



**REGULAR MEETING OF COUNCIL
AGENDA**

Monday, February 25, 2019, 7:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Pages

A. CALL TO ORDER

B. MOMENT OF SILENCE AND REFLECTION

C. PLAYING OF NATIONAL ANTHEM

D. DISCLOSURE OF PECUNIARY INTEREST

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

E. PRESENTATIONS/DELEGATIONS

1. **Kingsville Fire Chief Chuck Parsons--Swearing-in ceremony of South Station Firefighter Matthew Stewart.**
2. **Jason Martin, Resident--Request dated January 22, 2019 RE: To address Council regarding a need for improved internet service in the Town of Kingsville**

F. MATTERS SUBJECT TO NOTICE

1. **PUBLIC MEETING--2019 Fee By-law Amendments**

R. McLeod, Director of Financial Services

i) Notice of Consideration of Amendments to Fees and Charges By-law and Building Services Fees By-law, dated February 5, 2019;

ii) Report of Director of Financial Services R. McLeod, dated February 8, 2019;

iii) Proposed Fees and Charges By-law, with attached Schedules A to E;
and

iv) Proposed Building Fee Services By-law, with attached Schedule A.

Recommended Action

That Council direct administration to prepare the necessary by-laws to reflect the proposed changes to by-laws 17-2018 and 18-2018.

2. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/35/18 by Cornelius Versnel and Janna Versnel (Owner), 176 Road 3 East, RP12R3367 Part 2, Con 3 ED, Pt Lot 1

33

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting dated February 4, 2019;

ii) Report of G. Robinson, Town Planner, dated February 21, 2019;

iii) Proposed By-law 25-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

Recommended Action

That Council approve zoning by-law amendment application ZBA/35/18 to rezone the subject lands at 176 Road 3 East, Concession 3, ED, Town of Kingsville, as a condition of consent file B/24/18 from 'Agricultural (A1)' to 'Agriculture-Restricted (A2)' and adopt the implementing by-law.

G. AMENDMENTS TO THE AGENDA

H. STAFF REPORTS

1. Pregnancy and Parental Leave for Members of Council Policy

42

J. Galea, Human Resources Manager

Recommended Action

That Council approves the Pregnancy and Parental Leave for Members of Council Policy, Policy CS-022 and adopt the implementing by-law.

2. Forman Road Surplus / Cost & Assessment

49

G A. Plancke, Director of Municipal Services

Recommended Action

That Council approve the disposal and offer for sale the recognized unopened sections being Parts 1 through 8 on the draft Plan of Survey file No: H-1752 of the Forman Road allowance to the abutting landowners and further that,

Council approve - Table 1. Proposed Forman Road Disposal Assessment Schedule.

3. **Chris King & Sons Limited Development (O' Halloran St.)** 62
- G. A. Plancke, Director of Municipal Services
- Recommended Action**
That Council grant "Final Acceptance" of the roadway and infrastructure for the Chris King & Sons Development (O'Halloran St.) subdivision.
4. **Royal Oak at the Creek Phase 9 (Blue Jay Cr.) Initial Acceptance** 66
- G. A. Plancke, Director of Municipal Services
- Recommended Action**
That council initially accept Royal Oak at the Creek Phase 9 onto "Maintenance" for a period of no less than one year, and that the Clerk provide written confirmation to the Developer of the date of initial acceptance of the development by Council resolution.
5. **Main St. Revitalization Grant / Salute to Veteran's Banner Project** 69
- G. A. Plancke, Director of Municipal Services
- Recommended Action**
That Council approve the allocation of the remaining \$36,719.00 from the Main St. Revitalization Grant to the Salute to Veteran's Banner Project in the amount of \$6,300.00 with the remainder being utilized to purchase additional physical infrastructure streetscape amenities.
6. **Procurement Authorization Request** 72
- G. A. Plancke, Director of Municipal Services
- Recommended Action**
That Council authorizes a one-time exemption from the Procurement of Goods and Services Policy for the Director of Municipal Services to negotiate the purchase of a suitable "used" tandem dump truck for use at the Lakeshore West Pollution Control Plant to an upset limit of \$100,000.00 as allocated and approved from the 2-42 Fleet Reserve account.
7. **Cottam Woods Phase 3A Sidewalk Petition** 86
- S. Martinho, Manager of Public Works
- Recommended Action**
That Council accepts the recommendation to receive \$40,500.00 plus HST for cash-in-lieu of sidewalks for Cottam Woods Subdivision and that these funds be allocated towards replacement of the interlocking brick islands, the addition of new trees, and asphalt patching in the road.
8. **2019 Fleet Replacement** 100

S. Martinho, Public Works Manager

Recommended Action

That council approves the acquisition of the Fleet asset as follows:

One (1) 2019 Ford F-350 from Joe Meloche Ford Sales Ltd. outfitted with a service body fabricated by Pride Bodies for the combined purchase price of \$67,231.81 inclusive of the HST burden.

9. Introduction of the Affordable Housing Strategy 103

R. Brown, Manager of Planning Services

Recommended Action

That Council:

Receive the report on the introduction of the affordable housing strategy, and

Adopt the Affordable Housing Strategy and direct staff to begin implementation of the actions items, and

Direct administration to make the necessary updates and changes to the Kingsville Official Plan as outlined in the Affordable Housing Strategy.

10. Confirmation of Tree Canopy & Natural Vegetation Policy 123

R. Brown, Manager of Planning Services

Recommended Action

That Council enact a by-law confirming that the policies set out in the County of Essex Official Plan, Town of Kingsville Official Plan and supported by the Town's Comprehensive Zoning By-law, Site Plan Control By-law and standard Development Agreement requirements address the requirements of the Municipal Act Section 270(1)7 to establish policies to protect and enhance the tree canopy and natural vegetation within the Town of Kingsville.

11. Disclosure of Pecuniary Interest Registry 153

J. Astrologo, Director of Corporate Services

Recommended Action

That Council receive this report regarding the mandatory requirement for municipalities to establish and maintain a registry of statements filed in accordance with the provisions of the *Municipal Conflict of Interest Act*.

12. Appointment of an Integrity Commissioner 158

J. Astrologo, Director of Corporate Services

Recommended Action

That Council appoint Paul Watson as the Town's Integrity Commissioner

for a two-year term effective March 1, 2019 until February 28, 2021;

AND THAT Council direct administration to prepare an agreement for execution by the Town and Mr. Watson;

AND THAT Council adopt the necessary by-law at a future meeting of Council.

I. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. **Kingsville Striking Committee--Report dated February 12, 2019 RE: 2019-2022 Updated Appointments to Boards and Committees for Kingsville** 161

Recommended Action

That Council adopt the recommended board and committee lay appointments for The Corporation of the Town of Kingsville as presented and that the appropriate by-law be adopted at this meeting of Council.

2. **Windsor & Essex County Crime Stoppers--Correspondence dated January 30, 2019 RE: Bridging Partnerships Gala** 163

Recommended Action

That Council consider request of Crime Stoppers Windsor & Essex County to purchase a table to attend the Bridging Partnerships Gala at St. Clair Centre for the Arts

3. **Erie Shores Health Foundation--Correspondence from Christine Colautti, Executive Director** 165

Recommended Action

That Council consider request for support of the Erie Shores Health Foundation (Supporting Hospital and Hospice).

J. MINUTES OF THE PREVIOUS MEETINGS

1. **Regular Meeting of Council--February 11, 2019** 167

2. **Regular 'Closed Session' Meeting of Council--February 11, 2019**

Recommended Action

That Council adopts Regular Meeting of Council Minutes dated February 11, 2019 and Regular 'Closed Session' Meeting of Council Minutes dated February 11, 2019.

K. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Committee of Adjustment - November 20, 2018** 183

Recommended Action

That Council receives Committee of Adjustment Meeting Minutes, dated

November 20, 2018.

2. **Committee of Adjustment - January 22, 2019** 195

Recommended Action

That Council receives Committee of Adjustment Meeting minutes dated January 22, 2019.

3. **Kingsville B.I.A. - January 8, 2019** 205

Recommended Action

That Council receives Kingsville B.I.A. Meeting Minutes, dated January 8, 2019.

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Deputy Mayor G. Queen--Report to Council dated January 7, 2019 RE: The OPP 'At Risk Youth and Human Trafficking Workshop' held January 7, 2019** 208

2. **Benny Kok, Resident-Email correspondence dated February 11, 2019 RE: Painted crosswalks** 210

Recommended Action

That Council receives Business Correspondence-Informational items 1-2.

M. NOTICES OF MOTION

1. **Councillor Kim DeYong may move or cause to have moved:** 212

WHEREAS during the recent municipal election, Kingsville experienced problems with the quality of the voters' list provided by MPAC;

AND WHEREAS this has been an ongoing issue for most municipalities in Ontario;

AND WHEREAS Concerns raised include long term residents not being on the list; adult children not being on the list or on it when they haven't lived at home in years; renters and other non-property owners not on the list; and long deceased individuals being on the list;

AND WHEREAS like many municipalities, Kingsville used an alternate method of voting, in our case mail-in ballot;

AND WHEREAS as a mostly rural community and without public transit, where travelling to a voting location can pose hardship to a significant segment of the population, mail-in ballot has shown itself to be particularly useful to those that find it difficult to physically get to voting locations;

AND WHEREAS the benefits of these alternate methods, however, are seriously impaired when the voters' list is of such questionable quality as

is the case with the product that Kingsville received from MPAC;

AND WHEREAS the voters' list as presently maintained by MPAC is wholly insufficient to the task and not up to the quality that citizens demand from their governments;

AND WHEREAS the Town of Kingsville looks forward to working with municipalities, AMCTO, MPAC and provincial representatives to find a workable solution to the problem of maintaining the municipal election voters' list and in an effort to find a better method of maintaining the municipal voters' list;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Kingsville endorses and supports the attached resolution of the Town of Kearney regarding the Voters' List for Municipal Elections and supports the re-establishment of the multi-stakeholder working group between the parties outlined in the resolution to identify ways to create and maintain the Voters' List for Municipal Elections;

AND THAT a copy of this resolution be sent to AMCTO and MPP Taras Natyshak.

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

O. BY-LAWS

- | | |
|--|-----|
| 1. By-law 22-2019 | 213 |
| <p>Being a By-law to adopt a policy with respect to the manner in which The Corporation of the Town of Kingsville will protect and enhance the tree canopy and natural vegetation in the municipality.</p> <p>To be read a first, second and third and final time.</p> | |
| 2. By-law 23-2019 | 240 |
| <p>Being a by-law to amend By-law 2-2019, being a By-law to appoint certain members of Council and individuals to boards and committees</p> <p>To be read a first, second and third and final time.</p> | |
| 3. By-law 24-2019 | 241 |
| <p>Being a By-law to adopt and maintain a Pregnancy and Parental Leave for Members of Council Policy</p> <p>To be read a first, second and third and final time</p> | |
| 4. By-law 25-2019 | 242 |
| <p>Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/35/18; 176 Road 3 East)</p> <p>To be read a first, second and third and final time.</p> | |

P. CONFIRMATORY BY-LAW

1. By-law 26-2019

244

Being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its February 25, 2019 Regular Meeting

To be read a first, second and third and final time.

Q. ADJOURNMENT



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

**NOTICE OF CONSIDERATION OF AMENDMENTS TO
FEES AND CHARGES BY-LAW AND
BUILDING SERVICES FEES BY-LAW**

TAKE NOTICE that The Council of The Corporation of the Town of Kingsville will consider amendments to the following By-laws:

- Fees and Charges By-law 17-2018; and
- Building Services By-law 18-2018 (Permit Fees and Fees for Other Services)

at its Regular Meeting to be held on:

**Monday, February 25, 2019 at 7:00 p.m.
at Kingsville Council Chambers,
2021 Division Road North, Kingsville**

A Summary of the Proposed Amendments will be available online at www.kingsville.ca or for pick-up at the Municipal Office Reception Counter on Friday, February 15. Comments which are made at the meeting become part of the public record which is available for anyone to view on the Town of Kingsville website. Any written comments must be received by 12:00 noon on Wednesday, February 20, 2019.

DATED at Kingsville, this 5th day of February, 2019.

Jennifer Astrologo, Director of Corporate Services/Clerk
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9
www.kingsville.ca



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Date: February 8, 2019
To: Mayor and Council
Author: Ryan McLeod, Director of Financial Services
RE: 2019 Fee By-law Amendments
Report No.: FS-2019-05

AIM

To provide Council with information relating to the proposed changes to the Fees and Charges by-law 17-2018 and the Building Code Fees and Charges by-law 18-2018.

BACKGROUND

In accordance with section 391 of the *Municipal Act, 2001* (the "Act"), the municipality is authorized to pass by-laws imposing fees or charges on persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control.

Each year, Administration reviews the proposed changes to the fees charged for various services and activities provided to the public.

DISCUSSION

The proposed changes to the Fees and Charges by-law 17-2018 and the Building Code Fees and Charges by-law 18-2018 are outlined in the attachments to this report. Any changes to the wording of the by-law, fees amounts or fee descriptions have been highlighted for comparison.

Administrative Services

Filing Fee – By-law Appeal - \$100 per appeal

This amount was proposed when the By-law Appeal Committee was established. The fee will cover a portion of the administrative costs associated with conducting a hearing.

Certified Copies of Documents - \$15 per certified document

In accordance with sections 253(1) and 253(2) of the *Municipal Act*, upon request the Clerk shall provide a certified copy of any record (bylaws, minutes, public meeting records etc) to any applicant that pays the fee established by Council. This fee will cover a portion of the cost to prepare the documents.

Election Sign Removal - \$20 per sign

The fee is noted in the Election Sign By-law to off-set the costs associated with removing signs in accordance with the by-law.

Marriage Solemnization – Travel rate

The travel rate, which is paid to the individuals performing the service, has been increased to reflect the Town's rate for other travel expenses.

Commissioning and Notarizing Fees

Administration is proposing to limit the number of documents (up to 3) for each commissioning and notarizing charge. The previous by-law did not indicate a limit.

Recreation Services

Grovedale Arts & Culture Centre

After consulting with various rental facilities in the area, Administration is recommending a fee of \$2,000 / day for a private event with alcohol and \$500 / day for a private event without alcohol. These fees are consistent those charged by Mastronardi Estate Winery and Pelee Island Winery.

Other Facility Rate Changes

In an effort to simplify the Town's existing facility rental fee structure, Administration is recommending the removal of various rates for weekends vs. weekdays as well as most of the 4 hour block rates and room combination rates. The proposed rate structure will be easier for staff to administer and to communicate to the public.

Ice Time

Administration is proposing a slight increase to the Adult – prime ice time rentals to reflect increasing operating costs. No changes are being proposed to minor sport ice rentals.

Arena Floor

The hourly rate for the arena floor is being replaced with a daily rate, to better reflect how this space has been used for private rentals.

Baseball / Soccer

The "double header" rate has been removed in favour of adding the description "up to 2 hours" to the per game rate. Administration is also proposing a rate of \$100 / diamond per day for baseball tournaments and \$75 / field per day for soccer tournaments.

Advertising

In an effort to generate more advertising revenue in total, Administration is proposing to decrease the wall and ice board sign rates.

Planning Services

Planning Fees / Expense Deposits

The Manager of Planning Services is proposing a number of changes to the Town's planning application fees as outlined in Schedule A of the attached. In contemplation of these fees, consideration was given to the amount of time required to process an application as well as the rates imposed by neighbouring municipalities.

In an effort to reduce administrative burden, the Manager of Planning Services is also proposing the elimination of various "expense deposits" which were used to pay for out of pocket expenses for advertising, circulation mailings and minor legal fees associated with applications. Instead, the average "out of pocket" expenses for these applications have been factored into the proposed fees.

Refunds

Administration is proposing to reduce the eligible refund on a withdrawn planning applications from 60% to 25%. This is intended to discourage non-serious applicants and to allow the Town to recover a greater portion of the expenses incurred on withdrawn applications.

Municipal Services

Encroachment Agreement Preparation - \$500

To offset the cost of staff time in the preparation and review of encroachment agreements which are for the sole benefit for the applicant.

Water / Sewer Services

New-Water Service Connections

An increase in the cost of ¾" and 1" water service connections is being proposed to ensure the full cost recovery of the contracting and material expenses associated with new water service installations.

Expense Deposits – Schedule B

As noted above, expense deposits will no longer be required for planning applications. This schedule will be eliminated.

Indemnity Deposits and Penalties – Schedule C

An indemnity deposit of \$500 has been added for all Grovedale Rentals.

Municipal Services is proposing a number of "standard" penalties for damages to Town infrastructure. These penalties will be deducted from indemnity deposits as required.

Security Deposits – Schedule D

Election Sign Deposit - \$140 for Municipal/School Board Election Candidates and \$300 for Provincial or Federal Election Candidates

As outlined in the Election Sign By-law, this is a refundable security deposit and is used to off-set the costs associated with the removal of election signs if required.

Reduced or No Fee – Schedule E

The rate for Public or Secondary School ice rentals has been amended to read “50% of standard rate” as this was Council’s intention when this discount rate was established.

The comment “maximum two rentals under Column 1” has been eliminated after Organizations under contract for Sports Fields or Ice Time. Based on experience, User Groups require frequent use of our facility meeting rooms to conduct their business, and the 2 free rental limit is not practical. Accordingly, Administration is proposing the addition of paragraph 15 of the by-law to provide User Groups with unlimited access to meeting rooms, subject to availability.

Building Fees – By-law 18-2018

The Building Department is proposing a few minor housekeeping amendments to their fees currently detailed in by-law 18-2018. These changes are being proposed to ensure consistency of their minimum fee and their per square footage rates. No changes to the residential, commercial or industrial new construction permit fees are being proposed for 2019.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

The addition of certain fees and the increases recommended to other fees will result in increased revenue for the Town. Revenue generated from user fees offset the amount of revenue required from general taxation.

CONSULTATIONS

The preparation of this report and the Fees and Charges by-law was a multi-department collaborative effort.

In some cases, when considering adding a new fee or increasing an existing fee, Administration will review fees and charges imposed by our neighbouring municipalities.

Notice that this by-law was being considered at this Regular Meeting of Council has been given to the public pursuant to the Town’s Notice Policy.

RECOMMENDATION

That Council direct administration to prepare the necessary by-laws to reflect the proposed changes to by-laws 17-2018 and 18-2018.

Ryan McLeod

Ryan McLeod, CPA, CA
Director of Financial Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW **xx**-2019

Being a by-law to impose fees and charges by The Corporation of the Town of Kingsville

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. c. 25 (the “Act”) authorizes a municipality to pass by-laws imposing fees or charges on persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

and the costs included in a fee or charge may include costs incurred by a municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

AND WHEREAS subsection 398(1) of the Act provides that such fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality.

AND WHEREAS subsection 398(2) of the Act provides that the treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for any property for which all of the owners are responsible for paying the fees and charges and collect them in the same manner as municipal taxes.

AND WHEREAS subsection 69(1) of the *Planning Act*, R.S.O. 1990 c. P.13 provides that the council of a municipality, by by-law may establish fees for the processing of applications made in respect of planning matters (the “Application”), which fees shall be designed to meet only the anticipated cost to the municipality in respect of the processing the Application.

AND WHEREAS the Town deems it advisable to repeal By-law 17-2018.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

Definitions

1. In this By-law, the following words shall have the corresponding meaning:

~~“Expense Deposit” means a fee or charge paid to the Town to meet all or a portion of the cost of those costs and expenses incurred by the Town or paid by the Town to a third party as a result of an Application.~~

“Indemnity Deposit” means a fee or charge paid to the Town to meet all or a portion of the cost and expenses of remediating or repairing any damage to Town property or infrastructure, including, but not limited to roads, sidewalks, curbing or paved boulevards, water or sewage works, caused as a result of the use of such property or infrastructure or as a result of the carrying on of construction or demolition or other works on adjacent property.

“Rental Deposit” means the fee or charge paid to the Town as partial payment toward the rental of Town owned facilities.

“Security Deposit” means a fee or charge paid to the Town to guarantee the due performance of certain obligations owing to the Town that the Town may draw upon in the event that such obligations are not performed in order to

complete all outstanding works or matters and pay the costs and expenses incurred.

Fees and Charges

2. Subject to section 12 of this By-law, the fee or charges as provided for in Schedule "A" attached hereto and forming part of this By-law shall be imposed and charged for the services, activities and use of property as indicated in said Schedule "A".

Rental Deposit

3. A rental deposit of 50% of the entire rental amount shall be paid to the Town at the time of booking either Lakeside Park Pavilion or Grovedale. The balance of the rental amount shall be payable in accordance with the Town's policies and procedures, as may be amended from time to time. For clarity, the Town will honour the rental rates in effect when the deposit is received.
4. The rental deposit shall be forfeited in the event that the rental is cancelled within thirty (30) days of the scheduled event date.

Expense Deposits

- ~~5. Expense Deposits as provided for in Schedule "B" attached hereto and forming part of this By-law shall be imposed and charged as indicated in said Schedule "B".~~
- ~~6. Upon the disposition of an Application in respect of which an Expense Deposit has been paid and, upon request of the person who paid the Expense Deposit to the Town, the Expense Deposit, less those costs and expenses incurred by the Town or paid by the Town to a third party shall be refunded by the Town.~~

Indemnity Deposits

7. Indemnity Deposits as provided for in Schedule "C" attached hereto and forming part of this By-law shall be imposed and charged as indicated in said Schedule "C".
8. Following the use of the property or infrastructure or the completion of the construction or demolition in respect of which an Indemnity Deposit has been paid and, upon request of the person who paid the Indemnity Deposit to the Town, the Indemnity Deposit, less any costs and expenses of remediating or repairing any damage to Town property or infrastructure, shall be refunded by the Town.

Security Deposits

9. Security Deposits as provided for in Schedule "D" attached hereto and forming part of this By-law shall be imposed and charged as indicated in said Schedule "D".
10. Upon the performance of all obligations owing to the Town for which a Security Deposit has been paid and, upon request of the person who paid the Security Deposit to the Town, the Security Deposit, less any costs and expenses of completing any works or matters not performed, shall be refunded by the Town.

Unclaimed Deposits

11. Where an Expense Deposit, an Indemnity Deposit and/or a Security Deposit has been paid to the Town and remains unclaimed for a period of seven years, the Treasurer of the Town may transfer to the general funds of the Town, any such Expense Deposit, Indemnity Deposit and/or

Security Deposit against which no claim has been made, free of and from any and all claims whatsoever.

Reduced Fee or No Fee

- 12. Those persons and organizations identified in Column III of Schedule “E” attached hereto and forming part of this By-law shall be subject to the corresponding reduced fee or no fee identified in Column II for the use of those facilities identified in Column I.
- 13. Subject to availability, organizations under Column III are permitted two (2) free non-prime time rentals of Lakeside Park Pavilion each calendar year. Weekend rentals for these groups will be permitted, subject to availability, at a reduced rate of \$300.00 per day, with or without alcohol.
- 14. Column III organizations are not permitted to transfer entitlements under Schedule “E” to any other group, organization, entity or individual and such bookings must be used by the organization for a purpose benefiting the organization or the community at large.
- 15. Organizations under contract for use of sports fields or ice time shall have access to meeting rooms at no cost, subject to availability and managerial approval. These groups will be expected to set up and take down tables and chairs as required.

Repeal

- 16. By-law 17-2018 is hereby repealed.
- 17. This by-law shall come into force on April 1, 2019.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF FEBRUARY, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

SCHEDULE A

FEES AND CHARGES

NOTE: UNLESS OTHERWISE INDICATED, THE “CURRENT FEE” WILL REMAIN IN EFFECT

| ADMINISTRATIVE SERVICES | New Fee | Current Fee | |
|---|----------|-------------|-----------------------------------|
| 911 Sign and Post (with or without building) | | \$60.00 | |
| Accounts Receivable (accounts outstanding after 60 days following invoice date) | | 1.25% | per month |
| Administration fee <ul style="list-style-type: none"> - misdirected payment - adding outstanding charges to tax roll - arrangements for weed cutting | | \$25.00 | |
| Advertising Hosting Fee | | \$50.00 | |
| By-law Appeal – Filing Fee | \$100.00 | n/a – new | per appeal |
| Certified Copies of Municipal Documents | \$15.00 | n/a – new | per document |
| Code of Conduct Complaint (refundable on recommendation of Integrity Commissioner) | | \$250.00 | |
| DVD/CD (any copied document or documents) | | \$10.00 | |
| Election Sign Removal | \$20.00 | n/a – new | per sign |
| Fireworks Permit | | \$100.00 | |
| NSF cheque | | \$25.00 | |
| Map (Town) | | \$30.00 | |
| - PLUS - | | \$3.00 | per square foot |
| Marriage Solemnization | | | |
| - during business hours | | \$250.00 | |
| - after business hours | | \$350.00 | |
| - PLUS - travel from and return to municipal office | \$0.58 | \$0.54 | per kilometer |
| Merchandise and Apparel | | Cost + 15% | |
| MYKingsville website advertising space | | \$85.00 | per month |
| Notice of Registration of Death (Form 17) | | \$10.00 | |
| Noise Permit | | \$50.00 | |
| Non-Objection Letter (AGCO) | | \$25.00 | |
| Over the Road Banner | | \$50.00 | |
| Photocopies | | | |
| - on-site | | \$0.50 | per copy |
| - off-site | | Cost | |
| Portable Signs | | | |
| - permit | | \$65.00 | |
| - removal | | \$75.00 | per hour |
| - storage | | \$20.00 | per day |
| - variance | | \$65.00 | |
| Property Information Report (PIR) | | \$100.00 | |
| - within 5 days, excluding holidays | | \$200.00 | |
| Property Report (for information not included in the PIR) | | \$50.00 | per department |
| Property File Document Retrieval | | | |
| - picked up at Town office | | \$7.50 | |
| - delivered by mail, email or fax | | \$17.50 | |
| Refund Charge | | \$25.00 | |
| Request for Fence Viewers | | \$750.00 | |
| Severance – property roll creation | | \$100.00 | |
| Signing of Document as a Commissioner for Taking Affidavits | | \$15.00 | up to 3 documents, seniors exempt |
| Signing of Document as a Notary Public | | \$50.00 | up to 3 documents |
| Statement of Death (Form 15) | | \$15.00 | |
| Statement of Account | | | |
| - picked up at Town office | | \$7.50 | seniors exempt |
| - delivered by mail, email or fax | | \$17.50 | |
| Tax Certificate (includes outstanding water) | | \$75.00 | per property |
| - within two business days | | \$150.00 | per property |
| Tax Notice – Duplicate | | | |
| - picked up at Town office | | \$7.50 | seniors exempt |

| | | | |
|---|--|---------|----------------|
| - delivered by mail, email or fax | | \$17.50 | |
| Tax Registration | | cost | |
| Tax Sale Tender Package | | \$10.00 | |
| Town Flag | | cost | |
| Utility Account Set Up | | \$25.00 | |
| - PLUS SECURITY DEPOSIT (Tenant Accounts) | | | |
| Water Notice – Duplicate | | | |
| - picked up at Town office | | \$7.50 | seniors exempt |
| - delivered by mail, email or fax | | \$17.50 | |

| CEMETERY SERVICES | | | | |
|--|---|------------------|---|----------------------------------|
| GRAVE | | INTERMENT RIGHTS | CARE AND MAINTENANCE | TOTAL PRICE |
| Greenhill Cemetery - Adult or Child (standard 3'4" X 8') | | \$600.00 | \$400.00 | \$1,000.00 |
| Greenhill Cemetery - Cremation | | \$300.00 | \$200.00 | \$500.00 |
| Greenhill Cemetery - Infant (standard 12" X 24") | | \$150.00 | \$150.00 | \$300.00 |
| All Other Active Cemeteries - Adult or Child (standard 3'4" X 8') | | \$450.00 | \$300.00 | \$750.00 |
| All Other Active Cemeteries - Cremation | | \$150.00 | \$100.00 | \$250.00 |
| INTERMENT (includes opening/closing grave, lowering/raising device, grass seeding) | | | | |
| Dates and Times | | | Adult or Child Grave | Infant Grave or Cremated Remains |
| March 16 – December 14 | Weekdays 10:00 a.m. to 3:30 p.m. | | \$725.00 | \$300.00 |
| | Saturdays 10:00 a.m. to 2:00 p.m. | | \$885.00 | \$425.00 |
| December 15 – March 15 | Weekdays 10:00 a.m. to 3:30 p.m. | | \$775.00 | \$350.00 |
| | Saturdays 10:00 a.m. to 2:00 p.m. | | \$935.00 | \$475.00 |
| MAXIMUM FOR ASSISTED SERVICES (in accordance with O. Reg. 184/12 made under the Funeral, Burial and Cremation Services Act, 2002) | | | | |
| Interment Rights and Interment – Adult or Child Grave | | | | \$1,300.00 |
| Interment Rights and Interment – Cremated Remains | | | | \$500.00 |
| Interment Rights and Interment – Receipt from Irregular Burial Site | | | | \$650.00 |
| DISINTERMENT (includes opening/closing grave, lowering/raising device, grass seeding) | | | | |
| Dates and Times | | | Adult or Child Grave | Infant Grave or Cremated Remains |
| March 16 – December 14 | Weekdays 10:00 a.m. to 3:30 p.m. | | \$1,500.00 | \$300.00 |
| | Saturdays 10:00 a.m. to 2:00 p.m. | | \$1,870.00 | \$400.00 |
| December 15 – March 15 | Weekdays 10:00 a.m. to 3:30 p.m. | | \$1,615.00 | \$350.00 |
| | Saturdays 10:00 a.m. to 2:00 p.m. | | \$1,985.00 | \$450.00 |
| MARKER / MONUMENT CARE AND MAINTENANCE | | | | |
| Flat | Less than 173 square inches | | | \$0.00 |
| | At least 173 square inches | | | \$50.00 |
| Upright | 4 feet or less in height and 4 feet or less in length, including base | | | \$100.00 |
| | More than 4 feet in either height or length, including base | | | \$200.00 |
| OTHER SERVICES | | | | |
| Transfer Of Interment Rights | | | \$40.00 | |
| Marker Locating | | | \$25.00 | |
| Marker Inspection | | | \$25.00 | |
| Tent Rental (March 16 to December 14 only) | | | \$100.00 | |
| License (HST exempt) | | | as set by Ministry of Consumer Services | |

Note: Interment services outside the above listed dates and times will be performed at cost.
Please contact the Public Works Manager for more information.

| FIRE SERVICES | | | |
|--|---------------|---|--|
| ACGO Letters (for liquor related premises and events) | \$100.00 | | |
| Inspection Order with violations re-inspection | \$100.00 | | |
| Non-resident Motor Vehicle Accident or Fire Attendance | as set by MTO | | |
| Non Emergency Alarm Activation (following third alarm within 6 months) | as set by MTO | | |
| Occurrence Report Normal | \$40.00 | | |
| Occurrence Report with Full Investigation | \$100.00 | | |
| Fire Safety Request for Training Services | \$100.00 | Per session (up to 2 hrs) | |
| Fire Training provided to other Fire Departments | Cost | | |
| Persistent Prohibited Open Burn (following second attendance at same property or properties owned by the same owner) | as set by MTO | | |
| - PLUS - heavy equipment | cost | | |
| - foam | cost | | |
| Inspection (from PIR report) | \$100.00 | | |
| Propane Review / Documentation | | | |
| - Level I | \$80.00 | | |
| - Level II | \$80.00 | | |
| - PLUS - legal or engineering review | Cost | | |
| Technical Rescue Team Services | Cost | | |
| LICENSES | | | |
| Charitable Gaming | | | |
| Bingo | 3% | of prize | |
| Media Bingo | 3% | of prize | |
| Break Open (Nevada) Tickets | 3% | of prize | |
| Raffle | 3% | of prize | |
| Bazaar | | | |
| - Raffle & Bingo | 3% | of prize | |
| - Wheel of Fortune | \$10 | | |
| Dog | | | |
| - January 1 to March 31 | \$20.00 | | |
| - April 1 to December 31 | \$40.00 | | |
| - PLUS – By-law Enforcement Officer attendance | \$15.00 | | |
| Kennel (includes one dog license) | \$110.00 | | |
| Hunting | | | |
| Pheasant | | | |
| - resident | \$12.50 | | |
| - non-resident | \$18.00 | | |
| Rabbit | | | |
| - resident | \$10.00 | | |
| - non-resident | \$10.00 | | |
| Marriage | \$125.00 | | |
| Refreshment Vehicle | | | |
| - first vehicle | \$250.00 | | |
| - second vehicle | \$125.00 | | |
| Taxi / Limousine / Vehicle for Hire | | | |
| Vehicle | | | |
| - new | \$300.00 | | |
| - renewal | \$100.00 | per year payable on or before January 1 | |
| Driver | \$25.00 | per year payable on or before January 1 | |
| POLICE SERVICES | | | |
| Note: All fees for Police Services <i>include</i> HST where applicable | | | |
| Criminal Records Check | \$25.00 | | |
| Duplicate Copy of Criminal Record Check Certificate | \$5.00 | | |
| Criminal Record Check (Volunteer) | No Charge | | |
| Finger Prints | \$26.50 | | |
| Traffic Reports | \$42.25 | | |
| Incident Reports | \$42.25 | | |
| Statements | \$42.25 | | |
| Technical Traffic Collision Reports | \$565.00 | | |
| Reconstruction Report | \$1,130.00 | | |
| Paid Duty – Administrative | \$68.50 | | |
| Paid Duty – Hourly Vehicle Usage Fee | \$28.25 | | |

| RECREATION SERVICES | | New Fee | Current Fee |
|--|------------|------------------------|----------------------------|
| Note: All fees for Recreation Services <i>include</i> HST where applicable | | | |
| Individuals wishing to rent Lakeside Park Pavilion and Grovedale will be required to provide a rental deposit of 50% of the booking at the time of booking. This amount will be forfeited if the rental is cancelled within 30 days of the scheduled event date. | | | |
| Carnegie | | | |
| - 2 hours or less | | \$ 45.00 \$ 56.50 | BIA Mem. Non-BIA Member |
| - Full Day | | \$ 170.00 \$ 200.00 | BIA Mem. Non-BIA Member |
| Grovedale Arts & Culture Centre | | | |
| - private event with alcohol o PLUS INDEMNITY DEPOSIT | \$2,000.00 | n/a - new | per day |
| - private event without alcohol | \$500.00 | n/a - new | per day |
| Lakeside Park Pavilion | | | |
| - private event with alcohol (Friday-Sunday) o PLUS INDEMNITY DEPOSIT | | \$800.00 | per day |
| - private party with alcohol (Monday-Thursday) - PLUS INDEMNITY DEPOSIT | | \$500.00 | per day |
| - private party without alcohol (under 75 persons) | | \$200.00 | per day |
| - private event without alcohol (75 persons and over) | \$300.00 | \$325.00 | per day |
| set up and/or take down (only in conjunction with full day rental) | | \$150.00 | per day |
| - instructional | | \$27.00 | per hour |
| Kingsville Recreational Complex | | | |
| Ice Time | | | |
| - Adult – prime | \$190.00 | \$186.56 | per hour |
| - Adult - non-prime (before 6:00 p.m.) | | \$158.00 | per hour |
| - Minor Sports – prime | | \$175.00 | per hour |
| - Minor Sports - non-prime (before 4:00-6:00 p.m.) | | \$150.00 | per hour |
| - Public Skating – general | | \$3.50 | per person |
| - Public Skating – general – family | | \$9.00 | per family |
| - Parent & Tot / Home School / Adult Skate | | \$2.50 | per person |
| - Shinny Hockey / Club | | \$5.50 | per person |
| Arena Floor | \$300.00 | \$55.00 | per hour day |
| Auditorium A | | | |
| - private event weekend with alcohol o PLUS INDEMNITY DEPOSIT | \$450.00 | \$375.00 | per day |
| - private event weekend or weekday without alcohol | \$200.00 | \$160.00 | per day |
| - Saturday without alcohol | | \$140.00 | 4 hours |
| - Sunday or weekday without alcohol | | \$100.00 | 4 hours |
| - instructional | | \$27.00 | per hour |
| Auditorium B, C or D | | | |
| - private event weekend with alcohol (B & C) (B, C or D) o PLUS INDEMNITY DEPOSIT | \$190.00 | \$380.00 | per day, per room |
| - private event weekday with alcohol (B, C or D) o PLUS INDEMNITY DEPOSIT | \$190.00 | \$150.00 | per day |
| - Saturday without alcohol (B, C or D) | | \$100.00 | 4 hours |
| - Saturday without alcohol (B & C) | | \$150.00 | 4 hours |
| - Sunday or weekday without alcohol (B, C or D) | | \$90.00 | 4 hours |
| - Sunday or weekday without alcohol (B & C) | | \$90.00 | 4 hours |
| - private event weekend or weekday without alcohol (B, C or D) | \$100.00 | \$160.00 | per day, per room |
| - weekend or weekday without alcohol (B & C) | | \$180.00 | per day |
| - box seating | | \$50.00 | |
| - instructional | | \$27.00 | per hour |
| Ball Diamond Pavilion | | | |
| - evening with alcohol | | \$175.00 | |
| - day with alcohol | | \$250.00 | |
| Baseball | | | |
| - Diamond – without lights | | \$40.00 | per game (up to 2 hrs) |
| - Diamond – with lights | | \$55.00 | per game (up to 2 hrs) |
| - Diamond – minor sports | | \$13.00 | per child, per season |
| - Diamond - Tournament | \$100.00 | n/a - new | per day, per diamond |
| - Double Header – without lights | | \$75.00 | |

| | | | |
|---|----------|---------------|------------------------|
| Double Header with lights | | \$100.00 | |
| Soccer | | | |
| - Field | | \$30.00 | per game (up to 2 hrs) |
| - Field – minor sports | | \$13.00 | per child, per season |
| - Field – Tournament | \$75.00 | n/a - new | per day, per field |
| Tennis Courts (Kingsville only) | | | |
| - access card | | \$10.00 | |
| - entry | | \$6.00 | per court |
| Marina | | | |
| - Seasonal Ramp Pass | | \$130.00 | per craft |
| - Senior Ramp Pass | | \$100.00 | per craft |
| - Dockage – Cedar Island | | \$48.00 | per foot |
| - Dockage – West Marina | | \$38.00 | per foot |
| - Dockage – Docks 63 and 64 | | \$56.00 | per foot |
| - Transient Wells | | | |
| o Daily | | \$2.00 | per foot |
| o Monthly | | \$15.00 | per foot |
| - Ramp Pass | | | |
| o Daily | | \$12.00 | per day |
| o Monthly | | \$50.00 | per month |
| - Fuel | | cost + \$0.30 | per litre |
| Ridgeview Park | | | |
| weekend | | \$700.00 | |
| - hall and pavilion with alcohol o PLUS INDEMNITY DEPOSIT | | \$350.00 | per day |
| hall with alcohol PLUS INDEMNITY DEPOSIT | | \$220.00 | per day |
| - hall and pavilion without alcohol | \$100.00 | \$85.00 | per day |
| - instructional | | \$27.00 | per hour |
| Unico Community Centre | | | |
| - private event weekend with alcohol o PLUS INDEMNITY DEPOSIT | \$390.00 | \$390.00 | per day |
| - private event weekend or weekday without alcohol | \$180.00 | \$160.00 | per day |
| - private event without alcohol | \$90.00 | \$80.00 | 4 hours |
| Saturday without alcohol | | \$150.00 | 4 hours |
| - instructional | | \$27.00 | per hour |
| Parking Lots | | | |
| - Unico Parking Lot | | \$160.00 | per day |
| - Carnegie Parking Lot | | \$160.00 | per day |
| - King Street Parking Lot | | \$160.00 | per day |
| Advertising | | | |
| - Arena Walls | \$125.00 | \$175.00 | per year |
| - Illuminated sign | | \$300.00 | per year |
| - Ice surface boards | \$450.00 | \$580.00 | per year |
| - Ice surface | | \$865.00 | per year |
| - Marina display | | \$58.00 | per year |
| - Zamboni (\$1,100.00 per side) | | \$2,200.00 | per year |
| Programs | | | |
| - All Programs | | Cost | |
| - Standard First Aid/Level C | | \$120.00 | |
| - Standard First Aid Renewal | | \$75.00 | |

| PLANNING SERVICES | New Fee | Current Fee | |
|---|------------|-------------|------|
| Note: Applicants will be eligible for a 25% 60% refund if an application is withdrawn prior to the holding of any public open house or meeting. | | | |
| Committee of Adjustment: | | | |
| Consent (1 new lot or lot addition) | \$1,000.00 | \$600.00 | |
| PLUS septic inspection | n/a | \$175.00 | |
| - PLUS ERCA | | as set by | ERCA |
| Minor Variance | \$635.00 | \$500.00 | |
| - PLUS ERCA | | as set by | ERCA |
| Joint Application (combined consent and minor variance) | \$1,425.00 | \$1,000.00 | |
| PLUS septic inspection | n/a | \$175.00 | |
| - PLUS ERCA | | as set by | ERCA |
| Development Agreements: | | | |
| Minor Agreement (ie: consents) | | \$500.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS SECURITY DEPOSIT | | | |
| Major Agreement (ie: subdivisions) | | \$1,000.00 | |

| | | | |
|--|------------|------------|----------------------------|
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS SECURITY DEPOSIT | | | |
| Development Agreement Amendment | | \$500.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS SECURITY DEPOSIT | | | |
| Official Plan: | | | |
| Amendment | \$2,700.00 | \$2,000.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS ERCA | | as set by | ERCA |
| Joint Application (combined Official Plan Zoning By-law Amendments) | \$3,700.00 | \$3,000.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS ERCA | | as set by | ERCA |
| Parkland Dedication or Fees in Lieu: | | | |
| Commercial or Industrial Land | | 2% | of appraised value of land |
| Residential Land | | \$1,500.00 | Per new lot |
| Part Lot Control: | | | |
| Part Lot Control | \$1,600.00 | \$1,000.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| Part Lot Control Extension | \$1,000.00 | \$500.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| Plan of Condo/Subdivision: | | | |
| Plan of Condominium | \$3,200.00 | \$2,500.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS ERCA | | as set by | ERCA |
| Plan of Subdivision | \$4,700.00 | \$2,500.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS ERCA | | as set by | ERCA |
| Recirculation of Application (after 3 months of inaction by applicant) | | \$50.00 | |
| Plan of Subdivision (Redline) | | \$1,000.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS ERCA | | as set by | ERCA |
| Site Plan Control: | | | |
| Site Plan Agreement | \$1,800.00 | \$1,000.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS SECURITY DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Site Plan Agreement Amendment | \$1,100 | \$500.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS SECURITY DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Site Plan Agreement (Tower) | \$650.00 | \$500.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS SECURITY DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Zoning By-law: | | | |
| Minor (ie: consents, minor changes) | | \$1,200.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Major Zoning By-law Amendments | \$2,300.00 | \$2,000.00 | |
| - PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| - PLUS ERCA | | as set by | ERCA |
| Temporary Use | \$1,300.00 | \$1,200.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Temporary Use Extension | \$700.00 | \$600.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Removal of Holding (h) | \$600.00 | \$500.00 | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS ERCA | | as set by | ERCA |
| Surplus Dwelling | \$2,000.00 | n/a | |
| - PLUS EXPENSE DEPOSIT | | | |
| - PLUS ERCA | as set by | n/a | ERCA |
| Other Services: | | | |
| Renewable Energy Review and Approval | | \$1,500.00 | |

| | | | |
|--|--|----------|-------------------|
| PLUS EXPENSE DEPOSIT EXTERNAL COSTS | | | |
| Sidewalk Patio | | \$100.00 | |
| - PLUS USE OF sidewalk PARKING SPACE | | \$100.00 | Per month / space |
| - PLUS INDEMNITY DEPOSIT | | | |
| Compliance Letter (Subdivision / Site Plan, Development Agreement) | | \$100.00 | |
| Documents: | | | |
| Comprehensive Zoning By-law (hard copy) | | \$100.00 | |
| Official Plan Amendment (hard copy) | | \$100.00 | |

| MUNICIPAL SERVICES | | | |
|---|--|---|----------------------|
| Encroachment / Entrance Permit | | \$150.00 | |
| - PLUS INDEMNITY DEPOSIT | | | |
| Encroachment Agreement | | | |
| - prepared / reviewed by Administration | | \$500.00 | |
| - prepared / reviewed by external legal services | | Cost | |
| Local Improvement Charges (full details can be obtained from the Local Improvement Policy) <i>The cost of the works shall be assessed upon benefitting properties based upon a maximum fixed rate per metre of assessable frontage as follows:</i> | | | |
| Sanitary Sewers | | \$165.00 | per metre |
| Storm Sewers | | \$125.00 | per metre |
| Road Works (curb and gutter only) | | \$65.00 | per metre |
| Sewer Services Connections | | Actual Cost | |
| Road Crossing Agreement | | \$150.00 | |
| - PLUS INDEMNITY DEPOSIT | | | |
| Road Use Agreement | | \$1,500.00 | |
| - PLUS INDEMNITY DEPOSIT | | | |
| Temporary Culvert Installation Permit | | \$100.00 | |
| Solar Signs | | | |
| Blank Sign | | \$40.00 | |
| New Post and hardware, if required | | \$15.00 | |
| Installation by Public Works | | \$25.00 | |
| Weed Cutting (on hour minimum) | | \$75.00 | per hour |
| TRANSIT | | | |
| Note: If an attendant is required, only half of the fee is payable by the attendant. | | | |
| Erie Shores Transit: | | | |
| Kingsville, Leamington, Wheatley | | \$5.00 | one way |
| Essex, Harrow, Tilbury, Woodslee | | \$10.00 | one way |
| Amherstburg, Belle River, LaSalle, St. Clair Beach, Tecumseh, Windsor | | \$10.00 | one way |
| WATER / SEWER SERVICES | | | |
| Hydrant Hook Up | | \$80.00 + water consumption at current rate | |
| Water Meter (5/8" x 3/4" residential meter and MXU radio) | | \$335.00 | |
| Turn On | | \$25.00 | |
| - after Town business hours | | \$200.00 | |
| Turn Off | | \$25.00 | |
| - after Town business hours | | \$200.00 | |
| Frozen Meter Replacement | | \$200.00 | |
| - after Town business hours | | \$400.00 | |
| Frost Plate Repair | | \$60.00 | |
| - after Town business hours | | \$260.00 | |
| New Water Service Connection | | | |
| - 3/4" | | \$5,000.00 | |
| | | \$4,000.00 | |
| - 1" | | \$7,700.00 | |
| | | \$5,600.00 | |
| - 2" or larger | | cost | |
| Raising / Lowering Curb Box / Meter Pit (result of owner grade change) | | cost | |
| Lowering of Clean Out (result of owner grade change) | | \$85.00 | |
| Replace Clean Out Cap | | \$85.00 | |
| Minicam investigation | | \$75.00 | first hour |
| - PLUS - | | \$50.00 | each subsequent hour |
| Steaming Frozen Private Water Services | | \$100.00 | first hour |
| -PLUS - | | \$75.00 | each subsequent hour |
| Steaming Frozen Private Water Services after Town business hours | | \$500.00 | first hour |
| -PLUS - | | \$175.00 | each subsequent hour |
| Service Vehicle | | \$24.00 | per hour |
| Watermain and Appurtenance Application Review and Approval | | \$1,200.00 | |

NOTE: For the purposes of this Schedule:

- 1. except where otherwise noted, fees are exclusive of HST;
- 2. “cost” shall mean an amount equal to the cost to the Town of labour, vehicle(s), materials, supplies or services used or purchased for the purpose of the service or activity;
- 3. “prime” shall mean all day Saturday and Sunday, and 6-11 pm Monday – Friday
- 4. “senior” shall mean a person 65 years of age or older; and
- 5. “holidays” include the following days:

| | |
|----------------|------------------|
| New Year’s Day | Labour Day |
| Family Day | Thanksgiving Day |
| Good Friday | Remembrance Day |
| Easter Monday | December 24 |
| Victoria Day | Christmas Day |
| Canada Day | Boxing Day |
| Civic Holiday | December 31 |

SCHEDULE B

EXPENSE DEPOSITS

| PLANNING SERVICES | |
|--|------------|
| APPLICATIONS | |
| Development Agreements: | |
| Minor Agreement (ie: consents) | \$500.00 |
| Major Agreement (ie: subdivisions) | \$500.00 |
| Development Agreement Amendment | \$500.00 |
| Official Plan: | |
| Amendment | \$2,000.00 |
| Joint Application (combined Official Plan Zoning By-law Amendments) | \$2,000.00 |
| Part Lot Control | \$500.00 |
| Plan of Condominium | \$5,000.00 |
| Plan of Subdivision | \$5,000.00 |
| Site Plan Agreement or Amendment Agreement | \$500.00 |
| Renewable Energy Review and Approval | \$5,000.00 |
| Zoning By-law: | |
| Minor (ie: consents, minor changes) | \$1,000.00 |
| Major | \$2,000.00 |
| Temporary Use | \$2,000.00 |
| Removal of Holding (h) | \$500.00 |

SCHEDULE C

INDEMNITY DEPOSITS AND PENALTIES

| PARKS AND RECREATION SERVICES | | |
|--|------------|--|
| RENTALS | | |
| Grovedale Arts and Culture Centre | \$500.00 | |
| Lakeside Park Pavilion | \$500.00 | |
| Kingsville Recreational Complex | | |
| Auditorium | \$100.00 | |
| Auditorium B, C or D | \$100.00 | |
| Ridgeview Park | \$100.00 | |
| Unico Community Centre | \$100.00 | |
| Any hall rental with Alcohol | \$500.00 | |
| MUNICIPAL SERVICES | | |
| *Building Permit | \$1,000.00 | |
| Standard Penalties for Damage to Municipal Services: | \$1,000.00 | |
| - Curb Box Replacement / Repair | \$175.00 | |
| - Meter Pit Bonnet Replacement | \$275.00 | |
| - Full Meter Pit Replacement | \$1,000.00 | |
| - Install Cleanout Cap | \$85.00 | |
| - Curb Repair (patching only) | \$100.00 | per hour |
| - Sidewalk Replacement | Cost | |
| - Curb Replacement | Cost | |
| - Asphalt Replacement | Cost | |
| - All Other Repairs | Cost | |
| Encroachment / Entrance Permit | \$500.00 | |
| Road Crossing Agreement | 10% | of value of the works (\$500.00 minimum) |
| Road Use Agreement | 100% | of value of the works |

*Indemnity deposit not applicable to building permits issued for the following: sheds, signs, decks, solar panels, and indoor plumbing

SCHEDULE D

SECURITY DEPOSITS

| ADMINISTRATIVE SERVICES | | | |
|---|--|-------------|-------------------------------------|
| Election Signs | | | |
| Municipal / School Board candidates | | \$140.00 | |
| Provincial or Federal candidates | | \$300.00 | |
| Utility Account Set Up (Tenant Accounts): | | | |
| Residential | | | |
| - no sewage | | \$100.00 | |
| - with sewage | | \$200.00 | |
| Business | | | |
| - no sewage | | \$150.00 | |
| - with sewage | | \$250.00 | |
| PLANNING SERVICES | | | |
| APPLICATIONS | | | |
| Development Agreements: | | | |
| Performance | | 50% | value of the works |
| Maintenance | | 25% | value of the works |
| Delayed Performance | | 100% | value of the approved delayed works |
| - PLUS – maintenance | | | |
| Sidewalk Patio | | \$500.00 | |
| Site Plan Agreements: | | | |
| Minimal (obligation value less than \$10,000.00) | | \$1,000.00 | |
| Minor (new entrance, minor on-site construction, minor service connections) | | \$5,000.00 | |
| Major (new entrance, major internal services and connections, landscaping, additional studies, hard surfacing, lighting) | | \$10,000.00 | Minimum |
| Greenhouse Minor Addition (no new entrances, storm water facilities) | | \$5,000.00 | |
| Greenhouse New or Major Addition (entrances, storm water facilities, buffering, internal facilities, parking areas, fire safety, outdoor large central storage locations installation of rate of flow control device) | | \$30,000.00 | Minimum |

SCHEDULE E

REDUCED OR NO FEE

| PARKS AND RECREATION SERVICES | | |
|---|--|--|
| FACILITY RENTALS – REDUCED FEE | | |
| COLUMN I | COLUMN II | COLUMN III |
| Lakeside Park Pavilion | \$300.00 per day | <ul style="list-style-type: none"> • Delta Waterfowl • Lion’s Club (including auxiliaries) • Neighbourhood Charitable Alliance • Royal Canadian Legion (Including auxiliaries) |
| - anytime with or without alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| Kingsville Recreational Complex Ice Time - Minor Sports - non-prime (before 4:00 6:00 pm) | 50% of standard rate \$71.50 per hour | <ul style="list-style-type: none"> • Public or Secondary Schools |
| Unico Community Centre | \$100.00 Per month | <ul style="list-style-type: none"> • Kingsville Friendly Club • Odd Fellows |
| Unico Community Centre | \$50.00 Per month | <ul style="list-style-type: none"> • Lily Rebekah |
| FACILITY RENTALS – NO FEE | | |
| COLUMN I | COLUMN II | COLUMN III |
| *Lakeside Park Pavilion | No Fee | <ul style="list-style-type: none"> • Business Improvement Area Board of Management • Canadian Blood Services • Cottam Cubs & Scouts • Cottam Rotary Club • Gosfield North Sportsmen • Horticultural Society • Kingsville Cubs & Scouts • Kingsville Firefighters Association • Kingsville Essex Associated Band • Knights of Columbus (including auxiliaries) • Optimist Club (including auxiliaries) • Organizations under contract for use of Sports Fields or Ice Time (maximum two rentals under Column I) |
| - anytime with or without alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| Kingsville Recreational Complex | | |
| Auditorium | | |
| - anytime with or without alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| Auditorium B, C or D | | |
| - anytime with or without alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| Ridgeview Park | | |
| - hall and pavilion with alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| - hall with alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| Unico Community Centre | No Fee | <ul style="list-style-type: none"> • Baldwin, Neil • Balkwill, Gary • Branch, Jim • Clemente, Manual • Hodgkins, Leslie • Lacey, Eugene • Mallott, Jim • Miinch, Craig • Pretli, Andy • Woodall, N. |
| - anytime with or without alcohol - PLUS INDEMNITY DEPOSIT (with alcohol only) | | |
| Marina Seasonal Ramp Pass | | |

*See sections 12-14 for conditions.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW XX-2019

Being a By-law to Regulate Permits Issued Under the Building Code Act, Set Fees, and Establish a Code of Conduct for the Chief Building Official and Inspectors

WHEREAS section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (the “Act”) authorizes the Council of a municipality to pass by-laws applicable to the matters for which and in the area in which the municipality has jurisdiction for the enforcement of the Act.

AND WHEREAS the authorization set out in section 7 of the Act includes the power to require the payment of fees on applications for and on the issuance of permits, requiring the payment of fees for maintenance inspections, and to set the amounts of such fees, the total amount of which must not exceed the anticipated reasonable costs to administer and enforce the Act.

AND WHEREAS section 391 of the *Municipal Act, 2001*, S.O. c. 25 authorizes a municipality to pass by-laws imposing fees or charges on persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

and the costs included in a fee or charge may include costs incurred by a municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

AND WHEREAS subsection 398(2) of the *Municipal Act, 2001*, S.O. c. 25 provides that the treasurer of a municipality may add fees and charges imposed by the municipality, including such fees as authorized by the Act, to the tax roll for any property for which all of the owners are responsible for paying the fees and charges and collect them in the same manner as municipal taxes.

AND WHEREAS section 7.1(1) of the Act requires a municipality to establish and enforce a code of conduct for the Chief Building Official and inspectors appointed under the Act.

AND WHEREAS section 8 of the Act provides the authority to a Chief Building Official to revoke a permit in certain circumstances.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

Definitions and Interpretation

1. In this By-law:
 - a) “applicant” means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner’s behalf;
 - b) “Code” means the regulations made under section 34 of the Act;
 - c) “Chief Building Official” means the person appointed as such by Council of the Town for the purposes of enforcement of the Act;

- d) “Council” means the Council of the Town;
 - e) “Inspector” means those persons appointed as such by Council of the Town for the purposes of enforcement of the Act;
 - f) “owner” means the registered owner of the property upon which the building is situate which is the subject of a permit or an application for a permit;
 - g) “permit” means a permit issued pursuant to the Act;
 - h) “person” means an individual, firm, corporation, association or partnership;
 - i) “permit holder” means the person to whom a permit has been issued; and
 - j) “Town” means The Corporation of the Town of Kingsville.
2. Any term not defined in this By-law shall have the same meaning ascribed to it in the Act or the Code.

Application for Permit

3. Every application for every permit shall:
- a) contain sufficient information to enable the Chief Building Official to determine whether or not the work will conform with the Act, the Code and any other applicable law;
 - b) include a statement that the application does not contravene any applicable law and include supporting document in connection with the same;
 - c) be appropriately signed by the applicant;
 - d) if the owner is not the applicant, include an authorization to the applicant, in the form approved by the Chief Building Official, appropriately signed by the owner;
 - e) be accompanied by the required fee as set out in Schedule A attached hereto and forming part of this By-law;
 - f) be submitted to the Chief Building Official.

Permits

4. The classes of permits and the additional information and documents required to be filed by the applicant and considered prior to the issuance of the corresponding permit shall be as follows:

| CLASS OF PERMIT | INFORMATION AND DOCUMENTS REQUIRED |
|-----------------|---|
| Construction | <ul style="list-style-type: none"> (a) the prescribed application form entitled “Application for a Permit to Construct or Demolish”; (b) plans and specifications in accordance with sections 5 to 10 inclusive; (c) a detailed description of the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made; |

| CLASS OF PERMIT | INFORMATION AND DOCUMENTS REQUIRED |
|--------------------|---|
| | <p>(d) drawings and commitments as set out in Schedule C attached to and forming part of this By-law; and</p> <p>(e) Energy Efficiency Design Summary, as prescribed by the Code.</p> |
| Demolition | <p>(a) the prescribed application form entitled “Application for a Permit to Construct or Demolish”;</p> <p>(b) plans and specifications in accordance with sections 5 to 10 inclusive;</p> <p>(c) a detailed description of the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit is made and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;</p> <p>(d) commitment to general review by engineer as required by the Code;</p> <p>(e) demolition control agreement, as required;</p> <p>(f) designated substance report and method of demolition report as required; and</p> <p>(g) confirmation that:</p> <p style="padding-left: 40px;">(i) arrangements have been made with the proper authorities for the safe and complete disconnection of all existing water, sewer, gas, electric, telephone and other utilities; and</p> <p style="padding-left: 40px;">(ii) that the owner and applicant will comply with the Town’s Property Standards By-law upon the completion of demolition.</p> |
| Conditional | <p>(a) the prescribed application form entitled “Application for a Permit to Construct or Demolish”;</p> <p>(b) plans and specifications in accordance with sections 5 to 10 inclusive; and</p> <p>(c) a written statement containing the following:</p> <p style="padding-left: 40px;">(i) the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;</p> <p style="padding-left: 40px;">(ii) information regarding the necessary approvals which must be obtained in respect of the proposed building and the</p> |

| CLASS OF PERMIT | INFORMATION AND DOCUMENTS REQUIRED |
|----------------------|--|
| | <p>time in which such approvals will be obtained; and</p> <p>(iii) the time in which plans and specifications of the complete building will be filed with the Chief Building Official,</p> <p>all of which shall be incorporated into the agreement required pursuant to section 8(c) of the Act.</p> |
| Change of Use | <p>(a) the application in the form approved by the Chief Building Official from time to time;</p> <p>(b) plans and specifications in accordance with sections 5 to 10 inclusive, including floor plans, details of walls, ceilings and roof assemblies, identifying required fire resistance ratings and load bearing capacities, and details of the existing sewage system if any;</p> <p>(c) a description of the building in which the occupancy is to be changed, which description shall readily identify and locate the building;</p> <p>(d) a detailed description of the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made; and</p> <p>(e) drawings and commitments as set out in Schedule C.</p> |
| Sewage System | <p>(a) the prescribed application form entitled "Application for a Permit to Construct or Demolish";</p> <p>(b) plans and specifications in accordance with sections 5 to 10 inclusive;</p> <p>(c) commitment to general review by architect and engineer where sewage system exceeds 10,00l/d;</p> <p>(d) soils analysis;</p> <p>(e) site plan and cross section detail;</p> <p>(f) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:</p> <p>(i) the date the evaluation was done;</p> <p>(ii) the name, address, telephone number and signature of the person who prepared the evaluation;</p> |

| CLASS OF PERMIT | INFORMATION AND DOCUMENTS REQUIRED |
|-----------------|---|
| | <p>(iii) a scaled map of the site including the following:</p> <ul style="list-style-type: none"> • the legal description • lot size • property dimensions • existing rights-of-way, easements or municipal/utility corridors • the location of items listed in column 1 of Tables 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C. of the Code • the location of the proposed sewage system • the location of any unsuitable, disturbed or compacted areas • proposed access routes for system maintenance • depth to bedrock • depth to zones of soil saturation • soil properties, including soil permeability; and soil conditions, including the potential for flooding <p>(iv) a report completed by a geo-technical engineer verifying condition of soil</p> |
| Transfer | <p>(a) the application in the form approved by the Chief Building Official;</p> <p>(b) a written statement from the permit holder authorizing the transfer of the permit to the transferee;</p> <p>(c) proof of ownership of the property by the transferee;</p> <p>(d) confirmation that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified in the application;</p> <p>(e) the name, address, telephone number and facsimile number of the proposed architect, professional engineer or other designer, and his/her/their respective qualifications, where they are different from those identified in the application;</p> <p>(f) written confirmation from the proposed architect, professional engineer or other designer that he/she/they have been retained to undertake general review of the construction or demolition where required under the Code; and</p> <p>(g) where the proposed transferee is a builder as defined in the <i>Ontario New Home Warranties Plan Act</i>, or any successor thereto, the proposed transferee's registration number.</p> |

Plans and Specifications

5. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans and specifications submitted upon paper or other suitable and durable material or, if approved by the Chief Building Official, in electronic format, and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.
6. Site plans shall be referenced to a current plan of survey and a copy of the survey shall accompany the site plan submission except where the Chief Building Official waives the requirement to do so.
7. On the completion of the foundation for a detached, semi-detached, triplex, fourplex or townhouse dwelling, but prior to a framing inspection, the Chief Building Official may require a survey prepared by an Ontario Land Surveyor to be submitted, which survey shall indicate the location and elevation of the top of the foundation wall.
8. Upon completion of the construction of a building, or part of a building, the Chief Building Official may require the submission of a set of plans of the building or part of a building, as constructed, together with a plan of survey prepared and certified by an Ontario Land Surveyor showing the location of the building along with finished grade elevations.
9. In the event of a material change to a plan or specification on the basis of which a permit has been issued, the applicant shall give notice in writing to the Chief Building Official together with the details of such change.
10. Plans and specifications provided in accordance with this By-law shall become the property of the Town and shall be retained by the Town in accordance with the relevant legislation and the Town's Records Retention By-law, as amended from time to time.

Alternative Solutions

11. Where an applicant proposes using an alternative solution, the applicant shall provide, in addition to the prescribed documentation, a description of the proposed location(s) where the alternative solution is proposed to be used.
12. The Chief Building Official may accept or reject any alternative solution and may impose conditions or limitation on its use.
13. Alternative solutions which are accepted by the Chief Building Official shall be applicable only to the location proposed by the applicant and are not transferable to any other location.

Revoking Permits

14. Prior to revoking a permit, the Chief Building Official shall give written notice of his or her intention to revoke the permit to the permit holder at the permit holder's address shown on the application or to such other address as the permit holder may provide to the Town for that purpose.
15. Notice under subsection 14 of this By-law shall be given either personally or by registered mail and where notice is by registered mail, it shall be deemed to have been given on the fifth day after the day of mailing.
16. A permit holder may request in writing that the Chief Building Official defer the revocation. Such request shall:
 - a) be received by the Chief Building Official within 30 days from the date of service of the notice given under subsection 14;

- b) contain reasons why the permit should not be revoked; and
 - c) include the required fee as set out in Schedule A.
17. The Chief Building Official may, upon consideration of the request, defer the revocation of the permit and, in any event, shall provide notice in writing to the permit holder of his or her decision.
 18. If no request for deferral is received by the Chief Building Official, the Chief Building Official may revoke the permit without further notice and dispose of all submitted plans, specifications, documents and other information which has been received in support of the application for a permit in accordance with the Records Retention By-law.

Fees

19. Fees shall be charged and paid as set out in Schedule A attached hereto and forming part of this By-law.
20. The calculation of fees shall be subject to the following:
 - a) building classifications and the square footage of buildings shall be determined by the Chief Building Official in accordance with the Code;
 - b) for a construction, demolition or conditional permit based on the value of the proposed work, the value of the proposed work shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services as determined by the Chief Building Official;
 - c) for a construction, demolition permit or conditional permit based on floor area, floor area shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal area within the outside surface of the exterior walls of the building;
 - d) for a change of use permit based on a floor area, floor area shall mean the total floor space of all storeys subject to the change of use; and
 - e) for a conditional permit, fees shall be paid based on the complete project.

Refund of Fees

21. In the event that applicant disputes the value of the proposed work as determined by the Chief Building Official pursuant to subsection 20(b), the applicant shall:
 - a) pay the fee;
 - b) submit, together with the payment of the fee, a written notice of protest; and
 - c) within six (6) months of completion of the work, submit an audited statement of the actual costs of the work.
22. Where the actual costs of the work as indicated on the audited statement submitted pursuant to subsection 21(c) are less than the value of the proposed work as determined by the Chief Building Official, the Chief Building shall issue a refund for the difference between the fee paid and the fee calculated based upon the audited costs of the work.

23. Further, the Chief Building Official shall refund a fee paid in the following amounts and in the following circumstances:
- a) 80% in the event the application has been filed, but is withdrawn, in writing, prior to the permit being issued.
 - b) 75% in the event the application has been filed, the permit issued and/or picked up, and no inspection has been requested within 6 months of the permit being issued. The refund amount shall not be less than \$250.00 for Part 9 properties and \$500.00 for Part 3 properties.

Additional Notice Requirements for Inspections

24. When determined necessary by the Chief Building Official, the permit holder shall provide notice to the Chief Building Official of the following stages of construction:
- a) commencement of construction;
 - b) substantial completion of site grading;
 - c) the completion and availability of drawings of the building as constructed; and/or
 - d) completion of a building for which an occupancy permit is required under Article 1.3.3.4 of the Code.
25. For greater clarity, except as authorized by the Code, prior to the occupancy or use of a building or part of a building or prior to permitting the occupancy or use of a building or part of a building, notice of the date of completion of the building or part must be given to the Chief Building Official.

Code of Conduct

26. The Code of Conduct as set out in Schedule B attached hereto and forming part of this By-law is hereby established.
27. The Chief Building Official and Inspectors shall be governed by the Code of Conduct.

General

28. The requirements as set out in this By-law are in addition to the requirements of the Act and the Code.
29. Should any section, subsection, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law.
30. By-law 18-2018 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
18th DAY OF FEBRUARY, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

SCHEDULE “A”

| BUILDING SERVICES | | |
|---|---------------------------------|---|
| CONSTRUCTION PERMITS | | |
| NOTES: Permits reviewed and/or issued and not paid for or picked up will be charged a fee of \$250.00 for residential/Part 9 properties and \$500.00 for commercial/Part 3 properties. Municipal Services requires a \$1000.00 Indemnity Deposit upon the issuance of all Building Permits in accordance with the Fees and Charges By-law (17-2018), save and except for permits issued for: sheds, signs, decks, solar panels, and indoor plumbing. | | |
| Residential | | |
| - new construction | \$1.05 | per square foot |
| - PLUS - if submitted under Residential - Fast Track | | |
| Policy: | | |
| - detached house | \$170.00 | |
| - semi-detached house, 2 unit townhouse or row house | \$260.00 | |
| - 3 unit townhouse or row house | \$340.00 | |
| - 4 unit townhouse or row house | \$435.00 | |
| - 5 unit townhouse or row house | \$500.00 | |
| - renovations | \$11.25 \$11.50 | per \$1,000.00 of value of construction |
| - accessory buildings | \$0.50 | per square foot |
| - finished basements | \$0.50 | per square foot |
| - minimum fee | \$175.00 | |
| Swimming pools | | |
| - in ground and above ground | \$175.00 | |
| Part 3 – Assembly / Residential / Commercial / Institutional & Industrial | | |
| - value of construction up to \$1,000,000.00 | \$11.50 | per \$1,000.00 of value of construction |
| - PLUS - value of construction thereafter | \$1.25 | per \$1,000.00 of value of construction |
| - minimum fee | \$175.00 | |
| Greenhouse | | |
| - first 10 acres | \$0.04 | per square foot |
| - PLUS - additional acreage thereafter | \$0.01 | per square foot |
| - minimum fee | \$500.00 | |
| Other Farm Structures | \$0.25 | per square foot |
| - minimum fee | \$175.00 | |
| Hot Water Storage Tanks | \$350.00 | |
| Temporary Structures | \$175.00 | |
| Wind Turbine With an Output of 1.5 Megawatts or More | \$10,000.00 | |
| Construction Commenced Prior to Permit Being Issued | Fee x 2 | |
| Other Permits (not specifically listed) | \$11.50 | per \$1,000.00 of value of construction |
| - minimum fee | \$150.00 \$175.00 | |
| Moving | \$300.00 | |
| Signs | \$200.00 | |
| DEMOLITION PERMIT | | |
| Demolition | \$0.15 | per square foot |
| - minimum fee | \$175.00 | |
| CONDITIONAL PERMITS | | |
| Fees as per Construction Permits | | |
| CHANGE OF USE PERMIT WHERE NO PROPOSED CONSTRUCTION | | |
| Change of Use | \$175.00 | |
| SEWAGE SYSTEM PERMIT | | |
| On Site Sewage | | |
| - systems | \$750.00 | |

| | |
|---|---------------------|
| - repair | \$300.00 |
| TRANSFER PERMIT | |
| Transfer | \$150.00 |
| | \$175.00 |
| OTHER SERVICES | |
| Inspection re: AGCO Liquor License Application | \$175.00 |
| Conditional Permit Agreement | \$250.00 |
| - registration of Agreement on title | Cost |
| Change of Use Field Review | \$175.00 |
| Defer/Revocation Letter | \$175.00 |
| Post Review Amendment | \$275.00 |
| Re-inspection (inspection booked, but work not ready or completed; or no one on site) | \$75.00 |
| Sewer/Water Connection (additional costs apply to complete service): | |
| - Residential | \$175.00 |
| - Commercial/Industrial/Greenhouse | \$350.00 |
| Water Meter (5/8" x 3/4" residential meter and MXU radio) | \$335.00 |

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING: ZONING BY-LAW AMENDMENT

APPLICATION: **ZONING BY-LAW AMENDMENT - ZBA/35/18**
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

APPLICANTS: **Cornelius & Janna Versnel (Owner)**
Corey Versnel (Authorized Applicant)

LOCATION OF PROPERTY: **176 Road 3 E, Part of Lot 1, Concession 3 ED**

PURPOSE OF APPLICATION: The Town of Kingsville has received the above-noted application for lands located on the north side of Road 3 East, east of County Road 29. The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is an approximately 12.34 ha (30.49 ac.) farm parcel containing an existing single detached dwelling and several outbuildings.

At the January 22nd, 2018 Committee of Adjustment meeting, provisional consent was given to sever an existing dwelling and outbuildings, deemed surplus to the applicants' farming operation, on a 0.25 ha (0.625 ac.) lot from the parcel known as 176 Road 3 East (shown in blue). As a condition of that consent, it was required that the retained parcel be rezoned to 'Agriculture – Restricted (A2)' to prohibit the construction of future dwellings (shown in red). This condition is required by both Provincial and Town policies.

A PUBLIC MEETING OF COUNCIL will be held on:

WHEN: **February 25, 2019**
WHERE: Town of Kingsville Municipal Building – Council Chambers
TIME: 7:00 p.m.

Your input on these matters are important. If you have comments on this application, they may be forwarded in writing via email or mail, to the attention of: **George Robinson, Town Planner**, 2021 Division Road North, Town of Kingsville, ON N9Y 2Y9. Comments and opinions submitted on these matters, including your name and address, may become part of the public record and may be viewed by the general public and may be published in a planning report or reproduced in a Council agenda and/or minutes.

IF A PERSON or public body does not make oral submissions at the public meeting or make written submissions to Council before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council to the Local Planning Appeal Tribunal.

IF A PERSON or public body does not make oral submissions at the public meeting, or make written submission to Council before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to this matter is available for review at the Kingsville Municipal Office during regular office hours.

DATED AT
THE TOWN OF KINGSVILLE
on February 4, 2019.

George Robinson, BFA, BURPI, CPT
519-733-2305 (x 249)
grobinson@kingsville.ca



| | |
|---|---|
| <p>Notes</p> <p>Blue - severed land</p> <p>Red - retained parcel to be rezoned</p> | <p>THIS MAP IS NOT TO BE USED FOR NAVIGATION</p> <p>Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.</p> |
|---|---|



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: February 21, 2019

To: Mayor and Council

Author: George Robinson, BFA, BURPL, CPT
Town Planner

RE: Application for Zoning By-law Amendment ZBA/35/18 by
Cornelius & Janna Versnel (Owner)
Corey Versnel (Authorized Applicant)
176 Road 3 E
RP 12R3367 Part 2, Con 3 ED, Pt Lot 1
Roll No. 3711 360 000 01400

Report No.: PDS 2019-006

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands known as 176 Road 3 E, as a condition of consent under file B/24/18.

BACKGROUND

At the January 22, 2018 Committee of Adjustment meeting, provisional consent was given to sever an existing dwelling and one outbuilding (File B/24/18), deemed surplus to the farming operation of the owners, from the parcel known as 176 Road 3 East.

As a condition of that consent, it was required that the retained parcel, being approximately 12.1 ha (26.87 ac.), be rezoned to prohibit the construction of future dwellings. Please refer to the location map attached as Appendix A. This condition is required by both Provincial and Town policy.

DISCUSSION

The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law. A change in zoning to 'Agriculture – Restricted (A2)' would prohibit the construction of future dwellings and maintain compliance with the Provincial Policy Statement (PPS) Section 2.3.4.1(c).

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There is no financial impact as a result of this zoning amendment.

CONSULTATIONS

1) Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. To date, no comments have been received by members of the public.

2) Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email.

| Agency or Administrator | Comment |
|-------------------------------------|--|
| Essex Region Conservation Authority | <ul style="list-style-type: none">No objections. (See Appendix B). |
| Town of Kingsville Management Team | <ul style="list-style-type: none">No concerns with the requested rezoning. |
| County of Essex | <ul style="list-style-type: none">No comments expected. |

RECOMMENDATION

It is recommended that Council approve zoning by-law amendment application ZBA/35/18 to rezone the subject lands at 176 Road 3 East, Concession 3 ED, Town of Kingsville, as a condition of consent file B/24/18 from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law.

George Robinson

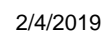
George Robinson, BFA, BURPI, CPT
Town Planner

Robert Brown

Robert Brown, H, Ba. MCIP, RPP
Manager, Planning Services
(Acting Chief Administrative Officer)



☐ Kingsville Assessment



THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Appendix B

November 26, 2018

Ms. Kristina Brcic, Town Planner
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario, N9Y 2Y9

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Ms. Brcic:

RE: Application for Consent B-24-18, Zoning By-Law Amendment ZBA-35-18 176 ROAD 3 E
ARN 371136000001400; PIN: 751690035
Applicant: Corneilius & Janna Versnel

The following is provided for your information and consideration as a result of our review of Application for Consent B-24-18 and Zoning By-Law Amendment ZBA-35-18. The purpose of the application for consent is to sever a dwelling and outbuildings that are surplus to the needs of the farming operation and create new residential lot and establish an easement over the existing driveway to allow access to the neighbouring parcel and the proposed severed parcel. The purpose of the rezoning application is to rezone the retained agricultural parcel to prohibit future residential dwellings as per provincial and municipal planning policies.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 3rd Concession Drain East and Wallace Fox Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations. Our office has no objection to these applications from a regulatory perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the application and has no concerns relating to stormwater management.

Ms. Brcic
November 26, 2018

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

It is our recommendation to the Municipality that an Environmental Impact Assessment is not required because the location of the subject property is physically separated from the natural heritage feature (existing watercourse) by existing development or infrastructure. Therefore, we can advise the Municipality that this application is consistent with the natural heritage policies of the PPS 2014.

FINAL RECOMMENDATION

Our office has no objection these applications.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Michael Nelson, BSc, MSc (Planning)
Watershed Planner
/mn

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 25 - 2019

Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

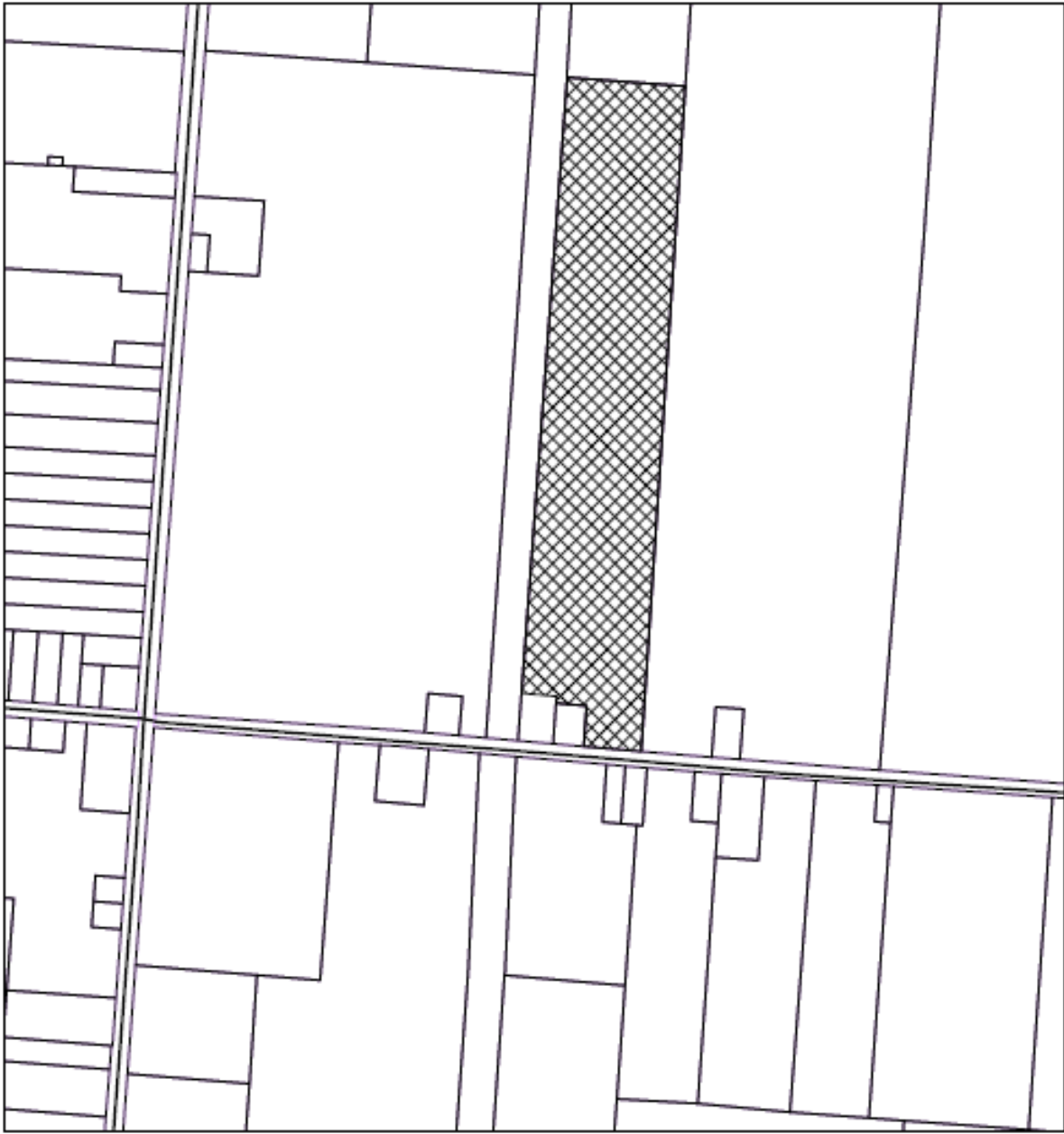
1. Schedule "A", Map 47 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 12.1 ha (26.87 ac.) portion of land, known municipally as 176 Road 3 East, in Part of Lot 1, Concession 3, ED, as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'.
2. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
25th DAY OF FEBRUARY, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A



**176 ROAD 3 EAST
PART OF LOT 1, CONCESSION 3 ED
ZBA/35/18**



Schedule "A", Map 47 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'.



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: February 6, 2019
To: Mayor and Council
Author: Jennifer Galea, Human Resources Manager
RE: Pregnancy and Parental Leave for Members of Council Policy
Report No.: CS-2019-05

AIM

Obtain council approval to implement the Pregnancy and Parental Leave for Members of Council, Policy #CS-022.

BACKGROUND

Bill 68, which received Royal Assent on May 30, 2017, made a number of amendments to the *Municipal Act, 2001* (the “*Act*”), the *City of Toronto Act, 2006*, the *Municipal Conflict of Interest Act* and several other pieces of legislation.

In accordance with Section 270 of the *Act*, municipalities are required to adopt a policy respecting pregnancy and parental leaves of members of council, which policy must be in effect on or before March 1, 2019. Section 259(1.1), which also comes into force March 1, 2019, provides that a member’s office does not become vacant if that member is absent for 20 consecutive weeks or less if the absence is a result of the member’s pregnancy, the birth of the member’s child, or the adoption of a child by the member.

DISCUSSION

Currently, the Town of Kingsville does not have a policy to address this type of leave. The policies from the County of Essex, City of Ottawa and the Towns of LaSalle, Blue Mountain and Leamington were reviewed. A draft policy was prepared in response to the changes in legislation. The policy provides guidance on how the Town of Kingsville addresses a Council Members’ pregnancy or parental leave in a manner that respects their role as an elected official.

This proposed policy recognizes the statutory right of Council Members to take a leave of absence for a period of 20 consecutive weeks or less, for the Member's pregnancy, the birth of a Member's child, or the adoption of a child by the Member.

The Council Member will be required to fill out and submit a Form 1 to the Clerk, with a copy provided to the Mayor, outlining the expected start date and return date of leave. The Form must be submitted at least four weeks prior to the start of the leave. In the event that there are changes to the return date, the Member is expected to provide a least two weeks' written notice to the Clerk and Mayor of any changes.

The draft policy also contemplates Council making temporary appointments to fill any vacancies of the Member on committees or boards, but allows the member to notify Council of his/her intention to resume duties on any of those committees and boards. The policy also provides the Member with the option to continue receive all communication generally sent to Members of Town of Kingsville Council while on leave.

Finally, as is described in the policy, Administration recommends that the honorariums be paid to the Member in accordance with the policies, procedures and by-laws in effect from time to time.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

There are no significant financial costs that would be associated with implementation of this policy. Honorariums would continue to be paid in accordance with current Town policies, procedures and by-laws.

CONSULTATIONS

Jennifer Astrologo, Director of Corporate Services/ Clerk
Senior Management Team

RECOMMENDATION

That Council approves the Pregnancy and Parental Leave for Members of Council Policy, Policy CS-022 and adopts the implementing by-law.

Jennifer Galea


Jennifer Galea, CHRL
Human Resources Manager

Jennifer Astrologo

Jennifer Astrologo
Director of Corporate Services/Clerk

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

| | | |
|---|---|-------------------|
|  | Pregnancy and Parental Leave for Members of Council Policy | |
| Policy #: CS-022 | Issued: Human Resources | Reviewed/Revised: |
| Prepared By: Jennifer Galea | Reviewed By: | Approved By: |

1.0 PURPOSE

The policy provides guidance on how the Town of Kingsville addresses a Council Members' pregnancy or parental leave in a manner that respects their role as an elected official.

2.0 SCOPE

This Policy applies to current Members.

3.0 DEFINITIONS

Council means the elected body of the Town of Kingsville

Leave of Absence or Leave means a pregnancy and/or parental leave of absence of 20 consecutive weeks or less as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member in accordance with Section 259(1) of the *Municipal Act, 2001*.

Member means a member of Town Council

Term means the current term of Council

Town means The Corporation of the Town of Kingsville

4.0 REFERENCE DOCUMENTS

Municipal Act, 2001, S.O. 2001, c. 35 Sections 259 (1.1) and 270
By- Law 18-2019
Form 1 – Pregnancy/Parental Leave for Council Members

5.0 RESPONSIBILITIES

Members of Council and Administration are responsible for adhering to the parameters of this policy.

The Clerk shall be responsible for: i) monitoring the application of this policy, ii) receiving concerns and/or complaints about the policy, and iii) conducting a review of this policy at least every Term, or as may be required due to legislative changes.

6.0 PROCEDURE

The Town of Kingsville recognizes a Member's right to take a leave of absence for the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member pursuant to section 259(1) of the *Municipal Act, 2001*.

- 6.1 Each Member is entitled to a Leave of Absence from the meetings of Council, without seeking the approval of Council, subject to the following:
 - a) The Member exercising the Leave shall complete a Form 1, outlining the expected duration of the leave, including the start and return dates. The Form 1 shall be submitted to the Clerk, with a copy provided to the Mayor at least four (4) weeks prior to the leave.
 - b) It is acknowledged that a Member may not be able to provide the requisite notice or submit his/her Form 1 prior to the commencement of the Leave. Each Member shall nonetheless endeavour to submit his/her Form 1 as far in advance as possible prior to the commencement of the Leave, or as soon as possible after its commencement.
 - c) A Member shall provide at least two weeks' written notice to the Clerk, with a copy to the Mayor, of any changes to their return date.
- 6.2 A Member's office cannot be declared vacant as a result of taking a Leave of Absence under this policy and in accordance with the provisions of the *Municipal Act, 2001*.
 - a) Council may make temporary appointments to fill the Member position on any Committees, Boards or other meetings or activities of the Member.
 - b) At any point during the Leave, the Member can provide written notice to the Clerk, with a copy provided to the Mayor, of their intent to lift any of the Council-approved temporary appointments.
- 6.3 While a Member is on a Leave, the Member is entitled to continue to receive communications from the Town (i.e. Meeting Packages, Public Notices, email etc.) as if the Member were not on a Leave, in accordance with the wishes of the Member.
- 6.4 The Member shall continue to receive Council and committee meeting honorariums in accordance with the relevant policies, procedures and by-laws, in effect from time to time.

- 6.5 The Town of Kingsville shall continue to pay the Member's meeting honorarium and any appointed legislative committee honorariums for the course of the leave in accordance with By-law 18-2019 and Town procedures.

REVIEW/REVISIONS

| No. | Revision Details (incl. provision #) | Revision By | Date |
|-----|--------------------------------------|-------------|------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |

Questions about this policy can be referred to the Clerk.



APPENDIX "A"

Pregnancy/Parental Leave for Council Members - Form 1

To: Clerk

Cc: Town of Kingsville Mayor

From: _____ (Name of Council Member)

Re: Notice of Council Member Pregnancy, and/or Birth Adoption of Child Leave

I hereby give notice to you and Town of Kingsville Council that I will be taking leave from Town of Kingsville Council for the following reason(s) (check one)

- ☐ Pregnancy
- ☐ Birth of Child
- ☐ Adoption of Child

Dates of Leave

My leave will commence on _____ (starting date) and terminate on _____ (ending date) unless terminated earlier by me.

Continuing Communications While on Leave

I agree to continue to receive all communications generally sent to Members of Town of Kingsville Council while I am on leave:

- ☐ Yes
- ☐ No

Leave Announcement

I understand that you will announce my leave, and the dates thereof, to Members of Town of Kingsville Council and Town of Kingsville senior staff for their information.

Member of Council Signature

Date of Signature



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: December 17, 2018
To: Mayor and Council
Author: G.A. Plancke / Director of Municipal Services
RE: Forman Road Surplus / Cost & Assessment
Report No.: MS 2018 - 48

AIM

To advise and recommend to Council that a section of the unopened road allowance known as Forman Road be disposed of in accordance with the Policy for Disposal and Sale of Road Allowances by:

Identifying the cost for legal review, survey preparation, encumbrances, and related expenses in order to advise Council and interested purchasing residents of the breakdown of expenses and recommended segmentation of the Forman Road allowance in order to dispose and convey as stipulated in the Policy.

BACKGROUND

346-2018 – May 28, 2018
Moved By Deputy Mayor Gord Queen
Seconded By Councilor Larry Patterson

That Council authorize Municipal Services to proceed to obtain an appraisal to determine land value, and determine costs for legal review, survey preparation, encumbrances, and related expenses in order to advise Council and interested purchasing residents of the projected costs and recommended segmentation of the road allowance at a future regular meeting of Council to be determined.

Forman Road is located within the Linden Beach area of Kingsville between Park Ave and Erie Ave and joins to County Rd 50 (Heritage Rd.). It is approximately 220 m in length and 9.1m in width.

DISCUSSION

Over the last few years, residents that own property along Forman Road have expressed interest in acquiring the unopened section of the Forman Road allowance.

The unopened section represents approximately 100m of the total road allowance length and does not have an accessible road surface. There are no utilities or underground services in the unopened section.

There is no plan for upgrading this section.

Many of the local residents have placed structures such as sheds, and patios within the unopened section as there are no clear indications of property limits in this area.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

The appraised land value has been assessed at 54.90 / m² for a total combined land value cost of \$47,479.50. The accrued costs of \$ 6,143.43 (HST included) for the land appraisal, and survey work has been expensed to date.

An additional estimated \$5,000.00 for the finalization of the reference plan, registration, and legal costs would be required should the interested residents wish to pursue to convey the lands.

The combined total cost for the Town to dispose, and the residents to assume the parcels as per Town Policy is \$58,622.93

Following is the specific Parts Schedule, which identifies the breakdown of expenses related to the land conveyance by Part (Appendix A / Plan of Survey).

Table 1. Proposed Forman Road Disposal Assessment Schedule

| PARTS SCHEDULE | Area m² | Appraisal Value | Appraisal m² | Survey m² | Legal m² | Total Cost |
|-----------------------|---------------------------|------------------------|--------------------------------|-----------------------------|----------------------------|---------------------|
| 1 | 35.3 | \$ 1,937.83 | \$ 101.46 | \$ 149.27 | \$ 204.07 | \$ 2,392.63 |
| 2 | 88.5 | \$ 4,858.29 | \$ 254.38 | \$ 374.24 | \$ 511.62 | \$ 5,998.53 |
| 3 | 90.8 | \$ 4,984.55 | \$ 260.99 | \$ 383.97 | \$ 524.92 | \$ 6,154.42 |
| 4 | 90.6 | \$ 4,973.57 | \$ 260.41 | \$ 383.12 | \$ 523.76 | \$ 6,140.87 |
| 5 | 90.1 | \$ 4,946.12 | \$ 258.98 | \$ 381.01 | \$ 520.87 | \$ 6,106.98 |
| 6 | 133.3 | \$ 7,317.63 | \$ 383.15 | \$ 563.69 | \$ 770.61 | \$ 9,035.08 |
| 7 | 224 | \$ 12,296.69 | \$ 643.85 | \$ 947.24 | \$ 1,294.95 | \$ 15,182.72 |
| 8 | 112.3 | \$ 6,164.81 | \$ 322.79 | \$ 474.89 | \$ 649.21 | \$ 7,611.70 |
| Total | 864.9 | \$ 47,479.50 | \$ 2,486.00 | \$ 3,657.43 | \$ 5,000.00 | \$ 58,622.93 |

CONSULTATIONS

Finlay Appraisal and Consultation Services
VSHBB Ontario Land Surveyors
Administration Management Group

RECOMMENDATION

That Council approve the disposal and offer for sale the recognized unopened sections being Parts 1 through 8 on the draft Plan of Survey file No: H-1752 of the Forman Road allowance to the abutting landowners and further that,

Council approve - Table 1. Proposed Forman Road Disposal Assessment Schedule.

Respectfully submitted,

G.A. Plancke

G.A. Plancke
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Forman Rd. Surplus Request



Legend

Essex Municipalities

- <all other values>
- Kingsville

Street

- Severance

Kingsville Assessment

Hydrants

- <all other values>
- BLUE
- GREEN
- ORANGE
- OTHERS
- RED

Water Mains

- Sanitary Manholes

Sanitary Lines

- Catch Basins

Storm Lines

Drainage Lines

- <all other values>
- Award
- Channelized
- Natural Courses

Notes

Revision 1

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 19.17 38.3 Meters

1: 1,150



1/26/2018

| PARTS SCHEDULE | | | | | | | | | | | |
|----------------|-----------------------|----------------------|--------------------|-----------|--|-----------------------|----------------------|--------------------|------------|--|--|
| PART | LOT | CON/PLAN | P.I.N. | AREA | PART | LOT | CON/PLAN | P.I.N. | AREA | | |
| 1 | PART OF PRIVATE DRIVE | REGISTERED PLAN 1022 | PART OF 75181-0340 | 35.3 sq m | 6 | PART OF PRIVATE DRIVE | REGISTERED PLAN 1022 | PART OF 75181-0340 | 133.3 sq m | | |
| 2 | | | | 88.5 sq m | 7 | | | | 224.0 sq m | | |
| 3 | | | | 90.8 sq m | 8 | | | | 112.3 sq m | | |
| 4 | | | | 90.6 sq m | PARTS 1 to 8 (INCLUSIVE) – COMPRISE PART OF PIN 75181-0340 | | | | | | |
| 5 | | | | 90.1 sq m | | | | | | | |

| | | | |
|--|--------------------|--|--|
| I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. | | PLAN 12R- RECEIVED AND DEPOSITED | |
| DATE | SEPTEMBER 7, 2018. | DATE | |
| BRIAN COAD ONTARIO LAND SURVEYOR | | REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12) | |

LAKE DRIVE (20.12 WIDE PER REGISTERED PLAN 1022)
HERITAGE ROAD
(FORMERLY THE KING'S HIGHWAY No. 18A, MTO PLAN P-2854-11, REGISTERED AS INST. No. R669817)

PLAN OF SURVEY
OF
PART OF PRIVATE DRIVE
(Locally Known As FORMAN ROAD)
REGISTERED PLAN 1022
IN THE
TOWN OF KINGSVILLE
COUNTY OF ESSEX, ONTARIO
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

SCALE = 1:200
0 2.00 4.00 6.00 12.00 METRES
20.00

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

| INTEGRATION DATA | | |
|---|--------------|-------------|
| COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). (CSRS) (2010.0). | | |
| COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10 | | |
| POINT ID | NORTHING | EASTING |
| ORP-A | N4653481.990 | E354263.522 |
| ORP-B | N4653509.043 | E354325.076 |
| COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN. | | |

LEGEND AND NOTES
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99983651
ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.
SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
IB # DENOTES 16mm X 16mm X 0.61m IRON BAR
IB # DENOTES 19mm diameter X 0.61m ROUND IRON BAR
CC DENOTES CUT-CROSS
CP DENOTES 5mm X 50mm STEEL PIN
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET AND MARKED 1744
WT. DENOTES WITNESS
(S) DENOTES SET (W) DENOTES MEASURED (D) DENOTES DEED
ORP DENOTES OBSERVED REFERENCE POINT
SSIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.
(S/P) DENOTES SET PROPORTIONALLY (OV) DENOTES ORIGIN UNKNOWN
(P) DENOTES PLAN OF SURVEY BY (1040) Dated: March 13, 1978. Plan File: 2A4311.
(P1) DENOTES REGISTERED PLAN 1022
(P2) DENOTES PLAN 12R-6060
(P3) DENOTES MTO PLAN P-2854-10
(P4) DENOTES PLAN 12R-6002
(P5) DENOTES PLAN OF SURVEY BY (1744) Dated: May 13, 2004. Plan File: G-2225.
(P6) DENOTES PLAN OF SURVEY BY (1744) Dated: Feb. 28, 1990. Plan File: G-326.
(P7) DENOTES PLAN OF SURVEY BY (1040) Dated: Nov. 21, 1978. Plan File: 2A4023.
(P8) DENOTES PLAN 12R-26197
(1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.
(MTO) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 2nd. DAY OF AUGUST, 2018.

DATE SEPTEMBER 7, 2018.
BRIAN COAD
ONTARIO LAND SURVEYOR
for VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

WINDSOR
944 Ottawa Street
N8X 2E1
Ph: (519)258-1772
Fax: (519)258-1791

VERHAEGEN
STUBBERFIELD
HARTLEY
BREWER
BEZAIRE
INC.

LEAMINGTON
187 Talbot Street East
N8H 1L8
Ph: (519)322-2375
Fax: (519)322-2876

ONTARIO LAND SURVEYORS
www.vshbssurveys.com

DRAWN BY: CMM (BC) CAD Date: September 7, 2018 10:46 AM
CHECKED BY: CAD File: S1381700.dwg
WORK ORDER: 5-13817 FILE NO.: E-1022-Streets & Alley PLAN FILE NO.: H-1752

Locally Known As **WATERVIEW ROAD** (FRONT ROAD 9.14 WIDE, ACCORDING TO REGISTERED PLAN 1022)



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: May 10, 2018
To: Mayor and Council
Author: G.A. Plancke / Director of Municipal Services
RE: MS 2018 - 22 Forman Rd Surplus.docx
Report No.: MS 2018 - 22

AIM

To advise and recommend to Council that a section of the unopened road allowance known as Forman Road be disposed of in accordance with the Policy for Disposal and Sale of Road Allowances

BACKGROUND

Forman Road is located within the Linden Beach area of Kingsville between Park Ave and Erie Ave and joins to County Rd 50 (Heritage Rd.). It is approximately 220 m in length and 9.1m in width.

Over the last few years, residents that own property along Forman Road have expressed interest in acquiring the unopened section of the Foreman Road allowance. The unopened section represents approximately 100m of the total road allowance length and does not have an accessible road surface. There are no utilities or underground services in the unopened section and no viable plan for installing same in the near or extended future. Many of the local residents have placed structures such as sheds, and patios within the unopened section as there are no clear indications of property limits in this area.

As per the Policy for Disposal and Sale of Road Allowances:

- a)** The Applicant(s) must file the following documentation with the Town:
- i) A correctly completed 'Application to Purchase Road Allowance' form;
 - ii) The purchaser(s) shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, improvements, administrative fees, etc.

b) Consent from the abutting property owner(s), indicating their approval of the sale and purchase of the road allowance, as shown on the reference plan.

c) The Town will review the documentation provided and advise the applicant of any deficiencies. Upon presentation of the application to the Town, the request will be circulated to the Municipal Services Department and the Planning Review Committee for comment and to deem it surplus to the Town requirements. The Town Solicitor would conduct a full title search of the subject and abutting properties.

d) Notice is provided by mail to each abutting property owner to the subject road allowance, as determined by the Clerk to obtain any affected interest, ingress or egress to their property. A written response from each abutting property owner is required to address any concerns and to be resolved to Council's satisfaction. The Council approves and declares by resolution the road allowance is surplus and available for sale.

e) Reference Plan Requirements:

i) A reference plan is required for the conveyance and to show all structures and their plotted location on the road allowance to be conveyed;

ii) The road allowance must be identified as a part on the reference plan to be registered at the Land Registry Office for merging purposes.

The Reference Plan is to be prepared by a qualified Land Surveyor and indicate the deposited Plan number on the Plan. Three (3) copies of the reference plan are to be provided to the Clerk with one to be forwarded to the Town Solicitor for transfer purposes.

f) Council shall obtain at least one appraisal of the appraised value of the real property from an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.

g) The surplus road allowance is deemed to be a viable building property or a non-viable property in the appraisal and the Town shall offer it for sale at the appraised value to the property owner(s) whose land is adjacent to the road allowance. Each property owner may purchase the abutting portion of the road allowance to the centre line of the road allowance. If an abutting property owner does not wish to purchase that portion of the road allowance, then it shall be offered for sale to the other abutting property owner.

h) In cases, where all abutting property owner(s) whose land is adjacent to the road allowance do not agree to purchase the surplus road allowance at the appraised value and it is considered as a viable building lot, then staff shall notify Council and a recommendation made to offer the surplus road allowance for sale to the public at the appraised value in a manner outlined below in Section 4(J).

i) Notice of intent for the Council to close and sell the surplus road allowance shall be advertised at least once in local newspapers having a general circulation throughout the Town of Kingsville.

j) The road allowance shall be offered for sale to the general public in a manner set as follows:

i) by sealed tender having a closing date of at least 21 days from the first publication of the notice to sell surplus lands. Administration reserves the right to reject any or all tenders if the amount falls to meet the appraised value of the land;
or

- ii) by listing the property for sale with a real estate firm or agent; or
- iii) by public auction.

k) A By-law is approved by the Council to close up and sell the surplus road allowance should no objections be received and a certified copy of the By-law is provided to the Town Solicitor for registration in the Land Titles Office in accordance with the Municipal Act, 2001, as amended.

Should an objection be received, the Council shall consider the objection and may provide Administration with direction on how to proceed with the proposed sale of the road allowance;

l) The Town Solicitor Is instructed to prepare all necessary deeds for conveyance to the purchasers, invoice for all legal, survey, appraisal costs and purchase price and registration of the road closing By-law.

DISCUSSION

The defined section of the Forman Road unopened road allowance is considered a non-viable building lot and as such the Town may offer it for sale at an appraised value to the property owner(s) whose land is adjacent to the road allowance. Each property owner may purchase the abutting portion of the road allowance to the centre line of the road allowance. If an abutting property owner does not wish to purchase that portion of the road allowance, then it shall be offered for sale to the other abutting property owner. The purchaser(s) shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, improvements, administrative fees, etc.

It is important to note that agreement of all abutting landowners to acquire the portion(s) which abuts their properties is absolute. Without complete conveyance of the unopened portion of the road allowance the Town will be unable to proceed with disposal.

There are eight (8) property owners whose lands abut the unopened road allowance. Two (2) have formally proceeded to complete the Application to Purchase Road Allowance. Municipal Services would require concurrence from the remaining property owners in order to proceed.

An appraisal to determine land value, and an estimate for legal expenses, survey preparation, encumbrances, and related expenses is required in order to advise residents of the projected costs to the process of acquiring the lands.

Municipal Services has deemed the defined section of the Forman Road allowance “Surplus” to the needs of the municipality.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

Should Council approve the recommendation there will be costs associated with land appraisal, legal review, and survey preparation to provide initiating residents information on land acquisition costs. These costs have been estimated at less than \$5000, however may not be recoverable should the disposal of the road allowance not be accepted by all potential benefiting residents.

These funds have not been budgeted for in 2018, and as such will be an expense to the General Administration Professional Services Operational budget line.

CONSULTATIONS

Finlay Appraisal and Consultation Services
VSHBB Ontario Land Surveyors
Corporate Services
Financial Services
Municipal Services internal review

RECOMMENDATION

That Council authorize Municipal Services to proceed to obtain an appraisal to determine land value, and determine costs for legal review, survey preparation, encumbrances, and related expenses in order to advise Council and interested purchasing residents of the projected costs and recommended segmentation of the road allowance at a future regular meeting of Council to be determined.

Respectfully Submitted

G.A. Plancke

G.A. Plancke
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Schedule 'A' to By-law 121-2008

POLICY FOR DISPOSAL AND SALE OF ROAD ALLOWANCES

1. Policy

The policy of The Corporation of the Town of Kingsville is that all road allowance interests which are surplus to the needs of the Town shall be sold so as to maximize financial return to the Town while observing and achieving corporate public policy.

2. Purpose

This policy has been developed in accordance with the provisions of Section 270.(1)1. of the Municipal Act, S.O. 2001, c. 25, as amended from time to time. The purpose, goal and objective of this policy is to ensure fairness, objectivity and transparency in the disposal and sale of road allowances and a procedure to process any request that has been supported by the Council.

3. Definitions

For the purposes of this policy:

"Abutting property owner" shall mean the owner of the property which side yard abuts the flankage of the Road Allowance;

"Appraisal" shall mean a written opinion as to the fair market value that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer;

"Clerk" shall mean the Clerk of The Corporation of the Town of Kingsville;

"Disposal" shall mean the sale of real property;

"Non-viable Property" shall mean a parcel of land, which, on its own, would not be eligible for a building permit;

"Real Property" shall mean land and/or buildings owned by The Corporation of the Town of Kingsville and any interest, estate or right of easement affecting the same;

"Road Allowance" shall mean any open, closed, assumed, un-assumed or forced road allowance situated in the Town of Kingsville and shown on a registered plan of subdivision or made by the Crown Surveyors;

"Town Solicitor" shall mean the Solicitor of The Corporation of the Town of Kingsville;

"Viable Property" shall mean a parcel of land, which, on its own, would be eligible for a building permit.

4. General

a) The Applicant must file the following documentation with the Town:

- i) A correctly completed 'Application to Purchase Road Allowance' form;
- ii) The purchaser(s) shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, improvements, administrative fees, etc.

b) Consent from the abutting property owner(s), indicating their approval of the sale and purchase of the road allowance, as shown on the reference plan.

c) The Town will review the documentation provided and advise the applicant of any deficiencies. Upon presentation of the application to the Town, the request will be circulated to the Municipal Services Department and the Planning Review Committee for comment and to deem it surplus to

the Town requirements. The Town Solicitor would conduct a full title search of the subject and abutting properties.

- d) Notice is provided by mail to each abutting property owner to the subject road allowance, as determined by the Clerk to obtain any affected interest, ingress or egress to their property. A written response from each abutting property owner is required to address any concerns and to be resolved to Council's satisfaction. The Council approves and declares by resolution the road allowance is surplus and available for sale.
- e) Reference Plan Requirements:
 - i) A reference plan is required for the conveyance and to show all structures and their plotted location on the road allowance to be conveyed;
 - ii) The road allowance must be identified as a part on the reference plan to be registered at the Land Registry Office for merging purposes.

The Reference Plan is to be prepared by a qualified Land Surveyor and indicate the deposited Plan number on the Plan. Three (3) copies of the reference plan are to be provided to the Clerk with one to be forwarded to the Town Solicitor for transfer purposes.

- f) Council shall obtain at least one appraisal of the appraised value of the real property from an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
- g) The surplus road allowance is deemed to be a viable building property or a non-viable property in the appraisal and the Town shall offer it for sale at the appraised value to the property owner(s) whose land is adjacent to the road allowance. Each property owner may purchase the abutting portion of the road allowance to the centre line of the road allowance. If an abutting property owner does not wish to purchase that portion of the road allowance, then it shall be offered for sale to the other abutting property owner.
- h) In cases, where all abutting property owner(s) whose land is adjacent to the road allowance do not agree to purchase the surplus road allowance at the appraised value and it is considered as a viable building lot, then staff shall notify Council and a recommendation made to offer the surplus road allowance for sale to the public at the appraised value in a manner outlined below in Section 4(j).
- i) Notice of intent for the Council to close and sell the surplus road allowance shall be advertised at least once in local newspapers having a general circulation throughout the Town of Kingsville.
- j) The road allowance shall be offered for sale to the general public in a manner set as follows:
 - i) by sealed tender having a closing date of at least 21 days from the first publication of the notice to sell surplus lands. Administration reserves the right to reject any or all tenders if the amount fails to meet the appraised value of the land; or
 - ii) by listing the property for sale with a real estate firm or agent; or
 - iii) by public auction.
- k) A By-law is approved by the Council to close up and sell the surplus road allowance should no objections be received and a certified copy of the By-law is provided to the Town Solicitor for registration in the Land Titles Office in accordance with the Municipal Act, 2001, as amended. Should an objection be received, the Council shall consider the objection and may provide Administration with direction on how to proceed with the proposed sale of the road allowance;
- l) The Town Solicitor is instructed to prepare all necessary deeds for conveyance to the purchasers, invoice for all legal, survey, appraisal costs and purchase price and registration of the road closing By-law.

- m) **The Clerk's Office shall complete a PSAB (3150) worksheet for the surplus land and to deposit the same with the Director of Financial Services.**

APPLICATION TO PURCHASE ROAD ALLOWANCE

I / We _____

(Property Owners)

Request to purchase the road allowance adjacent to the property described as: _____

(Legal Description)

Mailing Address:

Telephone:

Signature of Applicant

Signature of Applicant

Cost for Lands, appraisal, encumbrances, improvements, administrative fees, legal fees, survey, etc.

\$ _____

Date Received

Signature of Municipal Staff

Submit Application to:

Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Attention: Clerk, Linda Burling



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: January 2, 2019
To: Mayor and Council
Author: G.A. Plancke / Director of Municipal Services
RE: Chris King & Sons Limited Development (O' Halloran St.)
Report No. MS 2019 - 02

AIM

To recommend "Final Acceptance" of the Chris King & Sons Development (O' Halloran St.)

BACKGROUND

In a formal written request via email to Municipal Services, the Developer's Engineer (Heide Mikkelsen P. Eng. / N.J. Peralta Ltd.) has requested that the subdivision Development be granted Final Acceptance and that all securities be returned to the Developer, Chris King & Sons Limited.

As per the Town's current Development Standards Manual, The Developer/Consultant is to formally request "Final Acceptance" from the Director of Municipal Services in order for the Town to accept the subdivision as complete.

Provided the Director endorses the request, a Resolution of Council officially accepting the subdivision is to be passed in order to transfer responsibility of the roadway and infrastructure to the Municipality.

Once the Resolution has been passed, the Developer is no longer obligated to maintain or repair the infrastructure in the subdivision.

DISCUSSION

O'Halloran St. was initially accepted by Council resolution in June 2008. This twelve (12) single-family lot subdivision is completely full with no empty lots remaining.

All infrastructure has been satisfactorily constructed and installed, and all outstanding infrastructure deficiencies for this subdivision including surface asphalt as well as any Development Agreement requirements for this Development have been satisfied.

The request of the Developer's Engineer is supportable at this time.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

None at this time

CONSULTATIONS

Heide Mikkelsen P. Eng. / N.J. Peralta Ltd
Chris King & Sons Limited
Development Services

RECOMMENDATION

That Council grant “Final Acceptance” of the roadway and infrastructure for the Chris King & Sons Development (O’Halloran St.) subdivision.

G.A. Plancke

G.A. Plancke
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

N. J. Peralta Engineering Ltd.

Consulting Engineers

September 26th, 2018

Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Attention: Andrew Plancke, Director of Municipal Services

Dear Andrew:

**SUBJECT: O'HALLORAN STREET COMPLETION
Town of Kingsville, County of Essex
Project No. E-15-011**

We have been asked to provide a letter requesting that the Town of Kingsville assume the entire O'Halloran Street development. Our role in the works has been to confirm the current status of the development, and address any deficiencies and administer the works completed for the completion of the O'Halloran Street development.

The inspection of the installation of storm and sanitary sewers and other initial construction works were completed by Bruce D. Crozier Engineering Ltd. N.J. Peralta Engineering Ltd. was asked to assist with the completion of base asphalt and sidewalks.

Our inspection of the Site in co-operation with Town staff indicated some deficiencies that have now been addressed in the base asphalt, concrete curbs and placement of the sidewalks. Surface asphalt was also applied at the same time. These deficiencies were all completed in general conformance with normal engineering standards.

We had a third party geotechnical consultant confirm in place compaction of granular, asphalt and they also took samples of the asphalt and concrete that was placed. Upon review of the results of the samples, it was noted that the surface asphalt AC content was low. Low AC content normally results in poor workability and as a result; a poor finish, all of which were not witnessed during the placement of the asphalt.

However, upon review of the test results with the Town it was confirmed that the normal policy with regards to this type of out of spec test is to extend the warranty period from the standard 1

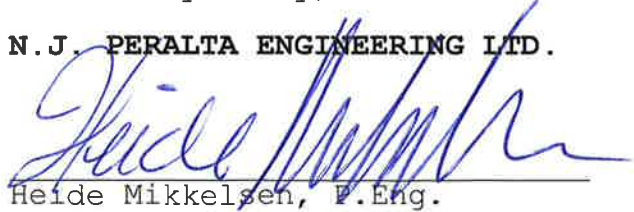
year to 2 years. The asphalt was placed on May 26th, 2017 making the two year maintenance period expire on May 26th, 2019.

Our Client, Chris King Construction Ltd. therefore wishes to have the Town of Kingsville assume the entire development at this time.

We trust that the above is sufficient for your use in starting this process. Please contact us if you require anything further.

Yours very truly,

N.J. PERALTA ENGINEERING LTD.



Heide Mikkelsen, P.Eng.

Date: January 7, 2019

To: Mayor and Council

Author: G.A. Plancke, Director of Municipal Services

RE: Royal Oak at the Creek Phase 9 (Blue Jay Cr.)
Initial Acceptance

Report No.: MS 2019 - 05

AIM

To advise and recommend to Council that the Royal Oak at the Creek Phase 9 Subdivision be initially accepted onto "Maintenance".

BACKGROUND

In a formal written request to Municipal Services, the Developer's consultant (Robert Filipov P. Eng / Amico Engineering dated January 22, 2019) has requested that Phase 9 of the Royal Oak at the Creek Subdivision to be placed onto "Maintenance".

As per the Town's current Development Standards Manual, The Developer is to formally request initial acceptance from the Director of Municipal Services in order for the Town to accept the development onto a minimum one (1) year Maintenance period, once all services have been satisfactorily installed, and the road construction has been completed to the base asphalt stage.

The official commencement date of the maintenance period is the date when the Clerk's office provides written confirmation to the Developer of the initial acceptance of the services by Council resolution.

DISCUSSION

All services have been satisfactorily installed, and all outstanding significant deficiencies for this development have been addressed.

The request of the developer's consultant is supportable at this time.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

None

CONSULTATIONS

Robert Filipov P.Eng / Amico Engineering
R.C. Spencer Associates Inc.
Amico Properties
Municipal Services

RECOMMENDATION

That council initially accept Royal Oak at the Creek Phase 9 onto “Maintenance” for a period of no less than one year, and that the Clerk provide written confirmation to the Developer of the date of initial acceptance of the development by Council resolution.

G.A. Plancke
G.A. Plancke
Director of Municipal Services

Peggy Van Mierlo-West
Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



January 22, 2019

The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, ON N9Y 2Y9

Attention: G.A. Plancke Civil Eng Tech (Env)
Director of Municipal Services

Dear Sir:

**RE: Royal Oak at the Creek Subdivision, Phase 9
Maintenance Period**

On Wednesday, January 09, 2019, a pre-maintenance period inspection was undertaken at the above noted subdivision following the electrical distribution and gasmain installation. No deficiencies were noted during this inspection

As all work has been completed in accordance with the Subdivision Agreement and a pre-maintenance period inspection has confirmed the status works, we recommend that the development be placed on its Maintenance Period and that Building Permits be made available.

Should you have any questions or comments, I can be contacted at (519) 737-1577 Ext. 267.

Sincerely,

Amico Engineering Inc.



Robert Filipov, P.Eng.
Senior Engineer

C.c. Josh Burns – Amico Properties Inc.



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: February 6, 2019
To: Mayor and Council
Author: G.A. Plancke / Director of Municipal Services
RE: Main St. Revitalization Grant / Salute to Veteran's Banner Project
Report No.: MS 2019 - 10

AIM

To provide Council with an update regarding the use of the Main St. Revitalization Grant funding including the Salute to Veteran's Banner Project.

BACKGROUND

In 2018, the Town of Kingsville received \$56,719 from the Main St. Revitalization Program.

In September 2018, Council authorized \$20,000 (motion 549-2018) from this grant funding to offset new LED displays and electrical services for Cottam Rotary Park.

The balance of this grant (\$36,719) needs to be spent before March 30, 2020.

Municipalities can identify and qualify expenditures for projects as part of the Main St. Revitalization Grant program in the following categories:

Implementation of priority financial incentives in existing Community Improvement Plans including:

- a. Commercial building façade improvements;
- b. Preservation and adaptive reuse of heritage and industrial buildings,
- c. Provision of affordable housing,
- d. Space conversion for residential and commercial uses,
- e. Structural improvements to buildings (e.g. Building Code upgrades),
- f. Improvement of community energy efficiency, and
- g. Accessibility enhancements.

Funding of strategic municipal physical infrastructure such as:

- a. Signage – wayfinding/directional, and gateway,
- b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails, and
- c. Marketing plan implementation – business attraction and promotion activities, special events.

During the January 14, 2019 Regular meeting of Council a delegation presentation presented by Mr. Jay Atkin, on behalf of the 'Salute to Veterans Banner Project' Group provided an update on the status of the Salute to Veterans Banner Project, including the success of the inaugural season.

Resolution 1-2019

That Council receive the presentation dated January 14, 2019 made by Mr. Jay Atkin on behalf of the 'Salute to Veterans Banner Project' group.

Resolution 2-2019

That Council refer the \$6,300 request for funding for the Salute to Veterans Banner Project to 2019 Municipal Budget deliberations, with consideration of all costs for carrying out the project.

DISCUSSION

In reviewing the options to utilize the grant funding, it became apparent that using the funds for municipal physical infrastructure seemed to be the most prudent and most efficient use.

Municipal Services has reviewed the many requests for additional site amenities, and most recently the request to participate in the Salute to Veteran's Banner project. The cost for the banner arms as defined by the Salute to Veteran's Banner group has been estimated at \$6,300.00.

In-kind, service provided by Public Works to install the arms and erect the banners has been estimated at \$120.00 per hr. using Town resources, or greater than \$200.00 per hr. if subcontracted service providers perform the work.

Additional streetscape amenities (benches, garbage receptacles, planters, bike racks) can be ordered to replace and augment existing pieces utilizing the remaining funds.

Current estimated pricing per physical infrastructure piece:

Bench - \$1,300.00 each

Garbage & Planters \$1,100.00 each

Bike racks (Multi unit frame) - \$1,500.00

Using the average unit value of \$1,300.00 per piece, we could purchase approximately 24 units of site amenities with the remainder of the Main St. Revitalization funding after the Salute to Veteran's Banner project banner arms are purchased.

LINK TO STRATEGIC PLAN

Promote the betterment, self-image and attitude of the community.

FINANCIAL CONSIDERATIONS

The remainder of the Main St. Revitalization Grant funding equaling a maximum of \$36,719 could be allocated to offset the cost of the Salute to Veteran's Banner Project in the amount of \$6,300.00 and the replacement and augmentation of an approximate 24 site amenity assets.

CONSULTATIONS

Administration Management Group

Various physical infrastructure vendors

RECOMMENDATION

That Council approve the allocation of the remaining \$36,719.00 from the Main St. Revitalization Grant to the Salute to Veteran's Banner Project in the amount of \$6,300.00 with the remainder being utilized to purchase additional physical infrastructure streetscape amenities.

G.A. Plancke

G.A. Plancke

Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.

Chief Administrative Officer



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: February 8, 2019
To: Mayor and Council
Author: G.A. Plancke
RE: Procurement Authorization Request
Report No.: MS 2019 - 11

AIM

To obtain authorization from Council to deviate from the Procurement of Goods and Services Policy in order to purchase a used replacement tandem dump truck for use at the Lakeshore West Pollution Control Plant.

BACKGROUND

Included with the 2019 Budget deliberations was the value for replacement of the 1997 International dump truck.
\$100,000 was allocated from the 2-42 Fleet Reserves account for the replacement of this truck, which was approved by Council.

The current Procurement of Goods and Services Policy authorizes the discretionary spending by the Department Head / Director of Municipal Services to a maximum of \$50,000. The Procurement of Goods and Services Policy specifies that any purchase exceeding \$50,000 require Council approval prior to formal execution of an agreement.

DISCUSSION

The acquisition of this replacement vehicle is not being tendered. A suitable used truck must be sourced; negotiations for pricing and delivery must be made, all within a rather tight timeline to avoid losing the vehicle to another interested party. In order to act on suitable available vehicles in a timely manner, flexibility in negotiating and the ability to commit to an immediate purchase is imperative. A follow-up report to Council could be authored for information only after the purchase agreement has been made.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

\$100,000.00 has been allocated and approved from the 2-42 Fleet Reserve account number 03-000-032-39013 for the replacement of the 1997 International tandem dump truck for the use at the Lakeshore West Pollution Control Plant.

CONSULTATIONS

C.A.O.
Director of Financial Services

RECOMMENDATION

That Council authorizes a one-time exemption from the Procurement of Goods and Services Policy for the Director of Municipal Services to negotiate the purchase of a suitable “used” tandem dump truck for use at the Lakeshore West Pollution Control Plant to an upset limit of \$100,000.00 as allocated and approved from the 2-42 Fleet Reserve Account.

G.A. Plancke
G.A. Plancke
Director of Municipal Services

Peggy Van Mierlo-West
Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

PROCUREMENT OF GOODS AND SERVICES
POLICY

Policy Overview

The purpose of the policy is to establish procedures, goals, methods and authority regarding the acquisition, inventory and disposal of all goods and services as required under the Municipal Act, Section 270.(1)3. The objective of the policy is to ensure that The Corporation of the Town of Kingsville subscribes to a uniform, transparent and strategic approach towards the procurement of all its goods and services and disposal of all its goods and equipment and to ensure optimum value is obtained in the acquisition and disposal of goods and services.

1) Definitions

In this Policy,

Acquisition: means the process used for obtaining goods and services;

Agreement: means a legal document that binds The Corporation of the Town of Kingsville and all other parties, subject to the provisions of the contract;

Approved Budget: means a budget approved by the Council of the Town of Kingsville for the current fiscal year;

Approval: means authorization to proceed with the purchase or disposal of goods and/or services;

Asset: means a non-consumable item valued over \$1,000 with a useful life of over one year;

Bid: means an offer or submission received from a vendor, contractor, or consultant in response to an invitation, request, tender or proposal which is subject to acceptance or rejection;

Chief Administrative Officer (CAO): means the Chief Administrative Officer for The Corporation of the Town of Kingsville or in his absence the most senior official designated by Council;

Clerk: means the Clerk for The Corporation of the Town of Kingsville;

Capital Purchase: means any item over \$3,000, is a replacement or a new purchase, is not recurring, could be building improvements, and must be furthering asset life for non-building items;

Competitive Method (Process): means an acquisition method whereby vendors/manufacturers are given an equal opportunity to compete for Town business;

Contract: means a legally binding agreement between two or more parties. Such agreements will exist in the form of a Purchase Order, or Purchase Order incorporating a formal agreement, or a formal agreement between two or more parties that creates an obligation to provide defined goods and/or perform defined services;

Contracted Service: means a signed agreement to perform an ongoing service or action;

Conflict of Interest: means a reference to a situation in which private interests or personal considerations may affect an employee's judgment in acting in the best interest of the Town of Kingsville. It includes using an employee's position, confidential information or corporate time, material, or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends, or business associates;

Corporate Signing Officer: means the Mayor, Director of Financial Services, Clerk, CAO or other individuals designated by Council for this policy;

Cost Effective Bid: means a bid received in response to a request that offers the best value for the dollar expended taking into consideration a quantitative and qualitative selections procedure;

Council: means the Council for The Corporation of the Town of Kingsville;

Department Head (Manager/Chief): means the individual responsible for a department within the Town and who reports directly to a Director or the Chief Administrative Officer;

Director: means the person responsible for direction and operational control of Managers or Departments or authorized designate;

Director of Financial Services: means the Treasurer for the Town of Kingsville;

Disposal: means the removal of materials owned by the Town by sale, trade-in, auction, alternative use, gift, or destruction which are deemed surplus;

Emergency: means a situation where the purchase of goods and services requires immediate action to prevent or correct dangerous or potentially dangerous safety conditions, further damage, to restore minimum service, or to ensure the safety of the public;

Execute: means to legally bind The Corporation of the Town of Kingsville to the terms and conditions defined within the Agreement;

Expression of Interest: means a situation where vendors are solicited by the Town to advise the Town of their ability or desire to undertake Town requirements;

Goods and/or Services: includes supplies, work, equipment, real property, property insurance, maintenance, construction to approved specifications, vehicles, including rented or leased vehicles or equipment, etc. that the Town is intending to obtain or benefit from, including the professional and consulting services and service contracts not otherwise provided for;

List of Bidders: means a list, retained by the respective Department Heads and copied to the Director of Financial Services, of those vendors/service providers who are interested, qualified and potentially capable of submitting bids for goods and services;

Lowest Responsive Bid: means the lowest bid price submitted which meets the requirements and specifications as set out in the bid request, minor deviations excepted;

Material Safety Data Sheets (MSDS): means Material Safety Data Sheets which must be submitted by the vendor for all hazardous materials, including an index of chemical compounds with details of properties, handling details, precautions and first-aid procedures;

Negotiation: means the action or process of conferring with one or more vendors leading to an agreement on the acquisition of the required goods and services under the conditions outlined in this Policy;

Privilege Clause: means the standard clause used in bid documents and advertising that reads in part "the lowest or any tender not necessarily accepted";

Purchase: means to acquire by purchase, rental or lease of goods and/or services;

Purchasing Card: a credit card issued to permit authorized staff members to procure goods and services from an authorized vendor within established guidelines;

Professional and Consulting Services: includes architecture, audit, engineering, designing, planning, surveying, management and financial consulting, brokering, legal services and any other professional and/or consulting services rendered to or on behalf of the Town;

Proposal (Request for Proposal /RFP): means an offer to provide goods or services to the Town, where it is not practical to prepare precise specifications, or where "alternatives" to detailed specifications will be considered, which may be subject to further negotiation. This process allows vendors to propose solutions to arrive at the end product, and allows for evaluation on criteria other than price;

Purchase Order: means a written offer to purchase goods and services or a written acceptance of an offer where such offer has been made on forms prescribed by the Town;

Quotation (Request for Quotation/RFQ): means a written or verbal offer to sell or buy goods and services in response to a direct request from the Town. The requisitioning department will document any offer made in writing;

Real Property: means land or buildings and any interest, estate or right of easement affecting same;

Responsive and Responsible Vendor: means one who complies with the provisions of the bid solicitation, including specifications, contractual terms and conditions, and who can reasonably be expected to provide satisfactory performance on the proposed contract based on reputation, or references, or performance on previous contracts, and adequate financial and other resources;

Single Source: means there is more than one source in the open market but only for reasons of function or service one vendor is recommended for consideration of the particular goods and/or services;

Surety: means a specified dollar amount in the form of cash, certified cheque, bid bond, performance bond, labour and materials bond, letter of credit or any other form as deemed necessary and stated in any quotation, tender or proposal document issued by the Town;

Tender: means an offer received from a supplier of goods and/or services in response to a public advertisement requesting tenders sealed in an envelope;

Total Acquisition Costs: means the cost which would result in the lowest cost of ownership, operation, purchase or lease over the life of the product or service to the Town. This cost is arrived at after considering all factors such as firm stability and reputation, quality, courtesy, expertise, qualifications, interest, expedience, environmental impact, health and safety implications, ethical business practices, after sales service, terms and conditions, guarantees and warranties, all taxes and discounts, and unit price;

Verbal Quotation: means the requisitioning department will receive pricing via telephone or in person, and will retain written documentation of the conversation and document the information on the requisition.

2) Procurement Principles and Goals:

The principles and goals guiding the procurement of goods and services for The Corporation of the Town of Kingsville are as follows:

- a) To procure by purchase, rental or lease the required quality and quantity of Goods and/or Services, including Professional and Consulting Services in an efficient, timely and cost effective manner;
- b) To encourage an open and transparent competitive bidding process for the acquisition and disposal of goods and services where practicable;
- c) To consider the Total Acquisition Costs including, but not limited to, acquisition, operating, training, maintenance, quality, warranty, payment terms, disposal value and disposal costs, in evaluating bid submissions from qualified Responsive and Responsible vendors;
- d) To recognize the authority of the annual Budget approved by Council as providing a framework in the determination of goods and services to be purchased;
- e) To make every effort possible to purchase centrally and standardized Goods and Services that are of a common nature to the Departments, so as to promote lower Total Acquisition Costs;
- f) To monitor and report on the economic climate and legislative changes which may have an impact on the Town of Kingsville and to determine the appropriate actions to be taken through purchasing policies and procedures;
- g) To encourage the purchasing of goods and services with due regard to the preservation of the natural environment, vendors may be selected to supply goods made by methods resulting in the least damage to the environment and supply goods incorporating recycled materials where practicable;
- h) This policy will be reviewed every five (5) years or earlier, to evaluate its effectiveness;
- i) To participate with other publicly funded bodies in cooperative purchasing activities where they are in the best interests of the Town;
- j) To ensure that specifications shall not be designed or written to allow only one manufacturer, supplier, distributor or bidder to Tender a Bid. Specifications shall not limit the bidding to only one make or model for equipment or to one type of service unless there is documented evidence to warrant such actions;
- k) To delegate the appropriate level of authority to enable the Town Departments to meet their service requirements and ensure those employees who are responsible for requisitioning and purchasing goods and services are accountable for their actions and decisions.

3) Conditions of Procurement for Goods and/or Services

Unless otherwise approved by Council, all purchases of goods and services must be approved in the annual budget. Formal approval of the budget constitutes financial approval to proceed with the procurement process. The ability to incur the actual expenditures is delegated to staff based on the following approval levels:

Where it is estimated that the value of the Goods and/or Services, inclusive of all delivery charges will cost:

- a) \$0 to \$5,000
 - ☐ Direct acquisition is acceptable.
 - ☐ Completed cheque requisition form required.
- b) \$5,000 to \$10,000
 - ☐ The user department shall obtain three (3) quotations, where possible and practicable.
 - ☐ No report to Council is necessary.
 - ☐ The quotation will serve as the Purchase Order.
- c) \$10,000 to \$50,000
 - ☐ The Initiating Department Head shall issue a Request for Quotation. A minimum of three quotations (where possible) are to be received before the Town commits to a Vendor.
 - ☐ If only one quotation is received, the Town may exercise its right to cancel the call for quotations. Quotations are not formally opened in public nor is it necessary to disclose prices or terms at the time of submission.
 - ☐ No report to Council is necessary.
 - ☐ The Request for Quotation (RFQ) is issued to initiate the process and will serve as the Purchase Order.
- d) \$50,000 and over
 - ☐ The requisitioning Department Head shall issue a Tender for all approved projects based on defined requirements (specifications are available to readily compare products).
 - ☐ Tenders require a reply by a designated date and time, signed by a Corporate Signing Officer authorized to bind the Corporation. Any requested bid deposits, security or bonds must be included with the submission. Replies are delivered directly to the Clerk's Department and are opened at a public tender meeting. If only one tender is received, the Town has the option of not opening the bid and closing the call for tender.
 - ☐ Each sealed bid received in response to a formal bid request is reviewed to determine whether a bid irregularity exists, action is taken according to the nature of the irregularity.
 - ☐ A report initiated by the issuing Department Head shall be prepared for Council consideration and approval.
 - ☐ Upon Council's approval, the Department Head shall ensure that a legally binding agreement is executed by the Mayor and Clerk, or a Purchase Order is issued.
 - ☐ The Department Head is responsible for maintaining current insurance certificates and WSIB certificates, as called for in the Bid documents.
 - ☐ No requisition, purchase or contract shall be divided in order to circumvent the requirements of the spending limits of this section.

4) General Conditions

- a) Any commitments being made where it is recommended that a contract be executed by the Mayor and the Clerk must first be approved by Council.

Where it is recommended that a Contract other than a Purchase Order be executed, it will be authorized:

- For contracts over \$50,000

By the Mayor and Clerk or CAO after being approved by Council.

- For contracts under \$50,000

By a Department Head and CAO, or where requested the Mayor and Clerk.

- b) No expenditure or commitment shall be incurred or made and no account shall be paid by the Town for Goods and/or Services, except as approved by Council or as otherwise authorized in accordance with this policy.
- c) The Department Head of the requisitioning Department may remove a vendor's name from the list of bidders for a period of up to two years on the basis of documented poor performance, non performance or conflict of interest.
- d) Material Safety Data Sheets must be maintained on file by the user Department for all relevant products whether acquired through tendering, quoting or the proposal process.
- e) When using the Privilege Clause which reads in part "the lowest or any tender not necessarily accepted", the specific reasons must be stated why the bids may not be accepted within the contract document.
- f) No employee or elected official shall purchase or offer to purchase, on behalf of the Town, any Goods and/or Services, except in accordance with this Policy.
- g) Elected officials shall not approve nor acquire any goods and services that are not authorized in an Approved Budget.
- h) A Department Head shall not award a contract where the provisions of this policy have not been adhered to.
- i) The Department Head shall reject all purchase requisitions for services where the services could result in the establishment of an employee-employer relationship.
- j) The Director of Financial Services shall provide Council with quarterly budget year-to-date reports.

5) Procurement Procedures

- a) **Petty Cash:** A Petty Cash fund shall be maintained to expedite small purchases and acquire Goods and Services where immediate payment is required upon receipt of goods, where the value does not exceed \$300.
- b) **Purchasing Card:** A Purchasing Card may be used for Goods and/or Services from an approved supplier for individual transactions under \$2,000 and shall not include capital assets. This method of procurement shall be used primarily for low value goods where other methods of procurement are deemed impractical or inefficient.
- c) **Direct Purchase:** A direct purchase refers to the ordering and purchase of goods and services from a supplier with or without negotiation. This method is to be used primarily for low value goods where the cost and administrative burden of other methods of procurement are considered too great in relation to the value of the acquired good or service under \$5,000. Where it is in the interest of the Town to obtain one or more informal quotes by phone or in writing prior to acquiring the goods and/or services that process should be followed.
- d) **Informal Quotation Process:** The quotation process is a competitive method to acquire goods and/or services under \$10,000, where the specifications for the goods and services and terms of purchase have been established with sufficient clarity to permit comparable quotations to be provided by suppliers. A sufficient number of suppliers shall be requested to submit verbal

quotations on the specific goods and services such that at least three responses of quotations are received where practical. The informal process does not involve advertising, sealed bids or the preparation of formal quotation documents. The purchase order will be attached to the cheque requisition.

- e) **Formal Request for Quotation Process:** The formal quotation process is a competitive method to acquire goods and/or services under \$50,000 where the specifications for goods and services and terms of purchase have been established with sufficient clarity to permit comparable quotations to be provided by the supplier. A sufficient number of suppliers shall be requested to submit quotations on the specific goods and services such that at least three responses of quotations are received where practical. The formal process shall include the preparation of a quotation document which provides the prospective suppliers with clear instructions, specifications, terms and conditions. The quotation document shall provide a quotation form and a quotation envelope in which the quotation can be submitted. The requesting Department will give notice of the request for quotation in at least one local newspaper and/or corporate web site. Request for quotation may also be sent directly to approved vendors. The quotation document shall clearly indicate the final time and place for the receipt of quotations. At least three quotations should be received if possible. Quotations received shall act as the purchase order.
- f) **Request for Tender:** The request for tender process is a competitive method of procurement used for all goods and/or services over \$50,000 and may include prequalification criteria for the supplier or contractor. The specifications for the goods and services and contract terms of purchase are detailed within the tender documents to such a degree that there is no prospect of negotiation between the parties. It is the intention that the lowest price bid would be accepted if the vendor meets all the terms, conditions and specifications. The requesting Department shall give notice in accordance with Town's advertising policy. A report initiated by the issuing Department Head shall be prepared for Council's approval.
- g) **Request for Proposal (RFP):** The Request for Proposal process is a competitive method of procurement, which may include supplier or contractor prequalification. Specification for the goods and services are not predetermined or may not be specified however the outcome or end result expected should be reasonably stated. By issuing a request for proposal the Town is inviting suppliers to provide a proposal or a creative solution to the problem, requirement or objective. The selection of the successful proponent is based on the effectiveness of the proposed solution rather than on price alone. The evaluation process will be more complex and the process should be clearly outlined in the document. It is expected that negotiations with one or more bidders may be required with respect to any aspect of the proponent's solution to the problem, requirement or objective. The requesting Department shall give notice of the request for proposal in at least one local paper and or electronic network where available for any amount over \$10,000. Request for Proposals are not formally opened in public nor is it necessary to disclose pricing or terms at the time of submission.

6) Exceptions to Procurement Procedures

Emergency Procurement Requirements: where an emergency situation occurs requiring immediate purchase of goods and services essential to the prevention of safety hazards, serious delays, and further damage, or to restore minimum services, a Department Head may purchase the required goods and/or services notwithstanding any other provision of this policy. In the event that the purchase is greater than \$50,000 a report to the CAO outlining the emergency and noted goods and services acquired will be produced as soon after the emergency situation as practical. In the event that the purchase is greater than \$50,000 and Council is not available prior to the purchase, the report will be brought forward outlining the emergency and noted goods and services acquired as soon after the emergency situation as practical.

Single Source Negotiated Process: the provisions of this policy may be suspended in whole or in part, under the direction of the CAO, to allow negotiations with one or more bidders in order to obtain the lowest total acquisition costs for the Town when any of the following conditions apply:

- i) When due to market conditions the goods and services required are in short supply.
- ii) When there are limited numbers of sources where the goods and services can be purchased.
- iii) When two or more identical lowest bids have been received.
- iv) When all acceptable bids exceed the budget cost of the goods or services and it is impractical to recall tenders for quotations.
- v) When the extension or enhancement of an existing contract would prove more cost effective or beneficial.
- vi) When no bids are received on a formal quotation, tender or Request for Proposal.
- vii) When compatibility with an existing product or process is the overriding consideration.
- viii) When participating in cooperative or joint ventures with other government agencies or public authorities whenever it is deemed to be determined to be the best interest of the Town to do so.
- ix) Unsolicited proposals received by the Town shall be reviewed by the Department Head. Any procurement activity resulting from the receipt of the unsolicited proposal shall comply with the provisions of this policy. A contract resulting from an unsolicited proposal shall be awarded on a non-competitive basis only when the procurement requirements comply with non-competitive procurement policies and procedures.

7) Disposal of Surplus Assets

Disposal of surplus assets is the responsibility of the Department disposing the asset in consultation with the CAO and the Director of Financial Services. Where any goods, equipment or inventory stock is deemed surplus, obsolete or non-repairable, they shall be declared surplus by the disposing Department.

The CAO shall have the authority to transfer surplus assets to other departments. When no other use can be found, the asset will be added to the surplus list for disposal. If in the opinion of the Department disposing of the asset, a higher return can be achieved by trade in, such Department shall have the authority to do so. Proceeds from the sale of assets will be credited to an appropriate reserve account.

8) Responsibilities and Authorities

- i. Department Heads have the responsibility for purchasing activities within their respective departments and are accountable for determining and achieving specific objectives as outlined for each purchase project.
- ii. Department Heads have the authority to award contracts in the circumstances specified in this policy provided that the delegated power is exercised within the limits prescribed in this policy, and the requirements of this policy are met.
- iii. For awards of value of \$50,000 or less, the Department Head and CAO shall execute all related agreements, unless otherwise mandated by Federal/Provincial regulations.
- iv. The CAO may direct staff to submit recommendations to Council for approval and may provide additional restrictions concerning a purchase where such action is considered necessary and in the best interests of the Town.
- v. The Clerk or Department Head is required to forward to the Director of Financial Services a copy of all legally executed contracts relating to the purchasing of goods and services.
- vi. Every account shall be paid by the Director of Financial Services when due, but before being paid shall be certified by the Department Head under whose direction the work was

done, material provided, or debt incurred.

- vii. The Director of Financial Services may pay any expenditures fixed by municipal statute or contract, debentures, interest due, fixed salaries, postage, grants approved by By-Law or as budgeted without such presentation or passing.
- viii. Items of a capital nature, auditors' fees, consulting fees over and above contractual amounts, legal expenses not already approved in the budget estimates are to be referred to Council for approval.

9) Exemptions of Procurement Policy

1. Petty Cash Items

2. Training and Education

- i) Conferences
- ii) Courses
- iii) Conventions
- iv) Memberships
- v) Seminars
- vi) Periodicals
- vii) Magazines
- viii) Staff training
- ix) Staff development
- x) Staff workshops
- xi) Subscriptions, Licensing and Staff Membership Fees

3. Employee Expenses

- i) Advances
- ii) Meal allowances
- iii) Travel & Hotel accommodation
- iv) Entertainment
- v) Miscellaneous – Non-Travel

4. Employer's General Expenses

- i) Payroll deduction remittances
- ii) Licences (vehicles, elevators, radios, etc.)
- iii) Debenture payments
- iv) Grants to agencies
- v) Payments of damages
- vi) Tax remittances
- vii) Charges to/from other Government or Crown Corporations
- viii) Employee income and benefit plan payments

5. Professional and Special Services

- i) Committee fees
- ii) Witness fees
- iii) Court reporters' fees
- iv) Honouraria
- v) Arbitrators

vi) Legal settlements

6. Utilities

- i) Postage
- ii) Water and sewer charges
- iii) Hydro, Gas
- iv) Cable television charges
- v) Internet Charges

Schedule "A"

BID IRREGULARITY

A bid irregularity is a deviation between the requirements (terms, conditions, specifications, special instructions) of a bid request and the information provided in a bid response.

For the purposes of this policy, bid irregularities are further classified as "major" or "minor" irregularities.

A major irregularity is a deviation from the bid request that affects the price, quality, quantity or delivery, and is material to the award. If the deviation is permitted, the bidder could gain an unfair advantage over competitors. The Department Head must reject any bid which contains a major irregularity.

A minor irregularity is a deviation from the bid request, which affects form, rather than substance. The effect on the price, quality, quantity or delivery is not material to the award. If the deviation is permitted or corrected, the bidder would not gain an unfair advantage over competitors. The Department Head may permit the bidder to correct a minor irregularity.

MATHEMATICAL ERRORS - RECTIFIED BY STAFF

The Department Head will correct errors in mathematical addition and/or taxes, and the unit prices will govern. The responsibility for correcting mathematical errors may be delegated to the requisitioning department.

ACTION TAKEN:

The Department Head and the Town Solicitor will be responsible for all action taken in dealing with bid irregularities, and acts in accordance with the nature of the irregularity:

- (a) a major irregularity requires automatic rejection
- (b) a minor irregularity may be rectified by the bidder
- (c) a mathematical error may be corrected as above

METHODS OF PURCHASING – SUMMARY TEMPLATE

The following is a summary of the authorized procedures for the Purchasing of Goods and Services not available from pre-existing agreements.

| METHOD OF PURCHASING | TYPE OF QUOTATION | SOURCE OF BIDS | TYPE OF CONTRACT | REPORTING STATUS |
|------------------------------|---|--|---|-------------------------------|
| 1. GOODS AND SERVICES | | | | |
| under \$5,000 | Verbal quotations | Verbal competitive quotations received. | Direct acquisition | No report to Council required |
| \$5,000 to \$10,000 | At least three informal quotations received | Purchases made from the competitive marketplace where possible and practicable three quotes required | Purchase Orders attached to cheque requisition | No report to Council required |
| \$10,000 to \$50,000 | Written formal quotation acquired by request for Quotations (RFQ) | Subject to Town advertising policy | Request for Quotation Serves as the Purchase Order. | No report to Council required |
| over \$50,000 | Written quotation acquired by request for Tender | Subject to Town advertising policy | Executed Contract Tender Summary Attached to Contract | Report to Council |

| | | | | |
|---|--|------------------------------------|--|---------------------------------------|
| 2. REQUESTS FOR PROPOSALS (INCLUDING THE ENGAGEMENT OF PROFESSIONAL AND CONSULTING SERVICES) | | | | |
| under \$10,000 | Written quotation acquired by Department Head | | | No report to Council required |
| \$10,000 to \$50,000 | Written quotations through Requests for Proposal (RFP) | Subject to Town advertising policy | | No report to Council Required |
| over \$50,000 | Written quotations through Requests for Proposal (RFP) | Subject to Town advertising policy | | Review by Solicitor report to Council |



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: October 1, 2018
To: Mayor and Council
Author: Shaun Martinho, Manager of Public Works
RE: Cottam Woods Phase 3A Sidewalk Petition
Report No.: MS 2018- 44

AIM

To advise council relative to the planned installation of sidewalks for Phase 3 of Cottam Woods Sub-Division and review concerns expressed by residents in the affected area.

BACKGROUND

During a delegation presentation at the August 27th, 2018 Regular Meeting of Council residents from Cottam Woods Sub-Division outlined specific concerns related to the planned construction of sidewalks within the development. Mr. Justin Snelgrove presented the petition on behalf of certain residents of Joaney Lane. He expressed concerns as outlined therein, and is requesting that there be no sidewalks installed on both sides of Joaney Lane (See Appendix A).

Furthermore, during a delegation to council on August 24, 2015 the developer, Mr. Gary Taveirne, requested the option of providing the municipality with cash-in-lieu of sidewalks. Specifically, "to utilize the funds that would have been expended on the installation of sidewalks toward beautification of the interlock boulevard, and improvements to Veriena Blvd".

Using estimates provided by Mr. Taveirne in 2015, the Town would have needed to invest an additional \$31,075.00 to upgrade Veriena Blvd (See Appendix B). Proposed works would have included milling and paving the road and improvements in the center islands. As such the following motion was made by council:

641-2015 Moved by G. Queen, seconded by T. Neufeld defer discussion re: Proposal of G. Taveirne re: cash in lieu of sidewalks re: Phase 3 Cottam Woods Subdivision to 2016 Municipal Budget deliberations.

Unfortunately, this project was not included within the 2016 capital schedule.

DISCUSSION

Municipal services for Phase 2 of Cottam Woods Sub-division were constructed in 1998 by agreement with the former Township of Gosfield North. The development did not use the standard urban cross-section design consisting of buried storm sewers, curbs, and sidewalks. Instead storm water is managed using road side swales and catch basins in the boulevards.

During the construction of homes several of the swales were infilled which resulted in flooding during heavy rain storms. To address these issues the Town reinstated the swales and drains as per the original design. To help mitigate any future flooding concerns Phase 3 of the development was approved with an urban cross section in accordance with the Town's current Development Standards Manual.

To satisfy the requirements of the site plan for Phase 3, the developer is required to include a 1.5m (5ft) concrete sidewalk with boulevard along both sides of Joaney Lane. However, egress in and out of the development necessitates travel through Phase 2, via Veriena Blvd, before entering Phase 3. Therefore, as identified in the petition, the construction of new sidewalks on Joaney Lane will not tie into the Town's current sidewalk system.



According to the Town's 2018 street scan, the average Pavement Condition Index (PCI) for Veriena Blvd is 68.5. Based on this criteria, this road does not meet the requirements for a Mill and Pave as requested in the original delegation. As such, after consultation with the developer, any work completed on Veriena Blvd will not exceed the amount the Town receives as cash-in-lieu of sidewalks. Proposed improvements would include replacement of the interlocking brick within the islands, the addition of new tree planters, and asphalt repair's in the road (Appendix C).

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

Historically, when considering requests for cash-in-lieu of sidewalks, the rate paid by the developer is calculated based on the Town's current unit rates. The rate received by the Town in 2018 for sidewalk installation was 60.00 per meter. Therefore, based on 675 meters of sidewalk the municipality will receive \$40,500.00 plus HST to be utilized for restoration works on Veriena Blvd.

CONSULTATIONS

Municipal Services in consultation with the developer.

RECOMMENDATION

That Council accepts the recommendation to receive \$40,500.00 plus HST for cash-in-lieu of sidewalks for Cottam Wood's Sub-Division and that these funds be allocated towards replacement of the interlocking brick islands, the addition of new tree's, and asphalt patching in the road.

Respectfully submitted,

Shaun Martinho

Shaun Martinho, H.B.Sc., C.E.T.
Public Works Manager

Andrew Plancke

G.A. Plancke, Civil Eng. Tech (Env.)
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Cottam Woods Phase 3A

Sidewalk/Asphalt Replacement/Stamped Concrete Blvd.

Cottam Woods Phase 3 Development Proposal to the Town.

The development has been approved for the installation of sidewalks on both sides of road. We are committed to this and would expect to be installing them after 1 year and before the end of 2 years.

In the interest of repairing Veriena Blvd asphalt (17 years old) and beautification of the interlock blvd (see attached photos) we are proposing the following:

1) That rather than install sidewalks in 2017 or 2018, remove brick pavers from blvd.'s and replace with town approved stamped concrete w/ 2 tree grates per blvd (Town supplied).

This cost will be 315 m.2 @ \$50/m.2 = \$15,750

AND

2) That rather than install sidewalks in 2017 or 2018, mill and repave 40mm. surface asphalt on Veriena Blvd.

This cost will be:

a) milling 2,060 m.2 @ \$10/m.2 = \$20,600

b) paving 2,060 m.2/224 tons @ \$100/ton = \$22,400

AND

3) That in lieu of installing sidewalks in 2017 or 2018, the developer utilize the funds immediately (675 m.2 @ \$41/m.2 = **\$27,675** toward the item number's 1 and 2 above and not install sidewalks within this development. See below.

Stamped Blvd. - **\$15,750**

Milling Road - **\$20,600**

Paving Road - **\$22,400**

TOTAL COST \$58,750

Less sidewalk cost \$27,675

Balance \$31,075

AND

4) That should the Town wish, the developer will contribute and pay for a portion of the improvements equivalent to the sidewalk funds as well as front the payment for

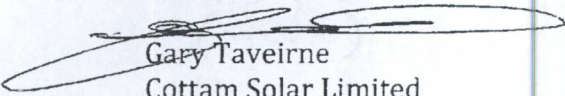
the remaining balance until the end of January 2016 when the balance would be repaid to the developer by the town.

NOTES:

- milling cost may be reduced by only milling intersections (approximate savings of \$13,000 and reduces the height of blvd curb by 40mm)
- residents have voiced their interest in this for their community. If this proposal fails they want me to advise them so they can make a request.
- The sidewalks will be isolated as there is no current sidewalks in the development on which these would ordinarily attach.
- HST is extra
- These quantities and costs are approximate

This proposal is valid up until the asphalt is placed on the development. Beyond that time the road cost may increase slightly.

Thank you,



Gary Taveirne
Cottam Solar Limited

City Rd. 27

City Portion: $2m. \times 17m = (34 m^2)$

cp \rightarrow ep (12.8m)

Inside curb \rightarrow Inside curb
(2.5m)

Total Dep. Area
(2,060 m.²)

Total Blvd. Area
(315 m.²)

Inside curb to inside curb
(2.5m.)

Appendix A

August 20, 2018

TOWN OF KINGSVILLE

TO WHOM IT MAY CONCERN

We, the undersigned, are residents of Cottam Woods Phase 3A and would like to petition to the Town of Kingsville that there be no sidewalks to be installed on either side of the development.

Whereas,

- Joaney Lane is presently occupied by long-term solar installations.
- There is no short-term prospect of Joaney Lane being completed in the near future.
- There is no precedent in Cottam of the installation of sidewalks on -cul-de-sac roadways or dead-ended roadways.
- Sidewalks installed in our subdivision would start with a dead-end and end at a dead-end.
- There are no other sidewalks in any of the subdivision areas nearby, or throughout Cottam; including those closest to our neighbourhood.
 - These are not limited to: Sara Blvd, Dianne D St, Veriena Blvd, William St, Lyle St, Clark St and Francis St (see maps included)
- There is still development in progress and for some years still; not all vacant property has been filled as of current date.

In addition,

- Sidewalks decrease frontal property which becomes public property, resulting in a decrease of land value.
- Sidewalks will decrease our driveway size (in half) and will create parking issues.
 - Parking in the driveway, on the portion below the sidewalk can be impossible, due to the less-than-car-length size. Parking with 1/10th out to the street isn't legal, and not every town/city allows a vehicle to be parked in a driveway, or parallel to the sidewalk.
- We will lose some privacy and security due to a sidewalk, being closer to the home.
- We would have to maintain sidewalks and have increased personal liability.

- Sidewalks create more infrastructure to maintain by the town and takes away our green space.
 - Most home owners have completed landscaping projects to date.
- The high majority of the property owners along Joaney Lane do not want sidewalks on their properties.
- We do not need water drainage issues, resulting from more runoff from sidewalks.
- We like the current “country” atmosphere and that is one reason we all purchased in our neighbourhood to begin with.
- These are our homes and our property; we live here, and do not want the town to make changes that we do not want.
- The every-day pedestrian traffic is very minimal on Joaney Lane. If the town is worried about pedestrian safety in the area, perhaps proper installation/use of “kids at play” or “slow down” signs could be a viable option, instead of sidewalks.

Attachments:

- Page 3 Map of Cottam – highlighting where sidewalks currently are located
- Page 4-6 Signatures of current, Joaney Lane residents, in petition against sidewalks

Sincerely,

The Residents of Joaney Lane, Cottam

**PETITION FOR THE CANCELLATION OF INSTALLMENT OF A
SIDEWALK ON JOANEY LANE, COTTAM**

The residents of Joaney Lane, Cottam strongly oppose the installation of a sidewalk along the street. We request that this project be cancelled immediately.

The following residents support this proposal:

| Print Name | Address | Phone # | Signature |
|---------------------|-------------------------------|---------|-----------|
| Sarah Snelgrove | 8 Joaney Lane Cottam ON | | |
| JUSTIN SNELGROVE | 8 JOANEY LANE COTTAM ON | | |
| CHRISTIAN FADAY | 13 JOANEY LANE COTTAM ON. | | |
| HALLIE MATHEWS. | 13 JOANEY LANE COTTAM ON. | | |
| Glenn Quinlan | 03 Joaney lane Cottam, Ont | | |
| Karen Quinlan | 3 Joaney Lane Cottam ON | | |
| Tyler Quinlan | 3 Joaney Lane Cottam ON | | |
| Trudy Fehr | 6 JOANEY COTTAM | | |
| FRANK FEHR | 6 JOANEY COTTAM | | |

PETITION FOR THE CANCELLATION OF INSTALLMENT OF A SIDEWALK ON JOANEY LANE, COTTAM

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The following residents support this proposal:

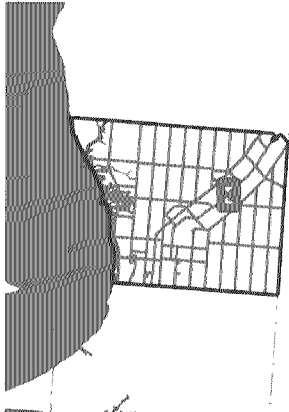
| Print Name | Address | Phone # | Signature |
|-------------------|--------------------------------|---------|-----------|
| Will Loewen | 4 Joaney Lane Cottam, Ont. | | |
| Steph Corbeil | 7 Joaney Lane Cottam, ON | | |
| Brandon Taggart | 7 Joaney Lane, Cottam ON | | |
| Patricia Driedger | 12 Joaney Lane Cottam, ON | | |
| TYLER DRIESBEE | 12 JOANEY LANE COTTAM ON. | | |
| Wayne Roy | 11 Joaney Lane Cottam, ON | | |
| Mary Ann Chapman | 11 Joaney Lane Cottam, ON | | |
| Braco Topcagic | 14 Joaney Lane Cottam ON | | |
| Kalic Topcagic | 14 Joaney Lane Cottam, ON | | |

PETITION FOR THE CANCELLATION OF INSTALLMENT OF A SIDEWALK ON JOANEY LANE, COTTAM

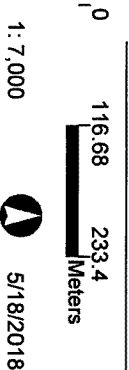
The residents of Joaney Lane, Cottam strongly oppose the installation of a sidewalk along the street. We request that this project be cancelled immediately.

The following residents support this proposal:

| Print Name | Address | Phone # | Signature |
|---------------------|-----------|---------|-----------|
| Gery Tavernier | 28 Joaney | | |
| Laurie Tavernier | 28 Joaney | | |
| Jessica Loewen | 4 Joaney | | |
| SORDAN LAIR | 9 Joaney | | |
| Katie-Lynn Zuefle | 9 Joaney | | |
| Scott Wilkinson | 5 Joaney | | |
| Stephanie Wilkinson | 5 Joaney | | |
| | | | |
| | | | |



- Legend**
- Essex Municipalities
<all other values>
Kingsville
- Street
- Sidewalks
<all other values>
ASPHALT
CONCRETE
- Severance
Kingsville Assessment



Notes

Sidewalks Locations

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an "as is" basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.







2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: February 5, 2019
To: Mayor and Council
Author: Shaun Martinho H.B.Sc, C.E.T.
RE: 2019 Fleet Replacement
Report No.: MS 2019- 08

AIM

To inform Council of the tendering process for new Fleet acquisition, and recommend approval of the award of tenders.

BACKGROUND

Included in Environmental Service's 2019 capital schedule is the replacement of a 2006 Ford F350 equipped with a service body. This vehicle has reached the end of its useful life and has begun to incur unnecessary maintenance and repair costs. See the line item listed below:

| Budget Line | Description | Dept. | Capital Cost | Reserve Funding | Impact |
|-------------|---|-------|--------------|-----------------|--------|
| 10 | Fleet - 2006 Ford F350 w/ Service Body | 201 | \$ 70,000 | \$ 70,000 | \$ - |

DISCUSSION

As per the Town of Kingsville's procurement policy, the Municipal Services Department issued a tender for the replacement of this vehicle (See Appendix A). The proposals were reviewed and compared based on the criteria listed in the tender. It was determined that all of the vendors met the required specifications and the successful candidate was chosen based on lowest bid.

The results of the tendering and recommended vendor is as follows:

- Environmental Services will receive a 2019 Ford F350 from Joe Meloche Ford in Amherstburg. Pride Bodies will outfit the truck with a custom service body which will be used for maintaining infrastructure and emergency response.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

The total cost for replacement of this vehicle is outlined below. The totals include all additional items required for outfitting of the vehicle and all applicable taxes.

| | Cost (with Non-Rebateable | Trade In | Net Cost | Approved Funding | Net Impact |
|---------------------------------------|---------------------------|----------|-------------|------------------|------------|
| ES - 2019 Ford F350 with Service Body | \$67,231.81 | \$0.00 | \$67,231.81 | \$70,000.00 | \$2,768.19 |

CONSULTATIONS

Municipal Services – Director, Supervisor, and all outside staff.

RECOMMENDATION

That council approves the acquisition of the Fleet asset as follows:

One (1) 2019 Ford F-350 from Joe Meloche Ford Sales Ltd. outfitted with a service body fabricated by Pride Bodies for the combined purchase price of \$67,231.81 inclusive of the HST burden.

Respectfully Submitted,

Shaun Martinho

Shaun Martinho, H.B.Sc., C.E.T.
Public Works Manager

G.A. Plancke

G.A. Plancke, Civil Eng. Tech (Env.)
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Appendix A- Tender Results

19- 501

Supply of a 2019 1 ton truck 4 X 2 extended cab with service box (350/3500)

Closing Date: Friday, February 8, 2019

Submission Summary

| <u>Vendor</u> | <u>Unofficial Value or Notes</u> |
|----------------------------|---|
| Joe Meloche Ford Sales Ltd | \$66,069.00 |
| Ridgehill Ford Sales | \$66,220.00 |
| East Court Ford Lincoln | \$69,156.98 |
| Parkway Ford Sales Ltd | \$70,166.00 |





2021 Division Road North
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kingsvilleworks@kingsville.ca

Date: December 13, 2018

To: Mayor and Council

Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

RE: Introduction of the Affordable Housing Strategy

Report No.: PDS 2018-065

AIM

To provide the Mayor and Council with an overview of the proposed Kingsville Affordable Housing Strategy. (Appendix A)

BACKGROUND

As the result of the Mayor's Roundtable on Affordable Housing in February of 2018, ongoing discussion of how to provide affordable housing, online survey results and past proposals involving affordable housing development and intensification administration was tasked with the development of an affordable housing strategy. The purpose of the strategy being the development of a more detailed plan in combination with action items to be incorporated into the Kingsville Official Plan. This would provide better guidelines for the provision of affordable housing in both new subdivisions and in the assessment of intensification and infilling proposals in existing residential areas.

DISCUSSION

Both the Kingsville and County of Essex Official Plan have existing provisions supporting the development of affordable housing and establishing minimum required guidelines derived from provincial policy. To date new residential development has not fully addressed the provision of affordable housing. Efforts on the intensification front have met with significant public push back in part due to the lack of a long-term plan.

The strategy outlines a number of recommended action items that be undertaken, the majority of which are short-term and can be implemented over the next 12 to 18 months. The action items also utilize a number of existing policies or tools available to the Town

such as fee reduction, secondary dwelling unit policies and the in process 5-year Official Plan Review.

The introduction of the Strategy is also timely in that it addresses a recent notice of motion from Council, 'directing administration to investigate and report back to Council the feasibility of adopting a policy, similar to the recently approved policy in Windsor on Secondary Suites, to help ease the affordable housing shortage, based on compliance with both Building Code and Fire regulations.'

The Town of Kingsville adopted Secondary Dwelling unit policies in 2016 via Official Plan Amendment #5. This policy addressed requirements outlined in the Planning Act to permit secondary dwelling units in residential zones, in part as an affordable housing mechanism. The policies adopted in Windsor were to address this requirement which first surfaced in 2012.

Secondary dwelling unit policies are included as one of the action items in the Strategy for a couple of reasons; 1) comments received as part of the affordable housing strategy survey indicated that this should be encouraged to promote the provision of additional rental units; and 2) because there has not been a significant uptake on the establishment of secondary dwelling units which may be due in part to a lack of knowledge of the potential use. Supplementary to that a review of the existing regulations may also be necessary to determine if there are limiting factors in the regulations.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There are no immediate financial impacts to the Town as most of the action items will be addressed through policy review or development by staff or as part of the 5 year Official Plan Review. Reduced permit fees and development charges are already addressed through reserves that are in place for that purpose.

CONSULTATIONS

CAO and management staff. The draft strategy was also posted on the Town's website for review by the public. The final draft has also been available for review and comment since mid December.

RECOMMENDATION

It is recommended that Council:

Receive the report on the introduction of the affordable housing strategy, and

Adopt the Affordable Housing Strategy and direct staff to begin implementation of the actions items, and

Direct administration to make the necessary updates and changes to the Kingsville Official Plan as outlined in the Affordable Housing Strategy.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



TOWN OF KINGSVILLE

AFFORDABLE HOUSING STRATEGY

A COMMUNITY FOR ALL

Prepared by Town of Kingsville Planning Services



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1.0 INTRODUCTION

1.1 Background

The Town of Kingsville consists of the two former Townships of Gosfield North and Gosfield South and the former Town of Kingsville. The Kingsville urban area now serves as the centre of the amalgamated Town of Kingsville with a population of approximately 22,500. This population is based on a combination of information from the 2016 census, building activity in the last five years, and County of Essex population projections in the County Official Plan. Roughly half of the overall population is located in the Kingsville urban area with the balance located in the communities of Cottam, Ruthven, North Ridge, Cedar Beach and the outlying agricultural areas. With a healthy growth level in the last five-plus years, Kingsville, like most communities across the country, is faced with a lack of affordable housing as rental development has not kept up with a growing need.

As growth has continued in Kingsville so has an imbalance in the mix and type of housing available. One of the key areas of concern is related to the aging population. There are a significant number of seniors moving into the community with resources to both build new homes or acquire existing homes with the intent to undertake significant renovations. The side effect of the movement has been an increase in demand and price for existing homes and new home construction. An unintended consequence of this has been that many existing residents looking to retire and perhaps downsize are selling their homes at a higher value however that increased value, which may have originally been intended to supplement retirement income, is now required to acquire a newer smaller home. In still other cases, residents are not able to find affordable homes and are forced to relocate out of the community they may have lived in most of their lives.

At the opposite end of the spectrum the community, which needs to retain and attract young people, cannot provide entry level affordable housing which in turn has several less than positive side effects. Some of these issues were highlighted during discussions at the Mayor's Roundtable on Economic Development i.e. a lack of service employees. Still other issues are faced on a daily basis such as the increased traffic flow in and out of Kingsville.

1.2 Purpose of the Strategy

The Town of Kingsville Affordable Housing Strategy is designed to provide a framework by which the development of affordable housing can be encouraged as part of both new development and integration into existing underutilized but fully serviced areas. It is a key goal and requirement for Kingsville to meet the housing needs of all residents, at all income levels and all stages of life. Access

to safe affordable housing is an important part of the overall health and livability of the community.

1.3 Objective and Target for Affordable Housing in Kingsville

The objective of this Strategy is to outline actions that could help to increase the supply of affordable housing in all areas of Kingsville. The mission of the Strategy is to:

- 1) actively implement affordable housing policies which establish a minimum target consistent with the County of Essex Official Plan and Provincial targets;
- 2) seek to eliminate the current 378 household waiting list for affordable housing in Kingsville, and
- 3) explore the development and implementation of affordable mid-range housing options and policies as part of the 5 year Official Plan review process.

1.4 What is Affordable Housing

Affordable housing includes a mix of housing types where individuals and families, regardless of income, can find suitable places to live while not directing a disproportionate percentage of their income to housing. Affordable housing can include ownership, rental or subsidized housing.

“Affordable Housing” is defined in the Provincial Policy Statement as:

- i) “In the case of home ownership, the least expensive of:
 - 1) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2) Housing for which the purchase price is at least 10 percent below the average price of a resale unit in the regional market area.
- ii) In the case of rental housing, the least expensive of:
 - 1) A unit for which the rent does not exceed 30 percent of the gross annual household income for low and moderate income households; or
 - 2) A unit for which the rent is at or below the average market rent of a unit in the regional market.”

The Planning Act and Provincial Policy Statement both play a role in the formal planning process which outlines the roles and responsibilities of the Town. The tools and provisions in these documents can have a significant impact on the supply and production of housing. The Act requires that Council shall have regard to matters of provincial interest which include the provision of a full range of housing, including affordable housing.

In turn, the Town must have regard for affordable housing in its Official Plan, Zoning By-law, Plans of Subdivision and all other planning related activities. The Town is responsible for the supply of housing units, including affordable units, to be made available and continue to be supplied in new development. Grant and funding programs for much of the affordable housing in Essex County is administered by the County and City of Windsor.

The Town of Kingsville, based on the County of Essex 20-year population projections from 2011 to 2031, will increase by approx. 3,038 people. At an average persons per household rate of 2.76 people that will mean a total of 1,100 new households over that timeframe. Based on the current policies for affordable housing 220 of those homes need to be considered affordable.

1.5 Social Housing Provider

The City of Windsor is the service manager responsible for the planning, funding and managing of the social housing programs for the towns and municipalities in Essex County. The social housing budget in Essex County for 2018 is just under \$12,000,000. Housing Services administers social housing programs and requirements and funding for over 8,750 units over 40 providers.

Social Housing represents the greatest need on the affordability spectrum. Social Housing is housing provided below market value usually with rents-geared-to-income. This can take the form of rent supplement/housing allowance programs and special needs housing.

Kingsville currently has 162 social housing units. This includes six sites within Kingsville, three of which are private developments that have received funding from the City of Windsor to provide subsidized rents for a minimum of 20 years. Two of the remaining three are operated by the Windsor Essex Community Housing Corporation (WECHC) with the largest one operated by the Legion Senior Housing Corporation.

The current waiting list for social housing is 378 households made up of families, individuals and seniors. It is anticipated that the demand and wait list for housing will continue to increase as the population increases, particularly if the demographic toward older residents continues.

1.6 Existing Legislative and Policy Framework

All levels of government recognize the lack of affordable housing production and the need for policy guidance and direction to encourage, stimulate, provide action and form partnerships to produce housing options and increase supply. This is clearly evident in the County of Essex Official Plan which, 'requires that each local municipality achieve a minimum affordable housing target of 20 percent of all new development.'

The development of an Affordable Housing Strategy and its implementation is an important part of the future make up and overall health of the community. Affordable housing is one of the major factors in creating attractive, livable and competitive communities. The availability of affordable housing makes it easier to attract, retain and encourage returning people to a community. For many communities, the need for affordable housing is a priority issue. Planning authorities are routinely challenged to find solutions for housing needs, especially as the population increases and ages, and as household size decreases. The provision of affordable housing is a community responsibility and requires the participation and co-operation of all its residents.

1.7 Ontario Housing Supply Action Plan

The Action Plan is an initiative being undertaken at the provincial level by the Ministry of Municipal Affairs and Housing. It is aimed at addressing the current high demand for housing and limited supply which have dramatically increased the cost of housing across Ontario in both rural and urban communities.

This initiative is not specifically related to community housing (e.g., social and supportive housing). It is discussed later in this report as mid-range housing and includes what is referred to as the 'missing middle.' This can come in the form of mid-rise buildings, stacked townhouses, townhouses and semi-detached units for sale or rent.

The government has heard from many individuals and groups that it has become too complicated and expensive to build new housing in Ontario. The Action Plan outlines five broad themes:

1. Speed – It takes too long for development projects to get approved.
2. Mix – There are too many restrictions on what can be built to get the right mix of housing where it is needed.
3. Cost – Development costs are too high because of high land prices and government-imposed fees and charges.
4. Rent – It is too hard to be a landlord in Ontario, and tenants need to be protected.
5. Innovation – Other concerns, opportunities and innovations to increase housing supply.

2.0 COMMUNITY CONTEXT

Affordable housing is a growing need in all communities as noted by the current 378 household waiting list. The City of Windsor is the County service provider for social housing. Windsor, as the largest municipality in the County has the most available support services, tends to be the focus of new subsidized housing projects as well as the area of greatest need. Affordable housing is an identified matter of provincial interest, identified in the County of Essex Official Plan and therefore must be addressed by every municipality in their Official Plan policies and planning decisions.

The following provides a summary of the trends, needs and demands for affordable housing in the Town of Kingsville and County of Essex.

2.1 Population and Employment

The County of Essex Official Plan shows the Town of Kingsville population increasing to 24,400 people by the year 2031 that accounts for approximately 9% of the total population growth for the County. At present the population is approximately 22,500 which is based on a combination of the Kingsville Official Plan projections, growth rate projections from the County Official Plan, 2016 Census and housing starts in the last 5 years. The growth rate at present is about 1% per year however it is unlikely that this will be sustained over the entire 20 year projection. As the Town grows, there will be a continuing need for all forms of housing.

The Town of Kingsville, not surprisingly, has an older population with individuals over the age of 65 (retirees) making up approximately 20% of the population. This number over the next 20 years will continue to increase to just under 30% and gradually decreasing beyond that. These numbers are consistent with most other communities across Ontario. This will increase the demand for housing designed for seniors and, in particular, affordable housing for low-income seniors. Increase in average life spans coupled with an increase in the health and activity levels for seniors will result in seniors staying in their existing homes longer, or “aging in place”, reducing the number of resale homes in the market.

The level of job growth in Kingsville may be significantly impacted by the increase in the percentage of retirement age people. This factor was highlighted as a result of the Mayor’s Economic Development Roundtable where many current employers expressed having issues finding skilled labour. As the population, ages there can also be an increase in the demand for many service and support type jobs which will increase employment opportunity but will be a challenge to fill particularly if affordable housing is not available.

2.2 Historic and Current Development Patterns

Kingsville is currently in a position of strong residential growth with the number of new dwellings per year being at or well above 100 per year. The majority of this

housing have been low density consisting of a mix of primarily single and semi-detached units with a smaller number of townhouse developments. A larger percentage of much of this housing has also been two-bedroom style which generally tends to be for retirement age households. The Town, more recently, has seen a focus on condominium development. Thirty-nine units are currently under development with an additional 120 units approved and interest in up to an additional 300 units possible in the next two to five years. Of these units only about 100 have expressed any possible interest as rental units versus condo. During this strong growth period only 14 affordable units have been constructed which represents only about 20% of the actual requirement outlined in the County Official Plan.

Condominiums can provide an affordable housing type and the increased interest in developing this form of housing in Kingsville demonstrates the condominium lifestyle as an increasingly acceptable form of housing. However, condo units target those persons able to purchase units and pay for monthly condominium fees. This form of housing although considered affordable, would not target those persons on financial assistance or in lower paying jobs. The target market for these persons requires the creation of new rental housing stock which has been almost non-existent since the mid 1990's or before.

2.3 Factors Affecting Affordability

2.3.1 Home Ownership

The average price for a new single-detached house in Windsor-Essex at the end of July 2018 was approximately \$300,000 based on the year-to-date statistics from the Canadian Real Estate Association. This level has been steadily increasing. Much of what is driving this increase is the rising level of higher-end home construction. Based on the Ministry of Housing affordable definition this would mean that an affordable home in Kingsville would be one under \$270,000.

According to the 2016 census there are a total of 6,735 owner households in Kingsville. Approximately 10% of those are paying more than 30% of their gross income on housing.

2.3.2 Rental

For a housing market to be considered “healthy” the vacancy rate should be around the 5% mark. Kingsville has a vacancy rate more in line with the Ontario average of 2% to 3%.

Accordingly to the 2016 census there are approximately 1,245 rental households in Kingsville, of those approximately 39% are paying more than 30% of their gross income on housing. This illustrates that much of the need for affordable housing is in the rental market.

Seasonal worker housing in Kingsville can also impact on the overall demand for rental housing as local greenhouse growers and other farm-related businesses look for alternatives to bunkhouses.

2.3.3 Federal-Provincial Funding

There are ongoing funding programs from both the Federal and Provincial government to assist municipalities in securing affordable housing. Much of the money available through the County of Essex and City of Windsor is announced on an annual basis and distributed through an RFP process. The goal for much of the funding is to have private development build and operate affordable housing while also funding upgrading of existing public run and/or owned housing.

Private development has been successful over the last few years in securing funding for three different projects which have resulted in a total of 46 units constructed in the last 9 to 10 years. The challenge with how the funding is awarded is two-fold; limited funding is available to be shared County-wide and projects need approval ready lands. These two factors are what has often led to a public perception of rushed approval and a lack of public input.

2.4 Town of Kingsville Initiative in Affordable Housing

2.4.1 Official Plan Policies

The Town of Kingsville Official Plan policies provide some framework by which to encourage an appropriate mix of housing types, sizes and affordability. The Plan's goal is to "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 are 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."

In 2015 the Plan was amended to permit secondary dwelling units in areas with full municipal services in either single detached, semi-detached or townhouse dwellings. However, no additional changes have been made to update the plan consistent with the County Plan.

2.4.2 The Mayor's Round Table on Affordable Housing

In early 2018 the second in an ongoing series of round table events was held to begin a discussion on the issue of affordable housing in Kingsville. The intent was to bring together a variety of members of the community to determine what the general understanding of affordable housing and affordable needs was. A

survey was also supplied to the attendees to determine a level of basic background.

The results of the survey were presented to Council in a Next Steps report outlining the approach to moving forward with development of this strategy.

2.4.3 Secondary Dwelling Units

In March of 2016 Council adopted an amendment to the Official Plan to permit secondary dwelling units in all zones that permitted single detached, semi-detached and townhouse dwellings that were on full municipal services. To-date there has not been a significant amount of interest in establishing such units. The policy does provide an opportunity for increasing the rental unit stock while helping an individual property owner manage increased housing costs. It can benefit new homeowners as well as seniors to remain in their existing home and supplement their income.

2.4.4 Development Charge/Permit Fee Incentives

At present, the Town does offer a 20% reduction on development charges and a 20% reduction on building permit fees for affordable housing projects. This reduction is covered by a reserve fund established for this purpose.

2.4.5 Multiple-residential tax ratio

The Town, at present, can decrease the tax assessment ratio for a multiple residential development to the same level as a single detached residential unit for approved affordable housing projects. This is done through a by-law process at the local and county level. A more comprehensive reduction (province wide) is pending in the multiple residential versus single detached residential assessment ratio. Initially the reduction would apply to new construction only but is also under consideration for existing multiple residential development. This can provide some incentive toward establishing multiple unit developments or discourage the conversion of rental housing to condominium tenure.

2.4.6 Mid-Range Housing

Although social housing is the principle need that most affordable housing strategies focus on, the Town, as noted in local and provincial policy, must provide a full range of housing. At present, the bulk of housing in the community is at the higher end of the cost range in both single detached and semi-detached forms. Some of the mid-range need can be addressed through the existing housing stock however even that direction is seeing an escalation in pricing.

Mid-range housing requires smaller lots, smaller homes, a variety of housing types and tenures and increased density and compact form. It means looking to the past for guidance particularly in older areas. Post-war housing was small, compact and unfortunately out of necessity, cheap. It was also built on smaller

lots at much higher density levels in order to provide the supply that was required at the time. Many of these homes have been renovated and improved over the years and continue to provide affordable housing for many people. Density levels for many of these neighbourhoods were in 80 to 100 single detached units per hectare which is considered high density in the Kingsville Official Plan. Most Town development is in the 10 to 15 unit per hectare range. This density level has seen little change in the last 50 plus years. With the strong growth rate in Kingsville this leads to a rapid depletion of serviced lands. It is also partially what leads to the difficulty for intensification projections or even the introduction of newer forms of housing or ownership/rental.

3.0 IMPLEMENTATION RECOMMENDATIONS

In order to meet the current County affordable housing target of 20% of all new development more must be done to both encourage and stimulate private and public sector organizations to build affordable housing in all of its required forms. As part of the overall plan it is also important to maintain the current inventory both in supply and condition and encourage the use of existing provisions in local policy to help supplement the supply.

3.1 Acquisition or Disposal of Town land for Affordable Housing

The Strategy recommends that the development of affordable housing be prioritized in considering the sale or acquisition of lands by the Town of Kingsville. This could include a review of existing lands which the Town may own that could be sold to either an affordable housing provider such as WECHC or a private developer as part of a funded affordable housing project.

With the pending development of the new school in Kingsville both the existing Kingsville Public School site and Kingsville Secondary site will likely become surplus to the GECDsB and be sold off. The Board is required as part of surplus land disposition to first offer the lands to the municipality in which they are located. The Town could take the lead position on this and acquire the lands with the intent to resell the lands for affordable housing development. The Town could also encourage the School Board to institute an “Affordable Housing First” priority with either direct sale to a developer for affordable housing or act as a facilitator in the sale.

3.2 Development Charges

The Strategy recommends that the Town continue or increase the current reduction in development charges as an incentive for affordable housing projects. However, it is also recommended that the Town review other municipal Development Charges By-laws to determine if additional incentives can be explored. As part of an amendment or during the next review and update of the Development Charges By-law the Town could also investigate the collection of Development Charges to fund the construction of new social housing projects.

3.3 Bonusing

The Planning Act authorizes municipalities, with appropriate Official Plan provisions, to secure community benefits when and if it is considering passing a zoning by-law that would increase the height and density of a given development beyond what would otherwise be permitted by the current standard. The community benefits must be set out in the authorizing zoning by-law amendment and may be secured in an agreement registered on title.

These policies provide Council the legislative authority to acquire community benefits in consideration of increased height and density. The term “community benefits” is intended to reflect the Town’s priority on providing public benefits within the local community in which the contributing development project is located. These benefits can include a number of items but should be considered first and foremost for the provision of affordable housing.

This Strategy recommends that the provision of affordable housing, either by way of financial contributions toward new facilities, or the creation of affordable units within the development project, be prioritized when considering Bonusing agreements.

3.4 New Development

The Strategy recommends, as part of the current 5-year Official Plan review, that the residential policies in the Plan be updated to encourage new plans of subdivision to provide a full range of housing densities to facilitate movement toward the County target of 20% affordable housing in all new development.

The Strategy recommends that new plans of subdivision be designed to include blocks or lots for affordable housing units.

The Strategy also recommends that all Planning Justification Reports submitted in support of any development applications include information on how the proposed development addresses the provision of affordable housing. Agreements entered into between the Town and the developer for site plan or subdivision registration can include conditions pertaining to the commitment for the construction of affordable housing units, where applicable.

3.5 Built Form/Intensification

The Strategy recommends that Official Plan policies be incorporated, as part of the 5 Year Official Plan Review, to establish guidance for intensification in existing residential areas which can be achieved in consideration of the existing built form of the area.

The Strategy also recommends that the policy include the mapping of areas with intensification potential and what type of housing can be considered in these areas. Full implementation of this policy may also require establishing zoning standards to implement supportable, compatible density and types of housing.

3.6 Secondary Dwelling Units

The Strong Communities through Affordable Housing Act, 2011, amended various sections of the Planning Act to facilitate the creation of second units. In March of 2016 Council adopted policies in the Official Plan to establish second dwelling units as a permitted use in areas with full municipal services. The comprehensive Zoning By-law was also amended to outline the specific regulations.

As part of the survey taken after the Mayor's roundtable there was, comment expressed about permitting secondary dwelling units. This feedback could be a demonstration that there is limited knowledge in Kingsville about second dwelling units as a permitted use. While there have been several general inquiries about second dwelling units the overall uptake has been minimal in terms of numbers.

Much of the intent around requiring second dwelling units as a permitted use was to provide residents, particularly in high priced residential areas, the ability to offset significant mortgage payments with rental income thus making housing more affordable. The utilization or intensification of existing housing stock can be the quickest method to increasing rental-housing stocks. The challenge is changing the cultural "castle" mentality that most homeowners have.

Second dwelling units are considered one of the least expensive methods to increase the stock of affordable rental housing. The retrofit of an existing dwelling to create a second dwelling unit (1 bedroom, approx. 500 to 600 sq. ft.) would be about \$40,000. It is important to point out that there would be some increase in tax assessment based on increased property value with the added unit.

The establishment of second dwelling units could theoretically be a simple, cost effect and timely method to increase rental housing stock which is in very short supply in the Town. A combination of added public education on the potential for a second dwelling unit and a review and possible update of the current regulations would be a positive first step in this area.

3.7 Mid-Range Housing

The Strategy recommends that the Official Plan residential policies include reference to the provision of mid-range in all new housing developments over the specific size. The policy should also include a provision to allow for the use of mid-range housing as a buffer between different housing types such as single to semi-detached or semi-detached to townhouse forms.

4.0 AFFORDABLE HOUSING ACTION ITEMS

The Strategy outlines the role the Town of Kingsville can play in the provision, encouragement and retention of affordable housing. This includes a review of the Ontario Planning Act and other Provincial legislation, policies and programs; The City of Windsor Housing Strategy as the designated service provider for the area; the Town of Kingsville's existing programs and policies; and initiatives by other housing providers both in the public and private sectors in the development of affordable housing. As a result, a set of proposed recommended actions have been prepared.

These recommended actions include amendments to the existing Official Plan policies as part of the current Official Plan 5 year review process; amendments to existing zoning standards; financial incentives and cooperation and encouragement of other levels of government, private sector and non-profit providers, in the provision of affordable housing.

Recommended Action 1

That the Official Plan 5-year review process consider amendments to the Plan to include policies which:

- ✓ Provide for the acquisition and sale of land by the Town for the development or promotion of affordable housing.
- ✓ Amend the Community Improvement Planning policies of the Official Plan to include a reference to affordable housing.
- ✓ That the residential policies in the Official Plan be amended to add policies on affordable housing consistent with the County of Essex Official Plan.
- ✓ That the residential policies of the Official Plan also be amended to require that all new plans of subdivision, as part of a planning justification report, address the provision of affordable housing.

Priority 1

Timing: 2019/Q1

Implementation: The housing strategy, if adopted, will be provided to the OP review consultant to make the necessary additions and amendments to the Kingsville Official Plan.

Recommended Action 1B

That the Town review the current Secondary Dwelling Unit policies in the Official Plan and the regulations of the Kingsville Comprehensive Zoning By-law. Secondly that the Town provide an educational pamphlet for circulation in the quarterly tax billings, be made available at the Town office front desk circulated on social media and be posted on the Town website.

Priority 1

Timing: 2018 Q4 - 2019 Q4

Implementation: This will require a two-step approach, an evaluation of the Official Plan as part of the 5-year review and possible updates to the Comprehensive Zoning By-law as part of a pending housekeeping review. Staff will draft educational material to provide residents with information on secondary dwelling units including the basic requirements.

Recommended Action 1C

That the Town amend the Kingsville Official Plan to incorporate new policies on redevelopment, intensification and infilling in existing residential areas.

Priority 1/2

Timing: 2018 Q4 – 2019 Q4

Implementation: Staff in consultation with the Official Plan 5 year review consultant can develop the basic framework and wording for new policies which will better consider the existing built form in a residential area prior to consideration of zoning amendments to permit residential redevelopment, intensification or infilling. Secondly, a detailed supplementary review can then be undertaken outside of the 5 year review process to identify areas that can support redevelopment, intensification or infilling and consider possible zoning amendments that would permit a wider variety of housing providing better opportunities for development ready lands.

Recommended Action 1D

That the Town amend the Kingsville Official Plan to include new policies on the provision of mid-range housing in all new subdivisions.

Priority 2

Timing: 2019 Q1 - Q4

Implementation: Staff in consultation with the Official Plan 5 year review consultant will develop a framework and wording to outline when, where and at

what density level mid-range housing will be required. The policy will also encourage the use of mid-range housing for the purpose of buffering between different housing forms and densities and for the purpose of intensification and infilling where it can be undertaken with consideration of the existing built form of the area.

Recommended Action 2

That the Town continue to provide financial incentives for the development of affordable housing in the form of reduced development charges and building permit fees. The Town can also consider increasing the reduction in these fees in these fees in the future.

Priority 2

Timing: Ongoing

Implementation: Staff will provide information to local builders and affordable housing providers so they are aware of the incentives available. A review of the current financial impact of the existing fee reduction can be undertaken in comparison to possible increases to the fee reductions.

Recommended Action 3

That the Town consider the provision of affordable housing as a community benefit in exchange for increased height and density in major residential and in combination with commercial developments pursuant to Section 37 (1) of the Planning Act and amend the Kingsville Official Plan to add bonusing provisions.

Priority 3

Timing: 2019 Q1-Q2

Implementation: Staff will need to direct the Official Plan review consultant to add bonusing provisions as part of the amendment of the Official Plan.

Recommended Action 4

That the Town, as part of the 2022 review of the Development Charges By-law, review other municipalities and investigate the collection of Development Charges for the funding of new social housing projects.

Priority 4

Timing: 2022 Q1-Q2

Implementation: Staff will need to co-ordinate with social housing providers to determine the overall need and percentage of local funding.



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Date: February 13, 2019

To: Mayor and Council

Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

RE: Confirmation of Tree Canopy & Natural Vegetation Policy

Report No.: PDS 2019-007

AIM

To provide the Mayor and Council with information related to requirements under the Municipal Act, (Bill 68), that require every municipality to establish policies for the protection and enhancement of the tree canopy and natural vegetation.

BACKGROUND

Bill 68, Modernizing Ontario's Municipal Legislation Act made a number of changes to the Municipal Act. these changes have been phased in with certain changes being proclaimed in 2018 and some changes being proclaimed for March of 2019. One such change is the requirement that municipalities establish policies for the protection and enhancement of the tree canopy and natural vegetation within the municipality (Section 270(1)7 of the Municipal Act).

DISCUSSION

Provincial Policy Statement, since 2005, has required protection and consideration of impact from growth to be assessed as part of all new development. This includes protection of significant wooded areas, wetlands, areas of natural and scientific interest, flood plains, valley lands, and fish habitat and the habitat of endangered and threatened species. With the natural heritage section of PPS in mind all Official Plans drafted since 2005 would have had to be consistent with these policies and include language that addressed protections.

The County of Essex Official Plan and Town of Kingsville Official Plan were both drafted after 2005 and both contain policies that outline the protection of the natural environment as a whole. (Section 3.4 of the County OP and Section 4.2 of the Town's OP) While the

main goal of the policies is preservation that preservation can often require enhancement, expansion or potential relocation at a higher ratio of existing to new i.e. a developer proposes to relocate a natural area but is required to compensate at a rate of 3 to 1.

These policies are implemented through three primary mechanisms, the Comprehensive Zoning By-law, Site Plan Control By-law and development agreements, which do or can require enhancement. The Zoning By-law currently requires a minimum percent of landscaped opened space be provided within most zones ranging from 15% to 30%. This generally consists of landscaping such as grass, flowers, shrubs and trees. The exact quantity and quality of this landscaping in commercial and industrial area is addressed through site plan control and the requirement for specific landscaping plans. In certain cases, this can also include retention plans for existing open space areas, particularly mature trees.

Development agreements, since amalgamation, have all included some form of requirement for the planting of trees on each of the lots within a development or cash-in-lieu for the Town to undertake tree planting in other areas that are lacking or need enhancement.

Although the Town and County do layout a comprehensive set of policies including increasing tree canopy and natural vegetation it is always an area that can be strengthened through ongoing review and enhancement. As part of the Kingsville 5 year Official Plan review ERCA is preparing a natural heritage system study specific to Kingsville that will help to outline what actions are required moving forward.

The Municipal Act is not the traditional governing document for land use regulations so it was a rather obscure inclusion in Bill 68 but does reinforce the importance that the province places on these two specific areas. Council is well aware of the lack of tree cover in southwestern Ontario, roughly 2% to 3% and the need to continue to enhance at the Town level as well as requiring a higher standard from development moving forward.

There are and will continue to be opportunities to increase tree canopy and natural vegetation within the Town however at present, based on the policies contained in the County Official Plan, Kingsville Official Plan and the implementing documents, Kingsville does meet the requirements under the Municipal Act as amended by Bill 68 under Section 270(1)7.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There are no financial considerations as a result of the recommendation of this report.

CONSULTATIONS

CAO and Management Staff

RECOMMENDATION

It is recommended that Council enact a by-law confirming that the policies set out in the County of Essex Official Plan, Town of Kingsville Official Plan and supported by the Town's Comprehensive Zoning By-law, Site Plan Control By-law and standard Development Agreement requirements address the requirements of the Municipal Act Section 270(1)7 to establish policies to protect and enhance the tree canopy and natural vegetation within the Town of Kingsville.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 22-2019

Being a By-law to adopt a policy with respect to the manner in which the Corporation of the Town of Kingsville will protect and enhance the tree canopy and natural vegetation in the municipality

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25 provides that every municipality shall establish policies with respect to the manner in which it will protect and enhance the tree canopy and natural vegetation in the municipality;

AND WHEREAS the tree canopy and vegetation in the Town of Kingsville are protected by the policies in the current County of Essex Official Plan, Town of Kingsville Official Plan and will be further protected and enhanced by the regulations of the Comprehensive Zoning By-law, Site Plan Control By-law and standard Development Agreement requirements;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That the Council of the Town of Kingsville hereby confirms that the policies set out in Section 3.4 of the County of Essex Official Plan and policies set out in Section 4.2 of the Town of Kingsville Official Plan shall constitute the policy as required by Section 270(1)7 of the Municipal Act, 2001;
2. That the Policy attached hereto as Schedule 'A' constitutes an integral part thereof;
3. That this By-law shall come into effect on the 25th day of February, 2019.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF FEBRUARY, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A to By-00-2019

Tree Canopy and Natural Vegetation Protection and Enhancement Policies Contained in the County of Essex Official Plan and Town of Kingsville Official Plan

3.4 NATURAL ENVIRONMENT

This section contains the general directive, goals and policies for the County of Essex *natural heritage system*. The components of the *natural heritage system* are listed in Table 3, and where appropriate, mapped on the Schedules to this Plan. For ease of review, the *natural heritage system* is found on the following Schedules to this Plan:

- a) Lands designated "Natural Environment" are mapped on Schedule "A1", while Schedule "B1" contains a breakdown of the features within this designation. Lands designated "Natural Environment" are a Provincially *significant wetland* or are *significant* terrestrial features that are designated as a *natural heritage feature* in a local Official Plan, or meet 5 out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.
- b) Schedule "B2" contains an overlay of secondary priority *natural heritage features* in the County that meet 1 to 4 of the 11 criteria outlined in the ERNHSS report.
- c) Schedule "B3" contains an overlay of Restoration Opportunities including priority and secondary restoration lands that meet either 3 to 5 (Priority) or 1-2 (Secondary) of the 11 criteria outlined in the ERNHSS report.

Table 3: Natural Environment Types

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|---|---|--|---|--|--|
| 1 | Significant wetlands and significant coastal wetlands | MNR | Delineating wetland reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System. | Existing Feature within the "Natural Environment" designation on Schedule "A1" and Provincially significant wetlands designation on Schedule "B1". | Development and site alteration shall not be permitted. |
| 2 | Significant habitat of endangered species and threatened species | MNR | Delineating/ describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable | Not specifically mapped on Schedules. | Development and site alteration shall not be permitted. |
| 3 | Lands adjacent to significant wetlands and significant coastal wetlands and significant habitat of endangered species and threatened species | County of Essex or local municipalities | A 20 metre adjacent lands width is identified from the extent of the identified feature. | Not specifically mapped on Schedules. | Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. |
| 4 | Lands designated in local Official Plans for natural | County of Essex | Identified in local Official Plans. | High Priority Existing Feature within the "Natural Environment". | Development and site alteration shall not be permitted. |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|---|---|--|---|--|---|
| | heritage protection | | | designation on Schedule "A1" and within the <i>Significant Terrestrial Features</i> designation on Schedule "B1". | |
| 5 | Other High Priority Existing Natural Features | County of Essex through ERCA & LTVCA | Existing natural features that satisfied between 5 and 11 criteria in the Essex Region Natural Heritage System Strategy. | High Priority Existing Feature. Designated "Natural Environment" on Schedule "A1" and as categorized on Schedule "B1". | <i>Development and site alteration shall not be permitted.</i> |
| 6 | Fish habitat | Appropriate Conservation Authority and Fisheries and Oceans Canada | Identified through pre-consultation with appropriate Conservation Authority and Fisheries and Oceans Canada. | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1", "B2", and "B3". | Pre-consultation with local Conservation Authority based on approved criteria. |
| 7 | Significant woodlands | County of Essex through ERCA and LTVCA | All woodlands 2 hectares in size or larger using the size criteria recommended in the Natural Heritage Reference Manual (MNR, 2010) and as per the Essex Region Natural Heritage System Strategy. Smaller woodlands may be considered significant if they exhibit | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2". | <i>Development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</i> |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|---|---|--|---|---|--|
| | | | composition, age or quality that is uncommon in the municipality or the region. | | |
| 8 | Significant areas of natural and scientific interest | MNR | In accordance with the <i>areas of natural and scientific interest</i> confirmation process. Policies apply to both Earth and Life science <i>areas of natural and scientific interest</i> . | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2". | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| 9 | Significant wildlife habitat | County of Essex through ERCA and LTVCA | Using criteria recommended in the Natural Heritage Reference Manual (MNR, 2010), the Significant Wildlife Habitat Technical Guide and the Eco-Region Criteria Schedules and using Ecological Land Classification. <i>Significant wildlife habitat</i> has been divided into four broad categories (1) seasonal concentration areas, (2) rare vegetation communities or specialized habitats for wildlife, (3) habitat of species of conservation concern (excluding the habitat of <i>endangered</i> and <i>threatened species</i>), and (4) animal movement corridors. | Not specifically mapped on Schedules. | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| | | | | | |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|----|---|--|--|---|---|
| 10 | <i>Significant valleylands</i> | County of Essex through ERCA and LTVCA | <p><i>Significant valleyland</i> features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNR, 2010) and are based on the following features:</p> <p>A) more or less continuous natural areas providing connections within the watershed;</p> <p>B) contains a diversity of native species, natural communities and landscapes;</p> <p>C) provides <i>ecological functions</i> such as habitat, passage, refuge, hydrological flow, and buffering from <i>adjacent</i> areas.</p> | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2". | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| 11 | Identified significant existing natural heritage feature | County of Essex through ERCA and LTVCA | Existing natural feature that satisfied between 1 and 4 of 11 criteria in the Essex Region Natural Heritage System Strategy. | Secondary Priority Existing Feature. Located within designations on Schedule "B2". | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| 12 | <i>Adjacent lands to significant woodlands, significant valleylands, Provincial and regional ANSIs,</i> | County of Essex through ERCA and LTVCA | A 120 metre <i>adjacent lands</i> width is identified and referenced for all <i>natural heritage features</i> with the exception of Earth Science ANSI which have a recommended 50 metre <i>adjacent lands</i> width. | Not specifically mapped on Schedules. | <i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage feature</i> and areas unless the <i>ecological function</i> of the <i>adjacent lands</i> has been evaluated and it has been demonstrated that there |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|----|---|--|--|---------------------------------------|--|
| | and significant wildlife habitat and lands designated in local Official Plans for natural heritage protection and other high priority existing natural features | | | | will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i> . |
| 13 | Unevaluated wetlands | MNR | Unevaluated wetlands can be identified using ELC or OWES. Unevaluated wetlands can be identified through processes such as EIA's or candidate natural heritage studies. Once an unevaluated wetland is identified, the next step is to complete a wetland evaluation. The wetland evaluation will result in a determination of significance for the wetland, i.e., Provincially or locally significant. The methodology used to determine significance of wetlands is the Ontario Wetland Evaluation System. Wetlands can be identified and evaluated by MNR staff or other qualified professionals provided that they use the approved OWES | Not specifically mapped on Schedules. | Development and site alteration will not be permitted until the significance of the feature has been determined using OWES. For wetlands determined to be Provincially significant see Item #1 of this table for the policies that will apply. For wetlands that have been determined to be locally significant, development and site alteration shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|----|---------------------------------------|--|--|---|--|
| | | | methodology and have received MNR training in the use of the Province's <i>wetland</i> evaluation system. All <i>wetland</i> evaluations must be sent to MNR regardless of the preliminary determination of significance. The MNR is responsible for reviewing and approving all <i>wetland</i> evaluations. | | |
| 14 | Prioritized Restoration Opportunities | County of Essex through ERCA and LTVCA | Prioritized Restoration Opportunities that satisfied between 3 and 5 criteria in the Essex Region Natural Heritage System Strategy. | Prioritized Restoration Opportunity on Schedule "B3". | <p>Provide for a focused approach towards the implementation of the <i>natural heritage system</i>.</p> <p>Supported options may include focused land securement, stewardship activities, and volunteer restoration.</p> |
| 15 | Prioritized Restoration Opportunities | County of Essex through ERCA and LTVCA | Prioritized Restoration Opportunities that satisfied 1 or 2 criteria in the Essex Region Natural Heritage System Strategy. | Prioritized Restoration Opportunity on Schedule "B3". | <p>Provide for a focused approach towards the implementation of the <i>natural heritage system</i>.</p> <p>Supported options may include focused land securement, stewardship activities, and volunteer restoration.</p> |

3.4.1 General Directive

This Plan acknowledges the importance of *natural heritage features* and considers them as integral parts of a healthy and vibrant community. Once destroyed, *natural heritage features* are difficult, if not impossible, to replace. The vision for lands designated “Natural Environment” and other areas with *natural heritage features* and lands *adjacent* to areas with *significant natural heritage features* is one which includes a strong commitment to protect, preserve and enhance those areas that exist within the County. Because many natural areas have been converted into farm land over the years (approximately six percent of the land in Essex County continues to contain *natural heritage features*) those areas that remain are relatively few in number. Accordingly, the protection of all *natural heritage features* and the consideration of priority and secondary restoration opportunity areas will enhance the ecological form and function of the County’s *natural heritage system*.

Lands identified as Provincially *significant wetlands*, *significant* habitat of *endangered* and *threatened species*, lands designated in local Official Plans for natural heritage protection, and other high priority existing *natural heritage features* meeting 5 of the 11 criteria in the County of Essex Natural Heritage System Strategy shall be designated as “Natural Environment” in this Plan as identified on Schedule “A1” and further detailed in Schedule “B1”. These lands shall also be identified in a comparable designation in local Official Plans and Zoning By-laws.

Existing Secondary Priority *natural heritage features* that meet between 1 to 4 of the 11 criteria in the Essex Region Natural Heritage System Strategy shall be identified in an overlay designation on Schedule “B2” of this Plan. Land uses follow the underlying designation; however, specific policies apply to these lands when subject to *development* review of a Planning Act application. These existing features, such as *woodlands/woodlots*, *areas of natural and scientific interest*, *valleylands* and *wildlife habitat* have, at a minimum, local or regional significance and they should be identified in local Official Plans. The County encourages *local municipalities* to undertake Candidate Natural Heritage Studies to identify additional Provincially, regionally and locally *significant natural heritage features* and to incorporate those areas into their Official Plan and Zoning By-law.

Priority and Secondary restoration opportunity areas have been identified in an overlay designation on Schedule “B3” of this Plan. The intent of this overlay designation is to promote opportunities to enhance the County’s *natural heritage system* through policy, stewardship and education.

The goals and policies below are considered the minimum standards necessary to protect the County’s *natural heritage features* and *natural heritage system*. *Local municipalities* are encouraged to go beyond the policies contained within this Plan and Provincial Policy to preserve, protect and enhance the natural environment of Essex County.

3.4.2 Goals

The County encourages and supports the enhancement of the *natural heritage system*. The *natural heritage system* contains potential linkages and corridors as well as expansions to the core existing *natural heritage features*. Further information on the County's *natural heritage system* can be found in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

The following goals apply to the County's *natural heritage system*:

- a) To facilitate and support the preservation, protection and enhancement of existing *natural heritage features*.
- b) To recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction towards the location and establishment of the County's *natural heritage system* as per 2005 Provincial Policy 2.1.2.
- c) To establish the framework with which the County and *local municipalities* will incorporate comprehensive and innovative policies in local Official Plans in an attempt to work with private property owners toward preserving and enhancing natural features. The County encourages *local municipalities* to develop implementation mechanisms to protect high priority restoration opportunity areas (as outlined in the Essex Region Natural Heritage System Strategy). The most appropriate implementation mechanism is the local Official Plan and Zoning By-law; however, other mechanisms include, but are not limited to, voluntary landowner stewardship policies, financial programs, bonusing policies, and attaching conditions to *development* approvals.
- d) To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked *natural heritage system* connecting *wildlife habitat* areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.
- e) Support partnerships with local *Conservation Authorities*, *local municipalities*, and other partners, that result in plans to appropriately manage ecologically *sensitive* lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.
- f) The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the *natural heritage system*.

- g) To recognize that vegetated buffers along municipal drains enhances the *natural heritage system* and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act that includes vegetated buffers for new municipal drains and updates that are within the “Restoration Opportunities Overlay” Schedule “B3”.
- h) The County supports the creation of new or expanded linkages between *natural heritage features*, where feasible. Corridors link isolated *natural heritage features* or enhance existing linkages, improve or enhance the *ecological functions* of designated *natural heritage features*, and strengthen the overall *natural heritage system*. Corridors and linkage areas will be identified in consultation with the *Conservation Authorities*, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects.

3.4.3 Natural Environment Policies

The following policies apply to those lands designated as “Natural Environment” on Schedule “A1” as further detailed on Schedule “B1” of this Plan.

- a) *Development and site alteration* is not permitted on lands designated “Natural Environment”.

These lands include Provincially *significant wetlands* and *significant habitat of endangered species and threatened species*, lands designated in local Official Plans, and high priority existing *natural heritage features* that meet five out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. Lands designated “Natural Environment” may also contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, and significant valleylands*.

- b) Permitted uses on lands designated “Natural Environment” shall be limited to passive recreational uses, and activities that create or maintain *infrastructure* authorized under an environmental assessment process or work subject to the Drainage Act.
- c) Nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on lands within the “Natural Environment” designation as well as lands designated “Agricultural” and that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*. However, the construction of greenhouses and other agricultural buildings within areas designated “Natural Environment” is prohibited.

- d) Some natural environment areas may contain features and/or functions that result in the area meeting the qualifications of more than one of the classifications in Table 3. In those instances where an area qualifies as being in more than one of the classifications, the environmental impact assessment that requires the higher level of detail shall be required and the larger *adjacent lands* setback shall apply.
- e) The *significant* habitat of *endangered species* and *threatened species* is not shown on the Land Use Schedules; however, it can occur in *natural heritage features and areas* mapped on the Official Plan Schedules.

Species at Risk are identified as extirpated, *endangered*, *threatened* or species of special concern on the Species at Risk in Ontario List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNR is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement, 2005 (PPS). For the purposes of the PPS, MNR is responsible for approving the delineation of *significant* habitat of *endangered species* and *threatened species*.

Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of *endangered species* and *threatened species*.

The *significant* habitat of *endangered species* and *threatened species* will be based on a consideration of the following:

- i) Assessments reviewed and approved by the Ministry of Natural Resources regarding the extent of the species' habitat;
- ii) Habitats or areas delineated by MNR and/ or regulated under the ESA; and,
- iii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

3.4.4 Natural Environment Overlay Policies

The following policies apply to those lands identified as "Natural Environment Overlay" on Schedule "B2" of this Plan.

- a) ***Development and site alteration*** is not permitted on lands within the “Natural Environment Overlay” unless it has been demonstrated to the satisfaction of the approval authority and/or the *local municipality*, in consultation with the relevant *Conservation Authority*, that there will be no *negative impacts* on the natural features or their *ecological functions*.

These lands may be *adjacent* to lands designated “Natural Environment” and/or may contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, significant valleylands*, and secondary priority existing natural features that meet 1 to 4 of the 11 *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

Adjacent lands are defined as generally those lands within 120 metres of the “Natural Environment” designation and “Natural Environment Overlay”. Assessment of *negative impact* is to be determined by conducting an environmental impact assessment in accordance with Appendix Three to this Plan which will be required prior to consideration of any Planning Act application.

- b) Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.
- c) The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.
- d) Harrow Site Esker ANSI

Earth science features are the physical elements of the natural landscape created by geological processes. These features are classed into geological themes and the best representative sites, not occurring in Provincial Parks, are considered Provincially *significant areas of natural and scientific interest* (ANSI). The Harrow Site Esker ANSI occurs in Lot 11, Concession II and Lot 14, Gore Concession and contains ill-defined esker-like ridges. The exact relationships of these features are not fully known; however, they may represent the oldest in Ontario. Earth ANSI's are generally less sensitive to disturbance than Life ANSI's. *Ecological functions* do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features for which the area was identified. The approval authority will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.

3.4.5 Restoration Opportunity Overlay Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule "B3" to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The "Restoration Opportunities Overlay" applies to lands that do not contain existing *natural heritage features*; however, they have been identified as potential areas to enhance the fragmented system in the County.

- a) Prior to the approval of any local Official Plans, Official Plan amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for *infrastructure*, an Environmental Impact Assessment shall be undertaken that evaluates the following:
 - i) Opportunities to restore and enhance the *natural heritage features* in the area, including the establishment of linkages.
 - ii) The incorporation of Low Impact Development elements into the project.
 - iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
 - iv) Opportunities to set aside strategic areas for restoration and enhancement.
 - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's *natural heritage system*.
 - vi) Public acquisition.
 - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the "Restoration Opportunities Overlay" as shown on Schedule "B3" of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the *natural heritage system*.

3.4.6 General Policies

The following general policies apply to those lands designated as "Natural Environment" on Schedule "A1" of this Plan as well as areas designated "Agricultural" and "Settlement Areas" and that have *significant natural heritage*

features or are *adjacent* to areas containing *significant natural heritage features* as shown on Schedules "B1" and "B2".

a) Environmental Impact Assessments

- i) The purpose of an environmental impact assessment is to:
 - i. collect and evaluate information to provide a more complete understanding of the boundaries, attributes and functions of *natural heritage features* and associated ecological and hydrological functions that exist;
 - ii. determine whether there are any additional *natural heritage features* on the lands and *adjacent lands*; and,
 - iii. make an informed decision as to whether the proposed *development* and/or *site alteration* will have an impact on the *natural heritage features* and ecological and hydrological functions.
- ii) 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 in accordance with the guidelines in Appendix 3 of this Plan and on the basis of the natural features or the *ecological function* for which the area has been identified in Table 3 and the Schedules to this Plan. For example, if this Plan identifies a site as an ANSI or a *significant woodland*, the environmental impact assessment shall be prepared on the basis of that environmental classification.
- iii) 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 County, *local municipality* and/or other approval authority shall have regard to such new information in its decisions regarding planning applications. If, based on the new information, the approval authority, in consultation with the relevant *Conservation Authority*, concludes that the "Natural Environment" classification should be altered, this Official Plan and/or the local Official Plan depending on the significance of the change and its impact on the ability of the County to meet the goals of this Plan, will require amendment to implement the change.
- iv) Before *development* is approved in the area subject to the environmental impact assessment, the environmental impact

assessment shall demonstrate that the relevant policies of this Plan and the local Official Plan are met. The environmental impact assessment should also demonstrate that the *development* and *site alteration* will not have an impact on *significant natural heritage features* and related *ecological functions*.

- v) Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no *negative impacts* on the natural features or their *ecological functions*.
- vi) A site inspection may be needed where there is insufficient natural heritage data to determine whether an environmental impact assessment is triggered. The purpose of the site inspection is to identify potential *significant natural heritage features* and areas that may require further study and evaluation. Once the significance is determined, the appropriate policies of this Plan apply.
- vii) If a site is identified as having a higher or lower classification by the Province or relevant *Conservation Authority*, or by a *local municipality* through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as "Natural Environment" on Schedule "A1" of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with *natural heritage features* and/or functions.
- viii) 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.
- ix) In areas other than those designated "Natural Environment" on Schedule "A1" of this Plan, altering the state of the *natural heritage features* as a result of conducting permitted uses, i.e., clearing lands for *agricultural uses*, will not be considered negatively by the approval authority. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April

2000 and 2010 aerial photography as one of the tools to establish the alteration in relation to the enlargement or retraction of a feature.

- x) The extent and diversity of *natural heritage features* in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. *Local municipalities* are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. 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 that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.
- b) In addition to the above policies, *local municipalities* are also encouraged to undertake the following in consultation with the relevant *Conservation Authority*:
 - i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.
 - ii) Establish goals and strategies to increase the amount of *natural heritage area*. One way to achieve this is to have a "State of the Environment Report" prepared and presented to Council on a regular basis.
 - iii) Require that when considering *development* proposals, the approval authority may require the land owner to enter into an 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.
- c) To recognize woodlots as viable components of farming operations.
- d) On lands designated "Agricultural" that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*, the construction of greenhouses and other agricultural buildings is strongly discouraged. In most instances the construction of greenhouses and large agricultural buildings within such areas will have *negative impact* and therefore would not be permitted. Other locations on the farm can be used for such purposes.

- e) The participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts, the Managed Forest Tax Incentive Program and the Conservation Land Tax Incentive Program will be encouraged.
- f) 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 a *Conservation Authority* or any other conservation group or agency.
- g) The County will encourage the development of policies and programs to support *local municipalities* and partners to protect and enhance *natural heritage features* and *natural heritage systems*.
- h) During the preparation of local Official Plans, the County encourages additional refinement of the *natural heritage system* and the implementation of tools to enhance the system such as more detailed land use designations, overlay designations, promotion of stewardship and voluntary landowner actions.

Town of Kingsville Official Plan

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". 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.



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Date: February 4, 2019
To: Mayor and Council
Author: Jennifer Astrologo, Director of Corporate Services
RE: Disclosure of Pecuniary Interest Registry
Report No.: CS-2019-06

AIM

To provide Council with information regarding the mandatory registry that municipalities must establish on or before March 1, 2019.

BACKGROUND

The *Municipal Conflict of Interest Act* (the “Act”) sets out a framework for members regarding the ethical participation in local government decision-making. It is designed to protect the public interest by prohibiting members from having any involvement in relation to a matter under consideration by council or a local board, where the member has a pecuniary interest.

Pursuant to Section 5 of the *Act*, members who have a pecuniary interest (direct, indirect, or deemed) in any matter that is under consideration by council or local board must:

- a. Disclose the interest and general nature thereof, prior to consideration of the matter at the meeting;
- b. Not participate in the discussion or vote on any question in respect of the matter; and
- c. Not attempt in any way to influence the voting on any such question.

DISCUSSION

Although the requirement to declare a pecuniary interest at the meeting has not changed, effective March 1, 2019, members will also be required to file a written statement of their interest, at the meeting or as soon as possible thereafter, with the Clerk or secretary of the

committee or local board, as the case may be.¹ Similar to the declaration made under Section 5 of the *Act*, the written statement must include the interest being declared and the general nature thereof.

Municipalities across the province have a corresponding obligation to establish and maintain a registry which shall contain a copy of these written statements and a copy of the declarations recorded in the minutes.² Additionally, the registry must be available to the public for inspection during the time that the municipality or local board, as the case may be, may determine.³

To ensure that the legislative obligations are being fulfilled and to maintain consistency with respect to the information collected about the disclosure, a Declaration of Pecuniary Interest Form (the “Declaration”) has been developed and is attached at Appendix A.

The Declaration requires the member to outline the following details:

- Member Name
- Meeting Type – members are expected to identify whether their interest is being declared at a council or committee/local board meeting, and to specify the committee/local board, where applicable
- Meeting Date
- Agenda Item number and title as described on the agenda
- Reasons for declaring a pecuniary interest

Finally, the member must sign and date the Declaration. The reverse of the Declaration contains a brief statement of the obligations under the *Act*, and instructions for declaring a pecuniary interest and completing the Declaration.

In addition to maintaining a hardcopy of the Declarations in the Corporate Services Department, the Declarations will be published on the Town’s website.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

None

CONSULTATIONS

None

¹ S. 5.1 of the *Act*.

² S. 6.1(1) of the *Act*.

³ S. 6.1(2) of the *Act*.

RECOMMENDATION

That Council receive this report regarding the mandatory requirement for municipalities to establish and maintain a registry of statements filed in accordance with the provisions of the *Municipal Conflict of Interest Act*.

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (hons), LL.B
Director of Corporate Services/Clerk

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Schedule "A"



Council/Committee Member
Declaration of Pecuniary Interest
Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50

Declaration of Pecuniary Interest ***Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50***

Council/Committee Member Name:

Meeting Type: ☐ Council ☐ Committee ☐ Local Board

Please specify which Committee/Local Board:

Meeting Date:

Agenda Item Number:

Agenda Item Title:

I, _____, declare a (direct/indirect/deemed)
pecuniary interest on the above-noted matter, for the following reason(s):

Member's Signature

Date

Declaration of Pecuniary Interest Guidelines

The *Municipal Conflict of Interest Act* (the “Act”) sets out a framework for the ethical participation in local government decision-making. It is designed to protect the public interest by prohibiting members from having any involvement in relation to a matter under consideration by council or local board, where the member has a pecuniary interest.

Procedures for Disclosure:

If a matter comes before Council or Committee that a member believes he/she has a pecuniary interest in, there are clear procedures to follow. The member should:

1. Declare the pecuniary interest at the commencement of the meeting. It is a best practice for the member to vacate the council/committee meeting table when the matter is up for consideration and until voting on the matter is concluded.
 - a. If the matter is going to be considered in Closed Session, the Member must vacate the meeting room while the matter is under consideration.
2. Refrain from attempting in any way whether before, during or after the meeting to influence the discussion or voting on any such matter.
3. Return to the meeting after the matter has been discussed and a decision has been made.
4. Complete and submit the Declaration of Pecuniary Interest form to the Clerk or secretary of the board/committee at the time the disclosure is made, or as soon as possible afterwards.

These procedures apply to all regular and special meetings of Council.



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Date: February 14, 2019
To: Mayor and Council
Author: Jennifer Astrologo, Director of Corporate Services
RE: Appointment of an Integrity Commissioner
Report No.: CS-2019-07

AIM

To provide Council with information regarding the requirement of the Town to appoint an Integrity Commissioner ("IC") and to recommend the appointment of Paul Watson as the Town's Integrity Commissioner for a two-year term.

BACKGROUND

Back in 2007, Bill 130 came into force. That Bill made substantial amendments to the *Municipal Act, 2001* (the "Act") and introduced an accountability and transparency regime for municipalities. As part of that regime, municipalities were required to establish an accountability and transparency policy and were given the authority to implement several other accountability and transparency options (i.e. codes of conduct for Council, Integrity Commissioner appointment, the appointment of a Closed Meeting Investigator etc.).

Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, builds upon the accountability and transparency initiative and made a number of amendments to the *Act* (and the *City of Toronto Act, 2006*), the *Municipal Conflict of Interest Act*, the *Municipal Elections Act*, and several other pieces of legislation. Of particular importance are the changes with respect to the integrity commissioner regime.

Effective March 1, 2019, not only has the province expanded the responsibilities of an integrity commissioner, it has also established a requirement that municipalities either appoint their own IC or arrange for those services to be provided by an IC of another municipality. With respect to the expanded role, IC's will now be tasked with the responsibility of applying sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* (the "MCIA") to members of Council and local boards, and providing advice to these same individuals with respect to their obligations under the code of conduct, the MCIA, and any other procedure, policy or rule governing their ethical behavior.

Since December of 2015, the Town has had available to it the services of an IC. Mr. Robert Swayze provided integrity commissioner services to the Town from December 2015 to the first quarter of 2017. In and around May 2017, the Town entered into an agreement with Mr. Paul Watson to provide integrity commissioner services until the Town procured the services of an integrity commissioner through a bidding process.

DISCUSSION

A Request for Proposals (“RFP”) was issued January 25, 2019, and closed February 15, 2019, at noon. Attached at Schedule “A” are the services that will be provided by the Town’s integrity commissioner.

With these services in mind, Proponents were requested to provide details of their qualifications, along with a listing of any resources they may have at their disposal to assist in the performance of their responsibilities as an integrity commissioner. Proponents were also requested to supply a proposed work plan outlining:

- How they will carry out their duties and responsibilities in a cost effective and efficient manner;
- The handling of confidential communications, including the forwarding of complaints;
- A plan describing how multiple contracts or concurrent complaints will be handled to ensure projects will be prioritized and completed with equal priority; and
- A plan to avoid potential conflicts of interest that may arise in the course of acting as the Town’s Integrity Commissioner.

Finally, the RFP required that each proponent provide references supporting their application and a fee schedule, outlining the costs associated with the provision of services.

The contract has been advertised as a two-year commitment, with the option to renew for an additional two-year term on consent of both parties.

The Town received three bids in response to the RFP: ADR Chambers Inc., MNP LLP (“MNP”), and Paul Watson (“Watson”). All proponents have experience providing integrity commissioner services to other Ontario municipalities.

After reviewing the proposals, Administration recommends that Council appoint Watson as the Town’s Integrity Commissioner. Watson is a practicing lawyer, is a member of the Municipal Integrity Commissioners of Ontario, and currently serves as the Integrity Commissioner for Chatham-Kent. There is no monthly/annual retainer fee associated with retaining his services. All services provided in conjunction with the contract will be billed at an hourly rate. Further, since Mr. Watson is located in Chatham-Kent, travel costs will be minimal and there will be no associated costs for accommodations.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

The 2019 Operating Budget contains \$8,000.00 toward Integrity Commissioner Services. Since Mr. Watson is not charging a monthly/annual retainer fee, all amounts budgeted can be used toward services actually received in connection with the contract. Moreover, after reviewing the fee structure provided by all three proponents, it appears that Mr. Watson has the most economical fee structure for Kingsville.

CONSULTATIONS

P. Van Mierlo-West, C.A.O.

RECOMMENDATION

That Council appoint Paul Watson as the Town's Integrity Commissioner for a two-year term effective March 1, 2019 until February 28, 2021;

AND THAT Council direct administration to prepare an agreement for execution by the Town and Mr. Watson;

AND THAT Council adopt the necessary by-law at a future meeting of Council.

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (hons), LL.B
Director of Corporate Services/Clerk

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



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February 12, 2019

To: Members of Kingsville Council
From: Kingsville Striking Committee

RE: 2019-2022 Updated Appointments to Boards and Committees for Kingsville

Members of the Kingsville Striking Committee, comprised of Mayor Nelson Santos, Deputy Mayor Gord Queen and Councillor Tony Gaffan met on Monday, February 11th to review updated applications for Lay Appointees in response to a second call to help fill vacancies on the Heritage Advisory, Fantasy of Lights, Migration Festival and Accessibility Advisory committees as well as the recently approved Greenhouse Policy Review Committee on behalf of the Town of Kingsville. The Committee is pleased to report that another 19 letters of interest and applications were received for the various lay appointments in addition to the Council member committee requests. A summary report of the recommended committee appointments is attached for Council consideration.

While many of the identified vacancies have been filled, there remains some vacancies on the Migration Festival and Communities in Bloom Committees that are not at full complement and we encourage the committee and its members to help recruit additional members as their work proceeds over the next term and to provide updates through their meetings for appointment recommendations to council.

Respectfully submitted,

A handwritten signature in dark ink on a light yellow background. The signature is cursive and appears to read "Nelson Santos".

Mayor Nelson Santos

2019 - 2022 RECOMMENDED BOARD/COMMITTEE APPOINTMENTS

Fantasy of Lights

Previously Appointed:

Council Appointees:

1. Mayor Nelson Santos
2. Councillor Tony Gaffan

Lay Appointees:

1. Chris Anson
2. Tom Coke
3. Doug Doey
4. Lori Duhig
5. David Laman
6. Steve l'Anson

New Lay Appointees:

1. **Alison Araujo**
2. **Julia Mockler**
3. **Janet Willoughby**

Kingsville Accessibility Advisory Committee

Previously Appointed:

Council Appointee:

1. Councillor Larry Patterson

Lay Appointees:

1. Jackie Barraco
2. Chris Anson
3. Stephanie Olewski

New Lay Appointee:

1. **Andrew Banar**

Kingsville Municipal Heritage Advisory Committee

Previously Appointed:

Council Appointee:

1. Councillor Kimberly DeYong

Lay Appointees:

1. Mary Baruth
2. Elvira Cacciavillani
3. Bruce Durward
4. Anna Lamarche
5. Margie Luffman
6. Shannon Olson
7. Sarah Sacheli

New Lay Appointee:

1. **Matthew Biggley**

Migration Festival Committee

Previously Appointed:

Council Appointee:

1. Councillor Laura Lucier

Lay Appointees:

1. Mary Baruth
2. Robyn Braybrook-Gard
3. Susan Girardin
4. Matt Kraus
5. Diane-Marie Swiderski

New Lay Appointees:

1. **Stephanie Allen Santos**
2. **Alison Araujo**

Greenhouse Policy Review Committee (New)

Council Appointees:

1. Mayor Nelson Santos
2. Councillor Kimberly DeYong

Lay Appointees:

1. Mike Burns
2. George Dekker
3. Henry Denotter
4. Fred Driedger
5. Dave Hunt
6. Margaret Pare
7. Justine Taylor

Recommendation:

1. THAT Council adopt the recommended board and committee lay appointments for the Corporation of the Town of Kingsville as presented and that the appropriate by-law be adopted at this meeting of council.



January 30, 2019

Kingsville Town Council
c/o Mayor Nelson Santos
2021 Division Road North
Kingsville, Ontario, N9Y 2Y9

President
Charlie Hotham

Vice President
Lina Busico

Treasurer
Cher Fahringer

Secretary
Rachel Kwasnicki

Past President
Rene Jacques

Directors
Dianne Bako
Donald Cyr
Reverend Ernie Harris
Glen McCourt
Kris McInnis
Kelly Shelton
Moe Susa

Program Manager
Tyler Lamphier

Police Coordinators
Amanda Allen, O.P.P.
Kristina Gilboe, W.P.S.

Dear Mayor Nelson Santos,

On Saturday June 1st, Windsor & Essex County Crime Stoppers is hosting our Bridging Partnerships Gala at St. Clair College Centre for the Arts.

The Gala will include representatives from the 38 Ontario Crime Stoppers Programs, local law enforcement and community partners. The evening will include hors d'oeuvres, a plated dinner, live entertainment by Dream Catcher and a brief awards ceremony that will highlight the achievements from within Ontario Crime Stoppers programs.

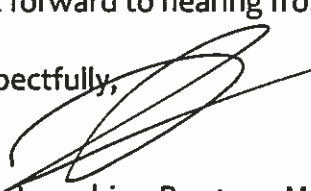
As leaders in our community, we are seeking your support by purchasing a table to attend our Gala. A poster containing the full details is enclosed.

To purchase tickets, please visit www.catchcrooks.com/bridging-partnerships/, call our office at 519-255-6700 ext. 4497 or email tyler@catchcrooks.com.

Bridging Partnerships Gala
Saturday, June 1st, 2019
St. Clair Centre for the Arts
201 Riverside Drive West
Alumni Skyline Room
Doors open at 6:00pm

Any questions about the Gala, please feel free to contact me. I appreciate your time and look forward to hearing from you.

Respectfully,


Tyler Lamphier, Program Manager
Bus: 519-255-6700 ext. 4497
Cell: 519-890-4863
Email: tyler@catchcrooks.com
Website: www.catchcrooks.com

CRIME STOPPERS 

Windsor & Essex County Crime Stoppers Inc., P.O. box 60, Windsor, Ontario, N9A 6J5
Bus: (519) 255-6700 ext. 4497, Fax: (519) 258-1314
Website: www.catchcrooks.com Email: tyler@catchcrooks.com

Windsor & Essex County Crime Stoppers

cordially invites you to attend the

CRIME STOPPERS

Bridging Partnerships Gala

Saturday, June 1st, 2019

St. Clair Centre for the Arts

201 Riverside Drive West - Alumni Skyline Room

6:00pm Cocktails & Hors D'oeuvres

7:30pm Dinner

Live Entertainment by Dream Catcher

Cash Bar

\$100 each – Tables of 10 for \$900

For Tickets or information, visit

www.catchcrooks.com Or call 519-255-6700 ext 4497

Semi-Formal Attire Recommended



Attn: Nelson Santos c/o Kingsville Council
2021 Division Rd N
Kingsville ON N9Y 2Y9

Dear Attn: Nelson Santos c/o Kingsville Council,

I am writing you today to introduce myself. My name is Christine Colautti and I am extremely excited and honoured to be the new *Executive Director for the Erie Shores Health Foundation*. I would like to take a moment and thank my predecessor Ross Barnwell for his guidance and leadership during this transition, and wish him all the best in retirement.

I consider it an absolute privilege to be working with members of this community, and I would like to thank you for choosing to support the Foundation. It is truly remarkable the impact the Foundation has had over the past 20 years; all because of you!

When there was a need, this community met the call to action and paved the way in providing many vital pieces of equipment, capital and program needs to the hospital, along with the establishment of the Erie Shores Hospice.

As a supporter, you play an invaluable role within our philanthropic tradition, and the Foundation is very grateful for each and every gift we receive.

As we look towards another exciting year, we will further define the future of our healthcare needs, and once again call upon your support. I know that together we will embrace our role in keeping exceptional care close to home.

It is our mission to continuously elevate the level of care provided to this community, and I sincerely thank you for inviting me to become a part of this journey.

To learn how your generosity has impacted the Foundation, please visit our website at www.eshfoundation.ca. As well, I look forward to providing you with donor updates, and to connecting with you in other ways throughout the year.

*Stay Connected!
Get Involved!*

To learn more about the Erie Shores Health Foundation and how to support Hospital & Hospice, visit our website at www.eshfoundation.ca

You can contact me anytime via email at ccolautti@ldmh.org, or by phoning 519-326-2373 ext. 4181 if you wish to introduce yourself, make a donation or simply have a question. My door is always open!

With gratitude,



Christine Colautti

P.S. from Ross Barnwell: 'It has been a privilege to have had the opportunity to work with so many community members in my role with the Foundation. It made the job of fundraising so much fun and extremely productive. That support was truly appreciated and I know as the Erie Shores Health Foundation pushes into new projects this remarkable community will continue to support healthcare in this area.'



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, February 11, 2019
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

| | |
|------------------------------|--|
| Members of Council | Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier |
| Members of Administration | J. Astrologo, Director of Corporate Services P. Van Mierlo-West, CAO T. Hong, Manager of Financial Services G. Robinson, Planner |

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 7:00 p.m.

B. MOMENT OF SILENCE AND REFLECTION

Mayor Santos asked those present to stand and observe a moment of silence and reflection to be followed by the playing of O'Canada.

C. PLAYING OF NATIONAL ANTHEM

D. DISCLOSURE OF PECUNIARY INTEREST

Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

E. PRESENTATIONS/DELEGATIONS

1. Tony and Mary Taylor--Request dated January 17, 2019 RE: Concerns regarding noise issues re: Car Wash, Planning Issues

Mayor Santos brought Staff Report I-3 forward for discussion. Staff Report I-3 was presented by George Robinson, Planner.

112-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receive the report "Compliance Timeline - 281 Main St. W" and direct staff to continue with full enforcement actions to achieve the required noise limit of 60 dBs at the nearest residential property line as per Section 22 (v) of the site plan agreement; and that Administration provide an update about what actions have been taken within the next 30 days.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. Zoning By-law Amendment Application ZBA/16/18 by MOS Enterprises Ltd. – 1501, 1521, 1523 & 1527 County Road 34 Part of Lot 20, Concession 4 ED, Parts 1 to 8, RP 12R 14851, Parts 1

Scott Allen, of MHBC Planning, Urban Design, & Landscape Architecture, and Mary Fox, of Fox D Consulting, appeared on behalf of the Applicant, MOH Enterprises Ltd. Mr. Allen stated that the Applicant supports the findings and recommendations in the staff report. Ms. Fox provided a summary of the Health Canada approval process and compliance requirements at the federal level.

Comments from the Public:

Ugo DiCarlo - 1632 Road 4 E - speaking on behalf of the property owners that live adjacent to the greenhouse operation, stated that they are in support of the application.

Richard Krebs - 2918 Olinda Sideroad - Expressed concerns about the ventilation system that is going to be used, the noise resulting from the ventilation system and the odour issues.

Fred Driedger - 930 Road 4 E - Expressed concern about the odour issue and would like to know what system will be used to meet the "no perceptible odour" requirements.

Elma Warkentin - 1628 Road 5 E - Expressed concern about the odour issue.

Vivian Whaley - 1972 Road 5 E - Expressed concern about the impacts on air quality resulting from the odour elimination system that will be used.

Ernest Warkentin - 1628 Road 5 E - commented that existing greenhouses cannot properly modify their operation to comply with requirements put in place for cannabis production.

Sarah Anzovino - 3193 Graham Sideroad - Expressed concern about noise, odour, dark sky compliance, and the impact on infrastructure and water services as it relates to this application. She also expressed concern about the provision of notice since the light and odour complaints extend beyond the 120 metre radius.

Deputy Mayor Queen requested a recorded vote.

113-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council approve zoning by-law amendment ZBA/16/18 to permit a medical marihuana production facility on property located at 1501, 1521, 1523 & 1527 County Road 34;

AND THAT Council address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law as detailed in the amending by-law;

AND THAT odour control provisions be added as outlined in the attached amendment;

AND FURTHER THAT Council adopts the implementing by-law.

| Recorded | For | Against |
|---------------------|------------|----------------|
| Mayor Nelson Santos | X | |

| | | |
|----------------------------|----------|----------|
| Deputy Mayor Gord Queen | | X |
| Councillor Tony Gaffan | X | |
| Councillor Thomas Neufeld | X | |
| Councillor Larry Patterson | X | |
| Councillor Kimberly DeYong | X | |
| Councillor Laura Lucier | X | |
| Results | 6 | 1 |

CARRIED (6 to 1)

Mayor Santos called for a brief recess at 8:54 pm.

Mayor Santos reconvened the meeting at 9:06 pm.

**2. Zoning By-law Amendment Application ZBA/17/18 by Kapital Produce Ltd.
– 1506, 1508 & 1526 County Road 34 & 1636 Road 4 E, Part of Lot 21,
Concession 4 ED, Parts 1 & 2, RP 12R 15280,**

Scott Allen, of MHBC Planning, Urban Design, & Landscape Architecture, appeared on behalf of the Applicant, Kapital Produce Ltd. Mr. Allen stated that the Applicant supports the findings and recommendations in the staff report.

There were no comments from members of the public in attendance at the meeting.

114-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council approve zoning by-law amendment ZBA/17/18 to permit a medical marihuana production facility on property located at 1506, 1508 & 1526 County Road 34 & 1636 Road 4 E;

AND THAT Council address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law as defined in the amending by-law;

AND THAT odour provisions be added as outlined in the attached amendment;

AND FURTHER THAT Council adopts the implementing by-law.

CARRIED

G. AMENDMENTS TO THE AGENDA

None.

H. ADOPTION OF ACCOUNTS

1. **Town of Kingsville Accounts for the monthly period ended January 31, 2019 being TD cheque numbers 0067753 to 0068165 for grand total of \$3,118,726.38**

115-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council approve Town of Kingsville Accounts for the monthly period ended January 31, 2019 being TD cheque numbers 0067753 to 0068165 for grand total of \$3,118,726.38.

CARRIED

I. STAFF REPORTS

1. **Cat Intake Program – Windsor Essex County Humane Society**

116-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council approves the two-year agreement between the Windsor/Essex County Humane Society and the Town of Kingsville for the continuation of the 2019-2020 Cat Intake Program, and adopts Authorizing By-law 9-2019 at this Regular Meeting.

CARRIED

2. **Councillor Remuneration – Impact of 1/3 Tax Exemption Changes**

117-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council adopt by-law 18-2019 which reflects an increase in council remuneration in response to the elimination of the 1/3 tax exemption provisions for elected officials.

CARRIED

3. Compliance Timeline – 281 Main St W.

The Compliance Timeline - 281 Main St. W Report was brought forward and discussed as part of Agenda Item E.1, delegation of Tony and Mary Taylor.

4. Site Plan Public Input Process

118-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council receive the report on site plan public input and direct administration to incorporate the suggested notice process in the Site Plan Application Standard Operating Procedure (SOP); and that Administration enhance communication to residents through the website and other methods of communication.

CARRIED

5. Application for Part Lot Control - PLC/01/19 York Subdivision Phase 4A &4B (correction and update)

119-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council repeal by-laws 116-2016 and 117-2016;

AND THAT Council enact Part Lot Control Exemption By-law 12-2019 to allow Lots 9, 10 and 11 inclusive on Plan 12M 587 and Lots 19 through 36, inclusive on Plan 12M 619 to be exempt from Section 50(5) of the Planning Act;

AND FURTHER THAT Council authorize staff to forward the by-law for approval to the County of Essex Planner and register the final approved by-law on title.

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

- 1. Tecumseh Police Services Board Chair Christopher Hales--Discussion paper on the subject of Amalgamation of Essex Detachment Police Services Boards, dated June 29, 2018**

120-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council authorize the Mayor to convey the message that Kingsville wishes to maintain a Kingsville Police Services Board and if that is not possible, the Town wishes to maintain adequate representation on any amalgamated board to ensure that the the needs of the Town are represented and communicated.

CARRIED

- 2. Autism Ontario - World Autism Awareness Day RE: Raise the Flag on April 2, 2019**

121-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council participate in Autism Ontario's 'Raise the Flag' campaign and declare Tuesday, April 2, 2019 as Autism Awareness Day in the Town of Kingsville, and further, direct Administration to register forthwith with Autism Ontario for the "Raise the Flag" event.

CARRIED

- 3. Municipality of Leamington--Correspondence dated January 28, 2019 RE: Dedicated Gas Tax for Public Transportation Program**

122-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council endorses the Municipality of Leamington to act in the capacity of host community in the 2018/2019 Dedicated Gas Tax Funds for Public Transportation Program;

And That Council be provided with additional information regarding the expanded transportation system between Leamington and Windsor.

CARRIED

4. Lions Club--Correspondence dated January 31, 2019 RE: Grant Funding Project

123-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council release the grant funds to the Lions Club in accordance with motion No. 96-2019 passed at the January 30, 2019 Special Meeting of Council.

CARRIED

5. By-law Appeal Committee appointments

124-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council appointment the following Members to the By-law Appeal Committee: Mayor Santos, Deputy Mayor Queen, Councillor Lucier, Councillor Neufeld, Councillor Patterson; and that Council adopt By-law 20-2019.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. **Regular Meeting of Council-January 14, 2019**
2. **Special Meeting of Council-January 17, 2019**
3. **Special Meeting of Council-January 18, 2019**
4. **Special Meeting of Council--January 30, 2019**

Council noted that the funds granted to Artisan Alley through the grant process amounted to \$2,500.

125-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council adopts Regular Meeting of Council Minutes dated January 14, 2019 and Special Meeting of Council Minutes, dated January 17, 2019 (Budget Deliberations #1), January 18, 2019 (Council Orientation Session #4) and January 30, 2019 (Budget Deliberations #2), as amended.

CARRIED

L. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Union Water Supply System Joint Board of Management - November 21, 2018**

126-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council receive Union Water Supply System Joint Board of Management Meeting Minutes dated November 21, 2018

CARRIED

2. **Police Services Board - November 28, 2018**

127-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receive Police Services Board Meeting Minutes dated November 28, 2018

CARRIED

3. Kingsville B.I.A. - December 11, 2018

128-2019

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council receive Kingsville B.I.A. Meeting Minutes dated December 11, 2018

CARRIED

M. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Ministry of Agriculture, Food and Rural Affairs, Environmental Management Branch-Memorandum from Tim Brook, Drainage Program Coordinator dated January 11, 2019 RE: Agricultural Drainage Infrastructure Program**
- 2. Municipal Property Assessment Corporation-Memorandum dated December 14, 2018 from Carla Y. Nell, Vice-President, Municipal and Stakeholder Relations with attached 2018 Year-End Assessment Report**
- 3. Town of Georgina-Correspondence from C. Lance, Council Services Coordinator, Clerk's Division, dated January 21, 2019 with accompanying Resolution No. C-2019-0021 passed January 16, 2019 RE: Bill 66-Restoring Ontario's Competitiveness Act**
- 4. Town of Orangeville-Correspondence from S. Greatrix, Clerk, dated January 17, 2019 RE: Resolution passed by the Council of the Town of Orangeville on January 14, 2019 opposing planned changes to the Planning Act in proposed Bill 66**
- 5. Township of Mattice-Val Cote--Correspondence dated January 11, 2019 requesting Support of Resolution No. 18-190 passed by the Council of the Township of Mattice-Val Cote RE: Council members' Declaration of Office**
- 6. Town of Shelburne--Resolution No. 8 dated January 14, 2019 endorsing and supporting the re-establishment of the multi-stakeholder working group in**

exploring and identifying ways to create and maintain the Voters' List for Municipal Elections

- 7. Town of Mono--Correspondence from Mayor L. Ryan dated January 22, 2019 including Mono's Res. No. 12-1-2019 passed January 8, 2019 endorsing and supporting the Town of Kearney's resolution regarding the inadequacy of the Municipal Election Voters' List.**
- 8. Patterson Taxi--Correspondence from D. Renaud dated October 26, 2018
RE: Taxi Driver Licences**

129-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council receive information items 1-8.

CARRIED

130-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kingsville received the resolution and correspondence from the Township of Mattice-Val Cote regarding Council Members' Declaration of Office;

AND THAT Council endorses and supports the replacement of paragraph four of the Declaration of Office with the following wording: "I will be faithful and bear true allegiance to my country, Canada, and to its three founding nations",

AND THAT a copy of this resolution be forwarded to the Ministry of Municipal Affairs and Housing, to the Premier of Ontario, and to our provincial and federal parliament representatives and to all Ontario municipalities.

CARRIED

Councillor DeYong indicated that she intends to bring a Motion at the next Regular Meeting of Council regarding the Voters' List.

N. NOTICES OF MOTION

O. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

None.

P. BYLAWS

1. By-law 95-2018

131-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 95-2018, being a By-law to amend By-law No. 1-2014 the Comprehensive Zoning By-law a first, second and third and final time.

CARRIED

2. By-law 96-2018

132-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 96-2018, being a By-law to amend By-law No. 1-2014 the Comprehensive Zoning By-law a first, second and third and final time.

CARRIED

3. By-law 120-2018

133-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 120-2018, being a by-law to establish rules and regulations to be used in connection with all cemeteries owned and operated by The Corporation of the Town of Kingsville a third and final time.

CARRIED

4. By-law 7-2019

134-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 7-2019, being a By-law authorizing the entering into of a Licence Agreement with the Sun Parlour Folk Music Society a first, second and third and final time.

CARRIED

5. By-law 9-2019

135-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 9-2019, being a By-law authorizing the entering into of an agreement with Windsor/Essex County Humane Society a first, second and third and final time.

CARRIED

6. By-law 12-2019

136-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 12-2019, being a By-law to exempt certain lands from Part Lot Control (York Subdivision, Phase 4A - 12M 587 and Phase 4B - Plan 12M 619) a first, second and third and final time.

CARRIED

7. By-law 16-2019

137-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 16-2019, being a By-law authorizing the entering into of an Agreement with Pro-Bid Contractors Limited respecting 3rd Concession-Clifford Drain Improvements (N. J. Peralta Engineering Ltd. Project No.: D-17-030) a first, second and third and final time.

CARRIED

8. By-law 18-2019

138-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 18-2019, being a By-law respecting remuneration and expenses for Members and Council and Local Boards a first, second and third and final time.

CARRIED

9. By-law 19-2019

139-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 19-2019, being a by-law to assume Bruner Court as a public highway in the Town of Kingsville a first, second and third and final time.

CARRIED

10. By-law 20-2019

140-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 20-2019, being a By-law to amend By-law No. 2-2019 appointing certain members of Council and individuals to boards and committees a first, second and third, and final time.

CARRIED

Q. CLOSED SESSION

141-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That pursuant to section 239 of the *Municipal Act, 2001*, Council, at 10:05 p.m. enter into Closed Session to discuss the following items:

1. Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, being LPAT Case No. PL180865.
2. Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; being an application for expropriation of a portion of waterfront lands for park purposes.

CARRIED

1. **Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, being LPAT Case No. PL180865**
2. **Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; being an application for expropriation of a portion of waterfront lands for park purposes.**

R. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 10:39 p.m., Mayor Santos reported that information was provided to Council with respect to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, being LPAT Case No. PL180865 and an application for expropriation of a portion of waterfront lands for park purposes.

Mayor Santos indicated that in both cases, Council has requested additional information from Administration to be brought to a future meeting.

S. CONFIRMATORY BY-LAW

1. By-law 21-2019

142-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 21-2019, being a By-law to confirm the proceedings of the Council for The Corporation of the Town of Kingsville at its February 11, 2019 Regular Meeting of Council a first, second and third and final time.

CARRIED

T. ADJOURNMENT

143-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 10:40 p.m.

CARRIED



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY NOVEMBER 20TH, 2018 AT 6:00 P.M.
CORPORATION OF THE TOWN OF KINGSVILLE
COUNCIL CHAMBERS
2021 DIVISION RD N, KINGSVILLE, ONTARIO N9Y 2Y9

A. CALL TO ORDER

Chairperson G. Queen called the meeting to order at 6:00 p.m. with the following Committee members in attendance:

| Members of Committee of Adjustment | Members of Administration |
|--|--|
| <ul style="list-style-type: none">• Deputy Mayor Gord Queen• Thomas Neufeld• Russell Horrocks• Allison Vilardi• Jim Gaffan Jr. | <ul style="list-style-type: none">• Town Planner – Kristina Brcic• Manager of Planning – Robert Brown• Administrative – Stephanie Coussens |

B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson G. Queen reminded Committee members to disclose any interest they may have prior to each agenda item being discussed.

Russel Horrocks disclosed pecuniary interest involving B / 20 & 21 / 18 – Kingsville Golf & Country Club – VL & 640 – 700 County Rd 20.

C. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED TUESDAY, OCTOBER 23RD, 2018.

CA - 34 - 2018

Moved by Jim Gaffan Jr., seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated October 23rd, 2018 be adopted.

CARRIED

D. HEARINGS

1. A / 07 / 18 – Sandra McLeod – 466 Waterview Rd

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated November 13th, 2018 which provides details regarding the requested Minor Variance to increase the lot coverage and decrease the side yard setback for the construction of a new dwelling and detached garage on lands known as 466 Waterview Road, in the Town of Kingsville.

The subject land is an approximately 422.06 sq. m (4,543 sq. ft.) residential lot with a single detached dwelling. The applicant is requesting that a minor variance be considered to construct a new single family dwelling with a detached garage.

The applicant is seeking the following variances:

- Total lot coverage, from 40% to 47%
- Interior Side yard setback, from 3 m (10 ft.) to 1.5 m (5 ft.)
- Accessory Structure/building lot coverage, from 10% to 11.4%

All other zone performance standards are met.

The applicant Sandra McLeod was in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Chairperson, G. Queen confirmed there were no comments from the committee, applicant or the public.

CA - 35 - 2018

Moved by Russell Horrocks, seconded by Allison Vilardi that Minor Variance Application A/07/18, pertaining to the lands known as 466 Waterview Road to:

- a) permit an increase in the total lot coverage from 40% to 47% in order to construct a 147.6 sq. m (1,589 sq. ft.) residential dwelling and a 48.3 sq. m (520 sq. ft.) detached garage;
- b) permit an increase in the accessory structure maximum lot coverage from 10% to 11.4% in order to construct a 48.3 sq. m (520 sq. ft.) detached garage;
- c) permit a decrease in the interior side yard from 3 m (10 ft.) and 1.5 m (5ft.) for a dwelling with a detached garage to 1.5 m (5 ft.) on both sides for a dwelling with a detached garage;

subject to the following conditions:

- i) that any new construction comply with all other applicable provisions of the By-law;
- ii) that the dwelling is constructed in accordance with Ontario Building Code;
- iii) that the owners obtain any applicable permits from ERCA for construction and site alteration.

CARRIED

2. A / 09 / 18 – John and Ruth Urbanic – 4 Lakeside Crescent

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated November 14th, 2018 which provides details regarding the requested Minor Variance to grant relief from the maximum lot coverage and covered, unenclosed porch provisions of the by-law, on lands known as 4 Lakeside Crescent, in the Town of Kingsville.

The subject land is an approximately 298.31 sq. m (3,211 sq. ft.) residential lot with a townhouse dwelling unit. The dwelling was built with a covered, unenclosed porch, which was not shown in the original building permit. As a result, the applicants are requesting that a minor variance be considered to increase the total permitted lot coverage from 55% to 59% to permit the existing covered, unenclosed porch in the rear yard. Relief is also requested for the rear yard setback for the existing covered, unenclosed porch to continue to extend 4.26 m (14 ft.) into the required rear yard, and maintain a 3.35 m (11ft.) setback from the rear lot line. As per the attached site plan, all other zone performance standards are met.

The applicants John and Ruth Urbanic were not in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Committee Member Allison Vilardi, asked if the approval of this Minor Variance would allow the property owners to enclose this porch; and if a new owner wants to enclose the porch would they be permitted? Town Planner, Kristina Brcic confirmed that the applicant would not be permitted to enclose the porch. The original request submitted to the Town was to enclose the porch; through the review of the application it was discovered that the porch had

already exceeded the allowed lot coverage and therefore a Minor Variance was required for the existing structure.

Chairperson, G. Queen confirmed there were no other comments from the committee or the public.

CA - 36 - 2018

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. that Minor Variance Application A/09/18, pertaining to the lands known as 4 Lakeside Crescent to:

- a) permit an increase in the lot coverage from 55% to 59%;
- b) permit a decrease in the rear yard setback for a covered, unenclosed porch to continue to extend 4.26 m (14 ft.) into the required rear yard, and maintain a minimum 3.35 m (11ft.) setback from the rear lot line;

subject to the following conditions:

- i) that any new construction comply with all other applicable provisions of the By-law;
- ii) that the dwelling is constructed in accordance with Ontario Building Code;

CARRIED

3. A / 10 / 18 – Robert and Anna Buchan – 405 Pearse Rd

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated November 13th, 2018 which provides details regarding the requested Minor Variance to extend past the established building line for a home with Lake Frontage for the construction of an addition onto an existing dwelling on lands known as 405 Pearse Road, in the Town of Kingsville.

The subject land is an approximately 731.61 sq. m (7,875 sq. ft.) residential lot with a single detached dwelling. The applicants wish to extend the existing sunroom 10 ft. and include a covered, unenclosed porch (shown on Applicants Sketch). Relief is being requested from Section 4.21 of the Kingsville Zoning By-law where the requested addition of the home will extend 3.05 m (10 ft.) past the established building line for a home with Lake Erie Frontage. As per the attached site plan, all other zone performance standards are met.

The applicant Robert Buchan was in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Committee Member Russell Horrocks, asked what the purpose of the established building line for properties with Lake Erie Frontage by-law. Town Planner Kristina Brcic explained that Section 4.21 Lake Erie Setback and Frontage – Residential Buildings and Structures of the Town of Kingsville Zoning By-law 1-2014 protects the neighbours to the East or West of the property to maintain their view of the Lake. Mr. R. Horrocks asked if there have been any objections from the neighbouring properties. Ms. K. Brcic confirmed that she has not received any objections from neighbours of 405 Pearse Rd.

Chairperson, G. Queen confirmed there were no other comments from the committee, applicant or the public.

CA - 37 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Minor Variance Application A/10/18, pertaining to the lands known as 405 Pearse Road to:

- a) permit the construction of an addition, specifically a sunroom and covered, unenclosed porch, onto the existing residential dwelling to extend 3.05 m (10 ft.) past the established

building line as defined in Section 4.21 Lake Erie Setback and Frontage – Residential Buildings and Structures of the Town of Kingsville Zoning By-law 1-2014;

subject to the following:

- iv) that any new construction comply with all other applicable provisions of the By-law;
- v) that the dwelling is constructed in accordance with Ontario Building Code;
- vi) that the owners obtain any applicable permits from ERCA for construction and site alteration.

CARRIED

4. B / 11 / 18 – 2616856 Ontario Limited – 1288 – 1290 Road 2 W

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated November 13th, 2018 which provides details regarding the requested consent to sever both existing dwellings deemed surplus to the needs of the owner, from lands known as 1288-1290 Road 2 W, in the Town of Kingsville.

The Town of Kingsville has received the above noted application for lands located on the north side of Road 2 West, west of McCain Side Road. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject lands are a 24.4 ha (60.26 ac.) farm parcel which contain two single detached dwellings, four outbuildings and four concrete silos. It is proposed that the dwellings and outbuildings, deemed surplus to the owner, be severed creating two new lots:

- Part 1 – Area of 0.29 ha (0.725 ac.), Frontage of 25 m (82 ft.)
- Part 2 – Area of 0.28 ha (0.704 ac.), Frontage of 25 m (82 ft.)

It will be a condition of the consent that the retained farm parcel be rezoned to prohibit dwellings as per Provincial and Town policies.

The applicant, representative of 2616856 Ontario Limited was in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Chairperson, G. Queen asked if the proposed septic system, as shown on the applicants sketch, has since been installed. Town Planner, Kristina Brcic confirmed that it has been installed and that the two homes on the subject property are no longer sharing a septic system.

Committee Member, Russell Horrocks asked if the applicant has been advised of the conditions, with specific regard to item #11: That the owner obtain the necessary permits and remove all silo's at the rear of the proposed severed lots, and any buildings encroaching on a proposed lot line and that the setback of any buildings to remain must comply with the provisions of the applicable zoning, to the satisfaction of the Town's Building Department. Town Planner, Kristina Brcic confirmed that the applicant was given a copy of her report prior to the meeting.

Henry Denotter, 1364 Road 2 W, asked if the drain to the east of the property could be added to the proposed severed lot, known as Part 2 on the applicants sketch. Chairperson, G. Queen asked if it is a municipal drain. Town Planner, Kristina Brcic confirmed that it is not a municipal drain, it is a private farm drain. Ms. K. Brcic explained that it would be up to the property owner of the retained lands to maintain the drain. Ms. K. Brcic confirmed that the reference plan can be amended to include the additional 30 feet as a private easement.

The applicant does not have an objection to the addition the 30 feet to Part 2 of the severance.

Manager of Planning Services, Robert Brown suggested the establishment of an agreement between the land owners by way of a permanent easement, to allow for the continued maintenance of the drain. The applicant was in agreement with this option. Mr. R. Brown said we can amend the decision to reflect the addition of the easement as a Part on the applicants sketch over the drain on the west side of the property.

Public input regarding the farm drain resulted in an added condition to ensure maintenance of the drain by way of establishing an easement.

Chairperson, G. Queen confirmed there were no other comments from the committee or the audience.

CA - 38 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/11/18 to sever two dwellings, deemed surplus to the farming operation and create two new lots being Part 1 - 0.29 ha (0.725 ac.) and Part 2 - 0.28 ha (0.704 ac.), located at 1288-1290 Road 2 W Part of Lots D and E, Concession 2 WD, Part 5, RP 12R 15120, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
3. That the owner shall provide that all municipal taxes be paid in full.
4. That any necessary drainage reapportionments be undertaken.
5. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
8. That the applicant establishes a permanent easement over Part 3, as shown on the Applicant's Sketch, for maintenance of the drain;
9. A clearance letter of approval for the septic systems on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
10. That the owner provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcels;
11. That the applicant obtains separate municipal address/911 signage for both severed lots at the applicant's expense;
12. That the owner obtain the necessary permits and remove all silo's at the rear of the proposed severed lots, and any buildings encroaching on a proposed lot line and that the setback of any buildings to remain must comply with the provisions of the applicable zoning, to the satisfaction of the Town's Building Department;
13. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

14. The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

5. B / 14 / 18 – Kirk W. Munroe – VL SS Seacliff Drive

Town Planner, Kristina Brcic introduced the consent application and reviewed her supplementary report dated November 14th, 2018 which provides details regarding the requested consent for lot creation for lands known as VL SS Seacliff Drive, in the Town of Kingsville.

The application was initially heard before the Committee of Adjustment at the public meeting held on October 23, 2018 where the application, subject to the conditions, was recommended for approval by Planning Staff. However, the Committee deferred the application and requested that conditions be reviewed and subsequently discussed with the applicant.

The parcel is a vacant 2.42 ha. (5.977 ac.) farm parcel with approximately 76.2 m (250 ft.) of frontage on Seacliff Drive (County Road 20). As shown on the Applicants Sketch, it is proposed that the existing lot be subdivided as follows:

1. Severed Parcel: Area – 1.21 ha. (3.00 ac.); Frontage – 76.2 m (250 ft.) on Seacliff Drive but with access to Woodbridge Lane only;
2. Retained Parcel: Area – 1.20 ha (2.977 ac.); Frontage – to be established along Woodbridge Lane 134.76 m (442.11 ft.)

Access to the subject lands is currently provided over Woodbridge Lane which is a private road. In consultation with the owner and prospective purchaser, and subject to further discussion with the Town, it was suggested that Woodbridge Lane be conveyed to the Town and established as a municipal right-of-way. As a result, both the Severed and Retained lands would have access to an open municipal right-of-way via Woodbridge Lane.

If the severance is approved a zoning amendment will be required as the purchaser of the severed parcel is proposing to use a portion of the lands for overflow parking.

Supplementary

The purchaser of the severed parcel did suggest a reduced conveyance of 33 ft. versus the requested 40 to 41 ft. along with the existing Woodbridge Lane whichever is necessary to secure a total of 20m (66 ft.). The Town's position on this remains unchanged as this is the requirement outlined in the Town's Development Manual, which continues to be supported by Council.

The Town does not have any immediate plans to construct a road in this area. The purpose of the conveyance is to secure the required lands when and if the balance of the property to the south (retained lands) develops. A request for road widening or establishment of road allowances is not an uncommon request as part of any development and lot creation, be it one lot or one hundred lots, is considered development. The noted past actions and development in the area are not a good indicator of what represents good planning practice and should not be repeated simply on the basis that it worked at that time. Planning is about looking long-term at what may occur and taking action today that safeguards appropriate development in the future.

Trying to secure these lands on a piece meal basis or via a development agreement requires additional cost to the Town to prepare and register along with ongoing monitoring to ensure that development does not occur that would impact the future conveyance. Securing the lands today involves little to no cost. The lands are then under Town ownership and secured against actions that would impact their potential future use. The Town is not necessarily against the lands being used for supplementary parking in the interim subject to a usage agreement.

Chairperson, G. Queen asked the Town Planner Kristina Brcic to review the conditions so that the applicant is aware of what they are agreeing to.

The applicant/current owner Mr. Kirk Munroe as well as the purchaser, Mr. Jason Martin, were in attendance.

Committee Member, Russell Horrocks, asked if the Town Planner, or Manager of Planning could provide an example of road widening as a result of the Town's Development Manual. Manager of Planning Services, Robert Brown, explained that other than regular Plans of Subdivision, we have not completed a similar road conveyance. However, McCracken is on the radar for such, if an application is brought forward to develop any lands abutting McCracken. It is a requirement for lot creation that lots have frontage on a public right of way. If in the future the retained lands are to be developed, they would incur the issue of not fronting onto a public right of way, as per the Town's Development Manual.

Committee Member Jim Gaffan Jr. commented, the application was deferred at the October meeting so that the applicants could further discuss options, Mr. J. Gaffan asked if the applicants were able to come up with a solution.

Manager of Planning Services, Robert Brown did have discussions with the applicant and the purchaser, the applicant agreed to less 8 feet. Mr. R. Brown reported that Council is not willing to budge on the Town's Development Manual requirements.

The applicant, Mr. K. Munroe; spoke to the application. Mr. K. Munroe stated that establishing a full size municipal road is not necessary. Neither Mr. K. Munroe nor Mr. J. Martin have plans to develop the land and believe they do not need a municipal right of way. Mr. K. Munroe feels that the Town could push the business, known as Cindy's Garden, out of town.

Mr. Jason Martin stated that, discussions with Mr. Brown, and Mr. Munroe have not lead to any alternative conclusion from what was presented at the last Committee of Adjustment meeting. They are not interested in conveying land to establish Woodbridge Lane as a municipal right of way.

Committee Member, Thomas Neufeld proposed the removal of Item #6; #7 and #8:

- 6 The applicant enter into a development agreement with the Town, for the improvement of Woodbridge Lane including acceptable surface treatment, drainage, service connections, access, municipal signage, and addressing of existing properties which will front onto Woodbridge Lane, at the owners expense prior to conveyance of an acceptable right-of-way for Woodbridge Lane;
- 7 That the owner of 585 Seacliff (PIN 75177-0818) convey a 7.6 m (25 ft.) wide portion of the easterly edge of the property to the Town, free of charge and clear of all encumbrances, for the establishment of a municipal right of way;
- 8 That the owner of VL SS Seacliff Drive (PIN 75177-0816) convey a 12.5 m (41 ft.) wide portion of the westerly edge of the severed parcel (shown as 'Severed Lands' on the applicants sketch), to the Town, free of charge and clear of all encumbrances, for the establishment of a municipal right of way;

CA - 39 - 2018

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. to remove Item #6; #7 and #8 from the original conditions.

CARRIED

Committee Member Allison Vilardi asked if the frontage of the severed parcel is on Woodbridge Lane. Mr. R. Brown, clarified that the severed lot has frontage on County Rd 20 (Seacliff Dr.).

Robert Brown, repeated himself with regards to the the necessity of a road allowance as per the Town's Development Manual. He explained that it just needs to be in the form of an agreement, but it doesn't need to be installed at the present time. The road allowance is in place for if and when development is proposed on the severed and retained lots.

Chairperson, G. Queen confirmed there were no other comments from the committee or the audience.

CA - 40 - 2018

Moved by Jim Gaffan Jr., seconded by Russell Horrocks that Consent Application B / 14 / 18 for the creation of a 1.21 ha. (3.00 ac.) lot, on lands currently known as VL SS Seacliff Drive (PIN 75177-0816), in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a plan of survey prepared and reference plan deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer;
2. That the deeds, such **plan of survey or reference plan**, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances;
3. That the necessary deed(s), transfer or charges be **submitted in triplicate**; signed and fully executed (no photo copies), prior to certification;
4. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act;
5. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds;
6. That the park fee of \$1,500 is paid to the Town prior to certification of the deed for the severed parcel;
7. The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

6. B / 16 / 18 – Maurice Trepanier – 882 County Rd 8

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated November 13th, 2018 which provides details regarding the requested consent to sever both existing dwelling deemed surplus to the needs of the owner, from lands known as 882 County Rd 8, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of County Road 8, west of County Road 31 (Albuna Townline). The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject farm parcel is approximately 17 ha (42 ac.) in size and contains two single detached dwellings and several outbuildings. It is proposed that the dwellings and outbuildings, deemed surplus to the owner, be severed to create two new lots:

- Part 1 – Area of 0.755 ha (1.866 ac.), Frontage of 88.39 m (290 ft.) 888 Cty. Rd 8.
- Part 2 – Area of 0.575 ha (1.420 ac.), Frontage of 41.15 m (135 ft.) 882 Cty. Rd 8.

It will also be a condition of the consent that the retained farm parcel be rezoned to prohibit dwellings as per Provincial and Town policies.

The applicant Mr. Maurice Trepanier was present, no comment.

Chairperson, G. Queen confirmed there were no other comments from the committee or the audience.

CA - 41 - 2018

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B/16/18 to sever two dwellings, deemed surplus to the farming operation and create two new lots being Part 1 - 0.755 ha (1.866 ac.) and Part 2 - 0.575 ha (1.420 ac.), located at 882 County Rd 8, Part of Lot 25, Concession 11, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
3. That the owner shall provide that all municipal taxes be paid in full.
4. That any necessary drainage reapportionments be undertaken.
5. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
8. A clearance letter of approval for the septic system on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
9. That the owners provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcels;
10. That the applicants remove any buildings encroaching on a proposed lot line and that the setback of any buildings to remain must comply with the provisions of the applicable zoning;
11. That the applicant obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County;
12. That the applicant obtains separate municipal address/911 signage for both severed lots at the applicant's expense;
13. That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), including a copy of the reference plan, prior to certification.
14. The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

7. B / 20 & 21 / 18 – Kingsville Golf & Country Club – VL & 640 – 700 County Rd 20

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated November 15th, 2018 which provides details regarding the requested consent to establish permanent easements and rights-of-way for lands known as 640 County Road 20, in the Town of Kingsville.

The subject lands consist of two parcels; 1) a 1.8 ha (4.5 ac.) parcel containing the Kingsville Curling Club building; and 2) the Kingsville Golf & Country Club containing the clubhouse, and other support facilities. In 2016 the curling club portion was severed from the main property for potential sale and development. The sale of the lands is nearing completion however, the vendor and purchaser need to establish a number of easements and/or rights-of-way for servicing and access prior to closing.

The purchaser of the curling club lands will need to convey easements over Parts 2, 3 & 13 (highlighted in orange on the Applicants Sketch 'A') for access to existing services along with a right-of-way for mutual access between the curling club lot, golf course and County Road 20. As part of the application, the purchaser will also be conveying Parts 8 and 9 (highlighted in purple on the Applicants Sketch 'A') to the Town to enlarge Part 10 and 11 (highlighted in green on the Applicants Sketch 'A') that were conveyed to the Town as part of the original curling club severance. The purchaser will also need to retain an easement over the Town lands, Parts 8 to 11, for future servicing access.

The second application is for the establishment of a right-way over the golf course's existing entrance laneway along the easterly edge of Part 1 in favour of Part 1 (highlighted in blue on the Applicants Sketch 'B'). This will permit access to the future development proposed on the curling club lands.

Committee Member, Jim Gaffan Jr. asked if any easements or right of ways existed prior to this application. Town Planner, Kristina Brcic indicated that the easements were there, but not registered on title. Mr. J. Gaffan asked if there would be any additional entrances. Ms. K. Brcic confirmed that nothing has been proposed in the way of additional entrances.

Drew Travis, 90 Crosswinds Blvd., asked if there will be a new entrance into the curling club development. Manager of Planning Services, Robert Brown confirmed that at this time the only two entrances into the Golf Course and Crosswinds are proposed.

Chairperson, G. Queen confirmed there were no other comments from the committee or the audience.

CA - 42 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/20/18 to establish any required permanent easements and/or rights-of-way for the purpose of servicing and access as shown on the applicant's sketch 'A', over the subject lands, in the Town of Kingsville, subject to the following conditions:

- i) That a reference plan be deposited in the registry office, **both an electronic and paper copy** to be provided for the files of the Secretary Treasurer;
- ii) That the applicant convey Parts 8 and 9 (highlighted in purple on the Applicant's Sketch 'A') to the Town free of charge and clear of all encumbrances;
- iii) The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 43 - 2018

Moved by Thomas Neufeld, seconded by Allison Vilardi that Consent Application B/21/18 to establish a right-of-way, shown as Part 1 (highlighted in blue) on the applicant's sketch 'B',

from the Kingsville Golf and Country Club parcel in favour of the Kingsville Curling Club parcel, in the Town of Kingsville, subject to the following conditions:

- i) That a reference plan be deposited in the registry office, **both an electronic and paper copy** to be provided for the files of the Secretary Treasurer;
- ii) The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.


E. OTHER BUSINESS

F. ADJOURNMENT

CA - 44 - 2018

Moved by Thomas Neufeld, seconded by Allison Vilardi there being no further hearings scheduled, the meeting was adjourned at 7:25 p.m.

CARRIED



CHAIRPERSON G. QUEEN



SECRETARY-TREASURER

COMMITTEE OF ADJUSTMENT MEETING

**TUESDAY JANUARY 22ND, 2019 AT 6:00 P.M.
CORPORATION OF THE TOWN OF KINGSVILLE
COUNCIL CHAMBERS
2021 DIVISION RD N, KINGSVILLE, ONTARIO N9Y 2Y9**

A. CALL TO ORDER

Robert Brown, Manager of Planning called the meeting to order at 6:00 p.m. with the following Committee members in attendance:

| Members of Committee of Adjustment | Members of Administration |
|--|---|
| <ul style="list-style-type: none"> • Deputy Mayor Gord Queen • Councillor Thomas Neufeld • Russell Horrocks • Allison Vilardi • Shannon Olson | <ul style="list-style-type: none"> • Town Planner – George Robinson • Manager of Planning – Robert Brown • Administrative – Stephanie Coussens |

Robert Brown, Manager of Planning, called for Chairperson Nominations for the 2019-2022 Committee.

CA - 01 - 2019

Moved by Gord Queen, seconded by Russell Horrocks that Thomas Neufeld be appointed Chairperson for the 2019-2022 Committee of Adjustment.

CARRIED

Robert Brown, Manager of Planning, called for Vice-Chairperson Nominations for the 2019-2022 Committee of Adjustment.

CA - 02 - 2019

Moved by Gord Queen, seconded by Allison Vilardi that Shannon Olson be appointed Vice-Chairperson for the 2019-2022 Committee of Adjustment.

CARRIED

Robert Brown, Manager of Planning called for appointment of the Secretary-Treasurer for the 2019-2022 Committee of Adjustment.

CA - 03 - 2019

Moved by Russell Horrocks, seconded by Allison Vilardi that George Robinson be appointed the Secretary-Treasurer of the 2019-2022 Committee of Adjustment.

CARRIED

Robert Brown, Manager of Planning called for appointment of the Deputy Secretary-Treasurer for the 2019-2022 Committee of Adjustment.

CA - 04 - 2019

Moved by Gord Queen, seconded by Allison Vilardi that Robert Brown be appointed the Deputy Secretary-Treasurer of the 2019-2022 Committee of Adjustment.

CARRIED

B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson T. Neufeld reminded Committee members to disclose any interest they may have prior to each agenda item being discussed.

C. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED TUESDAY, NOVEMBER 22ND, 2018.

CA - 05 - 2019

Allison Vilardi reviewed an item that was included as a condition from the November meeting. She then asked that the committee ensure that all conditions are clarified prior to making a motion to pass going forward.

Moved by Gord Queen, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated November 22nd, 2018 be adopted.

CARRIED

D. HEARINGS

1. A / 12 / 18 – 1296 Graham SdRd - Stephen and Shellie DANCKAERT

Town Planner, George Robinson introduced the Minor Variance application and reviewed his report dated January 11th, 2019 which provides details regarding the requested Minor Variance to the required front yard of a non-complying building to allow an addition onto an existing dwelling on lands known as 1296 Graham Side Road, in the Town of Kingsville.

The subject land is an approximately 1,029.7 sq. m (11,084 sq. ft.) residential lot with a single detached dwelling and two accessory structures. The applicants wish to build a 51.56 sq. m. (555 sq. ft.) addition onto the north facing wall of the existing home (as shown on Applicants' Sketch). Relief is being requested from Section 4.24 b) Non-complying buildings and structures, and more specifically section b) Horizontal Extension Permitted – Front and Side yards, subsection iv) which states:

- the encroachment within the front yard and/or side yard is not closer than the front yard and/or side yard setback of the existing main dwelling;

Since the lot is irregular shaped and the applicants wish to build the extension of the home in a linear fashion, matching the existing dwelling's front wall, they are requesting relief from the zoning by-law which will result in a front yard setback of 2.26 m (7.4 ft.) along the main dwelling addition's closest point to the front lot line. As per the attached site plan, all other zone performance standards are in compliance.

The applicant Stephen Danckaert was in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee.

Chairperson, T. Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 06 - 2019

Moved by Allison Vilardi, seconded by Russell Horrocks that Minor Variance Application A/12/18, pertaining to the lands known as 1296 Graham Side Road to grant relief from Section 4.24 b) Non-complying buildings and structures – Town of Kingsville Zoning By-law 1-2014 to permit the construction of an addition onto the existing residential dwelling reducing the required front yard minimum to 2.26 m (7.4 ft.) along the main dwelling addition's closest point to the front lot line, be **Approved** subject to the following conditions:

1. That any new construction complies with all other applicable provisions of the By-law.
2. That the addition is constructed in accordance with Ontario Building Code.
3. That the owners obtain any applicable permits from ERCA for construction and site alteration.
4. That a clearance letter of approval for the septic system must be obtained from the Town's Building Department.

CARRIED

2. B / 18 / 18 & A / 13 / 18 – 1600 Union Ave. - Ron SELLON

Town Planner, George Robinson introduced the Consent and Minor Variance application and reviewed his report dated January 11th, 2019 which provides details regarding a combined application for consent and minor variance to create a lot on lands known as 1600 Union Avenue, in the Town of Kingsville.

The subject land is an approximately 0.44 ha (1.1 ac.) parcel that contains an existing dwelling. It is proposed that the lot be severed (as shown on the Applicants Sketch) and the retained lot (1600 Union Ave) be approximately 0.199 ha (0.49 ac.) in area; and the proposed severed lot (vacant land) be approximately 0.245 ha (0.61 ac.) in area. The proposed lot frontages fall too short of the 30 m (100 ft) minimum lot frontage required by the current 'Residential Zone 2 Rural/Urban (R2.2)' zone.

As a result of the proposed severance, the following zone deficiencies are created which will require a minor variance application to address:

- Retained: Reduced lot frontage from the required 30 m (100 ft) minimum to 19.81 m (64.99 ft.);
- Severed: Reduced lot frontage from the required 30 m (100 ft) minimum to 24.38 m (79.99 ft.)

The applicant Mr. Ron Sellon and his solicitor Jonathan Sinopoli were in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee, applicant or the public.

Chairperson, T. Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 07 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B/18/18 to create a new vacant 0.245 ha (0.61 ac.) residential parcel from the lands known as 1600 Union Avenue, Part of Lot 9, Concession 1 Eastern Division, Parts 2 & 3, Plan 12R-7943, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy to be provided for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality

including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.

3. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
4. That any necessary drainage reapportionments be undertaken.
5. A clearance letter of approval for the septic system on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
6. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
7. The applicant provides a new water service at the applicant's expense and to the satisfaction of the Town prior to certification.
8. That the severed lot obtain a municipal address.
9. That the applicant obtains the necessary permits from the Town or County for the construction of a new entrance for the severed lot.
10. That the necessary deed(s), transfer or charges be ***submitted in triplicate***, signed and fully executed (***no photo copies***), prior to certification.
11. That Minor Variance Application A/13/18 be finally approved.
12. The conditions imposed above shall be fulfilled by **January 22, 2020** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 08 - 2019

Moved by Gord Queen, seconded by Russell Horrocks that Minor Variance Application A/13/18 to reduce the required lot frontage from 30 m (100 ft) minimum to 19.81 m (64.99 ft.) for the Retained lot; and reduce the required lot frontage from 30 m (100 ft) minimum to 24.38 m (79.99 ft.) for the Severed lot be **Approved** without conditions.

CARRIED

3. B / 19 / 18 – 1337 Briarwood – David & Stacey JONES

Town Planner, George Robinson introduced the Consent application and reviewed his report dated January 11th, 2019 which provides details regarding the requested consent to sever and convey a portion of land, being 699.84 sq. m (7,533 sq. ft.) in area, as a lot addition to an abutting residential property, from the lands known as 1337 Briarwood Cres to the lands known as 1328 Mc Rae Ave, in the Town of Kingsville.

The subject land is a 0.21 ha (0.51 ac.) parcel (shown in red in Appendix A) and contains an existing dwelling. The applicant has received a request from an abutting property owner (shown in blue in Appendix A) to purchase approximately 699.84 sq. m (7,533 sq. ft.) of vacant land (shown as Part 1 on the Applicants' Sketch). These lands would then be conveyed as a lot addition to the abutting parcel, 1328 Mc Rae Ave.

The main purpose of the severance is to attain the piece of land as additional back yard space, and to straighten out the side yard lot line. There is no zoning issue raised as a result of the proposed lot addition as the severed lands and receiving lot are both 'Lakeshore Residential (LR)' and both parcels will continue to meet the minimum lot area and lot frontage requirements.

The applicant David & Stacey Jones were in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee, applicant or the public.

Chairperson, T. Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 09 - 2019

Moved by Allison Vilardi, seconded by Gord Queen that Consent Application B/19/18 to sever and convey a portion of land, being 699.84 sq. m (7,533 sq. ft.) in area, from the lands known as 1337 Briarwood Cres to an abutting residential parcel, known as 1328 Mc Rae Ave as a lot addition, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting parcel (1328 Mc Rae Ave) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
2. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
3. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
4. That the owner shall provide that all municipal taxes be paid in full.
5. That any necessary drainage reapportionments be undertaken.
6. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
7. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
8. That a clearance letter of approval for the septic system on the retained parcel (1337 Briarwood Cres) must be obtained from the Town's Building Department.
9. The conditions imposed above shall be fulfilled by **January 22, 2020** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

4. B / 22 / 18 & A / 11 / 18 –125 Pearl St W - Matthew and Hiedee RIPLEY

Town Planner, George Robinson introduced the consent application and reviewed his report dated January 11th, 2018 which provides details regarding the requested consent to create an additional lot and an associated minor variance for lands known as 125 Pearl St W, in the Town of Kingsville.

The subject parcel is 1,015.15 sq. m (10,926 sq. ft.) in size and contains a single detached dwelling, and a shed. The applicant is requesting to sever the parcel into two residential lots (shown in red and blue in Appendix A of the Planners Report). Both the retained and severed

lands would result in lots with an area of approximately 507.6 sq. m. (5463.5 sq. ft.) and 12.6 m (41.50 ft.) of frontage onto Pearl St. W. The applicant is requesting relief from the 'Residential Zone 1 Urban (R1.1)' required lot frontage of 15 m (50 ft.) to 12.6 m (41.5 ft.) on both the retained and severed lands through a minor variance. On the retained lands the applicant is requesting relief from the interior side yard setbacks to 0.91 m (3 ft.) on one side and 1.8 m (6 ft.) on the other (as shown on the Applicants Sketch in Appendix B of the Planners report) due to the positioning of the existing house.

Mr. Brown received comment from a neighbouring property owner, Kathy and Gary Fulmer of 116 Pearl St W, in the Town of Kingsville, the same day as the meeting. A copy was given to the Committee Members at the beginning of the meeting. Mr. & Mrs. Fulmer had concerns regarding parking.

Town Planner George Robinson, addressed the committee regarding the comments from Mr. & Mrs. Fulmer in stating that when the building permit is submitted to the Town for the new home on the severed lot a driveway will be installed.

CA - 10 - 2019

Moved by Allison Vilardi, seconded by Gord Queen to accept the correspondence from Mr. & Mrs. Fulmer of 116 Pearl St W.

CARRIED

The applicant Matthew Ripley was in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee.

Committee Member Gord Queen asked if a 41.5 foot wide lot instead of 50 foot was consistent with the make-up of the area. Mr. Robinson replied that the lot sizes in the area vary between 40 and 50 feet. The size of the lot is consistent with the surrounding area.

Committee Member Shannon Olson, ask for clarification on the drive way. Mr. Robinson replied that a new build will require a new access / driveway. The driveway will be addressed at the time of issuing a building permit for the new build. The retained parcel did not have a driveway before and will remain with no driveway.

Chairperson, T. Neufeld confirmed there were no other comments from the committee or the audience.

CA - 11 - 2019

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B/22/18 to create one (1) new residential lot, being 507.6 sq. m. (5,463.5 sq. ft.) in area, from the lands known as 125 Pearl Street W., Part of Lot 2, Concession 1, WD, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a plan of survey be prepared or a reference plan deposited in the registry office, ***both an electronic and paper*** copy of either to be provided to the Town for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.
3. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage and private park fees be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.

4. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
5. The applicant is to provide a new sanitary, private storm drain connection, and water service connection to the severed parcel.
6. A permit shall be obtained from the Town for the installation of a new entrances or changes to existing entrances from Pearl Street to the retained or severed lots, any cost associated with the access installation shall be the applicant's responsibility.
7. A park fee of \$1,500.00 is paid to the municipality for the creation of the new lot prior to certification.
8. That the severed lot obtain a municipal address.
9. That Minor Variance (A/11/18) is approved and finalized.
10. The conditions imposed above shall be fulfilled by **January 22, 2020** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 12 - 2019

Moved by Shannon Olson, seconded by Russell Horrocks that Minor Variance Application A/11/18 to reduce the required lot frontage on the severed and retained parcel from 15 m (50 ft.) to 12.6 m (41.5 ft.) on both the retained and severed lands be **Approved** without conditions.

CARRIED

5. B / 23 / 18 – 27 Mettawas Lane - HTM Management Inc

Town Planner, George Robinson introduced the consent application and reviewed his report dated January 11th, 2019 which provides details regarding the requested consent to establish a permanent easement for lands known as 25 & 27 Mettawas Lane, in the Town of Kingsville.

The subject lands consist of two parcels 25 and 27 Mettawas Lane (See Appendix A). The owner/developer of the subdivision has completed construction of townhouse units in the Mettawas Lane development. Due to the curvature of the road and location of the neighbouring townhouse's end unit (Unit 25), a request for consent to establish an easement and shared access for a portion of the driveway (shown as Part 9 and Part 10 on the Applicant's Sketch in Appendix B) has been submitted. This would result in shared driveway access from the road which then splits off to each individual unit's (25 & 27) garage.

Chairperson, T. Neufeld asked if there were any comments from the committee.

Committee member Shannon Olson, asked if the proposed easement is similar or the same as 26, 28 and 30 Mettawas Lane. Town Planner, George Robinson confirmed that yes this easement is similar.

Committee member Allison Vilardi, referenced the 12R provided, she asked if the 2ft frontage indicated is correct. The Town Planner, George Robinson, indicated that due to the curvature of the bump out the measurements are pushed back. Ms. A. Vilardi, asked if the lot conforms to the lot requirements. Mr. G. Robinson indicated that lot frontages were confirmed as compliant as part of the earlier Part Lot Control application.

Chairperson, T. Neufeld confirmed there were no other comments from the committee or the audience.

CA - 13 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B/23/18 to establish a permanent easement for access on the lands known as 25 & 27 Mettawas Lane, as shown on the applicant's sketch as Part 9 and Part 10, RP 12R 27382, in the Town of Kingsville, subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
2. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
3. The conditions imposed above shall be fulfilled by **January 22, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

6. B / 24 / 18 – 176 Road 3 E - Cornelius VERSNEL

Town Planner, George Robinson introduced the consent application and reviewed his report dated January 11th, 2019 which provides details regarding the requested consent to sever an existing dwelling deemed surplus to the needs of the owner, from lands known as 176 Road 3 E, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 3 East, east of County Road 29 (Division Rd N). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The parcel is approximately 12.34 ha (30.49 ac.) in size and contains a single detached dwelling, several outbuildings, including a barn, and vacant farmland. It is proposed that the dwelling and outbuildings, deemed surplus to the owner, be severed creating a new lot, as well as establishment of an easement over the existing driveway to allow access to an existing neighbouring parcel as shown on the applicants' sketch as:

- Part 1 – Surplus Dwelling Severance: Area of 0.25 ha (0.625 ac.), Frontage of 43.73 m (143.47 ft.)
- Part 2 – Driveway Access Easement: Area of 0.04 ha (0.110 ac.), Frontage of 9.14 m (30 ft.)

As a condition of the consent the retained farm parcel must be rezoned to prohibit dwellings as per Provincial and Town policies. An application for rezoning has been filed (Zoning by-law Amendment ZBA/35/18).

The applicant Mr. Versnel was in attendance. Mr. Versnel asked if the condition to install a new access to the retained farm parcel is mandatory or is it an option.

Committee Member R. Horrocks asked for clarification on which condition is in question. Town Planner George Robinson confirmed the condition in question reads as follows, "That the applicant obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County".

The Manager of Planning Services, Robert Brown, explained the process of coming up with the condition to install the new access. The new access is a condition required by Municipal Services.

Chairperson, T. Neufeld confirmed there were no other comments from the committee or the audience.

CA - 14 - 2019

Moved by Russell Horrocks, seconded by Shannon Olson that Consent Application B/24/18 to sever an existing dwelling deemed surplus to the needs of the owner on a 0.25 ha (0.625 ac.) parcel shown as Part 1 and 2 on the applicants' sketch, and establish a permanent easement over the existing driveway shown as Part 2 on the applicants' sketch in favour of the neighbouring lot located at located at 204 Road 3 East, in Part of Lot 1, Concession 3 ED, in the Town of Kingsville, subject to the following conditions:

1. That a reference plan be deposited in the registry office, *both an electronic and paper* copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
3. That the owner shall provide that all municipal taxes be paid in full.
4. That any necessary drainage reapportionments be undertaken.
5. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
8. A clearance letter of approval for the septic system on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
9. That the owners provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcels.
10. That the applicants remove any buildings encroaching on a proposed lot line and that the setback of any building(s) to remain must comply with the provisions of the applicable zoning;
11. That the applicant obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County;
12. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
13. The conditions imposed above shall be fulfilled by January 22, 2020 or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

E. OTHER BUSINESS

- Review of 2019 Calendar of Meeting Dates
- Approval of 2019 Calendar of Meeting Dates

CA - 15 - 2019

Moved by Gord Queen, seconded by Shannon Olson to approve the proposed 2019 Calendar Meeting Dates.

CARRIED

F. ADJOURNMENT

CA - 16 - 2019

Moved by Russell Horrocks, seconded by Shannon Olson there being no further hearings scheduled, the meeting was adjourned at 6:29 p.m.

CARRIED



CHAIRPERSON T. NEUFELD



SECRETARY-TREASURER

**REGULAR MEETING OF KINGSVILLE BIA
WEDNESDAY, JANUARY 8, 2019 AT 6:00 P.M.
Carnegie Arts & Visitor Centre, 28 Division St. S, Kingsville, Ontario**

A. CALL TO ORDER

Beth Riddiford called the Meeting to order at 6:04 pm with the following persons in attendance:

Members of BIA Board: Beth Riddiford, Roberta Weston, Laura Lucier, Tony Gaffan, Trevor Loop, Izabel Muzzin, Jason Martin

Regrets:

Absent: Heather Brown

Guests:

Members of Administration: Christina Bedal

B. DISCLOSURE OF PECUNIARY INTEREST

Beth Riddiford reminded members that any declaration and its general nature is to be made prior to each item being discussed.

C. DELEGATIONS

D. AMENDMENTS TO THE AGENDA

E. DISCLOSURE OF PECUNIARY INTEREST

F. ADOPTION OF ACCOUNTS

BIA Coordinator – Re: BIA Accounts as recorded in the monthly period ending December 2018. BIA-081-2019 MOTION BY TREVOR LOOP AND SECONDED BY ROBERTA WESTON TO APPROVE THE ACCOUNTS FOR DECEMBER 2018. CARRIED

F. STAFF REPORTS

1. **BIA Coordinator Christina Bedal – Re: Monthly Activity**
The Coordinator presented her written report.
2. **COUNCIL REP**
Laura Lucier reviewed his report
- 3 **EDDK**
Trevor Loop updated that the gift certificate promotion has concluded and over \$24,000 was donated.

G. BUSINESS/CORRESPONDENCE – ACTION REQUIRED

- i) **Associate Membership Application - BIA-082-2019** Motion by Tony Gaffan and seconded by Jason Martin to approve Pampered Pet Palace as an Associate Member. **CARRIED.**
- ii) **Facelift Grant Letter – BIA -083-2019** Motion by Roberta Weston and seconded by Trevor Loop to deny request for reconsideration of Facelift Grant to Colette Mouawad. **CARRIED.**

H. MINUTES OF THE PREVIOUS MEETINGS

BIA-084-2019 – motion to approve the minutes from the December 11, 2018 meeting made by Tony Gaffan and seconded by Roberta Weston. **CARRIED**

I. BUSINESS/ CORRESPONDENCE – INFORMATIONAL

- 1.

J. NEW AND UNFINISHED BUSINESS

1. BIA Dollar Promotion

- Updated the program and receipt of dollars being processed to date.
- **BIA –085-2019** Motion by Roberta Weston and seconded by Izabel Muzzin to allocate \$170 from the BIA budget to cover bank error in the sales of BIA Dollars. **CARRIED**

2. AGM

- Program overview was discussed
- Trevor Loop agreed to be the point person to take the lead on food for the meeting. BIA Coordinator will confirm headcount.
- Board of Managers election process to be evaluated at February meeting

3. ELECTION

- One application has been received and a final email request will go out from the Coordinator to membership.
- Board of Managers election process to be evaluated at February meeting

K. Adjournment

BIA –086-2019 Motion by Roberta Weston and seconded by Izabel Muzzin adjourn meeting at 7:18 PM. **CARRIED**



CHAIR, Beth Riddiford



RECORDING SECRETARY, Christina Bedal

Gord Queen

January 7th. 2019
Report to Council

Subject: The OPP AT RISK YOUTH & HUMAN TRAFFING WORKSHOP, January 7, 2019

The OPP, The Michigan State Police, The FBI and a multitude of others working together to explain the risks challenges before our Communities.

Three keynote speakers outlined a compassionate message.

The First speaker was originally from the east coast. She was branded, had been on drugs and finally received help with assistance in moving to Windsor.

Some Key words she shared, "Do not give up", she got assistance when an individual with victim services listened to her and noted that they could get through this together. It was with the help and support of many she has succeeded. "When they are ready they will change".

Social Media has been seen to have a major impact

The Second Speaker was from the Michigan State Police. She also works with the FBI.

She noted that trafficking happens everywhere, not just Detroit or Flint. The problem crosses state lines and international boundaries.

Estimate \$180,000.00 profit per victim, and 150 billion dollar industry.

One girl was reported to have made \$950,000.00 one year. All funds went to the PIMP, as a "Family" business. Once more the fact the victims were tattooed to show who OWNED THEM.

Three types of Pimps were identified:

Gorilla Pimp

Love Boy Pimp

COE Pimp

62% became victims by being tricked

35% sold into trafficking by family members (some parents on drugs)

Only 3% kidnapped

. Some kids in England went missing for days to see how many posts might appear.

The Barbie Toys of Yesterday have been replaced by more provocative images. Games such as "Grand Theft Auto" may tend to youth to fail and realize effect in real life.

SOCIAL MEDIA IS CRITICAL. Parents need to look at the Social Media, Phones, and Emails of the youth.

High School may be too late. The Police urge Caution, when asking questions. One such question might be, "Can you come and go on your own?" of "Do you have your own I.D."

Some Traffickers are known to go to special events and look for the vulnerable, the bullied, and the kid that might be looking for a place to eat or sleep.

The third speaker works with Victim Services in the Durham region. She is also a survivor of human trafficking. She works closely with the police of the GTA.

Her message," we need to meet their Basic needs, before we ask them to leave their dealers."

They offer crisis intervention, short term counselling

Key: The Victims Need, not only the food, clothing and a place to live but support agencies.

In Ontario it was noted that the Ministry of the Attorney General does have some support funding that may be applied for. Again we or any group should not promise more than that which is approved.

Victim services can advocate for the individuals.

Transition stages:

The victim is screened, Then: 1 Living, 2. Grooming, 3. Manipulation (playing with emotions). 4.

Exploitation (told to pay for the food, clothing, and housing)

The three speakers all noted a similar problem and concern. The Michigan State Officer was asked to model gun holsters when she was 15. She talked to her mom and never went for the photo shoot, Communication was key.

From our Community perspective, it is great to see the wide list of support agencies that support the conference and the risks. The average life span of an individual involved is 7 years following getting into the trade.

Thanks to the OPP for providing this event.



Gord Queen

We also had local communities in attendance, as well as Windsor Police, LaSalle Police, and a variety of others.

The Support list posted included: Windsor Regional Hospital, Salvation Army, Downtown Mission, Ontario Ministry of Transportation, New Beginnings, US Border Patrol, University of Windsor, Hotel Dieu, Victim Services, Restorative Justice of Chatham Kent.

Sandy Kitchen

From: Sandy Kitchen
Sent: Thursday, February 21, 2019 1:12 PM
To: Sandy Kitchen
Subject: FW: Cross walks

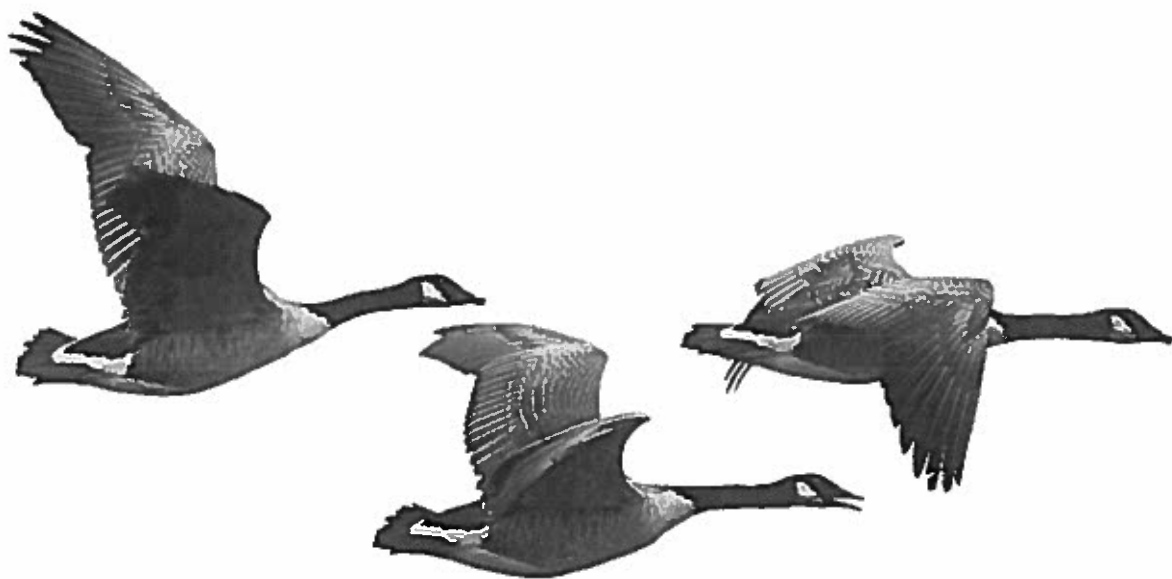
From: Ben Kok [REDACTED]
Date: February 11, 2019 at 1:09:28 PM EST
To: "Kimberly DeYong (kim4kingsville@gmail.com)" <kim4kingsville@gmail.com>
Subject: Cross walks

Hi Kim, You were the only counsellor that I talked to at election time so I am contacting you on an idea I have for the town.

I see in the Windsor star some stories about painting the cross walks with different designs. I think we should do this in Kingsville as well but with Geese only. See the attached picture, we could have the high school make some stencils with 3 or 4 different Geese in flight and paint them white only on our cross walks going north sometimes and south as well. We could paint them close to downtown, church's schools restaurant or wherever there is a lot of foot traffic.

Just an idea, thanks.

Benny Kok
Sellick Equipment LTD
Engineering Department
[REDACTED]



Subject:

Council Resolution re Voters' List for Municipal Elections

Good afternoon,

In light of the recent municipal election, the Council of the Corporation of the Town of Kearney passed the following resolution in regard to the creation, maintenance and general quality of the Municipal Voters' List:

Resolution #

10.(d)(iii)/21/11/2018

WHEREAS concern over the quality of the Municipal Voters' List is not a new phenomenon;
AND WHEREAS in 2012, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a "Voters' List Position Paper" and since that time has been advocating for transformational changes to the way that Ontario creates and maintains the Voters' List for municipal elections;

AND WHEREAS the Preliminary List of Electors which forms the Voters' List in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC);

AND WHEREAS despite the incremental changes made by MPAC, MPAC has a limited ability to fix the currency and accuracy issues that impairs the current process and the Voters' List continues to be flawed with data inaccuracies and outdated information;

AND WHEREAS a transformational solution to the way that the Voters' List is created and managed is required;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the re-establishment of the multi-stakeholder working group between the Ministry of

Municipal Affairs, Ministry of Finance, AMCTO, MPAC and Elections Ontario in exploring and identifying ways to create and maintain the Voters' List for Municipal Elections;

AND FURTHER Council requests an update be provided from this 'Voters' List Working Group' on the transformational solutions being discussed;

AND FURTHER that this resolution be circulated to all Ontario Municipalities for their consideration and support.

CARRIED

We hope that this resolution will be of interest to your Municipality, and that you will support this endeavour moving forward.

Sincerely,

Cindy Filmore

Senior Office Assistant

Town of Kearney

Ph# (705) 636-7752

Fax (705) 636-0527

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 22 - 2019

Being a By-law to adopt a policy with respect to the manner in which the Corporation of the Town of Kingsville will protect and enhance the tree canopy and natural vegetation in the municipality

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25 provides that every municipality shall establish policies with respect to the manner in which it will protect and enhance the tree canopy and natural vegetation in the municipality;

AND WHEREAS the tree canopy and vegetation in the Town of Kingsville are protected by the policies in the current County of Essex Official Plan, Town of Kingsville Official Plan and will be further protected and enhanced by the regulations of the Comprehensive Zoning By-law, Site Plan Control By-law and standard Development Agreement requirements;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That the Council of the Town of Kingsville hereby confirms that the policies set out in Section 3.4 of the County of Essex Official Plan and policies set out in Section 4.2 of the Town of Kingsville Official Plan shall constitute the policy as required by Section 270(1)7 of the Municipal Act, 2001;
2. That the Policy attached hereto as Schedule 'A' constitutes an integral part thereof;
3. This By-Law shall come into effect on the 25th day of February, 2019.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF FEBRUARY, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A to By-00-2019

Tree Canopy and Natural Vegetation Protection and Enhancement Policies Contained in the County of Essex Official Plan and Town of Kingsville Official Plan

3.4 NATURAL ENVIRONMENT

This section contains the general directive, goals and policies for the County of Essex *natural heritage system*. The components of the *natural heritage system* are listed in Table 3, and where appropriate, mapped on the Schedules to this Plan. For ease of review, the *natural heritage system* is found on the following Schedules to this Plan:

- a) Lands designated "Natural Environment" are mapped on Schedule "A1", while Schedule "B1" contains a breakdown of the features within this designation. Lands designated "Natural Environment" are a Provincially *significant wetland* or are *significant* terrestrial features that are designated as a *natural heritage feature* in a local Official Plan, or meet 5 out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.
- b) Schedule "B2" contains an overlay of secondary priority *natural heritage features* in the County that meet 1 to 4 of the 11 criteria outlined in the ERNHSS report.
- c) Schedule "B3" contains an overlay of Restoration Opportunities including priority and secondary restoration lands that meet either 3 to 5 (Priority) or 1-2 (Secondary) of the 11 criteria outlined in the ERNHSS report.

Table 3: Natural Environment Types

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|---|---|--|---|--|--|
| 1 | Significant wetlands and significant coastal wetlands | MNR | Delineating wetland reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System. | Existing Feature within the "Natural Environment" designation on Schedule "A1" and Provincially significant wetlands designation on Schedule "B1". | Development and site alteration shall not be permitted. |
| 2 | Significant habitat of endangered species and threatened species | MNR | Delineating/ describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable | Not specifically mapped on Schedules. | Development and site alteration shall not be permitted. |
| 3 | Lands adjacent to significant wetlands and significant coastal wetlands and significant habitat of endangered species and threatened species | County of Essex or local municipalities | A 20 metre adjacent lands width is identified from the extent of the identified feature. | Not specifically mapped on Schedules. | Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. |
| 4 | Lands designated in local Official Plans for natural | County of Essex | Identified in local Official Plans. | High Priority Existing Feature within the "Natural Environment". | Development and site alteration shall not be permitted. |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|---|---|--|---|--|---|
| | heritage protection | | | designation on Schedule "A1" and within the <i>Significant Terrestrial Features</i> designation on Schedule "B1". | |
| 5 | Other High Priority Existing Natural Features | County of Essex through ERCA & LTVCA | Existing natural features that satisfied between 5 and 11 criteria in the Essex Region Natural Heritage System Strategy. | High Priority Existing Feature. Designated "Natural Environment" on Schedule "A1" and as categorized on Schedule "B1". | <i>Development and site alteration shall not be permitted.</i> |
| 6 | Fish habitat | Appropriate Conservation Authority and Fisheries and Oceans Canada | Identified through pre-consultation with appropriate Conservation Authority and Fisheries and Oceans Canada. | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1", "B2", and "B3". | Pre-consultation with local Conservation Authority based on approved criteria. |
| 7 | Significant woodlands | County of Essex through ERCA and LTVCA | All woodlands 2 hectares in size or larger using the size criteria recommended in the Natural Heritage Reference Manual (MNR, 2010) and as per the Essex Region Natural Heritage System Strategy. Smaller woodlands may be considered significant if they exhibit | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2". | <i>Development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</i> |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|---|---|--|---|---|--|
| | | | composition, age or quality that is uncommon in the municipality or the region. | | |
| 8 | Significant areas of natural and scientific interest | MNR | In accordance with the <i>areas of natural and scientific interest</i> confirmation process. Policies apply to both Earth and Life science <i>areas of natural and scientific interest</i> . | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2". | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| 9 | Significant wildlife habitat | County of Essex through ERCA and LTVCA | Using criteria recommended in the Natural Heritage Reference Manual (MNR, 2010), the Significant Wildlife Habitat Technical Guide and the Eco-Region Criteria Schedules and using Ecological Land Classification. <i>Significant wildlife habitat</i> has been divided into four broad categories (1) seasonal concentration areas, (2) rare vegetation communities or specialized habitats for wildlife, (3) habitat of species of conservation concern (excluding the habitat of <i>endangered</i> and <i>threatened species</i>), and (4) animal movement corridors. | Not specifically mapped on Schedules. | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| | | | | | |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|----|---|--|--|---|---|
| 10 | <i>Significant valleylands</i> | County of Essex through ERCA and LTVCA | <p><i>Significant valleyland</i> features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNR, 2010) and are based on the following features:</p> <p>A) more or less continuous natural areas providing connections within the watershed;</p> <p>B) contains a diversity of native species, natural communities and landscapes;</p> <p>C) provides <i>ecological functions</i> such as habitat, passage, refuge, hydrological flow, and buffering from <i>adjacent</i> areas.</p> | High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2". | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| 11 | Identified significant existing natural heritage feature | County of Essex through ERCA and LTVCA | Existing natural feature that satisfied between 1 and 4 of 11 criteria in the Essex Region Natural Heritage System Strategy. | Secondary Priority Existing Feature. Located within designations on Schedule "B2". | <i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |
| 12 | <i>Adjacent lands to significant woodlands, significant valleylands, Provincial and regional ANSIs,</i> | County of Essex through ERCA and LTVCA | A 120 metre <i>adjacent lands</i> width is identified and referenced for all <i>natural heritage features</i> with the exception of Earth Science ANSI which have a recommended 50 metre <i>adjacent lands</i> width. | Not specifically mapped on Schedules. | <i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage feature</i> and areas unless the <i>ecological function</i> of the <i>adjacent lands</i> has been evaluated and it has been demonstrated that there |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|----|---|--|--|---------------------------------------|--|
| | and significant wildlife habitat and lands designated in local Official Plans for natural heritage protection and other high priority existing natural features | | | | will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i> . |
| 13 | Unevaluated wetlands | MNR | Unevaluated wetlands can be identified using ELC or OWES. Unevaluated wetlands can be identified through processes such as EIA's or candidate natural heritage studies. Once an unevaluated wetland is identified, the next step is to complete a wetland evaluation. The wetland evaluation will result in a determination of significance for the wetland, i.e., Provincially or locally significant. The methodology used to determine significance of wetlands is the Ontario Wetland Evaluation System. Wetlands can be identified and evaluated by MNR staff or other qualified professionals provided that they use the approved OWES | Not specifically mapped on Schedules. | Development and site alteration will not be permitted until the significance of the feature has been determined using OWES. For wetlands determined to be Provincially significant see Item #1 of this table for the policies that will apply. For wetlands that have been determined to be locally significant, development and site alteration shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> . |

| | Natural Heritage Feature | Agencies determining significance | Criteria and methods used to determine significance | Schedule | Policy |
|----|---------------------------------------|--|--|---|--|
| | | | methodology and have received MNR training in the use of the Province's <i>wetland</i> evaluation system. All <i>wetland</i> evaluations must be sent to MNR regardless of the preliminary determination of significance. The MNR is responsible for reviewing and approving all <i>wetland</i> evaluations. | | |
| 14 | Prioritized Restoration Opportunities | County of Essex through ERCA and LTVCA | Prioritized Restoration Opportunities that satisfied between 3 and 5 criteria in the Essex Region Natural Heritage System Strategy. | Prioritized Restoration Opportunity on Schedule "B3". | <p>Provide for a focused approach towards the implementation of the <i>natural heritage system</i>.</p> <p>Supported options may include focused land securement, stewardship activities, and volunteer restoration.</p> |
| 15 | Prioritized Restoration Opportunities | County of Essex through ERCA and LTVCA | Prioritized Restoration Opportunities that satisfied 1 or 2 criteria in the Essex Region Natural Heritage System Strategy. | Prioritized Restoration Opportunity on Schedule "B3". | <p>Provide for a focused approach towards the implementation of the <i>natural heritage system</i>.</p> <p>Supported options may include focused land securement, stewardship activities, and volunteer restoration.</p> |

3.4.1 General Directive

This Plan acknowledges the importance of *natural heritage features* and considers them as integral parts of a healthy and vibrant community. Once destroyed, *natural heritage features* are difficult, if not impossible, to replace. The vision for lands designated “Natural Environment” and other areas with *natural heritage features* and lands *adjacent* to areas with *significant natural heritage features* is one which includes a strong commitment to protect, preserve and enhance those areas that exist within the County. Because many natural areas have been converted into farm land over the years (approximately six percent of the land in Essex County continues to contain *natural heritage features*) those areas that remain are relatively few in number. Accordingly, the protection of all *natural heritage features* and the consideration of priority and secondary restoration opportunity areas will enhance the ecological form and function of the County’s *natural heritage system*.

Lands identified as Provincially *significant wetlands*, *significant* habitat of *endangered* and *threatened species*, lands designated in local Official Plans for natural heritage protection, and other high priority existing *natural heritage features* meeting 5 of the 11 criteria in the County of Essex Natural Heritage System Strategy shall be designated as “Natural Environment” in this Plan as identified on Schedule “A1” and further detailed in Schedule “B1”. These lands shall also be identified in a comparable designation in local Official Plans and Zoning By-laws.

Existing Secondary Priority *natural heritage features* that meet between 1 to 4 of the 11 criteria in the Essex Region Natural Heritage System Strategy shall be identified in an overlay designation on Schedule “B2” of this Plan. Land uses follow the underlying designation; however, specific policies apply to these lands when subject to *development* review of a Planning Act application. These existing features, such as *woodlands/woodlots*, *areas of natural and scientific interest*, *valleylands* and *wildlife habitat* have, at a minimum, local or regional significance and they should be identified in local Official Plans. The County encourages *local municipalities* to undertake Candidate Natural Heritage Studies to identify additional Provincially, regionally and locally *significant natural heritage features* and to incorporate those areas into their Official Plan and Zoning By-law.

Priority and Secondary restoration opportunity areas have been identified in an overlay designation on Schedule “B3” of this Plan. The intent of this overlay designation is to promote opportunities to enhance the County’s *natural heritage system* through policy, stewardship and education.

The goals and policies below are considered the minimum standards necessary to protect the County’s *natural heritage features* and *natural heritage system*. *Local municipalities* are encouraged to go beyond the policies contained within this Plan and Provincial Policy to preserve, protect and enhance the natural environment of Essex County.

3.4.2 Goals

The County encourages and supports the enhancement of the *natural heritage system*. The *natural heritage system* contains potential linkages and corridors as well as expansions to the core existing *natural heritage features*. Further information on the County's *natural heritage system* can be found in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

The following goals apply to the County's *natural heritage system*:

- a) To facilitate and support the preservation, protection and enhancement of existing *natural heritage features*.
- b) To recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction towards the location and establishment of the County's *natural heritage system* as per 2005 Provincial Policy 2.1.2.
- c) To establish the framework with which the County and *local municipalities* will incorporate comprehensive and innovative policies in local Official Plans in an attempt to work with private property owners toward preserving and enhancing natural features. The County encourages *local municipalities* to develop implementation mechanisms to protect high priority restoration opportunity areas (as outlined in the Essex Region Natural Heritage System Strategy). The most appropriate implementation mechanism is the local Official Plan and Zoning By-law; however, other mechanisms include, but are not limited to, voluntary landowner stewardship policies, financial programs, bonusing policies, and attaching conditions to *development* approvals.
- d) To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked *natural heritage system* connecting *wildlife habitat* areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.
- e) Support partnerships with local *Conservation Authorities*, *local municipalities*, and other partners, that result in plans to appropriately manage ecologically *sensitive* lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.
- f) The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the *natural heritage system*.

- g) To recognize that vegetated buffers along municipal drains enhances the *natural heritage system* and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act that includes vegetated buffers for new municipal drains and updates that are within the “Restoration Opportunities Overlay” Schedule “B3”.
- h) The County supports the creation of new or expanded linkages between *natural heritage features*, where feasible. Corridors link isolated *natural heritage features* or enhance existing linkages, improve or enhance the *ecological functions* of designated *natural heritage features*, and strengthen the overall *natural heritage system*. Corridors and linkage areas will be identified in consultation with the *Conservation Authorities*, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects.

3.4.3 Natural Environment Policies

The following policies apply to those lands designated as “Natural Environment” on Schedule “A1” as further detailed on Schedule “B1” of this Plan.

- a) *Development and site alteration* is not permitted on lands designated “Natural Environment”.

These lands include Provincially *significant wetlands* and *significant habitat of endangered species and threatened species*, lands designated in local Official Plans, and high priority existing *natural heritage features* that meet five out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. Lands designated “Natural Environment” may also contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, and significant valleylands*.

- b) Permitted uses on lands designated “Natural Environment” shall be limited to passive recreational uses, and activities that create or maintain *infrastructure* authorized under an environmental assessment process or work subject to the Drainage Act.
- c) Nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on lands within the “Natural Environment” designation as well as lands designated “Agricultural” and that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*. However, the construction of greenhouses and other agricultural buildings within areas designated “Natural Environment” is prohibited.

- d) Some natural environment areas may contain features and/or functions that result in the area meeting the qualifications of more than one of the classifications in Table 3. In those instances where an area qualifies as being in more than one of the classifications, the environmental impact assessment that requires the higher level of detail shall be required and the larger *adjacent lands* setback shall apply.
- e) The *significant* habitat of *endangered species* and *threatened species* is not shown on the Land Use Schedules; however, it can occur in *natural heritage features and areas* mapped on the Official Plan Schedules.

Species at Risk are identified as extirpated, *endangered*, *threatened* or species of special concern on the Species at Risk in Ontario List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNR is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement, 2005 (PPS). For the purposes of the PPS, MNR is responsible for approving the delineation of *significant* habitat of *endangered species* and *threatened species*.

Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of *endangered species* and *threatened species*.

The *significant* habitat of *endangered species* and *threatened species* will be based on a consideration of the following:

- i) Assessments reviewed and approved by the Ministry of Natural Resources regarding the extent of the species' habitat;
- ii) Habitats or areas delineated by MNR and/ or regulated under the ESA; and,
- iii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

3.4.4 Natural Environment Overlay Policies

The following policies apply to those lands identified as "Natural Environment Overlay" on Schedule "B2" of this Plan.

- a) ***Development and site alteration*** is not permitted on lands within the “Natural Environment Overlay” unless it has been demonstrated to the satisfaction of the approval authority and/or the *local municipality*, in consultation with the relevant *Conservation Authority*, that there will be no *negative impacts* on the natural features or their *ecological functions*.

These lands may be *adjacent* to lands designated “Natural Environment” and/or may contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, significant valleylands*, and secondary priority existing natural features that meet 1 to 4 of the 11 *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

Adjacent lands are defined as generally those lands within 120 metres of the “Natural Environment” designation and “Natural Environment Overlay”. Assessment of *negative impact* is to be determined by conducting an environmental impact assessment in accordance with Appendix Three to this Plan which will be required prior to consideration of any Planning Act application.

- b) Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.
- c) The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.
- d) Harrow Site Esker ANSI

Earth science features are the physical elements of the natural landscape created by geological processes. These features are classed into geological themes and the best representative sites, not occurring in Provincial Parks, are considered Provincially *significant areas of natural and scientific interest* (ANSI). The Harrow Site Esker ANSI occurs in Lot 11, Concession II and Lot 14, Gore Concession and contains ill-defined esker-like ridges. The exact relationships of these features are not fully known; however, they may represent the oldest in Ontario. Earth ANSI's are generally less sensitive to disturbance than Life ANSI's. *Ecological functions* do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features for which the area was identified. The approval authority will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.

3.4.5 Restoration Opportunity Overlay Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule "B3" to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The "Restoration Opportunities Overlay" applies to lands that do not contain existing *natural heritage features*; however, they have been identified as potential areas to enhance the fragmented system in the County.

- a) Prior to the approval of any local Official Plans, Official Plan amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for *infrastructure*, an Environmental Impact Assessment shall be undertaken that evaluates the following:
 - i) Opportunities to restore and enhance the *natural heritage features* in the area, including the establishment of linkages.
 - ii) The incorporation of Low Impact Development elements into the project.
 - iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
 - iv) Opportunities to set aside strategic areas for restoration and enhancement.
 - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's *natural heritage system*.
 - vi) Public acquisition.
 - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the "Restoration Opportunities Overlay" as shown on Schedule "B3" of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the *natural heritage system*.

3.4.6 General Policies

The following general policies apply to those lands designated as "Natural Environment" on Schedule "A1" of this Plan as well as areas designated "Agricultural" and "Settlement Areas" and that have *significant natural heritage*

features or are *adjacent* to areas containing *significant natural heritage features* as shown on Schedules "B1" and "B2".

a) Environmental Impact Assessments

- i) The purpose of an environmental impact assessment is to:
 - i. collect and evaluate information to provide a more complete understanding of the boundaries, attributes and functions of *natural heritage features* and associated ecological and hydrological functions that exist;
 - ii. determine whether there are any additional *natural heritage features* on the lands and *adjacent lands*; and,
 - iii. make an informed decision as to whether the proposed *development* and/or *site alteration* will have an impact on the *natural heritage features* and ecological and hydrological functions.
- ii) 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 in accordance with the guidelines in Appendix 3 of this Plan and on the basis of the natural features or the *ecological function* for which the area has been identified in Table 3 and the Schedules to this Plan. For example, if this Plan identifies a site as an ANSI or a *significant woodland*, the environmental impact assessment shall be prepared on the basis of that environmental classification.
- iii) 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 County, *local municipality* and/or other approval authority shall have regard to such new information in its decisions regarding planning applications. If, based on the new information, the approval authority, in consultation with the relevant *Conservation Authority*, concludes that the "Natural Environment" classification should be altered, this Official Plan and/or the local Official Plan depending on the significance of the change and its impact on the ability of the County to meet the goals of this Plan, will require amendment to implement the change.
- iv) Before *development* is approved in the area subject to the environmental impact assessment, the environmental impact

assessment shall demonstrate that the relevant policies of this Plan and the local Official Plan are met. The environmental impact assessment should also demonstrate that the *development* and *site alteration* will not have an impact on *significant natural heritage features* and related *ecological functions*.

- v) Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no *negative impacts* on the natural features or their *ecological functions*.
- vi) A site inspection may be needed where there is insufficient natural heritage data to determine whether an environmental impact assessment is triggered. The purpose of the site inspection is to identify potential *significant natural heritage features* and areas that may require further study and evaluation. Once the significance is determined, the appropriate policies of this Plan apply.
- vii) If a site is identified as having a higher or lower classification by the Province or relevant *Conservation Authority*, or by a *local municipality* through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as "Natural Environment" on Schedule "A1" of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with *natural heritage features* and/or functions.
- viii) 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.
- ix) In areas other than those designated "Natural Environment" on Schedule "A1" of this Plan, altering the state of the *natural heritage features* as a result of conducting permitted uses, i.e., clearing lands for *agricultural uses*, will not be considered negatively by the approval authority. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April

2000 and 2010 aerial photography as one of the tools to establish the alteration in relation to the enlargement or retraction of a feature.

- x) The extent and diversity of *natural heritage features* in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. *Local municipalities* are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. 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 that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.
- b) In addition to the above policies, *local municipalities* are also encouraged to undertake the following in consultation with the relevant *Conservation Authority*:
 - i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.
 - ii) Establish goals and strategies to increase the amount of *natural heritage area*. One way to achieve this is to have a "State of the Environment Report" prepared and presented to Council on a regular basis.
 - iii) Require that when considering *development* proposals, the approval authority may require the land owner to enter into an 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.
- c) To recognize woodlots as viable components of farming operations.
- d) On lands designated "Agricultural" that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*, the construction of greenhouses and other agricultural buildings is strongly discouraged. In most instances the construction of greenhouses and large agricultural buildings within such areas will have *negative impact* and therefore would not be permitted. Other locations on the farm can be used for such purposes.

- e) The participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts, the Managed Forest Tax Incentive Program and the Conservation Land Tax Incentive Program will be encouraged.
- f) 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 a *Conservation Authority* or any other conservation group or agency.
- g) The County will encourage the development of policies and programs to support *local municipalities* and partners to protect and enhance *natural heritage features* and *natural heritage systems*.
- h) During the preparation of local Official Plans, the County encourages additional refinement of the *natural heritage system* and the implementation of tools to enhance the system such as more detailed land use designations, overlay designations, promotion of stewardship and voluntary landowner actions.

Town of Kingsville Official Plan

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". 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.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 23 - 2019

Being a by-law to amend By-law 2-2019, being a By-law to appoint certain members of Council and individuals to boards and committees

WHEREAS the Council of The Corporation of the Town of Kingsville deems it expedient to amend By-law 2-2019, as amended, being a by-law to appoint certain members of Council and individuals to boards and committees.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** Paragraph 1.c) titled “Kingsville Accessibility Advisory Committee” be amended to add the appointment of Andrew Banar.
2. **THAT** Paragraph 1.d) titled “Kingsville Municipal Heritage Advisory Committee” be amended to add the appointment of Matthew Biggley.
3. **THAT** Paragraph 1.n) titled “Migration Festival Committee” be amended to add the appointments of Stephanie Allen Santos and Alison Araujo.
4. **THAT** Paragraph 1.o) titled “Fantasy of Lights Committee” be amended to add the appointments of Alison Araujo, Julia Mockler and Janet Willoughby.
5. **THAT** Paragraph 1.z) be added as follows:

Greenhouse Policy Review Committee

Mayor Nelson Santos
Councillor Kimberly DeYong

Mike Burns
George Dekker
Henry Denotter
Fred Driedger
Dave Hunt
Margaret Pare
Justine Taylor

6. **THAT** all other terms set out in said By-law 2-2019, and any amendments thereto, shall remain in full force and effect.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
25th DAY OF FEBRUARY, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 24 - 2019

Being a By-law to adopt and maintain a Pregnancy and Parental Leave for Members of Council Policy

WHEREAS Section 270 of the *Municipal Act, 2001* provides that municipalities are required to adopt and maintain a policy respecting pregnancy and parental leaves of members of Council;

AND WHEREAS the Policy, cited as the “Pregnancy and Parental Leave for Members of Council Policy” applies to Members of Council of The Corporation of the Town of Kingsville (“the Town”).

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That the Pregnancy and Parental Leave for Members of Council Policy attached hereto and marked as Schedule A is hereby adopted.
2. That this By-law shall come into force and effect on the date of the final passing hereof by the Town.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 25th day of February, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 25 - 2019

Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. Schedule "A", Map 47 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 12.1 ha (26.87 ac.) portion of land, known municipally as 176 Road 3 East, in Part of Lot 1, Concession 3, ED, as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'.
2. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
25th DAY OF FEBRUARY, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A



0 75 150 300 450 600 Meters

176 ROAD 3 EAST
PART OF LOT 1, CONCESSION 3 ED
ZBA/35/18



Schedule "A", Map 47 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)'.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 25 - 2019

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its February 25, 2019 Regular Meeting

WHEREAS sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

AND WHEREAS section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the "Town") be confirmed and adopted by by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. The actions of the Council at its February 25, 2019 Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
25th DAY OF FEBRUARY, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo