



Date: August 11, 2025

To: Mayor and Council

Author: Richard J.H. Wyma
Director of Planning and Development

RE: Removal of Holding Provision – 175 Wigle (Tamam Gardens)

RECOMMENDED ACTION

That By-law 50-2025 to amend the zoning on the lands described in the Draft Plan of Subdivision in the Town of Kingsville from “Low Density Urban Residential 2.1 – Holding with exception 19 [R2.1-19 (h)] to “Low Density Urban Residential 2.1 – with exception 19 (R2.1-19)” **be adopted** during the By-law stage of the Council Agenda.

BACKGROUND

In December 2024, Council directed Administration to advise the County of Essex that the Town of Kingsville has no concern or comment regarding the proposed (revised) draft plan of subdivision for 175 Wigle, now known as Tamam Gardens (see Appendix “A” for location map). Further, Council approved an associated Zoning By-Law Amendment to rezone the subject lands from “General Commercial – Holding [C4(h)]” to “Low Density Urban Residential 2.1 – Holding with exception 19 [R2.1-19 (h)] with exceptions associated with Minimum Lot Area, Maximum Lot Coverage, and Side Yard/Rear Yard setbacks. The property remained in holding provision until such time as the Development Agreement was approved and securities were collected.

At that time, Council also approved a new (additional) holding provision placed at the rear (eastern) portion of blocks 14 to 18 to temporarily protect the natural features which include endangered species habitat until such time as the requirements of the MECP, as detailed in the applicant’s Information Gathering Form and associated Compensation Plan, have been satisfied.

DISCUSSION

In March 2025, Council approved the Subdivision Agreement for the property and released the holding provisions on the property with the exception of the additional holding provision placed on the rear portion of blocks 14 to 18 as the required compensation works had not yet been completed.

In Spring 2025, the applicant engaged the Essex Region Conservation Authority to undertake the required habitat compensation plan, which included the creation of 1.41 ha of forest, 0.15 ha of meadow, and an artificial snake hibernacula at property owned by the developer at 412 County Road 20. The ERCA was also engaged to undertake annual monitoring for the site as required by the Compensation Plan.

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. On July 15, 2025, the County advised that they are satisfied the compensation plan requirements, including long-term monitoring, have been implemented.

To that end, the Town of Kingsville is able to release the holding provisions on the rear (eastern) portions of blocks 14 to 18 as described in By-law 50-2025.

FINANCIAL CONSIDERATIONS

The Subdivision Agreement was approved by Council in March 2025. This means that upon completion of servicing the subdivision, building permits can be issued on each lot. This will result in collection of development charges, parkland payment-in-lieu (at the time of Building Permit) and building permit fees which ultimately will contribute to additional taxation, water, and wastewater revenue for the Town of Kingsville.

ENVIRONMENTAL CONSIDERATIONS

The Plan satisfies the Environmental Impact Assessment completed for the property which required a 3:1 compensation for forest and meadow habitats and an artificial snake hibernacula at property owned by the Developer at 412 County Road 20. These lands will be zoned Environmental Reserve District at a later date.

CONSULTATIONS

The Plan of Subdivision and associated zoning were approved following statutory consultation as required by the *Planning Act*. The town consulted with the Essex Region Conservation Authority and County of Essex to ensure the compensation plan, including annual monitoring requirements, have been completed such that the holding provision on blocks 14 to 18 can be removed.

PREPARED BY:



Richard J.H. Wyma
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