



Date: March 11, 2024

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Application for Consent and Zoning By-law Amendment (B-2024-5 & ZBA-2024-3): 1515 Road 4 W/County Rd 18

RECOMMENDED ACTION

1. That consent application B-2024-5, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.97 ac (0.80 ha) lot shown as Part 1 on the applicants' sketch, known as 1515 Road 4 W/ County Rd 18, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
 - a. Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - b. Prior to consent being endorsed on the deeds a lot grading plan acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the applicant. Lot Grading Plans shall be submitted to the Engineering Department a minimum of three months prior to the stamping of the deeds.
 - c. That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.
 - d. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
 - e. That each parcel have access to Road 4 W/ County Rd 18 and the applicant acquire an entrance or encroachment permit for access to the retained farm parcel from the County of Essex.

- f. The conditions imposed above shall be fulfilled by March 11, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. And that By-law 20-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the retained farm parcel municipally known as V/L Road 2 W,, from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' **BE APPROVED**; and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the north side of Road 4 W/ County Rd 18, West of County Rd 23 (see location map attached as Appendix A). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'General Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is 36.4 acres (17.73 ha) with a frontage of 116.67 m (382.77 ft) and contains a dwelling with an accessory structure. It is proposed that the dwelling and shed deemed surplus to the owner's farming needs, be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's survey (attached as Appendix B), the severed parcel has an area of 1.97 ac (0.8 ha).

As a result of the consent, an application to rezone the retained farm parcel from 'General Agricultural (A1)' to 'Agricultural- Restricted (A2)' is submitted in conjunction to prohibit future dwellings on the retained parcel as per Provincial and Town policies.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS). Section 2.3.4.1(c) permits, "a residence surplus to a farming operation as a result of farm consolidation," to be severed, "provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance."

Comment: The application is consistent with the PPS definition of a residence surplus to a farming operation and future dwellings will be prohibited on the retained farm parcel as a condition of consent, in that the retained parcel must be rezoned to "Restricted Agriculture (A2)".

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the severed and retained lands as 'Agriculture'.

The requested consent to sever the surplus dwelling conforms to the policies of Section 7.3.1, Agriculture Land Division, of the Official Plan. The proposed severed parcel is within the recommended size limit of 0.8 ha (1.97 ac.) or less.

Comment: The severed parcel, Part 1 has an area of 1.97 ac (0.8 ha) therefore the application conforms to the Kingsville Official Plan.

3) Comprehensive Zoning By-law

The severed parcel, Part 1 and 2 has an area of 1.97 ac (0.8 ha) and frontage of 55.00 m (180.45 ft.) and will have access and frontage on Road 4 W/ County Rd 18.

The retained parcel will have access and frontage on Road 4 W/County Rd 18.

Comment: There are no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will be rezoned from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' to prohibit future dwellings as required by the surplus dwelling consent policies.

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

ENVIRONMENTAL CONSIDERATIONS

There are no anticipated environmental impact resulting from the severance of the dwelling from the farm parcel.

CONSULTATIONS

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.

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. At the time of writing, the following comments have been received from circulated agencies.

1) Essex Region Conservation Authority (ERCA)

ERCA has no objection to the Application Zoning By-Law Amendment ZBA-2024-3 and Application for Consent B-2024-5. ERCA Comments attached as Appendix C.

2) Town of Kingsville Technical Advisory Committee

- Ensure both parcels are draining independently to a legal outlet
- A separate entrance to be established to the farm parcel once the consent takes place
- Septic review is required to determine if there is an existing septic system on each property and confirm that it meets Ontario Building Code requirements and setbacks.
- Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot.
- Owner and/or consultant is required to provide verification that all services are maintained on the retained parcels and do not cross newly established property lines.

PREPARED BY:

Vitra Chodha

Vitra Chodha
Planner

REVIEWED BY:

Sahar Jamshidi

Sahar Jamshidi, RPP, MCIP, C.E.T.
Manager of Planning

REVIEWED BY:



Richard J.H. Wyma, CSLA
Director of Planning and Development

A handwritten signature in black ink, appearing to read 'Ry McLeod', with a long horizontal flourish extending to the right.

Ryan McLeod
Director of Finance and Corporate Services/Acting CAO