THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 58-2023

Being a By-law to amend the Town of Kingsville Comprehensive Zoning By-law 1-2014 with respect to the entire Town of Kingsville.

WHEREAS the Council of the Town of Kingsville deems it advisable to amend the Town of Kingsville Comprehensive Zoning By-law 1-2014;

AND WHEREAS this By-law is in conformity with the Town of Kingsville Official Plan;

THEREFORE, the Council of the Town of Kingsville enacts as follows:

1. **That Zoning Map Schedule 'A' to the Town of Kingsville Comprehensive Zoning By-law 1-2014 is hereby deleted and replaced with the schedules attached hereto.**

2. **Unless otherwise specifically noted in this By-law, all Section references and numbering will be adjusted sequentially to reflect changes introduced by this By-law.**

3. **That the By-law be amended by inserting Section 12 "Main Street Corridor Provisions" to read as follows:**

SECTION 12 Main Street Corridor Provisions

Subsection 12.1	**Main Street Core (MS1)**	
a) *Permitted* Uses		
i) ***Main use***	appliance sales and service; art *studio* and art gallery; *assembly hall*, convention or conference hall; *automobile service* establishments (existing); bakery and bakeshop; convenience *store*; craft and creative *studio*; *residential use*; *financial institutions;* *Fitness centre* *funeral home* and rest parlour; grocery store; home supply specialty shop; *hotel* or *inn*; *institutional use*; medical and/or dental *clinic*;	municipal, provincial or federal government office; *personal service shop;* physio/chiropractic/naturopathic clinic; *places of amusement/* entertainment/ recreation; *place of worship* plumbing and plumbing supply *facility*; public and municipal *use*; private or public clubs and meeting hall; restaurants and/or tavern; retail store; school, educational institution, trade school; small goods repair shop; *temporary outdoor vendor;* *veterinary clinic*;

ii) ***Accessory Use***	*Accessory Dwelling Units* in a commercial building in accordance with Subsection 4.3 of this by-law Outside display and sale of goods and materials Outdoor patio accessory to a restaurant/bar Accessory uses
iii) Prohibited Uses	*Outdoor storage* *Drive-Through* facility ~~(restaurant or bank)~~
b) *Permitted Buildings* and Structures	
i. *Existing buildings* ii. Buildings and structures for the permitted commercial uses iii. Mixed Use *buildings* with non residential uses abutting a public right of way	
c) Regulations	
i. *Main Building* height *(minimum):*	7.5m (2 *storeys*)
ii. *Main Building* height *(maximum):*	11m (3 *storeys*)
iii. Front setback	0m or established building line
iv. Rear setback	Established building line or 4.5m where abutting a residential land use
v. Interior Side yard width:	0m
vi. Exterior Side yard width:	0m or established building line
vii. *New Buidings shall have a minimum* floor-to-floor building height at the ground level of 4.5m	
viii. The *Main Entry Feature* will face the primary street frontage	
ix. *Loading spaces* shall be located at the rear or exterior side of the building	
d) Parking Requirements	
The provisions of Section 5.17 - Parking Requirements do not apply to any commercial uses in the Main Street Core (MS1) zone.	
e) Supplemental Regulations	
i) Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction. ii) Accessory Residential Units: i. shall be located behind the commercial use on the main floor or above the commercial uses; ii. shall comprise a maximum of 75% of the total building floor area; iii. shall have a separate entrance from the commercial business; iv. shall have parking in compliance with Subsection 5 of this By-law.	

iii) The following supplementary regulations shall also apply to lands zoned (MS1):

i. Subsection 3: Definitions
ii. Subsection 4: General Provisions
iii. Subsection 5: Parking Regulations - except as specified in 12.1 (d)

iv) Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":

i. Natural Environment Zone – Subsection 11.1;
ii. Wetland Zone – Subsection 11.2,&
iii. ERCA Floodplain Development Control Area

Subsection 12.2	**Main Street Neighbourhood (MS2)**
a) *Permitted* Uses	
i) ***Main use***	*Residential* *Commercial, Neighbourhood* with the exception of a *commercial* plaza *School* – Elementary or Secondary *Place of Worship* Restaurants and/or tavern Boarding, lodging, and rooming house – Residential; Rest home or Nursing home; or Group home.
ii) ***Accessory Use***	*Accessory Dwelling Units* in a commercial building in accordance with Subsection 4.3 of this by-law *Enclosed Storage* Accessory uses
***iii)* Prohibited Uses**	*Outdoor storage* *Drive-Through* facility
b) *Permitted Buildings* and Structures	
i. *Existing buildings* ii. Buildings and structures for the permitted uses iii. Mixed Use *buildings* with non residential uses abutting a public right of way	
c) Regulations	
i. *Main Building* height *(minimum):*	7.5m (2 *storeys*)
ii. *Main Building* height *(maximum):*	14.5 m (4 *storeys*)
iii. *New Buildings* taller than 11m shall incorporate step-backs beyond the top of the third *storey* to fall within an *angular plane* measured at 45 degrees from the front property line beginning at the height of the top of the third storey to a maximum of 14.5m.	
iv. Front setback *(minimum)*	5.5m

v. Rear setback *(minimum)*	7.5m
vi. Interior Side yard width	1.5 m or 0 m side yard is allowed on the common wall side
vii. Exterior Side yard width *(minimum):*	3 m or established building line
viii. *New Buildings* with *commercial uses* on the ground floor shall have a *minimum* floor-to-floor building height at the ground level of 4.5m	
ix. The *Main Entry Feature* will face the primary street frontage	
x. *Loading spaces* shall be located at the rear or exterior side of the building	
d) Supplemental Regulations	
i) *Enclosed storage,* if it contains combustible materials (e.g., propane tanks) must be *setback* 20m from the *side lot line* adjacent an Education (EG) zone and any Residential zones or a *sensitive land use* defined by the Ministry of the Environment, Conservation and Parks (MECP). ii) Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction. *iii)* Accessory Residential Units: i. shall be located behind the commercial use on the main floor or above the commercial uses; ii. shall comprise a maximum of 75% of the total building floor area; iii. shall have a separate entrance from the commercial business; iv. shall have parking in compliance with Subsection 5 of this By-law. iv) The following supplementary regulations shall also apply to lands zoned (MS2): i. Subsection 3: Definitions ii. Subsection 4: General Provisions iii. Subsection 5: Parking Regulations v) Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": i. Natural Environment Zone – Subsection 11.1; ii. Wetland Zone – Subsection 11.2, and iii. ERCA Floodplain Development Control Area	

Subsection 12.3	**Main Street Gateway (MS3)**	
a) *Permitted* Uses		
i) ***Main use***	*Assembly* hall, convention centre automobile gas stations automobile, RV, farm/garden equipment sales and service; *automatic car wash* and automobile detailing facility *coin operated car wash*; *commercial* education facility; convenience stores; drive-through facility (restaurant, bank); financial institutions; fitness centres; funeral home or rest home; garden centre and landscaping supply; grocery stores; home building and supply stores; home supply specialty shop (tiles, carpeting); *hotels* and *motels*;	laundromats; long term care facilities; lumber yards and building supply outlet; micro brewery; minor *commercial* centre; personal service shops; pharmacy; place of amusement, entertainment facilities; private and public recreation professional or medical offices; retail establishments; recreation or community centres; *residential use*; restaurant, taverns, outdoor patios; retirement homes and seniors homes; *roadside* stand; taxi *office* and dispatch; trade *school*;
i) ***Accessory Use***	Enclosed Storage Outside display and sale of goods and materials Outdoor patio accessory to a restaurant/bar *Accessory Dwelling Units* in a commercial building in accordance with Subsection 4.3 of this by-law Accessory uses	
b) *Permitted Buildings* and Structures		
i. Existing buildings; ii. Buildings and structures for the permitted uses; iii. Mixed Use buildings containing commercial and residential uses		
c) Regulations		
i. *Minimum Lot area*	464 m^2 (5,000 ft^2)	
ii. *Minimum Lot frontage*	15 m (50 ft)	
iii. *Main Building* height (*minimum):*	7.5m (2 *storeys*)	

iv. *Main Building* height *(maximum):*	22m (6 *storeys*)
v. Front setback *(minimum)*	0m for any *commercial* or mixed *use* structures, 5.5m for any residential only structures
vi. Rear setback *(minimum)*	6m or 7.5m where abutting a residential land use
vii. Interior Side yard width	1.5 m or 0 m side yard is allowed on the common wall side
viii. Exterior Side yard width *(minimum):*	3 m or established building line
ix. *Buildings* with *commercial uses* on the ground floor will have a *minimum* floor-to-floor building height at the ground level of 4.5m	
x. The *Main Entry Feature* will face the primary street frontage	
xi. *Loading spaces* shall be located at the rear or exterior side of the building	
xii. Notwithstanding any provision of Section 5, vehicular entry ways to drive-through facilities shall not use frontage along Main Street. Vehicles shall access a drive-through facility through a secondary access to a primary access along Main Street. (For example drive-through located as a pad within a larger complex, not direct access to Main Street).	
d) Supplemental Regulations	

i) *Outside storage* is only permitted within an enclosed area.

ii) *Enclosed storage,* if it contains combustible materials (e.g., propane tanks) must be *setback* 20m from the *side lot line* adjacent an Education (EG) zone and any Residential zones or a *sensitive land use* defined by the Ministry of the Environment, Conservation and Parks (MECP).

iii) Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.

iv) A *drive-through* facility shall not be *permitted* on an interior *lot* when adjacent to a residential land *use.*

v) Accessory Residential Units:

i. shall be located behind the commercial use on the main floor or above the commercial uses;
ii. shall comprise a maximum of 75% of the total building floor area;
iii. shall have a separate entrance from the commercial business;
iv. shall have parking in compliance with Subsection 5 of this By-law.

vi) The following supplementary regulations shall also apply to lands zoned (MS3):

i. Subsection 3: Definitions
ii. Subsection 4: General Provisions
iii. Subsection 5: Parking Regulations

vii) Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
i. Natural Environment Zone – Subsection 11.1;

ii. Wetland Zone – Subsection 11.2,&
iii. ERCA Floodplain Development Control Area

Subsection 12.3 e) MAIN STREET GATEWAY (MS3) EXCEPTION REGULATIONS
Where there is a conflict between the provisions of this subsection and the provisions of the zone category, the provision(s) of this subsection apply; otherwise the other zone category provisions and all other related supplementary provisions of this by-law apply.

Where an additional main use is permitted under this subsection, any use accessory thereto shall also be permitted, subject to the provisions of the zone category and any other provisions of this by- law applicable to such accessory use.

12.3.1 MAIN STREET GATEWAY EXCEPTION 1 (MS3-1)

a) For lands shown as MS3-1 on Map 58, 67, 73, & 78, Schedule "A" of this By-law.

b) ***Permitted Uses***
The uses permitted in Section 12.3

c) ***Permitted Buildings*** **and** ***Structures***
Existing buildings and structures, as well as buildings and structures for the permitted uses.

d) ***Zone*** **Provisions**
All lot and building requirements shall be in accordance with Section 12.3 (c);

Notwithstanding Section 12.3 (c), the maximum main building height shall be 14.5 m.

4. That Section 4.3 (a) be amended by striking out "shall be provided from an adjacent street or public lane" to read as follows:

pedestrian access to an *accessory dwelling unit* shall be for the sole use of the occupants of the said accessory dwelling and shall be separate from the access to the commercial portion of the building

5. That Section 4.3 (b)(i) be amended to read as follows:

"a *minimum* of one (1) parking space per *dwelling unit* when the structure is within a Central (C2) Commercial zone, a Main Street Core (MS1) zone, a Main Street Neighbourhood (MS2) zone, or a Main Street Gateway (MS3) zone;"

6. That Section 4.11 be amended to be read as follows:

4.11 Established Building Line

On a lot within an Established Residential (ER) or Main Street (MS1, MS2, or MS3) Zone, the required front yard or exterior side yard depth may be reduced on the following basis:

a) On an interior lot that abuts lots on which dwellings have setbacks from the front lot line of less than that required by this by-law, the minimum required front yard depth is equal to the average front yard depth of the dwellings on the abutting lots;
b) On a corner lot that abuts a lot on which a dwelling is setback from the front lot line less than that required by this by-law, the minimum required front yard

depth is equal to the front yard depth of the dwelling on the abutting lot, but not less than 3 m (10 ft.);

c) On a corner lot that abuts a lot to the rear on which a dwelling is setback from the exterior side lot line less than that required by this by-law, the minimum required exterior side yard depth is equal to the exterior side yard depth of the dwelling on the abutting lot, but not less than 1.5 m (5 ft.)

d) The provisions of paragraphs a) and b) of this subsection also apply to an accessory garage or carport.

7. **That this by-law does not come into force and take effect until after Amendment No. 16 to the Town of Kingsville Official Plan has been approved in accordance with the provisions of Section 24(2) of the Planning Act, R.S.O 1990, c. P.13.**

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF SEPTEMBER, 2023.

MAYOR, Dennis Rogers

CLERK, Angela Toole