



Date: December 9, 2024

To: Mayor and Council

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

RE: 175 Wigle Avenue - 1364674 Ontario Limited
Zoning By-law Amendment for residential plan of subdivision
(ZBA-2023-16) and Draft Plan of Subdivision (SUB-2024-01)
County of Essex File No.: 37-T-24007

RECOMMENDED ACTION

1. That Zoning By-law Amendment Application ZBA 2024-16 to amend the zoning designation on parts of the subject land, municipally known as 175 Wigle Avenue, legally described as Part of Lots 64, 65 & 69, Part of Bauslaugh Avenue, Part of Lane Registered Plan 344, and Part of Block B Registered Plan 424 in the Town of Kingsville, **BE APPROVED** as presented in the attached Key Map (see Appendix A), in the following manner:
 - a) On parts of the subject land, the zoning be changed from “General Commercial - Holding [C4(h)]” to a site-specific “Low Density Urban Residential 2.1 - Holding with exception 19 [R2.1-19 (h)]”; where
 - i. Provisions of the (R2.1) Section 6.2 shall apply to the lands zoned R2.1-19.
 - ii. Notwithstanding the zone provisions of (R2.1), the following regulations shall apply to lands zoned (R2.1-19) for Semi-detached dwellings and Semi-detached dwelling units only:

	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>
Minimum Lot Area	500 m ²	250 m ²
Minimum Lot Frontage	15 m	7.5 m
Maximum Lot Coverage	55%	55%
Minimum Front Yard	5.5 m	5.5 m
Minimum Side Yard	1.2 m / 0m	1.2 m / 0m
Minimum Exterior Yard	2.4 m	2.4 m

2. And That an additional Holding Provision be placed at the rear (eastern) portion of lots 14 to 18 to temporarily protect the natural features which include endangered species habitat until such time when the requirements of MECP have been satisfied;
3. And That By-law 102-2024 being a By-law to amend Kingsville's Comprehensive Zoning By-law No. 1-2014 **BE ADOPTED** during the By-law Stage of this Council Agenda;
4. And That Administration **BE DIRECTED** to advise the County of Essex that the Town of Kingsville has no concern or comment regarding the proposed draft plan of subdivision by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment, as described in this report.

BACKGROUND

The County of Essex, the approval authority under the Planning Act for plans of subdivision in Town of Kingsville, has received and deemed complete an application for a Draft Plan of Subdivision, County of Essex File No. 37-T-24007. The subject property is currently vacant and is located on the east side of Wigle Avenue, between Katie Crescent and Glass Avenue as shown in the attached Key Map (see Appendix A) and the Draft Plan of Subdivision (see Appendix B). Concurrently a Zoning By-law Amendment (ZBA) application was also submitted to change the zoning designation for the area of the land subject to draft plan of subdivision from "General Commercial - Holding [C4(h)]" to a site-specific "Low Density Urban Residential 2.1 - Holding with exception 19 [R2.1-19 (h)]", to allow for construction of semi-detached residential dwellings with specific regulations.

The requested ZBA is required to allow for a proposed residential plan of subdivision on parts of the subject land, municipally known as 175 Wigle Avenue in the Town of Kingsville. An earlier version of the proposed draft plan of subdivision on the subject lands was considered by Kingsville Council for endorsement on October 7, 2024. At the time, the proposed draft plan was for twenty-eight (28) lots for fifty-six (56) semi-detached dwelling units, one (1) block for a pedestrian pathway (Block 29, which was to be conveyed to the Town of Kingsville), and two (2) blocks for natural heritage protection (Blocks 30 and 31, which were to be conveyed to The Essex Region Conservation Authority (ERCA)).

After reflecting on the written comments received, as well as hearing from delegations who attended and spoke at the October 7, 2024, public meeting, Kingsville Council considered and endorsed the Draft Plan of Subdivision for 175 Wigle Avenue (County of Essex File No.:37-T-24007); and passed resolution No. 191-10072024, which required amendments to be made to the Draft Plan of Subdivision.

Resolution 191-10072024 (Carried 5 to 1)
Moved by: Deputy Mayor DeYong
Seconded by: Councillor Patterson

That That the proposed Draft Plan of Subdivision for 175 Wigle Avenue **BE AMENDED** to add a second access road to Grandview Boulevard through Block 28 and that Katie Crescent provide full emergency, pedestrian, and active transportation corridor.

And

Resolution 192-10072024 (Carried 6 to 0)

Moved by: Deputy Mayor DeYong

Seconded by: Councillor Lowrie

That Administration **Be Directed** to advise the County of Essex that the Town of Kingsville has no concern or comment, except as per the amended motion, regarding the proposed Draft Plan of Subdivision for 175 Wigle by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment to be considered by Council at a later date, as described in the report presented at the October 7, 2024, Council Meeting;

And further that the proposed Draft Plan of Subdivision for 175 Wigle **BE AMENDED**, as may be required, to meet Town of Kingsville design guidelines for cul-de-sac radius recognizing that such amendment may impact block and lot boundaries.

As the result of the passed resolution the applicant amended the draft plan of subdivision, which now includes eighteen (18) lots for thirty-six (36) semi-detached units, and one (1) block for temporary turnaround of heavy vehicles. The new lots will have access from the proposed L-shaped right-of-way (Street A), which will be dedicated as a public road (see Appendix B).

The portion of the land which is being considered for the draft plan of Subdivision is within the Primary Settlement Area of the County of Essex Official Plan (Schedule A2 Settlement Structure Plan), as well as Primary Settlement Area of Kingsville, and it is designated Residential within Kingsville Official Plan (Schedule "A-1" Land Use Plan), and zoned "General Commercial - Holding [C4(h)]" in the Town of Kingsville Comprehensive Zoning By-law 1-2014.

The Town of Kingsville is the approval authority for Zoning By-law Amendments as the lower-tier municipality. Additionally, the required Zoning By-law Amendment is subject to a statutory public meeting.

The County of Essex is the approval authority for plans of subdivision as the upper-tier municipality. As a result of the changes imposed under Bill 23, public meetings pursuant to a draft plan of subdivision application are no longer a legislative requirement. However, as part of the County of Essex approval process, they have requested a resolution of support from Kingsville; and that the Town of Kingsville give notice of

application to the public on its behalf, in accordance with Subsection 4 of Ontario Regulation 544/06, for information purposes to the public (see appendix C). A copy of the public notice which was sent out by Town of Kingsville to the public is attached (see appendix D), as well as photos of the public notice signs which were placed on public highways/streets (see appendix G).

In regard to the plan of subdivision, residents are encouraged to contact **Rebecca Belanger, Manager, Planning Services**, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, or via email at rbelanger@countyofessex.ca, indicating the **County of Essex file number, No. 37-T-24007 – 175 Wigle Residential Subdivision**, in the subject of the email, with any questions or concerns regarding the proposed plan of subdivision.

DISCUSSION

The Planning Act sets the ground rules for land use planning in Ontario. It gives upper-tier and lower-tier municipalities the authority to make local planning decisions which shall be consistent with the minimum standards set in the Provincial Planning Statement 2024 (PPS 2024), to ensure we are growing responsibly and sustainably.

The following provides the key pieces of information, to Kingsville municipal council, which corresponds to the proposed ZBA and the Draft Plan of Subdivision both being consistent with PPS 2024, as well as the County of Essex Official Plan (“OP”) and Town of Kingsville Official Plan (“OP”).

Moreover, it must be noted that the new County of Essex OP 2024, was adopted by County Council on November 6, 2024, subject to approval from the Minister of Municipal Affairs and Housing. As a result, the policies from the new County of Essex 2024 OP are included below.

Provincial Planning Statement 2024, County of Essex Official Plan and Town of Kingsville Official Plan

The proposed residential draft plan of subdivision for 175 Wigle Avenue is an infill development proposal located in Kingsville’s primary settlement area, where the vacant parcel is surrounded by existing residential land uses. The subject land abuts existing residential land uses to the north, east and south and the proposed draft plan of subdivision implements planned growth within the primary settlement area of Kingsville according to both the County of Essex OP and Town of Kingsville OP. This development proposal will make efficient use of existing municipal services consistent with various policies as described below:

Planning for People and Homes (PPS 2024)

PPS 2024 which came into effect October 20, 2024, removes the concept of “healthy, liveable and safe communities” contained in the PPS 2020, and instead provides that municipalities support the achievement of “complete communities”.

“*Complete communities*” is a new defined term in PPS 2024 and means:

“places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations”.

- Section 2.1.6 requires that planning authorities should support the development of complete communities by:
 - a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.
 - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
 - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Housing

- Section 2.2.1 – Planning authorities provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents ... by
 - b) permitting and facilitating:
 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents;
 2. all types of residential intensification;
 - c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities* ...

- Section 2.3.1.1 – Settlement Areas - Settlement areas shall be the focus of growth and development;
- Section 2.3.1.2 – Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned infrastructure and public service facilities;
- Section 2.3.1.6 – Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.
- Section 2.4.1 – Strategic Growth Areas (Designated Settlement Areas)
 1. Planning authorities are encouraged to identify and focus growth and development in *strategic growth areas*.
 2. To support the achievement of *complete communities*, a range and mix of *housing options*, *intensification* and more mixed-use development, *strategic growth areas* should be planned:
 - a) to accommodate significant population and employment growth;
 - b) as focal areas for education, commercial, recreational, and cultural uses;
 - c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
 - d) to support *affordable*, *accessible*, and *equitable* housing.
 3. Planning authorities should:
 - a) prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;
 - b) identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;
 - c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;

...

These policies are also aligned with the County of Essex OP 2024 which focuses development within Primary Settlement Areas, which are defined as Strategic Growth Areas; residential intensification, greenfield development, and residential densities:

County of Essex OP 2024

These policies are also aligned with the County of Essex OP 2024 which focuses development within Primary Settlement Areas, which are defined as Strategic Growth Areas; residential intensification, greenfield development, and residential densities:

- 4.A.2.1 Primary Settlement Areas are the largest communities and are the traditional centres of settlement and commerce in the County. It is a priority for the County to focus growth and investment in Primary Settlement Areas which are Strategic Growth Areas.
- 4.A.2.2 Primary Settlement Areas are characterized by the following:
 - a) Largest in geographic area and generally the largest settlement areas in terms of population;
 - b) Full municipal servicing is provided/expected;
 - c) A broad mix and the highest concentration of commercial uses and services intended to meet the daily needs of residents is provided. This should include a commercial core or downtown;
 - d) Employment lands are included in the Primary Settlement Area;
 - e) Institutional uses such as schools, hospital/health care, day care and government services are located in Primary Settlement Areas; and,
 - f) The broadest mix of housing is located in Primary Settlement Areas, including areas of intensification for housing.

...
- 4.A.2.5 All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services ...
- 4.A.5.2 Residential intensification shall be provided in every Primary Settlement Area. ...
- 4.A.5.5 Local Municipalities shall identify where the “missing middle” can be accommodated to provide more affordable medium density options for Essex County and should pre-zone such lands to expedite and streamline the approval of this important housing built form.
- 4.A.5.6 The County shall work with Local Municipalities to implement integration of gentle density and a mix and range of housing options within the Settlement Areas, where locally appropriate, through redevelopment of existing neighbourhoods.
- 4.A.6.1 Local municipal Official Plans shall include policies to implement greenfield development that address the following:

- a) Building complete communities that are compact, walkable, mixed use, and include a broad range of public services (e.g. schools and parks), commercial and employment lands, as well as a highly inter-connected street network;
 - b) Incorporating active transportation as part of all new developments and connectivity to the County active transportation network and to the existing and planned networks in adjacent municipalities;
 - c) Ensuring the provision of full municipal services;
 - d) Phasing of development to support the provision of full municipal services while recognizing the financial capability of the local municipality;
 - e) Addressing climate resilience through integrated and coordinated stormwater management, park planning, and flood prone/hazard lands regulatory restrictions; and
 - f) Supporting locally appropriate, logical, and orderly development.
- 4.A.6.2 Local municipal Official Plans, Zoning By-laws, and Secondary Plans shall plan to achieve the following **net residential densities**:

<i>Low Density Residential</i>	<i>25 units per hectare</i>
<i>Medium Density Residential</i>	<i>50 units per hectare</i>
<i>High Density Residential</i>	<i>80 units per hectare</i>

Further, the Town of Kingsville Zoning By-law 1-2014, provides the following definitions:

Density (Gross): means the ratio of the number of dwelling units to the entire subject property and expressed in units per hectare.

Density (Net): means the ratio of the number of dwelling units to the property with the dedicated parkland, roadways, storm water management ponds and other non- developable detached components removed from the land area and expressed in units per hectare.

Based on the above definitions for Gross and Net Densities provided in the Town of Kingsville Zoning By-law 1-2014, the proposed draft plan of subdivision will have the **Gross Density of 22.9 units per hectare**. However, Subsection 4.A.6.2. of the new County of Essex OP mentioned above, refers to Net density and not Gross density.

The Net Density of the proposed draft plan of subdivision will be 29.7 units per hectare, which is actually Medium Density Residential as outline in Subsection 4.A.6.2. of the new County of Essex OP. The applicant's intention is to create more attainable housing (i.e. smaller lots, smaller homes), which is achieved through the proposed Medium Density Residential development.

Kingsville's OP only refers to Gross Density while speaking to number of residential units per hectare, and as such, there is a mismatch between the County of Essex OP and the Town of Kingsville OP in how densities are calculated. This mismatch will be corrected when the Kingsville OP is brought into conformance with the County of Essex OP, as is required by the Planning Act.

PPS 2024 requires that sensitive land uses including residential development be planned to avoid or mitigate potential effects related to planned or existing industrial, manufacturing or other major facilities:

Land Use Compatibility

Section 3.5 of PPS 2024 requires that sensitive land uses including residential development be planned to avoid or mitigate potential effects related to planned or existing industrial, manufacturing or other major facilities:

1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.
2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Kingsville Official Plan

When examining Kingsville's Official Plan in the vicinity of subject lands (175 Wigle Ave), Schedule "A-1" Land Use Plan for Kingsville Official Plan identifies the lands along the west side of Wigle Avenue being designated for Industrial land uses, while the lands along the east side of Wigle Avenue are designated for Residential land uses (where the proposed subdivision will be located.) Therefore, in the context of the proposed plan of subdivision, Wigle Avenue acts as the transition boundary between the Industrial and Residential land uses.

Closer examination of existing land uses within a 500m (1,640.42 ft) radius of the proposed subdivision, indicates that there are some major facilities (as defined in PPS 2020, i.e. manufacturing uses) within this 500m buffer. The proposed residential subdivision is a sensitive land use (as defined in PPS 2024), and separation (or

mitigation measures) of major facilities from sensitive land uses is a matter of provincial interest.

The protection of matters of provincial interest, namely minimization and mitigation of any potential adverse effects such as noise from major facilities, fall under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority. Accordingly, the County of Essex required an Environmental Noise Report to be provided as part of the supporting documents for draft plan of subdivision application in accordance with the procedures for assessment outlined by the applicable provincial Ministry of the Environment, Conservation and Parks (MECP) Noise Pollution Control (NPC) Guidelines.

The final update to the Environmental Noise Report was submitted as a letter issued on June 25, 2024, by Colin Novak PhD, PEng. – akoustik engineering limited, which indicates specific requirements for a 2.0m (6.56 ft) high, noise barrier fence along an identified location in the proposed subdivision. Adherence to this requirement falls under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority for a draft plan of subdivision. It is anticipated that the County of Essex may list the specific requirements for noise mitigation as one of the conditions of draft plan approval.

Natural Heritage

PPS Section 4.1 requires that:

1. Natural features and areas shall be protected for the long term.
2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- ...
7. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

County of Essex OP 2024 & Kingsville OP 2023

Both the Kingsville Official Plan, as well as the County of Essex Official Plan identify portions of the subject land as “Natural Environment Overlay” at the northern limits of the property. Accordingly, County of Essex required an Environmental Impact Assessment (EIA) and Endangered Species Act Assessment (ESAA) study to be provided as part of the supporting documents for draft plan of subdivision application. The study provided by the applicant’s ecologist identified areas along specific areas to the north and east of the subject lands as protected natural heritage areas under PPS 2024.

Due to the findings of the ecologist, the proponent is required to submit an Information Gathering Form (IGF) for activities that may affect species or habitat protected under the Endangered Species Act (ESA) to the provincial Ministry of the Environment, Conservation and Parks (MECP). The purpose of the IGF form is to gather the information that proponents need to submit to the Ministry to inform the Ministry's determination of whether or not a proposed activity is likely to contravene subsection 9(1) or 10(1) of the ESA and whether it is advisable for the proponent to apply for an overall benefit permit under section 17 of the ESA prior to proceeding with the activity.

The proponent’s ecologist submitted the required IGF to the Ministry on November 04, 2024, followed by submitting a Compensation Planting Plan to the Ministry on November 21, 2024. In the Compensation Plan, the proponent’s ecologist is proposing to move the Restoration Area to the lands located at 412 County Road 20, which is 2.3 km to the northwest of 175 Wigle Avenue. The proposal includes (at a 3:1 ratio) creating 1.41 Hectares of Forest, 0.15 Hectares of Meadow and an Artificial Snake Hibernaculum. On November 22, 2024, the Ministry has acknowledged that they have received the 2 documents mentioned above and have passed them on to the management biologist reviewing the file.

The protection of matters of provincial interest, namely natural features in this instance, fall under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority for a draft plan of subdivision. Thus, those areas of the subject land, which have been identified as needing environmental protection, remediation, and mitigation measures (according to the details provided by the ecologist in the EIA report), will remain under holding provisions until such time that The County of Essex advises the Town of Kingsville Planning Services that the requirements of MECP have been satisfied. Further discussion regarding holding provisions can be found later in this report.

Minerals and Petroleum

PPS Section 4.4.1 protects minerals and petroleum resources for long-term use.

The Kingsville Official Plan and the County of Essex Official Plan 2024 (Schedule “E1” Resources) both identify known petroleum resources underlying the lands, and describe land use policies related to development encroaching on known deposits and existing producing well areas.

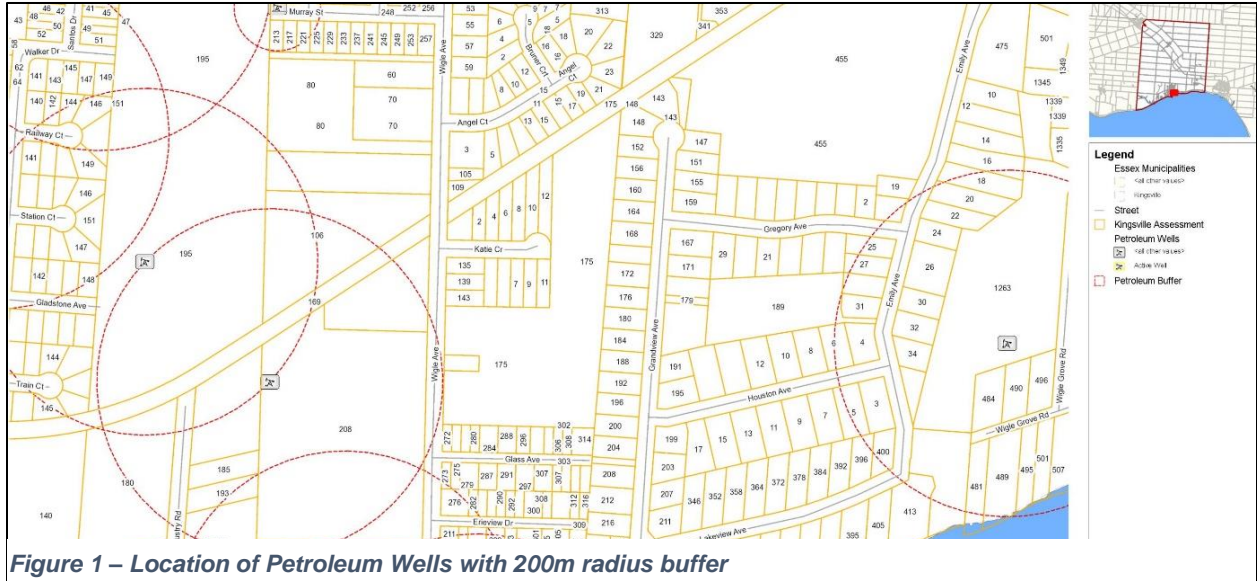
County of Essex Official Plan 2024

- 5.B.1.1 Throughout Essex County there is a potential for the exploration, discovery, and production of petroleum deposits. A number of areas of petroleum production also exist as depicted on Schedule “E1” of this Plan. While activities associated with petroleum resources rarely involve Planning Act controls, the policies of this Plan address the issue of new development encroaching on known deposits and existing producing well areas.
- 5.B.1.2 Petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. New development shall be setback a minimum of 75 metres from existing wells. This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development.

Since the subject property is within Residential designated lands in the primary settlement area, no new extraction facilities will be permitted on this site, therefore the proposed development will not be the primary reason hindering the establishment of new operations or access to the resource. Furthermore, PPS 2024, and Kingsville Official Plan both indicate that proposed new land uses or developments are permitted within the lands on the surface of known petroleum resources, when they serve a greater long-term public interest, which in this case is much needed housing.

An examination of Town of Kingsville GIS mapping indicates that the subject land falls outside the 200m (656.17 ft) radius buffer of any known existing Petroleum Wells, which is consistent with the information publicly available at the province’s Geospatial Data (<https://geohub.lio.gov.on.ca/datasets/lio::petroleum-well/about>)

Since the proposed residential development is more than 75 metres away from existing and meets the requirements of Oil, Gas and Salt Resources Act, the proposed development may be permitted on the subject land, which is located on the surface of known petroleum resources.



Cultural Heritage and Archaeology

PPS 2024 (Section 4.6) requires that planning authorities not permit development on lands containing archaeological resources unless they have been conserved:

...

- 2. Planning authorities shall not permit *development* and *site alteration* on lands containing *archaeological resources* or *areas of archaeological potential* unless the *significant archaeological resources* have been conserved.

As a matter of provincial interest, archaeology and cultural resources fall under the authority of the County of Essex as the approval authority for a draft plan of subdivision. The County required an archaeological assessment study to be provided as part of the supporting documents for draft plan of subdivision application, which resulted in completion of Stage 4 Archaeological Mitigation, by Lincoln Environmental (May 2024). Stage 4 mitigation of development impacts involves implementing conservation strategies for archaeological sites but does not mean stopping development.

On November 26, 2024, Ministry of Citizenship and Multiculturalism (MCM) issued a letter indicating the following:

“The Stage 4 mitigative excavations were carried out from April 23rd 2024 to May 6th 2024, in accordance with the Ministry of Tourism, Culture, and Sport’s Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011). The Scratch Site (AhHh-30) was excavated in consultation with the Caldwell First Nation and the Chippewa of the Thames First Nation.

The mitigation resulted in the complete excavation and removal of the archaeological site, which no longer exists in the ground and has been fully

documented. The archaeological value of the site now lies solely with the artifact assemblage, high precision mapping and field documentation. As such, in accordance with Section 3.4.2 and Section 3.4.3 of the MTCS' 2011 Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011b), The Scratch Site (AhHh-30) no longer retains cultural heritage value or interest and does not require further archaeological investigation. No further assessment of The Scratch Site (AhHh-30) is recommended.”

This letter from NCM satisfies the County of Essex' requirements for protecting provincial interest for the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

In conclusion, the proposed draft plan of subdivision meets the policy directions of PPS 2020, County of Essex Official Plan 2024 and Kingsville Official Plan 2023.

Municipal Zoning By-law

The lands subject to the proposed draft plan of subdivision are currently zoned “General Commercial - Holding [C4(h)]” in Kingsville’s Comprehensive Zoning By-law 1-2014. To allow the proposed subdivision for residential development it is required that the lands be properly zoned for Urban Residential use. The applicant is requesting a site-specific Residential Zone based on the Low Density Urban Residential 2.1 (R2.1) zone, with an exception to permit for the semi-detached dwellings to be constructed on lots, which will have:

- Reduced Lot Area;
- Increased Lot Coverage;
- Reduced Side Yard; and
- Reduced Exterior Yard.

Proposed Exceptions by the Applicant to R2.1 Zone				
	Zoning By-law 1-2014 Low Density Urban Residential 2.1 (R2.1) Regulations		Proposed Exceptions by the Applicant to R2.1 Regulations	
	Semi-detached dwelling	Semi-detached dwelling unit	Semi-detached dwelling	Semi-detached dwelling unit
Minimum Lot Area	600 m ²	300 m ²	500 m²	250 m²
Minimum Lot Frontage	15 m	7.5 m	15 m	7.5 m
Maximum Lot Coverage	50 %	50 %	55%	55%

Minimum Front Yard	5.5 m	5.5 m	5.5 m	5.5 m
Minimum Side Yard	1.5 m / 0 m	1.5 m / 0 m	1.2 m / 0m	1.2 m / 0m
Minimum Exterior Yard	4.0 m	4.0 m	2.4 m	2.4 m

In addition to the above proposed changes, a new (additional) Holding provision will be placed at the rear (eastern) portion of lots 14 to 18 in the draft plan of subdivision, to temporarily protect the natural features which include endangered species habitat, until such time when the requirements of MECP have been satisfied (See Appendix A).

The above holding provision will still allow the servicing to commence, however no building permits can be issued until the Hold is removed from the lands.

Subdivision Agreement and Removal of Holding Provisions

The subject land is under **existing holding provisions** which will remain in place until the following has been completed to the satisfaction of the Town of Kingsville:

- a. Confirmation of availability and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of Kingsville;
- b. Execution of a Subdivision Agreement for specified phase(s), if applicable, where the holding provisions will be removed only on those phase(s) included in the Subdivision Agreement; and
- c. Collection of all required securities by the Town of Kingsville according to the executed Subdivision Agreement.

The current holding provisions associated with the zoning designation of the property, are in place to achieve orderly staging of development, to guarantee adequate infrastructure and facilities will be available for the specified proposed type of development, to adopt measures to mitigate any negative impacts of development, and to satisfy policies of the Kingsville Official Plan.

On approval of the ZBA and Draft Plan of Subdivision zoning, the Town will negotiate a Subdivision Agreement with the Developer that includes any conditions outlined by the County of Essex, as well as any conditions required by the Town of Kingsville to implement the development standards as described in the Town's Development Manual related to sewer and water services (including the Town's CLI-ECA approval obligations), stormwater management, lighting, road and cul-de-sac design, linear infrastructure, sidewalks, and other requirements, or other regulatory processes. Of

note, recent legislative changes require reallocation of services (e.g. water, sanitary) if development has not been completed within three years.

Once the Subdivision Agreement has been fully executed by both the owner and the Town, and adequate securities have been collected by the Town, the owner may apply for a Removal of Hold ZBA to remove this existing/original holding symbol which speaks to availability of services (mentioned above).

Conversely, those parts of the proposed subdivision that are protected natural areas (i.e. the eastern portion of lots 14 to 18) will remain under a separate holding provision which stipulates that development and site alteration shall not be permitted in a habitat of endangered species and threatened species, except in accordance with all provincial and federal requirements. This holding provision for the protection of habitat of endangered species and threatened species will remain in place until such time that the County of Essex advises Town of Kingsville that the Hold may be removed since all provincial and federal requirements have been met.

CONSULTATIONS

The Town of Kingsville, as the approval authority for ZBA applications, has conferred with the persons or public bodies which must be notified of the proposed ZBA applications. Similarly, The County of Essex, as the approval authority for plans of subdivision, has conferred with the persons or public bodies which they consider may have an interest in the approval of the proposed subdivision (see Appendix E)

Furthermore, in accordance with requirements of Ontario Regulation 545/06, and Ontario Regulation 544/06, Town of Kingsville has given public notice of the ZBA and Draft Plan of Subdivision (see Appendix D) by:

- a. by personal service or mail, to every owner of land within 120 metres of the subject land; and
- b. posting notice signs, clearly visible and legible from a public highway or other place to which the public has access, namely on Wigle Avenue frontage of the subject land, and at the cul-de-sac end of Katie Crescent.

In addition to the above required personal service or ordinary mail and sign posting notices, an additional notice has been placed on Kingsville's municipal webpage at the following link: <https://www.kingsville.ca/en/news/planning-items-for-review-at-the-december-9-2024-council-meeting.aspx> (see appendix F.)

If any public comments are received until 4 p.m. on December 9, 2024, they will be attached (see Appendix H.)

The application was also reviewed by the Town's Technical Advisory Committee, and additional consultation with:

- Director of Public Operations
- Senior Manager of Capital Projects and Engineering
- Development Engineer
- Manager of Legal Services

FINANCIAL CONSIDERATIONS

The Town of Kingsville will be collecting subdivision securities in accordance with requirements and conditions which will be stipulated in the Subdivision Agreement. At the appropriate time release of the collected securities will be managed by the Town of Kingsville.

Furthermore, in compliance with section 3.5 of the Kingsville OP (Parks and Open Spaces), subsection 3.5.2. e) which indicates the following:

“where land is to be developed or redeveloped for residential purposes, the Town shall require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the maximum of the following criteria or combination thereof:

- i. five percent (5%) dedication of the gross area of the land proposed for development; and/or*
- ii. dedication at a rate of one hectare per 300 units or cash-in-lieu at a rate of one hectare per 500 units or such lesser rate as may be specified in the by-law;”*

the appropriate equivalent cash-in-lieu of required Parkland will be collected at the time of executing the subdivision agreement

Upon completion of servicing the subdivision, once building permits can be issued on each lot, development charges and building permit fees will be collected, which ultimately will contribute to additional taxation, water, and wastewater revenue for Town of Kingsville.

PREPARED BY:

Sahar Jamshidi

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

REVIEWED BY:



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

REVIEWED BY:



John Norton
Chief Administrative Officer

- Appendix A – Key Map
- Appendix B – Draft Plan of Subdivision
- Appendix C – County of Essex Request to Notify
- Appendix D – Notice of Application for Draft Plan of Subdivision
- Appendix E – County of Essex Request for Comments
- Appendix F – Website Notice Nov 22, 2024
- Appendix G – Notice Signs Placed on Public Highways
- Appendix H – Public Comments