

The Corporation of the Town of Kingsville



OFFICIAL PLAN

December 2011

Town Council Approval December 19, 2011

County Approval February 1, 2012

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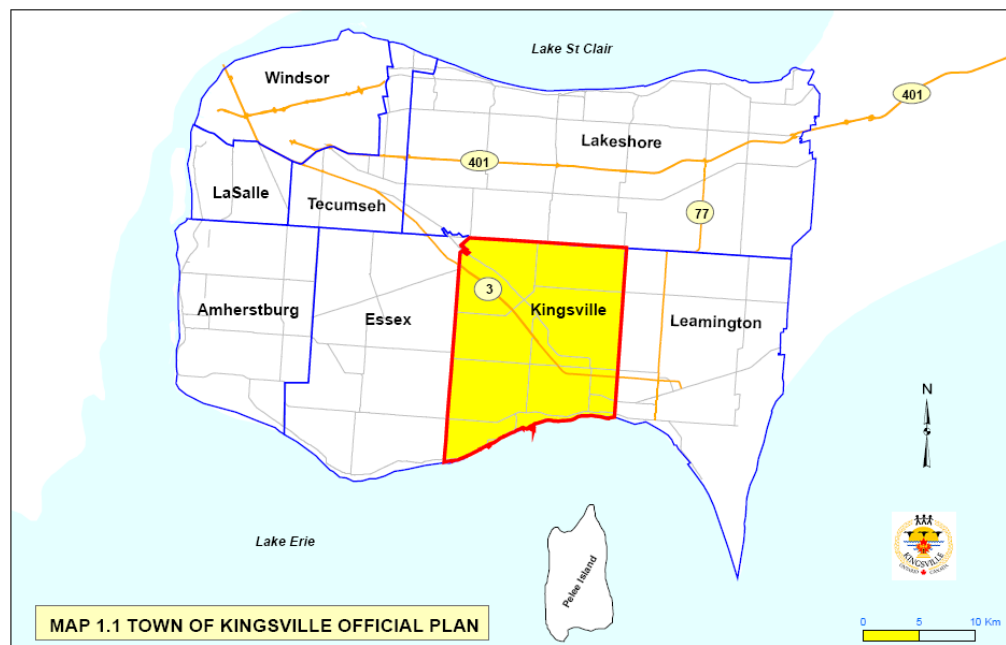
SECTION 1 GENERAL

1.1 TITLE AND COMPONENTS

This Plan shall be known as the Official Plan for the Town of Kingsville. The following text and Schedules "A", "A-1", "A-2", "B", "C", "D" and "E" inclusive constitute the Official Plan. The policies and land use designations described in this Plan should not be considered static and should be reviewed and altered by way of amendment as required. A major review of all policies and land use designations shall be undertaken every five years.

1.2 THE PLANNING AREA

The following text and schedules constituting the Official Plan for the Town of Kingsville apply to all lands within the corporate limits. The restructured Town was incorporated on January 1st, 1999 joining the former Town of Kingsville and Townships of Gosfield North and Gosfield South into the Town of Kingsville. The Town of Kingsville has a land area of 24,660 hectares and an estimated 2006 population of 21,000. Geographically, Kingsville is located in the south east portion of Essex County bordered by the Town of Essex to the west, the Town of Lakeshore to the north, the Municipality of Leamington to the east and Lake Erie to the south. See Map 1.1 for the location of the Town of Kingsville.



1.3 PLANNING AUTHORITY

In accordance with the Planning Act, the Council of a Town may provide for the preparation of a plan suitable for adoption as the Official Plan of the Town. An Official Plan is defined in the Planning Act as a document, approved by the Approval Authority, containing objectives and policies established primarily to provide guidance for the physical development of a Town while having regard to relevant social, economic and environmental matters. Section 24 of the Act further provides that where an Official Plan is in effect no public work shall be undertaken and no by-law passed for any purpose unless it is in conformity with the Official Plan.

1.4 PURPOSE OF THE PLAN

This Official Plan sets out in general terms the future pattern of development for the Town of Kingsville. The Plan's purpose is:

- a) to designate sufficient lands to encourage and accommodate future development proposals and to identify a desired land use pattern for such future development that ensures a basic compatibility between and among various land uses within the Town;
- b) to further enhance the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive and convenient environment;
- c) to identify the present level of services available within the Town and the capacity of these services with respect to expansions and extensions required to facilitate future development;
- d) to guide the location, type and sequence of all new development so that it may be provided with efficient public services based on reasonable and sound standards;
- e) to ensure that any development which may occur does so at a pace that is within the financial capabilities of the Town;
- f) to ensure that transportation facilities required for the efficient movement of people and goods within, to and from the Town are appropriate or will be available to serve the varied land use pattern proposed by this Plan;

- g) to ensure that the development design provides for the future development of abutting land by oversizing services where necessary, properly designing road patterns so that separate abutting developments will ultimately interconnect and by establishing development standards in an attempt to minimize any future incompatibility problems;
- h) to ensure that prime agricultural lands (Class 1, 2 and 3 soils as established by the Canada Land Inventory together with specialty crop lands) are preserved for agricultural use;
- i) to ensure all cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community;
- j) to inform the general public and the private sector of the type and standard of development that will be permitted within the Town in the future;
- k) to guide Council, the Committee of Adjustment, municipal staff and other regulatory agencies in making decisions regarding the future development of the Town;
- l) to provide for the necessary capital works programs and municipal legislation to implement the Plan's goals;
- m) to provide a frame of reference for future detailed studies which may be undertaken when considered necessary by Council;
- n) to establish a framework for public involvement in the implementation and review of the Plan's goals and policies;
- o) to maintain, restore or where possible improve, the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems while recognizing and enhancing the linkages between natural heritage, surface water and groundwater features or areas;
- p) to protect natural resources, including mineral aggregate resources, and mineral and petroleum resources;

- q) to maximize the environmental, social and economic benefits derived from protecting, maintaining and enhancing woodlands for the residents of the Town;
- r) to encourage the provision of affordable housing policies consistent with Provincial Policy;
- s) to provide policies that are consistent with the Provincial Policy Statement 2005; and
- t) to implement the County Official Plan's policy framework at the local level.

1.5 BASIS OF THE PLAN

The policies contained in this Plan are based on several assumptions and conclusions that emerged out of the research and analysis phase of the Official Plan review. If with time, any of these assumptions prove to be invalid, it will be necessary to review the Plan policies and if necessary amend them as considered necessary and appropriate.

1.5.1 Time Period of the Plan

This Plan is intended to guide future development within the Town of Kingsville for a twenty year period or until the year 2026. All forecasts of growth and related land use requirements correspond to this planning period. The policies contained herein will be reviewed at least once every five years to ensure that they conform to Provincial plans, have regard to matters of Provincial interest, are consistent with Provincial Policy Statements, and are still appropriate given the Town's development circumstances and the desired policy direction of the Council of the day.

1.5.2 Community Profile

The restructured Town of Kingsville was incorporated on January 1st, 1999. The combined former Town of Kingsville and Townships of Gosfield North and Gosfield South is estimated to have a population of 21,000 in the year 2006 and a land area of approximately 24,660 hectares. Kingsville is primarily an agricultural community with most types of agriculture being present in the area. The Town also has over 161 hectares of greenhouses producing tomatoes, cucumbers, peppers, flowers and potted plants. In addition to agriculture, a substantial sand and gravel industry and commercial fishing industry also exists. Industrial development within Kingsville is primarily related to greenhouse support industries and food processing. However, secondary feeder plants to the major auto industries are also present.

1.5.3 Forecasted Residential Demand

The residential policies contained in this Plan are based on the following population assumptions:

- a) annual average growth rates for the three former municipalities have been positive but variable. Generally, population has increased as sewage capacity has become available;
- b) the three tables that follow outline the anticipated population and household growth projected for the Town of Kingsville:

**Table 1.1
20 Year Population Projections: 2006 - 2026**

	2006	2011	2016	2021	2026
Low	21,000	20,261	21,058	21,887	22,762
Medium	21,000	20,400	21,526	22,339	23,456
High	21,000	21,136	22,602	24,461	26,467

Source: County of Essex Population and Employment Projections, 1998 and Town of Kingsville Population Projections.

**Table 1.2
20 Year Household Projections: 2006 - 2026**

	2006	2011	2016	2021	2026
Low	7,845	7,236	7,575	7,959	8,277
Medium	7,845	7,286	7,743	8,123	8,529
High	7,845	7,549	8,130	8,895	9,624

Source: County of Essex Population and Employment Projections, 1998 and Town of Kingsville Population Projections.

**Table 1.3
Additional Households Projected Per Five Year Period: 2006 - 2026**

	2007-2011	2012 - 2016	2017 - 2021	2022 - 2026	Total
Low	383	339	384	318	1,530
Medium	421	457	380	406	1,664
High	571	581	765	729	2,646

Source: Town of Kingsville

- c) based on the preceding tables, it is estimated that there will be a demand for approximately 2,155 additional dwelling units over the next 20 years (the average between the medium and high projections in Table 1.3). Assuming an average density of 10 units per hectare, a total of 215 hectares of land will be required for residential development anticipated during the planning period of this Plan. Those lands designated as “Residential” as shown on Schedules “A”, “A1” and “A2” currently meet the required demand for residential development over the next 20 years.

1.5.4 Forecasted Agricultural Demand

It is expected that agriculture will remain the primary economic activity of the Town. Agriculture in Kingsville is very diversified and includes the growing of field crops, market gardening, flower and vegetable greenhouse farming and mushroom farming. Although there is some livestock farming in Kingsville, it is quite limited. The recent rapid expansion in vegetable greenhouse farming is expected to slow as availability and costs associated with the needed gas, hydro and water fluctuate. The uncertainty with the market has also caused expansion to slow but continue.

1.5.5 Forecasted Commercial Demand

The Town expects new commercial development as private sector developers continue to attempt to reduce the outflow of shopping dollars from the Kingsville trade area. In addition, tourism in Kingsville has increased as a result of specialty retail shops and restaurants and visitors to the various roadside fruit, vegetable and flower stands.

Based on past commercial development activity and with recent amendments, it is estimated that there are adequate lands currently designated for commercial development to meet the needs of existing and projected residents. There has been some adjustment to the dividing lines between commercial and residential areas in an effort to ensure that the commercial parcels have sufficient area to be properly developed for commercial use.

1.5.6 Waterfront Development

This Plan encourages the continued effort by the Town to improve the waterfront area. The establishment of a long range Waterfront Development Master Plan is encouraged. The policies of this Plan will be amended once a Waterfront Master Plan is completed and accepted by the Town. In the interim, the Town will continue to pursue the provision of a linear park system along the waterfront joining the Kingsville dock area with Lakeside Park.

1.5.7 Forecasted Industrial Demand

There has been considerable industrial development interest in Kingsville in the past ten years but an insufficient serviced land supply to meet the needs. A considerable amount of “Industrial” designated land has been re-designated in the last ten years to meet residential growth pressures within the former Town of Kingsville. There is a calculated demand for an additional 33 hectares of designated “Industrial” land. This plan is designating an area on the south edge of Cottam and the north edge of Ruthven to meet that demand. The development of the Cottam area will be dependent upon improvements to the existing municipal sanitary sewage treatment facility.

Designation of additional industrial land is required to ensure an adequate supply to meet the expected demand and also to provide reasonable market choice and competition. Careful attention must be paid to establishing industrial areas with good access and transportation links, appropriate sanitary sewage, stormwater and potable water servicing, while minimizing potential conflicts with residential and commercial areas.

This Plan encourages additional industrial development particularly, industries associated with food processing and product storage, other agricultural related industries and automotive related industries.

There are also extractive industrial activities in Kingsville. The areas of the Town that possess extractive potential are well known and identified. It is expected that the extractive resource will continue to be removed as required.

1.5.8 Forecasted Recreational and Institutional Development

It is expected that demand for new institutional and recreational opportunities will continue. The Town is generally in support of such new facilities provided their development is in accordance with the policies of this Plan. The Town will continue to expand its recreational facilities as need is established. It is the intent of the Town to prepare a Recreational Services Master Plan which will provide further direction pertaining to the establishment of new or expanded recreational opportunities. It is also the Town's intention to develop more passive recreational facilities such as walkways, particularly along the waterfront and Mill Creek, and bicycle paths.



SECTION 2 GENERAL DEVELOPMENT POLICIES

The policies in this section apply to development proposals in all designations throughout the Town of Kingsville.

2.1 GENERAL

It is the intent of this Plan to ensure that development takes place in an orderly fashion having regard to a set of land use planning principles. It is important to note that the following planning principles are inter-related. It is expected that the principles will be considered collectively and not that any one principle is to be considered independent of the others. This Plan contains the necessary goals and policies to ensure the intent of these principles is realized.

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.

2.2 AIR QUALITY

It is the policy of this Plan to attempt to reduce air pollution by preparing and adopting a “Smog Action Plan” and by having regard to the following when reviewing development proposals:

- a) whether the proposal includes opportunities for non-automotive forms of transportation such as walking and cycling;
- b) whether the proposal has the potential to increase air pollution and, if so what remedial measures are proposed;
- c) locating various land uses in such a manner that reduces distance and vehicle trips; and
- d) whether the proposal protects and improves trees and natural areas.

2.3 BARRIER FREE DESIGN

Barrier free design should be considered in any development or redevelopment of properties, whether in draft plans of subdivision or in site plan applications. Kingsville recognizes the importance of providing accessibility for persons with disabilities and the elderly throughout the built landscape.

2.4 BED AND BREAKFAST ESTABLISHMENTS

For the purposes of this Plan, bed and breakfast establishments are to be considered home occupations and are permitted in accordance with the policy direction pertaining to home occupations contained within this Plan. Specific details pertaining to home occupations, including bed and breakfast establishments, are contained within the Zoning By-law.

2.5 BROWNFIELD SITES

Brownfield sites refer to lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential. Historic contaminated sites are most often identified and located during site inspections and other activities associated with preparing land for development.

Development on or adjacent to lands where contaminants may be present will be permitted only if rehabilitation measures to address and mitigate known or suspected contaminants are underway or have been completed. It is the policy of this Plan that contaminated sites shall be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

- a) past and present uses of the site;
- b) a soil report prepared in accordance with the Record of Site Condition Regulation O. Reg. 153/04, as amended, of the *Environmental Protection Act* for the decommissioning and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;
- c) where contamination has been identified, a letter from the Ministry of the Environment acknowledging filing of a "Record of Site Condition" prior to development approvals being granted;
- d) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the Environmental Protection Act, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

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.

2.7 MOBILE HOMES

Mobile homes shall not be permitted within the Town except in designated mobile home park areas as specifically permitted by the policies of this Plan and located in accordance with the requirements of the Zoning By-law. In some instances, mobile homes may be permitted by Council as temporary housing and in some instances in the agricultural areas for seasonal housing purposes.

New mobile home parks and expansions to existing mobile home parks, may be permitted where they are serviced by municipal sanitary sewage, stormwater management and potable water services.

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 siting 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.

SECTION 3 LAND USE PLAN

This section contains the goals and policies that pertain to the various land use designations depicted on Schedules "A", "A-1" and "A-2." Reference must also be made to the policies contained within the other sections of this Plan when determining the appropriateness of various development proposals.

3.1 AGRICULTURE

Areas designated "Agriculture" on Schedule "A" represent the majority of the land area in the Town of Kingsville. Agriculture, including an extensive vegetable and flower greenhouse farming area, is an extremely important component of Kingsville's land use. The purpose of the goals and policies of this Section are to protect prime agriculture lands for agricultural purposes while acknowledging that this community will continue to grow and prosper in an orderly and responsible manner. It is acknowledged that all of the land in the Town of Kingsville is prime agricultural land in accordance with Provincial Policy and accordingly, development in this area is strictly controlled and monitored.

This Plan recognizes the presence of lands which potentially meet the criteria to be considered specialty crop areas. The identification of specialty crop areas within the "Agriculture" designation is encouraged. The Town of Kingsville will identify specialty crop areas in conjunction with the County of Essex and the evaluation procedures established by the Province. If applicable, appropriate Land Use Schedules and policies related to the specialty crop areas will be added to this plan, by way of an amendment.

Goals

The following goals are established for areas designated "Agriculture" on Schedule "A" of this Plan:

- a) to preserve prime agricultural land for agricultural purposes;
- b) to allow farm operators to engage in a wide range of agricultural activities including greenhouse farming;
- c) to restrict the type and amount of non-farm development in the area designated "Agriculture";

- d) to ensure the conservation, preservation and enhancement of the rural character of the Town as a cultural resource;
- e) to permit the expansion of built up areas into the Agriculture area only if in accordance with Provincial Policy and Section 8.11 of this Plan.

Policies

The following policies shall apply to those lands designated “Agriculture” on Schedule “A” of this Plan:

- a) the predominant use of land shall be agricultural and associated uses, including growing of crops and raising livestock, forestry and conservation uses;
- b) greenhouse farming including packing and shipping facilities and on-site housing are permitted in the “Agriculture” designation and the agricultural zones of the Zoning By-law and are subject to site plan control;
- c) mushroom farms including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production may also be permitted in the “Agriculture” designation and will be subject to zone restrictions as identified in the Zoning By-law and are subject to site plan control. Upon receipt of an application for site plan control to permit the establishment of a mushroom farm, Council shall have due regard to the following:
 - i) the proximity of the proposed operation to existing residential and other sensitive land uses and zones;
 - ii) the location of the proposed operation and other existing uses with respect to the prevailing winds. It will be preferable to have composting components of the operation aerated;
 - iii) any comments the Ministry of Agriculture and the Ministry of the Environment may have;
 - iv) the criteria listed in Section 8 of this Plan;
- d) livestock uses, as defined in the Zoning By-law, are permitted in the “Agriculture” designation without an amendment to the Zoning By-law provided the proposed location is in compliance with the Minimum Distance Separation requirements;

- e) fruit and vegetable stands, tree farms, aqua-culture farming, wineries, retail nursery outlets and retail floral shops are permitted in the “Agriculture” designation without an amendment to the Zoning By-law provided they are secondary to the agricultural use of the site and that a minimum of 60 percent of the goods and materials for sale are grown or produced on-site;
- f) residential uses on existing lots of record in accordance with Section 3.1.1 of this Plan and lots created by the consent process in accordance with Section 7 of this Plan are permitted. The Zoning By-law shall only permit one residence per lot. However, more than one residence on a lot for the purposes of housing farm help may be allowed in those instances where the need for such housing has been adequately demonstrated, the farm help assists on the subject farm on a regular basis, the farm operation is of such a size and nature that this assistance is required and needs to be located close by the farm and a minor variance or amendment to the By-law has been obtained to recognize or permit the second dwelling. The dwelling will not be severable in the future.

A second dwelling on a lot, where one is required on a temporary basis, can also be allowed, provided the property owner enters into an agreement with Council outlining when the original residence will be removed, the owner provides a security deposit towards its removal and an amendment to the By-law has been obtained to permit the second dwelling on a temporary basis. The dwelling will not be severable in the future;

- g) small scale farm occupations, which are secondary to the farm operation and home occupations carried out for remuneration and as defined in the Zoning By-law, are permitted in the “Agriculture” designation;
- h) small scale commercial and dry industrial uses, as defined in the Zoning By-law, directly related to the farm operation and that are required in close proximity to the farm operation and would include processing agricultural goods or servicing agricultural equipment or operations, will be permitted to locate along County Roads in areas, designated “Agriculture” subject to an amendment to the Zoning By-law. The by-law amendment will establish adequate setback and buffering requirements to ensure that any potential incompatibilities with surrounding uses are minimized;

- i) the exploration and extraction of all mineral resources shall be permitted in the “Agriculture” designation and shall be a permitted use in the Agricultural zones of the Zoning By-law provided the exploration and extraction is in accordance with the Oil, Gas and Salt Resources Act, Aggregate Resources Act and/or the Mining Act of Ontario;
- j) extractive industrial uses are permitted in the Mineral Aggregate Resource areas shown on Schedule “D” of this Plan in accordance with the policies contained within this Plan;
- k) the Mineral Aggregate Resource areas depicted on Schedule “D” of this Plan pertain to lands designated “Agriculture”;
- l) all lot creation in the “Agriculture” designation shall be in accordance with the land division policies contained in Section 7.3.1 of this Plan;
- m) expansions of the built up areas into the area currently designated as “Agriculture” in this Plan shall only be considered if in accordance with Provincial Policy and Section 8.11 of this Plan;
- n) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the “Agriculture” designation. It is recognized that the majority of lands designated “Agriculture” are serviced by private individual sanitary sewage services and, in some cases, individual on-site water services as well. For “Agriculture” 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 “Agriculture” designated lands to:
 - i) address failed individual on-site sewage and individual on-site water services within existing development; &
 - ii) site conditions are suitable for the long-term provision of such services;

- o) notwithstanding any other policies of this Plan to the contrary, a restaurant is permitted on a 2.37 hectare parcel known as Part Lot 1, Fourth Section, Western Division, located on the north side of Highway 20 West and the east side of County Road No. 23 and designated Agriculture. The property shall be zoned in a special rural commercial zone in the implementing zoning by-law to permit a restaurant only. The restaurant will be serviced by a private septic system and shall be serviced by municipal water. All development shall be subject to site plan control;
- p) notwithstanding any other policies of this Plan to the contrary, those lands that are designated Agricultural on Schedule “A” of this Plan and are remnants from the Highway No. 3 By-pass construction project can be used for any of the following purposes, without an amendment to this Plan but subject to a by-law amendment to permit the specific use provided the remnant parcel is smaller than 3 hectares in area and the proposed use satisfies the requirements of the Ministry of Transportation and the County of Essex. The permitted uses for these parcels shall include service commercial uses such as sales and service establishments, tradesmen’s shops and contractors’ yards, warehousing, dry light manufacturing and assembly uses and all accessory uses. Other commercial and industrial uses shall not be permitted on these parcels. This policy shall not apply to the lands owned by Ministry of Transportation.

3.1.1 Minimum Distance Separation

Because livestock operations and other types of land uses can have compatibility problems if located too closely to one another, the Zoning By-law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing livestock operations, poultry barns and manure storage facilities shall comply with the Minimum Distance Separation II (MDS II) formula. To ensure that the Minimum Distance Separation is used reciprocally, livestock operations, poultry barns and manure storage facilities will also be protected from encroachment by residential and other types of non-farm development in the Zoning By-law through the use of the Minimum Distance Separation I (MDS I) formula.

The municipality will also implement the provisions of the Minimum Distance Separation I (MDS I) formula for non-farm development within settlement areas as shown in the County Official Plan, on Existing Lots of Record as of the date of the adoption of this Plan and for applications under the Planning Act, which will result in the creation of a

surplus dwelling lot.

The Minimum Distance Separation I (MDS I) formula will not be applicable to development which is the result of a catastrophe, provided the new development is no closer to the livestock operation, poultry barn or manure facility.

The municipality will require that the Minimum Distance Separation II (MDS II) formula be applicable to new or expanding livestock operations, poultry barns or manure storage facilities which are located within the settlement areas as shown in the County Official Plan. The MDS II formula will not apply to the construction of a livestock operation, poultry barn or manure storage facility that is replacing the same which was destroyed by a catastrophe, provided the new facility does not result in increases to the value factors of odour, amount of material or nutrient units on-site prior to the catastrophe.

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.

3.2.2 Central Commercial/Residential

The areas designated “Central Commercial/Residential” on Schedule “A-2” are the areas that surround the main commercial area in the former Town. Its purpose is to provide for a transition between the commercial core area and the surrounding residential areas.

Goals

The following goals are established for the lands designated “Central Commercial / Residential” as depicted on Schedule “A-2” of this Plan:

- a) in addition to the goals for lands designated “Central Commercial”, to identify specific areas in the vicinity of the “Central Commercial” area that are also suitable for the development of medium and high density residential uses.

Policies

The following policies shall apply to those lands designated “Central Commercial / Residential” on Schedule “A-2” of this Plan:

- a) the uses permitted in the “Central Commercial/Residential” designation include all of the uses permitted in the “Central Commercial” designation in accordance with the policies in that subsection and medium and high density residential uses to a maximum density of 87 units per gross hectare;
- b) the policies outlined in subsection 3.6.3 of this Plan shall apply to the evaluation of any future medium or high density residential development proposal within the “Central Commercial/Residential” designation;
- c) all medium and high density residential proposals shall be subject to an amendment to the Zoning By-law;
- d) all future development within the “Central Commercial/Residential” designation will be subject to site plan control pursuant to the Planning 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.

3.2.4 Waterfront Commercial

The areas designated “Waterfront Commercial” are those areas within the former Town along the waterfront area of Lake Erie that have previously been determined to be suitable for commercial development.

Goals

The following goals are established for the areas designated “Waterfront Commercial” on Schedule “A-2”:

- a) to promote the development of a concentrated commercial district in the waterfront area;
- b) to ensure that new commercial development meets appropriate site design standards.

Policies

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

- a) the permitted uses will include retail stores, restaurants, taverns, clubs, recreational establishments, places of entertainment and amusement, hotels and motels;
- b) adequate buffering and setback distances shall be provided between the permitted uses and adjacent residential uses;
- c) adequate yard and parking standards for waterfront commercial uses shall be contained in the implementing Zoning By-law;
- d) all new development within the “Waterfront Commercial” designation will be required to conform to high performance standards relating to noise attenuation, parking, loading, traffic circulation, building design, lighting, landscaping, buffering and control over outside storage as set out in the Zoning By-law;
- e) proposals for new development will be encouraged to incorporate innovative designs reflecting a Victorian theme, particularly by appropriate building and facade design;
- f) all new development within the “Waterfront Commercial” designation will be subject to site plan control pursuant to the Planning Act;
- g) all lands within the “Waterfront Commercial” designation are subject to holding provisions as permitted under the Planning Act. In addition to meeting the requirements contained within Section 8 of this Plan, the holding symbol will not be removed by by-law until such time as the municipality is satisfied that there is sufficient uncommitted reserve sewage capacity;

- h) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the “Waterfront Commercial” designation. Any expansions of the “Waterfront 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.

3.3 INDUSTRIAL

Lands designated “Industrial” are areas that are thought to have unique characteristics making them particularly well suited for industrial development. The following goals and policies apply to lands so designated.

Goals

The following goals are established for those lands designated “Industrial” as depicted on Schedules “A”, “A-1” and “A-2” of this Plan:

- a) to identify and develop areas with good access and transportation links, where industrial development can take place in an orderly manner;
- b) to broaden and enhance the Town's assessment base and to provide additional local employment opportunities;
- c) to minimize conflicts with surrounding land uses;
- d) to assist in curbing non-farm industrial development in agricultural areas.

Policies

The following policies are established for those lands designated “Industrial” on Schedules "A", “A-1” and “A-2” of this Plan:

- a) the “Industrial” designations shown on Schedule "A" include lands presently used for industrial purposes or already set aside for such purpose and additional lands

suitable for industrial purposes. The amount of land designated "Industrial" is believed to be sufficient to accommodate the growth in the manufacturing employment sector, as well as to provide reasonable marketplace choice and competition. The basic requirements have been observed of providing level sites capable of being fully serviced, with accessibility to arterial roads without causing unnecessary industrial traffic to pass through residential areas;

- b) it is a basic policy of this Plan that the amenities of adjacent non-industrial areas shall be safeguarded and industrial development shall not be allowed to adversely affect the surrounding areas from, but not necessarily limited to, noise, odour, dust, vibration and lighting. All industries shall meet the requirements of, and where necessary, obtain the statutory approval(s) of the Ministry of the Environment with respect to: water taking, provision of potable water, waste water/sanitary sewage disposal, storm drainage, solid waste disposal and all emissions to the natural environment, including air, noise, and vibration;
- c) the major uses of land in Industrial areas shall be all forms of fabricating, assembly and processing of goods, materials and food products, warehousing space, storage, building contractors' yards, transportation and communications' facilities and public utilities;
- d) the Zoning By-law implementing this Plan may divide the industrial areas into "heavy" or "light" or "restricted" zones so that industrial activities likely to give rise to noise and other nuisances are located where they will not cause an adverse effect to existing uses and other permitted uses;
- e) the Zoning By-law that implements this Official Plan may also permit the establishment of commercial uses that are incidental to and associated with industrial uses such as wholesale outlets, offices and showrooms or merchandising centres;
- f) other commercial uses and private clubs (such as curling clubs) suitable for location in industrial areas may be permitted only upon amendment to the Zoning By-law implementing this Plan, provided that such amendments shall be approved only when it has been shown to the satisfaction of the Town that:
 - i) the commercial use provides a service or benefit to the area, or has similar requirements or characteristics to the industries in or permitted in the area

such as service stations, public garages, banks, printing, and photographic establishments and restaurants;

- ii) the site for the proposed commercial use or club is such that its development:
 - 1. will be compatible with permitted Industrial uses;
 - 2. is so located with respect to other commercial uses that it may make possible the development of a compact commercial concentration;
- g) it is not expected that all lands designated as “Industrial” shall immediately be so developed. Accordingly, it is the policy of this Plan that, in the interim, the implementing Zoning By-law may establish an appropriate “Industrial Holding Zone” to be used for certain areas pending applications for development. Agricultural uses may continue to be permitted in the “Industrial” designation however new residential uses shall not be permitted;
- h) agricultural uses, excluding livestock and poultry operations and residential dwellings existing at the date of the passing of this Plan, may be recognized in the implementing Zoning By-law subject to the Existing Uses policies contained in Section 8.7 of this Plan;
- i) industrial development should proceed on the basis of an industrial park or registered plans of subdivision, or by consent where a plan of subdivision is not necessary and the application is in accordance with the consent policies contained in Section 7 of this Plan;
- j) access roads and traffic circulation patterns for industrial traffic will be carefully planned in order to minimize potential negative impacts on surrounding land uses;
- k) new industries will be required to conform to high performance standards relating to the type and standard of construction, parking, loading, lighting, signs, landscaping, buffering and control over outside storage as set out in the implementing Zoning By-law;
- l) the retention, renewal and conservation of industrial buildings of historical and architectural merit will be encouraged if they are affected by an application for development or re-development. The impact of such development plans on the

character of the surrounding area will also be considered.

- m) all “Industrial” development shall be subject to site plan control pursuant to Section 8.15 of this Plan;
- n) any changes or enlargements to the “Industrial” designation shall be subject to the criteria established and set out in Section 8.11 of this Plan;
- o) full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible, the preferred means of servicing within the “Industrial” designation. More specifically, for any “Industrial” 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 “Industrial” 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 “Industrial” 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.
- p) new and existing industrial uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing industrial 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 “Industrial” designation will not be considered unless serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing. Prior to the approval of an amendment to this Plan which would have the effect of increasing the extent of the “Industrial” designation, Council shall have regard to the following matters:

- i) the adequacy of the services available to the proposed site;
- ii) the adequacy of the road system to provide access to the proposed site;
- iii) the possible impact of the proposal on adjacent properties; and
- iv) the need for additional Industrial land in relation to the supply/demand circumstances; &
- v) the policies in other applicable Sections of this Plan, including the policies contained in Section 8.

3.4 INSTITUTIONAL USES

The development of new and the expansion of existing institutional uses such as schools, churches, cemeteries, community halls, government buildings, public works facilities and public utilities shall be permitted in all designations, except the “Agriculture” designation, without an amendment to this Plan, subject to a site specific rezoning and the following policies:

- a) new and existing institutional uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing institutional 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;
- b) adequate precautions shall be taken to ensure that the permitted uses minimize adverse impacts on adjacent land uses;
- c) adequate parking, vehicular access, tree planting, landscaping using local native plantings, buffering and site and building design will be required to create an attractive appearance and ensure compatibility with surrounding land uses;
- d) suitable arrangements will be made for potable water supply, sanitary sewage treatment and disposal, storm drainage and all other similar services;
- e) no other suitable location within the Town serviced by municipal potable water and municipal sanitary sewage and storm drainage services is available; and
- f) the retention, renewal and conservation of institutional built resources such as schools, churches, jails, monuments, courthouses and other buildings of historic or architectural merit will be encouraged if they are affected by an application of

development or re-development. The impact of such development plans on the character of the surrounding area will also be considered; &

- g) new institutional and emergency service facilities will not be permitted to locate within Natural Hazard Areas.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided it conforms to the Official Plan, it is consistent with the Provincial Policy and the subject property has been successfully rezoned where required.

3.4.1 Schools

Kingsville students attend four elementary schools under the jurisdiction of the Greater Essex County District School Board, one elementary school under the jurisdiction of the Windsor-Essex Catholic District School Board. In addition, Kingsville students attend one secondary school which is operated by the Greater Essex County District School Board and one secondary school under the jurisdiction of the Windsor-Essex Catholic District School Board located in Leamington. There are also two private schools operating in Kingsville.

3.5 PARKS AND OPEN SPACE

Lands designated “Parks and Open Space” are areas that are currently used for this purpose. The following goals and policies apply to lands so designated on Schedules “A”, “A-1” and “A-2”.

Goals

The following goals are established for those lands designated “Parks and Open Space” as depicted on Schedules “A”, “A-1” and “A-2” of this Plan:

- a) to ensure that the Town maintains an adequate supply of open space;
- b) to ensure that open space areas are provided in suitable locations so as to maximize their accessibility for area residents;
- c) to secure additional public beach and waterfront parkland.

Policies

The following policies are established for those lands designated “Parks and Open Space” on Schedules “A”, “A-1” and “A-2” of this Plan:

- a) within the area designated “Parks and Open Space”, the predominant use of land shall be for active or passive parks, public or private recreational uses and facilities including golf courses, private clubs, picnic areas and conservation lands;
- b) indoor recreational facilities shall only be permitted as accessory uses to the major outdoor recreational uses, the general intent of this Plan being to keep these areas open and free from buildings and structures except those which are incidental and accessory to the open space use;
- c) cemeteries shall also be permitted within the area designated “Parks and Open Space”;
- d) it shall be the policy of the Town to acquire additional neighbourhood parkland where necessary to maintain a total supply generally of 2 hectares per 1,000 population. In addition, the Town shall promote the development of linear parks for multi-purpose trails;
- e) the Town will require a 5% parkland dedication or a cash-in-lieu payment as a condition of the approval of every future residential development proposal. Land to be conveyed to the Town for park purposes shall be accepted only if the property is suitable for park purposes and needed in the immediate area. The Town will amend these policies at a later date if it decides that a parkland dedication of more than 5% is necessary for proposals involving medium and high density residential development according to the provisions of the Planning Act. Furthermore, the Town will, whenever necessary and feasible, utilize parkland dedication requirements pursuant to the *Planning Act* to ensure the conservation of cultural heritage resources.
- f) where any lands designated as “Parks and Open Space” are under private ownership, this Plan does not intend that the land will necessarily remain as “Parks and Open Space” indefinitely. Nor shall it be construed as implying that “Parks and Open Space” areas are free and open to the general public or that they will be purchased by the Town. If there are proposals to develop any such lands that are in private ownership, and the Town or other public agency does not wish to purchase such lands in order to maintain the open space, then an application for the re-designation of such land for other purposes will be given due consideration by the Town;

- g) the Town will continue to support the development and maintenance of recreational facilities, the acquisition, beautification and maintenance of public open space and the development of recreation programs in accordance with community needs and availability of resources;
- h) the Town shall periodically assess the role of municipal parks and open spaces in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;
- i) the Town will endeavour to work with neighbourhood residents, service clubs and organizations, interested groups and government agencies in meeting parks and open space needs of the community;
- j) the Town will seek the cooperation of the Boards of Education having jurisdiction in the community, to maximize the use of school facilities for recreational purposes during off-school hours;
- k) where possible, parkland should be located in conjunction with stormwater management facilities to achieve maximum area of open space. Stormwater management facilities and lands conveyed for public walkways will not form any part of the required parkland dedication, as they are deemed public services and rights of way under the Planning Act;
- l) new and existing recreational uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing recreational 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;
- m) Surplus lands on the golf course located on County Road 20, west of Kingsville in this designation have been developed residentially in accordance with the Plan of Condominium approved by the Ministry of Municipal Affairs and subject to the terms and provisions of a Development Agreement with the Township. In addition to the use of the lands for recreational purposes which is predominantly the existing golf course, as permitted by these policies, the lands may be used to provide for the accommodation of the public as a hotel. Development of the lands for the use as a hotel will be subject to a zoning by-law amendment, in accordance with the criteria established in subsection 6.15 of this Plan and will be subject to site plan control.

3.6 RESIDENTIAL

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. 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 housing that is affordable to low and moderate income households 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; (See County modification #1)

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.

3.6.2 Hamlet

The purpose of the “Hamlet” designation is to identify those rural service areas where low density residential, institutional, recreational, small scale commercial and dry, light industrial uses are permitted. The majority of this designation is serviced by municipal water and sewer services. However, there are small areas which continue to be serviced by private septic facilities and so servicing will be a major consideration for any development proposals within this designation.

Goals

The following goals are established for the areas designated “Hamlet” on Schedule “A” of this Plan:

- a) to allow the Hamlet to strengthen its identity as a settlement area and service centre to area residents;
- b) to 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) to continue to provide a location for future residential, institutional, recreational, small scale commercial and small scale dry light industrial uses;
- d) to encourage the development of a greater variety of housing types provided the proposed housing can be adequately serviced;
- e) to provide the opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions, including accessory apartments, and redevelopment, and will be encouraged in areas designated “Hamlet” as a means of increasing the supply of affordable rental landownership 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.

- f) to ensure that expansions of the Hamlet designation are serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing.

Policies

The following policies shall apply to those lands designated “Hamlet” on Schedule “A” of this Plan:

- a) the permitted uses shall include single unit detached, two unit and single unit attached residential uses, institutional, recreational, small scale commercial and dry, light industrial uses and their expansion in accordance with the policies outlined below. Agricultural uses excluding livestock intensive uses and mushroom farms are also permitted;
- b) the Zoning By-law shall zone all lands in the “Hamlet” designation according to their existing use. All undeveloped land parcels will be placed in an agricultural zone which does not permit livestock intensive operations or mushroom farms. New residential, commercial, industrial, recreational and institutional uses may be allowed without an amendment to this Plan provided the Zoning By-law is amended where necessary and the proposed use satisfies the following criteria:
 - i) the proposed use is generally compatible with existing uses in close proximity;
 - ii) the existing roads can adequately serve the proposed use;
 - iii) the existing services are adequate for the proposed use;
 - iv) the off-street parking is adequate for the proposed use;
 - v) the site plan requires adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties;
- c) home occupations carried out for remuneration as defined in the Zoning By-law are permitted in the “Hamlet” designation;
- d) existing non-residential uses will be allowed to expand provided the expansion satisfies the criteria outlined in subparagraph b), subsections i) to v) above

inclusive;

- e) all lot creation in the “Hamlet” designation shall be in accordance with the land division policies contained in Section 7 of this Plan;
- f) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing within the Hamlet designation. More specifically, for any Hamlet designated lands serviced by full municipal services, all new development must be fully municipally serviced. For 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 designated lands to:
 - i) address failed individual on-site sewage and individual on-site water services;
 - ii) to allow for infilling and rounding out of existing development between residential lots on the same side of the road 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.

3.6.3 Lakeshore Residential East

The purpose of the “Lakeshore Residential East” designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and east of the Town’s main urban centre. This area of the municipality is currently serviced with private septic facilities and so servicing will be a major consideration for any development proposals within this designation.

Goals

The following goals are established for the areas designated “Lakeshore Residential East” on Schedule “A” of this Plan:

- a) to recognize existing residential development and areas previously designated for residential development;
- b) to ensure that new development occurs in a manner in keeping with the capacity of

the services available and the financial capability of the municipality;

- c) to encourage limited infilling of the existing development pattern;

- d) to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy.

Policies

The following policies are established for the areas designated “Lakeshore Residential East” on Schedule “A” of this Plan:

- a) residential development shall consist only of single unit dwellings. Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, fruits and vegetable stands and existing greenhouse operations including growing, packing and shipping and their expansion, may also be permitted;

- b) institutional uses are permitted in the “Lakeshore Residential East” designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria in subsections 3.4 and 8.17.3 of this Plan shall be considered;

- c) undeveloped lands in the “Lakeshore Residential East” designation may be placed in a holding zone in the implementing 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 based on the advice of the Ministry of the Environment and a plan of subdivision is approved, where required. Existing uses shall be permitted in the interim;

- d) all lot creation in the “Lakeshore Residential East” designation shall be in accordance with the Land Division policies contained within Section 7 of this Plan provided there is adequate capacity in the municipal water system and the site conditions are suitable for the provision of long term private septic facilities;

- e) the “Lakeshore Residential East” area is adjacent to the Lake Erie Shorelands and is susceptible to progressive erosion. Subsequently, all development proposals will be circulated to the Essex Region Conservation Authority and will be subject to the provisions of the same;

- f) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing within the Lakeshore Residential East designation. More specifically, for any Lakeshore Residential East designated lands serviced by full municipal services, all new development must be fully municipally serviced. For 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 designated lands to:
- i. address failed individual on-site sewage and individual on-site water services;
 - ii. to allow for infilling and rounding out of existing development between residential lots on the same side of the road 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.

3.6.4 Lakeshore Residential West

The purpose of the “Lakeshore Residential West” designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town’s main urban centre. This area of the municipality is currently serviced with full municipal services.

Goals

The following goals are established for the areas designated “Lakeshore Residential West” on Schedule “A” of this Plan:

- a) to recognize existing residential development and areas previously designated for residential development;
- b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- c) to encourage infilling of the existing development pattern;
- d) to provide the opportunity for the provision of affordable housing in accordance

with Provincial Policy;

- e) to ensure that expansions of the Lakeshore Residential West designation are serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing and 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.

Policies

The following policies are established for the areas designated "Lakeshore Residential West" on Schedule "A" of this Plan:

- a) residential development shall consist primarily of single unit dwellings but may also include single unit detached, two unit and single unit attached dwellings. Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, may also be permitted;
- b) institutional uses are permitted in the "Lakeshore Residential West" designation but shall require a site specific amendment to the Zoning By-law. When considering the appropriateness of a particular institutional use, the criteria in subsections 3.4 and 8.17.3 of this Plan shall be considered;
- c) undeveloped lands in the "Lakeshore Residential West" designation may be placed in a holding zone in the implementing Zoning By-law. The holding symbol will be removed when appropriate agreements regarding servicing are executed with the Town;
- d) all lot creation in the "Lakeshore Residential West" designation shall be in accordance with the Land Division policies contained within Section 7 of this Plan;
- e) the "Lakeshore Residential West" area is adjacent to the Lake Erie Shorelands and is susceptible to progressive erosion. Subsequently, all development proposals will be circulated to the Essex Region Conservation Authority and will be subject to the provisions of the same; &
- f) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the "Lakeshore Residential West" designation in

accordance with Section 6.3 of the Plan. Development on private septic facilities shall not be allowed within the sewer service area.

3.6.5 Rural Residential

The purpose of the “Rural Residential” designation is to recognize the existing residential development along each side of County Road 34 between the Town of Essex and Cottam. The depth of the designation is approximately 100 metres although it is recognized that various lots have different depths.

Goals

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

- a) recognize pockets of existing residential development along both sides of County Road 34 between the Town of Essex and Cottam; and
- b) permit the completion of existing development patterns.

Policies

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

- a) residential development shall consist of single unit dwellings only;
- b) home occupations carried out for remuneration as defined in the Zoning By-law are permitted in the “Rural Residential” designation;
- c) all lot creation in the “Rural Residential” designation shall be in accordance with the land division policies contained in Section 7 of this Plan;
- d) it is not the intention of this plan to designate further “Rural Residential” development areas. New rural residential development shall occur within the boundaries of the existing “Rural Residential” designation and shall generally be for infill lots;

- e) full municipal sewage (sanitary and storm) and municipal potable water services are wherever and whenever possible, the preferred means of servicing. For “Rural Residential” designated lands where partial municipal services (being 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 services to:
 - i. address failed individual on-site sewage and individual on-site water services;
 - ii. allow for infilling and the rounding out of existing development between existing residential lots on the same side of the road; and
 - iii. site conditions are suitable for the long term provisions of such services.
- f) notwithstanding any other policies in this Plan, those lands located on the west side of Cameron Side Road, north of County Road 34 West, shall only be developed by way of Plan of Subdivision, in consultation with the County of Essex and shall require the removal of all buildings associated with the poultry facility on the subject property. The Approval Authority will require that the Plan of Subdivision address all servicing, access and drainage concerns and that the property is rezoned in accordance with subsection 8.17 of this Plan.

3.6.6 Special Residential

The purpose of the “Special Residential” designation is to recognize the existing Country Village residential development south of County Road 8. This area is presently developed with a variety of residential uses. This area of medium density residential development consists of a rest home/nursing home facility with a capacity of approximately 165 beds, one apartment building with 12 units, one townhouse complex with 8 units, two townhouse complexes with 4 units each and two single unit dwellings. There is also a considerable amount of undeveloped land and some agricultural land existing within this designation.

All of the existing development in the “Special Residential” area is serviced privately including a private sewage lagoon and private roads. Presently, the roads are not at an acceptable municipal standard. The Town has no intention of assuming the roads,

neither in their present state nor if they are brought up to standard some time in the future. Also, the Town is not prepared to take over any of the other services in the area. This area has been privately serviced since it was developed and there have been few, if any, problems. Although the Town does not view this type of development as desirable and would not support a similar development today, it does realize that this is an existing situation which evolved prior to planning documents and controls being in place. It is with this realization and perspective that the following goals and policies are established.

Goals

The following goals for “Special Residential” designated areas on Schedule “A” of this Plan are to:

- a) recognize existing residential development;
- b) maintain a buffer area along the north side of the sewage lagoon to reduce potential compatibility problems between the existing lagoon and proposed new residential development;
- c) ensure that the services to this area continue to be provided privately and that the Town not be responsible in any way for the provision or maintenance of any services now or in the future; and
- d) correct the land use designation and corresponding zones that presently apply to the property prior to some further unwanted, but permitted development occurring on the site.

Policies

The following policies are established for the areas designated “Special Residential” on Schedule “A” of this Plan:

- a) the uses permitted in the “Special Residential” area shall be limited to an nursing home/rest home complex, existing medium density residential uses, existing agricultural uses and existing single unit dwellings. One produce sales establishment shall also be permitted. The Zoning By-law shall zone the land accordingly and establish the zone provisions;
- b) no further lot creation is permitted in this area;
- c) the maintenance of all services is not the responsibility of the municipality.

3.6.7 Waterfront Residential

The purpose of the “Waterfront Residential” designation is to recognize the residential development potential existing within the former Town of Kingsville along the Lake Erie waterfront.

Goals

The following goals are established for the areas designated “Waterfront Residential” on Schedule “A-2” of this Plan:

- a) to encourage the development of medium density residential uses in the waterfront area;
- b) to provide a variety of housing types and alternatives within the Town;

Policies

The following policies are established for the areas designated “Waterfront Residential” on Schedule “A-2” of this Plan:

- a) the permitted uses shall be restricted to multi unit dwellings, including townhouse style and apartment style development;
- b) the maximum density for townhouse style developments shall be 50 units per gross hectare and the maximum density for apartment style developments shall be 75 units per gross hectare;
- c) the maximum building height for townhouse style development shall be 3 storeys and the maximum building height for apartment style development shall be 5 storeys;
- d) proposals for development will be encouraged to incorporate innovative designs and shall be of a nature and design to take advantage of the natural amenities offered by the waterfront and be sensitive to the need for some continued public vistas and/or access to the waterfront;
- e) all lands within the “Waterfront Residential” designation are subject to holding provisions as permitted in the Planning Act. In addition to meeting the existing requirements, contained within subsection 8.17.1 of this Plan, the holding symbol will not be removed by by-law until such time as the municipality is satisfied with respect to servicing arrangements;

- f) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the “Waterfront Residential” designation. More specifically, for any “Waterfront Residential” designated lands all new development must be fully municipally serviced in accordance with Section 6.3 of this plan.
- g) Lots 31, 32, 33 and 34, Registered Plan 1505 and Part of Lot 1, Concession 1, Eastern Division (106, 110, 114 and 118 Park Street) on the north side of Park Street and designated “Waterfront Residential” shall be zoned to permit medium density residential development and shall have a maximum building height restriction of 3 storeys;
- h) those lands having a combined lot frontage of 146 metres on the south side of Park Street situated 32 metres west of the western limit of Lakeview Avenue (117, 123, 129, 135, 141 and 147 Park Street) and designated “Waterfront Residential” shall be zoned to permit medium density residential development and shall have a maximum building height restriction of 3 storeys;
- i) Part of Lot 17, Part of Lot 18 and Part of Water Lot, Registered Plan 269 situated immediately east of the former Lakeshore Terrace Hotel land (85 Park Street) and designated “Waterfront Residential” shall be zoned to permit multi unit residential development and the lands shall have a maximum building height restriction of 3 storeys.

3.7 WATERCOURSE PROTECTION

Goals

The following goals are established for the “Watercourse Protection” area shown on Schedule “A-2”:

- a) to preserve the natural capacity of the floodplain areas to conduct and temporarily store floodwaters by limiting the construction of buildings and structures in these areas;
- b) to protect and re-establish natural vegetation and wildlife habitat along watercourses wherever possible.

Policies

The following policies shall apply to those lands designated “Watercourse Protection” on Schedule “A-2”:

- a) the predominant use of the land shall be open space, conservation, sustainable forest management, wildlife management areas, natural heritage features and areas and public or private parks;
- b) no buildings or structures shall be permitted in areas designated “Watercourse Protection” except where such are intended for flood or erosion control as approved by Council in consultation with the Essex Region Conservation Authority and are subject to permit requirements under Ontario Regulation 158/06, as amended and implemented by the Essex Region Conservation Authority;
- c) it is the policy of this Plan to preserve lands within the “Watercourse Protection” area for natural environment purposes. However, notwithstanding subparagraph b) above, there may be a limited number of exceptions where a building or structure may be allowed to be constructed on the fringe of the area without jeopardizing the intent to preserve the natural environment. If such an application is submitted, Council shall consider the request in the context of the goal to preserve the natural environment. If the opinion of Council is such that the proposal does not jeopardize the intent to preserve the natural environment and if certain floodproofing measures are implemented and a development permit is obtained from the Essex Region Conservation Authority, such development may be permitted without an amendment to this Plan provided the proposed use is a permitted use in the abutting designation. Where any uncertainty exists as to what the abutting designation is, the following interpretations shall apply:
 - i) where the designations on opposite sides of the watercourse and abutting the “Watercourse Protection” designation are not the same, the centerline of the watercourse shall be used as the dividing line;
 - ii) where two different designations meet on the same side of the watercourse and abut the “Watercourse Protection” designation, the abutting designation shall be determined by extending the dividing line between two designations at the same angle and in the same general direction through the “Watercourse Protection” designation to the centerline of the watercourse.

SECTION 4 RESOURCES

4.1 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

It is the policy of this Plan, that archaeological, cultural and built heritage resources and landscapes be identified, recognized, enhanced and conserved for the benefit of the community. The Town shall work with the Municipal Heritage Advisory Committee to identify potential archaeological, cultural and built heritage resources and landscapes to increase public awareness and involvement in the protection and enhancement of the Town's heritage features.

4.1.1 Cultural and Built Heritage Resources

For the purposes of this Plan, cultural heritage resources shall mean resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people. Built heritage resources shall mean one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Kingsville's built heritage resources will be identified by:

- a) establishing a framework by which to judge the potential significance of built heritage resources;
- b) researching and documenting the potential built heritage significance of properties within the Town of Kingsville using the established framework;
- c) based on the completed research and documentation, preparing a register of properties with potential built heritage significance;
- d) contacting property owners regarding the potential significance of their property and seek their support to have their property designated as a "significant built heritage resource";
- e) encouraging Council to continue to offer property tax reduction incentives for properties that have been designated under the Ontario Heritage Act;

- f) monitoring demolition permit applications to ensure input in the event that a property with potential built heritage significance is proposed for demolition.

Those properties designated in accordance with paragraph c) above (see list in Appendix B of this Plan) and for which property tax incentives are being received, shall be conserved. Demolition shall be prohibited and alterations shall only be permitted if in accordance with the *Ontario Heritage Act*.

For those properties that are included in the Town of Kingsville Heritage Register (see list in Appendix B of this plan), demolition shall only be permitted in compliance with the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O. 18.

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been assessed and evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigating measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

The Town may choose to designate a Heritage Conservation District or Districts, including areas of cultural heritage landscape features and heritage attributes. Prior to the designation of a Heritage District, Council will pass a by-law defining an area to be examined for designation as such a district, or may prepare a study for the area to determine the feasibility and appropriateness of such a designation. The study will be prepared in accordance with the Province's Heritage Conservation District Guidelines. The study may also suggest policies and guidelines to advise Council as to the consideration and approval of applications for new development and building alterations on properties located within a designated Heritage Conservation District.

4.1.2 Cultural Heritage Landscapes

Cultural heritage landscape shall mean a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trail ways and industrial complexes of cultural heritage value.

4.1.3 Archaeological Resources

Archaeological resources include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological field work undertaken in accordance with the *Ontario Heritage Act*.

In consultation with the Ministry of Tourism and Culture, and as resources permit, Council may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Town having archaeological potential. The Plan may also outline policies, programs and strategies to protect significant archaeological sites.

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation or by preservation on site when preformed by a licensed archaeologist, as per Section 48 of the *Ontario Heritage Act*. Where archaeological resources must be preserved in situ, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Council may conserve the integrity of archaeological resources by restricting land use activities, including the erection of buildings and structures, on sites with archaeological resources through the implementing zoning by-law.

Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including Ministry of Tourism and Culture and the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (SBCS), when an identified and marked or unmarked cemetery is affected by land use development. Marked and unmarked private family burial plots, where known, shall be registered with the Provincial Cemeteries Registrar and identified in the Zoning By-law. Marked and unmarked private family burial plots shall be preserved.

The Town recognizes that within the boundaries of the Town, there may be marine archaeological remains. Prior to approving a development proposal, where there is a high potential for marine archaeological resources, the Town will require a marine archaeological survey to be conducted by a licenced marine archaeologist to the satisfaction of the Town and the Ministry of Tourism and Culture, pursuant to the *Ontario Heritage Act*. Any marine archaeological resource that is identified must be reported to the Ministry of Tourism and Culture immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed through excavation, by a licensed marine archaeologist under the direction of the Ministry of Tourism and Culture.

4.2 NATURAL HERITAGE FEATURES

The Town of Kingsville encourages the protection and enhancement of natural heritage features. Schedule “B” identifies many of the significant natural heritage features that represent a legacy of the natural landscape of the municipality and as a result have important environmental and social values for this and future generations. The table below provides the natural heritage classifications based on the Provincial Policy Statement, along with their land use classification within this Plan and identifies adjacent land provisions.

Natural Heritage Feature Classification Based on the PPS	Land Use Classification Policy Approach	Adjacent Lands
Significant Habitat of Endangered and Threatened Species	Environmental Protection Areas	120 metres
Significant Wetlands	Environmental Protection Areas	120 metres
Significant Coastal Wetlands	Environmental Protection Areas	120 metres
Significant Woodlands Significant Valleylands Significant Wildlife Habitat	Environmentally Significant Areas	120 metres
Areas of Natural and Scientific Interest – life science	Environmentally Significant Areas	120 metres
Areas of Natural and Scientific Interest – earth science	Environmentally Significant Areas	50 metres
Fish Habitat	Adjacent underlying Land Use Designation	120 metre

Natural Heritage Features shown on Schedule “B” are divided into two categories “Environmental Protection Areas” and “Environmentally Significant Areas”.

“Environmental Protection Areas” include significant habitat of endangered and threatened species, Significant Wetlands and significant coastal wetlands, and a portion of privately owned land within an Environmentally Significant Area. It should be noted that the Town may also identify additional areas that are of local and/or regional significance for protection.

“Environmentally Significant Areas” include significant woodlands significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest.

Adjacent areas are generally those lands within 120 metres of a natural heritage feature as shown on Schedule “B” of this Plan. Assessment of negative impact is to be determined by conducting an Environmental Impact Assessment (EIA) in accordance with Appendix “A” and the MNR’s Natural Heritage Reference Manual and will normally be required prior to consideration of any Planning Act application. The Town will require pre-consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority prior to considering any Planning Act application.

Goals

The following goals apply to Natural Heritage Feature areas, as depicted on Schedule “B” of this Plan, are to:

- a) facilitate and support the preservation, protection and enhancement of natural heritage feature areas;
- b) protect lands adjacent to areas with significant natural heritage features from land uses that would negatively impact the natural features; &

Policies

The following policies apply to the Natural Heritage Features as depicted on Schedule “B” of this plan:

- a) the diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of the natural heritage system should be maintained, restored or where possible improved, recognizing linkages between and among natural heritage features. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions, including groundwater features and will also generally follow the woodlots and hedgerows in the rural areas of the Town;
- b) the Town supports strategies that strive to increase the amount of natural area coverage. As such a “State of the Environment Report” will be prepared and presented to Council on an annual basis;

- c) when considering development proposals, the Town may require the land owner to enter into a site plan agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a development approval, the use of a variety of indigenous species of vegetation is encouraged;
- d) this Plan recognizes woodlots as viable components of farming operations;
- e) the participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts is encouraged;
- f) normal farm practices, including but not limited to, agroforestry and spraying, are permitted in all areas. If tree harvesting is to occur it should be based on acceptable forest management practices as prepared by a Registered Professional Forester;
- g) hunting, fishing and trail use activities by the property owner, or with the permission of the property owner, are permitted in all areas and in accordance with Provincial and Federal legislation and regulation;
- h) the natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by the Town, the Conservation Authority or any other conservation group or agency.

4.2.1 Environmental Protection Areas

“Environmental Protection Areas” include significant habitat of endangered and threatened species, significant wetlands and significant coastal wetlands, and a portion of privately owned land within an Environmentally Significant Area. It should be noted that the Town may also identify additional areas that are of local and/or regional significance for protection.

Significant habitat of endangered and threatened species includes lands which are necessary for the maintenance, survival and/or recovery of naturally occurring or reintroduced populations of endangered or threatened species and where those areas of occurrence are occupied or habitually occupied by the species during all or any part of its life cycle.

Significant wetlands and significant coastal wetlands are lands identified by the Ministry of Natural Resources as being provincially significant.

The following policies apply to lands shown as “Environmental Protection Areas” on Schedule “B” to this plan:

- a) development and site alteration shall not be permitted in “Environmental Protection Areas”;
- b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas designated as “Environmental Protection”, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated to the satisfaction of the municipality, in consultation with the Essex Region Conservation Authority, that there will be no negative impacts on the natural features or on their ecological functions. Demonstration of negative impact on adjacent lands will only be required for uses that require approval under the Planning Act;
- c) assessment of negative impacts is to be determined by conducting an Environmental Impact Assessment in accordance with Appendix “A” of this Plan which will be required prior to consideration of any Planning Act application or issuance of any building permit. Adjacent lands mean within 120 m of an “Environmental Protection Area”;
- d) activities that create or maintain infrastructure authorized under an environmental assessment process or work subject to the Drainage Act are not to be considered development or site alteration for “Environmental Protection Areas”. However, where possible these activities should occur outside of areas identified as “Environmental Protection Areas”.

4.2.2 Environmentally Significant Areas

“Environmentally Significant Areas” include significant woodlands significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest.

Significant woodlands are functionally important due to their contribution to the broader landscape based on size, location and the amount of forest cover in the surrounding planning area. They are economically important due to site quality, species composition and past management history. In the Essex Region woodlands that are larger than 2 hectares in size are assessed for their Provincial natural heritage significance.

Wildlife habitat is one of the primary ecological functions provided by natural heritage features. Significant wildlife habitat is an area where plants, animals and other organisms live and find adequate amounts of food, shelter, water and the space need to sustain their populations. All plants and animals have individual habitat requirements which vary at different periods in their life cycles.

Significant Valleylands in the Town are those areas which have been identified and mapped by the Essex Region Conservation Authority. Significant Valleylands provide important ecological functions in the drainage system of watersheds.

Areas of significant and scientific interest are areas of land and water which contain natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

The following policies apply to the lands shown as “Environmentally Significant Areas” on Schedule “B” to this plan:

- a) development and site alteration may be permitted within “Environmentally Significant Areas” as identified on Schedule “B” if it has been demonstrated to the satisfaction of the Town in consultation with the Essex Region Conservation Authority that there will be no negative impacts on the natural features or on their ecological functions;
- b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas designated as “Environmentally Significant Areas” unless it has been demonstrated, to the satisfaction of the Town, in consultation with the Essex Region Conservation Authority, that there will be no negative impacts on the natural features or on their ecological function.
- c) nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on lands within or adjacent to those areas identified as “Environmentally Significant Areas”.

Significant Areas”. New Agricultural uses that require approval under the Planning Act will be permitted within “Environmentally Significant Areas” or on adjacent lands, if it has been demonstrated to the satisfaction of the municipality, in consultation with the Essex Region Conservation Authority, that there will be no negative impact on the natural heritage features or their ecological functions.

- d) assessment of negative impact is to be determined by conducting an Environmental Impact Assessment in accordance with Appendix “A” and the MNR’s Natural Heritage Reference Manual and will normally be required prior to consideration of any Planning Act application. The Town will require pre-consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority prior to considering any Planning Act application. Any development and site alteration proposed must also be in accordance with the underlying land use designation on Schedules “A”, “A-1” and “A-2” of this Plan;
- e) linkages and corridors, whether woodlands, wetlands or other natural heritage features, provide movement corridors within a wildlife habitat for various local animal species. Recreational trails or other similar uses are discouraged unless it is demonstrated that such a use will not harm the wildlife habitat.

4.2.3 Fish Habitat

The Town recognizes that the health of the aquatic environment is a fundamental indicator of the health of the overall ecosystem. Fish habitat protection and restoration opportunities throughout the Town are significant due to the number of watersheds which outlet into Lake Erie. Fish habitat restoration opportunities may be implemented through sub-watershed studies, secondary plans, and on an individual lot basis. The harmful alteration, disruption or destruction of fish habitat is prohibited under the Fisheries Act.

The Town will apply the following policies when considering impacts to fish habitat areas:

- a) development will only be permitted provided that it does not harmfully alter, disrupt or destroy fish habitat. The goal of “no net loss of productive capacity of fish habitat” and where possible a “net gain of productive capacity of fish habitat” using a fish habitat mitigation / compensation assessment through consultation with the Essex Region Conservation Authority and the Department of Fisheries and Oceans (DFO);

- b) any development or change in land use near or adjacent to (within 120 metres) to an existing or potential fish habitat area will be reviewed by the Essex Region Conservation Authority in consultation with DFO with respect to its potential impact. Any proposal shall be subject to an assessment to determine if it will result in a reduction of the fish habitat to sustain the fisheries resource;
- c) The Town in conjunction with the Essex Region Conservation Authority will determine the minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed;
- d) Where it has been determined by the Essex Region Conservation Authority in consultation with DFO that the development or change in land use will affect the natural functions of the fish habitat, the preparation of a fish habitat mitigation/compensation assessment will be required. The assessment should be based on the guidelines which are included in Appendix A of this Plan.

4.2.4 Environmental Impact Assessments

The preparation of all Environmental Impact Assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The Environmental Impact Assessment is to be prepared on the basis of the natural features or the ecological function for which the area has been identified and in the manner stipulated in Appendix "A" of this Plan. For example, if this Plan identifies a site as an "Area of Natural and Scientific Interest" (ANSI), the Environmental Impact Assessment shall be prepared on the basis of that environmental classification.

When conducting the Environmental Impact Assessment, the environmental professional must acknowledge in the report any new information such as findings of rare or significant species not previously known to exist on the site, and the impact which may result from any proposed development. The municipality and/or other approval authority shall have regard to such new information in its decisions regarding planning applications and shall be consistent with the Provincial Policy Statement. If, based on the new information, the Approval Authority, in consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority, concludes that the natural environment classification should be altered, this Official Plan shall be amended to reflect the change. Similarly, if a site is identified as having a higher or lower classification by the Province or Conservation Authority, or by the municipality through a special planning study which is completed in accordance with Provincial Guidelines, this

Official Plan shall be amended to reflect the change. The approval authority shall ensure consistency with the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with natural environment features and/or functions.

Removal of a natural heritage feature for the purpose of lowering the natural environment classification in this Plan and/or otherwise affecting the environmental impact assessment will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the environmental impact assessment.

In areas other than those shown as “Environmental Protection Areas” on Schedule “B” of this Plan, altering the state of the natural environment features as a result of conducting permitted uses (i.e. clearing land for agricultural purposes) will not be considered negatively by the approval authority but shall not be deemed to facilitate future development proposals. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April, 2000 photography as one of the tools to establish the baseline from which the alteration will be assessed.

4.3 MINERAL AGGREGATE RESOURCES

It is the policy of this Plan that mineral resources will be protected for long term use. Lands identified as Mineral Aggregate Resources on Schedule “D” of this Plan are areas that have been identified as having extractive industrial potential.

As such, any proposed development can only occur if it has been demonstrated to the satisfaction of the Town and the Ministry of Natural Resources that the development will not interfere with the future removal of the resource. Goals and policies for Mineral Aggregate Resource lands are as follows:

Goals

The following goals for Mineral Aggregate Resource lands, as depicted on Schedule “D” of this Plan, are to:

- a) permit the extraction of mineral resources as an interim land use in accordance with the policies of this Plan and Provincial Policy;
- b) identify areas where mineral aggregate resources are located;
- c) protect existing pits and mineral aggregate resources from encroaching incompatible land uses;

- d) provide for extraction and removal of resource material from the site in such a manner that will least offend neighbouring property uses;
- e) provide for the rehabilitation of these areas for other productive uses once the resource has been removed.

Policies

The following policies apply to Mineral Aggregate Resource lands as depicted on Schedule “D” of this Plan:

- a) the predominant use of land in the Mineral Aggregate Resource area shall be for extractive industrial uses including quarries, sand and gravel pits, wayside pits and quarries, portable asphalt plants, portable concrete plants and other surface mining operations. Agriculture, forestry and conservation uses shall also be permitted prior to removal of the resource;
- b) the Zoning By-law will only zone those lands within the Mineral Aggregate Resource area that are licensed for extractive industrial uses or for which a licence application has been submitted. All other lands within this area will be zoned Agricultural until such time as the Ministry of Natural Resources advises that the standards of the Aggregate Resources Act have been met;
- c) on prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory Classification System) and on specialty crop lands extractive uses are permitted as an interim use, provided that rehabilitation of the site is carried out whereby substantially the same area and same average soil quality for agriculture are restored.
- d) Complete agricultural rehabilitation to Class 1 to 3 lands, as determined by Ontario Ministry of Agriculture, Food and Rural Affairs, is not required if:
 - i) there is a substantial quantity of mineral aggregate resource below the water table warranting extraction;
 - ii) the depth of a planned extraction in a pit or quarry makes restoration of pre-extraction agricultural capability unfeasible;

- iii) other alternatives, such as resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth area and resources on prime agricultural lands where rehabilitation is feasible, have been considered by the proponent and found unsuitable. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority specialty crop areas, Canada Inventory Classes 1, 2 and 3 and , and
- iv) agricultural rehabilitation in remaining areas will be maximized;
- e) proposals to develop mined out pits for other than agricultural uses shall require an amendment to this Plan and will be considered by the Town in the context of sound planning principles and the criteria established in this Plan;
- f) all development in the Mineral Aggregate Resource area shall be in accordance with the land division policies contained in Section 7 of this Plan;
- g) in advance of approving any amendments to this Plan that would have the effect of extending the extent of the Mineral Aggregate Resource area, the proposal shall be forwarded to the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Natural Resources, the Ministry of the Environment and the Ministry of Northern Development & Mines for comments.

4.3.1 Wayside Pits and Quarries (see County modification #2)

Wayside pits and quarries which are defined as pits and quarries opened and used by a public road authority for the purposes of a particular road construction project are encouraged to locate in the many areas shown as a Mineral Aggregate Resource area shown on Schedule “D”. When a Mineral Aggregate Resource area location is not possible, wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law, except in the “Residential” designations and “Environmental Protection Areas”. On specialty crop lands and on prime agricultural lands (Classes 1 to 3 according to the Canada Land Inventory classification system) wayside pits and quarries may occur if agricultural rehabilitation of the site is carried out and substantially the same area and average soil capability for agriculture are restored. Wayside Pits and Quarries shall not be located closer than 385 metres to an existing school. (See County modification #3)

4.3.2 Prime Agricultural Lands

On prime agricultural lands (Class 1, 2 and 3 according to the Canada Land Inventory classification system) and on specialty crop lands, wayside pits and quarries are permitted as an interim use provided that rehabilitation of the site is carried out whereby substantially the same areas and the same average soil quality for agriculture are restored. Complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of mineral aggregate resource below the water table warranting extraction;
- b) the depth of the planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- c) other alternatives, such as resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth area and resources on prime agricultural lands where rehabilitation is feasible, have been considered by the proponent and found unsuitable. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority specialty crop areas, Canada Inventory Classes 1, 2 and 3 and , and
- d) agricultural rehabilitation in remaining areas will be maximized.

4.3.3 Portable Asphalt Plants

Portable asphalt plants means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes the stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but is designed to be dismantled and moved to another location as required. Portable asphalt plants used by a public road authority or it's agent, shall be permitted in the "Agriculture" designations and Mineral Aggregate Resource areas without amendment to this Plan or the Zoning By-law, subject to the following provisions:

- a) portable asphalt plants must obtain a certificate of approval from the Ministry of the Environment;
- b) portable asphalt plants must meet Ministry of the Environment minimum separation distance, but in no case shall they be located closer than 385 metres from an existing residence or existing school; (See County modification #4)

- c) portable asphalt plants must be removed from the site upon completion of the public project;
- d) sites used for portable asphalt plants in the agricultural areas, must be rehabilitated back to their former agricultural use.

4.4 PETROLEUM RESOURCES

Petroleum Resources means oil, gas, and brine resources that have been identified through exploration and verified by preliminary drilling or other forms of investigation. It is the policy of this Plan that petroleum resources will be protected for long term use.

- a) New development shall be setback a minimum of 75 metres from existing petroleum wells;
- b) Petroleum resource operations should be carried out in accordance with the Oil, Gas and Salt Resources Act.
- c) sites used to facilitate the extraction or storage of petroleum resources in the agricultural areas, must be rehabilitated back to their former agricultural use.

4.5 WATER RESOURCES

The main watersheds within the Town of Kingsville include Cedar Creek, Wigle Creek, Mill Creek, Belle River and Ruscom River. Water resources refers to: watersheds; surface water features including headwaters, rivers, stream channels, inland, lakes, seepage areas, recharge/discharge areas, springs, wetland and associated riparian lands; ground water features; and hydrologic functions.

The protection of water resources from contamination and degradation associated with certain land uses and activities is an important element to maintaining the quality of life experienced by both existing residents and businesses and to supporting future growth. Integrating land management and the protection of water allows for the continuance of a healthy environment, solid economic development and healthy communities.

Goals

The goals relating to water resources are:

- a) to protect, improve, restore and enhance the quality and quantity of surface and ground water;

- b) to protect the hydrologic functions of water resources;
- c) to participate in watershed planning; and
- d) to promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.

Policies

The following policies will be used to achieve the water resources' goals for the Town of Kingsville:

- a) The Town will participate in watershed and subwatershed studies in cooperation with the Essex Region Conservation Authority, Provincial ministries, other organizations and adjacent municipalities
- b) The Town will identify surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of watersheds;
- c) Watershed management plans should be undertaken with the relevant findings to be implemented through an amendment to this plan;
- d) Groundwater recharge areas and watercourses will be protected from contamination by uses and activities, which could affect the recovery and use of groundwater and surface water supplies for domestic and agricultural purposes and environmental health;
- e) Development and site alteration may be restricted in or near sensitive ground or surface water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to achieve this policy; and
- f) The Town will work with various agencies to develop a septic system management program. The management program shall consider opportunities shall consider opportunities including but not limited to provisions under the Ontario Building Code, facility design and permitting, landowner education and awareness, as well as monitoring and inspections.

The Town will initiate implementation of these policies upon completion of the Source Water Protection Study completed for this area.

4.5.1 Watercourses

Watercourses, as shown on Schedule “C” to this Plan, transport both water and sediment from areas of high elevation to areas of low elevation. Changes to amount or velocity of water being transported or the amount or size of bed load being moved can have significant impacts on the watercourse. Changes can result in increased erosion and flooding. Watercourses provide habitat for fish and other species to live as well as provide water for human consumption, wildlife and livestock. Watercourses are directly related to many of the hazards including flooding, erosion, slope stability and wetlands. The following principles may apply to developments located along watercourses:

- a) If possible, natural stream bank vegetation should be maintained;
- b) grassed slopes, in natural vegetation, or other suitable erosion control methods are the preferred alternative;
- c) construction of tile outlets should not contribute to erosion along watercourses;
- d) tree planting should occur along watercourses, where possible to enhance the natural corridor function, cool water temperatures and protect watercourse banks;
- e) best management practices and interim measures shall be utilized during construction projects to reduce sedimentation and erosion;
- f) an setback from the top of bank for all new and expansions to development will be required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat.

This section should be read in conjunction with the policies in Section 4.2.

SECTION 5 HUMAN-MADE AND NATURAL HAZARDS

Section 5 contains policies pertaining to human-made and natural hazards as defined in the Provincial Policy Statement 2005. Human-made hazards are lands related to, or in proximity of, resource extraction and/or processing of: oil, gas and salt, petroleum, and mineral aggregates. Natural hazards are lands adjacent to shorelines and inland watercourses impacted by flooding or erosion where property may be unsafe for development due to naturally occurring processes. The majority of the human-made and natural hazards occur within the rural areas of the Town in lands designated "Agriculture".

5.1 HUMAN-MADE HAZARDS

Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource extraction operations may be permitted if remediation measures to address, and mitigate known or suspected contaminants or hazardous conditions are underway or have been completed.

Contaminated sites shall be restored as necessary prior to any activity on a site associated with a proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

- a) past and present uses of the site;
- b) a soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;
- c) an acknowledgement of the requirement that the site restoration is to occur in accordance with Ministry of Environment's requirements specified in Ontario Regulation 153/04 of the *Environmental Protection Act* as may be revised from time to time as a 'Record of Site Condition';

- d) where contamination has been identified, a letter from the Ministry of the Environment acknowledging filing of a 'Record of Site Condition' prior to the development approvals being granted
- e) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the Environmental Protection Act, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

5.1.1 Unplugged Oil and Natural Gas Wells

- a) Unplugged oil and natural gas wells must be decommissioned (plugged) in accordance with Ministry of Natural Resource's Oil, Gas and Salt Resources Act regulations and Provincial Operating Standards. A licence pursuant to section 10. of the Oil, Gas and Salt Resources Act, is required in order to perform any work on a well. It is recommended that although development may not be proposed near an unplugged well, landowners should decommission (plug) the wells and associated works for safety purposes.
- b) Development on, or adjacent to oil, gas and salt hazards or former petroleum operations will be permitted only when rehabilitation measures to address and mitigate known and suspected hazards are underway or have been completed. Prior to the issuance of a building permit, landowners proposing to develop a site with an abandoned well, must reference the "Record of Site Condition Regulation, O. Reg. 153/04" as amended by the Environmental Protection Act and must decommission the well and associated works.

5.2 NATURAL HAZARDS

Lake Erie and the various watersheds of the Town of Kingsville, represent dynamic water systems that are impacted throughout the year by climate and precipitation. At certain periods of the year, the areas in and around Lake Erie and Kingsville's creeks are susceptible to flooding and/or erosion. These potential flooding and erosion events are natural hazards to development. The inland watercourse areas which are susceptible to flooding are identified as "Floodplain Development Control Area", while the floodplain of Lake Erie for the Town is identified as the "Lake Erie Floodprone Area"

on Schedule “C” to this Plan. Schedule “C” depicts the extent of the Natural Hazards lands for the Town as a visual representation only, when considering development the exact boundaries of these lands should be confirmed in consultation with the Essex Region Conservation Authority. The land uses permitted within Natural Hazards are determined by the underlying land use designation watercourses identified on Schedule “A”, “A-1” and “A-2” and are subject to the overlying policies of this Section, with exception to the Floodway of inland watercourses. Development within Natural Hazard lands must be capable of satisfying provincial hazard management issues.

5.2.1 WATERCOURSE HAZARD LANDS (Floodplain Development Control Area)

As the flooding of watercourses creates a hazard with respect to creeks and other water tributaries, the Essex Region Conservation Authority has adopted a two zone approach for regulating floodplains. A floodplain contains two distinct areas, 1) a floodway and 2) a flood fringe. The two zone concept distinguishes between areas where development and site alteration may be permitted or where development is prohibited. Development and site alteration is not permitted within the floodway. Development and site alteration may be permitted within the flood fringe where the development is capable of satisfying Provincial floodplain hazard management issues under the jurisdiction of the Essex Region Conservation Authority.

Floodway

The floodway includes the channel and the lands immediately adjacent to the channel area that is characterized by deeper, faster moving water in a flood event. The floodway is the more hazardous portion of the floodplain and development and site alteration are not permitted within it. For areas where channels have been constructed or existing channels have been modified, the floodway width typically varies from 8 metres to 15 metres on both sides of the channel depending on the depth of the channel present. In low lying areas adjacent to natural watercourses the limit of the floodway could extend significantly wider than the 15 metres on both sides of the channel and will be determined based on the Essex Region Conservation Authority criteria, a site specific analysis and the nature of the individual watercourse. The Essex Region Conservation Authority will utilize specific policies in determining the extent of the floodway mapping based on standardized criteria. The extent of the floodway may be different for various reaches of individual watercourse.

Flood Fringe

Lands identified as a Flood Fringe by the Essex Region Conservation Authority are areas being susceptible to flooding under regulatory flood conditions (1:100 year) or the maximum observed for the Ruscom River and are subject to Ontario Regulations 158/06, as amended and implemented by the Essex Region Conservation Authority. As such, the requirement to obtain a permit will be necessary in advance of any development occurring. Development shall only be permitted if:

- a) It is identified that the development will not adversely affect the existing flood levels and/or flow of the specific waterway;
- b) floodproofing of buildings and/or structures is undertaken;
- c) a permit is issued by the Essex Region Conservation Authority which may require environmental and other technical studies in advance of a permit being issued; and
- d) all development is in accordance with the underlying land use designation(s).

Watercourse Setbacks

For any inland watercourses, as shown on Schedule “C” of this Plan, where engineered flood lines are not available, the Town, in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of bank such watercourses, into the Zoning By-law. When determining such setbacks, the Town shall take into consideration the type of watercourse, bank stability, angle of bank slope and other relative aspects. In evaluating development applications for lands adjacent to any watercourse or drain, the Town, in consultation with the Essex Region Conservation Authority, may request the proponent to establish appropriate floodproofing elevations, and such floodproofing requirements shall be implemented through the Zoning By-law, development agreements and any permit required to be issued by the Essex Region Conservation Authority.

Development setbacks are the preferred method for protecting new development as opposed to relying on structural and non-structural protection measures that require maintenance and upgrading overtime.

5.2.2 Lake Erie Hazard Lands (Lake Erie Floodprone Areas)

Lands along Lake Erie are prone to shoreline flooding, erosion and dynamic beach hazards. The Lake Erie Floodprone Areas are identified on Schedule "C" of this Plan as Lake Erie Hazard Lands and are susceptible to these hazards. Pre-consultation with the Essex Region Conservation Authority to determine the technical support studies required in order to ascertain the feasibility of obtaining the necessary permits shall be required prior to any development occurring.

The land uses permitted within flooding hazard lands are determined by the underlying designations also identified on Schedules "A", "A-1" and "A-2" and are subject to the 1:100 Year flood conditions and erosion information associated with Lake Erie.

Shoreline Development

Development and site alteration shall only be permitted in areas identified as being susceptible to flooding and/or erosion if:

- a) the hazard can be safely addressed;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required);
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies; and
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Lake Erie Setbacks

The implementing Zoning By-law will prescribe shoreline protection measures including minimum floodproofing elevation requirements for development within the floodprone area and setbacks from the top of bank for erosion prone areas. Development setbacks are encouraged as the preferred method for protecting new development as opposed to relying on structural or non-structural protection measures that require maintenance and upgrading over time.

Generally, the setbacks and floodproofing requirements will vary depending on existing site conditions (breakwalls, revetments and slope stability) on subject and adjacent

lands. The required setbacks will be determined in consultation with the Essex Region Conservation Authority and the implementing Zoning By-law may reference the Conservation Authority's Regulations as a method of prescribing the minimum elevation requirements.

Lake Erie Floodproofing

Floodproofing shall be provided to the regulatory flood elevation. Where the area is subject to the Conservation Authority's regulations a permit must be obtained prior to undertaking any development, including but not limited to construction, grading/placement of fill, breakwall and other shoreline construction works.

SECTION 6 ROADS, UTILITIES & SERVICES

Section 6 contains policies pertaining to the current level of servicing in the Town of Kingsville as well as various servicing improvements and enhancements that are anticipated.

6.1 HIGHWAYS & ROADS

In order to minimize congestion and interference to the flow of traffic, and to establish the requirements of future traffic routes, the roads throughout the Town are classified according to their function. The road network shown on Schedule “E” consists of a Provincial Highway, County Roads, Municipal Roads and Private Roads not assumed by the Town.

6.1.1 Provincial Highway

Provincial Highway 3 located within the Town of Kingsville is under the control and jurisdiction of the Ministry of Transportation (MTO). Any development which fall within MTO’s permit control areas under the Public Transportation and Highway Improvement Act (PTHIA) will be subject to MTO’s policies, standards and requirements. In addition to all applicable Town requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO’s permit control area under the PTHIA will also be subject to MTO approval.

The location of entrances, buildings, signs and encroachments within MTO’s permit control area of a provincial highway shall be subject to the approval of MTO. Should MTO requirements conflict with this Official Plan, the higher standard shall prevail. New direct private entrances to Provincial Highway 3 will not be permitted.

Proposed development within the permit control area of the Provincial Highway may require an applicant to prepare a transportation impact assessment in accordance with the MTO’s “General Guidelines for the Preparation of Traffic Impact Studies”. The main purpose of a Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of access approval.

Any new proposed access connection located on a municipal crossroad and within the MTO's permit control area shall meet MTO's access management best practices. All applicant's proposing severances, new development, changes to existing developments or land use changes that require an Official Plan Amendment or Zoning By-law Amendment within MTO's permit control areas are advised to consult with MTO prior to making formal submission of their application under the Planning Act, as access to the development is strictly controlled.

The Town and MTO will work cooperatively with respect to the planning of land development and associated access connections within MTO's permit control areas adjacent to all provincial highways and intersection within the Town, in order to protect the future safety, operation and capacity of both the provincial highway network and the Town's transportation corridors for the movement of people and goods.

In addition to all other requirements, development adjacent to the Provincial Highway requiring an amendment to this Plan, an amendment to the Zoning By-law or approval of a Plan of Subdivision shall demonstrate to the satisfaction of the Approval Authority and the Town that the expected level of noise is either within the Ministry of the Environment criteria or is within a feasible range of attenuation. Where the Ministry's criteria are exceeded, a Noise Attenuation Report shall be submitted to and approved by the Approval Authority and the Town and its recommendations implemented.

6.1.2 Arterial Roads

Arterial roads form the main traffic routes for ingress and egress to the Town. They are also intended to provide fast efficient vehicular connections from one section of the Town to another. Parking, for the most part, is prohibited along these arterial roads.

6.1.3 Collector Roads

Collector roads such as Essex County Roads 8, 14, 18, 20, 23, 27, 29, 31, 34, 45, and 50 are intended to provide for the movement of moderate volumes of traffic between local roads and arterial roads, while at the same time providing access to abutting properties. Parking on collector roads may be restricted because of peak hour demands.

6.1.4 Local Roads

All other roads are expected to function as local roads during the planning period, providing direct access to various abutting land uses. Through traffic will be discouraged, and restrictions on short-term parking within the defined urban area will be minimal.

- i) Special minimum right-of-way widths and other special restrictions (e.g. setbacks and access limitations to protect adjacent uses and maintain traffic flows) shall be as prescribed by the Ministry of Transportation, the County of Essex or the Town, depending on the agency having jurisdiction. The implementing Zoning By-law shall make provisions for adequate setbacks for all new developments, having regard for both the width and function of the abutting road and in accordance with site plan control where deemed necessary.
- ii) To ensure that the Town continues to maintain a quality road system, the Municipal Council shall continue a policy of having a defined Road Needs Study Program to improve and maintain roadway surfaces, highway bridges, road alignments, intersections, pavement widths, etc., in accordance with the Development Standards Manual and the Town's ability to pay for the specific projects.
- iii) It shall be a further policy of Council to provide for the improvement of existing arterial, collector and local roads wherever possible when separated storm and sanitary sewers are installed or when Municipal Drainage Act projects are undertaken, to bring these roads to proper standards.
- iv) It shall further be a policy of Council that wherever possible roadside vegetation and tree planting shall be retained or replaced after road improvements have been completed.

6.2 UTILITIES

6.2.1 Electrical Power Facilities

- a) All existing electric power facilities and the development of any new electric power facilities that operate at 50 kilovolts and above, or facilities that transform from above 50 kilovolts to less than 50 kilovolts, including all works as defined in the Power Corporation Act, (such as transmission lines, transformer stations and distributing stations) shall be permitted in any land use designation without an

amendment to this Plan provided that such development has been approved as applicable under the provisions of the Environmental Assessment Act and its regulations; the Green Energy And Green Economy Act and its regulations and a Renewable Energy Approval under O.Reg 359/09 of the Environmental Protection Act, and any other relevant statutes and regulations. Hydro One and E.L.K. shall be required to consult with the Town regarding the location of any and all new facilities including new transformer stations. However any use of lands, buildings or structures by Hydro One and/or E.L.K. that are subject to approval under the provisions of the Environmental Assessment Act and its regulations; the Green Energy and Green Economy Act and its regulations and a Renewable Energy Approval under O.Reg. 359/09 of the Environmental Protection Act, and any other relevant statutes and regulations shall be exempt from the policies of this Plan and the provisions of the Town's Zoning By-law.

- b) Other electric power facilities, including buildings and facilities not used directly for the generation and supply of electric power, shall comply with the policies of this Plan and the provisions of the implementing Zoning By-law.
- c) The above policies, however, do not preclude the Town's right to participate in discussions on the location criteria of new electric power facilities. Wherever practicable, single footing narrow base tower construction and existing rights-of-way should be used for new hydro transmission lines. Secondary land uses may be permitted on Hydro One and/or E.L.K. lands where deemed by Council to be compatible with adjacent land uses and by agreement with Hydro One and/or E.L.K.
- d) The Town has adequate service to provide hydro to most new residential, agricultural, commercial, industrial, or institutional development areas. The hydro service can be further extended as and when required such as when three-phase hydro is required to new greenhouse developments.

6.2.2 Other Utility Services

- a) All existing facilities and the development of any new facilities associated with a public utility, telephone, cable transmission or other similar communications company or a gas distribution or a transmission company, shall be permitted in any land use designation without an amendment to this Plan. The utility or company involved shall be required to obtain the approval of the Town regarding

the location of any and all new facilities.

- b) All buildings and facilities not used directly for the transmission or reception of an electrical current or signal, or a liquid or gas, shall comply with the other provisions of this Plan and the implementing Zoning By-law.
- c) Non-linear facilities not contained totally underground will require an amendment to the Zoning By-law. When above ground non-linear facilities are proposed in the “Agriculture” designation, the need must be justified in accordance with Provincial Policy, as must the reasons why lower capability or marginal land cannot be used.

6.2.3 Energy Conservation

- a) The Town will explore and promote the use of energy conservation and alternative energy sources. In all types of development proposals, designs which attempt to minimize energy costs for future residents, businesses and agriculture through road design, lot layout, building location and multi-unit design, and also maximize solar orientation and sun exposure, will be encouraged. In both development and redevelopment, innovative building designs and construction techniques that conserve energy and lead to a reduction of energy consumption will be encouraged. Energy conservation lighting and heating systems will be considered.
- b) The use of programs which would assist in the reduction of energy use within existing buildings will be encouraged. The landscaping and siting of buildings on a building lot to provide wind shelter and maximize sunlight exposure will be encouraged. The Town will encourage the use of amenities such as sidewalks and bicycle lanes within new residential developments and will also consider the provision of bicycle lanes and sidewalks along streets within existing residential areas.

6.2.4 Renewable Energy Facilities

It is the policy of this Plan, that renewable energy projects and facilities developed under the Green Energy and Green Economy Act shall be encouraged. The Town will effectively participate in the review and public consultation process for the consideration of projects which require a Renewable Energy Approval in accordance with the Green Energy and Green Economy Act and its regulations. The Town will provide municipal

comments which acknowledge the demand for service, the impact on the community, infrastructure and natural heritage features and systems.

6.3 MUNICIPAL SERVICES

6.3.1 Servicing Standards

All development within the Town of Kingsville shall be serviced in accordance with the Development Standards Manual which has been adopted by Council resolution and is amended from time to time.

6.3.2 Servicing Requirements

As required in Provincial Policy, this Plan directs growth in a manner that promotes the efficient use of existing municipal sewage services and municipal water services and private communal sewage services only where municipal sewage services are not available. Sewage and water services shall be provided in a manner that:

- a) can be sustained by the water resources upon which such services rely;
- b) is financially viable and complies with all regulatory requirements; and
- c) protects human health and the natural environment.

It is the policy of this Plan to:

- a) promote water conservation and water use efficiency;
- b) integrate servicing and land use considerations at all stages of the planning process; and
- c) allow lot creation only if there is confirmation of sufficient uncommitted reserve sewage system capacity and sufficient uncommitted reserve water system capacity within municipal services. The determination of sufficient uncommitted reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

Full municipal sewage services and municipal potable water services are the preferred form of servicing for all areas. The use of private septic facilities within municipal sanitary sewage service areas shall not be allowed. The use of private communal sewage services shall only be allowed where:

- a) the Official Plan permits development;
- b) municipal sewage services are not currently available;
- c) in the case of individual freehold tenure, the Town of Kingsville is willing to assume ownership and operation of the communal sewage works in perpetuity; and
- d) in the case of condominium tenure, at the very least, the Town of Kingsville is willing to execute a municipal responsibility agreement (i.e. in the event of default) including financial assurance as part of such a municipal responsibility agreement.

The use of private on-site sewage services shall only be allowed on lands where municipal sewage services are not provided, are not anticipated to be serviced by municipal sanitary sewage services within the time period of this Plan, are proposed outside of the established municipal sanitary sewage service area, and only for new development of three or less lots or private residences and where site conditions are suitable for the long-term provision of such services.

Partial services (i.e. municipal piped water in the absence of municipal sanitary sewers, or municipal sanitary sewers in the absence of municipal piped water) shall only be permitted where they are necessary to address failed individual on-site sewage and/or failed individual on-site water services in existing development or along the waterfront area to allow for infilling and rounding out of existing development on partial services provided that development is within the reserve uncommitted sewage system capacity and/or reserve uncommitted water system capacity and site conditions are suitable for the long-term provision of such services.

Work on the completion of a comprehensive master servicing plan for future development in Kingsville is encouraged. Where appropriate, joint servicing plans are encouraged to ensure that infrastructure is built and maintained in a cost effective, environmentally sound and co-ordinated manner that meets the long-term needs of the community.

6.3.3 Staging of Development

It is the policy of this Plan to control the sequence of development within the Town where necessary, so that the financing and construction of public works can be undertaken without any undue financial hardship.

Generally for any new development, the developer must provide and pay for all internal services within a development area in accordance with municipal servicing requirements in effect.

6.3.4 Sanitary Sewage Collection and Treatment

The Town of Kingsville has some sewage service areas that combine both sanitary effluent and storm run-off, and therefore causes considerable peaks in the existing sewer main infrastructure and at the treatment plant during times of heavy rainfall. The Town's three sanitary Sewage Collection and Treatment facilities have been shown on Schedules "A" and "A-1" of this plan.

This Plan continues to assume that the solution to the sewer infrastructure and treatment plant overloading will be the ultimate separation of sanitary effluent and storm run-off by the provision of separate sewer systems. The Town is involved in an on-going program to separate the combined sewer systems that currently exist. High priority will be given to the completion of this separation program in accordance with the Town's financial ability to proceed.

The Town's present sewage system will require implementation of the planned improvements to adequately accommodate new residential, commercial, industrial and institutional development in the urban centre area of the Town. All new development shall incorporate appropriate separation distances from sewage treatment works and sensitive land uses in accordance with the Ministry of Environment Guidelines. Municipal Sanitary Treatment and Collection Facilities have been identified on Schedule "E" to this Plan.

Full municipal sewage (sanitary and storm) and municipal potable water services are, wherever and whenever possible the preferred means of servicing within any designation. All new development will be adequately serviced in accordance with the Town's requirements. Prior to the issuance of a building permit, this will mean that a developer will be required to enter into a servicing agreement with the Town, stipulating the services to be installed and the financial contributions necessary to improve existing services external to the subject property, in order to permit adequate servicing of the development proposal.

For lands where partial services (being 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 services to address failed individual on-site sewage and individual on-site water services within an existing development, and to allow for infilling or rounding out of existing development on partial services only if site conditions are suitable for the long term provision of such services.

All development throughout the Town will have to satisfy the Ministry of the Environment and the requirements of the Town with respect to the collection and treatment of sanitary waste.

6.3.5 Water Supply And Distribution

The vast majority of the Town is now serviced with a municipal water supply which is obtained from the Union Water Treatment Plant located south of the Hamlet of Ruthven in the former Township of Gosfield South. Any properties not currently serviced by municipal water have private water facilities either in the form of dug or drilled wells.

Total water flows and pressures are considered good throughout the immediate urban centre of Kingsville and therefore, it is determined that the Town can easily accommodate both existing development and any future residential, commercial, industrial or institutional development.

There are concerns in the rural areas of the Town where it is feared that continued growth in the greenhouse industry, coupled with an increase in the farming practice known as drip irrigation for certain field specialty crops, will eventually utilize the majority of the water flow through existing watermain infrastructure so that a municipal potable water supply becomes less available for human consumption and sanitary purposes.

Presently, the Town is attempting to deal with the situation by:

- a) requiring greenhouse operations to provide on-site storage and rate-of-flow control facilities in order to spread water demand more uniformly thereby reducing the peak water demand and achieving economy of operation;
- b) recommending that greenhouse operations with large watercourses nearby obtain raw water from the surface watercourse and utilize the municipal water supply for back-up purposes only. If greater than 50,000 litres of water a day is to be taken from the surface watercourse(s), this approach requires the issuance of a Permit to Take Water (PTTW) under the Ontario Water Resources Act from the Ministry of the Environment prior to the taking of water. Similarly, if groundwater is drawn at a rate of greater than 50,000 liters of water a day, this approach requires the issuance of a PTTW from the Ministry of the Environment under the Ontario Water Resources Act prior to the water taking. Considerations as to whether a PTTW will be issued will include, but may not necessarily be limited to, the size, nature, existing use and sensitivity of the surface watercourse and ground water resource;
- c) requiring the greenhouse growers to implement a water recycle system would allow reclamation and reuse of most of the water thereby reducing the demand on the water system by as much as 20 to 30 percent;
- d) the Town may ultimately require that greenhouse farming, which is currently permitted in all "Agriculture" designated and zoned areas, be allowed to only establish and operate in designated greenhouse development locations where servicing in the form of an adequate municipal water supply together with properly sized watermain infrastructure can be more readily supplied.

It is anticipated that the water supply and transmission problems to the rural area will be ultimately dealt with in a manner which will support the well-being of the present residents and the future growth of the Town.

6.3.6 Storm Drainage

The topography of the Town is very flat and is drained by an extensive network of inland watercourses, municipal drains and mechanical pumping schemes where low lying lands are below lake level.

Stormwater management will be required for all development in the Town, including greenhouse development, to ensure that runoff is controlled such that development does not increase peak flows to any greater extent than pre-development runoff in watercourses that impact on downstream flooding and to also institute runoff control to prevent the accelerated enrichment of watercourses and Lake Erie from pollutants.

The Ministry of Transportation requires the submission of a Stormwater Management Report, where applicable, for their review and approval, to ensure that stormwater runoff from any proposed development does not affect the Provincial highway drainage system or right-of-way. The Ministry of the Environment also requires that a Stormwater Management Plan be designed in accordance with the MOE's 2003 'Stormwater Management Planning & Design Manual' as it may be amended from time to time and that it addresses pollutants/nutrient loadings on Lake Erie. The Town will require developers to undertake stormwater management pursuant to current legislation in order to address these issues. The Town will also incorporate these requirements into the Zoning By-law and the development agreements. Stormwater management facilities will be owned, operated and maintained by the Town into perpetuity.

Stormwater management facilities shall not be permitted within areas designated "Environmental Protection Areas" or "Environmental Significant Areas".

6.3.7 Waste Disposal Sites

Any development proposed within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site shall be restricted, unless it has been demonstrated that there is no evidence of leachate, landfill generated gas migration including, but not necessarily limited to, methane gas, or other contaminants present in the soils or groundwater supply. Proponents of development on, or within 500 metres of the perimeter of the fill area associated with any active or former waste disposal site shall prepare a report, prepared by a qualified professional, to the satisfaction of the municipality, in accordance with Ministry of the Environment guidelines, that demonstrates that there is no evidence of leachate, landfill generated gas migration including, but not limited to, methane gas or other contaminants present in the soils or groundwater, surface runoff, vermin, visual impact and ground settlement.

Development will be restricted if the active and/or former waste disposal site poses any adverse environmental effects or risk(s) to public health and safety. If significant impacts are encountered at or beyond 500 metres, the study area within which an

assessment is undertaken will be expanded as deemed appropriate. In exceptional hydrogeologic situations, such as areas of fractured rock or sand, where it is anticipated that leachate or landfill generated gas, including, but not necessarily limited to, methane gas, could migrate beyond 500 metres and pose a problem, hydrogeologic and/or engineering studies beyond 500 metres of the perimeter of the fill area will be conducted.

Where development is located or proposed on a waste disposal site, no official plan amendment, zoning by-law amendment or building permit will be adopted or granted until the Ministry of the Environment is appropriately consulted, and Section 46 Approval under the Environmental Protection Act is obtained from the Minister of the Environment, if it is, in fact, determined to be applicable.

All known active and former waste disposal sites within the Town of Kingsville and those in adjoining municipalities within 500 metres of the municipal boundary have been identified on Schedule “E” to this Plan.

SECTION 7 LAND DIVISION POLICIES

This section shall form the basis for decisions on all applications for the division of land within the Town of Kingsville.

7.1 GENERAL

The division of land shall generally occur by registered plan of subdivision or the consent process in accordance with the policies of this Plan. A plan of subdivision will be required for development where 4 or more new lots are proposed or for any number of lots where service extensions are required.

The division of land will only be allowed if the proposed lots conform to the policies of this Official Plan and comply with the provisions of the Zoning By-law for the Town which shall establish minimum lot frontages and areas in accordance with Provincial and municipal requirements established at the time of approval of this Plan. Where any by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval.

The division of land shall not be allowed where development could occur on lands subject to flooding, erosion or unstable conditions or any other physical limitation as determined by the Town in consultation with the Essex Region Conservation Authority.

The division of land which is adjacent to a Provincial Highway shall be designed in accordance with the policies, standards and requirements of the MTO and such lots shall be oriented to back onto the Provincial Highway and front onto a local internal street.

7.2 PLANS OF SUBDIVISION

In considering applications for proposed plans of subdivision, Council shall have regard to the policies of this Plan as well as those matters outlined in Section 51 (24) of the Planning Act.

New plans of subdivision where four or more lots are proposed shall only be permitted if adequate potable water supply, sanitary sewage treatment and disposal, and stormwater management can be provided in accordance with this Plan, and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

7.3 CONSENTS

In considering applications for consent, Council and the Committee of Adjustment shall have regard to the policies of this Plan, to those matters outlined in Section 53(2) of the Planning Act and to the following general and specific policies:

- a) three new lots or fewer may be created by consent provided: the proposed use is permitted in this Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water supply, sanitary sewage treatment and disposal and stormwater management can be provided in accordance with this Plan, all to the satisfaction of the Town, and the proposed lots comply with the Zoning By-law;
- b) consents should be granted only when the land fronts on an existing public road which is of a reasonable standard acceptable to the Town and/or the Ministry of Transportation or the County of Essex or are on an existing private road or right-of-way in a “Residential” designation and satisfy all other requirements of this Plan;
- c) consents should be used as a vehicle to provide for infilling in existing built-up areas between residential lots on the same side of the road;
- d) the size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the minimum provisions of the implementing Zoning By-law. The consent granting authority may exercise its powers under Section 53(2) of the Planning Act when reviewing the appropriateness of the proposed shape, size, or configuration of any proposed lot;
- e) consents should not be granted adjacent to a road where traffic hazards due to limited sight lines on curves would be created or proximity to intersections;
- f) regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area;
- g) a cultural heritage and/or archaeological resource assessment may be required for any lands to be subdivided. The assessment and the conservation of any significant cultural heritage resources identified through the assessment may be a condition of any consent;

- h) consents for mortgage purposes, not in the “Agriculture” designation, may be allowed if the use of land does not change as a result of the mortgage. The Committee of Adjustment shall use Section 50(16) of the Planning Act to ensure that once the mortgage has been discharged, a further consent would be required to transfer or sell off the parcel that was subject to the mortgage;
- i) consents for lot adjustments or minor boundary changes are permitted provided both parcels comply with the provisions of the implementing Zoning By-law and the consent is granted conditional to Section 50(3) or (5) of the Planning Act;
- j) the division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:
 - i) to permit the proper sitting of a building;
 - ii) to obtain a sufficient and potable water supply;
 - iii) to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of this Plan, to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- k) when considering consents involving lands within 120 metres of any lands designated Mineral Aggregate Resource area, the Committee of Adjustment will give consideration to possible incompatibilities which could result from the noise, dust, vibration and traffic associated with the Mineral Aggregate Resource use;
- l) the Town’s policy shall be to require one application fee per new lot created. Notwithstanding, only one application outlining all of the lots to be created need to be submitted. Such application shall have a corresponding series of numbers relative to the number of new lots being created. It shall be the Town’s policy to deny consent applications that only remit one fee but by applying for a new lot in the middle of an existing lot attempt to create two new lots with one application;
- m) when granting consent applications or plans of subdivision, Council and the Committee of Adjustment will give consideration to the following requirements which may be included as part of the consent:
 - i) that all Realty and Business Taxes are to be paid in full;
 - ii) a development charge is to be paid to the Town to cover present and future community services;

- iii) up to 5 percent of the value of the lot is to be conveyed to the Town for its park fund;
- iv) any road widening is required to be dedicated to the Town, County or Province;
- v) the Town's implementing Zoning By-law is to be amended to permit the proposed use, if necessary, prior to any certificate under Section 53(21) of the Planning Act being endorsed on the transfer deeds;
- vi) that the applicant enter into an Agreement to construct and/or maintain any drainage facilities servicing the agricultural sector which traverse the subject property;
- vii) that the applicant, if required, agree to construct and/or maintain fences around the proposed lot;
- viii) that access to the property be constructed to the satisfaction and requirements of the Town and other appropriate agencies;
- ix) that for the purposes of a consent, the provision of a survey of the smaller of the two lots may be acceptable provided it satisfies the requirements of the Registry Act and the regulations thereto;
- x) that the intent of the Town shall be to discourage scattered and isolated residential development throughout the Town except where specific land division policies dictate otherwise;
- xi) that ribbon and strip development along the local road system will be discouraged except where specific land use policies dictate otherwise.

7.3.1 Agriculture Land Division

The following specific policies shall apply to those lands designated "Agriculture" on Schedule "A" of this Plan.

All division of land shall occur through the consent process and such consents shall only be permitted if in accordance with the policies outlined below.

Division of Farm Lots

A consent may be granted to permit a farm lot to be divided into two farm lots provided each lot, both retained and conveyed, meets the following requirements:

- a) each lot is of a size that is appropriate for the type of agricultural use that is common in the area;
- b) each lot is sufficiently large to maintain flexibility for future changes in the type and size of the agricultural operation;
- c) each lot shall have a minimum lot area of 40 hectares;
- d) each lot shall comply with the Minimum Distance Separation requirements;
- e) notwithstanding item c) above, in the case of a specialty crop operation as established by the Provincial evaluation procedures, a smaller parcel size may be permitted as long as it is no smaller than 16 hectares or in the case of an existing greenhouse operation where a minimum of 0.4 hectares (4000 m²) of greenhouses exist on the lot, the minimum lot area shall be 2 hectares;
- f) when a consent application is submitted to sever a parcel for greenhouse purposes and no greenhouses exist on site at the time of the application, such an application may be granted. A building permit for a residential use, however, will not be issued until such time as at least 0.4 hectares (4000 m²) of greenhouses are constructed on the lot.

Surplus Dwellings

A consent may be granted to sever a dwelling that is considered surplus to the needs of the farm operation as a result of the consolidation of an additional farm lot provided that:

- a) the consolidated farm parcel has a minimum lot area of 20 hectares or 2 hectares if it is a greenhouse operation with a minimum of 0.4 hectares (4000 m²) greenhouses existing on the lot;
- b) the creation of the surplus dwelling lot shall comply with the Minimum Distance Separation requirements;
- c) the size of the surplus dwelling lot is in compliance with the municipal Zoning By-law and is not greater than 0.8 hectares (8000 m²);
- d) barns that are in close proximity to surplus dwellings are encouraged, where feasible and warranted in terms of future farm operations and options, to be demolished or removed or remain with the farmland;

- e) each lot shall be sized such that it can adequately accommodate and receive statutory approval (as applicable) from the applicable Approval Authority for its own individual and independent private on-site sanitary sewage disposal system and/or potable water supply system without causing well water interference;
- f) the surplus residential dwelling must have been in existence prior to the date of the adoption of this plan;
- g) the approval of any consent to permit the severance of a surplus dwelling shall be conditional upon rezoning the vacant remnant parcel of farmland resulting from the severance to prohibit new residential dwellings; and
- h) a consent may be granted to sever an existing second dwelling on a farm as a result of the consolidation of an abutting farm lot if the dwelling is considered to be surplus to the needs of the farm operation and the consolidation of the farm lots occurred no more than one year's time prior to the application to sever the surplus dwelling. The onus is on the applicant to provide confirmation of the date of the consolidation.

Lot Additions

Lot additions for lands with the agricultural area may be permitted for legal or technical reasons provided that:

- a) both parcels comply with the provisions of the Zoning By-law;
- b) the consent is granted to Section 50(3) or (5) of the Planning Act, R.S.O. 1990
- c) a minor boundary adjustment does not result in the creation of a new lot not otherwise permitted.

SECTION 8 IMPLEMENTATION AND INTERPRETATIONS

The policies in this section apply to the implementation and interpretation of this Plan.

8.1 GENERAL

This Plan shall be implemented by means of the statutory powers conferred upon the Council and other municipal officials by the Planning Act, the Municipal Act, the Development Charges Act and any other powers as may be exercised through the implementing Zoning By-law, subdivision agreements, site plan control, development agreements and standards of maintenance and occupancy by-laws.

8.2 COMMITTEE OF ADJUSTMENT

It is intended that the Town will continue to maintain a Committee of Adjustment under the provisions of the Planning Act to preside over consent, minor variance and non-conforming use applications. The Committee shall be guided by the policies of this Plan and the requirements of the Zoning By-law in making decisions on applications.

8.3 COMMUNITY IMPROVEMENT

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another.

Goals

- a) to use community improvement plans to revitalize areas in decline or in transition from one land use to another;
- b) to establish minimum standards for building and property maintenance and occupancy;
- c) to encourage the preservation, rehabilitation, renewal and reuse of heritage resources;
- d) to establish partnerships with the community to revitalize and strengthen neighbourhoods.

Policies

- a) Council may designate, by by-law, a Community Improvement Project Area in accordance with the Planning Act to revitalize neighbourhoods or any identified area in decline or in transition from one land use to another;

- b) a Community Improvement Project Area may include any area within the Town. Specifically, project areas that have any of the following characteristics shall be considered:
 - i) residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;
 - ii) declining commercial or mixed-use areas where there are a number of vacant or under utilized properties;
 - iii) declining or obsolete industrial areas;
 - iv) areas in which there are land use conflicts as a result of incompatible uses;
 - v) areas that have deficient municipal services such as parks, walkways, sanitary and storm sewers, waterlines and roads;
 - vi) areas that have the potential to be new employment areas.
- c) where Council authorizes the preparation of a Community Improvement Plan, it shall be prepared in accordance with the Planning Act and shall contain the following information:
 - i) a statement of the basis or rationale for the preparation of the Community Improvement Plan;
 - ii) a description of the project area including a map;
 - iii) a statement of the desired purpose of the Community Improvement Plan;
 - iv) the goals and policies for the Community Improvement Area;
 - v) provisions for the revitalization of land and buildings and the acquisition, sale or lease of lands or buildings acquired by the Town to facilitate community improvement;
 - vi) provisions for the establishment and/or distribution of grants or loans for the purpose of revitalizing the area;
- d) Council shall provide an opportunity for public input on the Community Improvement Plan in accordance with the Planning Act;

- e) Council shall dissolve a Community Improvement Area in accordance with the Planning Act once it has been determined that the purpose for the Community Improvement Plan has been accomplished;
- f) Council shall continue to enforce its Property Standards and Occupancy By-law;
- g) Council may contribute funding toward the revitalization of areas through the capital works budget for projects including, but not limited to, streetscape improvement, infrastructure improvements, the provision and upgrading of open space areas and the provision and upgrading of community facilities.

8.4 COMPLETE APPLICATIONS

In order to consider a planning application as complete as set out in the Planning Act and to ensure that all applicable information is provided during the preliminary stages of the planning process for Council and/or its designated approval authority to make informed decisions within the prescribed time periods of the Planning Act, the Town may require the following conditions be satisfied:

- a) pre-consultation has taken place with a municipal planning official and any other Approval Authority, regarding the nature of the planning approvals required;
- b) the need for one or more support studies has been identified by the Town and the applicant notified;
- c) a plan of survey and or other acceptable legal land description has been submitted along with full disclosure regarding land owner, agent and applicant;
- d) all application fees and deposits are submitted; &
- e) all required supporting studies, developed to the satisfaction of the Town, are submitted.

The Town may require any of the additional information (e.g. studies/assessments) to be peer reviewed on behalf of the Town at the applicant's expense.

8.4.1 Additional Information Requirements

Support studies required as part of a complete application will comprise one or more of the following:

- a) Archaeological Assessment;
- b) Heritage Assessment;

- c) Environmental Impact Assessment or Screening Report;
- d) Landscaping Plan;
- e) Lighting or Photometric Study;
- f) Market Impact Assessment;
- g) Natural Site Features Inventory and Preservation Plan;
- h) Noise and Vibration Study;
- i) Planning Rationale Report;
- j) Stormwater Management Report;
- k) Transportation Impact Assessment;
- l) Urban Design Study;
- m) Watershed/Subwatershed Plan;
- n) Agricultural Impact Assessment;
- o) Such other studies or combination of studies specifically identified elsewhere in this Plan or deemed necessary to properly evaluate the desirability and impacts of the proposed development, in a manner satisfactory to the Town and other approval authorities having jurisdiction.

8.5 COUNTY OFFICIAL PLAN AND PROVINCIAL POLICY

It is the opinion of the Council for the Town of Kingsville that the designations and policies contained within this Official Plan are in conformity with the County Official Plan and are consistent with Provincial Policy.

In the event of a conflict between the County of Essex Official Plan and the Town of Kingsville Official Plan, the County Plan prevails.

8.6 DEVELOPMENT CHARGES ACT

In accordance with the provisions of the Development Charges Act, the Town has duly passed and enacted a Development Charges By-law which has the effect of ensuring that the majority of long-range expenses incurred as a result of new development will be borne by the land developers and not the Town at large.

8.7 LAND USES

8.7.1 Existing Land Uses and Buildings

Certain lands within the Town have been developed with a land use other than that which is intended by the designations and policies of this Plan. Some of these uses are still operating but some have ceased to exist leaving substantial vacant buildings, most commonly commercial or industrial in nature. Provided these uses legally existed prior to the date of adoption of this Plan, they may be recognized as legal conforming uses in the implementing Zoning By-law. Further, the zoning of the lands which these uses and/or buildings occupy may also permit a limited range of similar or related uses provided the following criteria are met:

- a) the zoning does not permit any change of performance standard that aggravates any situation detrimental to adjacent complying uses;
- b) any air and sewage discharges from the use, and water takings associated with the use, are capable of obtaining, and will apply for, a Certificate of Approval/Permit To Take Water (as applicable) from the Ministry of the Environment and, furthermore, will not interfere with the normal enjoyment of property;
- c) the use does not interfere with the desirable development or enjoyment of the adjacent area;
- d) the use does not constitute a danger to surrounding uses and persons because of its hazardous nature or traffic generated.

Applications to amend the Zoning By-law to permit a use that is as, or more compatible with the surrounding area may also be approved by Council without an amendment to this Plan provided the proposed use satisfies the above criteria.

There are also a number of parcels that have current zoning that is not in conformity with this Plan. The current zoning can be carried forward in the Zoning By-law without the requirement of amending this Plan.

8.7.2 Non-Conforming Land Uses

Any land use which does not meet the provisions of Subsection 8.7.1 shall be left as a non-conforming use in the implementing Zoning By-law. As a general rule, such a use should cease to exist in the long term. In special circumstances, however, it may be desirable to permit the extension or enlargement of such non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that extensions and enlargements be handled without an amendment to this Plan. When considering an application for the extension or enlargement of a use which does not conform to the implementing Zoning By-law, Council or the Committee of Adjustment shall decide if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, and in so doing shall have regard to the following matters:

- a) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Official Plan and the implementing Zoning By-law applying to the area;
- b) the proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing Zoning By-law;
- c) an application which would affect the boundary areas of different land use designations will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the interpretation clause, subsection 8.11.2 of this Plan, without the need for an amendment. Any major variance will require an amendment to this Plan;
- d) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation;

- e) the neighbouring non-conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisance, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement, and where feasible, also extended to the established use in order to improve its compatibility with the surrounding area;
- f) traffic and parking conditions in the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate designs of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections;
- g) adequate provisions have been, or will be made for off-street parking and loading facilities;
- h) applicable municipal services such as storm drainage, sanitary sewage collection and disposal and potable water treatment and supply are adequate and meet with the approval of the Ministry of the Environment and/or the applicable statutory approval authority having jurisdiction.

8.8 LOTS OF RECORD - EXISTING

There are several existing lots of record in the Town which are under separate ownership and which do not conform with the development standards of the designation or the corresponding zone in the implementing Zoning By-law. Notwithstanding their non-compliance, it is the policy of this Plan that these lots may be developed for a use permitted by this Plan in accordance with the requirements established in the implementing Zoning By-law provided:

- a) the lot abuts an existing public road of a standard of construction acceptable to the Town and/or the County of Essex and/or the Ministry of Transportation;
- b) the necessary approvals are obtained from the Ministry of the Environment and/or the applicable statutory approval authority having jurisdiction;
- c) the lot is serviced by an existing municipal potable water supply or by a private potable water supply which is capable of providing an adequate supply of potable water for the intended use without causing any well water interference with other existing users of that groundwater resource;

- d) the development is in compliance with the Minimum Distance Separation requirements.

8.9 LEGISLATION PURSUANT TO THE MUNICIPAL ACT

It is intended that the Town shall review existing legislation pursuant to the Municipal Act governing such uses as automobile wrecking yards, trailers, fences and signs and, where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

8.10 MAINTENANCE AND OCCUPANCY BY-LAW

The Town will continue to enforce its minimum standards and occupancy by-law for all existing and future development in accordance with the provisions of the Building Code Act. This by-law establishes the minimum standards for property maintenance and occupancy as they relate to:

- a) the physical conditions of yards and passageways;
- b) the adequacy of sanitation including drainage and garbage;
- c) the physical condition of all structures with particular regard for the following:
 - i) structural standards;
 - ii) lights and ventilation;
 - iii) condition of stairs;
 - iv) interior walls, ceilings and floors;
 - v) toilet facilities;
 - vi) condition of chimneys;
 - vii) heating systems;
 - viii) electrical service;
 - ix) access.

The Maintenance and Occupancy of Property By-law for the Town will be enforced and maintained by the Chief Building Official and/or any other person designated by the Town. A Property Standards Committee will also be maintained to review and provide decisions with respect to any and all appeals.

8.11 OFFICIAL PLAN

8.11.1 Amendment Procedures

Should changing conditions necessitate the need for an amendment of the Official Plan or the Zoning By-law, in accordance with the Planning Act, due regard shall be given to the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;
- c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:
 - i) the existing environment and/or physical hazards;
 - ii) the potential impacts of these hazards; and
 - iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
- d) the location of the area under consideration with respect to:
 - i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;
 - ii) the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto; and
 - iii) the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;
- e) the compatibility of the proposed use with uses in adjoining areas;
- f) the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;
- g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;
- h) the potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act, Ontario Resources Act, Pesticides Act, Safe Drinking Water Act and Environmental Assessment Act;

- i) the regulations of the Essex Region Conservation Authority;
- j) compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;
- k) conformity with the County Official Plan and Provincial Policy;

Proposals for expansions to designated settlement areas or for alterations to employment areas for non-employment uses will require an amendment to this plan and shall require a Comprehensive Review in accordance with the provisions the Provincial Policy Statement.

8.11.2 Interpretation

The intent of the Plan shall, in all cases, be considered flexible, and no strict interpretation of any figure or policy statement is intended. Appropriate variations may be made to these and to the other statements herein where, in the opinion of Council, they are deemed to be necessary for the desirable development of the planning area, provided that the general intent of the Plan is maintained. Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved and the land use does not exceed the boundaries of the established settlement area.

8.11.3 Other Methods of Implementation

The Town may use the agencies and techniques listed below to assist in the implementation of Official Plan policies as appropriate:

- a) the assistance and advice of the Essex Region Conservation Authority on adequate flood protection measures and other related matters;
- b) the assistance and advice of the Ministry of the Environment and the local municipal inspectors regarding various servicing matters.

8.11.4 Review

The policies of this Plan are designed for effective use over a planning period of approximately twenty years or until 2026. This Plan, however, shall undergo a review every five years or as required to ensure it is consistent with Provincial Policy Statements, it conforms to Provincial Plans (if applicable) and is consistent with matters of Provincial interest. The purpose of the review will be to:

- a) document the type and location of new development that occurred during the preceding five-year period;
- b) project future population and household increases, and identify development prospects during the subsequent 5 to 10 year period;
- c) consult the general public and special interest groups on the continued appropriateness of the Plan's goals, policies and designations;
- d) formulate revisions or new goals, policies and designations as required;
- e) policies on employment lands are to be confirmed or amended during the course of the five year review of the Plan; &
- f) to ensure conformity to the policies and the Land Use designations of the County of Essex Official Plan, as it may be amended from time to time.

8.12 PLANS OF SUBDIVISION

It shall be the policy of the Town, to recommend for approval, only those plans of subdivision which comply with the provisions of this Plan, which can be supplied with adequate servicing such as fire protection, potable water supply, storm drainage and sanitary sewage collection and treatment facilities to the satisfaction of the Town and the statutory approval authority having jurisdiction, and which are appropriate in light of the Town's financial position.

8.13 PUBLIC NOTIFICATION PROCEDURES

Prior to the Municipality adopting an amendment to this Plan or approving a Zoning By-law, it shall provide adequate information to such boards, agencies or commissions that may have an interest and to the general public pertaining to the application and at the scheduled Public Meeting and/or meetings. Such information, notices and public meetings shall be in accordance with the provisions of the Planning Act.

Applications to amend the Zoning By-law that are required as a condition of a Committee of Adjustment consent to sever approval shall have alternate notice procedures as follows:

- a) the notice of public meeting shall only be sent to everyone who attended the Committee of Adjustment meeting or who requested a copy of the notice in writing to the Secretary-Treasurer;
- b) the notice shall be in the form prescribed in the Planning Act Regulations for Zoning By-law amendments;

- c) the public meeting and by-law adoption shall follow those procedures established in the Planning Act and associated Regulations;
- d) notification of passage of the by-law shall be sent to those who were forwarded a copy of the notice of public meeting;
- e) the form of the notice of adoption and the appeal period shall follow the requirements of the Planning Act and associated Regulations.

8.14 PUBLIC WORKS AND CAPITAL WORKS PROGRAM

It is intended that the construction of public works within the Town of Kingsville shall be carried out in accordance with the policies of this Plan.

8.15 SITE PLAN CONTROL

The Town of Kingsville intends to exercise the site plan control powers assigned to it under the Planning Act. Its objectives in using these powers are:

- a) to ensure proper standards of site design for new development;
- b) to ensure safety and efficiency of vehicular and pedestrian access;
- c) to ensure accessibility for persons with disabilities and the elderly throughout the built landscape;
- d) to minimize incompatibilities between new and existing development;
- e) to control the location of driveways, parking, loading and garbage collection facilities;
- f) to secure easements or grading and alterations necessary to provide for public utilities and site drainage;
- g) to ensure that the development proposed is built and maintained as approved by Council.

8.15.1 Application

All of the lands within the Town of Kingsville's area of jurisdiction, as shown on Schedule "A" of this Plan, are proposed to be site plan control areas and will be designated as such by by-law. Site plan control will apply to all types of new development and to the expansion of existing uses within the Town, with the exception of single unit residential development. The Town will also require the submission of drawings as detailed in the Planning Act, for all residential buildings within its area of

jurisdiction containing less than twenty-five dwelling units pursuant to the provisions of the Planning Act.

The development of new greenhouse operations, new mushroom farm operations, animal kennels or any buildings associated with agricultural related commercial operations, vineyards, wineries, horse training and riding facilities and the expansion of such existing operations, shall be subject to site plan control. Notwithstanding, all other agricultural uses, not intended for public entrance, other than those referenced above shall be exempt from the site plan control process.

In addition to the above policies, the Town shall also use site plan control to obtain needed road widenings. As a condition of the approval of site plans, the Town, and/or County of Essex, may require the owner to provide, at no expense to the municipality, a specified amount of land for the purpose of future road widenings. Such land shall only be required where the proposed development fronts on one or more of the roads indicated in the following table and only on the side and to the extent indicated in the table.

Table 8.1**Roads Requiring Widening**

Roads Requiring Widening	Amount of land required	Side from which the land is to be Taken
Graham Sideroad between Highway No. 18 and 3	6 metres	West
Peterson Road (entire road)	13 metres	East
Olinda Sideroad between County Road 34 and the Sixth Concession Road	10 metres	East
Jasperson Lane (entire road)	13 metres	West
Sixth Concession Road between County Road 29 and the McCain Sideroad	6 metres	North
Sixth Concession Road between McCain Sideroad and County Road 23	6 metres	South
McCracken Sideroad south of Highway No. 18	11 metres	East
Thompson Crescent (entire road)	14 metres	South and East
North Talbot Road south of the Sixth Concession Road	13 metres	East
Cedar Island Rd south of County Rd 50	11 metres	West
County Road 18, 604 metres east of County Road 29	4 metres	North
County Road 18, 604 metres east of County Road 29 to County Road 31	4 metres	South
County Road 18 from County Road 34 to McDonald Drain	4 metres	North

Roads Requiring Widening	Amount of land required	Side from which the land is to be Taken
County Road 23 from Nelson Drain Outlet to Second Concession Drain	4 metres	East
County Road 29 from Wallace Drain Outlet into Division Road Drain to Provincial Highway No. 3	4 metres	West
County Road 31 from the Sixth Concession Road to the McDonald Drain	4 metres	West
County Road 31 from Blind Line Drain (Sturgeon Creek Drain) to Hwy No. 18	4 metres	West
County Road 31 from Greenway to County Road 50	4 metres	East
County Road 50 from County Road 23 to R.P. #1274	4 metres	South
County Road 50 from Birch Avenue southerly for 195 metres	4 metres	East
County Road 50 from McCain Sideroad to Wigle Creek	5 metres	North
County Road 50 from Wigle Creek East to where Heritage Road turns to Lake Drive	7 metres	North
County Road 50 from Cull Drive north to Greenway	4 metres	West

8.15.2 Implementation

This policy shall be implemented through the adoption of one or more Site Plan Control By-laws designating specific Site Plan Control Areas in accordance with the Planning Act and the policies contained in this subsection.

8.16 SUBSEQUENT LEGISLATION

Where any Act or portion of an Act is referred to in this Official Plan, such reference shall be interpreted to include any subsequent legislation that may replace or revise the specified Act.

8.17 ZONING BY-LAW

8.17.1 Holding Zone

The Town's implementing Zoning By-law will make selective use of the "Holding" zone approach as set out in Section 36 of the Planning Act. Certain areas will be zoned for their intended uses but will have the (h) symbol added. The addition of this symbol will delay the final approval of development until such time as specific conditions are met. When the conditions are met, the municipality will pass the necessary by-law removing the (h) symbol.

The use of the "Holding" zone approach will ensure the efficient phasing and proper servicing of all new types of development including Residential, Industrial and Commercial. Undeveloped lands designated "Residential" and not covered by a draft or finally approved plan of subdivision will generally be subject to a "Holding" category until such time as engineering studies indicating the presence of an adequate level of services are approved by the Town. Prior to the removal of the (h) symbol, Council shall be satisfied that adequate sanitary sewage capacity and municipal water capacity is available to service the proposed development.

8.17.2 Implementing

The Town will revise its existing Zoning By-law to zone lands in accordance with the policies and designations contained within this Plan and will establish regulations to control the use of land and the character, location and use of buildings and structures.

8.17.3 Temporary Use By-Laws

Pursuant to the Planning Act, Council may pass “Temporary Use By-laws” to authorize the temporary use of land, buildings or structures for a purpose not otherwise authorized by the Zoning By-law for a specific period of time not to exceed three years. Council may authorize a temporary use on a one-time basis or for a short period of time not to exceed three years. Council may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation, etc. are not practical. Council may pass subsequent by-laws for granting extensions for up to three years. Once the by-law has lapsed, however, the use must cease or otherwise will be viewed as contravening the Zoning By-law.

Prior to the approval of any temporary use by-law, Council shall be satisfied that the following principals and criteria are met:

- a) the proposed use shall be of a temporary nature, and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of temporary use provisions;
- b) the proposed use shall not be incompatible with adjacent land uses and the character of the surrounding land area;
- c) the proposed use shall be properly serviced and not require the extension or expansion of existing municipal services;
- d) the proposed use shall not create any traffic problems within the surrounding area, nor shall it adversely affect the volume and/or the type of traffic commonly found on the area roads;
- e) parking facilities required by the proposed use shall be provided entirely on-site;
- f) the proposed use shall generally be beneficial to the surrounding area or the community-at-large.

Notwithstanding the policies of this Plan, Council may authorize the temporary use of land which may not conform to the land use policies of this Plan provided:

- g) the temporary use is determined to not have any detrimental effect upon the existing land uses in the area; and
- h) the proposed temporary use conforms to the principles and criteria established in this subsection.