (MS2)'.

Schedule A



Main Street Neighbourhood Part of Lot 1 Concession 1 Eastern Division By-Law 58-2023

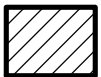
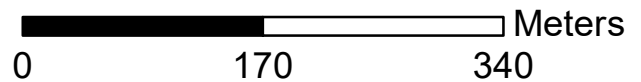


Schedule "A", Map 66 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)', 'Residential Zone 1 Urban Exception 17 (R1.1-17)', 'Residential Zone 3 Urban Exception 5 & 23 (R3.1-5;R3.1-23)', 'Residential Zone 4 Urban Exception 5 (R4.1-5)', and 'General Commercial Exception 3 & 7 (C4-3;C4-7)' to 'Main Street Neighbourhood (MS2)'.

Schedule A



Main Street Neighbourhood Part of Lots 1 & 2 Concession 1 Eastern Division By-Law 58-2023

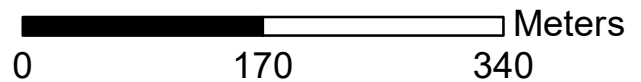


Schedule "A", Map 67 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)', 'Residential Zone 1 Urban Exception 22 (R1.1-22)', 'Residential Zone 2 Urban Exception 2 (R2.1-2)', 'Residential Zone 3 Urban Exception 4 & 9 (R3.1-4;R3.1-9), and 'Residential Zone 4 Urban Exception 2 (R4.1-2)', to 'Main Street Neighbourhood (MS2)'.

Schedule A



Main Street Neighbourhood Part of Lots 1 & 2 Concession 1 Western Division By-Law 58-2023

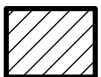
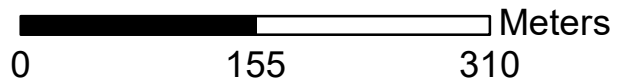


Schedule "A", Map 65 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)', 'Residential Zone 1 Urban Exception 5 (R1.1-5)', 'Neighbourhood Commercial (C1)', and 'General Commercial (C4)' to 'Main Street Neighbourhood (MS2)'.

Schedule A



**Main Street Neighbourhood
Part of Lots 1 & 2
Concession 1 Western Division
By-Law 58-2023**

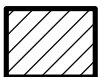
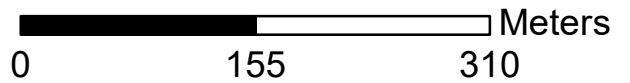


Schedule "A", Map 69 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)' and 'Residential Zone 2 Urban Exception 11 (R2.1-11)' to 'Main Street Neighbourhood (MS2)'

Schedule A



**Main Street Neighbourhood
Part of Lot 1
Concession 1 Eastern Division
By-Law 58-2023**

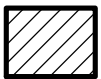
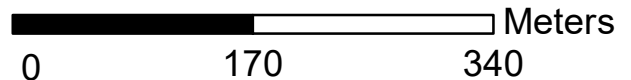


Schedule "A", Map 70 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)' and 'Transitional Commercial (C3)' to 'Main Street Neighbourhood (MS2)'

Schedule A



**Main Street Neighbourhood (South of Main St. E
Spruce St.S to Wigle Ave,
Part of Lots 1 & 2
Concession 1 Eastern Division
By-Law 58-2023**

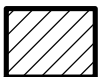
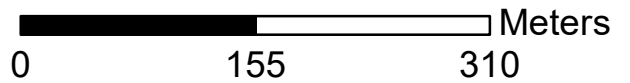


Schedule "A", Map 72 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)', 'Residential Zone 1 Urban Exception 14, 15, & 27 (R1.1-14;R1.1-15;R1.1-27)', and 'Residential Zone 4 Urban Exception 3 (R4.1-3)' to 'Main Street Neighbourhood (MS2)'.

Schedule A



**Main Street Neighbourhood
Part of Lot 3
Concession 1 Eastern Division
By-Law 58-2023**

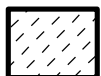
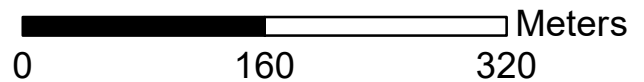


Schedule "A", Map 73 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1)', 'Residential Zone 2 Urban (R2.1)' and 'Agriculture (A1)' to 'Main Street Neighbourhood (MS2)'

Schedule A



**Main Street Gateway
Part of Lots 2 & 3
Concession 1 Western Division
By-Law 58-2023**

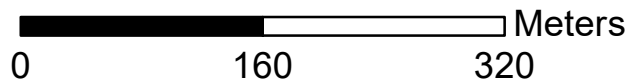


Schedule "A", Map 68 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'General Commercial (C4)' and 'General Commercial Exception 3 (C4-2)' to 'Main Street Gateway (MS3)'.

Schedule A



**Main Street Gateway
Part of Lots 4 & 5
Concession 1 Eastern Division
By-Law 58-2023**



Schedule "A", Map 58,67,73, & 78 By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'General Commercial (C4)', 'General Commercial Exception 1 & 5 (C4-1;C4-5)', and 'Residential Zone 3 Urban Exception 1 (R3.1-1)' to 'Main Street Gateway (MS3)'.