



Date: January 13, 2024

To: Mayor and Council

Author: Richard J.H. Wyma, CSLA
Director of Planning and Engineering

RE: Main Street Neighbourhood and Gateway – Building Heights

RECOMMENDED ACTION

That Council **APPROVE** By-law 4-2025 and By-Law 5-2025, being by-laws to amend the Official Plan and Zoning By-Law for the Town of Kingsville, and increase maximum heights permitted in the Main Street Neighbourhood and Main Street Gateway East Zones from 14.5 m (4 storeys) to 22 m (6 storeys).

KEY POINTS

- In September, 2023, and based on sound planning considerations, Administration recommended maximum building heights within the Main Street Core (11m/3 storeys), Main Street Neighbourhood (**22m/6 storeys**), Main Street Gateway East (**22m/6 storeys**) and Main Street Gateway West (22 m/6 storeys).
- In September 2023, Council approved Official Plan and Zoning By-law Amendments for the Main Street Corridor that included, among other policies, maximum building heights within the Main Street Core (11m/3 storeys), Main Street Neighbourhood (**14.5m/4 storeys**), Main Street Gateway East (**14.5m/4 storeys**) and Main Street Gateway West (22 m/6 storeys).
- Council's unexpected reduction to the recommended building height limits have had a significant impact on individual developer plans and led to costly appeals at the Ontario Land Tribunal. In addition, Administration has not found planning expert support for these reductions in the Main Street Neighbourhood and Main Street Gateway areas.
- The Main Street OPA and ZBA and a later site specific ZBA for 183 Main Street were appealed to the Ontario Land Tribunal (OLT). As directed by Council, Administration negotiated the withdrawal of the appeals in exchange for permitting the site-specific application. This was approved by the OLT in December 2024.
- There have since been changes in the *Planning Act*, Provincial Policy Statement 2024 and the County Official Plan that require municipalities to plan for and support

increased intensification where ‘complete communities’ can be best achieved – where access to commercial and community services is easily facilitated within walkable distances, where a range of housing options can be provided, and where municipal servicing already exists.

- Development along Kingsville’s Main Street Corridor, and within the surplus school properties, will be required to comply with these policy changes. As a ‘strategic growth area’, it is recommended that Council increase maximum building heights within the Main Street Gateway East, and Main Street Neighbourhood zones to 22 m (6 storeys).

BACKGROUND

In April 2023, Administration presented a report to public Committee of the Whole (COTW) meeting 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.

The report included a number of goals for the Corridor, related to urban design, housing, heritage, landscape and signage, and transportation within three policy areas/zones within the Main Street Corridor:

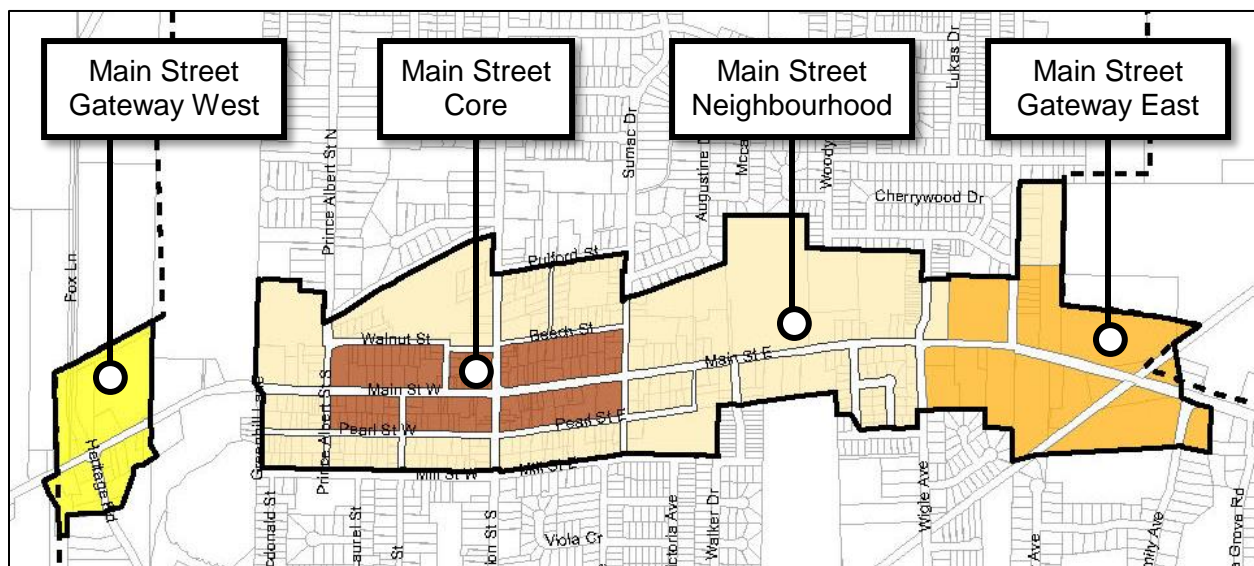
- Zone 1 – Main Street Core
- Zone 2 – Main Street Neighbourhoods
- Zone 3 – Main Street Gateway

Following discussion, Council directed Administration to develop associated Official Plan and Zoning By-law amendments, which were presented for consideration at the September 25, 2023 Council Meeting. Within this report, Administration proposed a vision for Main Street:

Main Street will continue to be 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. Main Street is 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.

The amendments included policies related to Urban Design, Housing, Heritage, Landscape and Signage, and Transportation to further the vision included in both the OPA and ZBA. Council approved the suite of OPA and ZBA policies with two revisions related to height in the Main Street Neighbourhood and Main Street Gateway East zones (**highlighted** below):

BUILDING HEIGHTS		
Zone	Recommended from COTW	Approved by Council
Zone 1: Main Street Core	<ul style="list-style-type: none"> Minimum of 7.5m (2 storeys) Maximum of 11 m (3 storeys) 	<ul style="list-style-type: none"> Minimum of 7.5m (2 storeys) Maximum of 11 m (3 storeys)
Zone 2: Main Street Neighbourhood	<ul style="list-style-type: none"> minimum of 7.5m (2 storeys) 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 	<ul style="list-style-type: none"> minimum of 7.5m (2 storeys) maximum of 14.5 m (4 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
Zone 3: Main Street Gateway West	<ul style="list-style-type: none"> maximum of 22 m (6 storeys) 	<ul style="list-style-type: none"> maximum of 22 m (6 storeys)
Zone 4: Main Street Gateway East		<ul style="list-style-type: none"> maximum of 14.5 m (4 storeys)



DISCUSSION

The approved OPA and ZBA for the Main Street Corridor were appealed to the Ontario Land Tribunal (OLT) by two developers, specifically related to building height limits. A further site-specific application for a development at 183 Main Street was rejected by Council and also appealed to the OLT. As directed by Council on September 9, 2024, Kingsville and the appellants reached a negotiated settlement which permitted the site-specific development at 183 Main Street in exchange for a withdrawal of Main Street Corridor appeals. The OLT held a hearing on December 2, 2024, approved the negotiated settlement, and issued its orders on December 3, 2024.

Despite the withdrawal of appeals and the OLT ordered Official Plan and Zoning By-Law amendments, the Town continues to receive applications for increased heights within the Main Street Gateway East and Main Street Neighbourhood Zones. These projects were developed following COTW discussions regarding building height and any decision on those proposals will be subject to further OLT appeals.

Any OLT Appeal will consider existing development, including the two 6-storey buildings on Main Street (190 Main), a six-storey apartment building at the rear of 195 Main Street (as approved by Council in 2022/3 as part of the Plan of Subdivision/Zoning approvals); and that 6-storeys are permitted in the Main Street Gateway West zone will potentially make it more difficult for the Town to defend these height limits.

This will be made more challenging because, since the September 2023 Council decision, and the September 9, 2024 direction from Council to negotiate settlement, there has been changes to the *Planning Act* (Bill 162, *Get it Done Act, 2024* – February 2024; and Bill 185, *Cutting Red Tape to Build More Homes Act* – June 2024), Provincial Policy Statement (PPS 2024 – October 20, 2024), and a new County Official Plan (November 2024) that require municipalities to plan for intensification and increased densities as part of complete communities, and more efficient development in keeping with Provincial matters of interest and policies. Municipalities will be required to conform with those policies, which will also be used by the OLT to inform their consideration of any future appeals.

Kingsville's Main Street Corridor, with two surplus school properties, will be under pressure to satisfy policy direction as described below.

Planning Act

The *Planning Act* sets out the ground rules for land use planning in Ontario and integrates matters of provincial interest into planning decisions. These matters of provincial interest include, as it relates to housing, land use, and intensification:

- supply/efficient use of energy and water
- adequate provision of sewage and water services
- adequate provision of a full range of housing, including affordable housing
- climate change
- appropriate location of growth and development
- promoting built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Main Street OPA and ZBA policies were drafted intentionally to reflect these legislative priorities. In-fill/intensification in the Main Street corridor through mid-rise, mixed-use development meets these matters of provincial interest. Development, or re-development within the corridor is more efficient and has less impact on servicing than expansion in greenfield lands outside the core where service upgrades are

more expensive and substantial. Building heights (and density) encourages growth and development within existing lands where not only servicing is available, but also where commercial and personal services are in place within walkable distances. Further, intensification along Main Street alleviates traffic with the corridor (as opposed to development outside the Corridor, which requires driving along Main Street to access commercial and personal services). And, as reflected in the Vision (above) the goal is to create 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.

Recent changes to the *Planning Act* through other legislation provide clearer legislative direction to build more homes, streamline approvals, and support housing related infrastructure. Through these changes, the Province is increasingly focused on density, intensification, and providing all forms of housing (including 'affordable' as defined by the Provincial Bulletins), efficient development where services are available, and even limiting third party appeals to ensure that housing related applications (official plan, zoning by-law, site plan control) move forward more efficiently through approvals processes.

Provincial Policy Statement 2024

The new Provincial Policy Statement 2024 (PPS 2024) that came into effect October 20, 2024, represents a foundational change to the land use planning policy framework that has been in place in Ontario since the early 2000's. The PPS 2024 establishes a new vision for land use planning which is now also directly linked to the provincial government's commitment for 1.5 million homes to be built by 2031 and ensuring that such development is strategic.

Specifically, Policy 2.2.1 requires that planning authorities provide an appropriate range and mix of housing options and densities to meet current and projected need by, among other things, permitting and facilitating all types of residential intensification, now also including the conversion of existing commercial and institutional buildings (e.g. schools, shopping malls and plazas) for residential use, the introduction of new housing options within previously developed areas, and redevelopment that results in a net increase in residential units.

Of note, PPS 2024 removed reference to market-based housing that was previously in the PPS. Municipalities are to address Policy 2.2.1 by establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households; permitting and facilitating all housing options and all types of residential intensification; promoting densities for new housing; requiring transit-supportive development and prioritizing intensification.

Similarly, Policy 2.1.6 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 PPS2024 that is reinforced in multiple PPS Policies:

Complete communities: 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.

Policy 2.1.6 requires Planning authorities to 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.

Policy 2.4.1 encourages planning authorities to identify and focus growth and development in **strategic growth areas**, and to prioritize intensification to achieve complete communities and compact built form.

The Main Street Corridor meets the criteria for strategic growth areas per the PPS policies and should be an area where growth and intensification is supported and encouraged. The OPA/ZBA policies support mixed-use development along the Main Street Corridor because it provides access to schools, public services, parks and open space, local stores; range and can provide a mix of housing options. As also discussed, regardless of ownership, Council (and residents) are supportive of zoning the surplus high school and elementary school lands to support the Province's housing priorities.

County of Essex Official Plan (2024)

The 2024 County Official Plan was written to reflect new policies and directions in PPS 2024. This includes requirements (S.4.A.5 – Intensification) for the County and Local Municipalities to plan for a residential intensification target of 30% of new housing units. It requires municipalities to prepare an intensification strategy to support creation of complete communities, identify strategic growth areas within Primary Settlement Areas that are readily accessible to a mix of housing, can support mixed-use development, and where public and commercial services are

available. Further, with surplus properties becoming vacant, intensification targets should be achieving higher densities than those that currently exist:

- identify the location and boundaries of local growth centres and mixed-use corridors, that are considered priority areas for development and intensification;
- identify appropriate design and scale of development and identify where the “missing middle” can be accommodated to provide more affordable medium density (up to 6 storeys as described in the County OP Growth Analysis) options for Essex County
- provide strategies to achieve higher densities than what currently exist;
- pre-zone lands to expedite and streamline approvals; and
- identify other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;

The Main Street OPA/ZBA policies align with the policies of the 2024 County of Essex OP related to intensification and promote a mixed-use corridor along Main Street. Main Street is a major opportunity for intensification as a result of school properties that are expected to be deemed surplus, and development in and around the commercial areas in the east and west of town to support growth and reduce traffic and other issues. Development and intensification along the Main Street Corridor also supports complete communities, a mix of housing options (including both affordable and attainable housing) and has services available for more intensive development.

Summary

Planning for densities and housing types that achieve a broader range of housing options for all household sizes, including affordable and market-based housing; and, ensuring that growth takes place in a sustainable manner contributes to the long-term financial, social and environmental well-being of Kingsville.

Supporting and maintaining mixed-use, medium density (i.e. up to 6 storeys) throughout the Main Street Corridor, with the exception of the Main Street Core, is in keeping with the *Planning Act*, changes to the Provincial Policy Statement 2024, and the 2024 County Official Plan. These legislative and policy changes require municipalities to support increased intensification where complete communities can be best achieved – where existing services exist, where access to commercial and community services is easily facilitated within walkable distances, and where a range of housing options can be provided.

The recommended amendments are described in the attached By-Law 04-2025 (Official Plan Amendment Number 19) to amend the Official Plan of the Town of Kingsville and By-Law 05-2025 to amend the Town of Kingsville Comprehensive Zoning By-Law 1-2014 with respect to the entire Town of Kingsville.

FINANCIAL CONSIDERATIONS

Increased, and more intensive development (mixed use, commercial, and residential) will result in increased revenues through taxes and associated development charges. Medium-density dwellings (i.e. up to 6 storeys) also provide opportunities for more attainable housing options and help fill the 'missing middle'. Intensifying within an existing urban area will also reduce costs associated with servicing 'greenfield' development.

ENVIRONMENTAL CONSIDERATIONS

Intensification and increased densities in existing built-up areas reduces sprawl and expansion and greenfield development which helps protect and preserve both natural heritage and agricultural lands and makes better use of existing infrastructure and services. This also reduces cost of development and provides opportunity for more attainable housing options. Development within walkable distances from personal/ commercial and community services also reduces vehicle traffic which further reduces greenhouse gas and pollution. Permitting increases in building height also reduces building footprints while maintaining density, which provides opportunity for more green space/open space in the Main Street Corridor.

CONSULTATIONS

In keeping with Section 22(1) of the *Planning Act*, the Town of Kingsville has given public notice of the Official Plan and Zoning By-Law Amendment (see Appendix A) by posting notices on the Town of Kingsville's municipal website:

<https://www.kingsville.ca/en/news/planning-items-for-the-january-13-2025-council-meeting.aspx>

If any public comments are received until 4 p.m. on January 13, 2025, they will be attached to this report, and otherwise provided.

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

- John Norton, Chief Administrative Officer
- Senior Management Team

PREPARED BY:



Richard J.H. Wyma CSLA

Director of Planning and Development

REVIEWED BY:

A handwritten signature in black ink, appearing to read "John Norton", written in a cursive style.

John Norton
Chief Administrative Officer