

Appendix A – Official Plan Policy

2.1.1 Land Use Planning Principles

- a) to create more compact development within designated and fully serviced urban settlement areas;
- b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;
- c) to promote opportunities for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities
- d) to discourage urban type development outside of the designated settlement areas of the Village of Cottam, the Hamlet of Ruthven and the Town of Kingsville;
- e) to create and maintain an improved balance between residential and employment growth;
- f) to maintain and enhance the uptown area of Kingsville and the commercial area of Cottam as focal points where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed use environment;
- g) to maintain and attract manufacturing, agri-businesses and tourism-related businesses and activities that can provide employment opportunities to existing and future residents;
- h) to protect prime agricultural areas for agricultural use;
- i) to protect remaining natural heritage features and other natural resources that are provincially and regionally significant;
- j) to increase the amount of core natural area and natural buffers where possible, particularly through restoration efforts;
- k) to link wildlife habitat and natural heritage areas to each other, human settlements to other human settlements and people to nature;

- l) to provide land reserves or corridors for future linear transportation and utility facilities and services;
- m) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;
- n) to formulate and adopt a growth management policy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to the urban area;
- o) to provide cost effective and environmentally sound municipal services;
- p) to provide co-operative inter-municipal consultation and co-ordination in the provision of those municipal services that have inter-municipal considerations;
- q) to continue work on long term servicing strategies for sanitary sewage treatment, the provision of potable water and storm water management;
- r) to ensure that petroleum, non-metallic mineral resources and aggregate resources are available for future use and that extractive operations are protected from activities that would hinder their expansion or continued use; and
- s) to direct development away from natural and manmade hazardous areas.

2.6 BUFFERING

Adequate buffering will be required between all uses of land where there may be a conflict such that one use will detract from the enjoyment and/or functioning of the adjoining use. Such buffering may include landscaping using local native plantings, screening and greater separation distances between incompatible uses. Required distance separations shall be established in the Zoning By-law that reflect the Ministry of the Environment guidelines regarding appropriate separation distances and buffering between industrial and sensitive land uses.

2.8 SITE SUITABILITY

Prior to the approval of any development or amendments to this Plan and/or the Town's Zoning By-law, it shall be established to the satisfaction of Council that:

- a) soil and drainage conditions are suitable to permit the proper sitting of buildings;

- b) the necessary services are available to adequately accommodate the proposed development;
- c) no traffic hazards will result because of excess traffic generation or limited sight lines on curves or grades;
- d) the land fronts on a public road which is of a reasonable standard of construction;
- e) adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.

2.9 VISUAL AMENITY

The visual amenity of the Town will be preserved and enhanced wherever possible. This will be achieved by efforts to place telephone and power distribution lines underground wherever financially feasible, by enforcing minimum property standards, by the regulation of signs and by encouraging good landscape design and tree planting.

3.2 COMMERCIAL

3.2.1 Central Commercial

The areas designated "Central Commercial" on Schedules "A-1" and "A-2" are the main commercial areas of the Town. Their purpose is to provide the full range of commercial uses to satisfy the needs of the local area as well as the visiting tourist population.

Goals

The following goals are established for the lands designated "Central Commercial" as depicted on Schedules "A-1" and "A-2" of this Plan:

- a) to continue to strengthen the existing downtown type commercial areas (former Kingsville and Cottam downtowns) as community focal points;
- b) to ensure that there is sufficient area for commercial expansion in a downtown setting so that the commercial needs of the area residents can be satisfied in those locations;

- c) to encourage new retail and other commercial uses to locate in the downtown areas;
- d) to promote mixed use redevelopment projects (commercial / residential) including residential apartment development located above the first floor of commercial development in this area;
- e) to provide visually and aesthetically pleasing areas within which to shop;
- f) to encourage further expansion of existing retail commercial uses.

Policies

The following policies shall apply to those lands designated "Central Commercial" on Schedules "A-1" and "A-2" of this Plan:

- a) the predominant use of land in the "Central Commercial" designation shall be for the buying and selling of goods and services. The permitted uses shall include retail and service commercial stores, banks and other financial institutions, business and professional offices, restaurants, taverns, clubs, recreational establishments, public buildings, parking lots, places of entertainment and amusement, churches, schools, etc. Residential apartment type uses will also be permitted in the "Central Commercial" designation in accordance with the policies in this subsection;
- b) it is the policy of this Plan to maintain the "Central Commercial" areas as areas of commercial and civic focus while allowing new commercial development in outlying areas. In considering proposals for development, regard shall be given to the following:
 - i) where possible, development of vacant sites and redevelopment of existing areas within the "Central Commercial" area shall be encouraged;
 - ii) it is generally intended that adequate parking in clearly defined areas will be required for all new development and redevelopment. The number of spaces required for various types of commercial uses will be contained in the implementing Zoning By-law. Where any proposal for parking is made which appears to be less than the desirable standard in use by the municipality, it should be conclusively demonstrated (before the development is permitted) that the proposal will not lead to nuisances through the parking of vehicles on land or streets adjacent to the use. Where severe parking problems are

encountered in developed areas to an extent that the amenity of the area is affected, the Town will endeavour to establish special parking areas, possibly by assembling land for this purpose pursuant to the provisions of the Municipal Act or the Planning Act. All parking areas shall be attractively designed and landscaped to enhance their appearance in keeping with the character of the Town;

- iii) the retention, renewal and conservation of commercial built resources of historical and architectural merit will be encourage if they are affected by an application for development or redevelopment. The impact of such development plans on the character of the surrounding area will also be considered.
- c) adequate buffering and setback distances shall be provided between the “Central Commercial” uses and adjacent residential uses;
- d) it shall be the policy of this Plan to encourage, by all means possible, the aesthetic and physical improvement of the “Central Commercial” areas. This will include:
 - i) the acquisition of additional land for off-street parking where necessary and financially feasible;
 - ii) the improvement of traffic circulation and on-street parking practices where necessary; and
 - iii) encouraging beautification efforts and facade improvements for existing business and appropriate site and building design for all new commercial development. The Town will continue to encourage the Victorian Theme particularly in the urban area of the former Town of Kingsville;
- e) residential apartment units in a mixed use building will be permitted provided the residential units are restricted to the second storey and above or at the rear of the floor space at street level. Street level floor space shall be restricted to retail, office and service commercial purposes;
- f) existing residential uses within the “Central Commercial” designation are permitted and may be recognized in the Zoning By-law subject to the Existing Land Uses and Buildings policy in Section 8 of this Plan;

- g) any application to enlarge the extent of the “Central Commercial” designation shall require an amendment to this Plan. Before an amendment is approved, Council shall be satisfied that:
 - i) where deemed necessary, the applicant has prepared a market potential study to justify the proposed use. The need should be substantiated by adequate market research which will include not only the viability of the proposal but the impact it may have on the existing commercial facilities within the municipality;
 - ii) municipal services are available to the property and have the necessary capacity to satisfy any increased demands as a result of the proposed use;
 - iii) no serious traffic problems will result from the proposed use;
 - iv) the applicant has made reasonable efforts to obtain available space in the existing areas designated “Central Commercial”, or has demonstrated why it is not feasible to locate in these areas;
 - v) the proposed use will not adversely affect existing adjacent uses;
- h) all new development within the “Central Commercial” designation will be subject to site plan control pursuant to the Planning Act;
- i) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the “Central Commercial” designation. Any expansions of the “Central Commercial” designation will not be considered unless:
 - i) serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing in accordance with Section 6.3 of this plan;
 - ii) the uncommitted reserve sewage system and/or reserve water system capacity of the Town’s sanitary sewage and potable water systems can adequately accommodate the expansion of the designation; and

- iii) if the expansion of the designation necessitates an expansion of the approved municipal sanitary sewage and/or potable water service areas, the expansion of the service areas is undertaken, all in accordance with the requirements of the Environmental Assessment Act.

3.2.3 Highway Commercial

The areas designated "Highway Commercial" on Schedule "A-2" have been determined to be suitable for highway commercial type development.

Goals

The following goals are established for the areas designated "Highway Commercial" on Schedule "A-2" of this Plan:

- a) to identify specific areas within the Town which are the most appropriate for highway commercial development;
- b) to ensure that the commercial needs of area residents are satisfied;
- c) to identify specific areas other than the downtown core where retail and service commercial facilities may locate.

Policies

The following policies shall apply to those lands designated "Highway Commercial" on Schedule "A-2" of this Plan:

- a) because of location, development circumstances and easy access, the lands designated "Highway Commercial" are believed to be best suited for service commercial and retail commercial uses, personal service shops and other commercial uses that require good visibility and on-site parking. Accordingly, permitted uses include those that generate moderate to heavy traffic flows, require easy traffic access and nearby parking or include the sale of bulk materials or the servicing of large or otherwise awkward items such as establishments which furnish bulk and wholesale supplies such as fuel, building materials, hardware, etc., establishments which sell or service automobiles, trucks recreational vehicles including boats, and farm and garden vehicles and equipment, motels and related tourist facilities, restaurants and banquet halls, recreational uses, retail commercial uses, personal service shops,

establishments requiring larger lot areas to accommodate sales and storage such as food stores, furniture stores and warehousing, printing establishments, business and professional offices;

- b) all development within the “Highway Commercial” designation shall be subject to site plan control pursuant to the Planning Act;
- c) new residential lots shall not be permitted within the “Highway Commercial” designation however accessory residential uses may be allowed;
- d) existing residential uses within the “Highway Commercial” designation are permitted and may be recognized in the Zoning By-law subject to the Existing Land Uses and Buildings policy in Section 8 of this Plan;
- e) all development within the “Highway Commercial” designation shall be in accordance with the land division policies contained in Section 7 of this Plan;
- f) adequate yard, parking and loading standards for the uses permitted in this designation shall be contained in the implementing Zoning By-law;
- g) adequate buffering and setback distances shall be provided between any Highway Commercial uses and adjacent uses. Such buffering may include separation by distance, the provision of beams, fences, grass strips, appropriate shrub plantings and landscaping using local native plantings or any combination thereof deemed necessary by Council;
- h) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the “Highway Commercial” designation. More specifically, for any “Highway Commercial” designated lands serviced by full municipal services, all new development must be fully municipally serviced in accordance with Section 6.3 of this Plan. For “Highway Commercial” designated lands where partial municipal services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) exists, development will only be permitted on partial municipal services within the existing “Highway Commercial” designated lands to:
 - i) address failed individual on-site sewage and individual on-site water services within existing development;

- ii) to allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and
 - iii) site conditions are suitable for the long-term provision of such services.
- i) new and existing highway commercial uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing highway commercial uses which are limited to the confines of the current zoning shall be permitted; however expansions into the “Agriculture” designation would require an amendment to this Plan).

Expansions of the “Highway Commercial” designation will not be considered unless serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing.

3.6.1 Residential

Areas designated “Residential” on Schedules “A-1” and “A-2” are either currently developed residentially or have previously been determined to be appropriate to accommodate future residential development. It is the intent of this Plan that a broad range of residential types be permitted on lands designated “Residential” in order to meet the needs of all households anticipated during the 20 year planning period of this Plan. In addition, other uses which are considered to be ancillary or necessary to serve the needs of a residential community may also be permitted in the “Residential” designation in accordance with the policies of this Plan.

The following land use goals and policies establish the manner with which new residential development and/or redevelopment should take place in the Town. These policies shall be implemented through regulations enacted in the Town’s Zoning By-law, the development review/approval process, and through individual site plan control and development agreements.

Goals

The following goals for areas designated “Residential” on Schedules “A-1” and “A-2” of this Plan are to:

- a) provide areas in which residential development may occur in a controlled and

progressive manner and to recognize existing residential development and areas presently designated for residential development;

- b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;
- c) encourage infilling of the existing development pattern;
- d) encourage the development of a greater variety of housing types;
- e) provide older residential neighbourhoods with protection from non-residential redevelopment pressures;
- f) encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;
- g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated "Residential" as a means of increasing the supply of affordable rental and ownership accommodations. Within the 5 year period prior to the mandatory review of the Plan, the Town will work with the County of Essex to establish and implement minimum targets for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities and this Plan will be amended to incorporate such targets;
- h) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and policies within the Town's Development Standards Manual;
- i) encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period.
- j) provide opportunity to increase the supply of affordable housing through residential intensification. Within the 5 year period prior to the mandatory review of the Plan, the Town will work with the County of Essex to establish and implement minimum targets for affordable housing within built-up areas which are supported by the appropriate levels of infrastructure and public service

facilities and this Plan will be amended to incorporate such targets;

Policies

The following policies shall apply to those lands designated “Residential” on Schedule "A-1" and “A-2" of this Plan:

- a) a variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single unit detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors’ housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests;
- b) other uses which are considered necessary and complimentary to serve residential areas, such as schools, parks, churches, day care centres, home occupations and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area;
- c) uses that are existing on the date of adoption of this Plan are also permitted in the “Residential” designation;
- d) the regulations and provisions for the uses permitted in the “Residential” designation shall be established in the Zoning By-law;
- e) the creation of new lots for residential purposes will occur in accordance with the land division policies contained within Section 7 of this Plan;
- f) a high standard of amenity shall be provided in all future residential development;
- g) residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:
 - i. sensitive to the existing scale, massing and pattern of the area;
 - ii. be consistent with the existing landscape and streetscape qualities; and
 - iii. will not result in the loss of any significant heritage resources.
- h) areas for medium and high density residential development are not specifically identified in this Plan. It is the intent of the Plan that all types of residential

development will be permitted throughout the area designated “Residential”, subject to satisfying certain criteria. The Zoning By-law will zone only existing medium and high density residential uses as such. Any new medium or high density residential development or redevelopment proposal will require an amendment to the Zoning By-law. When considering the appropriateness of the amendment request, the following criteria shall be considered:

i. Low Density Residential

The low density residential zone will permit single unit dwellings, two unit dwellings and three unit dwellings at a maximum density of 20 units per gross hectare.

ii. Medium Density Residential

The medium density residential zone will permit single unit dwellings, two unit dwellings, three unit dwellings, single unit attached housing, townhouse dwellings, apartment buildings not exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 50 units per gross hectare.

iii. High Density Residential

The high density residential zone will permit multiple family dwellings such as single unit attached housing, townhouse dwellings, apartment buildings exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 124 units per gross hectare.

iv. Redevelopment of Older Neighbourhoods

Proposals to locate medium and high density residential development in older established residential neighbourhoods will be discouraged if they involve the extensive redevelopment of existing single unit dwellings;

- i) when considering applications to amend the Zoning By-law to permit a medium or high density residential development, the Town shall have regard to the following:

- i) the need for the proposed development as identified through an analysis of housing supply and demand;
 - ii) the density and form of adjacent development;
 - iii) the adequacy of, and extent of uncommitted reserve capacity in the municipal potable treatment and supply system, the municipal, sanitary sewage treatment and collection system, storm drainage and roads to service the proposed development;
 - iv) the adequacy of school, park and community facilities to serve the proposed development;
 - v) the adequacy of off-street parking facilities to serve the proposed development;
 - vi) the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses; and
 - vii) accessibility in relation to the location of arterial and collector roads;
- j) all medium and high density residential development will be subject to site plan control pursuant to the Planning Act;
- k) mobile homes and/or mobile home parks shall not be permitted in the “Residential” designation;
- l) home occupations carried out for remuneration as defined in the Zoning By-law are permitted in the “Residential” designation;
- m) institutional uses are permitted in the “Residential” designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria contained in Section 3.4 of this Plan shall be considered;
- n) undeveloped lands that are designated “Residential” may be placed in a holding zone in the Zoning By-law. The holding symbol will be removed when appropriate sewage treatment, municipal water and any other necessary arrangements are made to the satisfaction of the Town and the Ministry of the Environment and a plan of subdivision is approved, where required. Existing uses shall be permitted in the interim;

- o) all development in the “Residential” designation shall be in accordance with the land division policies contained in Section 7 of this Plan. The provision of a three year supply of at least 300 residential lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan shall be maintained within areas designated for residential use;
- p) group homes that are in the form of single unit detached dwellings are permitted anywhere single unit dwellings are permitted. Group homes that have a form other than single unit detached dwellings may be permitted on those lands designated “Residential” subject to a site-specific amendment to the Zoning By-law. For the purposes of this Plan, a “group home” is defined as a single housekeeping unit in a residential dwelling in which three to ten residents, excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents. The group home must be licensed or approved under Provincial statute and be in compliance with all municipal By-laws. Group homes to be used for criminal ex-offenders shall not be permitted anywhere in the Town.

When considering an application to amend the implementing Zoning By-law to permit a group home that has a form other than a single unit detached dwelling, Council shall regard to the following:

- i) the compatibility of the proposed use with the surrounding area;
 - ii) whether the proposed group home will create an undue concentration of group homes in the area; and
 - iii) whether the building will have adequate setbacks from existing adjacent uses;
- q) it is the intent of this Plan to avoid intrusions of commercial activities in the “Residential” designation. New local commercial uses, therefore, shall not be permitted in the “Residential” designation. The Zoning By-law may recognize existing local commercial uses subject to the Existing Uses policy contained in subsection 8.7.1 of this Plan;
 - r) the conversion of single unit dwellings to create more than two new dwellings units may be permitted subject to an amendment to the Zoning By-law subject to compliance with the following requirements:

- i) external changes should be minimal and the single unit character of the dwelling should be preserved as far as possible;
 - ii) adequate off-street parking should be made available for all dwelling units;
 - iii) adequate services should be available to accommodate all units.
- s) notwithstanding any other policies in this Plan, the non-residential use as a professional and personal service office building shall be permitted in the “Residential” designation on those vacant lands located at the north west corner of Main Street East and Remark Drive. The implementing Zoning By-law shall limit the permitted uses on those lands to include only a structure for use as a professional and personal service office and will stipulate the lot and building requirements;
- t) notwithstanding any other policies in this Plan, the implementing zoning by-law shall limit the list of permitted uses on those lands designated “Residential” on the north side of Lakeview Avenue between Industrial Road and Wigle Avenue to include only existing single unit dwellings, existing townhouses and existing and new uses accessory to the residential uses. The lot and building requirements for the above permitted uses shall be the same as those for the Residential zone on the south side of Lakeview Avenue.

Any proposal to construct a new single unit dwelling unit on the subject properties will require an amendment to the zoning by-law. Prior to amending the zoning by-law the applicant shall be informed of existing industries in the area and the potential compatibility problems associated with them.

Any proposal to construct anything other than a single unit dwelling, a use accessory to a residential use or the expansion of an existing use shall require an amendment to this Plan.