



**Date:** May 6, 2024

**To:** Mayor and Council

**Author:** Sahar Jamshidi, MUP, RPP, MCIP, C.E.T.  
Manager of Planning

**RE:** ZBA-2023-2 - Applications for Zoning By-law Amendment by  
1000057229 Ontario Inc. - 0 Seacliff Dr.

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## **RECOMMENDED ACTION**

1. That By-law 36-2024 being a by-law to amend the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville be **BE APPROVED** to amend the zoning for the vacant parcel of land, municipally known as 0 Seacliff Dr. (Part of Lot 4, Concession 1, Eastern Division Town of Kingsville as shown on Appendix A - Location Map), in the following manner:
  - a. Amend the zoning on lots 19-26 inclusive, and lots 30-37 inclusive, as shown on the Appendix C - Draft Plan of Subdivision, from "Lakeshore Residential-Holding (LR (h))" to "Lakeshore Residential Exception 36-Holding (LR-36 (h))" to include semi-detached dwellings as an additional permitted use (as shown on Appendix B - Zoning Amendment);
  - b. Amend the zoning on Block 64, and the southern portion of the Lots 56 to 59 inclusive (Appendix C - Draft Plan of Subdivision) from "Lakeshore Residential-Holding (LR (h))" to "Environmental Reserve District-Holding (ERD (h))" along the lake to prohibit any improvements or construction (Appendix B – Zoning Amendment);
  - c. Amend the zoning on Block 60 and Block 63 (Appendix C - Draft Plan of Subdivision) from "Lakeshore Residential-Holding (LR (h))" to "Public Utilities/Facilities (MG)-Holding (MG (h))" to allow for the placement of the required municipal storm and sanitary sewer infrastructure to service the entire subdivision (Appendix B – Zoning Amendment); and
2. The Mayor and Clerk **BE AUTHORIZED** to sign same.

## BACKGROUND

The Town of Kingsville has received the above-noted Zoning By-law amendment applications for the vacant land municipally known as 0 Seacliff Dr. (Appendix A - Location Map) in preparation for a future Plan of Subdivision.

The Subject property is an 8.608 ha (21.27 acre) vacant parcel of land, which extends from Seacliff Drive, south to the bluff along the Lake Erie's north shoreline. It is bound by Seacliff Dr./ Main Street/County Rd. 20, to the north, Woodbridge Lane to the east, Lake Erie to the south and Wigle Grove Drive to the west (Appendix A – Location Map).

Currently, the subject land has the Official Plan Designation of “Lakeshore Residential East”, and Zoning Designation of Lakeshore Residential-Holding (LR (h)).

The land owner, 1000057229 Ontario Inc. (Jeremy Truax), is proposing a residential plan of subdivision consisting of:

- 43 single detached dwelling units;
- 32 semi detached dwelling units (16 blocks);
- Local road connections to Seacliff Drive and Wigle Grove Drive;
- New local roads shown as Streets ‘A’ and ‘C’ on the draft plan of subdivision;
- Environmental Reserve District zoning over portions of the properties along Lake Erie to restrict any improvements, or construction within the lake bluffs;
- Block 60 (to be conveyed to the Town) will contain a proposed municipal storm sewer which will be servicing the entire subdivision, and will outlet directly into Lake Erie;
- Block 63 (to be conveyed to the Town) for the placement of the required municipal sanitary pumping station to service the entire subdivision; and
- Block 64 (to be conveyed to the Town) is to be zoned Environmental Reserve District for park and recreation purposes.

(See Appendix C Draft Plan of Subdivision, prepared by Verhaegen Land Surveyors.)

The applicant hosted a Public Information Centre on March 28, 2023 (see Appendix D, PIC Feedback Summary).

The background studies for the subdivision have been completed. An application for a draft plan of subdivision (Gardner Estates 37-T-24001) has been filed with the County of Essex, the approval authority, as well as the Town of Kingsville, the lower tier municipality (SUB-2023-1).

In order to facilitate this future draft plan of subdivision, the applicant has applied for a Zoning By-law Amendment (ZBA-2023-2), as the first step in seeking the required approvals in order to implement the proper zoning designation. The proposed amendment includes the following:

- The applicant has requested a Zoning By-law amendment to permit semi-detached dwelling unit in the centre of the subdivision, on lots 19-26 inclusive, as well as lots 30-37 inclusive (Appendix C Draft Plan of Subdivision).
- The Town of Kingsville is requiring that Block 64, as well as the southern portion of Lots 56 to 59 inclusive (Appendix C Draft Plan of Subdivision) be rezoned to Environmental Reserve District-Holding (ERD (h)) to prohibit any improvements or construction taking place within those areas.
- Furthermore, the Town of Kingsville is requiring that Block 60 and Block 63 be zoned “Public Utilities/Facilities (MG)-Holding (MG (h))” to allow for the placement of the required municipal storm and sanitary sewer infrastructure which will service the entire subdivision. Both Block 60 and Block 63 shall be conveyed to the Town to allow for access and maintenance of the proposed municipal storm and sanitary sewer infrastructure.

Once the requested changes to the zoning designation are in effect, Town of Kingsville Planning Services will provide public notice of the receipt of the draft plan of subdivision application on behalf of the County of Essex, and will bring forward a report to Council to obtain a Council resolution of support.

## **DISCUSSION**

### **Provincial Policy Statement (PPS) 2020:**

PPS, Section 1.0 sets out policies related to building strong healthy communities and encourages efficient land use and development patterns to support liveable, healthy and resilient communities, and facilitate economic growth.

Within this broad policy statement, PPS includes policies specific policies:

- 1.3.1 states that, *“Settlement areas shall be the focus of growth and development.”*
- 1.1.3.3 further outlines that, *“Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.*
- Section 1.1.3.6 states, *“New development taking place in designated growth areas 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, infrastructure and public service facilities.”*

The property is currently designated Lakeshore Residential East, and is located within a Primary Settlement Area on Schedule A (Land Use Plan) of the Official Plan for the Town of Kingsville. Furthermore, the property abuts an existing settlement area along Wigle Grove Drive to the west, and also lands to the east are designated Lakeshore Residential East.

The future subdivision will have access to municipal water and sanitary sewer. High-level details related to servicing the subdivision will be provided in a future report to Council for the Plan of Subdivision Application (SUB-2023-1) which will be brought forward once zoning is in effect.

### **County of Essex Official Plan**

The County of Essex Official Plan includes the subject property within the Primary Settlement Area. The County of Essex Official Plan mirrors the policies of the PPS (listed above) in terms of applicable policies and encouragement of appropriate development within the Settlement Area boundaries while protecting natural heritage. The proposed Zoning By-law Amendment for the future development of a subdivision is consistent with the County of Essex Official Plan.

### **Town of Kingsville Official Plan**

The subject parcel is designated “Lakeshore Residential East” within the Official Plan for the Town of Kingsville. The stated goals for Lakeshore Residential East include recognizing existing and designated residential development lands, encouraging limited infilling of the existing development pattern, and consideration of service capacity. Policies permit single family, semi-detached and townhouse dwellings, while full municipal sewage (sanitary and storm) and municipal water services are the preferred means of servicing. The designation also acknowledges that lands may be placed in holding until municipal sewer, water, and other service arrangements are made, and recognizes that area adjacent to the Lake Erie shoreline are susceptible to erosion and bank instability and require approvals from ERCA. The proposed development will include shoreline and erosion control measures as well as shoreline restoration.

The proposed Zoning By-law Amendment for the future subdivision is consistent with the policies listed in the “Lakeshore Residential East” land use designation in the Town of Kingsville’s Official Plan. A mix of single detached and semi-detached dwellings are proposed (Appendix C Draft Plan of Subdivision).

### **Comprehensive Zoning By-law**

The subject property is zoned “Lakeshore Residential-Holding (LR(h))”. This zoning permits one, single-detached dwelling and buildings and structures accessory to residential use, such as garages and sheds. The proposed zoning change would amend the zoning on the subject parcel from “Lakeshore Residential-Holding (LR (h))” to

“Lakeshore Residential Exception 36 (LR-36 (h))” to include semi-detached dwellings as an additional permitted use on lots 19-26 inclusive, as well as lots 30-37 inclusive, as (Appendix C Draft Plan of Subdivision & Appendix B – Zoning Amendment).

The proposed lot sizes for the semi-detached dwelling, as shown on the draft plan of subdivision, are:

- a) Frontage – range from 22.86 m to 26.52m
- b) Depth – 41.61m

The following regulations will apply to lots 19-26 inclusive, as well as lots 30-37 inclusive:

c) Regulations		
	Semi-detached dwelling	Semi-detached dwelling unit
i) Lot area (minimum)	600 m <sup>2</sup> (6,460 ft <sup>2</sup> )	300 m <sup>2</sup> (3,225 ft <sup>2</sup> )
ii) Lot frontage (minimum)	15 m (50 ft) if an interior lot;	7.5 m (24.5 ft) if an interior lot;
	19 m (62 ft) if an exterior lot	11.5 m (38 ft) if an exterior lot
iii) Open space (minimum)	30%	
iv) Lot coverage (maximum)	50%	
v) Front yard depth (minimum)	5.5 m (18 ft)	
vi) Rear yard depth (minimum)	7.5 m (25 ft)	
vii) Interior Side Yard Width (minimum)	1. 1.5 m (5ft) with an attached garage or carport; or 2. 1.5 m (5 ft) on one side of the main building and 3.0 m (10 ft) on the other side when there is no attached garage or carport; and 3. 0 m side yard is allowed on the common wall side.	
viii) Exterior Side Yard Width (minimum)	4.0 m (13 ft)	
ix) Main building height (maximum)	11 m (36 ft)	
d) Supplementary Regulations		
i)	Each dwelling 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.

- ii) The following supplementary regulations *shall* also apply to lands zoned (R2.1):

Subsection 3: Definitions

Subsection 4: General Provisions

Subsection 5: Parking Regulations

- iii) 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":

1. Natural Environment Zone – Subsection 11.1;

2. Wetland Zone – Subsection 11.2, & ERCA Floodplain Development Control Area

Block 64 and the southern portion of the Lots 56 to 59 inclusive (Appendix C - Draft Plan of Subdivision) are to be zoned Environmental Reserve District. Block 64 is to be conveyed to the Town of Kingsville. Block 64 contains natural heritage features as identified in the Environmental Impact Assessment. This block also abuts Block A in the Wigle Grove subdivision, which is similarly zoned ERD, and is across from the Wigle Grove Conservation Area which provides for both ecological connectivity, and potential for future trail development from Seacliff Drive to Lake Erie through Wigle Grove Conservation Area.

Southern portion of the Lots 56 to 59 inclusive, require protection from future developments as the area contains both natural heritage. In keeping with the shoreline erosion assessment, improvements were made at the base of the bluff. Southern portion of the Lots 56 to 59 inclusive will be zoned Environmental Reserve District to restrict any future development within the shoreline restoration lands along the slope. These lands will be privately owned as part of the subdivision lots.

Block 60 will contain a municipal storm sewer that will outlet directly into Lake Erie, servicing the entire subdivision. Block 63 will contain a municipal sanitary sewer pumping station servicing the entire subdivision. Both Block 60 and Block 63 are to be zoned "Public Utilities/Facilities (MG)-Holding (MG (h))" to allow for the placement of the required municipal sewer infrastructure, and shall be conveyed to the Town.

The applicant has provided a Planning Justification Report prepared by Oakview Land Use Planning (Robert Brown, H.BA, MCIP, RPP), which is attached as Appendix E.

## **FINANCIAL CONSIDERATIONS**

In future, there will be an increase in the assessment of the semi-detached properties. This will be subsequent to the approval of the Plan of Subdivision, and those serviced lots becoming ready for issuance of building permits.

## ENVIRONMENTAL CONSIDERATIONS

The site is currently farmed, although has been designated and zoned for residential development even prior to amalgamation (based on review of Gosfield South Official Plan). The location is considered an opportunity to infill the existing development patterns and to take advantage of existing municipal services. As part of the next step for this proposed development (during the approval of the Plan of Subdivision) conveyance of natural heritage features to the municipality, provides an opportunity to better connect natural heritage assets within the Town of Kingsville

## CONSULTATIONS

### Public Notice

As noted, a Public Information Centre was held on March 28, 2023. Comments are summarized in Appendix D.

In accordance to O. Reg 544/06 and 545/06 of the Planning Act, property owners within 120 m of the subject site boundaries received the Notice of Public Meeting by mail.

Comments received to date, at the time of writing this report, are attached. Any additional comments received before May 6, 2024 will be provided for review on the date of the Public Meeting.

### PREPARED BY:

*Sahar Jamshidi*

Sahar Jamshidi, MUP, RPP, MCIP, C.E.T.  
Manager of Planning

### REVIEWED BY:



Richard J.H. Wyma CSLA  
Director of Planning and Development



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John Norton  
CAO